



# City of San Juan Bautista

The "City of History"

[www.san-juan-bautista.ca.us](http://www.san-juan-bautista.ca.us)

**Passcode:**  
**169275**

## **AGENDA** **REGULAR CITY COUNCIL MEETING**

**TUESDAY ~ SEPTEMBER 21, 2021 ~ 6:00 P.M.**

**~ PUBLIC PARTICIPATION BY ZOOM ONLY ~**

**Join Zoom Webinar** <https://zoom.us/j/83326418725>

**or call 1 (669) 900-6833**  
**Webinar ID: 833 2641 8725**

### **THIS MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-29-20**

In order to minimize the spread of the COVID 19 virus the City Council is conducting this meeting by Zoom conference and will be offering alternative options for public participation. You are encouraged to watch the meeting live on Zoom or Facebook. *Please follow the Governor's Shelter in Place Order and the CDC Guidelines regarding preventative measures and do your part to help flatten the curve and prevent further spread of COVID-19.*

**PUBLIC COMMENTS WILL BE TAKEN ON AGENDA ITEMS BEFORE ACTION IS TAKEN BY THE CITY COUNCIL. DURING THE MEETING:** TO PROVIDE VERBAL PUBLIC COMMENTS ON AN AGENDA ITEM DURING THIS MEETING CALL THE PHONE NUMBER LISTED ABOVE OR LOG INTO ZOOM AND ENTER THE MEETING ID NUMBER AS LISTED ABOVE.

When the Mayor announces public comment is open for the item which you wish to speak, press \*9 on your telephone keypad or if joining by Zoom, use the raise your hand icon. When called to speak, please limit your comments to three (3) minutes, or such other time as the Mayor may decide, consistent with the time limit for all other speakers for the particular agenda item. Comments from other platforms will not be considered during the meeting. If you would like to participate during the meeting you **MUST** use Zoom.

If you are unable to join the meeting, written comments may be mailed to the Deputy City Clerk at City Hall (P.O. Box 1420, San Juan Bautista, CA 95045), or emailed to [deputycityclerk@san-juan-bautista.ca.us](mailto:deputycityclerk@san-juan-bautista.ca.us) not later than 5:00 p.m. on September 21, 2021, and will be read into the record during public comment on the item.

In compliance with the Americans with Disabilities Act, and Governor's Order N-29-20, the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the Deputy City Clerk a minimum of 48 hours prior to the meeting at (831) 623-4661.

If you challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this meeting, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Please take notice that the time within which to seek judicial review of any final administrative determination reached at this meeting is governed by Section 1094.6 of the California Code of Civil Procedure.

A Closed Session may be called during this meeting pursuant to Government Code Section 54956.9 (d)(2) if a point has been reached where, in the opinion of the legislative body of the City on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the City.

Materials related to all items on this agenda are available in the agenda packet on the City website [www.san-juan-bautista.ca.us](http://www.san-juan-bautista.ca.us) subject to Staff's ability to post the documents before the meeting, or by emailing [deputycityclerk@san-juan-bautista.ca.us](mailto:deputycityclerk@san-juan-bautista.ca.us) or calling the Deputy Clerk (831) 623-4661 during normal business hours.



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## AGENDA

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**1. Call to Order**  
**Pledge of Allegiance**  
**Roll Call**

**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 the Agenda**
- B. Approve Affidavit of Posting the Public Hearing Notice**
- C. Approve Minutes of the August 17, 2021 Regular City Council Meeting**
- D. Waive Reading of Ordinances and Resolutions on the Agenda Beyond Title**
- E. Appoint Council Members Jordan and Freeman to the San Benito County Water District "San Benito County Urban Area Water Supply Master Plan Governance Committee"**
- F. Deny a Subrogation Claim Filed by Allstate Insurance Company and Authorize Staff to Send the Notice of Rejection to the Claimant**
- G. Approve a Resolution of the City Council of the City of San Juan Bautista Accepting the Draft Water and Wastewater Master Plans**
- H. Adopt a Resolution of the City Council of the City of San Juan Bautista Extending the Third Street Parklets for Six Months, Until March 30, 2022**
- I. Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing a Street Closure for Screening of Vertigo**

**4. Presentations, Proclamations, Informational Items and Reports**

- A. Jacob's Heart Proclamation Recognizing Childhood Cancer Awareness Month**
- B. Presentation on the Multi-Jurisdictional Local Hazard Mitigation Plan Update by San Benito County Office of Emergency Services Manager Kris Mangano**
- C. Treasurer's Report and Monthly Financial Statements by City Treasurer Michelle Sabathia**
- D. City Manager's Report**
- E. Reports from City Council Representatives to Regional Organizations and Committees**

**5. Public Hearing Items**

- A. Introduction of an Ordinance Amending Section 11-29-010 to Delete Reference to Second Units; Repealing Section 11-04-050, and Adding a New Section 11-04-050 to the San Juan Bautista Municipal Code to Conform with State Regulations Relating to Accessory Dwelling Units (Exempt from CEQA)**

**6. Action Items**

- A. Adopt a Resolution of the City Council of the City of San Juan Bautista Approving a San Benito County Economic Development Corporation Grant in the Amount of \$5,000**
- B. Adopt a Resolution of the City Council of the City of San Juan Bautista Approving the Luck Park Master Plan**

**7. Discussion**

- A. Update on Water and Wastewater Distribution System Enhancements and Compliance with the Environmental Protection Agency**
- B. Update on COVID-19**

**8. Comments**

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

**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 17<sup>th</sup> DAY OF SEPTEMBER 2021, 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 17<sup>th</sup> DAY OF SEPTEMBER 2021.



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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 NOTICES. I FURTHER DECLARE THAT I POSTED SAID NOTICES ON THE 10<sup>th</sup> DAY OF SEPTEMBER 2021, 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.
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SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA,  
ON THE 14<sup>th</sup> DAY OF SEPTEMBER 2021.



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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 **September 21, 2021** at 6:00 p.m.

In order to protect public health, the meeting will be held via teleconference and accessible electronically. There will be NO physical location of the meeting for members of the public or the Commission. Members of the public and the Commission may participate virtually. Members of the public are instructed to be on mute during the proceedings and to speak only when public comment is allowed, after requesting and receiving recognition from the Mayor.

During the public hearing, the following items will be discussed:

- Consider an Ordinance 1) amending Section 11-29-010; 2) repealing Section 11-04-050; and 3) adding a new Chapter 11-04-050 to the SJB Municipal Code to conform with Government Code Section 65852.2; regulations relating to Accessory Dwelling Units (ADUs).
- The proposed ordinance to amend regulations relating to Accessory Dwelling Units is determined to be exempt from the provisions of CEQA pursuant to CEQA Guideline Section 15282 (h) (Adoption of an ordinance implementing Government Code Section 65852.1 and 65852.2)

Staff reports and the full text of all items to be discussed will be available for public review at City Hall and on the City website on **September 17, 2021**. All members of the public are encouraged to attend the meeting remotely via Zoom and may address the City Council on the issue during the public hearing. Written comments may be hand delivered or mailed to City Hall (311 Second Street, P.O. Box 1420, San Juan Bautista, CA 95045), or emailed to [deputycityclerk@san-juan-bautista.ca.us](mailto:deputycityclerk@san-juan-bautista.ca.us) not later than **5:00 p.m., September 21, 2021**.

The meeting (webinar) will be virtual via Zoom. You can access the webinar at <https://us02web.zoom.us/j/83326418725>. An agenda will be posted on the City website and distributed not later than September 17.

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: September 10, 2021



Minutes of the Regular Meeting of the  
San Juan Bautista City Council  
Tuesday, August 17, 2021

**1. Call to Order**

Mayor Jordan called the meeting to order at 6:00 p.m.

**Pledge of Allegiance**

Mayor Jordan led the pledge of allegiance.

**Roll Call**

Present: Council Member Scott Freels, Council Member John Freeman, Mayor Leslie Jordan

Excused: Council Member Mary Edge

Absent: Vice Mayor Cesar Flores

Mayor Jordan described the Council's remote participation under the Governor's Executive Order and then detailed the process of public participation in the meeting.

**2. Public Comment**

There were no public comments.

**3. Consent Items**

- A. Approve Affidavit of Posting the Agenda
- B. Approve Affidavit of Posting the Public Hearing Notice
- C. Approve Minutes of the July 13, 2021 Special City Council Meeting
- D. Approve Minutes of the March 16, 2021 Regular City Council Meeting
- E. Adopt Ordinance 2021-02 of the City Council of the City of San Juan Bautista Amending the San Juan Bautista Municipal Code Chapter 10-1, to Revise Section 10-1-505 to Include an Increase in Fence Heights if Needed to Mitigate Noise or Provide Screening from Adjoining Highways or Non-Residential Use and to Prohibit Fences Closer than Three Feet from a Fire Hydrant (Exempt from CEQA) (Introduced 6/15/2021 with a 5-0 vote). Second reading and adoption.
- F. Waive Reading of Ordinances and Resolutions on the Agenda Beyond Title

**Motion on the Consent Calendar**

Motion was made by Council Member Freels, seconded by Council Member Freeman and carried with a 3-0-2 vote (Council Member Edge excused, Vice Mayor Flores absent) to approve the Consent Calendar.

**4. Presentations, Proclamations, Informational Items and Reports**

**A. Proclamation Recognizing Agricultural Worker Health Day**

Mayor Jordan read the proclamation in presentation to the San Benito Health Foundation.

**B. Proclamation Recognizing National Health Center Week**

Mayor Jordan read the proclamation in presentation to the San Benito Health Foundation.

Vice Mayor Flores joined the meeting at 6:14 p.m.

**C. Presentation of Annual Member Agency Report by Lina Williams of Central Coast Community Energy**

The report was presented by Lina Williams.

**D. Treasurer's Report and Monthly Financial Statements by City Treasurer Michelle Sabathia**

The report was presented by City Treasurer Sabathia.

Public comment was opened.

Jackie Morris-Lopez inquired about a payment made.

Public comment was then closed.

**E. City Manager's Report**

The staff report was presented by City Manager Reynolds, Fire Chief Bedolla and Sheriff Taylor.

Public comment was opened.

Jackie Morris-Lopez commented on requirements for vaccination.

Public comment was then closed.

**F. Reports from City Council Representatives to Regional Organizations and Committees**

Vice Mayor reported on the LAFCO meeting presentation on member duties.

Council Member Freels reported on the first Public Safety Committee meeting.

Council Member Freeman reported on the AMBAG meeting active transportation workplan, ongoing sustainable communities transportation plan, and the regional housing needs allocation. He went on to report on the Intergovernmental Committee work on homelessness and discussions regarding the John Smith landfill.

Mayor Jordan reported on the Water Association meeting and detailed the water conservation efforts in the County.

**5. Action Items**

**A. Adopt a Resolution of the City Council of the City of San Juan Bautista Amending the Valle Vista Landscape and Lighting District Budget to Add \$40,000 from its Reserve to Address Deferred Maintenance**



Staff report by was presented by City Manager Reynolds.

There were no public comments.

**Motion on Item 5A**

**Motion was made by Council Member Freeman, seconded by Council Member Freels, and carried 4-0-1 (Council Member Edge excused) to adopt Resolution 2021-41 of the City Council of the City of San Juan Bautista Amending the Valle Vista Landscape and Lighting District Budget to Add \$40,000 from its Reserve to Address Deferred Maintenance**

**B. Adopt a Resolution of the City Council of the City of San Juan Bautista Approving a Contract with the Local Government Commission to Develop an Active Transportation and Community Connectivity Plan**

The staff report was introduced by City Manager Reynolds and further presented by Assistant City Manager Fouchte.

There were no public comments.

**Motion on Item 5B**

**Motion was made by Council Member Freeman, seconded by Council Member Freels, and carried 4-0-1 (Council Member Edge excused) to adopt Resolution 2021-42 of the City Council of the City of San Juan Bautista Approving a Contract with the Local Government Commission to Develop an Active Transportation and Community Connectivity Plan**

**C. Adopt a Resolution of the City Council of the City of San Juan Bautista Approving a Memorandum of Understanding for the Wastewater Compliance Project with the City of Hollister**

The staff report was presented by City Manager Reynolds.

There were no public comments.

**Motion on Item 5C**

**Motion was made by Vice Mayor Flores, seconded by Council Member Freeman, and carried 4-0-1 (Council Member Edge excused) to adopt Resolution 2021-43 of the City Council of the City of San Juan Bautista Approving a Memorandum of Understanding for the Wastewater Compliance Project with the City of Hollister**

**D. Adopt a Resolution of the City Council of the City of San Juan Bautista Approving a Memorandum of Understanding with the San Benito County Water District for the Hollister Urban Area Water and Wastewater Master Plan 2021 Update**

The staff report was presented by City Manager Reynolds.

Public comment was opened.

Jackie Morris-Lopez inquired about details of the Memorandum.

Public comment was then closed.

**Motion on Item 5D**

**Motion was made by Council Member Freeman, seconded by Vice Mayor Flores, and carried 4-0-1 (Council Member Edge excused) to adopt Resolution 2021-44 of the City Council of the City of San Juan Bautista Approving a Memorandum of Understanding with the San Benito County Water District for the Hollister Urban Area Water and Wastewater Master Plan 2021 Update**

**E. Adopt a Resolution of the City Council of the City of San Juan Bautista Awarding a Consulting Services Agreement to California Consultants, Inc. for Grant Writing and Administration Services**

The staff report was presented by City Manager Reynolds.

Public comment was opened.

Jackie Morris-Lopez inquired about other cities California Consultants, Inc. provided services to.

EJ Sabathia thanked staff for finding such a qualified consultant.

Public comment was then closed.

**Motion on Item 5E**

**Motion was made by Council Member Freels, seconded by Vice Mayor Flores, and carried 4-0-1 (Council Member Edge excused) to adopt Resolution 2021-45 of the City Council of the City of San Juan Bautista Awarding a Consulting Services Agreement to California Consultants, Inc. for Grant Writing and Administration Services.**

**F. Adopt a Resolution of the City Council of the City of San Juan Bautista Approving a San Benito County Economic Development Corporation Grant in the Amount of \$5,000**

City Manager Reynolds requested to continue the item to September.

**Motion on Item 5F**

**Motion was made by Vice Mayor Flores, seconded by Council Member Freeman, and carried 4-0-1 (Council Member Edge excused) to postpone the item to the September meeting.**

**G. Adopt a Resolution of the City Council of the City of San Juan Bautista Approving Plans and Specifications for the Construction of Franklin Circle Park at Franklin and Sixth Street**

The staff report was presented by City Manager Reynolds.

Public comment was opened.

Yolanda Delgado inquired about lighting and the naming of the park.

Jackie Morris-Lopez spoke on the naming of the park.

Public comment was then closed.

**Motion on Item 5G**

**Motion was made by Vice Mayor Flores, seconded by Council Member Freels, and carried 4-0-1 (Council Member Edge excused) to adopt Resolution 2021-46 a Resolution of the City Council of the City of San Juan Bautista Approving Plans and Specifications for the Construction of Franklin Circle Park at Franklin and Sixth Street.**

**6. Discussion**

**A. July Fourth Fireworks Enforcement Wrap Up and Future Enforcement Policies**

The staff report by was presented by City Manager Reynolds and Fire Chief Bodella.

Public comment was opened.

Rachel Ponce spoke in support of the efforts and development of the plan and spoke on the naming of Franklin Circle Park after Glenny Farney.

Wayne Norton thanked the city for action and the compromise of the plan.

Jackie Morris Lopez spoke on prior efforts for safe and sane fireworks.

Public comment was then closed.

**B. Potential Uses for the American Rescue Plan Act of 2021 (ARP) Funds**

The staff report by was presented by City Manager Reynolds.

There were no public comments.

**C. Update on Water and Wastewater Distribution System Enhancements and Compliance with the Environmental Protection Agency**

The staff report by was presented by City Manager Reynolds.

There were no public comments.

**D. Update on COVID-19**

The staff report by was presented by City Manager Reynolds.

Public comment was opened.

Jackie Morris-Lopez inquired about returning to requiring masks for businesses, and requiring them for city staff and consultants.

Public comment was then closed.

## **7. Comments**

### **A. City Council**

Vice Mayor Flores stated that he was glad to see things moving forward.

Council Member Freels spoke on the momentum of the city and spoke on a recent fire in El Dorado County.

Council Member Freeman spoke on the new opportunities of the city and reminded everyone to stay safe.

### **B. City Manager**

There were none.

### **C. City Attorney**

There were none.

### **D. City Clerk**

There were none.

## **8. Adjournment**

### **Motion to Adjourn**

**Motion was made by Council Member Freeman, seconded by Vice Mayor Flores and carried with a 4-0-1 vote (Council Member Edge excused) to adjourn the meeting at 9:30 p.m.**

Respectfully Submitted:

/s/ Shawna Freels, MMC  
City Clerk

## **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





## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:**                    **APPOINTMENT TO THE SAN BENITO COUNTY WATER DISTRICT "SAN BENITO COUNTY URBAN AREA WATER SUPPLY MASTER PLAN GOVERNANCE COMMITTEE"**

**MEETING DATE:**                September 21, 2021

**DEPARTMENT HEAD:**        Don Reynolds, City Manager

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### **RECOMMENDED ACTION(S):**

That the City Council appoint two members of the City Council to serve on the San Benito County Water District "San Benito County Urban Area Water Supply Master Plan" Governance Committee.

### **BACKGROUND INFORMATION:**

On August 17, 2021, the City Council approved Resolution 2021-44 and executed a Memorandum of Understanding between the County of San Benito, the City of Hollister, Sunnyslope Water District and San Benito County Water District (SBCWD). Since deciding to accept source water from the SBCWD's West Hills Treatment Plant, the City is now a participant in regional water planning activities, and now has agreed to participate in the five-year update of its Water Master Plan.

Section 3 of the MOU sets forth a structure for governance, as follows:

#### **3. GOVERNANCE COMMITTEE**

*The Governance Committee shall be an advisory committee convened to receive status reports and provide input to the WATER SUPPLY MASTER PLAN UPDATE. The Governance Committee shall consist of two (2) elected officials from each Party. The Governance Committee shall meet no less than quarterly to review the WATER SUPPLY MASTER PLAN UPDATE status. Regular, adjourned, and special meetings shall be called and held in the manner as provided in Chapter 9 of Division 2, Title 5 of Government Code of the State of California, "The Brown Act", commencing at Government Code Section 54950.*

In April 20-20, the City Council appointed a Water Subcommittee consisting of Councilmembers Jordan and Freeman. They have worked closely with staff throughout the last year reviewing proposed decisions and City actions related to its effort to bring the City into compliance with the EPA Administrative Order on Consent. This includes the decision to select importing water from SBCWD October 15, 2020.

**DISCUSSION:**

The SBCWD is seeking an appointment of two of its elected officials to represent it on the Water Master Plan Governance Committee. It would seem logical that the existing Water Subcommittee fulfil this role on behalf of the City.

Staff recommends that the City Council appoint Mayor Jordan and Councilmember Freeman to the SBCWD's Water Governance Committee. The action being sought is by consensus and will be recorded in a minute action.



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

**ITEM TITLE:** SUBROGATION CLAIM AGAINST THE  
CITY FILED ON SEPTEMBER 10, 2021 BY  
ALLSTATE INSURANCE COMPANY

**MEETING DATE:** September 14, 2021

**DEPARTMENT HEAD:** Trish Paetz, Administrative Services Manager

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**BRIEF DESCRIPTION:**

A subrogation claim against the City was filed by Allstate Insurance Company on September 10, 2021.

**RECOMMENDED ACTION:**

Staff recommends denial of this claim and seeks authorization to send the notice of rejection to the claimant.

**DEPARTMENT SUMMARY:**

A subrogation claim against the City was filed by Allstate Insurance Company on September 10, 2021 (Attachment 1). Staff has sent a copy of this claim to the City's Risk Manager/Claims Adjuster and recommends denial of the claim. Staff further requests authorization to send the Notice of Rejection of Claim to the Claimant.

**FISCAL IMPACT:**

Unknown.

**ATTACHMENTS:**

1. Allstate Insurance Company Claim Against City\_Redacted

THIS REPORT WAS REVIEWED BY THE CITY MANAGER WHO CONCURS WITH THE  
STAFF RECOMMENDATION

  
Don Reynolds, City Manager

**CITY OF SAN JUAN BAUTISTA  
CLAIM FORM**

**A CLAIM SHALL BE PRESENTED BY THE CLAIMANT OR BY A PERSON ACTING ON HIS/HER BEHALF. PLEASE ANSWER ALL QUESTIONS. OMITTING INFORMATION MAY MAKE YOUR CLAIM LEGALLY INSUFFICIENT. PLEASE PRINT LEGIBLY ON THIS FORM.**

1. **Print the complete name, postal address and phone number of the claimant in the spaces provided below:**

Name: Allstate ASO [REDACTED] Claim # 0624758660

Address: P O Box 660636

Dallas, TX 75266 Phone ( ) 540-725-7118 Cheryl Hackett

Email: claims@claims.allstate.com-refer to

2. **List the date, place and other circumstances of the occurrence or transaction, which above claim # gave rise to the claim asserted:**

Date: 5/1/2021 Place: 406 2nd Street, San Juan Bautista, CA

**Tell what happened giving complete information:** \_\_\_\_\_

A tree owned by the City of San Juan Bautista fell and struck our

Insured, [REDACTED] 2013 Chevrolet Malibu [REDACTED]

causing damage.

