

### City of San Juan Bautista

The "City of History"

www.san-juan-bautista.ca.us

#### **AGENDA**

#### REGULAR CITY COUNCIL MEETING

TUESDAY ~ OCTOBER 19, 2021 ~ 6:00 P.M.

#### ~ PUBLIC PARTICIPATION BY ZOOM ONLY ~

Join Zoom Webinar https://zoom.us/j/83277273209

or call 1 (669) 900-6833 Webinar ID: 832 7727 3209

## 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 <a href="mailedto-deputycityclerk@san-juan-bautista.ca.us">deputycityclerk@san-juan-bautista.ca.us</a> not later than 5:00 p.m. on October 19, 2021, and will be read into the record during public comment on the item.

In compliance with the Americans with Disabilities Act, 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 <a href="www.san-juan-bautista.ca.us">www.san-juan-bautista.ca.us</a> subject to Staff's ability to post the documents before the meeting, or by emailing <a href="mailto:deputycityclerk@san-juan-bautista.ca.us">deputycityclerk@san-juan-bautista.ca.us</a> or calling the Deputy Clerk (831) 623-4661 during normal business hours.



Click on item below to jump to that items first page (if available). For example, clicking on item 3A will jump to page 4. Click on blue circle on the right corner to return to this page.

City Council Meeting October 19, 2021

1. Call to Order
Pledge of Allegiance
Roll Call
Orders of the Day

#### 2. Public Comment

This portion of the meeting is reserved for persons desiring to address the Council on matters not on this agenda. The law does not permit Council action or extended discussion of any item not on the agenda except under special circumstances. If Council action is requested, the Council may place the matter on a future agenda.

#### 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. Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing the Execution of an "Owners Covenant Agreement Regarding Annexation and Utility Extension Agreement"
- D. Waive Reading of Ordinances and Resolutions on the Agenda Beyond Title
- E. A Resolution of the City Council of the City of San Juan Bautista Regarding the Ralph M. Brown Act (Calif. Govt. Code §§54950-54963) and Assembly Bill 361, Making Certain Findings, and Authorizing the City to Implement Remote Teleconferenced Public Meetings of the City Council for the Period October 19, 2021 Through November 18, 2021
- 4. Presentations, Proclamations, Informational Items and Reports
  - A. Storm Water Resources Plan Presentation by Andrea Kingsbury of Wallace Group
  - B. Treasurer's Report and Monthly Financial Statements by City Treasurer Michelle Sabathia
  - C. City Manager's Report
  - D. 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)
- B. Discuss Solutions to the City's Wastewater Problems and Adopt a Resolution of the City Council of the City of San Juan Bautista Accepting the Sewer Rate Study, Authorize the Proposition 218 Mailing to Rate Payers, and Set a Date for a Public Hearing

#### 6. Action Items

- A. Adopt a Resolution of the City Council of the City of San Juan Bautista Setting Fees for Short Term Rental Permits Required by Municipal Code Section 3-9-400 and Amending the Fee for Home Occupation Permits Required by the Municipal Code Section 11-01-090
- B. Adopt a Resolution of the City Council of the City of San Juan Bautista
  Establishing Supplemental Occupancy and Uses Standards and Procedures for
  Short Term Rental Permits

- C. Adopt a Resolution of the City Council of the City of San Juan Bautista Approving an Agreement Between the City and the Edmundo Loayza, Trustee of the Edmundo M. Loayza Living Trust Dated January 6, 1987, Rosa Loayza, Trustee of the Rosa Loayza 2002 Revocable Trust Dated December 13, 2002 To Set The Date Of Valuation For Property Required For A Public Improvement
- D. Adopt a Resolution of the City Council of the City of San Juan Bautista Establishing a Dedicated Sheriff Deputy Assigned to the City
- E. Adopt a Resolution of the City Council of the City of San Juan Bautista Approving a Job Description for Maintenance Worker I/II
- F. Adopt a Resolution of the City Council of the City of San Juan Bautista Approving a Job Description for Office Technician

#### 7. Discussion

- A. Formation of a City Council Standing Committee for Business Improvement, Resiliency, and Overall Community Economic Development
- B. County Request to Amend City Use of \$231,284 Community Development Block Grant Funds C.A.R.E.S. Act V2 and V3
- 8. Future Agenda Items
- 9. Comments
  - A. City Council
  - **B.** City Manager
  - C. City Attorney
  - D. City Clerk
- 10. 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 15<sup>th</sup> DAY OF OCTOBER 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.
- 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 15<sup>th</sup> DAY OF OCTOBER 2021.

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 8th DAY OF OCTOBER 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 12<sup>th</sup> DAY OF OCTOBER 2021.

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 **October 19, 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 **October 15, 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 <a href="mailto:deputycityclerk@san-juan-bautista.ca.us">deputycityclerk@san-juan-bautista.ca.us</a> not later than **5:00** p.m., **October 19, 2021**.

The meeting (webinar) will be virtual via Zoom. You can access the webinar at https://us02web.zoom.us/j/83277273209. An agenda will be posted on the City website and distributed not later than October 15.

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: October 8, 2021



# NOTICE OF PUBLIC MEETING City of San Juan Bautista Virtual Meeting Via Zoom <a href="https://us02web.zoom.us/j/83277273209">https://us02web.zoom.us/j/83277273209</a> October 19, 2021 at 6:00 pm

Notice is hereby given of a public meeting October 19, 2021, at 6 PM to solicit public comment regarding the intent of the City of San Juan Bautista to apply for United States Department of Agriculture (USDA) funding (grant and loan) not to exceed \$20,000,000 for the purpose of completing the construction of a sewer force main to the Hollister Waste Water Treatment Plant. The total cost of the Project is not to exceed \$15,000,000 with an approximately \$1,000,000 contribution by the City of San Juan Bautista. Funding support from other sources is being sought as well. The USDA funding is proposed to be repaid by proposed rate increases subject to a Proposition 218 process. For additional information and a city map of proposed improvements, please go to City Hall at 311 Second Street in San Juan Bautista, California. There is also more information available at the City Website: <a href="https://www.san-juan-bautista.ca.us/alert\_detail.php">https://www.san-juan-bautista.ca.us/alert\_detail.php</a>. The public is encouraged to attend and offer comments regarding the Project and USDA funding application.

The public meeting will be held on October 19, 2021 at 6:00 pm via a Zoom Virtual Meeting. Please click the link below to join the webinar: <a href="https://us02web.zoom.us/j/83277273209">https://us02web.zoom.us/j/83277273209</a>
Or Telephone: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592

Webinar ID: 832 7727 3209

# PROOF OF PUBLICATION (2015.5 C.C.P.) STATE OF CALIFORNIA County of San Benito

I am a resident of the State of California and over the age of eighteen years, and not a party to or interested in the above entitled matter.

I am the principal clerk of the publisher of the Free Lance, published in the city of Hollister, County of San Benito, State of California, Friday, and on line for which said newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of San Benito, State of California, under the date of June 19, 1952, Action Number 5330, that the notice of which the annexed is a printed copy had been published in each issue thereof and not in any supplement on the following date(s):

#### October 8, 2021.

I, under penalty of perjury, that the foregoing is true and correct. This declaration has been executed **on October 8, 2021.** 

HOLLISTER FREE LANCE 615 San Benito Street, Suite 210 Hollister, CA 95023

horam Man.

/s/ Juliana B. Pulcrano /

Legal Publications Specialist

Hollister Free Lance,

Gilroy Dispatch, Morgan Hill Times

Phone # (408) 709 3952

E-mail: jpulcrano@newsvmedia.com

Website: www.sanbenito.com

#### City of San Juan Bautista

#### NOTICE OF PUBLIC MEETING

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us/J/83277273209 Or Telephone: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 Webinar ID: 832 7727 3209 (Pub HF 10/8)



### CITY OF SAN JUAN BAUTISTA CITY COUNCIL

**AGENDA TITLE:** 

APPROVE OWNERS COVENANT AGREEMENT

REGARDING ANNEXATION AND UTILITY EXTENSION

AGREEMENT - DASSEL

**MEETING DATE:** 

October 19, 2021

**SUBMITTED BY:** 

Don Reynolds, City Manager

#### **RECOMMENDED ACTION:**

It is recommended that the City Council approve the attached Resolution and authorize the City Manager to execute the "Owners Covenant Agreement Regarding Annexation and Utility Extension Agreement."

#### **BACKGROUND**

When properties located beyond the City's current municipal boundary are developed, the City's municipal code requires them to consent to annexation when requested by the City and approved by the Local Agency Formation Commission (LAFCO). It is also required that the property owners agree to connect to the City's water and sewer utilities. The General Plan does not allow septic systems within the City. It does not allow for developments to provide their own water.

The Dassels own 30-acres beyond the City's political boundary on Mission Vineyard Road, and have been working over the past several years to have their property re-zoned and subdivided. The attached County Planning Commission staff report from November 18, 2020 (Resolution 2020-16, approval November 20, 2020), describes their intentions, and it was approved. Two parcels were zoned "Agricultural Production" (AP), have been changed to AP/PUD (Planned Unit Development). This allows four additional single-family homes to be added to the existing home on one-acre lots. It provides protection of the 24-acre hillside by establishing an easement preventing it from development.

Before being heard by the County Planning Commission, it came before the City's Planning Commission July 2, 2019. Since then, both the City Engineer and City Planner were provided the opportunity to place conditions on the future development to include connecting to utilities. The project was also considered by the Urban Growth Boundary Ad Hoc Committee before it went to the County Planning Commission last fall.

The existing home is currently connected to the City's water service. Four additional lots will be added and will be subject to Municipal Code 6-4-111.

#### 6-4-111 Water service outside City – Annexation. SHARE

Property outside the City limits requesting new water service connection shall be required to annex or enter into an irrevocable offer to annex the property into the City limits prior to connections to City's water distribution system. The property will be responsible to install, construct and extend, to the City's standards, all water mains, lines and water appurtenances to the property boundaries at the sole cost of the property owners and pay all connection fees, impact fees, water meter cost, shut off valves, water service laterals, water valves, fire hydrants and other appurtenances associated with water services to said property.

There is no sewer service extended from The Alameda/San Juan Hollister Road intersection, to Mission Vineyard Road. Consistent with the City's General Plan, the consent to annex into the City requires the subject development to connect to both sewer and water (if or when the services became available).

#### **DISCUSSION**

Attachments 4-6 (pages 30-38) of the attached November 18, 2020 County Planning Department's staff report, include the conditions outlined by the City for the Dassel Development. Executing the attached agreement is their final step to having their subdivision approved. In the attached letter from August 27, 2021, LAFCO notified the City of their approval of the Dassel project. Since then, LAFCO staff has reviewed the attached Agreement, and approved pending a few minor changes. The Agreement is consistent with the provisions outlined in the County staff report.

In summary of the attached Agreement and staff report, the City is requiring the Dassels to annex into the City should it be required in the future. By having their consent recorded on Title, neither the Dassel's or future owners can refuse the City's annexation request. The Dassels are held responsible for the cost of installing new laterals and connecting to the existing water main that travels on Mission Vineyard Road. This agreement acknowledges that there is no sewer service yet, and allows a septic system to be used until such a time that the City brings the services to Mission Vineyard Road. Connecting to a sewer main is required should services be provided.

#### FISCAL IMPACT

No fiscal impact.

Attachments: Resolution and Owners Covenant Agreement Regarding Annexation and Utility

**Extension Agreement** 

November 18, 2020 County Planning Commission Report LAFCO Approval Letter. August 27, 2021

#### **RESOLUTION 2021-XX**

# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING THE EXECUTION OF AN "OWNERS COVENANT AGREEMENT REGARDING ANNEXATION AND UTILITY EXTENSION AGREEMENT"

**WHEREAS,** the two parcels APN 019-190-042 and 19-190-041 containing approximately 30.656 acres on Mission Vineyard Road ("Property") are owned by James P. and Kathleen C. Dassel, Trustees of the Of the Dassel Family Revocable Living Trust, U/T/A dated August 31, 1993 ("Owners"); and

WHEREAS, the Property is located outside of the City's incorporated boundaries, and inside its current Sphere of Influence; and

WHEREAS, the Owners presented the proposed subdivision plans to the City's Planning Commission July 2, 2019 and received certain development conditions from the City that are incorporated into the approved County Planning Commission Resolution 2020-16, dated November 20, 2020; and

**WHEREAS,** the County Planning Commission approved the re-zone of the Property from "Agricultural Productive," ("AP") to "Agricultural Productive/Planned Unit Development "(AP/PUD"); and

WHEREAS, the County Planning Commission also approved the subdivision of the Property into five-one-acre single family dwelling residential lots, preserving 24-acres of open space, with a dedicated easement to preserve the hillside, as further described in the attached County staff report; and

**WHEREAS**, the property is located in an area in which annexation to the City is or may become appropriate; and

WHEREAS, the "City" owns and operates a Sanitary Sewer Treatment Facility, sanitary sewer collection system, sanitary sewer lift station and other appurtenance necessary for the purpose of receiving, transmitting, and treating sanitary sewer effluent from properties within the sewer service area of the system; and

WHEREAS, the "City" owns and operates Water Services, for the purpose of obtaining, transmitting, and delivering drinking water to properties within the water service area of the system; and

WHEREAS, the Owners desire to develop the Property and obtain public utility services such as water and possibly sewer services for that Property ("Utility Services"), the extension of which require the approval of the San Benito Local Agency Formation Commission ("LAFCO"); and



WHEREAS, the attached Owners Covenant Agreement and Utility Extension Agreement ("Agreement"), captures all necessary provisions required to execute intent of the above referenced recitals.

# NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY RESOLVES AS FOLLOWS:

- 1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.
- 2. The Owners will consent when called upon to have the Properties annexed to the City.
- 3. City Council adopts this Resolution and Agreement which includes but are not limited to the five conditions regarding utilities placed upon the Owners as described below;
  - a. That the current and future use of the property remain consistent with the General Plan's land use designation, unless otherwise approved for a variance; and
  - b. That the owner will adhere to the City's Uniform Waste Water and Water regulations, as stated in Municipal Code 5-9 (et al), and Municipal Code 6-4-111, and any subsequent amendments to them, at all times before, during and after this water connection is completed and when a sewer connection is warranted.
  - c. The Owners must connect to the sanitary sewer collection system within six months of completion of a sewer main in front of these properties.
  - d. The owner agrees to pay all costs of design, permits, fees, inspections costs, engineering and construction of the lateral extension to the existing water main and if built the future sewer main, which shall be accomplished to City standards and conform to plans approved by the City Engineer, or his/her designee. Costs of plan review and construction inspection shall also be paid by the owner.
  - e. Owners agree to comply with all other conditions as set forth in the attached Agreement.
- 4. The City Council authorizes the City Manager to execute the attached "Owners Covenant Agreement and Utility Extension Agreement."
- 5. That the owner will execute and record on title with the City the attached "Owners Covenant Agreement and Utility Extension Agreement."

<b>PASSED AND ADOPTED</b> by the City Council of the City of October 2021 by the following vote:	of San Juan Bautista on this 19th day
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
ATTEST:	Leslie Q. Jordan, Mayor
Shawna Freels, City Clerk	
Exhibit A- Owners Covenant Regarding Annexation and Ut	ility Extension Agreement

RECORDING REQUESTED BY:	I
City of San Juan Bautista	
AND WHEN RECORDED MAIL TO: City of San Juan Bautista 311 Second Street San Juan Bautista, CA 95045	

APN 019-190-041&042

THIS SPACE FOR RECORDER'S USE ONLY

## OWNER'S COVENANT AND AGREEMENT REGARDING ANNEXATION AND UTILITY EXTENSION AGREEMENT

THIS COVENANT AND AGREEMENT is made and entered by the undersigned owner(s) ("Owners") with respect to the following recitals:

#### **RECITALS:**

- A. WHEREAS, certain property is within the City of San Juan Bautista ("City") Sphere of Influence and is identified as Assessor Parcel No(s). 019-190-041 and 019-019-042, and more particularly described in Exhibit "A" ("Property"); and
- B. WHEREAS, the property is located in an area in which annexation to the City is or may become appropriate; and
- C. WHEREAS, the "City" owns and operates a Sanitary Sewer Treatment Facility, sanitary sewer collection system, sanitary sewer lift station and other appurtenance necessary for the purpose of receiving, transmitting, and treating sanitary sewer effluent from properties within the sewer service area of the system, and
- D. WHEREAS, the "City" owns and operates Water Services, for the purpose of obtaining, transmitting, and delivering drinking water to properties within the water service area of the system, and
- E. WHEREAS, Owners desire to develop the Property and obtain public utility services such as water and possibly sewer services for that Property ("Utility Services"), the extension of which require the approval of the San Benito Local Agency Formation Commission ("LAFCO"); and
- F. WHEREAS, Owner agrees to comply with San Juan Bautista Municipal Code Section 6-4-111; and
- G. WHEREAS, it is expressly understood that the City Council of the City of San Juan Bautista and San Benito Local Agency Formation Commission ("LAFCO") are the only authority to permit annexation to the City of San Juan Bautista and this Agreement does not permit annexation to the City or any guarantee that the property will be permitted to annex to the City once any application is made; and
- H. WHEREAS, Owners are willing to consent to have the Property annexed to the City; and
- I. WHEREAS, Owners are willing to consent to connect to the sanitary sewer collection system within six months of completion of a sewer main in front of these properties; and

- J. WHEREAS, Owners desire that LAFCO approve the boundary changes needed to obtain public utility services for the development of the property on the terms and conditions approved or conditionally approved by the City or other applicable service provider(s); and
- K. WHEREAS, as a condition of receiving LAFCO's approval of boundary changes Owners are willing to consent to annexation of the property to the City and to waive their right to protest the annexation of the Property to the City when such becomes legally permissible; and
- L. WHEREAS, the County's General Plan designation of the property is not in conflict with the City General Plan; and
- M. WHEREAS, the current and future Owners will adhere to the City's Uniform Wastewater regulations, as stated in Municipal Code 5-9 (et al) and any subsequent amendments to them, at all times before, during, and after this sewer connection is completed; and
- N. WHEREAS, the current and future Owner consents to the costs of design, engineering, and construction of water service laterals and future sewer service laterals. The current and future owner shall agree to pay all costs of design, permits, fees, inspections costs, engineering, and construction of these service laterals, which shall be accomplished to City standards and conform to plans approved by the City Engineer, or his/her designees. Costs of plan review and construction inspection shall also be paid by current or future owner; and
- O. WHEREAS, before the issuance of building and/or encroachment permits, the owner will execute and record on title with the City a Utility Extension Agreement.

NOW, THEREFORE, in consideration of the mutual promises made herein, the undersigned agree as follows:

1. <u>Recitals Incorporated.</u> The above recitals are hereby incorporated in and made a part of this Covenant and Agreement as fully set forth verbatim herein.

#### 2. Covenants by Owners.

- 2.1. Upon the terms noted, Owners hereby consent and agree to annex their Property to the City.
- 2.2. Owners waive any rights of protest against and agree to cooperate upon the City's request, including the payment of applicable processing fees, in the annexation of the Property.
- 2.3. Owners expressly understand that said annexation is not contemplated to occur until this Property is deemed to be annexable by LAFCO, and LAFCO approves the annexation.
- 2.4. Owners agree that pursuant to City Municipal Code Section 6.4.111, and Condition 39 of the San Benito County Planning Commission

  Resolution No. 2020-16 approved at the hearing held November 18, 2020, prior to issuance of a building permit the Owners shall apply for, receive approval of, and execute a utility extension agreement for the water service to any lot within the Property. The Owners shall be required to pay the connection fee, all related permit fees, and the cost of constructing the water service connection to the City's current standards.
- 2.5. Owner or future owners agrees to report to the City any changes to the property which would affect the volume and strength of sanitary sewer effluent discharge into the sanitary sewer collection system for the purposes of determining the monthly sanitary sewer use fees based upon the strength and volumes of discharge.
- 2.6. Owner or future owner agrees to pay to the City the monthly water user charges for a single-family

- house, and if sanitary sewer services are provided in the future to also pay the monthly sewer user charges to the City.
- 2.7. Owners agree that pursuant to Condition 38 of the San Benito County Planning Commission Resolution No. 2020-16 approved at the hearing held November 18, 2020, the Owners agree to connect to the City of San Juan Bautista wastewater system within six months of the City's completion of a future sewer main in front of these properties.
- 2.8. Dedication of Capital Facilities. The owner shall agree to dedicate all capital facilities constructed as part of the water service lateral and future sewer service lateral (such as water or sewer lines, pump stations, wells, etc.), at no cost to the city, upon the completion of construction, approval, and acceptance by the city.
- 2.9. Waiver of right to protest the formation of an assessment district that directly benefits the property. If, at the time of execution of the agreement, the city has plans to construct certain improvements that would specially benefit the owner's property, the agreement shall specifically describe the improvement. The owner shall agree to sign a petition for the formation of an assessment district for the specified improvements at the time one if circulated, and to waive his/her right to protest formation of any such special district.
- 2.10. Development of Property to conform to City Code Exceptions. The owner shall agree to comply with all requirements of the city's fire codes and those portions of the city building code which are referenced by the fire code, and the city public works standards when developing or redeveloping the property subject to the agreement. The city council may grant exceptions to the requirements contained in this subsection only under the following conditions:
  - 1. The applicant must demonstrate that the proposed departure from the city's land use standards, zoning code, or public works standards would result in a development which meets the intent of the applicable provisions of the comprehensive plan, zoning code, or public works standards, based upon compliance with all the following criteria:
    - a) That the site of the proposed use is adequate in size and shape to accommodate such use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features necessary to ensure compatibility with and not inconsistent with the underlying zoning district;
    - b) That the site for the proposed use relates to streets adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses and that adequate public utilities are available to serve the proposal;
    - c) That the proposed use will have no significant adverse effect on existing uses or permitted uses;
    - d) That the establishment, maintenance and/or conducting of the uses for which the utility agreement is sought will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to the environment, nor shall the use be inconsistent with or injurious to the character of the neighborhood or contrary to its orderly development.
- 2.11. Termination of Noncompliance. In addition to all other remedies available to the city for the owner's noncompliance with the terms of the agreement, the city shall have the ability to disconnect the utility, and for the purpose may at any time enter upon the property.
- 3. Binding Effect. To the extent allowed by law, this Agreement shall bind and inure to the benefit of the Owners and their respective successors, heirs and assigns, and shall be construed as a covenant and restriction which shall run with the land under and pursuant to California Civil Code section 1468, or its successor provision, if any. This Agreement shall not have any force and affect, nor shall this Agreement or the covenants contained herein create any precedent for any other property other than that described in Exhibit A or other project other than that which is the subject of the annexation pursuant to this agreement.
- **Recording.** This Covenant and Agreement shall be recorded forthwith in the office of the San Benito County Recorder by Owners with conformed copies provided to LAFCO and shall be referenced in any

deed or other instruments conveying an interest in said property.