3. **Give a general description of the indebtedness, obligation, injury, damage or loss incurred so far as it is known at the time of this claim:**

Damage to 2013 Chevrolet Malibu-Damage to rear quarter Panel,

trunk/tailgate/hatch

4. **Give the name of the city employee or employees causing the injury, damage or loss:**

N/A

5. **Show the amount claimed as of the date of presentation of claim, including the estimated amount of injury, damage, or loss insofar as it may be known at this time, together with the basis of computation of the amount claimed:**

\$1,807.23 Comprehensive for property damage to vehicle

\$ 250.00 Deductible

\$2057.23 Total Claim

Date: 9/10/2021 Time: 3:00 PM

Signature: Cheryl Hackett/Allstate Relation to Claimant: Insurance Company

*Note: This form is provided for your convenience and is not required in order to file a claim; any written claim, which satisfies the requirements of CGC Sections 910 and 910.2 may be submitted*



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

**AGENDA TITLE:**                    **ACCEPT THE FIRST AMENDMENT TO THE WATER  
AND WASTEWATER MASTER PLAN**

**DATE:**                                September 21, 2021

**DEPARTMENT HEAD:**    Don Reynolds, City Manager

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### **RECOMMENDATION:**

It is recommended that the City Council adopt a resolution and accept the First Amendment to the Water and Wastewater Master Plans and find that this Amendment requires no further CEQA study because its impact is less than anticipated by the original General Plan EIR.

### **BACKGROUND:**

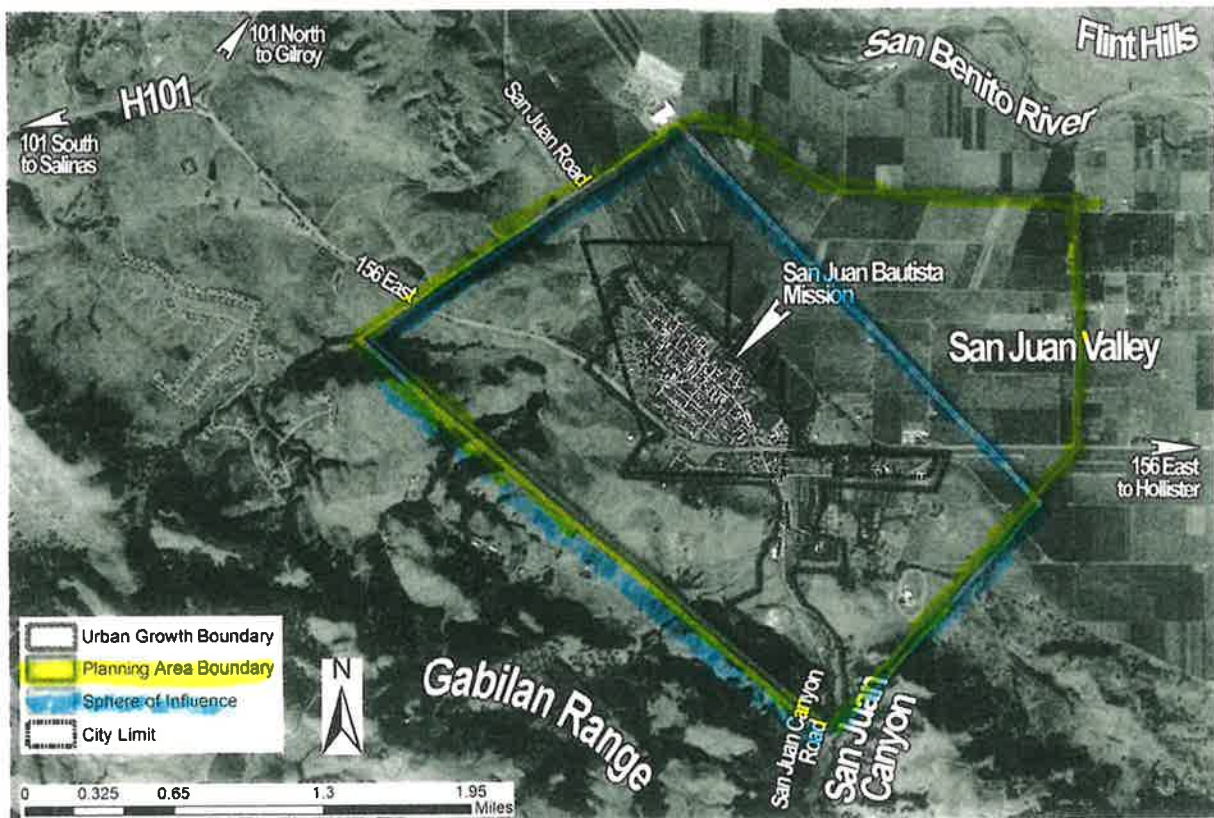
A year ago, the City wrapped up its work on the 2020 Water and Wastewater Master plans, and adopted resolution 2020- 59. This was the culmination of work done by Project Manager Karl Bjarke and Akel Engineering Group. It met a critical milestone in the EPA's Administrative Order on Consent, and started the ball rolling toward implementing its two EPA Compliance Projects.

These 2020 Master Plans provide an assessment of the current infrastructure, recommend capital improvements to address the immediate needs, and provide a Capital Improvement plan and project list to address growth. They also consider the General Plan and its projected growth, extending these assumptions out to 2035 using the General Plan, then out to 2060 which is the General Plan and AMBAG projected "build-out."

Population growth in the City since 1985, has ranged from between 1-2% per year. The 1985 General Plan projected the City's growth in 2015 to reach more than 3,000 people. It rarely rises above 2%. The General Plan adopted in 2016, includes a large Sphere of Influence that apparently was never approved by LAFCO. Therefore, the City's current sphere of influence is based upon the General Plan that preceded the current General Plan. This issue surfaced last year, and the City Council established its Urban Growth Boundary Ad-Hoc Committee. This became one of the City's top priorities in Fiscal Year 2021/22, and was funded with \$100,000. The intent is to submit an amendment to the General Plan by June 30, 2022, to re-establish a realistic Sphere of Influence, and other related tools like an Urban Growth Boundary. The current SOI is shown on the exhibit on the next page.



**Map 1.4 Important Boundaries for San Juan Bautista**



The 2020 Master Plans were based upon the General Plan without taking these issues into consideration. This resulted in a projected annual growth rate for the City's water and wastewater systems of approximately 3%. This is considered too conservative and unrealistic. Last Fall, AMBAG projected a 1% growth rate for the City.

## **DISCUSSION**

Having a realistic annual growth rate for the Water and Wastewater Master Plans is critical for determining the construction triggers and size of the future infrastructure needs, especially the import of water from the West Hills Treatment Plant. Staff and Akel Engineering analyzed all of the available data based on actual historic growth, to AMBAG and other projections.

Demand and Flow Comparison		
	General Plan	AMBAG
<b>Existing</b>		
Demand	0.21 mgd	-
Flow	0.16 mgd	-
<b>General Plan Buildout (2035)</b>		
Demand	0.57 mgd	0.29 mgd
Flow	0.43 mgd	0.22 mgd
<b>AMBAG Buildout (2160)</b>		
Demand	-	0.57 mgd
Flow	-	0.43 mgd

This issue was raised in December 2020 when the City and the San Benito Water District were negotiating the MOU that was approved in February 2021. The City amended its description of population growth, so the project size could be appropriately determined. Since February 2021, an “interim” growth rate has been relied upon for the Project’s design purposes, based on a careful analysis of the actual growth, and in light of AMBAG’s recent projections. The compromise for the interim annual growth rate has been determined to be 1.9%.

The purpose of the action before the City Council tonight is to formally adopt these interim population projections, in the form of an Amendment to the 2020 Water and Wastewater Master Plans. On Pages 3, and 4, Table 1 and Figure 1 in the Amendment to the 2020 Water Master Plan, the actual historical growth is described. Section 4 on page 5 equates the growth to the size of the infrastructure recommended. *If these changes were not considered, the size of the infrastructure may have become grossly oversized.* Table 2 compares the size of the pipe to the various types of water flows the City can anticipate. Section 5 summarizes the changes in this First Amendment. 5.3.1 specifically address population growth and recommends the 1.9% rate. This same analysis has been drafted to Amend the 2020 Wastewater Master Plan.

These Amendments allow the City to rely on this interim growth rate of 1.9% to properly size the infrastructure needed for the EPA Compliance Project. Meanwhile, work will commence soon to re-establish the Ad Hoc Committee and establish a new Sphere of Influence, and an official growth rate for the City’s General Plan moving forward.

Lastly, the City retained EMC to conduct a quick CEQA analysis comparing the General Plan and its Environmental Impact Report (2015) to the Master Plan as amended. CEQA requires a “Lead Agency” to address the growth-inducing impacts a proposed project (CEQA Guidelines 15126.2).

In the CEQA initial study checklist, lead agencies answer the following question:

Would the proposed project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

In the attached report, EMC describes its analysis and its study of the City’s population growth. Because the 2015 EIR is based on growth of 3%, its impacts were considered to be much more significant than those in the Water Master Plan as amended to grow at 1.9%.

## **Conclusions**

The 2020 Water Master Plan (proposed amendment no. 1) accommodates a population of 2,930 by the year 2035, which is accommodated by the General Plan and General Plan EIR. The amendment no. 1 also accommodates a population of 4,737 by the year 2060, which is beyond the life of the General Plan and beyond the projections of the General Plan.

Assuming the San Juan Bautista Water Supply Plan is sized to accommodate no more than a population of 3,175 by the year 2035, which is the population growth evaluated in the General Plan EIR, then the growth accommodated by the San Juan Bautista Water Supply Plan is adequately evaluated in the 2035 General Plan EIR and no further evaluation of growth inducting effects would be necessary in order to approve and implement the Water Supply Plan.

The attached Resolution does two things; 1) proposes an Interim Growth rate of 1.9% and 2) finds the Water and Wastewater Master Plan as amended requires no further action or study because the impacts are less than the EIR completed for the current General Plan.

Attachments: Water Master Plan First Amendment

EMC- CEQA Analysis

Resolution



**CITY OF SAN JUAN BAUTISTA**

# **2020**

# **WATER MASTER PLAN**

# **AMENDMENT NO. 1**

Draft

August 2021

**A K E L**  
ENGINEERING GROUP, INC.



August 31, 2021

City of San Juan Bautista  
319 Third Street  
San Juan Bautista, CA 95045

Attention: Mr. Don Reynolds  
City Manager

**Subject: 2020 Water Master Plan - Amendment No. 1 (Draft))**

Dear Don:

We are pleased to submit this Amendment No. 1 to the City of San Juan Bautista's 2020 Water Master Plan, documenting the impact of the updated phased population projections. This amendment includes a section discussing revisions to each chapter in the 2020 Water Master Plan (2020 WMP).

The intent of this amendment is to add intermediate population projections for phasing infrastructure improvements. The population phases are summarized in this amendment document, with discussions on the impact to infrastructure construction triggers. It should be noted that since buildout population did not change, buildout improvements included in the 2020 WMP are generally not impacted. In addition, this amendment provides clarification on supply provisions through the Regional Transmission Main from West Hills Water Treatment Plant (WTP). The percentage of demands supplied by West Hills WTP is summarized in this amendment document, with discussion on the impact to buildout infrastructure needs.

We are extending our thanks to you and other city of San Juan Bautista staff whose courtesy and cooperation were integral to the success of this study. Should you need additional information, or have questions regarding this amendment, please do not hesitate to call me. I look forward to hearing from you.

Sincerely,

AKEL ENGINEERING GROUP, INC.

Tony Akel, P.E.  
Principal

TAA

Enclosure: 2020 Water Master Plan – Amendment No. 1

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August 2021

City of San Juan Bautista  
2020 Water Master Plan – Amend. No. 1



## 1.0 BACKGROUND

The City of San Juan Bautista (City) completed a 2020 Water Master Plan (2020 WMP), and which was adopted in November 2020. The 2020 WMP evaluated the capacity adequacies of existing water facilities to service existing customers, and recommended facilities to service buildout growth identified in the 2035 General Plan (November 2015).

Additionally, the City faces water quality challenges including high levels of nitrate and hardness in the existing groundwater sources. The 2020 Water Master Plan recommended a regional transmission main to supplemental the local groundwater with water from the West Hills Water Treatment Plant in the City of Hollister.

Akel Engineering Group prepared the 2020 WMP as part of the integrated infrastructure master plan process for the water and wastewater master plans. The purpose of the 2020 WMP is to document the planned land use for the City, identify existing and future demands generated within the City, and to plan water infrastructure to provide adequate levels of service to the customers at the lowest lifecycle cost feasible.

After the finalization of the 2020 WMP, the City participated in a regional population study. This study suggested growth would be slower in the City than anticipated in the master planning process. Accordingly, the City initiated a master plan amendment to address the impacts of the slower growth, which included the impacts to the phasing of large-scale planned infrastructure.

This Master Plan Amendment No. 1 (Amendment) documents the impacts to the City's 2020 WMP based on the incorporation of findings from the regional population study. These impacts include updates to the population growth projections and the Regional Connection Alternative for connecting the City of San Juan Bautista to the West Hills Water Treatment Plant. The Master Plan Amendment includes the following sections:

- Previous Planning Documents
- Revised Population Projections
- Revised Regional Supply Availability
- Impacts to 2020 Water Master Plan

## 2.0 PREVIOUS PLANNING DOCUMENTS

The following documents were considered in the development of this Amendment to the 2020 Water Master Plan:

- **2020 Water Master Plan.** The 2020 Water Master Plan documents planned land use for the City, identifies existing and future demand generated within the City's service area,

and plans water infrastructure to provide adequate levels of service for the existing and future customers.

- **City of San Juan Bautista – Source and Potable Water Improvements (Preliminary Engineering Report), November 2020.** The Preliminary Engineering Report (PER) investigates alternative solutions and develops a recommended program to reduce the potable water hardness as well as alternatives to provide a secure water source
- **City of San Juan Bautista 2035 General Plan, November 2015.** The 2035 General Plan represents the official adopted goals and policies of the City of San Juan Bautista, and addresses planning issues within the community such as historic preservation, economic development, and development of public facilities. This includes establishing a plan for municipal elements such as land use, housing, and economic development. Additionally, this plan describes the water system service area and population projections that were used in the WMP.
- **Association of Monterey Bay Area Governments (AMBAG), San Juan Bautista Final 2022 Regional Growth Forecast.** This document was used as the basis for defining alternate growth projections for the City. This included using the AMBAG projections, as well as alternatives based on the AMBAG information

### 3.0 REVISED POPULATION PROJECTIONS

The City's 2035 General Plan assumed a buildout horizon of 2035 and a total service area population of 3,485 people. This projected population reflected an average annual growth rate of 2.9% per year. The 2022 AMBAG Regional Growth Forecast predicted an average annual growth rate of 1.1% per year for the City. Following a review of several growth alternatives City staff elected to amend the 2020 WMP based on an average annual growth rate of 1.9%, which approximately averages the annual population growth of the 2035 General Plan and the 2020 AMBAG Regional Growth Forecast. The projected populations included in the 2020 WMP Amendment are summarized on [Table 1](#) and shown graphically on [Figure 1](#). Based on these revised population projects this Amendment considers the following planning horizons.

- **Intermediate Population Horizon (2035):** The intermediate planning horizon reflects the planning horizon of the City's 2035 General Plan. The estimated population in 2035 is used to estimate the water supply requirements for the City as discussed in Section 4 – Revised Regional Supply Availability.
- **Buildout Demand Horizon (2060):** The buildout demand horizon is based on the estimated water demands following the development of potential growth areas as identified in the City's General Plan. Assuming historical average per capita water use of 120 gallons

**Table 1 Historical and Projected Population**  
Water Master Plan Amendment No. 1  
City of San Juan Bautista

PRELIMINARY

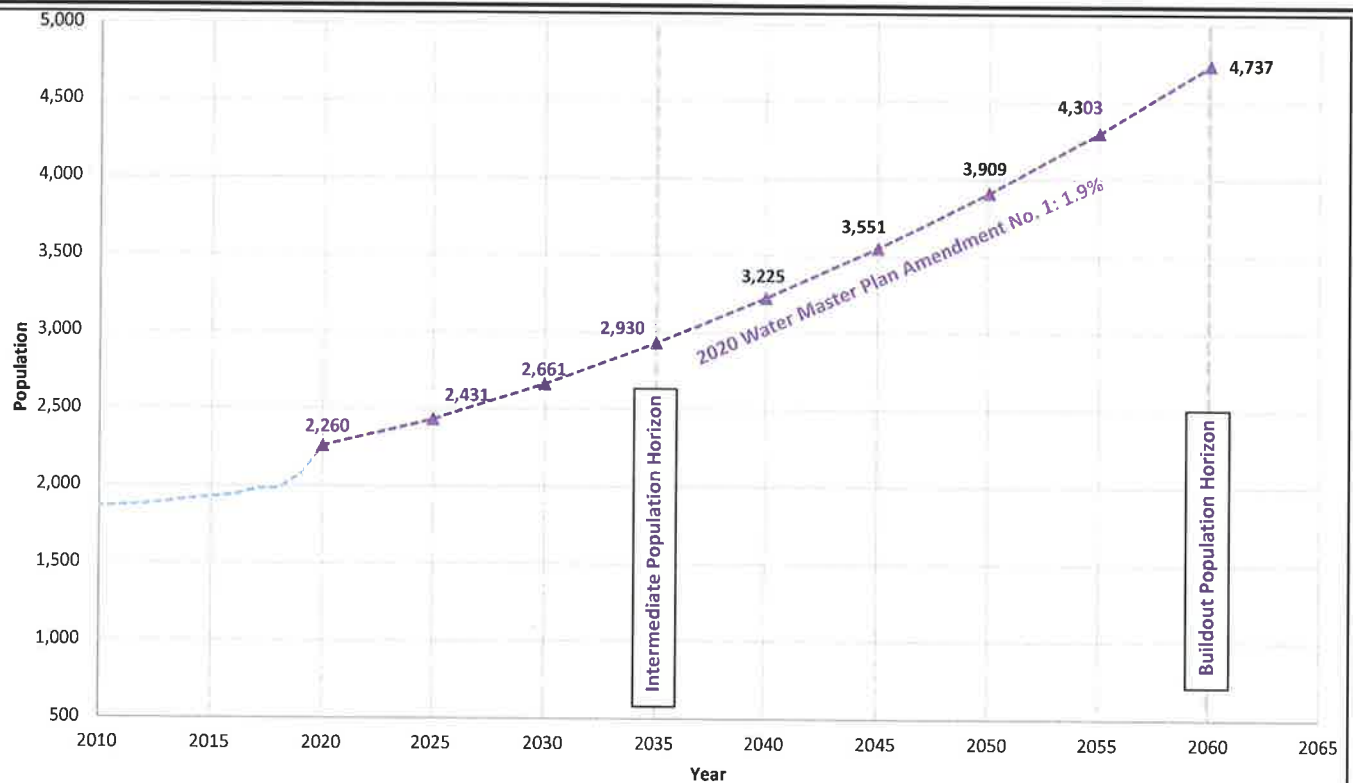
Year	Population <sup>1,2</sup>
<b>Historical</b>	
2000	1,549
2001	1,566
2002	1,579
2003	1,594
2004	1,690
2005	1,688
2006	1,683
2007	1,779
2008	1,835
2009	1,852
2010	1,862
2011	1,873
2012	1,881
2013	1,895
2014	1,914
2015	1,930
2016	1,943
2017	1,981
2018	1,986
2019	2,081
2020	2,260
<b>Projected</b>	
2021	2,235
2022	2,284
2023	2,333
2024	2,382
2025	2,431
2026	2,477
2027	2,523
2028	2,569
2029	2,615
2030	2,661
2031	2,715
2032	2,768
2033	2,822
2034	2,876
2035	2,930
2036	2,986
2037	3,044
2038	3,103
2039	3,164
2040	3,225
2041	3,288
2042	3,352
2043	3,417
2044	3,483
2045	3,551
2046	3,619
2047	3,690
2048	3,761
2049	3,834
2050	3,909
2051	3,985
2052	4,062
2053	4,141
2054	4,221
2055	4,303
2056	4,387
2057	4,472
2058	4,559
2059	4,647
2060	4,737

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Note :

1. Historical Populations per California Department of Finance estimates.
2. Projected populations based on AMBAG population projection plus half the difference between AMBAG and General Plan population projections, equal to approximately 1.9%.



#### LEGEND

##### 2020 Master Plan

- Historical<sup>1</sup>
- Projected<sup>2</sup>

Notes: 1. Source: 2020 Infrastructure Master Plans

2. Projected populations based on AMBAG population projection plus half the difference between AMBAG and General Plan population projections, equal to approximately 1.9%.

PRELIMINARY

### Figure 1 Historical and Projected Population

Water Master Plan Amendment No. 1  
City of San Juan Bautista



per day per capita (gpcd) and an average annual growth rate of 1.9% it is estimated that the buildout demands will be achieved in the year 2060. The recommended water system improvements documented in the City's 2020 WMP are based on this planning horizon.

It should be noted the population projections do not impact the buildout water demands incorporated in the master plan. Population projections only impact the timing of demand and the corresponding supply and storage needs.

## **4.0 REVISED REGIONAL SUPPLY AVAILABILITY**

The Water Master Plan evaluated various solutions to mitigate ongoing water quality issues. One of these solutions included source control by importing water from West Hills Water Treatment Plant (WTP). The 2020 WMP assumed the West Hills WTP would provide 100% of the buildout water demands, with the City's groundwater wells acting as potential sources of supply in the event of an emergency.

Following the adoption of the 2020 WMP, San Benito County Water District (SBCWD) determined that the overall supply commitment of the West Hills WTP to the City would be equal to 65% of the 2035 Maximum Day Demand (MDD). For Buildout Demand conditions it is assumed that 100% of the MDD will be supplied from the West Hills WTP, which is consistent with the 2020 WMP.

The following sections summarize the updated supply analysis and regional transmission main sizing based on the revised available supply from the West Hills WTP.

### **4.1 Regional Transmission Main Capacity Analysis**

The 2020 WMP evaluated multiple transmission main sizes between the City and the West Hills WTP. The future transmission main was planned to convey 100% of the City's Buildout MDD. This Amendment revises the regional transmission main capacity analysis based on the updated West Hills WTP supply commitment. The results of the revised transmission main capacity analysis are shown on [Table 2](#) and briefly summarized below

#### **4.1.1 Intermediate Demands (2035)**

[Table 2](#) summarizes the results of the transmission main capacity analysis for the 2035 Demand Condition. Assuming 65% of the City's MDD is provided by the West Hills WTP the minimum required transmission main size is 8-inch, which does not require the use of a booster station.

#### **4.1.2 Buildout Demands (2060)**

[Table 2](#) summarizes the results of the transmission main capacity analysis for the Buildout Demand Condition. Assuming 100% of the City's MDD is provided by the West Hills WTP the minimum required transmission main size is 10-inch, which requires the use of a booster station.

#### **4.1.3 Recommended Transmission Main Size**

This Amendment recommends the construction of a 10-inch transmission main and booster station to supply the City from the West Hills WTP. This recommendation is consistent with the .

**Table 2 Pipe Size Alternatives for the Regional Transmission Main from West Hills WTP**

Water Master Plan Amendment No. 1  
City of San Juan Bautista

PRELIMINARY

Existing/Future Demand Condition	Percent Demands Supplied by West Hills WTP	Demands <sup>1</sup>		Pipe Size Alternatives and Booster Station Requirements											
				(Approximate Length 33,420 LF) <sup>7</sup>											
				8-inch				10-inch				12-inch			
		(gpm)	(mgd)	Velocity (ft/s)	Headloss (ft)	Booster Station Required <sup>3,4</sup>	Transport Time (hours)	Velocity (ft/s)	Headloss (ft)	Booster Station Required <sup>3,4</sup>	Transport Time (hours)	Velocity (ft/s)	Headloss (ft)	Booster Station Required <sup>3,4</sup>	Transport Time (hours)
<b>Existing System</b>															
Minimum Month Demands <sup>5</sup>	100%	110	0.16	0.7	10.3	No	13.3	0.4	3.5	No	20.7	0.3	1.4	No	29.9
Average Day Demands	100%	183	0.26	1.2	26.4	No	8.0	0.7	8.9	No	12.4	0.5	3.7	No	17.9
Maximum Day Demands <sup>6</sup>	65%	267	0.38	1.7	53.3	No	5.4	1.1	18.0	No	8.5	0.8	7.4	No	12.2
Maximum Day Demands	100%	411	0.59	2.6	118.4	Yes	3.5	1.7	40.0	No	5.5	1.2	16.5	No	8.0
<b>Intermediate Demands (2035 Projections)</b>															
Minimum Month Demands <sup>5</sup>	100%	146	0.21	0.9	17.5	No	9.9	0.6	5.9	No	15.5	0.4	2.4	No	22.3
Average Day Demands	100%	244	0.35	1.6	45.2	No	6.0	1.0	15.2	No	9.3	0.7	6.3	No	13.4
Maximum Day Demands <sup>6</sup>	65%	357	0.51	2.3	91.2	No	4.1	1.5	30.8	No	6.4	1.0	12.7	No	9.2
Maximum Day Demands	100%	549	0.79	3.5	202.4	Yes	2.6	2.2	68.3	No	4.1	1.6	28.1	Force	6.0
<b>Buildout Demands</b>															
Minimum Month Demands <sup>5</sup>	100%	236	0.34	1.5	42.3	No	6.2	1.0	14.3	No	9.6	0.7	5.9	No	13.9
Average Day Demands	100%	393	0.57	2.5	108.8	No	3.7	1.6	36.8	No	5.8	1.1	15.1	No	8.3
Maximum Day Demands	100%	884	1.27	5.6	487.9	Yes	1.6	3.6	164.7	Yes	2.6	2.5	67.9	No	3.7

**Notes:**

- Demands for 2035 Projections are estimated from AMBAG Population Growth Forecast and per capita demands of 120 gpcd.
- The length of the Regional Transmission Pipeline was calculated based on the alignment between the West Hills WTP and the proposed connection point to the existing San Juan Bautista domestic water system.
- Existing System and 2035 Projections pump station requirements were based on expected headloss between ground elevations of the existing San Juan Bautista storage reservoir T-1 (395') and West Hills WTP (490').
- Buildout System pump station requirements were based on expected headloss between ground elevations of the proposed San Juan Bautista storage reservoir T-1 A (365') and West Hills WTP (490').
- Minimum Month Demand = 0.6 x Average Day Demand
- Demand scenario assumes West Hills WTP will only provide supply to meet 85% of MDD, with San Juan Bautista wells responsible for making up remaining supply needs.
- 2035 Projection (AMBAG + General Plan) population projection of 2,930 provided by City Staff on February 24, 2021.

6/24/2021

2020 WMP and allows for surplus capacity within the Intermediate Demand horizon, should additional supply become available from the West Hills WTP.

## **4.2 Water Supply Capacity Analysis**

The 2020 WMP assumed 100% of the City's Buildout MDD would be provided by the West Hills WTP, with the existing wells acting as a potential emergency source of supply. Based on the. This Amendment revises the water supply capacity analysis based on the updated West Hills WTP supply commitment. It should be noted that Well 6 is currently offline due to water quality concerns, which is reflected in the water supply capacity analysis.

The results of the revised water supply capacity analysis are shown on [Table 3](#) and briefly summarized in the following sections.

### **4.2.1 Well Capacities and Design Criteria**

The City currently maintains three groundwater wells, Well 1, Well 5, and Well 6, which have supply capacities of 175 gpm, 425 gpm, and 450 gpm respectively. Currently, only Well 1 and Well 5 are active, with Well 6 offline due to water quality concerns. The 2020 WMP required that the firm well capacity, defined as the total online well supply capacity with the largest unit out of service, must be able to meet the City's MDD. However, the 2020 WMP also accounted for supplemental supply from the West Hills WTP to provide a portion of this required supply capacity. As a part of this Amendment the supply capacity from the West Hills WTP is assumed equal to 65% of MDD for existing and 2035 demand conditions.

### **4.2.2 Supply Capacity Analysis**

The City's supply capacity analysis is summarized as follows:

- **Existing Conditions:** Assuming 65% of the City's MDD is provided by the West Hills WTP and well 6 is offline the City's existing firm capacity is sufficient to supply the existing MDD.
- **Intermediate Demand Conditions:** Assuming 65% of the City's MDD is provided by the West Hills WTP and well 6 is offline, the City has a supply capacity deficiency of 17 gpm under MDD conditions.
- **Buildout Demand Conditions:** At this time the supply commitment from the West Hills WTP is through the intermediate planning horizon of 2035. Therefore, a supply capacity analysis is not provided for the buildout demand conditions. However, this is recommended for review as part of future master plan updates.

### **4.2.3 Recommended Supply Improvements**

As shown on [Table 3](#) the City has a minor supply deficiency under Intermediate Demand Conditions. In lieu of planning a new groundwater well to mitigate this minor deficiency, this Amendment recommends reevaluating the supply and demand conditions as part of a future master plan update.



**Table 3 Supply Capacity Evaluation**

Water Master Plan Amendment No. 1  
City of San Juan Bautista

PRELIMINARY

Supply Capacity Evaluation		
Capacity Information	With Existing Wells (gpm)	Well 6 Offline (gpm)
<b>Supply Capacity Criteria</b>		
Supply to meet Maximum Day Demand with largest unit out of service		
<b>Existing Supply Capacity<sup>1</sup></b>		
Well 1	175	175
Well 5	425	425
Well 6	450	Offline
Total Capacity	1,050	600
Firm Capacity	600	175
<b>Supply vs Demand Evaluation</b>		
<b>Existing System<sup>2</sup></b>		
Maximum Day Demands <sup>3</sup>	411	411
Available Firm Capacity	600	175
Supplied by West Hills WTP (65% MDD) <sup>4</sup>	267	267
Capacity Surplus/Deficiency		
without West Hills WTP supply	189	-236
with West Hills WTP supply	456	31
<b>Intermediate Demands (2035 Projections)<sup>5</sup></b>		
Maximum Day Demands <sup>3</sup>	549	549
Available Firm Capacity	600	175
Supplied by West Hills WTP (65% MDD) <sup>4</sup>	357	357
Capacity Surplus/Deficiency	408	-17
<b>Buildout Demands<sup>6</sup></b>		
Maximum Day Demands <sup>3</sup>	884	884
Available Firm Capacity	600	175
Supplied by West Hills WTP <sup>4</sup>		TBD
Capacity Surplus/Deficiency		TBD

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**Notes:**

- Well capacities based on email provided by Stantec June 18, 2020.
- Existing demand based on Metered Water Deliveries documented in 2019 Water Consumption Reports provided by City staff January 13, 2020.
- Maximum Day Demand = 2.25 x Average Day Demand
- Assumes West Hills WTP will only provide supply to meet 65% of MDD, with San Juan Bautista wells responsible for making up remaining supply needs.
- Demands for 2035 Projections are based on total population of 2,930 and per capita demands of 120 gpcd.
- Buildout demand based on land use parcels and developed unit factors, as documented in 2020 WMP, Table 5.1.



## 5.0 REVISIONS TO 2020 WATER MASTER PLAN

The following sections document the changes to each chapter of the 2020 WMP, including any affected tables and figures. The Amended master plan tables and figures are also included in [Appendix A](#).

### 5.1 Executive Summary

The Executive Summary of the 2020 WMP summarized the key elements of the master plan. This Master Plan Amendment revised the sections that are described as follows.

#### 5.1.1 Section ES.6 – Regional Supply Alternatives

The 2020 Master Plan Amendment revises the supply planning assumptions for the regional water supply option. SBCWD has committed to supply up to 65% of the City's water demand from the West Hills WTP, with the remaining supply requirements to be provided by the City's groundwater wells. The 2020 WMP assumed 100% of the City's supply would be provided by the West Hills WTP, with the groundwater wells acting as a backup source of supply.

### 5.2 Chapter 1 – Introduction

This chapter summarized the background of the City's domestic water system and objectives of the Master Plan. No sections of this chapter are revised as part of this Amendment.

### 5.3 Chapter 2 – Planning Area Characteristics

This chapter summarized the master plan study area, water system service area, existing and future land use, as well as historical and projected population. This Amendment revises the following section:

#### 5.3.1 Section 2.3 – Historical Population and Future Growth

This section previously reflected population projections that were consistent with the 2035 General Plan. As discussed in Section 3.0 of this Amendment a revised population projection was requested by City staff that would consider local AMBAG projections in addition to those documented in the 2035 General Plan. City staff elected to use an average annual growth rate of 1.9% per year, which approximately reflects an average between the 2035 General Plan and the 2022 AMBAG Regional Growth Forecast.

The 2020 WMP notes a 2035 population of approximately 3,500 people, which is extracted from the 2035 General Plan. This Amendment now estimates the 2035 population at approximately 2,900 people, based on the revised average annual growth rate, as shown in [Figure 1](#). This Amendment also revises the following tables:

- [Table 2.2](#) – The projected populations have been extended to 2060 and reflect an average annual growth rate of 1.9% per year. These updated populations are also documented on [Table 1](#) in this Amendment.

#### **5.4 Chapter 3 – System Performance and Design Criteria**

This chapter summarized the water system performance and design criteria. No sections of this chapter are revised as part of this Amendment.

#### **5.5 Chapter 4 – Existing Domestic Water Facilities**

This chapter summarized the water system facilities and operational characteristics. No sections of this chapter are revised as part of this Amendment.

#### **5.6 Chapter 5 – Domestic Water Demands**

This chapter summarized the existing and buildout domestic water demands. While the revised population projections affect the timing of the buildout water demand the total demand is unchanged from the 2020 WMP. Therefore, no sections of the chapter are revised as part of this Amendment.

#### **5.7 Chapter 6 – Hydraulic Model Development**

This chapter summarized the development of the City's water system hydraulic model. No sections of this chapter are revised as part of this Amendment.

#### **5.8 Chapter 7 – Evaluation and Proposed Improvements**

This chapter summarized the evaluation of the domestic water system and identified improvements needed to mitigate deficiencies or service future growth. This Amendment revises the following section:

##### **5.8.1 Section 7.6 – Water Supply Requirements**

This section previously evaluated supply requirements for existing and buildout demand conditions, taking into account that Well 6 was taken offline due to water quality concerns.

The 2020 WMP identified a supply deficit of over 200 gpm under existing conditions, and over 700 gpm under buildout conditions. This deficit was intended to be mitigated through one of several regional supply alternatives as evaluated by Stantec Consulting, and it was recommended that the supply deficit should be addressed by importing water from West Hills WTP. However, based on the revised West Hills WTP supply commitment, supply requirements for different demand scenarios have been revised as follows:

- **Existing Demand Projections.** With 65% of MDD supplied by the West Hills WTP, the City will have a capacity surplus of approximately 30 gpm. No additional improvements will be required to meet existing supply requirements.
- **Intermediate Demand Projections.** With 65% of MDD supplied by West Hills WTP, the City will have a supply deficit of approximately 20 gpm. It is recommended that the City reevaluate the 2035 supply and demand projection as part of a future master plan update.
- **Buildout Demand Projections.** Supply commitments for buildout demands have yet to be agreed upon, and the buildout supply deficit is yet to be determined.

This Amendment also revises the following tables:

- **Table 7.3** – This table has been updated to reflect the revised supply planning assumptions regarding the SBCWD commitment of 65% of MDD from the West Hills WTP.

## **5.9 Chapter 8 – Capital Improvement Program**

This chapter summarized the recommended domestic water system improvements and presented cost criteria and methodology. No sections of this chapter are revised as part of this Amendment.

## **APPENDIX A**

### **Amended 2020 Water Master Plan Tables and Figures**

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**Table 2.2 Historical and Projected Population**  
Water Master Plan  
City of San Juan Bautista

PRELIMINARY

Year	Population <sup>1,2</sup>
<b>Historical</b>	
2000	1,549
2001	1,566
2002	1,579
2003	1,594
2004	1,690
2005	1,688
2006	1,683
2007	1,779
2008	1,835
2009	1,852
2010	1,862
2011	1,873
2012	1,881
2013	1,895
2014	1,914
2015	1,930
2016	1,943
2017	1,981
2018	1,986
2019	2,081
2020	2,260
<b>Projected</b>	
2021	2,235
2022	2,284
2023	2,333
2024	2,382
2025	2,431
2026	2,477
2027	2,523
2028	2,569
2029	2,615
2030	2,661
2031	2,715
2032	2,768
2033	2,822
2034	2,876
2035	2,930
2036	2,986
2037	3,044
2038	3,103
2039	3,164
2040	3,225
2041	3,288
2042	3,352
2043	3,417
2044	3,483
2045	3,551
2046	3,619
2047	3,690
2048	3,761
2049	3,834
2050	3,909
2051	3,985
2052	4,062
2053	4,141
2054	4,221
2055	4,303
2056	4,387
2057	4,472
2058	4,559
2059	4,647
2060	4,737

**AKEL**  
ENGINEERING GROUP INC.

7/15/2021

Note :

1. Historical Populations per California Department of Finance estimates.
2. Projected populations based on AMBAG population projection plus half the difference between AMBAG and General Plan population projections, equal to approximately 1.9%.

**Table 7.3 Supply Capacity Evaluation**

Water Master Plan  
City of San Juan Bautista

PRELIMINARY

Supply Capacity Evaluation		
Capacity Information	With Existing Wells (gpm)	Well 6 Offline (gpm)
<b>Supply Capacity Criteria</b>		
Supply to meet Maximum Day Demand with largest unit out of service		
<b>Existing Supply Capacity<sup>1</sup></b>		
Well 1	175	175
Well 5	425	425
Well 6	450	Offline
Total Capacity	1,050	600
Firm Capacity	600	175
<b>Supply vs Demand Evaluation</b>		
<b>Existing System<sup>2</sup></b>		
Maximum Day Demands <sup>3</sup>	411	411
Available Firm Capacity	600	175
Supplied by West Hills WTP (65% MDD) <sup>4</sup>	267	267
Capacity Surplus/Deficiency		
without West Hills WTP supply	189	-236
with West Hills WTP supply	456	31
<b>Intermediate Demands (2035 Projections)<sup>5</sup></b>		
Maximum Day Demands <sup>3</sup>	549	549
Available Firm Capacity	600	175
Supplied by West Hills WTP (65% MDD) <sup>4</sup>	357	357
Capacity Surplus/Deficiency	408	-17
<b>Buildout Demands<sup>6</sup></b>		
Maximum Day Demands <sup>3</sup>	884	884
Available Firm Capacity	600	175
Supplied by West Hills WTP <sup>4</sup>		TBD
Capacity Surplus/Deficiency		TBD

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7/15/2021

**Notes:**

- Well capacities based on email provided by Stantec June 18, 2020.
- Existing demand based on Metered Water Deliveries documented in 2019 Water Consumption Reports provided by City staff January 13, 2020.
- Maximum Day Demand = 2.25 x Average Day Demand
- Assumes West Hills WTP will only provide supply to meet 65% of MDD, with San Juan Bautista wells responsible for making up remaining supply needs.
- Demands for 2035 Projections are based on total population of 2,930 and per capita demands of 120 gpcd.
- Buildout demand based on land use parcels and developed unit factors, as documented in 2020 WMP, Table 5.1.



CITY OF SAN JUAN BAUTISTA

2020  
**WASTEWATER MASTER  
PLAN**  
**AMENDMENT NO. 1**

Draft

August 2021

**A K E L**  
ENGINEERING GROUP, INC.



*Planning for Success*

September 2, 2021

Don Reynolds, City Manager  
City of San Juan Bautista  
311 2nd Street  
P.O. Box 1420  
San Juan Bautista, CA 95045

Re: San Juan Bautista Water Supply Plan  
General Plan EIR Anticipated Growth

Dear Don:

Thank you for asking EMC Planning Group to assist you with determining if the 2035 General Plan EIR adequately addresses the anticipated growth that would be accommodated by the proposed water supply plan. The following documents our research and conclusions.

## **Scope of Work**

The scope of work for this report is to conduct the necessary research to determine if the *City of San Juan Bautista 2035 General Plan EIR* (hereinafter referred to as "General Plan EIR") and/or the *San Juan Bautista 2015-2019 Housing Element Mitigated Negative Declaration* and Addendums, which evaluated the *San Juan Bautista 2015-2019 Housing Element* and the *San Juan Bautista 5th Cycle Housing Element Four-Year Update (2019-2023)* (hereinafter referred to as "Housing Element MND") adequately addressed growth accommodated by the proposed Water Supply Plan.