#### 5. General Provisions.

- 5.1. <u>Exhibits.</u> The exhibits attached to this Agreement are incorporated by this reference.
- 5.2. <u>Heading and Titles.</u> The captions of the articles or sections of this Agreement are only to assist the parties in reading this Agreement and shall have no effect upon the construction or interpretation of any part hereof. The agreement shall be executed by the owner of the property, who shall also warrant that he/she is authorized to enter into such agreement.
- 5.3. Construction of Terms; Severability. All parts of this Agreement shall in all cases be construed according to their plain meaning and shall not be construed in favor or against either of the parties. If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, in whole or in part, the remainder of this. Agreement shall remain in full force and effect and shall not be affected, impaired or invalidated thereby. In the event of such invalidity, voidness or unenforceability, the parties hereto agree to enter into supplemental agreements to effectuate the intent of the parties and purposes of this Agreement.
- 5.4. <u>Controlling Law.</u> This Agreement shall be construed in accordance with and governed by the law of the State of California, with venue proper only in the County of San Benito, State of California.
- 5.5. Entire Agreement. This Agreement with its attached exhibits which are incorporated herein by this reference constitutes the entire agreement between the parties pertaining to the Premises and supersedes all prior and contemporaneous agreements, representations, and understandings of the parties. This Agreement may be altered, amended or modified only by a supplemental writing executed by the parties to this Agreement and by no other means. Each party waives their future right to claim, contest or assert that this Agreement was modified, canceled, superseded or changed by any oral agreement, course of conduct, waiver or estoppel.
- 5.6. <u>Amendments.</u> No subsequent agreement, representation or promise made by any party hereto, or by or to an employee, officer, agent, or representative of any party shall be of any effect unless it is in writing.
- 5.7. Counterparts and Execution. This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed to be an original Agreement and all of which taken together shall constitute one (1) agreement, notwithstanding that all of the parties are not signatories to the original or to the same counterpart.

IN WITNESS HEREOF, the Owners have cause this Cov	venant and Agreement to be executed on this
day of	
OWNERS:	
The undersigned hereby certify to be the owner(s) of real incorporated herein, and the only person(s) whose consent to have consented to the annexation of said real property to	t is necessary to pass title to said real property, and
James P. Dassel and Kathleen C. Dassel, Trustees of the I August 31, 1993	Dassel Family Revocable Living Trust, U/T/A dated
Signature: James P. Dassel	Date:

Signature: Kathleen C. Dassel	Date:	
IN WITNESS HEREOF, the Owners have cause this C day of	Covenant and Agreement to	be executed on this
CITY OF SAN JUAN BAUTISTA:		
Signature:  Don Reynolds, City Manager	Date:	
Acknowledgment		
A notary public or other officer completing this certification identity of the individual who signed the document to attached, and not the truthfulness, accuracy, or valid	which this certificate is	
STATE OF CALIFORNIA		
COUNTY OF		
On,before me,		
personally appeared		
who proved to me on the basis of satisfactory evidence within instrument and acknowledged to me that he/sh and that by his/her signature on the instrument the peracted, executed the instrument.  I Certify under PENALTY OF PERJURY under the law paragraph is true and correct.  WITNESS my hand and official seal.	ne executed the same in hi erson, or the entity upon be	s/her authorized capacity, ehalf of which the person
Name, Notary Public in and for said  County and State		
Principal County of Business:	Commission Expires:_	Commission # of Notary:

### **EXHIBIT "A"**

Legal Description of Property to accompany Owner's Covenant and Agreement Regarding Annexation

All that real property situated in the unincorporated territory of the County of San Benito, State of California being more particularly described as follows:

All that real property situated in Section 3, Township 13 South, Range 4 East, Mount Diablo Base and Meridian, San Benito County, California, being a portion of that 30.80-acre parcel as shown on that Map thereof recorded in Book 16 of Maps, at Page 9, San Benito County Records, being more particularly described as follows:

#### PARCEL 1

Beginning at a point on the southerly line of Mission Vineyard Road at the most northern corner of said

30.80-acre parcel; Thence along the westerly line of said 30.80-acre parcel also being the west line of

Section 3 South 0°00'20" West, 1591.50 feet to the southwestern corner of said 30.80 acre parcel on the northerly line of the land conveyed to Joseph Brutinel by deed from Thomas McMahon et ux, dated May 15, 1907, and recorded in Vol. 38 of Deeds, at Page 244, San Benito County Records; Thence along said northerly line of said land conveyed to Joseph Brutinel North 89°42'06" East, 982.83 feet to the southeastern corner of said 30.80 acre parcel; Thence leaving said northerly line and along the westerly line of Lot 37 of said Township and Range commonly know as "Old Mission Vineyard Tract" also being

the easterly line of said 30.80 acre parcel the following courses and distances: North 27°13'37" East,

153.20 feet; Thence North 12°16'51" East, 100.00 feet; Thence North 2°20'27" East, 392.84 feet; Thence North 4°29'06" West, 144.91 feet to the easterly prolongation of the southerly line of Parcel 3 as shown on that Map thereof recorded in Book 6 of Maps, at Page 31, San Benito County Records; Thence leaving said westerly line and along said easterly prolongation of the southern line of Parcels 3 and 4 as shown on that Map thereof recorded in Book 6 of Maps, at Page 31, San Benito County Records, North 72°48'09" West, 6.82 feet to the southeastern corner of said Parcel 3; Thence along said southerly line North 72°48'09" West, 380.84 feet to the southwesterly corner of said Parcel 4; Thence along the westerly prolongation of said line North 72°48'09" West, 473.41 feet; Thence North 5°55'10" West,

500.23 feet to a point on the southerly line of Mission Vineyard Road; Thence along said southerly line of Mission Vineyard Road North 72°48'09" West, 214.16 feet to the point of beginning.

Containing 25.656 acres more or less. (APN 019-190-042, doc#2018-0001833)

#### PARCEL 2

Beginning at an iron pipe in the southerly line of Mission Vineyard Road at the most northwesterly corner of Parcel 1 as shown on that Map thereof recorded in Book 6 of Maps, at Page 31, San Benito County Records; Thence from said point of beginning along the westerly line of Parcel 1 and Parcel 4 as shown on said Map South 5°55'10" East, 500.23 feet to the southwest corner of said Parcel 4; Thence along the westerly prolongation of the southerly line of Parcel 4, North 72°48'09" West, 473.41 feet; Thence North 5°55'10" West 500.23 feet to a point on the southerly line of Mission Vineyard Road; Thence along said southerly line of Mission Vineyard Road South 72°48'09" East, 473.41 feet to the point of beginning. Containing 5.00 acres more or less. (APN 019-190-041, doc#2018-001835)



Eduardo Navarro District No. 1

Valerie Egland District No. 2 Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 5.

**MEETING DATE: 11/18/2020** 

**DEPARTMENT: RESOURCE MANAGEMENT AGENCY** 

**DEPT HEAD/DIRECTOR:** Benny J. Young

AGENDAITEM PREPARER: Arielle Goodspeed

SBC DEPT FILE NUMBER: PLN190035 Dassel Zone Change & Tentative Subdivision Map

#### SUBJECT:

#### PLN190035 Dassel Zone Change & Tentative Subdivision Map

OWNER/APPLICANT: James P. and Kathleen C. Dassel. Contact: Allen Andrade, MH Engineering Co, Morgan Hill CA. LOCATION: 333 Mission Vineyard Road, near San Juan Bautista, CA. APN: 012-190-041 and 012-190-042. REQUEST: The applicant proposes the rezoning of the 30.6-acre Assessor Parcel Numbers 012-190-041 & 012-190-042 from Agricultural productive (AP) zoning to combining district of Agricultural Productive/Planned Unit Development (AP/PUD). The development of the property will include the creation of five (5) one-acre single-family residential lots, and one (1) twenty-five (25) acre lot with a 24-acre open space easement to preserve the hillside. The five one-acre lots will be clustered in the flat areas adjacent to Mission Vineyard Road and each will include a building site for a 2,000 to 4,000 square foot single family house. The twenty-five-acre lot will encompass the remainder of the project area. The 24-acre open space easement will allow for the construction of a single-family residence and accessory structures over a portion of the property not to exceed one acre. GENERAL PLAN LAND USE DESIGNATION: Agriculture (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Initial Study/Mitigated Negative Declaration.

PLANNER: Arielle Goodspeed (agoodspeed@cosb.us)

#### **AGENDA SECTION:**

PUBLIC HEARING		
BACKGROUND/SUMMARY:		
BUDGETED:		
SBC BUDGET LINE ITEM NUMBER:		
CURRENT FY COST:		
STAFF RECOMMENDATION:		
Staff recommends that the Planning Commission review the staff report, hold a public hearing, and hear any proponents and opponents of the proposed project. Staff further recommends that the Planning Commission adopt the attached resolution to recommend to the Board of Supervisors approval of PLN190035 subject to the findings and conditions of approval included within the resolution.		
ADDITIONAL PERSONNEL:		
ATTACHMENTS:		
Description	Upload Date	Туре
Staff Report	11/12/2020	Staff Report
Resolution	11/13/2020	Resolution
Dassel Public Draft Initial Study / MND	11/12/2020	Other

#### STAFF REPORT

#### **PROJECT INFORMATION:**

Application: Tentative Subdivision Map and Zone Change PLN190035

Public Hearing: November 18, 2020

Owner/Applicant: James P. and Kathleen C. Dassel

Location: 333 Mission Vineyard Road, near San Juan Bautista

APN: 012-190-041 and 012-190-042 Zoning: Agricultural Productive (AP)

General Plan: Agriculture (A)
Planner: Agriculture (A)

#### PROJECT DESCRIPTION:

The proposed project is located at 333 Mission Vineyard Road and would include the subdivision of Accessor Parcel Numbers 012-190-041 & 012-190-042 consisting of 30.656 acres in total. The development of the property will include the creation of five (5) one-acre single-family residential lots, and one (1) twenty-five (25) acre lot with a 24-acre open space easement to preserve the hillside. The five one-acre lots will be clustered in the flat areas adjacent to Mission Vineyard Road and each will include a building site for a 2,000 to 4,000 square foot single family house. The twenty-five-acre lot will encompass the remainder of the project area. The 24-acre open space easement will allow for the construction of a single-family residence and accessory structures over a portion of the property not to exceed one acre.

Driveways to the residences will be off Mission Vineyard Road and grouped so that there are three driveways total (1 shared by Lots 1 & 2, 1 shared by Lots 3&4, and 1 shared by Lots 5&6). The driveways will be constructed as required by County Code. The project will also include the widening of the southerly half of Mission Vineyard Road to the width required by County Code together with the re-grading of the existing roadside ditch and storm water runoff mitigation according to the requirements of County Code and the Central Coast Regional Water Quality Control Board.

Water service to the new lots will be provided by the City of San Juan Bautista which currently serves the site and new services will be provided as required by the City as defined in the



August 23, 2018 and June 24, 2020 letter provided by the City. Each Lot will have an on-site septic system and will also be conditioned to connect to the City of San Juan Bautista sewer system within six months of the City's completion of a sewer main in front of these properties to meet General Plan policy. Electric and Communication service to the new lots will be undergrounded from the existing overhead lines that run along the north side of Mission Vineyard Road.



The applicant proposes the rezoning of the 30.6-acre Assessor Parcel Numbers 012-190-041 & 012-190-042 from Agricultural productive (AP) zoning to combining district of Agricultural Productive/Planned Unit Development (AP/PUD). If it chooses to see this project approved, the Planning Commission would act by recommending the zone change and tentative map to the Board of Supervisors for approval.

#### Figure 1. Project Site within Broader Region

#### SITE DESCRIPTION

The property consists primarily of undeveloped ranchland that has historically been used for farming on the flat area along Mission Vineyard Road and grazing along the hillside. The property had an existing house, and agricultural accessory outbuildings, but these were removed in 2016. The site contains mostly non-native grassland and an existing cattle pond and dirt road on the proposed Lot 6. The site consists of hills with slopes varying from flat to less than 30 percent. There is a single valley oak that is 16 inches in diameter located near the east side of the Lot 3 building envelope. This tree is shown on the tentative map to be preserved. There are no other trees in the recommended building envelopes on the six lots. There are approximately 50 trees on hillside areas of Lot 6 consisting of a mix of mature valley oak, coast live oak, and California buckeye, all of which are to remain undisturbed and within the proposed open space easement

Regional access to the project site is provided from Highway 156 and its interchange with Mission Vineyard Road. The new sites would be accessed by Mission Vineyard Road and the new driveways would be originating at Mission Vineyard Road. The surrounding area is primarily agricultural and rural residential in character. Properties to the east of the project site are four (4), one-acre residential lots in the flat area, and a 37-acre agricultural facility west of the hillside area. To the north of the project are agricultural lots used for residences and uses consistent with the Agricultural Productive (AP) zoning. West of the project the parcels are used for row-crop in the flat area and grazing on the hillsides and the property to the south is used for hillside grazing.

**Legal Lot of Record:** County Official Records recorded Lot Line Adjustment PLN170010 ON February 2, 2018 as instrument number 2018-0000956

Minimum Building Site Allowed: Five acres.

Land Use: Five 1-acre residential parcels plus 1-25-acre parcel with 1-acre building site and 24-acre open space easement.

Sewage Disposal: Septic disposal systems, and future City of San Juan Bautista sewer.

Water: Connection to City of San Juan Bautista water service. Land Conservation Act (Williamson Act): Not a preserve. Soils: Not within Grade-1 soils.

Seismic: Not within an Alquist-Priolo Earthquake Fault Zone. FEMA Flood Zone: The property lies almost entirely within Flood Zone X, or areas determined to be outside the 0.2% annual chance floodplain, according to FEMA Flood Insurance Rate Map 06069C0150D, effective April 16, 2009 with a small portion of the ditch along Mission Vineyard Road being in flood Zone AO (depth 2").

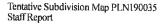
Fire Severity: High (State responsibility area). Archaeological sensitivity: High Sensitivity

#### PLANNING AND ZONING

The site is under the Agriculture (A) designation in the County 2035 General Plan and under the Agricultural Productive<sup>1</sup> (AP) zoning designation. The General Plan's Agricultural designation allows for very low-density residential development of one dwelling per five acres is stated as the maximum residential density.

The Planned Unit Development<sup>2</sup> (PUD) combining district, proposed for this project as an overlay onto the site's existing AP zoning. The underlying Zoning District (AP - Agricultural Productive) and General Plan designation Agriculture (A) required a minimum building site area of 5 acres. The existing 30.6-acre project property could support a density of six dwellings. By including 24 acres of open space easement on Lot 6, the project qualifies as a PUD, which allows the cluster of development on small parcel sizes, while maintaining the density allowed

<sup>&</sup>lt;sup>2</sup> County Code Chapter 25.19,







County Code §25.07 et seq.

by the General Plan. In addition, the cluster development fulfills General Plan Land Use goals LU-4.6 Clustered Residential Program and LU-4.8 Conservation Easements Related to Clustered Residential Development to encourage clustered residential uses and promote preservation of agricultural land and open space areas. Furthermore, it promotes General Plan goals NCR-1.1 Maintenance of Open Space, NCR-1.2 Conservation Easements, and NCR-1.3 Open Space Overlay District to support valuable natural resources.

#### **ENVIRONMENTAL EVALUATION:**

An initial study resulting in a proposed mitigated negative declaration that was prepared for this project under CEQA<sup>3</sup> by the consulting firm Metropolitan Planning Group, under contract with the County. The study identifies mitigatable impacts that would potentially occur as a result of the proposed development and proposes measures to mitigate potentially significant environmental impacts identified in the review; these measures have been incorporated into the recommended conditions of approval for this project.

The consultant and planning staff circulated the draft study for comment during a public review period from June 29 to July 28, 2020, extended from the original closing date of July 20. Upon receiving comments on the study, the consultant and the County prepared a final study document in response. The final study added further specificity to mitigation measures on cultural and tribal resources in response to comments on the tribal analysis from the Amah Mutsun Tribal Band, and the modified mitigation is found in recommended conditions of approval. In addition, the final study added further specificity to mitigation measures on biological resources in response to comments on the biology analysis from the California Department of Fish and Wildlife, and the modified mitigation is found in recommended conditions of approval. The draft and final initial study documents, including these comments and revised recommended mitigation measures, are enclosed as attachments.

The portion of the project involving a zoning map amendment, the overlay of the PUD zone, would enable only the lot lines on paper and no further physical change. The project would not take place in an extraordinary place or situation that would involve the CEQA Guidelines §15300.2 exceptions from exemption by affecting resources of critical concern, contributing to an arguably significant or cumulative impact, or meeting other criteria found in the code section.

#### STAFF ANALYSIS

The subdivision as proposed would resemble its neighbors along Mission Vineyard Road, with one-acre residential parcels. The pattern of lot sizes reflects the General Plan's description of land use designation for this site, Agricultural Productive (AP), where residential use of this density of six dwellings on 30.656 acres and layout is considered appropriate to cluster development, while preserving agriculture, open space and natural resources.

In general, any issues of this subdivision have been addressed through design, through the environmental review process, and through recommended conditions of approval. Mitigation measures would reduce issues of potential significant environmental impact to levels less than significant; biological resources and cultural and tribal resources are the main concern; these are addressed by MM BIO1-MM BIO-18 and MM CUL-1- MM CUL-7 mitigation measures. In response to the environmental review, main concern was raised over utilizing better mitigation measures for identified species and identified cultural and tribal resources.

The County General Plan also favors the PUD approach to some degree. The variation allowed by the PUD district helps implement Policies LU-4, HOU-2I, and HOU-2L, encouraging a variety of housing types. Policy LU-4.5 encourages "innovative site planning techniques," endorsing the use of creative approaches to land use that could include the non-standard lots of this proposal.



<sup>&</sup>lt;sup>3</sup> California Environmental Quality Act.

#### STAFF RECOMMENDATION:

Staff recommends that the Planning Commission review the staff report, hold a public hearing, and hear any proponents and opponents of the proposed project. Staff further recommends that the Planning Commission adopt the attached resolution to recommend to the Board of Supervisors approval of PLN190035 subject to the findings and conditions of approval included within the resolution.

#### **Exhibits and Attachments**

Exhibit A. Tentative Subdivision Map

Exhibit B. Resolution for approval, with conditions of approval, and with attachments:

Attachment 1. MMRP

Attachment 2. Board of Supervisors Ordinance Resolution

Attachment 3. To the ordinance Legal Description

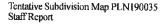
Attachment 4. City of San Juan Bautista Utility Extension Resolution

Attachment 5. City of San Juan Bautista Utility Extension Agreement

Attachment 6. City of San Juan Bautista General Engineering Conditions

Exhibit C. Notice of Decision (NOD) and the Initial Study and Proposed Mitigated Negative Declaration

Exhibit D. Public Comments Received PLN190035 - None received



istaled.





### City of San Juan Bautista

The "City of History"
Office of the City Manager

#### Attachment 1

Utility Extension Agreement

Proposed Terms to be executed and recorded on title prior to issuing Building Permits

#### **RESOLUTION 2020-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING THE CONNECTION OF 105 SAN JUAN HOLLISTER ROAD TO THE CITY'S SEWER SYSTEM

WHEREAS, insert property description.