## **Proposed Water Supply Plan**

On October 13, 2020, the City Council of San Juan Bautista adopted Resolution 2020-51, and pursuant to the City and Environmental Protection Agency ("EPA") Administrative Order on Consent, (executed August 8th, 2020), approved the selection of two

**EMC PLANNING GROUP INC.**  
A LAND USE PLANNING & DESIGN FIRM

301 Lighthouse Avenue Suite C Monterey California 93940 Tel 831-649-1799 Fax 831-649-8399  
[www.emcplanning.com](http://www.emcplanning.com)



compliance projects to bring its water and waste water systems into compliance with the EPA's National Pollution Discharge Elimination System permit, and the Source Water Compliance project selected is the off-site source control importing water from the West Hills Treatment Plant owned and operated by the SBCWD ("San Juan Bautista Water Supply Plan").

The parties intend to undertake the development of a comprehensive San Juan Bautista Water Supply Plan for importing drinking water from the West Hills Treatment Plant. The comprehensive WSP for the CITY shall identify specific alternatives to achieve the agreed upon objectives at the lowest practical lifecycle cost and earliest practical time. The WSP shall include a feasibility phase(s) and an implementation plan phase(s) resulting in specific size, location and performance for physical facilities, project specific CEQA compliance, a financing plan including required revenues from water charges, assessments and connection/impact fees, funding mechanism (cash, bonds, etc.), and institution arrangements and responsibilities (ownership, operations, maintenance, repair and replacement responsibility, etc.).

HDR, under contract to SBCWD, is in the process of designing the project and preparing CEQA documentation for the project. SBCWD has raised the issue as to whether the City of San Juan Bautista has evaluated the growth inducing impacts of the project in their General Plan.

The CEQA document under preparation by HDR must address whether the proposed project would induce substantial unplanned population growth in the area.

## **Report Content Summary**

This report addresses CEQA and growth issues, historic and current population data for the City of San Juan Bautista, state policy – housing elements, the LAFCO adopted sphere of influence, 2035 General Plan EIR analysis, and conclusions.

## **CEQA and Growth Issues**

CEQA requires a lead agency to address the growth-inducing impacts of a proposed project (CEQA Guidelines section 15126.2). "Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of

a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.”

In the CEQA initial study checklist, lead agencies answer the following question:

Would the proposed project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

## **Population Data**

### **2035 General Plan (Adopted 2015)**

According to the *City of San Juan Bautista 2035 General Plan* (page 2), the California Department of Housing and Community Development (HCD) mandates space is set aside to accommodate a 3 percent annual housing growth. The City has experienced a cycle of “booms” and “busts,” with population dwindling in some decades, and surging in others. In 1870, San Juan Bautista had more than 2,600 residents; almost 400 people more than it had in 2015. By 1910, the City’s population had declined to 326. It doubled between 1910 and 1930, dropped during the 1930s, grew rapidly during the 1940s, and remained flat during the 1950s. In more recent times, the population has continued to grow at an uneven rate with faster growth during the 1970s, 1980s, and 2000s and a slight decline during the 1990s.

Although San Juan Bautista’s population is growing at a higher annual rate than San Benito County as a whole in 2015, at 0.41 percent and 0.28 percent respectively, it is a slow growing City. The population is projected to grow 12 percent by 2035. Based on current birth, death, and migration rates, the population of San Juan Bautista will increase to 2,105 by 2035, as presented in Table 1, Population Projections 2010-2035.

**Table 1            Population Projections 2010-2035**

<b>Year</b>	<b>Total Population</b>	<b>Source/Basis</b>
2010	1,862	2010 US Census
2015	1,935	2015 CA Dept. of Finance
2020	2,260	RHNA-allocated growth
2025	2,593	RHNA-allocated growth
2030	3,007	RHNA-allocated growth
2035	3,485	RHNA-allocated growth

SOURCE: San Juan Bautista General Plan EIR

## **San Juan Bautista Water Master Plan**

### ***2020 Water Master Plan***

According to the adopted City of San Juan Bautista Water Master Plan (Akel Engineering 2020), records obtained from California Department of Finance estimate the 2019 population at approximately 2,081 people. From 2015 to present the City's service area has observed an average annual growth rate of approximately 1.9 percent.

The 2035 General Plan anticipates a 2035 population of 3,500 and the 2020 water master plan is consistent with the General Plan projections. The historical and projected service area population, from the 2020 water master plan, is presented in Figure 1, City of San Juan Bautista Historical and Projected Service Area Population, which is taken from the 2020 water master plan. These figures assume a 3.7 percent annual growth rate from the years 2020 to 2025 and then a 3.0 percent annual growth rate from 2026 to 2045.

### ***2020 Water Master Plan Amendment No.1 (Proposed)***

The City is in the process of amending the water master plan (draft August 2021) to plan for a 1.9 percent annual growth rate, which is less than projected in the 2035 General Plan and evaluated in the 2035 General Plan EIR. These revised, preliminary population figures are presented in Figure 2, City of San Juan Bautista Historical and Projected Service Area Population Revised – Preliminary. If this amendment is approved, the water master plan would accommodate a population of 2,930 in 2035, as opposed to the projected 3,500 in the 2035 General Plan.

**Table 2.2 Historical and Projected Population**  
Water Master Plan  
City of San Juan Bautista

Year	Population	Annual Growth(%)
<b>Historical<sup>1</sup></b>		
2000	1,549	-
2001	1,566	1.1%
2002	1,579	0.8%
2003	1,594	0.9%
2004	1,690	6.0%
2005	1,688	-0.1%
2006	1,683	-0.3%
2007	1,779	5.7%
2008	1,835	3.1%
2009	1,852	0.9%
2010	1,862	0.5%
2011	1,873	0.6%
2012	1,881	0.4%
2013	1,895	0.7%
2014	1,914	1.0%
2015	1,930	0.8%
2016	1,943	0.7%
2017	1,981	2.0%
2018	1,986	0.3%
2019	2,081	4.8%
<b>Projected<sup>2</sup></b>		
2020	2,158	3.7%
2021	2,239	3.7%
2022	2,322	3.7%
2023	2,409	3.7%
2024	2,499	3.7%
2025	2,593	3.7%
2026	2,671	3.0%
2027	2,751	3.0%
2028	2,834	3.0%
2029	2,919	3.0%
2030	3,007	3.0%
2031	3,097	3.0%
2032	3,190	3.0%
2033	3,285	3.0%
2034	3,384	3.0%
2035	3,485	3.0%
2036	3,591	3.0%
2037	3,700	3.0%
2038	3,812	3.0%
2039	3,928	3.0%
2040	4,047	3.0%
2041	4,170	3.0%
2042	4,296	3.0%
2043	4,426	3.0%
2044	4,561	3.0%
2045 <sup>3</sup>	4,699	3.0%

Note:

1. Historical Populations per California Department of Finance estimates.
2. Unless noted otherwise, projected population extracted from San Juan Bautista 2035 General Plan and normalized to historical population:  
Year 2021 - 2024: Exponential interpolation between 2020 and 2025.  
Year 2026 - 2029: Exponential interpolation between 2025 and 2030.  
Year 2031 - 2034: Exponential interpolation between 2030 and 2035.
3. 2045 population based on land use holding capacity of future residential development and maximum residential land use densities designated by the General Plan.

Source: Akel Engineering Group, Inc.

**Figure 1**

City of San Juan Bautista Historical and Projected Service Area Population  
San Juan Bautista Water Supply Plan General Plan EIR Evaluation

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**Table 1 Historical and Projected Population**  
Water Master Plan Amendment No. 1  
City of San Juan Bautista

PRELIMINARY

Year	Population <sup>1,2</sup>
<b>Historical</b>	
2000	1,549
2001	1,566
2002	1,579
2003	1,594
2004	1,690
2005	1,688
2006	1,683
2007	1,779
2008	1,835
2009	1,852
2010	1,862
2011	1,873
2012	1,881
2013	1,895
2014	1,914
2015	1,930
2016	1,943
2017	1,981
2018	1,986
2019	2,081
2020	2,260
<b>Projected</b>	
2021	2,235
2022	2,284
2023	2,333
2024	2,382
2025	2,431
2026	2,477
2027	2,523
2028	2,569
2029	2,615
2030	2,661
2031	2,715
2032	2,768
2033	2,822
2034	2,876
2035	2,930
2036	2,986
2037	3,044
2038	3,103
2039	3,164
2040	3,225
2041	3,288
2042	3,352
2043	3,417
2044	3,483
2045	3,551
2046	3,619
2047	3,690
2048	3,761
2049	3,834
2050	3,909
2051	3,985
2052	4,062
2053	4,141
2054	4,221
2055	4,303
2056	4,387
2057	4,472
2058	4,559
2059	4,647
2060	4,737

**AKEL**  
ENGINEERING GROUP, INC.

7/15/2021

Note:  
1. Historical Populations per California Department of Finance estimates.  
2. Projected populations based on AMBAG population projection plus half the difference between AMBAG and General Plan population projections, equal to approximately 1.9%.

Source: Akel Engineering Group, Inc

**Figure 2**

City of San Juan Bautista Historical and Projected Service Area Population Revised - Preliminary

San Juan Bautista Water Supply Plan general Plan EIR Evaluation

## **State Policy - Housing Elements**

The California State Legislature identifies the attainment of a decent home and suitable living environment for every resident as the State's major housing goal. Recognizing the important role of local planning programs in pursuing this goal, the Legislature has mandated that all cities and counties prepare a housing element as part of their comprehensive general plan. Section 65302(c) of the Government Code sets forth the specific components to be contained in a community's housing element. State law previously required housing elements to be updated at least every five years. The standard cycle is now eight years and is tied to the region's transportation planning.

California law requires that each city and county, when preparing its State-mandated Housing Element, develop local housing programs to meet its "fair share" of existing and future housing needs for all income groups, also known as the Regional Housing Needs Allocation (RHNA). This fair share concept seeks to ensure that each jurisdiction, to the extent feasible and appropriate, provides housing for its resident population, and those households who might reasonably be expected to reside within the jurisdiction, with a variety of housing appropriate to their needs.

The fair share allocation process begins with the State Department of Finance's (DOF) population projections for the State and regions of the State. The Department of Housing and Community Development (HCD) uses the DOF population projections to determine housing needs by region in California. Once this occurs, the regional planning agency (or in San Juan Bautista's case), the San Benito Council of Governments (SBCOG) allocates a share of the regional housing needs (RHNA) to each jurisdiction within the region, which is separated into four income categories. This Housing Element reviews the City's progress toward its RHNA from the 4th Cycle Housing Element (which was a total of 49 units) and the City's current RHNA share from the 5<sup>th</sup> Cycle Housing Element (which is a total of 41 units). A breakdown of the 2015-2023 RHNA by income target is provided in Table 2, San Juan Bautista's Share of Regional Housing Needs 2015-2023.

**Table 2 San Juan Bautista's Share of Regional Housing Needs 2015-2023**

Income Category	City's Share of Regional Housing Needs	
	Number of Units	Percent of Total Units
Extremely Low Income	5	12%
Very Low	5	12%
Low	6	15%
Moderate	8	20%
Above Moderate	17	41%
<b>Total</b>	<b>41</b>	<b>100%</b>

SOURCE: California Department of Housing and Community Development, 2014-2023 (2019 Housing Element, page 1-2)

## **LAFCO Adopted Sphere of Influence**

The 2035 General Plan proposes an expansion of the San Juan Bautista sphere of influence to assist in accommodating buildout of the General Plan. However as of September 1, 2021, the City had not applied to San Benito County LAFCO to amend the sphere of influence consistent with the 2035 General Plan. Therefore, the currently approved sphere of influence is that which is presented in the previous general plan, which is smaller in developable area.

## **2035 General Plan EIR Analysis**

The General Plan EIR (pages 371 and 372) assumed a population of 3,175 at buildout, which is 325 persons (or approximately 0.10 percent) less than identified in the General Plan. Page 372 notes, "The Department of Housing and Community Development (HCD) mandates that San Juan Bautista accommodate housing at a 3 percent annual growth rate to support housing needs in the region, caused chiefly by job growth outside of the region in the Silicon Valley (AMBAG, 2014). This would drastically increase the number of housing units needed in the City to 560 by 2035 with commensurate increase in population above the projection based on natural growth. This is the growth expectation accommodated in the plan."

The General Plan EIR evaluated the environmental impacts associated with population of 3,175 by the year 2035. The General Plan EIR evaluated the General Plan's growth

*Don Reynolds  
City of San Juan Bautista  
September 2, 2021, Page 7*

impacts on aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use, mineral resources, noise, population and housing, public services, transportation and traffic, and utilities.

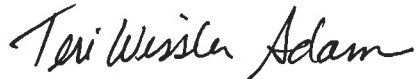
## **Conclusions**

The 2020 Water Master Plan (proposed amendment no. 1) accommodates a population of 2,930 by the year 2035, which is accommodated by the General Plan and General Plan EIR. The amendment no. 1 also accommodates a population of 4,737 by the year 2060, which is beyond the life of the General Plan and beyond the projections of the General Plan.

Assuming the San Juan Bautista Water Supply Plan is sized to accommodate no more than a population of 3,175 by the year 2035, which is the population growth evaluated in the General Plan EIR, then the growth accommodated by the San Juan Bautista Water Supply Plan is adequately evaluated in the 2035 General Plan EIR and no further evaluation of growth inducing effects would be necessary in order to approve and implement the Water Supply Plan.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Teri Wissler Adam". The signature is written in a cursive, flowing style.

Teri Wissler Adam  
Senior Principal



## **RESOLUTION 2021-XX**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ACCEPTING THE DRAFT WATER AND WASTEWATER MASTER PLANS**

**WHEREAS**, on October 15, 2020 the City agreed to work with Akel Consulting and complete a Water and Wastewater Master Plan; and

**WHEREAS**, on February 25, 2020, the Environmental Protection Agency (“EPA”) and Regional Water Quality Control Board (Water Board) met with the City and agreed that the Master Plans are the best step forward for the City in its efforts to bring its water system back into compliance with the permit requirements; and

**WHEREAS**, on August 18, 2020, the City and EPA entered into an Administrative Order on Consent, agreeing that the City will bring its water systems into compliance by December 31, 2023, and as part of that process, the City will deliver the Master Plans to them by September 15, 2020; and

**WHEREAS**, the first draft of the two Master Plans was introduced to the City Council September 8, 2020, shared with the EPA and Water Board on Wednesday, September 9, 2020, and were accepted by the City Council that adopted Resolution 2020-59, September 15, 2020; and

**WHEREAS**, the City relied upon its 2016 General Plan to project the growth rates for the City when drafting the 2020 Master Plans, and this is 3% per year; and

**WHEREAS**, the General Plan has a sphere of influence (SOI) that was never approved by LAFCO, and as a result the SOI from the previous General Plan is in effect until such a time as the City can process a General Plan Amendment and correct it; and

**WHEREAS**, the current sphere of influence provides for a 3% growth rate, and the EIR completed for this rate of growth is more than sufficient to account for the impacts of the First Amendment, because it reduces the growth rate to 1.9%; and

**WHEREAS**, in the Fall of 2020, AMBAG projected the City’s growth rate at closer to 1%, and a review of population changes since 1985, support a trend of between 1-2% growth;

**WHEREAS**, in recognition of the fact that a 3% growth is an over-statement of the City’s projected growth, the City sought an amendment to the original Master Plans that reflects the data provided by AMBAG, and actual trends for growth; and

**WHEREAS**, an Amendment to the 2020 Water and Wastewater Master Plans, provided to the Council and attached hereto by reference, corrects the population growth from 3% to 1.9%, based upon the data described above, as an interim projection to be used to size the current infrastructure needs until the General Plan Amendment can be processed through its Urban Growth Boundary Ad-Hoc Committee; and

**WHEREAS**, this Amendment will impact the EPA's Compliance Project by reducing the size and cost of the proposed infrastructure needed to import water from the West Hills Treatment Plant operated by the San Benito County Water District.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**SECTION 1.** That the above recitals are true and correct.

**SECTION 2.** The City Council of the City of San Juan Bautista, hereby accepts Amendment #1 to the City's 2020 Water and Wastewater Master Plans.

**SECTION 3.** The City Council directs the City Manager to provide Amendment #1 to the 2020 Water and Wastewater Master Plans to the EPA and Water Board as soon as possible.

**SECTION 4.** Based on the EMC CEQA analysis attached by reference, the City Council finds that the environmental impact of this First Amendment does not require any further study or action by the City as Lead Agency, due to the fact that the interim population growth rate of 1.9% is less than the current General Plan growth rate and its related Environmental Impact Report.

**PASSED, APPROVED AND ADOPTED** this 21<sup>st</sup> day of September, 2021, by the following roll call vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTESTED:**

---

Leslie Q Jordon, Mayor

---

Shawna Freels, City Clerk



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

**AGENDA TITLE:** Six Month Extension of the Third Street Parklet Program

**MEETING DATE:** September 21, 2021

**SUBMITTED BY:** Brian Foucht, Community Development Director

---

### **RECOMMENDED ACTION(S):**

City Staff recommends that the City Council adopt a resolution extending the term of the encroachment permits that allow the temporary use of the public right of way to accommodate private, outdoor business activity ("Parklets") for 6-months from September 30, 2021 to March 30, 2022. This will ensure the completion of design guidelines, development of policies and procedures and resources that would help determine the status of parklets.

### **BACKGROUND INFORMATION:**

In April 2020 the City began meeting weekly with its downtown businesses (Meetings are now held bi-weekly) to develop a plan in response to the ongoing Public Health Emergency. The Business Forum conceived a plan to assist business owners along Third Street to remain open during the emergency. Thereafter, on May 19, 2020 the City Council adopted Resolution 2020-24 on May 19, 2020, enabling the establishment of outdoor shopping and dining via expansion of businesses into the right of way. Third Street was converted to a single, one-way lane to enable this expansion. Resulting parklets were originally approved for a three-month period ending December 31, 2020. On November 10, 2020, the City Council agreed to extend the parklets until March 30, 2021, and thereafter agreed to extend the Encroachment Permit, to September 30, 2021 evaluate whether a "permanent" parklet program could be established beyond the current public health emergency. A "permanent" policy may replace the temporary policies initiated during the State of Emergency.

### **DISCUSSION:**

The subject of "permanence" involves issues of non-conformity, long term planning and design of the Third Street streetscape, public safety, infrastructure, relationship to buildings, structures and landscaping within the Third Street Historic District.

A decision to allow "Permanent" Parklets will eventually result in a thorough evaluation of the historic Third Street district streetscape.

The parklet ad hoc committee has continued to craft new guidelines for parklets that are intended

to be used in the context of permanent or temporary encroachments. This work is anticipated to be completed and forwarded to the Planning Commission and City Council in October and November, before the holiday season.

As the work of the committee has progressed, the focus of discussion has shifted away from making parklets permanent, to creating a permanent policy for parklets that are renewed on an annual basis, combining design review, building permit and encroachment permits into a new "Parklet Permit."

Extending the deadline into the first quarter of 2022 will enable some integration of the active transportation planning that is now underway now underway. It is also likely that applications for additional parklets will be submitted during this time. Attached is a resolution for the City Council to consider, asking the City Council to approve the parklet extension.

Attached - Draft Resolution

**RESOLUTION 2021-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN  
BAUTISTA EXTENDING THE TERM OF THE PARKLETS ENCROACHMENT  
PERMIT UNTIL MARCH 30, 2022**

**WHEREAS**, in an effort to control the pandemic caused by the COVID-19 Virus, City Council declared a State of Emergency March 17, 2020; and

**WHEREAS**, the shelter in place health orders that followed the state of emergency closed all but essential businesses; and

**WHEREAS**, this closure of businesses was harmful to the City's economy and the City, among many other things, initiated the Transformation of Third Street by adopting Resolution 2020-24, on May 19, 2020; and

**WHEREAS**, to implement the Transformation of Third Street, business owners were offered the opportunity to expand their business onto the public right-of-way and build decks, also known as "parklets," where customers could sit safely and enjoy their services; and

**WHEREAS**, in an effort to protect the historic nature of the downtown, these parklets have to be built in compliance with the City Historic Design Guidelines and, on June 18, 2020, the Historic Resources Board approved design guidelines for this purpose; and

**WHEREAS**, the parklet program was approved by the City Council for a period of six months ending December 31, 2020, and extended until March 30, 2021 and thereafter on February 16, 2021 the City Council approved an extension of the parklet program to September 30, 2021;

**WHEREAS**, the Public Health Emergency is ongoing, updated parklet design guidelines by an ad hoc committee are underway and will be completed before October 30, 2021. Thereafter developing a permanent parklet policy for the whole City to embrace can be accomplished in the next six months, but not before September 30, 2021.

**WHEREAS**, the Historic Resources Board has recommended that the Planning Commission adopt a Resolution recommending a further six-month extension to March 30, 2022 to enable consideration of permanent parklets.

**WHEREAS**, on September 7, 2021 the Planning Commission approved resolution 2021-08 recommending that the City Council extend the parklet program to March 30, 2022

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL:**

Extend the term of the Transformation of Third Street and the parklets be extended for one hundred eighty days, or until March 30, 2021.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista on the 21<sup>st</sup> day of September 2021 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Leslie Jordan, Mayor

**ATTEST:**

---

Shawna Freels, City Clerk

## **RESOLUTION NO. 2021-XX**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING A CLOSURE OF SECOND STREET BETWEEN WASHINGTON AND MARIPOSA STREETS FOR THE “MOVIE IN THE PARK” SCREENING OF THE FILM “VERTIGO”**

**BE IT RESOLVED** that the State of California Parks Dept is authorized to close  
Second from Washington to Mariposa Street on Saturday, September 25, 2021 from 6:00  
PM until 11 PM for a screening of the film “Vertigo”.

**PASSED AND ADOPTED** this 21<sup>th</sup> day of September 2021 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_  
**Leslie Jordan, Mayor**

\_\_\_\_\_  
**Shawna Freels, City Clerk**

**Proclamation**

**Honoring Jacob's Heart Children's Cancer Support Services and  
Declaring September 2021 as Childhood Cancer Awareness Month in the  
City of San Juan Bautista**

**WHEREAS**, the character of our community is revealed in how we treat our most vulnerable; and

**WHEREAS**, each day, one in every 40 children in the United States will be diagnosed with cancer; and

**WHEREAS**, cancer remains the leading cause of death by disease among children, more than asthma, diabetes, cystic fibrosis, congenital anomalies, and AIDS combined; and

**WHEREAS**, during the COVID-19 crisis Jacob's Heart has been keeping medically fragile children and families housed, fed and emotionally supported by steadfastly adhering to the following commitments: 1) Parents of children with cancer and other serious illnesses will be relieved of financial fears and be able to focus attention on their children; 2) No child undergoing intensive treatment in our community will be homeless; 3) Families of seriously ill children will not experience food insecurity during and after the pandemic; and 4) No seriously ill child in our community will ever miss a medical appointment because of lack of transportation; and

**WHEREAS**, Jacob's Heart holds the memories, and honors the legacies of hundreds of children from our local community who have been lost to cancer, ensuring that their precious memories will never be forgotten; and

**WHEREAS**, the oncology department at Lucile Packard Children's Hospital at Stanford has worked closely with Jacob's Heart for the past 22 years as a trusted community partner in providing family-centered care that addresses the emotional, practical and financial struggles of families of children with cancer in San Juan Bautista; and

**WHEREAS**, it is important for all San Juan Bautista residents to recognize the impact of pediatric cancer on families within our community and honor the lives of children in our community whose lives have been cut short by cancer.

**NOW, THEREFORE**, I, Leslie Q. Jordan, Mayor of the City of San Juan Bautista, do hereby declare September 2021 as Childhood Cancer Awareness Month in the City of San Juan Bautista and do hereby honor Jacob's Heart Children's Cancer Support Services for outstanding support to our community and acknowledge the organization's contributions to childhood cancer awareness.

---

Leslie Q. Jordan, Mayor



**Treasurer's Report**  
**For the One Month Period Ended July 31, 2021**  
**(8% of fiscal year)**

**General Fund ~**

General revenues are running at 6% for the year to date. Correspondingly, general fund expenditures are at 6% for the year to date. The net effect is a positive change in general fund balance of \$1k.

**Water Enterprise Fund ~**

The water enterprise fund revenues are running at 8% for the year to date, and expenses are also at 8%. The net effect is a positive change in the water enterprise fund of \$46k.

**Sewer Enterprise Fund ~**

The sewer enterprise fund revenues are running at 8% for the year to date, and expenses are also at 8%. The net effect is a positive change in the sewer enterprise fund of \$49k.

**City of San Juan Bautista**  
**Revenues ~ Budget Vs. Actual**  
**For the One Month Period Ended July 31, 2021**

Item #4C  
City Council Meeting  
September 21, 2021

<b>REVENUES</b>	<b>FY21</b>	<b>FY22</b>	<b>Annual</b>		<b>YTD</b>	
<b>Fund</b>	<b>Actuals</b>	<b>Actuals</b>	<b>Budget</b>	<b>Difference</b>	<b>8%</b>	<b>Notes</b>
<b>General Fund</b>	120,944	126,439	2,137,076	(2,010,637)	6%	
<b>Special Revenue Funds:</b>						
Capital Projects Fund	283,232	12,975	905,111	(892,136)	1%	<b>B</b>
Community Development	23,819	5,634	404,514	(398,880)	1%	<b>A</b>
COPS	12,606	8,333	100,000	(91,667)	8%	
Parking & Restroom Fd	223	963	25,000	(24,037)	4%	
Gas Tax Fund	7,908	10,346	100,784	(90,438)	10%	
Valle Vista LLD	1,809	2,161	25,928	(23,767)	8%	
Rancho Vista CFD	4,804	4,893	58,716	(53,823)	8%	
Copperleaf CFD	1,773	1,829	21,945	(20,116)	8%	
<b>Development Impact Fee Funds:</b>						
Park Development			-	-		
Public/Civic Facility			-	-		
Library			-	-		
Storm Drain			-	-		
Parking In-Lieu			-	-		
Park In-Lieu			-	-		
Public Safety			-	-		
Traffic			-	-		
<b>Internal Service Funds:</b>						
Blg Rehab. & Replace	3,167	3,167	38,000	(34,833)	8%	
Vehicle Replacement	5,000	5,000	60,000	(55,000)	8%	
<b>Enterprise Funds:</b>						
Water						
Operations	97,702	104,919	1,239,670	(1,134,751)	8%	
Capital	-	-	576,400	(576,400)	0%	<b>B</b>
Sewer						
Operations	94,391	110,594	1,142,430	(1,031,836)	10%	
Capital	-	-	733,275	(733,275)	0%	<b>B</b>
<b>TOTAL Funds</b>	<b>536,434</b>	<b>270,813</b>	<b>7,568,849</b>	<b>7,298,036</b>	<b>4%</b>	

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

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

**City of San Juan Bautista**  
**Expenditures ~ Budget Vs. Actual**  
**For the One Month Period July 31, 2021**

Item #4C  
City Council Meeting  
September 21, 2021

<b>EXPENDITURES</b>	<b>FY21</b>	<b>FY22</b>	<b>Annual</b>		<b>YTD</b>	
<u>Fund</u>	<u>Actuals</u>	<u>Actuals</u>	<u>Budget</u>	<u>Variance</u>	<u>8%</u>	<u>Note</u>
<b>General Fund</b>	201,936	125,654	2,050,876	(1,925,222)	6%	<b>B</b>
<b>Special Revenue Funds:</b>						
Capital Projects Fund	283,232	12,975	2,477,368	(2,464,393)	1%	<b>A</b>
Community Development	52,775	53,648	650,768	(597,120)	8%	
COPS	8,333	8,333	100,000	(91,667)	8%	
Parking & Restroom Fd	251	-	117,899	(117,899)	0%	<b>A</b>
Gas Tax Fund	1,224	1,228	100,784	(99,556)	1%	
Valle Vista LLD	1,604	1,882	25,928	(24,046)	7%	
Rancho Vista CFD	545	2,144	58,716	(56,572)	4%	
Copperleaf CFD	305	939	21,945	(21,006)	4%	
<b>Development Impact Fee Funds</b>						
Public/Civic Facility	225	225	169,540	(169,315)	0%	<b>A</b>
Library	370	370	29,440	(29,070)	1%	<b>A</b>
Storm Drain	286	286	10,932	(10,646)	3%	
Park In-Lieu	25	25	17,884	(17,859)	0%	<b>A</b>
Public Safety	71	71	180,852	(180,781)	0%	<b>A</b>
Traffic	36	36	5,432	(5,396)	1%	
<b>Internal Service Funds:</b>						
Blg Rehab. & Replace	-	-	25,000	(25,000)	0%	<b>A</b>
Vehicle Replacement	1,069	-	-	-		
<b>Enterprise Funds:</b>						
Water:						
Operations	52,934	59,113	725,548	666,435	8%	
Capital	24,604	1,201	547,705	546,504	0%	<b>A</b>
Sewer						
Operations	76,096	61,268	805,565	744,297	8%	
Capital	33,174	36,603	717,205	680,602	5%	<b>A</b>
<b>TOTAL Funds</b>	<b>586,673</b>	<b>240,347</b>	<b>8,839,387</b>	<b>8,599,040</b>	<b>3%</b>	

**Footnotes:**

**A** ~ Capital fund transfers/costs are budgeted to be incurred by these funds. Since the costs/transfers occur sporadically during the year, they do not always align with the to date percentages, or prior year amounts. Additionally, some projects have been moved to the next fiscal year.

**B** ~ Variance to last year is due to a County Communications invoice for 63k last year, and not yet incurred thi

**City of San Juan Bautista**  
**Warrant Listing**  
**As of August 31, 2021**

<b>Date</b>	<b>Num</b>	<b>Name</b>	<b>Amount</b>
<b>101.000 · Union Bank</b>			
<b>101.001 · Operating Acct. 1948</b>			
08/04/2021	214860	Cypress Water Services	-21,150.00
08/04/2021	214861	Areli Morales Aranda.	-500.00
08/04/2021	214862	Charter Communications	-548.19
08/04/2021	214863	Code Publishing Company	-480.00
08/04/2021	214864	Cypress Water Services	-10,575.00
08/04/2021	214865	Data Ticket Inc.	-200.00
08/04/2021	214866	Monterey Bay Analytical Services	-653.40
08/04/2021	214867	Natasha Carmichael.	-235.00
08/04/2021	214868	rrm design group	-2,343.75
08/04/2021	214869	True Value Hardware	-189.55
08/04/2021	214870	Wellington Law Offices	-2,596.00
08/04/2021	214871	Wendy L. Cumming, CPA	-3,371.25
08/04/2021	214872	Carmen Lujan	-12.32
08/04/2021	214873	Patricia Paetz	-190.93
08/05/2021	214874	Lizzette Turner.	-1,276.00
08/11/2021	214875	Abraham's Backflow Services	-3,135.00
08/11/2021	214876	All Clear Water Services	-4,185.00
08/11/2021	214877	att.com	-70.75
08/11/2021	214878	AVAYA	-250.66
08/11/2021	214879	Bartle Wells Associates	-4,725.00
08/11/2021	214880	Brigantino Irrigation, Inc.	-11.12
08/11/2021	214881	Consumer Reports	-26.00
08/11/2021	214882	Kimberly Moore	-85.29
08/11/2021	214883	Level 1 Private Security.	-5,040.00
08/11/2021	214884	Lionela Rivera.	-83.38
08/11/2021	214885	Monterey Bay Analytical Services	-837.00
08/11/2021	214886	Thomas & Associates	-74.15
08/11/2021	214887	U.S. Postmaster	-1,000.00
08/11/2021	214888	US Bank	-6,660.99
08/11/2021	214889	Xochiquetzal Candelaria.	-31.89
08/19/2021	214890	P G & E	-14,334.97
08/19/2021	214891	4Leaf, Inc.	-11,916.00
08/19/2021	214892	ACWA Health Benefits Authority	-7,704.30
08/19/2021	214893	alejandro Alvarez.	-500.00
08/19/2021	214894	at&t	-80.86
08/19/2021	214895	Central Electric	-257.07
08/19/2021	214896	CIRA - California Intergovernmental Risk	-10,823.57
08/19/2021	214897	City of Hollister.	-58,451.30
08/19/2021	214898	Clark Pest Control	-97.00
08/19/2021	214899	Department of Transportation	-567.54
08/19/2021	214900	Design Line & Granger	-395.49
08/19/2021	214901	Downey Brand	-85.00
08/19/2021	214902	Employment Development Department	-39.05

**City of San Juan Bautista**  
**Warrant Listing**  
**As of August 31, 2021**

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
08/19/2021	214903	Eneida Perez.	-500.00
08/19/2021	214904	Hollister Landscape Supply	-163.38
08/19/2021	214905	Home Depot Credit Services	-1,432.98
08/19/2021	214906	Hydrotex	-269.80
08/19/2021	214907	KBA Docusys	-520.72
08/19/2021	214908	Level 1 Private Security.	-4,725.00
08/19/2021	214909	Monterey Bay Analytical Services	-2,020.50
08/19/2021	214910	MuniBilling	-393.38
08/19/2021	214911	P G & E	-4,354.83
08/19/2021	214912	Ready Refresh	-122.51
08/19/2021	214913	Rich Brown.	-218.24
08/19/2021	214914	Rx-Tek	-721.78
08/19/2021	214915	Staples	-323.83
08/19/2021	214916	Underground Service Alert of No. CA & NV	-155.82
08/19/2021	214917	United Site Services of California, Inc.	-356.15
08/19/2021	214918	Univar Solutions	-532.06
08/19/2021	214919	Valero Wex Bank	-836.90
08/25/2021	214920	Abbott's Pro Power	-52,693.80
08/25/2021	214921	ACWA Health Benefits Authority	-12,997.65
08/25/2021	214922	Arecely Perez.	-500.00
08/25/2021	214923	Central Electric	-465.46
08/25/2021	214924	CMAP	-862.44
08/25/2021	214925	Faronics	-190.00
08/25/2021	214926	Huguenin Kahn Client Trust	0.00
08/25/2021	214927	Junior Library Guild	-684.31
08/25/2021	214928	Monterey Bay Analytical Services	-1,260.00
08/25/2021	214929	P G & E	-846.81
08/25/2021	214930	rrm design group	-3,052.50
08/25/2021	214931	San Benito County Integrated Waste Managm	-6,657.15
08/25/2021	214932	Smith & Enright Landscaping	-3,740.00
08/25/2021	214933	US Bank Equipment Finance	-249.61
08/25/2021	214934	Huguenin Kahn Client Trust	-43,000.00
Total 101.001 · Operating Acct. 1948			-320,637.38
Total 101.000 · Union Bank			-320,637.38
<b>TOTAL</b>			<b>-320,637.38</b>



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

**AGENDA TITLE:** Review Planning Commission recommendation and then introduce an ordinance amending Section 11-29-010 to eliminate the definition "Second Unit", repealing Section 11-04-050, and adding a new Chapter 11-04-050 of the San Juan Bautista Municipal Code to conform with State regulations relating to Accessory Dwelling Units.

**MEETING DATE:** September 21, 2021

**SUBMITTED BY:** Brian Foucht, Community Development Director

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**RECOMMENDED ACTION(S):** Staff recommends the following:

The City Council introduce an ordinance repealing Zoning Ordinance Section 11-04-050, adding a new Chapter 11-05-05, and deleting the of the San Juan Bautista Municipal Code to conform with State regulations relating to Accessory Dwelling Units (Proposed Ordinance).

**BACKGROUND INFORMATION:**

The California State Legislature passed significant packages of housing-related laws in both 2017 and 2019 in order to address the State of California (State)'s housing crisis. The 2019 Housing Package included over 20 housing-focused bills that affect a variety of regulations, including Accessory Dwelling Units (ADUs), density bonuses, and streamlined permitting.

Assembly Bill (AB) 881, AB 68, AB 587, AB 670, AB 671, and Senate Bill (SB) 13 signed by Governor Newsom in 2019, and AB 3182 signed in 2020 amended Government Code (GOV) Sections 65852.2 and 65852.22, and require local jurisdictions to relax or eliminate most restrictions on ADU development. Overall, the State Legislature aims to reduce costs and streamline the approval process, in order to expand the potential capacity for ADUs.

The new State laws include changes related to the minimum number, size, and location of ADUs allowed on a lot. A local ordinance that does not conform to the minimum requirements of current State law for the creation of ADUs is superseded until amendments to the local ordinance are adopted. Current State law does not limit the authority of jurisdictions to adopt less restrictive regulations for the creation of ADUs. Furthermore, any new ADU ordinance adopted by a city must be reviewed by the State of California Housing and Community Development Department (HCD) for compliance with State law.

The current “Secondary Dwelling Units” provisions contained in Section 11-04-050 of the San Juan Bautista Municipal Code (Municipal Code) have been superseded by the State. As a result, the City of San Juan Bautista (City) must revise its ADU provisions for consistency with the new State regulations by adding a chapter to Title 11 of the Municipal Code through the approval of the Proposed Ordinance.

The Historic Resources Review Board (HRB) and Planning Commission

**ANALYSIS:**

In general, the new State regulations limit the scope of restrictions that local jurisdictions can impose on ADUs. Specifically, the City must now permit both one (1) ADU and one (1) Junior Accessory Dwelling Unit (JADU) with a single-family residence. A JADU is an independent living unit created from within the existing living space of a single-family residence (i.e., an “attached” unit) with a small food preparation area and a 500 square-foot size limit. However, an ADU can be either attached or detached and may be larger than a JADU (i.e., larger than 500 square feet). The City must now also allow the construction of up to 25 percent of the primary multifamily units in ADUs within the existing space that is not currently used for livable area and up to two detached ADUs on multi-family developed properties. City required ADU size and setbacks, as well as the application review period designated by the City have been limited by State law.

While the City is not required to adopt its own ordinance, the complexity of ADU/JADU requirements can be clearly stated through an ordinance and an ordinance allows the City to establish some limitations on sizes, consider additional flexibility, and provide clear regulations for staff and the general public.

The proposed Draft ordinance includes Planning Commission – recommended provisions that are context – sensitive in the treatment of ADUs within Historic Districts and on properties that contain Historic Resources, and enables currently illegal or unpermitted units (“unlawful occupancy”) entry to the ADU program. Changes in the ordinance resulting from Planning Commission review are underlined.

The draft ordinance proposes the changes necessary to comply with a complex and sometimes confusing State law. Local regulations implement State law as follows:

- **ADUs Subject to Mandatory Approval**

The City shall ministerially approve any ADU or JADU application, provided all the requirements of the Proposed Ordinance are met.

However, in no case shall an application of such requirements *preclude* the development of a **Statewide Exemption ADU**: Any ADU that is 800 square feet or smaller in size, has a height above grade of no more than 16 feet, and has a minimum four-foot-wide side and rear yard setbacks.

Staff has had extensive conversations with HCD regarding the meaning of the term “ministerial” as that term is applied to “State Exemption” ADUs and other references in the law. While there is room for some interpretation, staff acknowledges that proposed application of San Juan Bautista Design standards to ADUs that are subject to Mandatory Approval (State “Exemption ADUs”) can be rejected by HCD during their required review of the ordinance after adoption by the City Council. HCD may also not agree that San Juan Bautista Design Guidelines are objective and ministerial in nature. In that event, the ADU ordinance will be returned to the City Council for modification.

- **Historic Districts**

- ADUs are allowed within historic districts and on lots where the primary residence is subject to historic preservation (Automatic Resources: Zoning Ordinance Section 11-06-090).
- The City can establish objective design standards to prevent adverse impacts on any real property listed in the California Register of Historic Resources. State ADU law also provides for mandatory, ministerial approval of ADUs that are less than 16’ in height, 800 square feet or less, and having 4’ side and rear setbacks. The Planning Commission recommended that the ordinance reference the application of objective design standards for all ADUs in Historic Districts and on properties that contain Historic Resources, notwithstanding these requirements. Historic Resources subject to these requirements are as follows (Section 11-06-090).

*(1) Properties listed in the National Register or the California Register, either individually or as a contributor to a designated historic district (Status Codes 1D, 1S, 1CD, 1CS, and 1CL);*

*(2) Properties formally determined eligible for the National Register or California Register through a Federal or State regulatory process (Status Codes 2B, 2D, 2D2, 2D3, 2D4, 2S, 2S2, 2S3, 2S4, 2Cb, 2CD, and 2CS);*

*(3) Properties that appear eligible for the National Register or California Register through survey evaluation (Status Codes 3B, 3D, 3S, 3CB, 3CD, and 3CS);*

*(4) Properties recognized as historically significant by the local government (Status Codes 5D1, 5D2, 5D3, 5S1, 5S2, 5S3, and 5B).*

- In addition to the application of Design Guidelines and Secretary of the Interior Standards, the proposed ordinance contains a provision, similar to an existing Secondary Dwelling Unit provision, that exterior colors, materials and finishes must match the primary dwelling. This objective standard will be applied to all ADUs regardless of location.
- No additional parking spaces are required if an ADU is built in a historic district.