WHEREAS, insert general plan compliance references

WHEREAS, Municipal Code 5-9-600 "Outside the City- Approval Required" clearly states that, "Except when authorized by resolution of the City Council, which resolution shall contain such terms and conditions and fix such fees as the City Council shall deem appropriate, no sewer connection permit shall be issued, nor shall any sewer connection be made to serve, any premises or property located outside the corporate limits of the City;" and

WHEREAS, Insert any unique characteristics; and

WHEREAS, the Owner has requested to be connected to the city's sewer line, Insert Fees and

WHEREAS, the City Council can determine that these special circumstances make this request for connection of (Insert Property description) to the City's sewer an exceptional and unusual case, that is worthy of consideration.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY RESOLVES AS POLLOWS:

 The City Council finds in considerations of the unique history of the property, (insert property) justifies an exception to the San Juan Bautista Municipal Code Section 5-9-





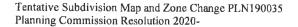
### City of San Juan Bautista

# The "City of History" Office of the City Manager

- 2. The City Council adopts this Resolution in agreement with four conditions placed upon the owner;
  - a. That the current and future us of the property remain consistent with the General Plan's land use designation, unless otherwise approved for a variance;
     and
  - b. That the owner will adhere to the City's Uniform Waste Water regulations, as stated in Municipal Code 5-9 (et al) and any subsequent amendments to them, at all times before, during and after this sewer connection is completed.
  - c. Costs of Design, Engineering and Construction of Extension. The owner shall agree to pay all costs of design, permits, fees, inspections costs, engineering and construction of the extension, which shall be accomplished to City standards and conform to plans approved by the City Engineer, or his/her designee. Costs of plan review and construction inspection shall also be paid by the owner.
  - d. That before the issuance of building and/or encroachment permits, the owner will execute and record on title with the City a Utility Extension Agreement, with terms similar to those provided in Exhibit "A."

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista on this  $30^{th}$  day of June 2020 by the following vote:

AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
ATTEST:	Mary V. Edge, Mayor
Laura Cent, City Clerk	
Exhibit A- example of conditions for a Utility Extension Ag	greement



Page 31 of 38

#### Attachment 5: City of San Juan Bautista Utility Extension Agreement



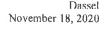
### City of San Juan Bautista

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#### EXHIBIT A:

#### PROPOSED TERMS OF A UITLITY EXTENSION AGREEMENT

- (A) Agreement to Run with the Property. The agreement shall be recorded against the property in the San Benito County auditor's office, and shall constitute a covenant running with the land. All covenants and provisions of the agreement shall be binding on the owner and all other persons subsequently acquiring any right, title or interest in or to said property.
- (B) Warranty of Title. The agreement shall be executed by the owner of the property, who shall also warrant that he/she is authorized to enter into such agreement.
- (C) Dedication of Capital Facilities. The owner shall agree to dedicate all capital facilities constructed as part of the water and sewer extension (such as water or sewer main lines, pump stations, wells, etc.), at no cost to the city, upon the completion of construction, approval and acceptance by the city.
- (D) Agreement Not to Protest Annexation. The owner shall provide the city with an irrevocable power of attorney to allow a city representative to sign a petition for annexation on behalf of the property owner or the property owner shall agree to sign a petition(s) for annexation of his/her property when requested to do so by the city.
- (E) Waiver of Right to Protest the formation of an assessment district that directly benefits the property. If, at the time of execution of the agreement, the city has plans to construct certain improvements that would specially benefit the owner's property, the agreement shall specifically describe the improvement. The owner shall agree to sign a petition for the formation of an assessment district for the specified improvements at the time one if circulated, and to waive his/her right to protest formation of any such special district.
- (F) Development of Property to Conform to City Code Exceptions. The owner shall agree to comply with all requirements of the city's land use plan, zoning, fire codes and those portions of the city building code which are referenced by the fire code, and the city public works standards when developing or redeveloping the property subject to the agreement. The city council may grant exceptions to the requirements contained in this subsection only under the following conditions:
  - (1) The applicant must demonstrate that the proposed departure from the city's land use standards, zoning code, or public works standards would result in a development which meets the intent of the applicable provisions of the comprehensive plan, zoning code or public works standards, based upon compliance with all of the following criteria:

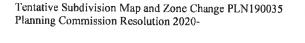




# City of San Juan Bautista

# The "City of History" Office of the City Manager

- (a) That the site of the proposed use is adequate in size and shape to accommodate such use and all yards, spaces, walls and fences, parking, loading, landscaping and other features necessary to ensure compatibility with and not inconsistent with the underlying zoning district;
- (b) That the site for the proposed use relates to streets adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses and that adequate public utilities are available to serve the proposal;
- (c) That the proposed use will have no significant adverse effect on existing uses or permitted uses;
- (d) That the establishment, maintenance and/or conducting of the uses for which the utility agreement is sought will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to the environment, nor shall the use be inconsistent with or injurious to the character of the neighborhood or contrary to its orderly development.
- (G) Termination for Noncompliance. In addition to all other remedies available to the city for the owner's noncompliance with the terms of the agreement, the city shall have the ability to disconnect the utility, and for that purpose may at any time enter upon the property.





### **SANITARY SEWER CONNECTION AGREEMENT**

AGREEMENT BETWEEN THE CITY OF SAN JUAN BAUTISTA AND OTTOBONI FOR CONNECTION TO SANITARY SEWER SYSTEM FOR SEWER SERVICES TO THE PROPERTY SITUATED AT (APN).	
THIS AGREEMENT, hereinafter referred to as "Agreement" is hereby entered into this day of, 2020 by and between the City of San Juan Bautista a municipal corporation of the State of California hereinafter referred to as "City" and hereinafter referred to as "Customer" and collectively referred to as the "Parties to this agreement.	
WITNESSETH	
<b>WHEREAS</b> , the "City" owns and operates a Sanitary Sewer Treatment Facility, sanitary sewer collection system, sanitary sewer lift station and other appurtenance necessary for the purpose of receiving, transmitting and treating sanitary sewer effluent from properties within the sewer service area of the system, and	
WHEREAS, the "Customer" owns property outside of the City limits and within the service area of the sewer system and desires to connect to the sanitary sewer collection system to fulfill the obligations of the conditions of approval contained in Resolution No. 95-41, "Plan of Service", as described in Exhibit "A" of said Resolution, and	
<b>WHEREAS</b> , the City Council authorized the connection to the City's sanitary sewer system of 105 San Juan Hollister Road by Resolution 2020 - 34 on June 30, 2020 and authorized signature to this Agreement.	
<b>NOW THEREFORE IT IS AGREED</b> , that the "Parties", in consideration for the City providing sanitary sewer collection, lift station and treatment services to and for the benefit to the property situated at(APN),agree as follows;	
SECTION 1. "City" agrees to operate and maintain sanitary sewer collection system, lift station and treatment facility for the mutual benefit of properties within the City.	
SECTION 2. The "Customer" agree to pay to the "City" sanitary sewer connection fee, permit and inspection fees in the amount of \$ for sewer connection for a single family house	
SECTION 3. The "Customer" agrees to report to the "City" any changes to the property which would affect the volume and strength of sanitary sewer effluent discharge into	



the sanitary sewer collection system for the purposes of determining the monthly sanitary sewer use fees based upon the strength and volumes of discharge.

**SECTION 4.** The "Customer" agrees to pay to the "City" the monthly sewer user charges for a single family house.

**SECTION 5.** In exchange for City agreeing to provide sanitary sewer collection, lift station and treatment services, Customer hereby expressly and specifically forever releases and discharges City from, of and for, and hereby waives and surrenders, any and all past, present and future claims, counterclaims, demands, suits, actions, causes of actions, liabilities, obligations, damages, injuries, of any nature or kind whatsoever, including claims for personal injury or property damage, plus any and all costs, fees and expenses, including reasonable attorney's fees, whether arising at law or in equity, under the common law, federal, state, local or other law, in any manner relating to or arising from the sewer services on the Property (collectively, "Claims").

**SECTION 6.** This agreement shall remain in force or in effect unless amended. Either party may request in writing an amendment to this agreement due to a change in the number of tenants in each building or the volume and or strength of the sewer discharge. The amendment shall be approved by both parties to this agreement.

**SECTION 7.** This agreement shall be recorded against the property in the San Benito County auditor's office, and shall constitute a covenant running with the land. All covenants and provisions of the agreement shall be binding on the owner and all other persons subsequently acquiring any right, title or interest in or to said property.

**SECTION 8.** Customer represents and warrants that he or she is the owner of the property and is authorized to enter into this Agreement.

**SECTION 9.** Customer hereby agrees to dedicate all capital facilities constructed as part of the water and sewer extension (such as water or sewer main lines, pump stations, wells, etc.), at no cost to the City, upon the completion of construction, approval and acceptance by the city.

**SECTION 10.** Customer shall provide the City with an irrevocable power of attorney to allow a City representative to sign a petition for annexation on behalf of the Customer or the Customer agrees to sign a petition(s) for annexation of his/her property when requested to do so by the City.

**SECTION 11.** If, the City constructs certain improvements that would specially benefit the owner's property, the Customer agrees to sign a petition for the formation of an assessment district for the specified improvements at the time one if circulated, and to waive his/her right to protest formation of any such special district.

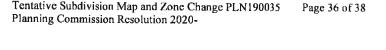


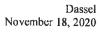
**SECTION 12.** The Customer agrees to comply with all requirements of the City's land use plan, zoning, fire codes and those portions of the City building code which are referenced by the fire code, and the City public works standards when developing or redeveloping the property subject to the agreement. The City Council may grant exceptions to the requirements contained in this subsection only under the following conditions:

- (1) The applicant must demonstrate that the proposed departure from the city's land use standards, zoning code, or public works standards would result in a development which meets the intent of the applicable provisions of the comprehensive plan, zoning code or public works standards, based upon compliance with all of the following criteria:
- (a) That the site of the proposed use is adequate in size and shape to accommodate such use and all yards, spaces, walls and fences, parking, loading, landscaping and other features necessary to ensure compatibility with and not inconsistent with the underlying zoning district;
- (b) That the site for the proposed use relates to streets adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses and that adequate public utilities are available to serve the proposal;
- (c) That the proposed use will have no significant adverse effect on existing uses or permitted uses;
- (d) That the establishment, maintenance and/or conducting of the uses for which the utility agreement is sought will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to the environment, nor shall the use be inconsistent with or injurious to the character of the neighborhood or contrary to its orderly development.

**SECTION 13.** In addition to all other remedies available to the City for the Customer's noncompliance with the terms of the Agreement, the City shall have the ability to disconnect the utility, and for that purpose may at any time enter upon the property.

IN WITNESS WHEREOF, the Parties hereto have by the respective bodies or owners of said p to, on the, 20	roperty to which this agreement is subject
CITY OF SAN JUAN BAUTISTA:	CUSTOMER:
Mayor Mary Edge	





#### Attachment 6: City of San Juan Bautista General Engineering Conditions



### City of San Juan Bautista

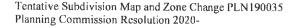
# The "City of History" Office of the City Manager

#### Attachment 2

Planning Application No. PLN190035, Dassel TSM & ZC, 333 Mission Vineyard SJB, APN# 012-190-012.

#### General Engineering Conditions:

- 1. Project shall provide all information required per City's subdivision ordinance.
- 2. Provide current title report with supporting documents.
- Provide topographic and boundary survey prepared, stamped and signed by a licensed land surveyor.
- 4. Provide preliminary geotechnical investigation to confirm site suitability for project including septic system. Each site shall be conditioned to perform design level percolation testing in the actual location of any proposed septic system to ensure that the design system is based on the site-specific percolation rate for the actual installation area and appropriate system loading based on the size and components of any proposed residence.
- 5. Provide geotechnical engineer information.
- 6. Provide separate plot plan showing existing and proposed easements, lots, dedications, full dimensions, acreages before and after subdivision.
- Provide Joint trench Intent Plans
- 8. Provide joint trench designer information.
- 9. Project frontage shall be designed per City Standards including drainage.
- 10. Provide complete flood zone information including boundaries and flood zone.
- 11. Provide detailed cost estimate for all construction within public right-of-way.
- Add note that Applicant shall obtain City Encroachment Permit for all construction in the public right-of-way.
- Engineering plans shall be prepared, stamped and signed by a registered Civil Engineer.
- 14. Project shall incorporate recommendations in the Geotechnical Report and Geotechnical Engineer shall stamp and sign title sheet stating plans conform to recommendations of Geotechnical Report.
- 15. Provide sections at property lines.
- Provide sections through lot in transverse and longitudinal directions.
- 17. Clarify limits of grading
- 18. Provide grades at along conform locations.
- 19. Provide grades and slopes for roadway for large lot.
- 20. Show and label all existing and proposed easements clearly
- 21. Provide existing spot elevations at project boundaries.









# City of San Juan Bautista

# The "City of History" Office of the City Manager

- 22. Provide pre-and post-construction stormwater treatment measures.
- 23. Post development run-off shall be the same as pre-development run-off. Provide complete drainage plan and sizing calculations
- 24. There is an existing power pole with an anchor at the proposed entrance to 2 lots, show how this will be dealt with on plans.
- 25. Show water service for all properties.
- Show dimensions for roadway for large lot. Roadway slope and dimensions shall meet Fire Department Standards including turnaround.
- 27. Show runoff collection for large lot driveway.

#### LOCAL AGENCY FORMATION COMMISSION

SAN BENITO COUNTY

2301 Technology Parkway Hollister, CA 95023

Phone: (831) 637-5313 Fax: (805) 647-7647

August 27, 2021

Don Reynolds, City Manager City of San Juan Bautista PO Box 1420 San Juan Bautista, CA 95045

RE: LAFCO Approval Under Government Code 56133(b) for the Dassel Subdivision Water and Sewer Extension to the Dassel Subdivision Located on Mission Vineyard Road

Dear Mr. Reynolds:

The Commission has reviewed the City's request for San Benito LAFCO review of the proposed sewer and water extension to the five (5) one acre lot and one 25.5 acre remainder parcel "Dassel Subdivision" (County Tract Map No. 356). At the June 10, 2021, regular meeting, the Commission voted to approve the service extension for water and sewer service from the City, as authorized under Government Code section 56133(b), which allows consideration of service extensions outside an agencies boundary, but within the sphere of influence, in anticipation of a future boundary change (typically meaning annexation).

The property is located witin the City's current sphere of influence and an existing water line runs along Mission Vineyard Road adjacent to the property. The ability to connect to sewer service in the future was also granted to support the City's requirement that the future homes to be developed on the property discontinue use of septic systems and hook up to City wastewater treatment system when the City extends sewer lines within 500' of the property.

This letter serves as notice that the LAFCO of San Benito County has approved the water and possible future wastewater connections to the Dassel Subdivision project located on Mission Vineyard Road, subject to the City entering into an agreemen with the landowner that includes a provision the owners will not protest future annexation of the property into the City when it becomes feasible. Please let me know if you have any questions or need more information.

Sincerely,

cc:

Bill Nicholson Executive Officer

Bil Michelson

Arielle Goodspeed, Senior Planner, San Benito RMA Allen Andrade, PE, MH Engineering

# 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 STAFF REPORT

**ITEM TITLE:** 

ADOPT A RESOLUTION REGARDING

THE RALPH M. BROWN ACT AND

**ASSEMBLY BILL 361, MAKING** 

**CERTAIN FINDINGS, AND** 

**AUTHORIZING THE CITY TO** 

**IMPLEMENT REMOTE** 

TELECONFERENCED PUBLIC

MEETINGS OF THE CITY COUNCIL

FOR THE PERIOD COMMENCING OCTOBER 19, 2021 THROUGH

**NOVEMBER 18, 2021.** 

**MEETING DATE:** 

October 19, 2021

**DEPARTMENT HEAD:** 

Trish Paetz, Administrative Services Manager

# RECOMMENDATION

Adopt A Resolution No. 2021-XX, regarding the Ralph M. Brown Act (California Government Code §§54950-54963, hereinafter the "Brown Act") and Assembly Bill 361, making certain findings, and authorizing the City to implement remote teleconferenced public meetings of the City Council for the period October 19, 2021 through November 18, 2021.

# **EXECUTIVE SUMMARY**

On September 20, 2021, Governor Newsom signed Executive Order N-15-21, clarifying the cities may continue to meet remotely in accordance with the procedures established by prior Executive Orders. Assembly Bill 361 (AB 361) allows cities to continue to meet remotely during states of emergency proclaimed by the Governor under modified Brown Act requirements that are similar to but not identical to the rules and procedures established by the previous Executive Orders relating to the relaxation of the Brown Act requirements during the COVID-19 pandemic.



AB 361 authorizes local agencies to use teleconferencing without complying with teleconferencing requirement imposed by the Brown Act during a declared state of emergency when state or local health officials have imposed or recommended measures to promote social distancing during the proclaimed state of emergency or when the legislative body had determined by majority vote that meeting in person would present imminent risks to the health or safety of attendees.

# FISCAL IMPACT - None.

# **BACKGROUND/ ANALYSIS:**

On June 11, 2021, Governor Newsom issued Executive Order N-08-21 which among other things rescinded his prior Executive Order N-29-20 and set the date of October 1, 2021, for public agencies to transition back to public meetings held in full compliance with the Brown Act.

As the Delta variant has surged in California, the legislature has taken action to extend the COVID-19 exemptions to the Brown Act's teleconference requirements, subject to some additional requirements. AB 361 allows a local agency to use teleconferencing in any of the following circumstances without complying with the Brown Act provisions:

- 1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- 2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- 3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote taken at a meeting held for the purpose described in 2 above, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

A local agency that holds a meeting under any of these circumstances would be required by AB 361 to follow the steps listed below, in addition to giving notice of the meeting and posting agendas as required under the Brown Act. These additional requirements are intended to protect the public's right to participate in the meetings of local agency legislative bodies.

Pursuant to AB 361 local agencies are required to do all of the following in addition to meeting notice requirements under the Brown Act:

- Allow the public to access the meeting and require that the agenda provide an opportunity for the public to directly address the legislative body pursuant to the Brown Act's other teleconferencing provisions.
- In each instance when the local agency provides notice of the teleconferenced meeting or posts its agenda, give notice for how the public can access the meeting and provide public comment.
- Identify and include in the agenda an opportunity for all persons to attend via a call-in or an internet-based service option; the legislative body need not provide a physical location for the public to attend or provide comments.
- Conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the public.
- Stop the meeting until public access is restored in the event of a service disruption that either prevents the local agency from broadcasting the meeting to the public using the call-in or internet-based service option or is within the local agency's control and prevents the public from submitting public comments (any action taken during such a service disruption could be challenged under the Brown Act's existing challenger provisions).
- Not require comments be submitted in advance (though the legislative body may provide that as an option) and provide the opportunity to comment in real time.
- Provide adequate time for public comment, either by establishing a timed public comment period or by allowing a reasonable amount of time to comment.
- If the legislative body uses a third-party website or platform to host the teleconference, and the third-party service requires users to register to participate, the legislative body must provide adequate time during the comment period for users to register and may not close the registration comment period until the comment period has elapsed.

The City of San Juan Bautista currently adheres to the above-listed requirements.

AB 361 provides that if the state of emergency remains active for more than 30 days, a local agency must make the following findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing requirements:

 The legislative body has reconsidered the circumstances of the emergency; and • Either of the following circumstances exist: the state of emergency continue to directly impact the ability of members to meet safely in person or State or local officials continue to impose or recommend social distancing measures.

The goal of AB 361 is to improve and enhance public access to local agency meetings during the COVID-19 pandemic and future applicable emergencies by allowing broader access through teleconferencing options. AB 361 contained an urgency clause and became effective on September 16, 2021, with a sunset of January 1, 2024.

# **CONCLUSION:**

This request is submitted for City Council consideration and possible adoption of a resolution regarding the Ralph M. Brown Act (California Government Code §§54950-54963) and Assembly Bill 361, making certain findings, and authorizing the City to implement remote teleconferenced public meetings of the City Council for the period October 19, 2021 through November 18, 2021.

# **RESOLUTION NO. 2021-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA REGARDING THE RALPH M. BROWN ACT (CALIF. GOVT. CODE §§54950-54963) AND ASSEMBLY BILL 361, MAKING CERTAIN FINDINGS, AND AUTHORIZING THE CITY TO IMPLEMENT REMOTE TELECONFERENCED PUBLIC MEETINGS OF THE CITY COUNCIL FOR THE PERIOD OCTOBER 19, 2021 THROUGH NOVEMBER 18, 2021.

**WHEREAS**, COVID-19 is a viral respiratory disease which has now spread across the world with multiple confirmed cases in California and, as of October 12, 2021, there have been 289 confirmed cases in the City of San Juan Bautista; and

**WHEREAS,** under authority provided by Government Code section 8625 on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and

**WHEREAS,** the Governor's proclaimed state of emergency remains in effect; and

**WHEREAS**, on March 17, 2020, the City of Council declared a State of Emergency in the City of San Juan Bautista due to COVID-19 that remains in effect; and

**WHEREAS**, the City Council is committed to preserving and nurturing public access and participation in its public meetings; and

**WHEREAS**, all meetings of the City Council are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the City Council conduct its business; and

**WHEREAS**, the Brown Act, Government Code section 54953, makes provisions for remote teleconferencing participation in meetings by members of a legislative body; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconference rules set forth in Government Code section 54953(b)(3) provided certain requirements were met and followed and subject to the existence of certain conditions; and

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in Government Code section 54953(b)(3) would continue to be suspended through September 30, 2021; and

Resolution No. 2021-XX Page Two

WHEREAS, On September 16, 2021, Governor Newsom signed Assembly Bill 361 that provides that, during a state of emergency declared by the Governor pursuant to Government Code section 8625, a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconference rules set forth in Government Code section 54953(b)(3) provided state or local officials have imposed or recommended measures to promote social distancing or the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and

**WHEREAS**, on September 20, 2021, Governor Newsom signed Executive Order N-15-21, clarifying the cities may continue to meet remotely in accordance with the procedures established by prior Executive Orders; and

**WHEREAS**, the City Council is empowered to take actions necessary to protect public health, welfare and safety within the City; and

**WHEREAS,** the City Council has an important governmental interest in protecting the health, safety and welfare of those who participate in its meetings subject to the Brown Act; and.