- **Accessory Dwelling Units – Single-Family Zoning (R-1)**

- A maximum size limit for detached units is set at 850 square feet and 1,000 square feet for ADUs with more than one bedroom. The City may not establish a maximum ADU size that is less than 1,000 square feet.
- Internal conversions of up to 50% of the primary residence size shall be allowed.
- A 16-foot height limit is established. The City cannot establish a lower building height limit; for example, the current Secondary Dwelling Unit ordinance establishes a Maximum height of 15'. Such units will become non-conforming by operation of the ADU ordinance.
- 4-foot interior side and rear yard setbacks are established. The City cannot impose a more restrictive setback standard if the unit is no more than 16 feet in height.
- Provides expedited review of an 800-square-foot (or smaller) unit.
- Allows the requirement of no more than one parking space for a newly constructed unit (where applicable) which can still be in tandem in an existing driveway.
- Removes replacement parking obligation for removal of required parking.
- Establishes no parking is required for internal conversions, units within ½-mile walking distance from transit, historic properties, and certain other cases.
- Removes owner occupancy requirement for units built before January 1, 2025.
- No development impact fees can be imposed for units that are less than 750 square feet in size. ADUs over 750 square feet would be subject to development impact fees charged proportionally based on the size of the primary dwelling unit. The building permit review and inspection fees still apply (i.e., the same as required for any residential structure addition, but not as a separate residential dwelling unit).
- Maintains prohibition on short-term rental and separate sale of units.

- **Junior Accessory Dwelling Units - Single-Family Zoning (R-1)**

- Allow a 500 square foot maximum size limit and limits this to internal conversions only within a single-family residence.
- Unit must provide an efficiency kitchen, access to sanitary facilities and exterior access.

- No additional parking or fees can be required.
- Owner occupancy of either the primary residence or the JADU is required. Short-term rental and separate sale or conveyance remains prohibited.
- **Multi-family Accessory Dwelling Units - Multi-Family Zoning ( R-2, and R-3)**
  - Units must be allowed within existing space that is not currently used for livable area, including garages (but not required laundry facilities or other required amenities).
  - City must allow at least one ADU and up to 25 percent of the primary multifamily units.
  - City must allow up to two detached accessory units that are no more than 16 feet in height and with four-foot rear and side yard setbacks. Size limits cannot be set that are more restrictive than state law.
  - Parking may not be required for new detached units in a complex that is within one-half mile walking distance of transit, as defined in the ordinance.
  - The proposed ordinance seeks to increase flexibility in cases where existing multi-family development sites have the ability to add either attached or detached ADUs.
- **Accessory Dwelling Units – Mixed Use Zoning (MU)**

City must allow ADU and JADU development in the Mixed-Use Zone and is similarly limited in the restrictions it can apply as in the Single-Family and Multi-Family Zones (R-1, R-2 and R-3).

#### **ENVIRONMENTAL REVIEW:**

The Proposed Ordinance is statutorily exempt under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code (PRC) Section 21080.17 and Section 15282(h) of the CEQA Guidelines, California Code of Regulations (CCR), Title 14, Division 6, Chapter 3. Similarly, the ministerial approval of accessory dwelling units and junior accessory dwelling units is not a “project” for CEQA purposes, and environmental review is not required prior to approving individual applications.

#### **ATTACHMENTS:**

1. Resolution of Planning Commission recommending approval
2. Ordinance of the City Council of the City of San Juan Bautista amending Section 11-29-010, repealing Section 11-04-050, and adding Chapter 11-04-050 of the San Juan Bautista Municipal Code.

**RESOLUTION NO. 2021-09**

**A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE REPEALING ZONING ORDINANCE CHAPTER 11-04-05 AND ADDING A NEW SECTION 11-04-050 TO THE SAN JUAN BAUTISTA MUNICIPAL CODE TO CONFORM TO STATE REGULATIONS RELATING TO ACCESSORY DWELLING UNITS. (Proposed Ordinance).**

**WHEREAS**, the California Legislature adopted and Governor Newsom signed Senate Bill 13 and Assembly Bills 68 and 881 in 2019 amending California Government Code Sections 65852.2 and 65852.22, which took effect January 1, 2020, imposing new limitations on local agencies', including charter cities', ability to regulate accessory dwelling units and junior accessory dwelling units; and

**WHEREAS**, Government Code Section 65852.2(a)(4) deems existing ordinances governing accessory dwelling units that do not meet the requirements of its provisions null and void as of the legislation's effective date in which case the standards established under state law apply; and

**WHEREAS**, the San Juan Bautista Municipal Code does not currently have a section regulating accessory dwelling units in compliance with current California law pertaining to accessory dwelling units (as defined by Government Code Sections 65852.2 and 65852.22); and

**WHEREAS**, the City desires to amend Title 11's (Zoning) provisions by repealing Section 11-04-050 and adding a new Section 11-04-050 to include guidelines related to accessory dwelling units and junior accessory dwelling units and eliminate the definition of Second Unit from Zoning Ordinance Section 11-29-10; and

**WHEREAS**, accessory dwelling units and junior accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods while also benefitting homeowners who construct these units with added income and increased financial security; and

**WHEREAS**, allowing accessory dwelling units and junior accessory dwelling units in conjunction with existing or proposed residential development provides additional rental housing stock, some of which will satisfy the City's 6<sup>th</sup> Cycle Regional Housing Needs Assessment (RHNA); and

**WHEREAS**, on May 4, 2021, June 22, 2021, July 29 2021 and September 9, 2021 the Planning Commission conducted workshops and public hearings wherein the Planning Commission considered public testimony regarding adoption of an ordinance proposed to implement Government Code 65852.2 and 65852.22, Accessory Dwelling Units.

**WHEREAS**, the Planning Commission considered public testimony regarding the potential adverse effect of Accessory Dwelling Units on the character of Historic Districts and properties, in particular those that are on the National Register of Historic Places, the State of California Register of Historic Places or designated as locally significant and otherwise subject to provisions of Zoning Ordinance Chapter 11-06; and

**WHEREAS**, the Planning Commission recommends that the City Council include, in the Accessory Dwelling Unit Ordinance, objective, ministerial standards that can be applied to attached or detached Accessory Dwelling Units, throughout San Juan Bautista, sufficient to ensure the preservation of character defining features of formally established Historic Districts and individual, recognized Historically significant properties throughout San Juan Bautista;

**NOW, THEREFORE, BE IT RESOLVED** that Planning Commission finds that the proposed ordinance will accomplish the legislative, findings, declarations and intent regarding Accessory Dwelling Units expressed in Government Code 65852.150 9a) and (b), thereby assisting the City in meeting goals, policies and programs of the General Plan Housing Element; and

**BE IT FURTHER RESOLVED** by the Planning Commission of the City of San Juan Bautista that it hereby recommends the City Council adopt the ordinance eliminating the definition of Second Units in Chapter 11-29-010 and repealing and adopting a new Section 11-04-050 to enable the local review approval of Accessory Dwelling Units referenced in Government Code Sections 65852.150, 65852.2 and 65852.22.

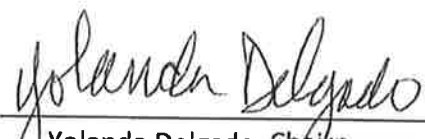
**PASSED AND ADOPTED** by the Planning Commission of the City of San Juan Bautista at a regular meeting duly held on the 7<sup>th</sup> day of September 2021, by the following vote:

**AYES:** Delgado, Matchain, Medeiros, Bains


**NOES:** Morris-Lopez

**ABSENT:** None

**ABSTAIN:** None

  
Yolanda Delgado, Chairperson

**ATTEST:**

  
Trish Paetz, Deputy City Clerk

**ORDINANCE NO. 2021-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN  
BAUTISTA AMENDING SECTION 11-29-010 TO DELETE REFERENCE TO SECOND  
UNITS; REPEALING SECTION 11-04-050 AND ADDING A NEW SECTION 11-04-050  
OF THE SAN JUAN BAUTISTA MUNICIPAL CODE TO CONFORM WITH STATE  
REGULATIONS RELATING TO ACCESSORY DWELLING UNITS**

**-o0o-**

**WHEREAS**, the California Legislature adopted and Governor Newsom signed Senate Bill 13 and Assembly Bills 68 and 881 in 2019 amending California Government Code Sections 65852.2 and 65852.22, which took effect January 1, 2020, imposing new limitations on local agencies', including charter cities', ability to regulate accessory dwelling units and junior accessory dwelling units; and

**WHEREAS**, Government Code Section 65852.2(a)(4) deems existing ordinances governing accessory dwelling units that do not meet the requirements of its provisions null and void as of the legislation's effective date in which case the standards established under state law apply; and

**WHEREAS**, the San Juan Bautista Municipal Code does not currently have a section regulating accessory dwelling units in compliance with current California law pertaining to accessory dwelling units (as defined by Government Code Sections 6585.2 and 65852.22); and

**WHEREAS**, the City desires to amend Title 11's (Zoning) provisions by repealing Section 11-04-050 and adding a new Section 11-04-050 to include guidelines related to accessory dwelling units and junior accessory dwelling units; and

**WHEREAS**, accessory dwelling units and junior accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods while also benefitting homeowners who construct these units with added income and increased financial security; and

**WHEREAS**, allowing accessory dwelling units and junior accessory dwelling units in conjunction with existing or proposed residential development provides additional rental housing stock, some of which will satisfy the City's 6<sup>th</sup> Cycle Regional Housing Needs Assessment (RHNA); and

**WHEREAS**, a public hearing was held by the City Council on September 21 2021, in the Council Chambers and notice of time, place and purpose of the

public hearing was given in accordance to the Ralph M. Brown Act. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing.

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

**Section 1.** The purpose of this Ordinance is to repeal Section 11-04-050 and the definition of Second Units from Section 11-29-010, add a new Section 11-04-050 of the San Juan Bautista Municipal Code, consistent with Legislative Findings and Intent in Government Code 65852.150, to conform with new State law regulations pertaining to Accessory Dwelling Units, including but not limited to AB 68, AB 139, AB 587, AB 670, AB 671, AB 881, and SB 13 adopted during the 2018-2019 legislative session.

**Section 2.** Chapter 11-04 of the San Juan Bautista Municipal Code is hereby added to read as follows:

**Chapter 11-04**

**ACCESSORY DWELLING UNITS**

Sections:

<b>11-04-010</b>	<b>Purpose, Applicability and Where Permitted</b>
<b>11-04-020</b>	<b>Definitions</b>
<b>11-04-030</b>	<b>Types</b>
<b>11-04-040</b>	<b>Accessory Dwelling Units Subject to Administrative Approval</b>
<b>11-04-050</b>	<b>Accessory Dwelling Units in a Historic District</b>
<b>11-04-060</b>	<b>Limitation on Unit Combinations in Single-Unit (R-1) Zones</b>
<b>11-04-070</b>	<b>Single-Unit (R-1) Zones: Detached Accessory Dwelling Unit</b>
<b>11-04-080</b>	<b>Single-Unit (R-1) Zones: Attached Accessory Dwelling Unit</b>
<b>11-04-090</b>	<b>Single-Unit (R-1) Zones: Junior Accessory Dwelling Unit</b>
<b>11-04-100</b>	<b>Multi-Unit (R-1, R-2, &amp; R-3) Zones</b>
<b>11-04-110</b>	<b>Mixed-Use (MU) Zones</b>
<b>11-04-120</b>	<b>Additional Standards Applicable to Attached and Detached Units</b>
<b>11-04-130</b>	<b>Additional Standards Applicable to Converted Accessory Dwelling Units</b>
<b>11-04-140</b>	<b>Standards Applicable to Junior Accessory Dwelling Units</b>
<b>11-04-150</b>	<b>Additional Standards Applicable to All Accessory Dwelling Units</b>

- 11-04-160      **All Zones - Design Standards (For units larger than 800 sf or taller than 16 ft)**
- 11-04-170      **Historic District Zones — Design Standards (For units larger than 800 sf or taller than 16 ft)**
- 11-04-180      **Permits and Action on an Application**

**11-04-010      Purpose, Applicability and Where Permitted**

A. Purpose. This Chapter establishes regulations and procedures for reviewing and permitting Accessory Dwelling Units and Junior Accessory Dwelling Units through a ministerial process consistent with Government Code Sections 65852.2 and 65852.22.

B. Applicability. Any construction, establishment, alteration, enlargement, or modification of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit shall comply with the requirements of this Chapter and the City's Building and Fire Codes. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit that conforms to the standards of this Chapter shall not be:

1. Deemed to be inconsistent with the General Plan designation and zone for the parcel on which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.

2. Deemed to exceed the allowable density for the parcel on which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.

3. Considered in the application of any City ordinance, policy, or program to limit residential growth.

4. Required to correct a nonconforming structure or nonconforming use as defined in Section 11-29 (Definitions). This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

C. Where Permitted. Accessory Dwelling Units are allowed on parcels zoned for single-unit (R-1), multi-unit (R-1, R-2, & R-3), or mixed-use (MU) residential uses where such parcel includes a proposed or existing dwelling.

**11-04-020      Definitions**

A. "Accessory Dwelling Unit" or "ADU." A residential dwelling unit that is either attached to or located within a proposed or existing primary dwelling or is detached from the proposed or existing primary dwelling and located on the same parcel as the proposed or existing primary dwelling. Accessory

Dwelling Unit provides complete independent living facilities for one or more persons and includes a separate exterior entrance in addition to permanent provisions for living, sleeping, eating, cooking (including a sink), and a bathroom. Accessory Dwelling Units include efficiency units, as defined in Section 17958.1 of the Health and Safety Code, and manufactured homes, as defined in Section 18007 of the Health and Safety Code.

B. "Accessory Structure." A structure that is accessory and incidental to a dwelling located on the same parcel.

C. "Car Share." A program that allows customers hourly access to shared vehicles from a dedicated home location, with the vehicles required to be returned to that same location at the end of the trip.

D. "Converted Accessory Dwelling Unit." Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.

E. "Efficiency Kitchen." Defined for purposes of establishing a Junior Accessory Dwelling Unit as a cooking facility that includes all of the following:

1. A sink with a drain.
2. A cooking facility with appliances.
3. A food preparation counter.
4. Food storage cabinets.

F. "Historic Resource" An area or residential dwelling designated in Section 11-06-050, 060 and 090 (A).

G. "Independent Living Facilities." A residential dwelling unit having permanent provisions for living, sleeping, eating, cooking, and sanitation.

H. "Junior Accessory Dwelling Unit" or "JADU." A residential dwelling unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

I. "Ministerial Approval." Approval process involving little or no personal judgment by public officials. Public officials shall only ensure the proposed development meets all objective standards (zoning, subdivision, or design, including objective standards requiring little or no personal



judgment relating to "Automatic [Historic] Resources" referenced in Zoning Ordinance Chapter 11-06.

J. "Mixed-Use (MU) Zones." Zones in the City that allow for the development of both residential and commercial units. The allowed number of units will vary per lot size.

K. "Multi-Unit (R-1, R-2, & R-3) Zones." Zones in the City that allow for the development of multi-family residential units. Such zonings include: Low-density residential (R-1), medium-density residential (R-2), and high-density residential (R-3). The allowed number of units will vary per lot size.

L. "Living Area." The interior habitable area of a dwelling unit, including habitable basements and attics, but does not include a garage or any accessory structure.

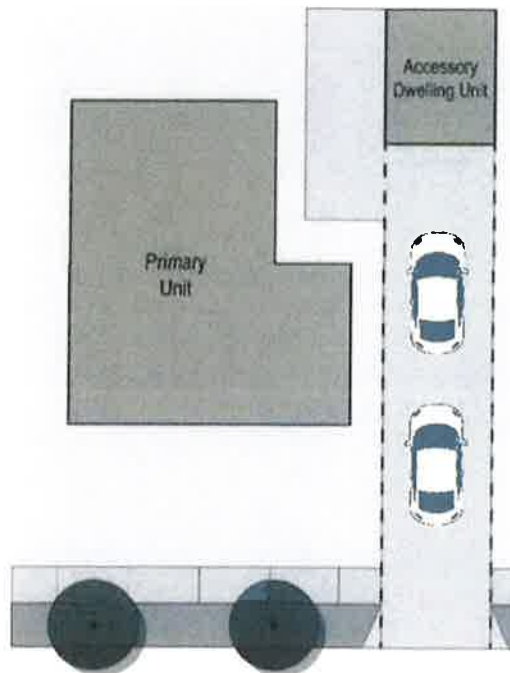
M. "Passageway." A pathway that extends from a street or alley to one entrance of the accessory dwelling unit.

N. "Public Transit." A location, including but not limited to a bus stop or train station, where the public may access buses, trains, subway, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

O. "Single-Unit (R-1) Zones." Zones in the City that allow for the development of single-family residential units. The only zoning type that allows for such developments is the low-density (R-1) residential zoning. However, the allowed number of units can increase with larger lot sizes.

P. "Tandem Parking." Two or more automobiles parked on a driveway or in any other location on a parcel, lined up behind one another.

## Tandem Parking



### 11-04-030 Types

An Accessory Dwelling Unit approved under this Chapter shall be one of the following types:

A. Attached. An Accessory Dwelling Unit that is created in whole or in part from newly constructed or existing space that is attached to the proposed or interior to the existing primary dwelling, such as through a shared wall, floor, or ceiling.

B. Detached. An Accessory Dwelling Unit that is created in whole or in part from newly constructed space that is detached or separated from the primary dwelling. The Detached Accessory Dwelling Unit shall be located on the same parcel as the proposed or existing primary dwelling. Detached includes a second-story addition above an existing detached garage.

C. Converted. An Accessory Dwelling Unit that meets the following requirements:

1. Is located within the proposed or existing primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to studio, pool house, detached garage, or other similar structure. Such conversion may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure if the

expansion is for the sole purpose of accommodating ingress and egress to the converted structure.

2. If a proposed conversion of a structure into an Accessory Dwelling Unit does not satisfy the requirements of Subsection 1 above, it shall be defined by the Community Development Director as (a) an Attached Accessory Dwelling Unit; (b) a Detached Accessory Dwelling Unit; or c) a Junior Accessory Dwelling Unit. However, if the structure does not fulfill the definition of either, it shall be defined as an accessory structure and not an Accessory Dwelling Unit.

D. Junior Accessory Dwelling Unit. An Accessory Dwelling Unit that is a unit that meets all the following:

1. Is no more than 500 square feet in size and contained entirely within a single-unit primary dwelling. A Junior Accessory Dwelling Unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

2. Is located and contained entirely within a proposed single-unit primary dwelling or entirely within an existing single-unit primary dwelling.

3. Has a separate entrance from the main entrance to the proposed or existing single-unit dwelling.

4. Has a bathroom that is either shared with or separate from those of the primary dwelling.

5. Includes an efficiency kitchen.

#### **11-04-040 Accessory Dwelling Units Subject to Mandatory Approval**

The City shall ministerially approve any application for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit as described in this Section, provided all requirements applicable for the particular application in this Chapter are met. However, in no case shall the application of the requirements of this Chapter preclude the development of:

A. Any Accessory Dwelling Unit that is:

1) 800 square feet or smaller in size;

2) has a height above grade of no more than 16 feet;

3) has minimum four-foot-wide side and rear yard setbacks;

4) is located outside of a Historic District and not located on the same property containing an "Automatic Resource" in accordance with Zoning Ordinance Section 11-06-090; and

B. Any Junior Accessory Dwelling Unit that is:

- 1) 500 square feet or smaller in size; and
- 2) is located outside of a Historic District and not located within a residential dwelling unit identified as an "Automatic Resource" in accordance with provisions of Zoning Ordinance Section 11-06-090.

An application for the creation of an ADU or JADU shall be deemed approved (not just subject to ministerial approval) if the City has not acted on the completed application within 60 days.

**11-04-050      Accessory Dwelling Units On The Site of Historic Residential Buildings or Within a Historic District**

Within the City's Historic Districts and on sites with Historic Resources referenced as an "Automatic Resource" in Zoning Ordinance Section 11-06-090 ~~within any historic district zone~~, the City shall ministerially approve any application for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit as described in this Chapter, provided all applicable objective requirements of this Chapter, and specifically Section 11-04-170, are met.

**11-04-060      Limitation on Unit Combinations in Single-Unit (R-1) Zones**

Accessory Dwelling Units are permitted in single-unit (R-1) zones with an existing or proposed single-unit dwelling as long as the number does not exceed either:

A. One Attached Accessory Dwelling Unit located within the required setbacks of an existing or proposed single-family dwelling or accessory structure, plus one Junior Accessory Dwelling Unit; or

B. One Detached Accessory Dwelling Unit, which does not have less than four-foot side and rear yard setbacks, does not exceed a height limit of 16 feet, and is no more than 800 square feet in total floor area, plus one Junior Accessory Dwelling Unit.

**11-04-070      Single-Unit (R-1) Zones: Detached Accessory Dwelling Unit**

A. General. One Detached Accessory Dwelling Unit of new construction shall be allowed on a parcel with an existing or proposed single-unit dwelling if it meets all the following requirements:

- 1) Location. Is detached from the primary dwelling.
- 2) Size. At a minimum meets the requirements of an efficiency unit and at a maximum shall not exceed 850 square feet if it has no more

than one bedroom or 1,000 square feet if it has two or more bedrooms.