WHEREAS, the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(5) in that adopting a resolution authorizing the City Council to conduct teleconference public meetings does not meet CEQA's definition of a "project" because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes organizational or administrative activities of government that will not result in direct or indirect physical changes in the environment and is exempt pursuant to Section 15269(c) of the CEQA Guidelines, as specific actions necessary to prevent or mitigate an emergency; and

**WHEREAS**, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City staff and any information presented during the public meeting.

**NOW, THEREFORE, BE IT RESOLVED BY** THE City Council of the City of San Juan Bautista, as follows:

1. The Recitals set forth above are true and correct and are incorporated into this Resolution as findings of the City Council by this reference.

- The City Council finds and determines such conditions as described in the Recitals above and other conditions described herein now exist in the City, specifically:
  - i. The Health & Human Services Agency of the County of San Benito has issued a health advisory entitled "COVID-19 What you need to know" that recommends social distancing as a way to slow the spread of a virus include keeping a distance of approximately three feet from the nearest person while in a workplace.
  - ii. The California Department of Public Health ("CDPH") and the federal Centers for Disease Control and Prevention ("CDC") caution that the Delta variant of COVID-19 is currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations.
  - iii. Other variants of COVID-19 exist and it is unknown at this time whether other variants may result in a new surge in COVID-19 cases.
  - iv. As of October 12,2021, San Benito County reported 94 active cases of COVID-19 in the County.
  - v. Due to the seriousness of the current COVID-19 pandemic situation, the CDPH has required that all unvaccinated people wear facial coverings indoors, and the CDC and CDPH recommend that all persons regardless of vaccination status wear facial coverings indoors.
- 3. he City Council does hereby: (i) affirm that State and local health officials have made the recommendations concerning social distancing described in the Recitals and in Section 2 herein; and (ii) find and determine that the conditions described in the Recitals and in Section 2 herein have caused, and will continue to cause, conditions of peril to the safety of persons within the City and present imminent risks to the health or safety of attendees and thus intends to invoke the provisions of AB 361 related to teleconferencing of its public meeting as provided in subdivision (e) of Government Code section 54953.
- 4. As a consequence of the state emergency, the City Council does hereby find and determine that its meetings\_and all meetings of its constituent bodies subject to the Brown Act shall be conducted without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that all its teleconferenced meetings shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953.

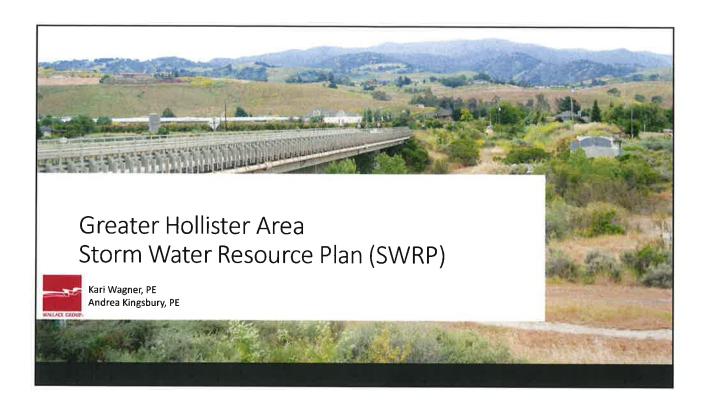
Resolution No. 2021-XX Page Four

- 5. The City Manager is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
- 6. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 19, 2021, or (ii) such time as the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the City Council of the City of San Juan Bautista may continue to teleconference its public meetings without compliance with paragraph (3) of subdivision (b) of section 54953 of the California Government Code.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting duly held this 19<sup>th</sup> day of October 2021, by the following vote:

AYES, COUNCIL MEMBERS: NOES, COUNCIL MEMBERS: ABSENT, COUNCIL MEMBERS: ABSTAIN, COUNCIL MEMBERS:

ADSTAIN, COONCIL MEMBERS.	
ATTEST:	Leslie Q. Jordan, Mayor
Shawna Freels, City Clerk	





# Storm Water Grant Program



California State Water Resources Control Board

### **PURPOSE**

 Promote beneficial use of storm water and dry weather runoff in California

### **FUNDING**

- Prop 1 (AB 1471, Rendon) authorized \$7.545 billion for water projects
- Of this, \$200 million in grant funds for multi-benefit storm water management projects



STORM WATER GRANT PROGRAM

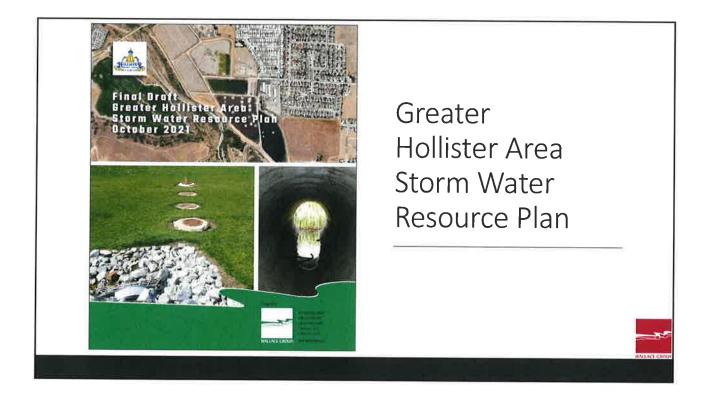
# Prop 1 Round 2 Grant Funding

- In July 2020, the City of Hollister applied for Round 2 of Prop 1 Grant Funding
  - Industrial Wastewater Treatment Plant Upgrades for storm water diversion
    - Matching funds: \$4.7 mil
  - Bridge Road Trash Capture
    - Grant funds: \$4.4 mil
- Application was not selected, but favorably reviewed and placed first on the "standby" list
  - Currently working with the State on the application



STORM WATER GRANT PROGRAM

# Storm Water Resource Plan Guidelines Appendix A: Checking and Self-Cardification Guidelines Appendix A: Checking and Self-Cardification For Storm Water Resource Plan Guidelines Appendix A: Checking and Self-Cardification For Storm Water Resource Plan Guidelines Appendix A: Checking and Self-Cardification For Storm Water Resource Plan Guidelines STATE WATER RESOurce Score Control Addition Water Basels Appendix A: Checking and Self-Cardification For Storm Water Quality developed SWRP Guidelines consistent with the Water Code provisions enacted by SB 985 Self-Certification Checklist \*\*Self-Certification Checklist\*\*



# Why is a SWRP Important?

- Watershed-based plan
- Focuses on existing landscapes to increase storm water capture and use
- Manages storm water as a resource
- Encourages multi-benefit projects
- Incorporates broader water management goals of the Integrated Regional Water Management Plan (IRWMP)



STORM WATER GRANT PROGRAM

# Organization of the SWRP









Coordination,

Collaboration

and





Implementation Strategy and Schedule



Education, Outreach, and Public Participation



GREATER HOLLISTER AREA STORM WATER RESOURCE PLAN

# Pajaro River Watershed

- Spans four counties and four water districts
  - County of Monterey
  - County of San Benito
  - County of Santa Clara
  - County of Santa Cruz
  - Monterey County Water Resources Agency
  - San Benito County Water District
  - Santa Clara Valley Water
  - Santa Cruz County Flood Control and Water Conservation District Zone





GREATER HOLLISTER AREA STORM WATER RESOURCE PLAN

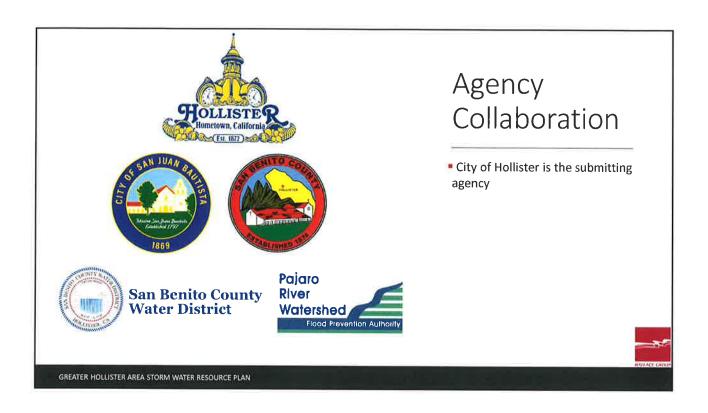


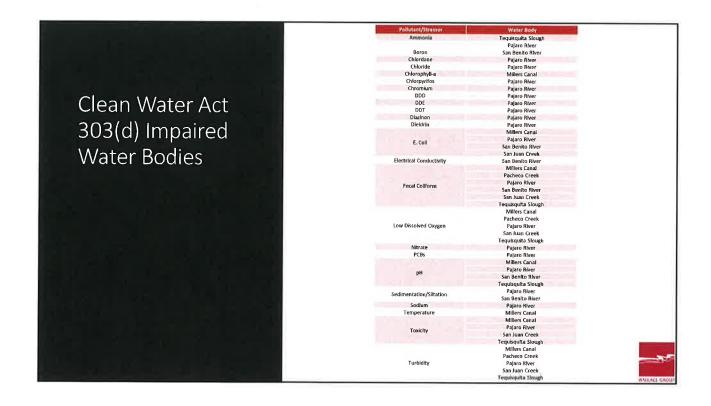
# SWRP Boundary

- Based on eight subwatersheds tributary to the Pajaro River
  - San Benito River
  - Lower Pacheco Creek
  - Lower Pajaro River
  - Upper Pajaro River
  - Lower Uvas Creek
  - San Juan Canyon
  - Santa Ana Creek
  - Tequisquita Slough



GREATER HOLLISTER AREA STORM WATER RESOURCE PLAN







# Identification of Projects

- Project Solicitation
  - City of Hollister
  - City of San Juan Bautista
  - County of San Benito
  - San Benito County Water District
- Pajaro River Watershed Flood Prevention Authority
- 8 projects; 3 programs; 4 opportunities

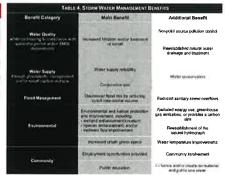


GREATER HOLLISTER AREA STORM WATER RESOURCE PLAN

# Benefits Analysis

# 

# **Multiple Benefits**





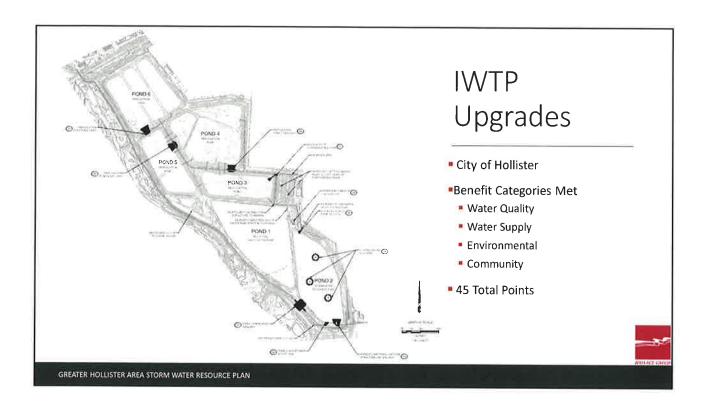
GREATER HOLLISTER AREA STORM WATER RESOURCE PLAN

# Prioritization of Projects Project Funding- 10 points Project Location- 15 points Quantitative Metrics- 0-5 points Multi-Benefits Analysis- 2 & 4 points Water Supply Water Quality Flood Management Environment Community

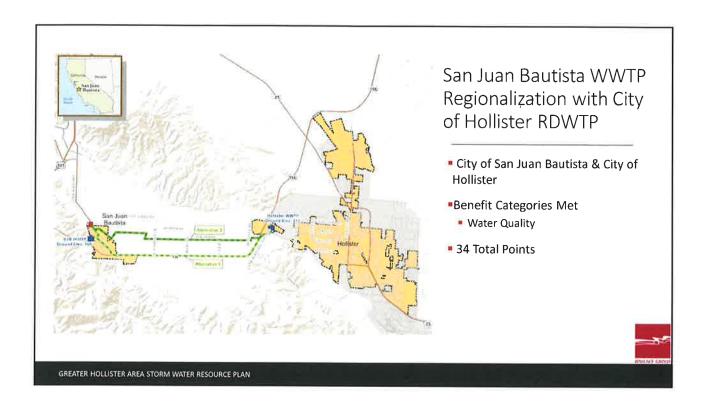
									_				Multipl	e Benefits	Analysis								
	Project Project Funding Location			Quantitative Metrics		w	Water Quality		Water Supply Management		Environmental				Community								
Project Tible	erm Funding? (1/2 colons)	Lands? (15 points)	Countibility Sphalls Analysis Type	Summission Earable Advices Value	Private Assigned	impressed inflittation and for	onpoint source ion control ()	Energiality of hetero water	Water supply refishibly (6 pts)	Conjunctive use (6 pts)	Primare fleed that by Fed cha tunoff rate	Reduced sanitary sewer overflows 12 pesi	Instructional and habitat protection and improvement (4 pts)	increased when green space (A pts)	gas emissions, or provides a parbon sink (2 prs.)	Severability ment of the network the property of the network the property of the network of the	Water temperature Improvements (2 pts)	Employment opportunities provided (4 pts)	Community Insprement (5 ph)	Public Education (4 pts.)	Enhance and/or create recreational and enable are eress (2 pin)	Points Assigned	Proje Scori
IWTP Upgrade: South Street Diversion Structure Pand 2 Outlet Structure and Emergency Spillway pricot Lane Trash Capture & Emergency Spillway Re-purpous Sewer PS to Stormwater PS Percolation Pond Spillway	(\$)	n)	Volume Diverted Environment DAC Population	Lity see altern event (E.4 sone feet) 13.4% of San Benton River tributary (10.5 acre feet) Habitat Created 2,548 persons	12	)%							ĸ		ike .						-41	19	49
Soap Lake Floodplain Preservation Project	2	3	Feat Flow Managed Environment CAS Propriation	35% Cifference High test Menaged 5,003 persons	12	ē		ē	*		×		ije;		U.S.	•					31	24	41
Pacheco Reservoir Expansion	.01	15	Peak Flow Managed	ICAC/Hirensa	A::	) N	П		×	П			16			20						22	41
San Juan Bautista WWTP Regionalization with Hofilater WWTP	9	15	Volume Civerted	500% of Sen Juan Baudista WW Riges 69%	9	ж			×	١.												10	н
Nesh Road Diversion	(4)	35	Volume Diverted Reduction DAC Population	8 2% of Sen Benito River tributary (7.5 acre-feet) 44% 2,464 persons	Æ	э	×		×													30	32
Heldge Hoad Track Capture	(0)	15	Reduction DAC Population	76% LZIII persone	1::	82	×						160							T		10	32
San Benito Street Electrion	97	15	Volume Diverted Pollutant Load Reduction	L1 O% of San Benito River tributary (10.1 acre-feet) 58%		2			8											1		10	31
Fowell Street Underground Detention		15	Storage Capably	25-year (trom Tuest (5.2 accentest).	100	74	-	-			-			-	_		_		$\rightarrow$	$\rightarrow$	$\rightarrow$		26

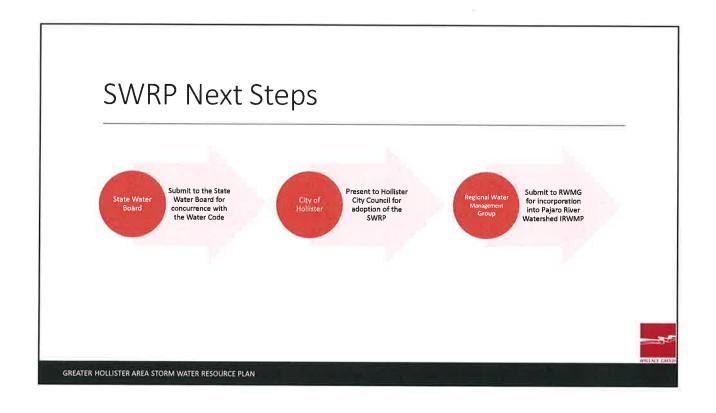
# SWRP Project Prioritization Table

1









# Treasurer's Report

# For the Two Month Period Ended August 31, 2021

(17% of fiscal year)

# General Fund ~

General revenues are running at 15% for the year to date. Correspondingly, general fund expenditures are at 11% for the year to date. The net effect is a positive change in general fund balance of \$94k.

# Water Enterprise Fund ~

The water enterprise fund revenues are running at 17% for the year to date, and expenses are also at 17%. The net effect is a positive change in the water enterprise fund of \$86k.

# Sewer Enterprise Fund ~

The sewer enterprise fund revenues are running at 21% for the year to date, and expenses are at 15%. The net effect is a positive change in the sewer enterprise fund of \$119k.



# City of San Juan Bautista Revenues ~ Budget Vs. Actual For the Two Month Period Ended August 31, 2021

REVENUES	FY21	FY22	Annual		YTD	
<u>Fund</u>	<b>Actuals</b>	<b>Actuals</b>	<b>Budget</b>	<b>Difference</b>	<u>17%</u>	Notes
General Fund	244,707	316,624	2,137,076	(1,820,452)	15%	
Special Revenue Funds:				, , , ,		
Capital Projects Fund	581,318	46,145	905,111	(858,966)	5%	В
Community Development	t 28,383	7,484	404,514	(397,030)	2%	A
COPS	28,677	16,666	100,000	(83,334)	17%	
Parking & Restroom Fd	6,557	3,246	25,000	(21,754)	13%	
Gas Tax Fund	15,621	16,859	100,784	(83,925)	17%	
Valle Vista LLD	3,619	4,321	25,928	(21,607)	17%	
Rancho Vista CFD	9,607	9,786	58,716	(48,930)	17%	
Copperleaf CFD	3,545	3,658	21,945	(18,288)	17%	
Development Impact Fee	Funds:			,		
Park Development			2	2		
Public/Civic Facility			<u>u</u> :	Ē		
Library			-	=		
Storm Drain			-	170		
Parking In-Lieu			=	16		
Park In-Lieu			=	196		
Public Safety			In:	:(#E		
Traffic			10-6	10 <del>4</del> 3		
Internal Service Funds:						
Blg Rehab. & Replace	6,333	6,333	38,000	(31,667)	17%	
Vehicle Replacement	10,000	10,000	60,000	(50,000)	17%	
Enterprise Funds:				, , ,		
Water						
Operations	202,579	207,058	1,239,670	(1,032,612)	17%	
Capital	-	-	576,400	(576,400)	0%	В
Sewer				, , ,		
Operations	189,303	240,622	1,142,430	(901,808)	21%	
Capital	-	-	733,275	(733,275)	0%	В
TOTAL Funds	1,085,543	572,178	7,568,849	6,996,671	8%	

 $A \sim \mbox{These}$  funds are developer derived and are recognized when received.