- 3) Setbacks. Has a front yard setback that is not less than the required front yard setback of the primary structure, has side and rear setbacks of at least four feet, and complies with applicable building and fire codes.
- 4) Height. Does not exceed a height of 16 feet, excepting the creation of a Converted Accessory Dwelling Unit within the existing footprint on a property of an existing detached accessory structure.
- 5) Setback and Height Limitations.~~All Other Locations.~~ Any proposed Detached Accessory Dwelling Unit that exceeds a height of 16 feet shall be subject to review by the Planning Commission pursuant to Section 11-18-030 of the San Juan Bautista Municipal Code.

#### **11-04-080      Single-Unit (R-1) Zones: Attached Accessory Dwelling Unit**

A. Generally. One Attached Accessory Dwelling Unit shall be allowed on a separate legal lot with a single-unit if it meets all the following requirements:

1. Location. Shares at least one common wall with the primary structure.
2. Size. At a minimum meets the requirements of an efficiency unit, does not exceed 850 square feet if it has no more than one bedroom or 1,000 square feet if it has two or more bedrooms. Subject to the foregoing maximum size limitation, if there is an existing primary dwelling, the total floor area of an Attached Accessory Dwelling Unit shall not exceed 50 percent of the existing primary dwelling or 800 square feet, whichever is greater.
3. Setbacks. Has a front yard setback of at least 20 feet, has side and rear setbacks of at least four feet, and complies with applicable building and fire codes.
4. Height. Does not exceed a height of 16 feet, excepting the creation of a Converted Accessory Dwelling Unit within the existing space of the primary dwelling.
5. Access. Has exterior access that is separate from the proposed or existing single-unit dwelling.

B. Setback and Height Limitations.

1. Any proposed Detached Accessory Dwelling Unit that exceeds a height of 16 feet shall be subject to review by the Planning Commission in compliance with Section 11-18-030 of the San Juan Bautista Municipal Code.

2. Attached to Primary Dwelling. Any Attached Accessory Dwelling Unit over 16 feet in height that is attached to a primary dwelling shall conform to the setback and height standards for the zone in which the Accessory Dwelling Unit is located.

3. Attached to an Existing Accessory Structure. Any Attached Accessory Dwelling Unit over 16 feet in height—inclusive of the structure to which it is attached—that is built on top of an existing accessory structure, such as a garage, may maintain the same side and rear setbacks as that of the accessory structure, unless in maintaining such setbacks the Accessory Dwelling Unit cannot meet the design standards set forth in Sections 11-04-170 for Historic Resources or in Section 11-04-160 for an Accessory Dwelling Unit located outside of the Historic Districts.

**11-04-090      Single-Unit (R-1) Zones: Junior Accessory Dwelling Unit**

One Junior Accessory Dwelling Unit shall be allowed on a parcel with a proposed or existing single-unit dwelling, if the Junior Accessory Dwelling Unit meets all the following requirements:

A. Location. Is within the proposed space of a single-unit dwelling or within the existing space of a single-unit dwelling.

B. Size. At a minimum meets the requirements of an efficiency unit and at a maximum does not exceed 500 square feet.

C. Setbacks. No adjustment to the existing setback is required for an existing living area that is converted to a Junior Accessory Dwelling Unit; however, the Junior Accessory Dwelling Unit must comply with applicable fire and building codes.

D. Access. Has exterior access that is independent of that for the proposed or existing single-unit dwelling.

E. Additional Requirements. The Junior Accessory Dwelling Unit shall comply with the requirements of Section 11-04-140.

## **11-04-100      Multi-Unit (R-1, R-2, & R-3) Zones & Planned Unit Developments**

Accessory Dwelling Units are permitted in multi-unit (R-1, R-2, & R-3) zones as follows:

A. Converted Spaces within a Multi-Unit Development. At least one Accessory Dwelling Unit shall be allowed on a parcel with an existing multi-unit structure or structures used for residential use if each Accessory Dwelling Unit meets all the following requirements:

1. Location. Is converted from portions of a multi-unit structure that is not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that any such space converted to an Accessory Dwelling Unit complies with minimum State building standards for dwellings.

2. Number. The total number of Accessory Dwelling Units within the development does not exceed 25 percent of the original number of approved primary units within the development. When calculating the required number of allowed Accessory Dwelling Units, any fractions of units shall be rounded to the next larger whole number.

B. Attached or Detached. Not more than two (2) attached or detached (from each other or the primary multi-unit structure) Accessory Dwelling Units shall be allowed on a parcel where a multi-unit structure is proposed or exists, subject to the following requirements:

1. Units detached from the primary multi-unit structure, may either be attached or detached from each other and are subject to the following criteria:
  - a. 16 feet or less in height.
  - b. Side and rear yard of at least a 4 feet.
  - c. Gross floor area of each unit of not more than 800 sq. ft.
2. Accessory Dwelling Units attached to, but not within, a primary multi-family structure shall be subject to the following criteria:
  - a. Height. Does not exceed the maximum height required by this Title for multi-family structures.
  - b. Setbacks: consistent with the setbacks required by this Title for the primary structure.
  - c. A gross floor area for each Accessory Dwelling Unit of not more than 1,000 sq. ft.

3. Accessory Dwelling Units on properties surrounded on two or more sides by separate properties that predominantly contain one story existing buildings shall be not more than 16' in height.

#### **11-04-110      Mixed-Use (MU) Zones**

Accessory Dwelling Units and Junior Accessory Dwelling Units are permitted in Mixed-Use (MU) zones as follows:

A. Single-Unit Developments within a Mixed-Use Zone. Accessory Dwelling Units and Junior Accessory Dwelling Units built in a Mixed-Use zone shall be allowed if they meet the requirements presented in Sections 11-04-160 through 11-04-190.

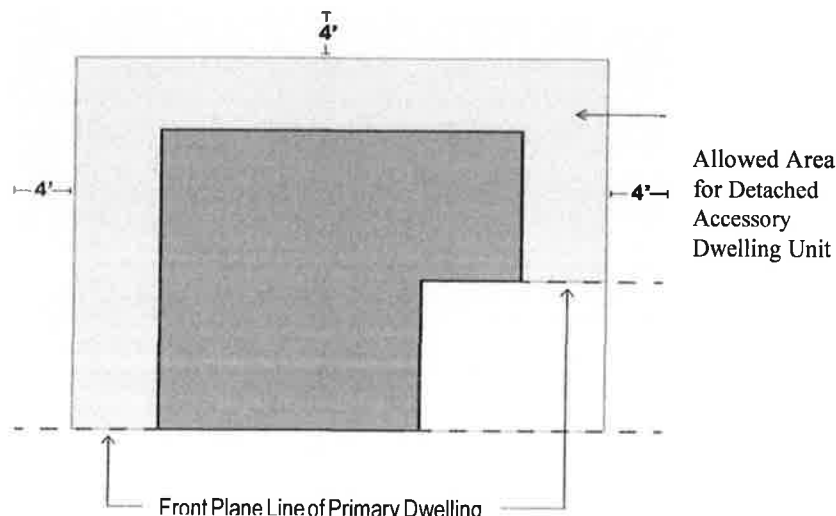
B. Multi-Unit Developments within a Mixed-Use Zone. Accessory Dwelling Units built in a Mixed-Use zone shall be allowed if they meet the requirements presented in Section 11-04-100.

#### **11-04-120      Additional Standards Applicable to Attached and Detached Units**

The following standards shall apply to all Attached and Detached Accessory Dwelling Units in all zones that allow single-family unit and multi-unit dwellings. However, in no event shall these provisions preclude an Accessory Dwelling Unit that is 800 square feet or smaller in size, has a height above grade of 16 feet or lower, has minimum four-foot side and rear yard setbacks, and is located outside of a Historic District or not located on property referenced as having an "Automatic Resource" pursuant to Zoning Ordinance Chapter 11-06-090.

A. Location. Every part of a Detached Accessory Dwelling Unit shall be located behind the front plane of the primary dwelling.

##### **Location of Detached Accessory Dwelling Unit**





B. Corner Lots. No Accessory Dwelling Unit shall extend beyond a four-foot interior and street-side side yard setback, and in no case shall the Accessory Dwelling Unit break the front plane of the primary dwelling.

C. Easements. The Accessory Dwelling Unit shall not encroach onto a recorded easement.

D. Separation. Detached Accessory Dwelling Units shall be located at least six feet from the primary dwelling or an accessory structure on the same parcel other than a fence or a wall.

E. Parcel Coverage. For any Attached or Detached Accessory Dwelling Unit that is larger than 800 square feet, the parcel coverage standard and pervious surface standard, if applicable, for the zone in which it is located shall apply.

F. Rear Yard Coverage – Single Unit (R-1) Districts. Notwithstanding the standards in Subsection 11-04-120, the area covered by an Accessory Dwelling Unit in an R-1 District shall not exceed forty percent (40%) of the rear yard or at least 850 square feet, whichever is greater.

G. Rear Yard Coverage – Multi Family (R-2 and R-3) Residential Districts. The area covered by Accessory Dwelling Unit(s) may exceed the Floor Area Ratio (FAR) and Building Coverage Requirements of those districts by not more than 25%, subject to applicable rear yard, side yard, height and setback requirements in section 11-04-130.

H. Open Space. Accessory Dwelling Units shall not encroach into required open space areas, excluding side and rear setback areas otherwise required by this Title, in accordance with the requirements of this Chapter.

I. Kitchen. An applicant may choose to include an efficiency kitchen as defined in Subsection 11-04-020(D) to satisfy the cooking requirement for any Accessory Dwelling Unit as set forth in the definition in Subsection 11-04-020(A).

J. Utilities. The City shall not require the applicant to install a new or separate utility connection directly between the Attached or Detached Accessory Dwelling Unit and the utility unless the utility provider requires the utility connection. The applicant may voluntarily install a new or separate utility connection. Any utility charges or fees must be consistent with California Government Code Section 65852.2.

K. Addressing.

1. An Accessory Dwelling Unit located on a parcel with a single-unit residence must have its own address. The address shall be the same address as the primary residence but with 1/2 following the residence number. For example: 50 1/2 Sixth Street, San Juan Bautista, CA 95045 would be the address for the Accessory Dwelling Unit at 50 Sixth Street. If more than one Accessory Dwelling Unit, including Junior Accessory Dwelling Units, is present, then the address shall be the same as the primary residence followed by Unit A, Unit B, or Unit C, etc. For example, 50 Sixth Street Unit A and 50 Sixth Street Unit B would be the addresses for each of the two Accessory Dwelling Units located at 50 Sixth Street. The primary residence address will remain the same.

2. For multi-family developments with Accessory Dwelling Units, an individual unit number will be assigned to each unit, such as Unit 11, etc.

L. Parking. One off-street parking space is required for each Attached and Detached Accessory Dwelling Unit. The parking requirement for an Attached or Detached Accessory Dwelling Unit shall be in addition to the parking requirement for the existing residence on the property. This space may be provided as tandem parking, including on a paved driveway.

1. Replacement. When a garage, carport, parking space, or covered parking structure providing required parking for the primary residence or residences is demolished to allow for the construction of an Accessory Dwelling Unit or is converted to an Accessory Dwelling Unit, those off-street parking spaces are not required to be replaced.

2. Additional parking for an Accessory Dwelling Unit is not required in the following instances:

a. The Accessory Dwelling Unit has zero bedrooms. Pursuant to the law, parking requirements shall not exceed one parking space per unit or bedroom, whichever is less.

b. The Accessory Dwelling Unit is located within one-half mile walking distance of public transit, as defined in Section 11-04-020, including transit stations and bus stations.

c. The Accessory Dwelling Unit is located within a Historic District or on property designated as an "Automatic Resource" pursuant to Zoning Ordinance Section 11-06-090.

d. The Accessory Dwelling Unit is part of the proposed or existing primary residence or an accessory structure.

e. When on-street parking permits are required by the City but not offered to the occupant of the Accessory Dwelling Unit.

f. When there is a designated car share vehicle parking space located within one block of the Accessory Dwelling Unit.

#### **11-04-130 Additional Standards Applicable to Converted Accessory Dwelling Units**

The following standards apply only to Converted Accessory Dwelling Units. However, in no event shall these provisions preclude a converted Accessory Dwelling Unit that is 800 square feet or smaller in size, has a height above grade of 16 feet or lower, has minimum four-foot side and rear yard setbacks, and does not involve any changes to a building exterior.

A. Size. At a minimum meets the requirements of an efficiency unit and at a maximum shall not exceed 850 square feet if it has no more than one bedroom or 1,000 square feet if it has two or more bedrooms.

B. Height. The height of the existing structure being converted to an Accessory Dwelling Unit shall not be increased.

C. Design Standards. No design standards shall be applied if the Converted Accessory Dwelling Unit does not involve any changes to a building exterior.

D. Setbacks. No new setback is required for an existing living area or accessory structure that is converted to an Accessory Dwelling Unit or a portion of an Accessory Dwelling Unit that has the same dimensions as the existing structure. The only exception is if up to an additional 150 square feet is necessary to allow for ingress and egress (entry and exiting). In that case, the side and rear setbacks may be reduced to no less than four feet from the property line. If the setback is reduced, the Accessory Dwelling Unit must still comply with applicable building and fire codes.

E. Utilities. A Converted Accessory Dwelling Unit is not required to have a new or separate utility connection directly between the Accessory Dwelling Unit and the utility, nor is a connection fee or capacity charge required. The applicant may voluntarily install a new or separate utility connection. Any utility charges or fees shall be consistent with Government Code Section 65852.2.

F. Parking. No replacement of off-street parking is required when a garage, carport, or covered parking structure is converted to an Accessory Dwelling Unit. In all other situations where off-street parking is required for a converted Accessory Dwelling Unit, the parking requirement shall not exceed one parking space per converted Accessory Dwelling Unit or per

bedroom, whichever is less. The off-street parking spaces may be provided as tandem parking on a driveway or in rear yard setback areas on a paved surface.

#### **11-04-140      Standards Applicable to Junior Accessory Dwelling Units**

The following shall apply to all Junior Accessory Dwelling Units:

A. Location. The Junior Accessory Dwelling Unit shall be located entirely within a proposed single-unit primary dwelling or entirely within an existing single-unit primary dwelling.

B. Size. The total area of floor space for a Junior Accessory Dwelling Unit shall not exceed 500 square feet.

C. Access. Access shall consist of a separate entrance from the main entrance to the proposed or existing single-unit primary dwelling.

D. Efficiency Kitchen. The Junior Accessory Dwelling Unit shall include an efficiency kitchen.

E. Utilities. A Junior Accessory Dwelling Unit shall not be considered a separate or new dwelling unit for the purposes of calculating connection fees or capacity charges for utilities, including water, sewer, or power service, or impact fees. No new or separate utility connection between the Junior Accessory Dwelling Unit and the utility shall be required. The applicant may voluntarily install a submeter for the Accessory Dwelling Unit. Any utility charges or fees shall be consistent with Government Code Section 65852.2.

F. Parking. No additional off-street parking is required for the Junior Accessory Dwelling Unit.

G. Owner Occupancy Requirements. All Junior Accessory Dwelling Units shall be subject to an owner-occupancy requirement. A person with legal or equitable title to the primary single-unit dwelling shall reside on the property in either the primary dwelling or Junior Accessory Dwelling Unit as that person's legal domicile and permanent residence. However, the owner-occupancy requirement does not apply if the property is entirely owned by a governmental agency, land trust, or non-profit housing organization.

H. Setbacks. No setback is required unless necessary to comply with fire and building codes.

I. Number. The total number of Junior Accessory Dwelling Units is limited to one per residential parcel zoned for single-unit residences with a single-unit residence built, or proposed to be built, on the parcel.

J. Zone. Junior Accessory Dwelling Units are permitted only in single-unit residential zones.

K. Deed Restriction. Prior to issuance of a Building Permit for a Junior Accessory Dwelling Unit, a deed restriction shall be recorded in the chain of title of the primary single-unit property. The form of the deed restriction shall be approved by the City Attorney and shall provide that:

1. The Junior Accessory Dwelling Units shall not be sold separately from the primary dwelling.

2. The Junior Accessory Dwelling Units are restricted to the approved size and other attributes allowed by this Chapter.

3. The deed restriction shall run with the land and shall be enforced against future property owners.

#### **11-04-150 Additional Standards Applicable to All Accessory Dwelling Units**

The following standards shall apply to all Accessory Dwelling Units and Junior Accessory Dwelling Units.

A. Parcel Size and Width. No minimum parcel size or parcel width shall apply to the construction of an Accessory Dwelling Unit.

B. Access. Every Accessory Dwelling Unit shall have direct exterior access independent of the exterior access of the primary dwelling. The entrance to the Accessory Dwelling Unit shall, whenever possible, be located on a different side of the building from the entrance to the primary dwelling unit.

C. Passageways. No passageway, breezeway, or similar connection between structures on the parcel shall be required in conjunction with the construction of an Accessory Dwelling Unit.

D. Fire Sprinklers. Fire sprinklers are required in an Accessory Dwelling Unit if they are required in the primary dwelling.

E. Septic System. If allowed by the City, the Accessory Dwelling Unit may connect to an onsite water-treatment system. The owner shall include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years. Such test must demonstrate the ability of the site to accommodate waste discharge associated with the Accessory Dwelling Unit.

F. Permanent Foundations.

1. All Accessory Dwelling Units shall be permanently attached to a permanent foundation.

2. A recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, or boat shall not be used as an Accessory Dwelling Unit.

G. Design. The design standards set forth in Section 11-04-160 shall apply to all Accessory Dwelling Units in the City, and the standards set forth in Section 11-04-170 shall apply to all Accessory Dwelling Units in a Historic District and on the property of a "Automatic Resource" pursuant to Zoning Ordinance Section 11-06-090. Design standards do not apply to Converted Accessory Dwelling Units located outside of a Historic District or not on the property of a "Automatic Resource" pursuant to Zoning Ordinance Section 11-06-090.

H. Nonconforming Conditions; Former Secondary Dwelling Units; The correction of a physical improvement on a property that does not conform with the City's current zoning standards is not required in order to establish an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit on a parcel with a primary dwelling.

Secondary Dwellings established in accordance with laws in effect at the time of construction, that also do not conform to this chapter, shall be classified as nonconforming buildings and uses.

I. Correction of Unlawful Occupancies. Any accessory building that is currently used as a residence, not previously approved as a Secondary Dwelling, and which does not currently comply with the requirements of this Title (Zoning), Residential Building Code, and California Building Code in effect at the time of occupancy or construction, are unlawful. Such units may be lawfully established as Non-Conforming Accessory Dwelling Units, or lawfully established as Accessory Dwelling Units consistent with the requirements of this Chapter, provided that:

a) Residential occupancy in a Historic District or on property identified as an "Automatic Resource" pursuant to Zoning Ordinance Section 11-06-090 is determined to be consistent with the applicable requirements of Chapter 11-06; subject to review by the Historic Resources Review Board in accordance with procedures set forth in Section 11-06-120, and occupancy is established in a manner consistent with applicable California Historic Building Code, California Residential Codes and California Building Code; and

b) Residential occupancy of a dwelling unit located outside a Historic District is established in accordance with the California Residential Building Codes, or the California Building Code pursuant to a City of San Juan Bautista Building Permit.

J. No Separate Conveyance. No Accessory Dwelling Unit may be sold or otherwise conveyed separately from the primary dwelling in the case of a single-unit parcel, or from the parcel and all of the dwellings in the case of a multi-unit parcel.

K. Rental Term. The Accessory Dwelling Unit may be rented separate from the primary residence; however, the rental must be for a term longer than 30 days.

L. Owner Occupancy Requirements.

Established before January 1, 2025. Accessory Dwelling Units established before January 1, 2025 other than Junior Accessory Dwelling Units, shall not be subject to any owner-occupancy requirement, except Junior Accessory Dwelling Units. Junior Accessory Dwelling Units, other than non-conforming Junior Accessory Dwellings, established at any time shall be subject to the owner-occupancy requirement in Section 11-04-140(G).

M. Impact Fees.

1. No City-imposed impact fees shall be charged to an Accessory Dwelling Unit that is less than 750 square feet in size.

2. For Accessory Dwelling Units 750 square feet or larger, City-imposed impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit (e.g., the floor area of the primary dwelling, divided by the floor area of the Accessory Dwelling Unit, times the typical fee amount charged for a new dwelling).

3. For the purposes of this Subsection, impact fees do not include any connection fee or capacity charge for water or sewer service, nor do they include charges for garbage or recycling service.

4. If any agency or special district other than the City imposes impact fees collected by the City, the City shall collect such fees in accordance with such agency's or district's fee schedule.