 $B \sim \text{The timing of the projects}$  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 Two Month Period Ended August 31, 2021

EXPENDITURES	FY21	FY22	Annual		YTD	
<b>Fund</b>	<u>Actuals</u>	<b>Actuals</b>	<b>Budget</b>	<b>Variance</b>	<u>17%</u>	<b>Note</b>
General Fund	319,568	222,886	2,050,876	(1,827,990)	11%	B
Special Revenue Funds:						
Capital Projects Fund	581,318	46,145	2,477,368	(2,431,223)	2%	A
Community Development	99,102	67,586	650,768	(583,182)	10%	
COPS	16,667	16,667	100,000	(83,333)	17%	
Parking & Restroom Fd	607	2,410	11 <b>7,8</b> 99	(115,489)	2%	$\mathbf{A}$
Gas Tax Fund	2,447	2,458	100,784	(98,326)	2%	
Valle Vista LLD	3,207	3,631	25,928	(22,297)	14%	
Rancho Vista CFD	1,603	5,172	58,716	(53,544)	9%	
Copperleaf CFD	1,362	3,234	21,945	(18,711)	15%	
<b>Development Impact Fee Funds</b>						
Public/Civic Facility	450	450	169,540	(169,090)	0%	$\mathbf{A}$
Library	740	7,540	29,440	(21,900)	26%	A
Storm Drain	572	572	10,932	(10,360)	5%	
Park In-Lieu	50	2,731	17,884	(15,153)	15%	$\mathbf{A}$
Public Safety	142	142	180,852	(180,710)	0%	$\mathbf{A}$
Traffic	72	72	5,432	(5,360)	1%	
Internal Service Funds:						
Blg Rehab. & Replace	-	-	25,000	(25,000)	0%	A
Vehicle Replacement	1,767	-	-			
Enterprise Funds:						
Water:						
Operations	111,645	121,426	725,548	604,122	17%	
Capital	39,084	39,288	547,705	508,417	7%	$\mathbf{A}$
Sewer						
Operations	157,468	122,044	805,565	683,521	15%	
Capital	52,777	35,561	717,205	681,644	5%	A
TOTAL Funds	1,120,594	477,129	8,839,387	8,362,258	5%	

# **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 September 30, 2021

		As of September 30, 2021	
Date	Num	Name	Amount
101.000 · Union Bank			
101.001 · Operating Acct. 1948			
09/01/2021	214935	Wells Fargo Bank, N.A.	-476,565,48
09/01/2021	214936	AFLAC	-290.69
09/01/2021	214937	C & N Tractors	-917.43
09/01/2021	214938	CSG Consultants, Inc.	-31,575.00
09/01/2021	214939	Hollister Auto Parts, Inc.	-185.93
09/01/2021	214940	Level 1 Private Security.	-5,040.00
09/01/2021	214941	Monterey Bay Analytical Services	-3,023.10
09/01/2021	214942	Monterey Bay Water Works Association	-140.00
09/01/2021	214943	Ponce's Climate Control Inc.	-6,800,00
09/01/2021	214944	San Benito Tire Pros	-591,03
09/01/2021	214945	Smith & Enright Landscaping	-276.10
09/01/2021	214946	Sprint	-279.65
09/01/2021	214947	Stantec Consulting Services Inc.	-32,549.23
09/01/2021	214948	State Compensation Insurance Fund	-2,250,58
09/01/2021	214949	Wellington Law Offices	-3,172.00
09/01/2021	214950	Wendy L. Cumming, CPA	-3,842.50
09/08/2021	214951	True Value Hardware	-17.47
09/08/2021	214952	ACWA Health Benefits Authority	-15,255.15
09/08/2021	214953	Armando Venegas.	-51.75
09/08/2021	214954	Bartle Wells Associates	-1,800.00
09/08/2021	214955	CALNET	-268.79
09/08/2021	214956	Charter Communications	-548.19
09/08/2021	214957	Chrisp Company	-19,150.00
09/08/2021	214958	Clark Pest Control	-97.00
09/08/2021	214959	CSG Consultants, Inc.	-28,035.00
09/08/2021	214960	Harris & Associates	-11,060.00
09/08/2021	214961	Home Depot Credit Services	-33.57
09/08/2021	214962	Joan Summers:	-81.42
09/08/2021	214963	Joni L. Janecki & Associates, Inc.	-1,597.50
09/08/2021	214964	Monterey Bay Analytical Services	-1,307.20
09/08/2021	214965	PG&E	-2,145.41
09/08/2021	214966	Rich Brown.	-95.00
09/08/2021	214967	Rx-Tek	-722.00
09/08/2021	214968	Staples	-281.99
09/08/2021	214969	True Value Hardware	-33.89
09/14/2021	214970	Monterey Bay Air Resources Dist.	-1,032.48
09/22/2021	214971	4Leaf, Inc.	-12,547.00
09/22/2021	214972	All Clear Water Services	-4,355.00
09/22/2021	214973	at&t	-80.86
09/22/2021	214974	att.com	-70.75
09/22/2021	214975	AVAYA	-250.66
09/22/2021	214976	Cypress Water Services	-10,575.00
09/22/2021	214977	Data Ticket Inc.	-200.00
			-200.00

# City of San Juan Bautista Warrant Listing As of September 30, 2021

The state of the s	Date	Num	Name	Amount
	09/22/2021	214978	FedEx	-143.53
	09/22/2021	214979	First Alarm	-440.37
	09/22/2021	214980	Harris & Associates	-2,150.00
	09/22/2021	214981	J.V. Orta's Rent A Fence	-222,75
	09/22/2021	214982	KBA Docusys	-350.75
	09/22/2021	214983	Level 1 Private Security.	-4,725.00
	09/22/2021	214984	Monterey Bay Analytical Services	-3,680.05
	09/22/2021	214985	PG&E	-11,826.50
	09/22/2021	214986	Ponce's Climate Control Inc.	-490.00
	09/22/2021	214987	Quadient Leasing USA, Inc.	0.00
	09/22/2021	214988	Rossi's Tire & Auto Service	-30.00
	09/22/2021	214989	Sentry Alarm System	-582.00
	09/22/2021	214990	Stantec Consulting Services Inc.	-68,727.72
	09/22/2021	214991	United Site Services of California, Inc.	-356.15
	09/22/2021	214992	US Bank Equipment Finance	-249.61
	09/22/2021	214993	Valero Wex Bank	-1,272.73
	09/22/2021	214994	US Bank	-1,898.08
	09/23/2021	214995	Michelle Sabathia.	-300-00
	09/29/2021	214996	4Leaf, Inc.	-1,592.61
	09/29/2021	214997	4Leaf, Inc.	-1,519.39
	09/29/2021	214998	Filomeno Garza.	-55.26
	09/29/2021	214999	Harris & Associates	-3,561.25
	09/29/2021	215000	Monterey Bay Analytical Services	-1,632.80
	09/29/2021	215001	Quadient Leasing USA, Inc.	-571.72
	09/29/2021	215002	Ready Refresh	-169.56
	09/29/2021	215003	Rich Brown.	-231.00
Total 101.001 · 0	Operating Acct.	1948		-785,970.63
Total 101.000 · Union	Bank			-785,970.63
TOTAL				-785,970.63



# 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:

October 19, 2021

**SUBMITTED BY:** 

Brian Foucht, Community Development Director

# **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 <u>any</u> 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") may be rejected by HCD during their required review of the ordinance after adoption by the City Council. HCD may also not agree that reference to a mandatory Historic Resource designation in 11-06-090, San Juan Bautista Design Guidelines, or referenced Secretary of Interior standards are objective standards enabling a ministerial action. In that event, the ADU ordinance will be returned to the City Council for modification.

The proposed ordinance was the subject of a Public Hearing on September 21, 2021. After closing the Public Hearing was closed, the City Council did not approve the first reading, and instead directed staff to return the ordinance for first reading with changes that addressed the following concerns:

- 1. ADUs are not necessarily intended to meet the City's need for Low and Moderate Income housing.
- 2. The ordinance must more specifically reference Historical Resource protection as a ministerial act that utilizes the objective standards found in the City's Design Guidelines and the Secretary of Interior standards for the Treatment of Historic Properties. Definitions of these terms should be modified to explicitly reference codes and standards related to
- Standards to address the proximity of ADUs to adjacent residential development should be strengthened.
- 4. All ADUs, including those converted from accessory structures such as garages, shops and home offices should be designed to match key design elements of the principal building.

The following are specific Sections that have been modified (underlined sections to respond to these concerns:

- 1. WHEREAS statement number 5
- 2. 11-04-020 I and J— Definitions
- 3. 11-04-040 ADU Mandatory Approval: reference to ministerial approval and objective standards
- 4. 11-04-07. B Single Unit (R-1) Attached ADUs Additional standards Height and Setback limitations
- 5. 11-04-100 Multi unit ADU development standards
- 6. 11-04-160 Design Standards All Zones colors, materials, finishes to match
- 7. 11-04-170 Design Standards Historic Districts and Properties applicability

### 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.
- o 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.
- o 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.
- o 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.
- o 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  $7^{th}$  day of September 2021, by the following vote:

AYES:

Delgado, Matchain, Medeiros, Bains

NOES:

Morris-Lopez

ABSENT:

None

ABSTAIN:

None

Yolanda Delgado, Cháirpersor

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

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

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

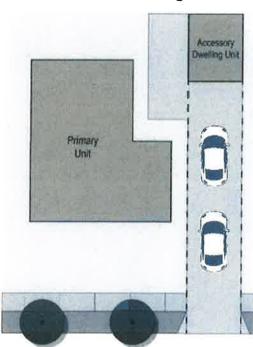
### 11-04-020 Definitions

- 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, including those in a Mixed Use (MU) District 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 including zoning, subdivision, or design, including objective standards requiring little or no personal judgment relating to "Automatic Historic Resources" and those contained in Chapter 6 the City of San Juan Bautista Design Guidelines referenced in Zoning Ordinance Chapter 11-06.
- J. "Objective Standards" means those contained in the adopted Building Code, Plumbing Code, Electrical Code, Historical Building Code, Engineering Design Standards, and UBC Chapter 70 Appendix. Such standards shall also include treatment of Historically significant buildings and properties referenced in Chapter 6 of the San Juan Bautista Design Guidelines and the Secretary of the Interior Standards for the Treatment of Historic Properties required in Chapter 11-06 of this Title
- K. "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.
- L. "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.

- M. "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.
- N. "Passageway." A pathway that extends from a street or alley to one entrance of the accessory dwelling unit.
- O. "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.
- P. "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.
- Q. "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. An Accessory Dwelling 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) located within a Historic District or on a property containing a primary single or multi-family unit identified as an "Automatic Resource in accordance with Zoning Ordinance Section 11-06-090 where the Accessory Dwelling Unit meets the objective standards of Chapter 6 of the City Design Guidelines
- B. A Junior Accessory Dwelling Unit that is:
  - 1) 500 square feet or smaller in size; and
  - 2) located within a Historic District <u>or within a residential dwelling unit identified as an "Automatic Resource" in accordance with provisions of Zoning Ordinance Section 11-06-090. where the Accessory Dwelling Unit meets the objective standards of Chapter 6 of the City Design Guidelines</u>

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 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.

#### 11-04-060 Single-Unit (R-1) Zones: Detached Accessory Dwelling Unit

- A. Generally. 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:
  - 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 the setback required in this Title for the Zoning District in which it is located, or as illustrated in Section 11-04-120, 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. Planning Commission Approval. Any proposed Detached Accessory Dwelling Unit that exceeds a height of 16 feet shall obtain a Site Plan and Design Review Permit by the Planning Commission pursuant to Section 11-18-030 of the San Juan Bautista Municipal Code.

#### 11-04-070 Single-Unit (R-1) Zones: Attached Accessory Dwelling Unit

- A. Generally. One Attached Accessory Dwelling Unit shall be allowed on a separate legal lot that contains 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. Is located behind the plane of the front façade of the primary building, 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. Attached to Primary Dwelling. Any Attached Accessory Dwelling Unit that is attached to a primary dwelling shall shall meet all the requirements of this Title applicable to the main building for the zone in which the Accessory Dwelling Unit is located.
  - 2. Attached to an Existing Accessory Structure. Any Attached Accessory Dwelling Unit that is built on top of an existing accessory structure, such as a garage or shop building, may maintain the same side and rear setbacks as 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 a Historic Districts or not on the same property as an Automatic Resource referenced in 11-06-090.

- 3. <u>Notwithstanding subsection A.2.</u> of this section, Cornices, eaves, canopies, fireplaces, oriel windows, bay windows and other similar architectural features, proposed for an Accessory Dwelling Unit constructed on top of an existing or proposed accessory building, such as a garage or shop, or on top of another Accessory Dwelling Unit (see 11-04-100 for multi-family dwelling building), shall not exceed the required side and rear setback areas for accessory buildings in the same Zoning District.
- 4. <u>Open stairways, landings or second floor decks proposed for Accessory Dwelling Units shall not be located within any side or rear setback area.</u>

#### 11-04-080 RESERVED

#### 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 or 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.
- 3. Attached and Detached. Not more than two (2) Accessory Dwelling Units attached to the primary unit or to each other, or similarly detached shall be allowed on a parcel where a multi-unit structure is proposed or exists. subject to the following requirements:
  - a. <u>Height shall not exceed the maximum height required by this Title for multifamily structures.</u>
  - b. <u>Setbacks shall be consistent with the setbacks required by this Title for the primary structure.</u>
  - c. Gross floor area for each Accessory Dwelling Unit shall not exceed more than 800 square feet for one-bedroom units and not more than 1,000 sq. ft. for two bedroom units.
  - d. Accessory Dwelling Units on properties surrounded on two or more sides by separate properties that contain more than 50% of one story existing buildings shall be not more than 16' in height. In such cases, side and rear yards shall be at least 4 feet

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

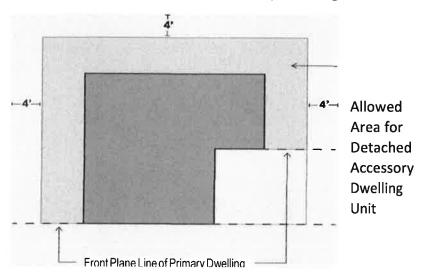
Accessory Dwelling Units and Junior Accessory Dwelling Units are permitted in Mixed-Use (MU) zones on properties with single units or multi-family buildings subject to requirements of San Juan Bautista Design Guidelines Chapters 4-6 and applicable Sections 11-04-160 through 190 of this Chapter.

#### 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,

Location. Every part of a Detached Accessory Dwelling Unit shall be located behind the front plane of the primary dwelling, regardless of setbacks required in the Zoning District.

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



- A. Corner Lots. No Accessory Dwelling Unit shall extend beyond a four-foot interior and a 10 foot street-side side yard setback, and in no case shall the Accessory Dwelling Unit break the front plane of the primary dwelling.
- B. Easements. The Accessory Dwelling Unit shall not encroach onto a recorded easement.
- C. 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.
- D. 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.
- E. 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.
- F. 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 Requirments of those districts by not more than 25%, subject to applicable rear yard, side yard, height and setback requirements in section 11-04-130.
- G. 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.

- H. 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).
- I. 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.

#### J. 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.
- K. 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. Pusuant to the law, parking requirements ahll 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. 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.
- D. 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.
- E. Parking. No replacement of off-street parking is required when a garage, carport, or other 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 except
  - 1. where a Junior Accessory Dwelling Unit permissibly expands the footprint of an existing primary building by up to 150 square feet, in which case setbacks required for primary building shall apply and
  - 2. when a Junior Accessory Dwelling expands 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.
- 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, including owner occupancy.
  - 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. 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 Building Permit issuance, that also do not conform to this chapter, shall be classified as Nonconforming Buildings and Uses.

- H. 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:
  - 1. 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; Electrical Code, Plumbing Code, and Fire Code; and
  - 2. 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, Electrical Code, Plumbing Code and Fire Code pursuant to a City of San Juan Bautista Building Permit.
- I. 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.
- J. Rental Term. The Accessory Dwelling Unit may be rented separately from the primary residence; however, the rental must be for a term longer than 30 days.
- K. Owner Occupancy Requirements.

Accessory Dwelling Units, other than Junior Accessory Dwelling Units, including those that are non-conforming are not subject to owner-occupancy requirements.

- L. 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 that 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 Design Standards - All Zones

- A. <u>Design. The design standards set forth in this Section shall apply to all Accessory Dwelling Units in the City, as follows:</u>
  - 1. 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.
  - 2. The exterior design elements (roof, windows, siding, porches, colors, materials, finishes) of attached or detached Accessory Dwelling Units, shall match those of the primary structure on the property on which the Accessory Dwelling Unit is located.including:
    - a. the expansion, up to 150 square feet, of a primary single dwelling unit to accommodate a Junior Accessory Dwelling Unit; and
    - b. the converted accessary structures such as a garage or shop.
  - 3. Subsection 2. Design requirements shall not apply to
    - a) Nonconforming Accessory Dwelling Units; and
    - b) construction required by applicable provisions of the Residential Building Codes and the California Building Code.

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

- A. The objective, ministerial guidelines provided in Chapters 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 new Accessory Dwelling Units in a Historic District referenced in Chapter 11-06; and
  - 2. <u>All Accessory Dwelling Units on properties referenced in Zoning Ordinance Section 11-06-090 as "Automatic Resources".</u>

- B. <u>Detached or Attached Accessory Dwelling Units on the site of an Automatic Resource</u> referenced in 11-06-090 shall incorporate the following key elements of the primary building:
  - 1. roof pitch,
  - 2. building proportions,
  - 3. exterior siding
  - 4. roofing materials,
  - 5. door and window style and
  - 6. color.

#### 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.

	t read at a regular meeting of the San Juan 2021, and adopted at a regular meeting of the
San Juan Bautista City Council on the day of	
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
Lesi	ie Q. Jordan, Mayor
Shawna Freels, City Clerk	



### CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** 

WASTEWATER DISCUSSION, ACEPTANCE OF SEWER

RATE STUDY, NOTICE TO RATE PAYERS, AND SETTING A DATE FOR A PUBLIC HEARING TO

DISCUSS SEWER RATES INCREASES

**MEETING DATE:** 

October 19, 2021

**DEPARTMENT HEAD:** 

Don Reynolds, City Manager

#### RECOMMENDED ACTION(S):

It is recommended that the City, in compliance with the United States Department of Agriculture, (USDA), hold a public hearing to discuss solutions to its wastewater problems, and adopt the attached Resolution that accepts the draft sewer rate study, sets a date of December 14, 2021 for a public hearing regarding proposed sewer rate increases and authorizes mailing of a notice of the public hearing pursuant to Proposition 218.

#### **BACKGROUND INFORMATION:**

In July 2019, when the City Manager was hired, he was holding a 25-page report written in 2018, describing the 16 conditions of "Extra High-Risk" and "High-Risk" failure that could take down the old sewer treatment plant at any moment. This report was shared with the City in a public discussion March 17, 2020 (actual discussion occurred in April due to the Pandemic). By August 2020, the City was forced by the Environmental Protection Agency ("EPA") and Regional Water Quality Control Board (RWQCB) to find a solution, and to pay close to \$1 million in fines for violations dating back to 2007. In October 2020, the City considered three different costly options, two upgraded the current wastewater treatment plant ("WWTP"), and the third will send the send the wastewater to Hollister. They range in cost from \$15-\$20 million each. The City selected and the EPA approved sending the sewer water to Hollister. The estimated cost to do this is currently \$15 million.

On October 7, 2021, the City held its fifth Town Hall meeting regarding the status of the City's water and wastewater systems. Attached are the slides from that meeting that summarize almost two years of working with the Environmental Protection Agency ("EPA") and Regional Water Quality Control Board (RWQCB) to bring the City's sewer system into compliance with the State and Federal Standards. In 2020, 39 special meetings occurred, and almost every Agenda included water and wastewater.

The slides present this history to include the following critical steps:

- 1) Inspection by EPA and RQWCB of the Waste Water Treatment Plant ("WTTP"), *June 2019*;
- 2) Preparation of Water and Waste Water Master Plans, October 2019;
- 3) EPA Notice of non-compliance, October 2019;
- 4) EPA proposed path to resolve compliance issues and RQWCB notice of pending fines dating back to 2007, *February 2020*;
- 5) Executing the binding Agreement with the EPA- Administrative Order on Consent-setting forth a compliance date of December 2023 *August 2020*;
- 6) Approve USDA Required Preliminary Engineer's report identifying three possible solutions to the City's sewer compliance issues, all with estimated costed cost of between \$15 \$20 million dollars *August 2020*;
- 7) Applying for USDA grant and Low Interest Loan funds; September 2020
- 8) Selecting a Compliance Project, approved by the EPA October 2020
- 9) Executing a Memorandum of Understanding with San Benito County Water District (SBCWD) *February 2021*
- 10) Award of Contract to Design Compliance Project February 2021
- 11) Execute a Memorandum of Understanding with the City of Hollister September 2021

The related details of this history can be found in one central location on the City's web-site here: <a href="https://www.san-juan-bautista.ca.us/alert\_detail.php">https://www.san-juan-bautista.ca.us/alert\_detail.php</a> The focus of this report is on the City's sewer system, but the MOU with the SBCWD is a second project to bring fresh surface water into the City as well. Both projects are part of the EPA's "compliance project." The SBCWD is responsible for the new source of water project, and it is on the same development trajectory as the Sewer Project.

In summary, in the fall of 2020, the City committed to building a compliance project that sends its sewer water to Hollister. Instead of spending the same amount of money upgrading its old WTTP. The WTTP will be decommissioned, but the reservoirs will be saved for emergency back-up storage.

Since February, the Sewer project design has determined its final route, the right-of-way needed for this path, and the environmental studies are completed. The route selected (shown on pages 12 and 13 of the slides) requires the industrial users to enter the system on San Justo Road enroute to Hollister, rather than sending their sewer to the City first. It relies on County roads, and requires no right-of-way acquisition.

At this time, the MOU with Hollister requires the City to determine if the project is feasible. Two critical components are required: success applying for grants and loans like the USDA program referenced in the chronology, and approval of a sewer rate increase to pay the debt service on the low interest loans associated with that application.

Between 2005 and 2010, rates increased \$17 from \$54 to \$71. In 2011, they increased 11% to \$79. Through 2019, they increased 1.5% per year, or \$1 or \$2 per year to the current rate of \$83.61. They can be increased by adding the cost-of-living adjustments without notice to the users, but were not increased in 2020 or 2021. These relatively small increases do not account for the cost and capital investment needed to rebuild the treatment plant.

The City and its grant writer are actively pursuing 4-different grant and loan opportunities. In the fall of 2020, the City applied for the USDA Grant and Loan program, and also applied for two State Revolving Loan Fund programs. The State loans will help with the sewer project and also with the source water project. USDA is waiting for this published public meeting to occur, for the completed environmental studies, and for an approved rate study. Community Development Block Grants are also on the radar. The American Rescue Plan and proposed federal Infrastructure Bill add more optimism to this effort.

At the October 7, 2021, Town Hall meeting, it was announced that meeting that the next discussion would be October 19, 2021, when the Sewer Rate Study would be considered for acceptance, the process to adopt new sewer rates would begin. To satisfy the USDA, this meeting has been published in the local paper advertising a "Public Hearing" to continues the City's conversation about solving its sewer water issues, its options, and intent to apply for USDA funding.