#### **11-04-160 All Zones – Design Standards**

The exterior design elements (roof, windows, siding, porches, colors, materials, finishes) of attached or detached Accessory Dwelling Units in Historic Districts and on properties with "Automatic Resources" pursuant to

Zoning Ordinance Section 11-06-090 shall be consistent with Secretary of the Interior Standard for the Treatment of Historic Properties regarding recommendations for Rehabilitation, "New Additions to Historic Buildings". In the context of ADUs not in a Historic District or property design of these elements shall match and be consistent with those of the primary dwelling unit, except for:

- 1) converted accessory buildings and any expansion of such buildings permitted by this Chapter;
- 2) Nonconforming Accessory Dwelling Units; and
- 3) when required by applicable provisions of the Residential Building Codes and the California Building Code.

The guidelines provided in Chapter 5 of the San Juan Bautista Design Guidelines shall apply to all Accessory Dwelling Units, except for Converted Accessory Dwelling Units.

#### **11-04-170      Historic Districts and Properties – Design Standards**

The objective, ministerial guidelines provided in Chapters 5 and 6 of the San Juan Bautista Design Guidelines, applicable objective standards of the "Secretary of the Interior Standards for the Treatment of Historic Properties - Standards for Rehabilitation" numbers 9 and 10 (new additions, exterior alterations, related new construction and new additions adjacent to new construction) and Design Review procedures and requirements outlined in Zoning Ordinance Section 11-06-120 shall apply to:

- 1) all Accessory Dwelling Units in a Historic District referenced in Chapter 11-06; and
- 2) all Accessory Dwelling Units on properties referenced in Zoning Ordinance Section 11-06-090 as "Automatic Resources".

#### **11-04-180      Permits and Action on an Application**

A. Ministerial Action. Approval or denial of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit application that complies with the provisions of this Chapter is a ministerial action not subject to discretionary review. The City has the authority to review applications for completeness and compliance with the provisions of this Section.



B. The City shall issue the building permit within 60 days from the date that the City received a completed application, unless either:

1. The applicant requests a delay, in which case the 60-day time period is put on hold for the period of the requested delay; or

2. The application to create an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is submitted with an application to create a new single-unit dwelling on the parcel. The City may delay acting on the permit application for the Accessory Dwelling Unit or Junior Accessory Dwelling Unit until the City acts on the permit application to create the new single-unit dwelling, but the application to create the Accessory Dwelling Unit or Junior Accessory Dwelling Unit will still be considered ministerial without discretionary review or a hearing.

C. Building Permit. Any Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall require a Building Permit, subject to all the standard application and processing fees and procedures that apply to Building Permits generally.

D. Fees. All applications for Accessory Dwelling Units must be accompanied by the required application fee. Application fees are established by Council resolution.

**Section 3. Environmental assessment.** The City Council declares that the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") because pursuant to CEQA Guidelines Sections 15060 (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); and, 15060 (c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the approval of this ordinance is not a "Project" under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

**Section 4. Severability.** This Ordinance and the various parts thereof are hereby declared to be severable. Should any section of the Ordinance be declared by a court to be unconstitutional or invalid, such decisions shall not affect the validity of the Ordinance as a whole, or any parts thereof, so declared unconstitutional or invalid.

**Section 5. Effective Date.** This Ordinance shall go into effect thirty (30) days after the date of its adoption.

**THE FOREGOING ORDINANCE** was first read at a regular meeting of the San Juan Bautista City Council on the \_\_\_\_ day of \_\_\_\_\_, 2021, and adopted at a regular meeting of the San Juan Bautista City Council on the \_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Leslie Q. Jordan, Mayor

**ATTEST:**

\_\_\_\_\_  
Shawna Freels, City Clerk



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

**AGENDA TITLE:** RESOLUTION COMMITTING SUPPORT FOR THE SAN BENITO COUNTY ECONOMIC DEVELOPMENT CORPORATION (EDC) APPLICATION FOR FUNDING TO PREPARE A COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDs) AND COMMITTING \$5,000 AS MATCHING FUNDS TO SUPPORT THE PREPARATION OF THE SAN BENITO COUNTY CEDs

**DATE:** September 21, 2021

**DEPARTMENT HEAD:** Brian Foucht, Community Development Director

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### **Background:**

The Comprehensive Economic Development Strategy (CEDs) is a comprehensive and collaborative approach to identifying necessary programs and resources to increase the prosperity and well-being of San Benito County residents.

Previous CEDs efforts have involved support for job creation, retention and growth for business, improving infrastructure, particularly involving roads and transportation. The current San Benito County CEDs is from 2017-2022. To prepare that strategy, the EDC spent 24 months conducting collaborative visioning, workshops, and collaborative meetings to identify strengths, weaknesses and opportunities and threats to arrive at the priorities and an action plan.

### **Discussion:**

The EDC has informed the City of San Juan Bautista that it is beginning the CEDs update process. EDA staff estimate that the expected cost of preparing an updated CEDs is \$100,000. The EDC will need to provide a 20% match, or \$20,000. Of that total, EDC can contribute \$10k in staff time as part of the matching funds. EDC is requesting that San Juan Bautista provide \$5,000 of matching funds.

An approved CEDs by the EDA is a mandatory prerequisite for a local government to apply for EDA funding. Because of the current approved CEDs, San Juan Bautista can apply for EDA funding provided that the 2022 – 2026 CEDs is approved.

### **Fiscal Impact**

This program involves a contribution of \$5,000 in matching funds from the General Fund.

Attachments: Resolution

## **RESOLUTION 2021-XX**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING SUPPORT OF AN APPLICATION TO THE FEDERAL EDA TO ASSIST SAN BENITO COUNTY ECONOMIC DEVELOPMENT CORPORATION (EDC) IN THE COMPLETION OF A COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS) FOR SAN BENITO COUNTY**

**WHEREAS**, expansion of the local tax base, creation of new high paying jobs, improvements to the quality of life and collaboration with other public entities are strategic economic development goals of the county, and;

**WHEREAS**, the Federal Economic Development Administration has significant resources, including grants, available to promote and advance local economic development, and;

**WHEREAS**, the Comprehensive Economic Development Strategy (CEDS) contributes to effective economic development in America's communities and regions through a locally-based, regionally-driven economic development planning process that is required to be eligible for certain federal EDA funding, and;

**WHEREAS**, additional resources are only available to areas within an Economic Development District as designated by the Federal Economic Development Administration, and;

**WHEREAS**, establishing a partnership with San Benito County Economic Development Corporation (EDC), along with San Benito County and the City of Hollister would leverage shared resources and benefits.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of San Juan Bautista supports the EDC submission of a grant application for creation of the updated San Benito County Comprehensive Economic Development Strategy (CEDS).

**BE IT FURTHER RESOLVED** that the City Council of the City of San Juan Bautista hereby contributes \$5,000.00 from the City's General Fund as a portion of the matching funds necessary to fund preparation of the CEDS.

**THE FOREGOING RESOLUTION** was adopted by the City Council of the City of San Juan Bautista at its regular meeting held on the 21<sup>st</sup> day of September, 2021, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Mayor Leslie Q. Jordan

**ATTEST:**

\_\_\_\_\_  
Shawna Freels, City Clerk



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL

**AGENDA TITLE:**        **ADOPT THE LUCK PARK MASTER PLAN**

**MEETING DATE:**        September 21, 2021

**SUBMITTED BY:**        Don Reynolds, City Manager

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**RECOMMENDED ACTION:**

It is recommended that the City Council adopt the attached Resolution and approve the new Luck Park Master Plan.

**BACKGROUND**

The City prepared a Request for Proposals (RFP) in late 2019, and publicly posted and distributed it, soliciting bids for an architectural firm to design the Luck Park Master Plan. On April 21, 2020 the contract was awarded to The Architectural Firm RRM Group Inc. ("RRM").

After completing a survey of needs and desires for the park, a rigorous community engagement process ensued. This process began August 6, 2020 and continued until July 13, 2021. During that time, the community, Planning Commission and City Council have all had opportunities to weigh-in, with numerous public comments received both in writing and by attending the meeting.

At the community meeting held March 9, two conceptual plans were presented, and the community was able to select preferences between them. These two conceptual plans were then blended into one "final" draft concept for the HRB/Commission.

To summarize much of the feedback already received, the Luck Park concept is being brought forward based on these shared objectives:

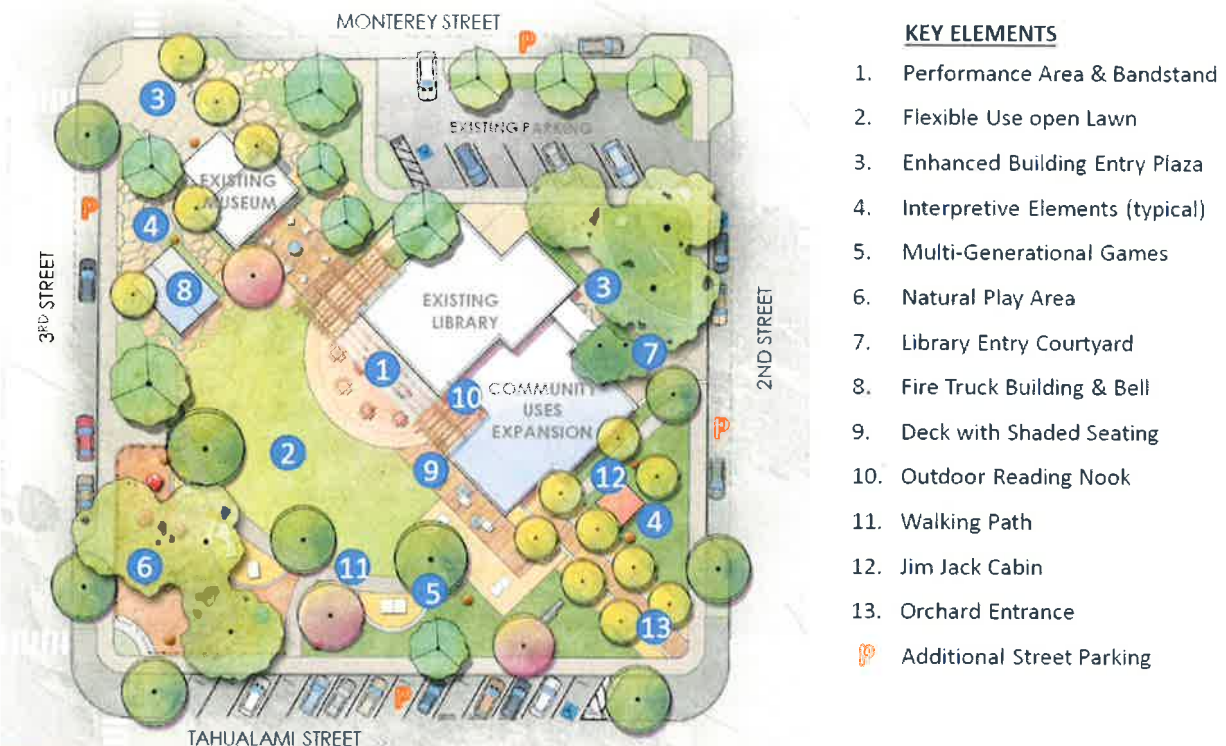
- 1) A community center will be added to the existing Library building.
- 2) The Park's use will remain passive in nature, not large scale recreational facilities.
- 3) It will retain, enhance, and promote the historical and communal assets that currently include the historic Jim Jack Cabin and Luck Gas Station.
- 4) As many of the mature trees that can be saved will remain.

At the May 4, 2021 HRB/Planning Commission meeting, the Commission and the public received testimony from staff and stakeholders. These comments were all shared with the City Council at

their July 13th City Council meeting. They include comments from the Historical Society and Library Auxiliary who met with the RMM Group May 3<sup>rd</sup>.

The overall feedback of the Master Plan was very positive. Its historical design concepts were referred to as quaint, with an appreciation that emphasized culture over “playgrounds.” Critics of the Master Plan May 4<sup>th</sup> include: 1) the Plan is too “busy,” too much stuff; 2) maximize turf areas, and decrease the amount of concrete in the Plan; and 3) add the Volunteer Fire Department bell to the antique fire truck display.

## DRAFT MASTER PLAN CONCEPT



LUCK PARK MASTER PLAN – Planning Commission Presentation  
May 4, 2021



The main focus of the Council meeting conversation was the location of the Jim Jack Cabin. Some did not want it moved from its current location. But the design team considered its historical significance, and recommended that the historic fire truck display was best fit next to the historic Luck Gas Station. Trying to fit both there made it crowded.

### DISCUSSION

The Architectural Firm RRM Design Group has done an excellent job through the pandemic to include as many diverse perspectives as possible. This will be their final meeting for this project with the City.

Before the City Council are two alternatives:

1) the preferred concept similar to the one shared July 13, 2021, and

2) an alternative keeping Jim Jack Cabin in its current location, and moving the Fire Truck display to the Third Street location nearest the new expansion of the Library/Community Room.

City staff feels that with care, the Jim Jack Cabin can be re-located and will receive more attention than if it were left in its current location. If not moved, the Jim Jack Cabin will intrude into the amphitheater, reducing its capacity.

Staff recommends staying with the original design, but if the Council and community would prefer the alternative, it is also provided for approval in its place.

Attachments: Final Conceptual Plan of the Luck Park Master Plan  
Alternative Conceptual Pan

CC: Historic Resources Board and Planning Commission  
Historical Society  
Library Auxiliary





## DESIGN KEY

- 1 LIBRARY & COMMUNITY CENTER PATIO
- 2 MULTI-USE PERFORMANCE AREA
- 3 RE-LOCATED MEMORIAL BIKE RACK (FISH)
- 4 HISTORICAL THEMED DECORATIVE MOSAIC AT STAGE
- 5 OPTIONAL ACTIVITY AREA (BAGTOSS, PING-PONG, CHESS)
- 6 EXISTING JIM JACK CABIN W/ INTERPRETATION, SIGNAGE, & SEATING
- 7 RETRACTABLE SHADE SAILS
- 8 ENTRY PLAZA WITH DECORATIVE PAVING PATTERN
- 9 EXISTING TREES TO REMAIN, TYPICAL
- 10 READING NOOK
- 11 FLEXIBLE SPACE / SEATING AND CONCERT DANCE FLOOR
- 12 FIRE TRUCK BUILDING WITH ROLL-UP DOORS, ACCESS TO STREET, & HISTORIC INTREPRETATION
- 13 OPEN LAWN
- 14 NATURAL PLAY AREA WITH WROUGHT IRON ENTRY GATE
- 15 ANGLED HEAD-IN PARKING WITH BULB-OUTS (TAHUALAMI STREET IMPROVEMENTS)
- 16 CHILDREN'S TOADHOUSES
- 17 ADA ACCESS TO RESTROOM
- 18 WOOD STAMPED CONCRETE PROMENADE
- 19 EXISTING ANGLED PARKING WITH ADA ACCESS TO PARK
- 20 FLOWERING TREE ALLEE OR ORCHARD ENTRY
- 21 PROPOSED PARALELL PARKING, TYPICAL
- 22 MULCH WITH CONCRETE BANDING UNDER EXISTING TREES
- 23 STORMWATER FEATURE
- 24 PICNIC TABLES / SEATING, TYPICAL
- 25 INTERPRETATION NODES (HISTORY, CULTURE, NATURE), TYPICAL
- 26 STABILIZED DECOMPOSED GRANITE, TYPICAL
- 27 DROUGHT TOLERANT PLANTING, TYPICAL
- 28 PARK ENTRY MONUMENT SIGN LOCATION
- 29 OUTDOOR LEARNING AREA
- 30 TWINKLE LIGHTING
- 31 COMTEMPATIVE SEATING AREA
- 32 WISHING WELL FOUNTAIN
- 33 DURABLE STONE PAVING, ADA COMPLIANT
- 34 COVERED TRASH ENCLOSURE WITH SCREENING
- 35 PERGOLA WITH VINES FOR DAPPLED SHADE
- 36 EV PARKING AND VAN POOL PARKING SPACES
- 37 DROP-OFF & FOOD TRUCK AREA DURING EVENTS
- 38 PEDESTRIAN ENHANCEMENTS AT INTERSECTIONS, TYPICAL
- 39 DECOMPOSED GRANITE COURTYARD WITH OLIVES
- 40 DEMONSTRATION PLANTER AREAS
- 41 HISTORICAL PEDESTRIAN LIGHTING LOCATION, TYPICAL
- 42 FLAGPOLE



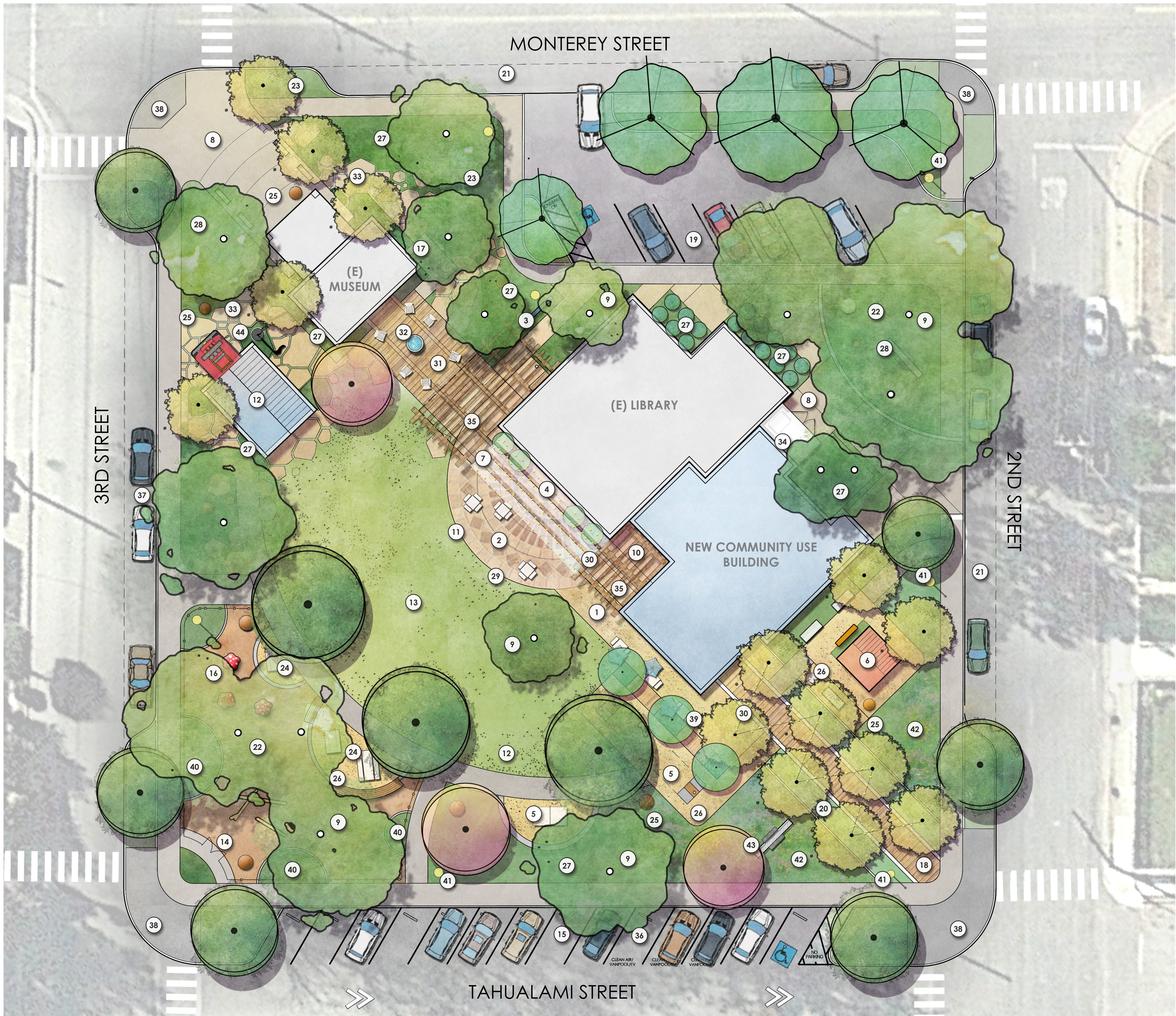
# LUCK PARK MASTER PLAN - ALTERNATIVE FINAL CONCEPTUAL PLAN EXHIBIT

SAN JUAN BAUTISTA, CA.

0' 5' 10' 20' 40'  
SCALE 1" = 10' SEPTEMBER, 2021

**rrm** design group





## DESIGN KEY

- 1 LIBRARY & COMMUNITY CENTER PATIO
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- 42 NATURALIZED MEADOW PLANTING, TYPICAL
- 43 FARM STAND WITH SIGN
- 44 FLAGPOLE



# LUCK PARK MASTER PLAN - FINAL CONCEPTUAL PLAN

SAN JUAN BAUTISTA, CA.

0' 5' 10' 20' 40'  
SCALE 1" = 10' SEPTEMBER, 2021

**rrm** design group