#### **DISCUSSION:**

The background provided in this Report is intend to inform rate payers, all new listeners and concerned parties of the path that has been travelled to reach this critical point, and to satisfy the requirements of the USDA. This "Public Hearing" is intended to allow additional dialogue regarding the city's selection of an EPA Compliance project and its untended use of USDA funds to pay for it. It is also intending to launch the process of increasing sewer rates. A current approved rate schedule is required by the USDA and other potential funding sources.

The attached Rate Study has been completed to include the cost of the sewer compliance project and some of the anticipated state and federal assistance needed to pay for the project. It concludes that over the next 5-years, starting this year, the City will need to increase its rates by approximately \$65, (between \$8-\$17 dollars per year). This is the first proposed rate increase in twenty years that will effectively re-design how the City treats its wastewater.

This solution ends the City's role in treating the sewer water, and instead sends it to Hollister's plant.

The proposed rate increase presented above is a "worst-case scenario." It is a conservative estimate of necessary rate increases, in the event the City is not successful in its effort to use State and Federal funds to help pay for the compliance project. Before the State and Federal funds can be approved, the City has to demonstrate its ability or willingness, to fund this without help. As mentioned, the City is actively applying for three different State programs that will loan the City

funds to build the project at very low interest rates. The rate study however, uses the current conventional interest rates. It assumes that most of the project will be paid by borrowing, when in fact the City is working on three different grant applications as well, to help reduce the burden to rate payers.

If the City is successful, the City's costs will decrease, and the rates will not have to increase by as much as the estimates in this "worst-case scenario."

The results of these funding efforts will be known by December 2021, if the rates are increased as described herein.

The procedure for increasing the sewer rates requires a process known as a "Proposition 218" process. A notice will be mailed to each wastewater customer of a December 14, 2021 public hearing on the proposed rates. The City will accept written protests against the rates through the close of the public input portion of the public hearing. If the City receives written protests with respect to a majority of wastewater customers or parcels, it will not be able to adopt the increase. The attached Resolution recommends the Council take action to initiate the Proposition 218 Process. This is the next critical step.

#### **FISCAL IMPACT:**

This action by itself does not have a fiscal impact, but if approved December 14, 2021, the City can expect to be able to raise the revenue necessary to re-design the way it treats wastewater.

#### **STRATEGIC PLAN:**

City Resolution 2021-15 approved the City's Strategic Plan for Fiscal Year 2021/22. This action is clearly identified in the 3<sup>rd</sup> Initiative in this Year's Plan:

- 3) Invest, maintain, strengthen, plan and renew, our vital infrastructure:
  - a. Regionalize the Source of Water, and discharge of Waste Water
  - b. Invest in the new Water and Waste Water Master Plans
  - c. Fund the priorities in the Pavement Management Plan
  - d. Reduce Greenhouse Gasses, develop sustainable independent Power grids
  - e. Stormwater, inflow and infiltration
  - f. Facilities
  - g. Open Space and Active Transportation Plan

#### **ATTACHMENTS:**

- 1) Draft Resolution
- 2) Slides from the October 7, 2021 Town Hall Meeting
- 3) Draft rate Study

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

A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA ACCEPTING A SEWER RATE STUDY, PROPOSING A SEWER RATE INCREASE, SETTING THE DATE AND TIME FOR A PUBLIC HEARING ON THE PROPOSED INCREASE, AND DIRECTING STAFF TO GIVE NOTICE OF THE PUBLIC HEARING PURSUANT TO ARTICLE XIII D, SECTION 6 OF THE CALIFORNIA CONSTITUTION

WHEREAS, the City's wastewater treatment plant discharges treated effluent pursuant to a permit issued under the National Pollutant Discharge Elimination System (the "NPDES Permit"); and

WHEREAS, the plant was not designed to meet the requirements of the NPDES Permit; and

WHEREAS, the plant has, for many years, discharged effluent with sodium, chloride, and total dissolved solids concentrations that exceed the concentrations allowed under the NPDES Permit; and

WHEREAS, the City has been subject to ongoing fines for its ongoing violations of the NPDES Permit; and

WHEREAS, the City is subject to an Administrative Order on Consent with the United States Environmental Protection Agency requiring that the City take certain steps to remedy its violations; and

WHEREAS, the City intends to construct a force main that will allow the City to export all wastewater from the City's wastewater system to the Domestic Wastewater Treatment Plant owned and operated by the City of Hollister; and

WHEREAS, the City has entered into a Memorandum of Understanding with the City of Hollister, dated September 7, 2021, pursuant to which the City of Hollister will accept and treat wastewater delivered to it via the planned force main (the "MOU"); and

WHEREAS, the construction and use of the new force main will permit the City to decommission its wastewater treatment plant; and

**WHEREAS,** to fund the costs of collecting and treating wastewater, the City collects sewer rates from its wastewater customers; and

WHEREAS, there will be substantial costs to the City for the construction of the new force main; and

**WHEREAS**, the MOU requires that the City pay the City of Hollister for the wastewater treatment services provided under the MOU; and

WHEREAS, the City engaged Bartle Wells and Associates ("BWA") to determine the sewer rates that will be required to fund the City's wastewater enterprise in light of the terms of the MOU and the capital costs associated with the new force main; and

**WHEREAS**, BWA has produced its Sewer Rate Study, dated October 13, 2021, which is on file in the Office of the City Clerk, available for public inspection, and incorporated herein by reference (the "BWA Study"); and

WHEREAS, the City is in the process of applying for federal and state grants and loans to defray a part of the costs of constructing the new force main; and

WHEREAS, on October 19, 2021, the City Council held a noticed public hearing regarding the City's intent to apply for United States Department of Agriculture funding (grant and loan) for construction of the force main; and

WHEREAS, in order to qualify for state and federal assistance, the City must be able to demonstrate that it has sufficient financial resources (and sewer rate authority) to operate its collection system and to fund wastewater treatment; and

WHEREAS, the City Council desires to initiate proceedings to adopt the sewer rates described in the BWA Study; and

**WHEREAS,** a proposed rate table (the "Rate Table") is set forth in Attachment "A" to this Resolution, which is incorporated herein; and

WHEREAS, Article XIII D, Section 6 of the California Constitution, which was adopted by the people as a part of Proposition 218, requires that the City Council hold a protest hearing before adopting increased sewer rates; and

## NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA NOW HEREBY FINDS AND ORDERS:

- 1. That the recitals in this Resolution and the accompanying staff report are true and correct and are hereby made a part of this Resolution.
- 2. That the BWA Study is accepted.
- 3. That the sewer rates set forth in the BWA Study and the Rate Table are hereby proposed.
- 4. That 6:00 PM on December 14, 2021 in the City Council Chambers located at 311 Second Street, San Juan Batista, CA 95045 is set at the time and place for a public hearing on the proposed rates (the "Public Hearing").
- 5. That at the Public Hearing the City Council will hear testimony from all interested persons regarding the proposed sewer rates.
- 6. That staff is directed to mail notice of the Public Hearing to wastewater customers in the manner set forth in Section 53755(a)(1) of the California Government Code.

7.	That staff is directed to accept written protests as set forth in Exhibit "B" to this Resolution, which is hereby approved and is attached hereto and incorporated herein.
	<b>ND ADOPTED</b> by the City Council of the City of San Juan Bautista at a regular on the 19th day of October, 2021, by the following vote:

_	, , , , , , , , , , , , , , , , , , , ,
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
ATTEST:	Leslie Q. Jordan, Mayor
Shawna Free	els, City Clerk
Attachment:	Proposed Sewer Rate Table
	Guidelines for Acceptance and Tabulation of Protests

#### Attachment "A"

#### Proposed Sewer Rate Table

Table A
City of San Juan Bautista
Recommended Sewer Rates
Sewer Rate Study

Rates	FY 19-20	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26
	Existing	Proposed	Proposed	Proposed	Proposed	Proposed
Residential Sewer Rates						·
Monthly Fixed Rate	\$83.61	\$95.62	\$109.01	\$124.27	\$141.67	\$148.75
Commercial Sewer Rates						
Min. Monthly Base Charge	\$84.03	\$95.62	\$109.01	\$124.27	\$141.67	\$148.75
Volumetric Rates						
Standard Strength \$/1,000 gal	\$9.10	\$14.51	\$16.54	\$18.86	\$21.50	\$22.57
Moderate Strength \$/1000 gal	\$13.35					
High Strength \$/1,000 gal	\$18.18					

Under the proposed rate structure, there will be a single volumetric rate (rather than three different rates) that applies to all customers.

A pass through is proposed for changes to the rates charged by Hollister for its services.



#### Attachment "B"

#### Guidelines for Acceptance and Tabulation of Protests

#### **SECTION 1:** Definitions.

Unless the context plainly indicates another meaning was intended, the following definitions shall apply in construction of these guidelines.

- A. "Customer" means a person show on the City's records as being responsible for paying sewer charges.
- B. "Parcel" means a County Assessor's parcel that receives wastewater services that are subject to the proposed sewer charges.
- C. "Parcel Owner" means an owner of a parcel, including a tenant of a parcel who is entitled to submit a protest pursuant to Section 53755 of the Government Code or is described in Article XIII D, Section 2(g) of the California Constitution.
- D. "Record Owner" means the person or persons whose name or names appear on the County Assessor's last equalized assessment roll as the owner of a parcel.

#### **SECTION 2:** Protest Submittal.

- A. Written protests against the proposed charge may be submitted to the City Clerk, by:
  - (i) Delivery to the Office of the City Clerk located at 3111 Second Street, San Juan Batista, CA 95045 during published business hours; or
  - (ii) Mail to the City Clerk at the following address: City Clerk, City of San Juan Batista, PO Box 1420, San Juan Batista, CA 95045; or
  - (iii) Personally submitting the protest at the public hearing.
- B. Protests, including those submitted by mail, must be *received* by the City no later than the close of the public testimony portion of the public hearing.
- C. The City cannot accept protests via fax or email.
- D. The City Council welcomes all interested persons to comment orally at the public hearing. However, unless accompanied by a written protest, oral comments at the public hearing do not qualify as a formal protest. Notwithstanding the forgoing; if, as a result of the COVID-19 emergency, the public is prohibited from attending the hearing in person and is required to participate remotely, the City Council will set aside a time prior to the close of the public testimony portion of the public hearing during which the City Clerk will accept an oral protest that will be treated as a written protest so long as all information (aside from signature) required of a written protest is provided orally.



#### **SECTION 3:** Protest Contents.

- A. A written protest must include:
  - (i) A statement that it is a protest against the proposed increase to the sewer charges.
  - (ii) The name of the Parcel Owner or Customer that is submitting the protest.
  - (iii) Identification of assessor's parcel number, street address, or utility account number of the parcel or account with respect to which the protest is made.
  - (iv) Original signature and legibly printed name of the person submitting the protest.
- B. If a protest is submitted in connection with a parcel by a Parcel Owner who is neither the Record Owner of the parcel nor the Customer shown on the City's records, then the person may attach evidence of ownership or tenancy to the written protest. In connection with tabulation and verification of protests, the City reserves the right to request such evidence of ownership or tenancy from any such person. Such evidence, if requested by the City via a letter mailed prior to the announcement of the tabulation results, must be submitted to the City within ten days of the date the request is mailed in order for the protest to be valid.
- C. Except as provided in Section 2(D), written communications that do not include all of the elements set forth in the preceding paragraph will be treated as written comments on the proposal, but will not be counted as formal protests.

#### **SECTION 5:** Protest Withdrawal.

Any person who submits a protest may withdraw it by submitting to the City Clerk a written request that the protest be withdrawn. The withdrawal of a protest shall contain sufficient information to identify the affected parcel and the name of the person who submitted both the protest and the request that it be withdrawn.

#### **SECTION 6:** Multiple Protests.

- A. Each Parcel Owner or Customer may submit a protest.
- B. For the Parcel-Based Count: Only one protest will be counted per parcel as provided by Government Code Section 53755(b).
- C. For the Account-Based Count: Only one protest will be counted per account.
- D. If a person submitting a protest is both a Parcel Owner (as defined in Section 1(C) of these guidelines) and a Customer, that person's protest will be counted as both a protest for their parcel and a protest for their account.

#### **SECTION 7:** Transparency, Confidentiality, and Disclosure.

A. Once a protest is opened during the tabulation, it becomes a disclosable public record, as required by state law and will be maintained in District files for two (2) years.

#### **SECTION 8:** Invalid Protests.

The City Clerk shall not accept as valid any protest if he or she determines that any of the following is true:

- A. The protest does not state its opposition to the proposed charges.
- B. The protest does not name a Parcel Owner or Customer of the parcel identified in the protest.
- C. The protest does not identify a parcel or account served by the City that is subject to the proposed charge.
- D. The protest does not bear an original signature of the Parcel Owner or Customer with respect to, the parcel identified on the protest. Whether a signature is valid shall be entrusted to the reasonable judgement of the City Clerk. A signature is not required for a protest submitted pursuant to Section 2(D).
- E. The protest was altered in a way that raises a fair question as to whether the protest actually expresses the intent of a parcel owner or tenant to protest the charges.
- F. The protest was not received by the City Clerk before the close of the public input portion of the public hearing on the proposed charges.
- G. A request to withdraw the protest was received prior to the close of the public input portion of the public hearing on the proposed charges.

#### **SECTION 9:** City Clerk's Decisions Final.

The City Clerk's decision that a protest is not valid shall constitute a final action of the City and shall not be subject to any internal appeal.

#### **SECTION 10:** Majority Protest.

A majority protest exists if written protests are timely submitted and not withdrawn with respect to either (i) a majority (50% plus one) of the parcels or (ii) a majority (50% plus one) of the accounts subject to the proposed charge. The City Council will not adopt the proposed increase if there is a majority protest.

#### **SECTION 11:** Tabulation of Protests.

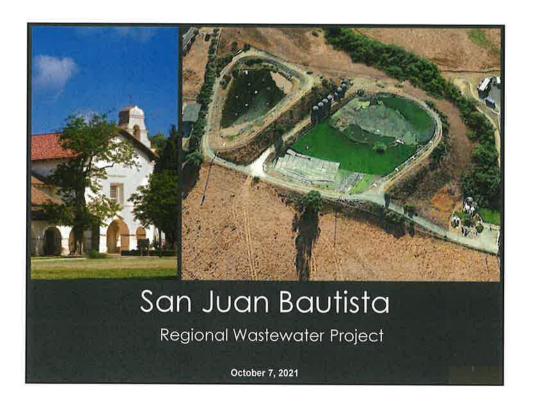
At the conclusion of the public hearing, the City Clerk shall tabulate all protests received, including those received during the public hearing, and shall report the result to the City Council. If the number of protests received is manifestly insufficient to constitute a majority protest, the City Clerk may determine the absence of a majority protest without validating the protests received, but may instead deem them all valid without further examination.

#### **SECTION 12:** Report of Tabulation.

The City Clerk shall report the results of the tabulation to the City Council.

If at the conclusion of the public hearing, the City Clerk determines that he or she will require additional time to tabulate the protests, he or she shall so advise the City Council, which may adjourn the meeting to allow the tabulation to be completed on another day or days. If so, the City Clerk shall declare the time and place of tabulation, which shall be conducted in a place

where interested members of the public may observe the tabulation, and the City Council shall declare the time at which the meeting shall be resumed to receive and act on the tabulation report of the City Clerk.



### Presentation Outline

- 1 Introductions and Background
- 2 Regulatory Framework
- 3 Compliance with Regulations
- 4 Compliance Projects Approved
- 5 Next Steps
- 6 Questions?

### City's Water Team

The City put a water team together to manage this complex project consisting of:

- City Council Water Sub-Committee
   Mayor Leslie Jordan
   Councilmember John Freeman
- · City Manager, City Engineer, Project Manager
- · Adam Howell, EPA Compliance Officer
- Technical team of Tony Akel Engineering and Steven Beck from Stantec

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### Background

- San Juan Bautista's system has 4 Parts:
  - 1.A Water source
  - 1.B Water distribution
  - 2.A Wastewater Collection
  - 2.B Wastewater Treatment
- Paid by residents through monthly rates (Enterprise Funds)
- Rates were \$54/month in 2006, \$84 since 2019
- Increase were 7% per year, 1.5% over the past five-years
- Rates have not increased enough to pay for a new Plantobsolete, run-down

### Regulatory Framework

- Permits for Wastewater issued by the State Regional Water Quality Control Board (Clean Water Act)
- Federal EPA works with the State when discharge water is sent to a public waterway (Creek)
- City Executed an Administrative Order on Consent "AOC" with the EPA August, 2020
- A commitment to bring the operations into compliance by December 21, 2023

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## Community Engagement

- 39 Special meetings in 2020
- Status provided at Every City Council meeting
- 4 Town Hall Meetings focused Water/Wastewater (beginning in April, 2020)
- City Council's Strategic Plan 2020 and 2021

### EPA AOC (Adam Howell, EPA)

- Compelled to meet the milestones and dates established in the AOC
  - ✓ Transmittal Letter from the EPA August 26, 2020:
  - ✓ Key compliance deadlines associated with the AOC include:
  - ✓ August 24, 2020 AOC signed by EPA; Done
  - ✓ September 1, 2020 Certify baffles in Pond 2 have been repaired; Done
  - ✓ September 1, 2020 Certify that UV disinfection system is functioning at full capacity; Done
  - ✓ September 15, 2020 Submittal of Master Plan: Done
  - ✓ October 15, 2020 Submittal of a proposed Compliance Project; Done
- The City has completed its Water and Wastewater Master Plans (Tony Akel)

# EPA Compliance Project(s) (Steven Beck, Stantec)

- Compliance requires 2 of the City's 4 Part System be fixed:
  - ✓ Water Source
  - ✓ Wastewater Treatment
- The Preliminary Engineering Report (PER) defines these issues and evaluates compliance strategies for the City

### Wastewater Improvement Alternatives

- Alternative 1: On-Site WWTP Upgrades (MBR plant)
   & Off-Site Salinity Control
- Alternative 2: On-Site WWTP Upgrades (MBR plant)
   & On-Site Salinity Control (Reverse Osmosis)
- Alternative 3: Send Wastewater to Hollister WWTP & Off-site Salinity Control
- All 3 Alternatives will cost between \$15-20 million
- Doing nothing, is not the least expensive!

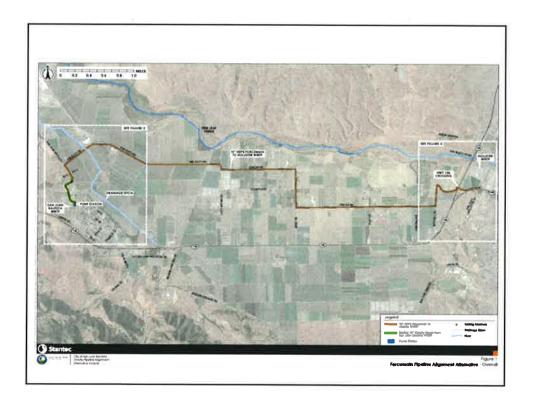
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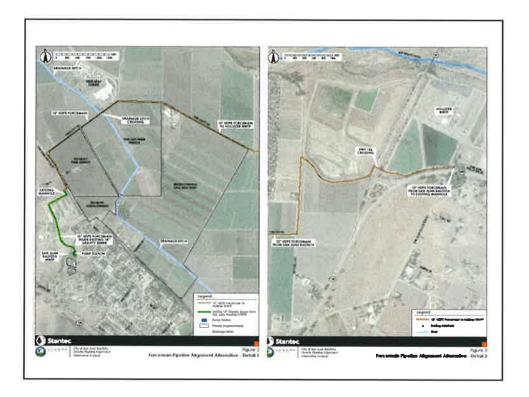
### Wastewater Improvement Alternatives

		Comparative Score (Score Total Must Equal 10)			Criterion Score (Relative Weight Times Comparative Score)		
Criteria	Relative Weight	MBR & West Hills WTP	MBR/RO	Hollister WWTP & West Hills WTP	MBR & West Hills WTP	MBR/RO	Hollister WWTP & West Hills WTP
Life Cycle Costs (Capital and O&M)	12	3,6	3.3	3.1	43	40	37
Footprint	5	4.0	2.0	4.0	20	10	20
Operational Simplicity	14	3.0	2.0	5.0	42	28	70
Reliability	13	3.0	3.0	4.0	39	39	52
Future Regulations Compliance	16	3.0	3.0	4.0	48	48	64
			TOTA	AL SCORE	192	165	243

### Improvement Project Recommendations

- Begin domestic water softener buy-back program
- Decommission the existing sequencing batch reactor (SBR) pond and convert to an equalization basin
- Install a new raw sewage pump station and an 10inch pipeline to convey wastewater to the Hollister WWTP
- Estimated cost (February 2021) of \$15 million
- Memorandum of Understanding w/Hollister executed September 7, 2021





### Next Steps

- 1. 30% Submittal and Cost Estimate
- 2. Approve New rates

These first two steps will determine the Project's Feasibility. If approved...

- 1. CEQA/NEPA (Mitigated Negative Declaration)
- 2. Complete Grant and Loan Applications
- 3. Formal Agreement with Hollister
- 4. Complete Design
- 5. Bid Summer 2022
- 6. Construction

### Draft Sewer Rate Study

- Competed Using the Hollister MOU
- Compliance Project Costs Estimates
- Wastewater Master Plan
- Worst Case- Avg. \$13/per month over 5-years
- Assumes some State & Federal aid
- Does not assume any new Federal aid
- Approval of New rates will assure Project Feasibility, and State and Fed Funding
- Rate Study To be Introduced 10.19.2021

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### Questions?

This is a Town Hall meeting, Invitations were sent to every utility user

The City has made its team available to answer any and all questions.

Please raise your hand, or Select Control 9 to Raise your hand. Type questions into the Chat. State to whom the question is being asked

Council will be asked to consider sewer rate changes at its October 19, 2021 Council meeting. More to follow...

THANK YOU! WE ARE ALL IN THIS TOGETHER

# SAN JUAN BAUTISTA



# SEWER RATE STUDY FINAL REPORT

October 13, 2021





2625 Alcatraz Ave, #602 Berkeley, CA 94705 Tel 510 653 3399 www.bartlewells.com

October 13, 2021

311 Second Street P.O. Box 1420 San Juan Bautista, CA 95045

Attention: Don Reynolds, City Manager

Re: Sewer Rate Study

Bartle Wells Associates is pleased to submit to the City of San Juan Bautista the attached Draft Sewer Rate Study. The study presents BWA's analysis of the operating and non-operating expenses of the City's sewer system and provides a five-year cash flow projection. The primary purpose of this study was to analyze the City's sewer enterprise and make recommendations that would achieve financial sustainability. Another important purpose of this study was to review rates to ensure that they adhere to the State's legal requirements.

The enclosed report recommends updating rates and charges to more accurately recover the costs of providing service to the City's sewer customers. Recommendations were developed with substantial input from City staff. BWA finds that the rates and charges proposed in our report are based on the cost of service for each customer, follow generally accepted rate design criteria, and adhere to the substantive requirements of Proposition 218. BWA believes that the proposed rates are fair and reasonable to the City's customers.

We have enjoyed working with the City on this rate study and assisting with the EPA compliance project; a new force main to Hollister. We are proud of BWA's efforts to review Hollister's proposed connection fee which will likely contribute to the City saving over \$2.1 million. Please contact us with any future questions about this study and the recommended sewer rates.

Sincerely,

Douglas Dove, PE, CIPMA

Principal/ President

Erik Helgeson, MBA

Eich Vel

Assistant Vice President

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# 1 BACKGROUND & OBJECTIVES

# 1.1 Background & Wastewater Facility Improvements

The City of San Juan Bautista (City) is located at the northern region of San Benito County, CA, about 45 miles south of the City of San Jose. The City provides water and sewer services to over 900 customers in an area that encompasses about 0.7 square miles. The City owns and operates a wastewater collection system that consists of approximately 9.3 miles of gravity trunks, force mains, and five lift stations, which convey the flow to the City's Wastewater Treatment Plant (WWTP).

The revenues from the City's sewer utility are primarily derived from charges for services. The City must establish rates and charges adequate to fund the cost of providing sewer services, including costs for operations and capital improvements needed to keep the City's utility infrastructure in safe and in reliable operating condition.

For many years the City has failed to meet local National Pollutant Discharge Elimination System ("NPDES") permit limits. The City is currently paying fines for non-compliance of \$3,000 per month. In 2020 the City hired Akel Engineering to develop a master plan for the City's sewer system and Stantec to provide a review of the treatment options. Stantec identified several options to bring the City into compliance and recommended regionalization, connecting to the City of Hollister's wastewater treatment plant, as the best option.

The cost of the regionalization project, adjusted for inflation, was originally anticipated to be \$14.8 million. This included a \$4.67 million fee to connect to the City of Hollister's wastewater treatment plant. Bartle Wells Associates reviewed Hollister's connection fee methodology and recommended the connection fee be adjusted to reflect the depreciation of Hollister's treatment plant. BWA recalculated the connection fee and derived a fee of \$2.55 million. The City presented the recalculated fee to the City of Hollister and the City of Hollister accepted the reduced fee. This change lowered the projected project cost by over \$2.1 million to \$12.7 million. The City has been working to try and minimize the project cost and is aggressively seeking grants and subsidized, low-interest-rate loans to offset funding requirements from future sewer rates.

The City's wastewater utility is a financially self-supporting enterprise. Revenues are derived primarily from sewer service charges. As such, the City's sewer rates must be set at adequate levels to fund the costs of providing service and:

- Fund ongoing operating and maintenance expenses
- Address State mandates & RWQCB wastewater regulatory requirements



- Fund the regionalization project, related debt service and associated increased operating costs
- Provide funding for sewer collection system maintenance and upgrades

The prior sewer rate increases strengthened the financial condition of the sewer enterprise. However, current rates are not adequate to fund the needed wastewater facility improvements.

# 1.2 Goals & Objectives

In 2020, the City retained Bartle Wells Associates (BWA) via a competitive RFP process to develop a financial plan and rate study for the sewer enterprise. Key goals and objectives of the study include:

- 1. Develop a financial plan for the City's sewer enterprise that:
  - a. supports the City's sewer operating and capital programs
  - b. funds the wastewater regionalization project
  - c. provides an ongoing funding stream for sewer collection system improvements
  - d. prudently uses sewer fund reserves to help minimize debt financing needs while maintaining an adequate level of fund reserves in future years
  - e. maintains the long-term financial sustainability of the sewer enterprise
- 2. Develop sewer rates that:
  - a. recover the City's costs of providing sewer service
  - b. are fair and equitable to all customer classes
  - c. are easy to understand and implement
  - d. comply with the legal requirements of Proposition 218 and other California law
- 3. Aim for steady, gradual annual rate increases, to the extent possible, to help minimize the annual impact on customers.

BWA worked closely with City staff to incorporate information and input, evaluate alternatives, and develop recommendations. This report summarizes key findings and recommendations for sewer rates over the next five years.



# 1.3 Summary of Sewer Rate Recommendations

Table 1 shows a summary of proposed sewer rate recommendations. The proposed rates also include some rate structure modifications designed to improve equity and reflect the cost of providing wastewater service to all customer classes. Proposed rate structure modifications include the following:

### **Residential Sewer Rates**

Maintain fixed monthly sewer service charges per dwelling unit

### Commercial/Non-Residential Sewer Rates

- Maintain minimum monthly charge to help fund fixed costs (the minimum charge only applied if usage is below minimum levels)
- Transition from three volumetric strength rates to one, single, volumetric rate based on domestic strength discharge. This will reflect the treatment charges from the City of Hollister which are based on discharge flow. The City will require pretreatment if customers exceed domestic strength limits.

**Table 1. Proposed Sewer Rates** 

Proposed Rates	FY 19-20	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26
	Existing	Proposed	Proposed	Proposed	Proposed	Proposed
Residential Sewer Rates						
Monthly Fixed Rate	\$83.61	\$95.62	\$109.01	\$124.27	\$141.67	\$148.75
Commercial Sewer Rates						
Min. Monthly Base Charge	\$84.03	\$95.62	\$109.01	\$124.27	\$141.67	\$148.75
Volumetric Rates						
Standard Strength \$/1,000 gal	\$9.10	\$14.51	\$16.54	\$18.86	\$21.50	\$22.57
Moderate Strength \$/1000 gal	\$13.35					
High Strength \$/1,000 gal	\$18.18					



### 2 SEWER FINANCIAL PLAN & RATE PROJECTIONS

### 2.1 Current Sewer Rates

Table 2 shows the City's current sewer rates.

**Table 2. Current Sewer Rates** 

Existing Rates	FY 20-21
Residential Sewer Rates	
Monthly Fixed Rate	\$83.61
Commercial Sewer Rates	
Min. Monthly Base Charge	\$84.03
Volumetric Rates	
Standard Strength \$/1,000 gal	\$9.10
Moderate Strength \$/1000 gal	\$13.35
High Strength \$/1,000 gal	\$18.18

The City's sewer rate structure varies by customer class:

- Residential customers pay a fixed monthly charge per dwelling unit. These fixed charges
  reflect the system capacity needs for serving a typical residential unit. The City incurs a
  substantial amount of fixed costs ensuring that sewer system capacity is available at all times
  to meet customer needs on demand. All residential dwelling units current pay the same fixed
  monthly charge of \$83.61, which equates to a charge of \$2.75 per day.
- Commercial and other non-residential customers pay volumetric sewer charges billed based on customer class and water use. Customer classes with higher strength wastewater pay higher rates reflecting the higher costs of wastewater treatment. Commercial charges are billed per thousand gallons of metered water use. Current commercial rates range from \$9.10 to \$18.18 per thousand gallons. Industrial customers are charged \$9.10 per thousand gallons reflecting that they must limit their discharge to domestic strength.



### 2.2 Sewer Financial Overview

BWA conducted an independent evaluation of sewer enterprise finances. Key observations include:

- Previous rate increases have put the sewer enterprise in a sound financial position, but the
   City faces substantial financial challenges going forward.
- Sewer fund reserves are currently at healthy levels but are projected to be partially drawn down in upcoming years to help fund wastewater treatment facility improvements. Financial projections are designed to maintain a prudent minimum level of fund reserves in future years.
- The City will need to implement significant sewer rate increases over the next 5 years to support funding for the regionalization project to comply with the EPA and RWQCB regulatory and permit requirements.

# 2.3 Financial Challenges / Key Drivers of Rate Increases

The sewer enterprise is facing a number of financial challenges that will require the City to increase sewer rates in upcoming years. Key drivers of future rate increases are summarized as follows.

# 2.3.1 Sewer Capital Upgrades & Maintenance

The City is anticipating \$13.3 million in capital spending through FY 2025-26. The largest projected capital cost is the regionalization project to connect the City's sewer collection system to the City of Hollister's wastewater treatment plant. The City is compelled by the EPA to complete this project by December 2023. Following the completion of the regionalization project, the City will then focus on upgrades and maintenance of the collection system but will no longer be responsible for waste water treatment.



\$10.0 \$8.0 \$6.0 \$4.0 \$2.0 \$0.0 FY 21-22 FY 22-23 FY 23-24 FY 24-25 FY 25-26 Fines Collection System Regionalization Project

Figure 1 - Sewer Capital Improvement Plan

### 2.3.1.1 Wastewater Treatment Regionalization

The City's wastewater treatment plant does not comply with the regulatory treatment requirements. The City is currently paying fines of \$3,000 per month for being out of compliance and if it does not bring its wastewater treatment into compliance the fines will grow. In 2020 Stantec developed a Preliminary Engineering Report which analyzed the treatment options available to the City and recommended the City connect to the City of Hollister's wastewater treatment plant.

### **Project Cost and Funding**

The cost of the regionalization project, adjusted for inflation, was originally anticipated to be \$14.8 million. This included a \$4.67 million fee to connect to the City of Hollister's wastewater treatment plant. Bartle Wells Associates reviewed Hollister's connection fee methodology and recommended the connection fee be adjusted to reflect the depreciation of Hollister's treatment plant. BWA recalculated the connection fee and derived a fee of \$2.55 million. The City presented the recalculated fee to the City of Hollister and the City of Hollister accepted the reduced fee. This change lowered the projected project cost by over \$2.1 million to \$12.7 million.

The project is projected to be funded by a combination of grants, low-interest-rate financing from the USDA or Clean Water State Revolving Fund (SRF) financing program, and cash funding generated from prior and proposed sewer rate increases. The City is anticipating \$5.4 million of the project will be funded through grants. However, the City is actively pursuing more grant funding. The following chart shows a breakdown of anticipated project funding sources.



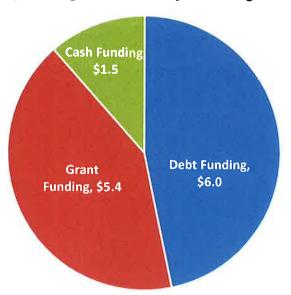


Figure 2 – Anticipated Regionalization Project Funding Sources (\$ million)

### **Project Impact to Annual Operating Costs**

BWA is projecting that annual treatment costs charged by the City of Hollister will be \$650,000. However, BWA estimates that the City will reduce its annual operating expenses by \$240,000. The net increase in annual operating costs will be \$410,000. It is also important to note that if the City had chosen to upgrade its treatment plant operating costs would have increased. Also, by connecting to Hollister's treatment plant the City will benefit from economies of scale when the wastewater treatment plant needs to be repaired or upgraded in the future.

### 2.3.2 Ongoing Operating Cost Inflation

The City faces ongoing operating cost inflation due to annual increases in a range of expenses including staffing, utilities, chemicals, insurance, supplies, etc. Sewer cost inflation has historically been significantly higher than the Consumer Price Index (CPI) for consumer goods and services. Sewer rates have not been increased since July 1, 2019.

### 2.4 Sewer Reserve Funds

Maintaining a prudent minimal level of fund reserves provides a financial cushion for dealing with unanticipated expenses, revenue shortfalls, and non-catastrophic emergency capital repairs. Reserves are also needed to secure future debt financing. BWA developed a financial plan designed to maintain prudent reserve levels.



### 2.4.1 Financial Plan Assumptions

The financial projections incorporate the latest information available and a number of reasonable and slightly conservative assumptions for planning purposes. Key assumptions include:

### **Revenue Assumptions**

- Sewer rate revenues are based on estimated revenues for the current fiscal year. The City is anticipating minimal growth. To be conservative and ensure revenues will be sufficient, BWA did not include a growth factor.
- Future investment earnings are projected at 1% of beginning annual fund reserves.

### **Expense Assumptions**

- Operating and maintenance costs are primarily based on the 2021/22 budget. Operating
  costs are projected to escalate at the annual rate of 3.5% to account for cost inflation.
- BWA is projecting that annual treatment costs charged by the City of Hollister will be \$650,000. However, BWA estimates that the City will reduce its annual operating expenses by \$240,000. The net increase in annual operating costs will be approximately \$410,000.
- Capital improvement costs are based on the most recent engineering cost estimates. Capital costs include a 3.5% annual construction cost inflation factor.
- The projections assume \$5.3 million of grant funding.
- Debt service projections are conservatively estimated at 3.0% annual interest rate with a 30-year repayment term starting the year after the regionalization project is completed.



**Table 3 - Sewer Cash Flow Projections** 

Operating Cashflow	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26
Reserves						
Total Reserve Balance	\$1,066,884	\$1,267,111	\$963,208	\$1,011,686	\$1,298,781	\$1,285,525
Revenue Escalation						
Rate Revenue Increase		14.0%	14.0%	14.0%	14.0%	5.0%
Revenues						
Rate Revenue	\$1,111,582	\$1,111,582	\$1,267,204	\$1,444,612	\$1,646,858	\$1,877,418
Rate Increase Revenue	0	155,622	177,409	202,246	230,560	93,871
Rate Increase Timing Adju	stment	-51,874				•
Other Revenue	20,000	12,671	9,632	10,117	12,988	12,855
Connection Fee Revenue	\$12,488	\$12,488	\$12,488	\$12,488	\$12,488	\$12,488
Total Revenue	\$1,144,070	\$1,240,489	\$1,466,732	\$1,669,462	\$1,902,893	\$1,996,632
Expenses						
Operating Expenses	\$569,194	\$573,798	\$588,324	\$496,753	\$392,593	\$404,917
Hollister Charges*	0	0	0	312,924	650,882	676.918
Existing Debt Service	335,133	334,593	336,078	334,931	334,931	334,931
New Debt Service	0	0	0	0	316,000	316,000
Rate Funded Capital	\$39,516	\$636,000	\$493,852	\$237,760	\$221,744	\$229,505
Total Expenses	\$943,843	\$1,544,391	\$1,418,254	\$1,382,368	\$1,916,149	\$1,962,270
Net Revenues	\$200,227	-\$303,902	\$48,478	\$287,095	-\$13,256	\$34,362
Ending Unrestricted Balance	\$1,267,111	\$963,208	\$1,011,686	\$1,298,781	\$1,285,525	\$1,319,887
Debt Coverage (Target 1.25)	1.72	1.99	2.61	2.57	1.32	1.41
*Hollister charges may change	if Hollister pe	erforms a new	wastewater	rate study		
Capital Funding	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26
Capital Revenues						
Use of Debt Proceeds		\$200,000	\$4,000,000	\$1,800,000		
Grant Revenue	\$0	\$200,000	\$4,623,463	\$509,440		
Rate Funded Capital	\$39,516	\$636,000	\$493,852	\$237,760	\$221,744	\$229,505
<b>Total Capital Funding</b>	\$39,516	\$1,036,000	\$9,117,315	\$2,547,200	\$221,744	\$229,505
Total Capital Expenditures	\$39,516	\$1,036,000	\$9,117,315	\$2,547,200	\$221,744	\$229,505

The following chart shows a 5-year breakdown of projected sewer enterprise expenses.

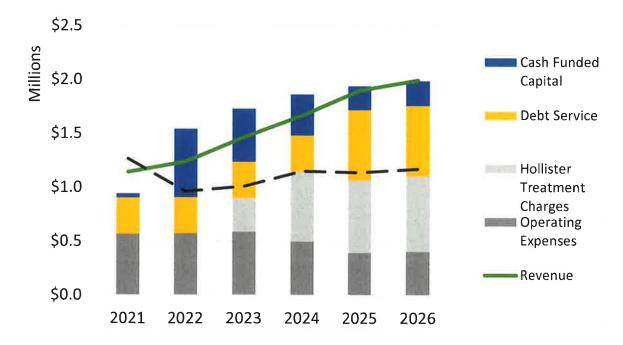


Figure 3 – Projected Sewer Enterprise Cashflow

### 2.5 Sewer Rate Increases

The cash flow projections indicate the need for overall sewer rate increases over the next five years as shown on the following table. Note that actual customer rate impacts will vary due to rate structure modifications and cost-of-service rate realignment.

Table 4 - Projected Overall Sewer Rate Increases

	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26
Rate Revenue Increase %	14.0%	14.0%	14.0%	14.0%	5.0%
Rate Revenue Increase \$	\$155,622	\$177,409	\$202,246	\$230,560	\$93,871

In future years, the City can re-evaluate its finances and revenue requirements and adjust rates as needed based on updated projections. However, while the City always has the flexibility to implement rate adjustments that are lower than adopted pursuant to Proposition 218, future rates cannot exceed adopted increases without going through the Proposition 218 process again; rates adopted pursuant to Proposition 218 are essentially future rate caps.

### 3 SEWER RATE DERIVATION & IMPACTS

### 3.1 Sewer Rate Structure Modifications

Based on evaluation of a number of potential rate structure modifications, updated cost-of-service-based rate derivation, and input from City staff, BWA recommends various modifications to the City's sewer rate structure. The modifications are designed to improve equity and reflect the cost of providing wastewater service to all customer classes. Proposed rate structure modifications include:

### **Residential Sewer Rates**

Maintain fixed monthly sewer service charges per dwelling unit

### Commercial/Non-Residential Sewer Rates

- Maintain a minimum monthly charge to help fund fixed costs (the minimum charge only applied if usage is below minimum levels).
- Transition from commercial rate categories based on wastewater strength to one volumetric rate for all commercial sewer customers. This recommendation reflects projected Hollister charges for treatment being based only on flow.

## 3.2 Cost Recovery Allocations

BWA is proposing to allocate costs based solely on flow because the City will only be maintaining the collection system and Hollister will bill for treatment based on flow and not strength. The City will require pretreatment if customers exceed strength limits.

### 3.3 Sewer Rate Derivation

The tables in this section derive sewer rates for fiscal year 2021/22. The following table shows how BWA derived estimated sewer flows. Indoor use per resident is based on California mandate per capita usage. The population estimate was provided by City staff.



Table 5 – Wastewater Flow & Strength Loadings

Estimated Sewer Flow Units	Units	<b>Unit of Measure</b>
Estimated City Population	2,151.00	#
Residential Units	<u>815.00</u>	#
Occupancy	2.64	#
Indoor Water Use per Resident (Sewer Flow)	55.00	Gallons per Day (GPD)
Annual Sewer Flow per Residential Unit	52,983.22	Gallons
Annual Sewer Flow per Residential Unit	52.98	1,000 Gallons
Annual Residential Sewer Flow	43,181.33	1,000 Gallons
FY 2020-21 Commercial Sewer Flow	22,884.99	1,000 Gallons
Total Annual Sewer Flow Estimate	66,066.32	1,000 Gallons

The following table shows a breakdown of wastewater flows and strength loadings based on wastewater flows from recent years and wastewater strength loadings associated with each customer class.

Table 6 – Wastewater Flow & Strength Cost Allocation

Fixed Charge		Sewer Billed	Return	<b>Estimated</b>	<b>Sewer Cost</b>	Revenue
Calculation	Units	Use <sup>1</sup>	Factor <sup>2</sup>	<b>Sewer Flow</b>	Allocation	Requirement
Residential	815	43,181.33	1	43,181.33	73.80%	\$935,148
Commercial	77	22,884.99	0.67	15,332.95	26.20%	\$332,055
Total	892	66,066.32		58,514.27		\$1,267,204

<sup>1:</sup> Residential billed use based on estimated indoor consumption and Commercial billed use is based on metered water use

<sup>2:</sup> Commercial return factor based on annual winter use as a percent of total water demand

The following table calculates the sewer rate for each customer class in fiscal year 2021/22 by dividing the annual revenue requirement by the number of billing units applicable to each class.

Table 7 – Sewer Rate Derivation for 2024/25

_			
Commo	rcial '	$V \cap I$	lumetric
COILLIE		V ()	

Rate Derivation	Units	Unit of Measure
Total Sewer Flow	22,884.99	1,000 Gallons
Revenue Requirement	\$332,055.16	\$
Sewer Volumetric Unit Rate	\$14.51	\$ per 1,000 gallons
Residential Fixed		
Rate Derivation	Heita	Unit of Managemen
	Units	Unit of Measure
Residential Units	815.00	Unit
Revenue Requirement	\$935,148.50	\$
<b>Total Monthly Fixed Charge</b>	\$95.62	\$ per Unit per Month

### **3.4 Proposed Sewer Rates**

Table 13 shows a 5-year schedule of proposed sewer rates incorporating a) the overall level of required rate increases needed to fund projected future annual revenue requirements, b) proposed rate structure modifications to improve equity in cost recovery, and c) the updated cost allocations designed to reflect the cost of providing service to each customer class.

**Table 8 – Proposed Sewer Rates** 

Proposed Rates	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26
	Existing	Proposed	Proposed	Proposed	Proposed	Proposed
Residential Sewer Rates						
Monthly Fixed Rate	\$83.61	\$95.62	\$109.01	\$124.27	\$141.67	\$148.75
Commercial Sewer Rates						
Min. Monthly Base Charge	\$84.03	\$95.62	\$109.01	\$124.27	\$141.67	\$148.75
Volumetric Rates						
Standard Strength \$/1,000 gal	\$9.10	\$14.51	\$16.54	\$18.86	\$21.50	\$22.57
Moderate Strength \$/1000 gal	\$13.35					
High Strength \$/1,000 gal	\$18.18					

### 4 CONCLUSION AND RECOMMENDATIONS

This water rate study report presents a comprehensive review of the City of San Juan Bautista's sewer revenue requirements, cost allocations, and rate structures. The City will need regular annual rate increases to keep up with cost inflation and be able to complete necessary capital projects while maintaining prudent reserves. Current rates will need to be updated to reflect the cost of service.

### 4.1 Conclusion

The City practices sound financial planning that has provided for the financial health of the sewer enterprise. Historically, the City has increased rate revenue to keep up with inflationary cost increases and fund system upgrades and maintenance. However, despite the City's efforts to secure grant funding and the reduced connection fee agree to by Hollister, the City is facing large capital expenditures which require rates to increase more than inflation. These recent developments have been factored into a comprehensive wastewater rate study and are reflected in the above proposed rates. Adoption of these rates reflect the City's commitment to stewarding financially sound utilities and providing reliable, high quality water service that will benefit the community many years into the future.

### 4.2 Recommendations

BWA recommends that the City adopt the rates shown in this report. Rates were developed as part of a collaborative process that included Staff and Budget committee review. At minimum, BWA recommends that the City review and update its sewer rate study every five years and/or concurrent with Master Plan Updates. Proposition 218 allows public agencies to adopt rates over a five-year planning period. Any further rate increases must be supported by a comprehensive rate study.

# **APPENDIX A**

**Sewer Rate Study Tables** 

# Sewer Rate Study Tables

9/15/21



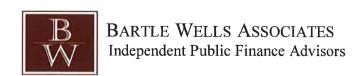


Table A
City of San Juan Bautista
Recommended Sewer Rates
Sewer Rate Study

Rates	FY 19-20	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26
	Existing	Proposed	Proposed	Proposed	Proposed	Proposed
Residential Sewer Rates						
Monthly Fixed Rate	\$83.61	\$95.62	\$109.01	\$124.27	\$141.67	\$148.75
Commercial Sewer Rates						
Min. Monthly Base Charge	\$84.03	\$95.62	\$109.01	\$124.27	\$141.67	\$148.75
Volumetric Rates						
Standard Strength \$/1,000 gal	\$9.10	\$14.51	\$16.54	\$18.86	\$21.50	\$22.57
Moderate Strength \$/1000 gal	\$13.35					
High Strength \$/1,000 gal	\$18.18					

Table 1 City of San Juan Bautista **Projected Operating Expenses Sewer Rate Study** 

Cost Escalation	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26
General Inflation Factor			3.5%	3.5%	3.5%	3.5%	3.5%
Expenses <sup>1</sup>	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26
	Actual	Actual	Budgeted	Projected	Projected	Projected	Projected
502.000 · Salaries and Wages - FT	\$138,857	£110.700	¢112.122	¢117.003	Ć131 100	Ć425 424	¢420.022
504,000 - Salaries and Wages - PT	\$138,857	\$119,209	\$113,132	\$117,092	\$121,190	\$125,431	\$129,822
508.000 - FICA		ĆO ODB	¢0.70¢	\$0	\$0	\$0	\$0
510.000 Worker's Comp	\$9,340	\$9,028	\$9,786	\$10,129	\$10,483	\$10,850	\$11,230
514.000 · Health Insurance	\$4,940	\$5,623	\$5,193	\$5,375	\$5,563	\$5,758	\$5,959
518.000 - 457k Retirement Contribution	\$25,683	\$18,821	\$22,724	\$23,519	\$24,343	\$25,195	\$26,076
522,000 - Uniforms & Alterations	\$757	\$754	\$1,762	\$1,824	\$1,887	\$1,954	\$2,022
524,000 - Phys., Drug & Psych Testing	\$191	\$233	\$500	\$518	\$536 \$107	\$554	\$574
526,000 Education and Training	\$0 \$413	\$15	\$100	\$104	\$107	\$111	\$115
528 000 - Education and Training 528 000 - Travel/Per Diem/Car Allowance	\$412	\$875	\$1,000	\$1,035	\$1,071	\$1,109	\$1,148
550,000 · Office Supplies	\$35	61.544	\$500	\$518	\$536	\$554	\$574
558 000 - Printing and Copies	\$2,968	\$1,544	\$2,000	\$2,070	\$2,142	\$2,217	\$2,295
	\$334	\$135	\$100	\$104	\$107	\$111	\$115
548.000 - Advertising	\$0	door	\$200	\$207	\$214	\$222	\$230
562,000 - Food and Beverages	\$161	\$295	\$500	\$518	\$536	\$554	\$574
516,000 Insurance - Liab/Bond/Auto/Prop	\$11,218	\$13,237	\$14,500	\$15,008	\$15,533	\$16,076	\$16,639
544.000 Computer Software Service	\$1,514	\$513	\$500	\$518	\$536	\$554	\$574
545.000 Computer Hardware Service	\$146	\$286	\$500	\$518	\$536	\$554	\$574
530,000 · Dues and Subscriptions	\$519	\$0	\$750	\$776	\$803	\$832	\$861
634_000 Copier Services & Lease	\$1,270	\$1,416	\$1,750	\$1,811	\$1,875	\$1,940	\$2,008
638,000 · Bank Charges/PR Processing	\$2,250	\$2,250	\$4,000	\$4,140	\$4,285	\$4,435	\$4,590
551,000 Postage and Freight	\$2,780	\$3,089	\$2,700	\$2,795	\$2,892	\$2,994	\$3,098
600.000 · Operational Contracts <sup>2</sup>	\$114,164	\$122,824	\$135,000	\$139,725	\$69,863		\$0
602.000 · Legal		\$7,620	\$5,000	\$5,175	\$5,356	\$5,544	\$5,738
604.000 - Engineering	\$0	\$9,289	\$7,530	\$7,794	\$8,066	\$8,349	\$8,641
612.002 · Security	\$1,871	\$2,412	\$2,800	\$2,898	\$2,999	\$3,104	\$3,213
612,006 Web maintenance		\$967		\$0	\$0	\$0	\$0
624,000 · Janitorial		\$182	\$275	\$285	\$295	\$305	\$316
654,000 Chemical Testing	\$21,014	\$71,922	\$65,000	\$67,275	\$33,638	\$10,000	\$10,350
640.000 · Telecomm	\$2,089	\$2,172	\$2,500	\$2,588	\$2,678	\$2,772	\$2,869
642.000 · Electricity	\$64,031	\$71,452	\$83,000	\$85,905	\$88,912	\$69,018	\$71,433
656.000 - Licenses and Permits	\$5,197	\$5,659	\$6,000	\$6,210	\$6,427	\$6,652	\$6,885
531.000 · Bad debt	\$0		\$8,000	\$4,000	\$4,000	\$4,000	\$4,000
712.000 - Materials	\$84	\$0	\$1,000	\$1,035	\$1,071	\$1,109	\$1,148
532 01 - Equipment Rental	\$0	\$0	\$1,500	\$1,553	\$1,607	\$1,663	\$1,721
701.000 - Small Tools	\$602	\$724	\$1,500	\$1,553	\$1,607	\$1,663	\$1,721
702,000 - Safety Gear & First Aid	\$0		\$1,500	\$1,553	\$1,607	\$1,663	\$1,721
554.000 · Gasoline & Diesel Fuel	\$3,297	\$2,320	\$4,000	\$4,140	\$4,285	\$4,435	\$4,590
552.000 - Chemical and Gasses	\$3,759	\$8,053	\$4,500	\$4,658	\$4,821	\$4,989	\$5,164
716.000 · Parts - City Rep. Vehicles	\$457	\$542	\$1,000	\$1,035	\$1,071	\$1,109	\$1,148
718.000 - Parts - City Rep. Equipment	\$3,850	\$2,293	\$4,000	\$4,140	\$4,285	\$4,435	\$4,590
720.000 Parts - City Rep. Water	\$2	\$45		\$0	\$0	\$0	\$0
722.000 - Parts - City Rep. Sewer	\$5,335	\$7,066	\$8,000	\$8,280	\$8,570	\$8,870	\$9,180
765,000 - Sludge Removal	\$9,107			\$0	\$0	\$0	\$0
764.001 · Sewer Maint, Outside	\$561	\$17,670	\$2,000	\$2,070	\$2,142	\$2,217	\$2,295
751,001 Maint, & Repair Wells	\$9	\$0		\$0	\$0	\$0	\$0
752.000 · Vehicle Maint Outside	\$0	\$52		\$0	\$0	\$0	\$0
754.000 Equipment Maint Outside	\$4,872	\$9,145	\$7,500	\$7,763	\$8,034	\$8,315	\$8,606
762.000 - Streets Maint. & Paving	\$31		\$1,000	\$1,035	\$1,071	\$1,109	\$1,148
766.000 · Sewer Maint Plant	\$1,451	\$12,965	\$2,500	\$2,588	\$2,678	\$2,772	\$2,869
Transfer G&A Expenses	\$69,952	\$36,497	\$36,496	\$36,496	\$36,496	\$36,496	\$36,496
Total Operating Expenses	\$515,110	\$569,194	\$573,798	\$588,324	\$496,753	\$392,593	\$404,917
% Change from Previous Year	41.4%	-37.6%	11.4%	3.4%	-13.4%	-33.3%	-18.5%

<sup>&</sup>lt;sup>1</sup>Based on SJB budget <sup>2</sup>Expenses reduced as waste is sent to Hollister for treatment

Table 2
City of San Juan Bautista
Projected Operating Revenues
Sewer Rate Study

Revenue		FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26
		Actual	Actual	Projected	Projected	Projected	Projected	Projected
486.000 · Utility Fees Commercial		\$185,201	\$291,929					
485.000 · Utility Fees Residential		\$819,653	\$819,653					
Rate Revenue	Demand	\$1,004,854	\$1,111,582	\$1,111,582	\$1,267,204	\$1,444,612	\$1,646,858	\$1,877,418
Additional Rate Revenue <sup>1,2</sup>		\$0	\$0	\$155,622	\$177,409	\$202,246	\$230,560	\$93,871
Other Revenue								
490.000 · Misc. Revenue	None							
459.000 · Remib Proj/Dev. Costs	None							
484.000 · Interest and Penalties	None	\$18,371	\$20,000	\$12,671	\$9,381	\$8,038	\$10,888	\$10,701
480.003 Reimbursed City expens	None					40,000	¥±0,000	Q10,701
Total Other Revenue		\$18,371	\$20,000	\$12,671	\$9,381	\$8,038	\$10,888	\$10,701
Total Operating Revenue		\$1,023,225	\$1,131,582	\$1,279,875	\$1,453,993	\$1,654,896	\$1,888,306	\$1,981,990
% Change from Previous Year		9.7%	10.6%	13.1%	13.6%	13.8%	14.1%	5.0%

<sup>&</sup>lt;sup>1</sup>Additional revenue based on recommended increase

<sup>&</sup>lt;sup>2</sup>Additional adjusted if adopted mid-fiscal year

Table 3
City of San Juan Bautista
Existing and Proposed Debt
Sewer Rate Study

Description	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26
	Budget	Projected	Projected	Projected	Projected	Projected
Existing Debt						
2015 Enterprise Revenue Bonds	\$298,637	\$298,097	\$299,582	\$298,435	\$298,435	\$298,435
2016 General Fund Advance	36,496	36,496	36,496	36,496	36,496	36,496
<b>Total Current Debt Service</b>	\$335,133	\$334,593	\$336,078	\$334,931	\$334,931	\$334,931
Proposed Borrowing						
Net Proceeds Needed					\$6,000,000	
Repayment Term (yrs)					30	
Interest Rate					3.00%	
Month of Issue					1	
Issuance Cost					\$200,000	
Debt Service Reserve						
Total Debt Issue Size					\$6,200,000	
Annual Debt Service Payment (rou	nded)				\$316,000	
<b>Total Proposed Annual Water Debt</b>	\$0	\$0	\$0	\$0	\$316,000	\$316,000

Table 4
City of San Juan Bautista
Capital Improvement Costs
Sewer Rate Study

Project Description	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26
CIP (Current Dollars)	Actual	Budgeted	Projected	Projected	Projected	Projected
Fines RWQCB	\$36,000	\$36,000				
San Juan Canyon Rd	, ,	400,000			\$200,000	\$200,000
Monterey & Alameda State HWY					<b>4200,000</b>	<b>7200,000</b>
Lift Station Replacement (SJB WWTP)						
San Juan Bautista to Hollister *		\$1,000,000	\$8,809,000			
Hollister Connection Fee (No Inflation)*				\$2,547,200		
Collection System Upgrades and Replace	\$3,516					
Total CIP (Current Dollars)	\$39,516	\$1,036,000	\$8,809,000	\$2,547,200	\$200,000	\$200,000
*Should be reduced by connection fee and	l less expens	ive easement				
Total CIP (Inflated Dollars)	\$39,516	\$1,067,080	\$9,345,468	\$2,547,200	\$225,102	\$231,855

Table 5
City of San Juan Bautista
Cash Flow Projections
Sewer Rate Study

Operating Cashflow	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26
Reserves	200					
Total Reserve Balance	\$1,066,884	\$1,267,111	\$938,128	\$803,833	\$1,088,849	\$1,070,135
Revenue Escalation						
Rate Revenue Increase		14.0%	14.0%	14.0%	14.0%	5.0%
Revenues						
Rate Revenue	\$1,111,582	\$1,111,582	\$1,267,204	\$1,444,612	\$1,646,858	\$1,877,418
Rate Increase Revenue	0	155,622	177,409	202,246	230,560	93,871
Rate Increase Timing Adjust	tment	-51,874				
Other Revenue	20,000	12,671	9,381	8,038	10,888	10,701
Connection Fee Revenue	\$12,488	\$12,488	\$12,488	\$12,488	\$12,488	\$12,488
Total Revenue	\$1,144,070	\$1,240,489	\$1,466,481	\$1,667,384	\$1,900,794	\$1,994,478
Expenses						
Operating Expenses	\$569,194	\$573,798	\$588,324	\$496,753	\$392,593	\$404,917
Hollister Charges*	0	0	0	312,924	650,882	676,918
Existing Debt Service	335,133	334,593	336,078	334,931	334,931	334,931
New Debt Service	0	0	0	0	316,000	316,000
Rate Funded Capital	\$39,516	\$661,080	\$676,374	\$237,760	\$225,102	\$231,855
Total Expenses	\$943,843	\$1,569,471	\$1,600,776	\$1,382,368	\$1,919,508	\$1,964,620
Net Revenues	\$200,227	-\$328,982	-\$134,295	\$285,016	-\$18,714	\$29,858
Ending Unrestricted Balance	\$1,267,111	\$938,128	\$803,833	\$1,088,849	\$1,070,135	\$1,099,993
Debt Coverage (Target 1.25)	1.72	1.99	2.61	2.56	1.32	1.40
*Hollister charges may change it	f Hollister perfo	rms a new was	tewater rate s	tudy		
Capital Funding	2021	2022	2023	2024	2025	2026
Capital Revenues	Challed Alexander and the Problem of Million and I		70.2	ben's comp	6 (miles 1980 miles 19	Try activity of the State Control of the State Cont
Use of Debt Proceeds		\$200,000	\$4,000,000	\$1,800,000		
Grant Revenue	\$0	\$206,000	\$4,669,094	\$509,440		
Rate Funded Capital	\$39,516	\$661,080	\$676,374	\$237,760	\$225,102	\$231,855
<b>Total Capital Funding</b>	\$39,516	\$1,067,080	\$9,345,468	\$2,547,200	\$225,102	\$231,855
Total Capital Expenditures	\$39,516	\$1,067,080	\$9,345,468	\$2,547,200	\$225,102	\$231,855

# Table 6 City of San Juan Bautista Sewer Flow Estimate Sewer Rate Study

<b>Estimated Sewer Flow Units</b>	Units	Unit of Measure
Estimated City Population	2,151.00	#
Residential Units	<u>815.00</u>	#
Occupancy	2.64	#
Indoor Water Use per Resident (Sewer Flow)	<u>55.00</u>	Gallons per Day (GPD)
Annual Sewer Flow per Residential Unit	52,983. <b>22</b>	Gallons
Annual Sewer Flow per Residential Unit	52.98	1,000 Gallons
Annual Residential Sewer Flow	43,181.33	1,000 Gallons
FY 2020-21 Commercial Sewer Flow	22,884.99	1,000 Gallons
Total Annual Sewer Flow Estimate	66,066.32	1,000 Gallons



Table 7 City of San Juan Bautista **Sewer Rate Derivation Sewer Rate Study** 

Fixed Charge Calculation	Units Sev	ver Billed Use <sup>1</sup>	Return Factor <sup>2</sup>	Estimated Sewer Flow	Sewer Cost Allocation	Revenue Requirement
Residential	815	43,181.33	1	43,181.33	73.80%	\$935,148
Commercial	77	22,884.99	0.67	15,332.95	26.20%	\$332,055
Total	892	66,066.32		58,514.27		\$1,267,204

- 1: Residential billed use based on estimated indoor consumption and Commercial billed use is based on metered water use 2: Commercial return factor based on annual winter use as a percent of total water demand

### **Commercial Volumetric Rate**

Derivation	Units	Unit of Measure		
Total Sewer Flow	22,884.99	1,000 Gallons		
Revenue Requirement	\$332,055.16	\$		
Sewer Volumetric Unit Rate	\$14.51 \$ per 1,000 gallons			
Residential Fixed				
Rate Derivation	Units	Unit of Measure		
Residential Units	815.00	Unit		
Revenue Requirement	\$935,148.50	\$		
Total Monthly Fixed Charge	\$95.62	\$ per Unit per Month		

# SAN JUAN BAUTISTA



Water and Sewer Rate Study October 19, 2021



# **Study Objectives**

- Financial Stability
  - Fund operating and capital costs while maintaining prudent reserves and debt coverage ratios
- Legally Compliant
  - Prop. 218
- · Customer Focused
  - Smooth, predictable increases
- Aligned with District Priorities

Prop. 218 states that a customer's rates "must not generate revenues in excess of the cost of service for which the fee is charged."

Cal. Const., art. XIII D, § 6, subd. (b).

2



# **Project Overview**

### **Rate Study Process**

Project Initiation Financial Plan Cost of Service Rate Design Outreach & Adoption

Clarify Objectives
Establish Process & Schedule
Review Data & Assumptions

CIP Financing Alternatives Fund Reserve Targets Financial & Rate Projections Analyze Billing Data
Evaluate Rate Alternatives
Cost Allocation & Rate Design

Build Consensus
Public Outreach
Proposition 218 Process

- Project began 2020
  - Developed draft financial plans
- Remaining Work
  - Final report
  - Board authorization to send 218 notices
  - 218 notice period and public hearing
  - Outreach, adoption, and implementation

B

3

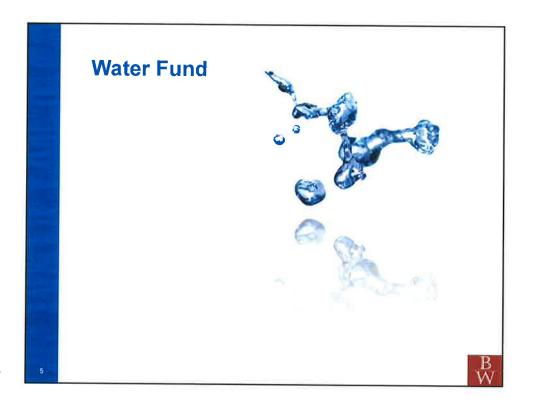
# **Legal Compliance**

- Prop 218 approved by voters in 1996 as the "Right to Vote on Taxes Act"
  - Added Articles 13C and 13D to California Constitution
  - Water & sewer rates subject to Article 13D, Section 6 (property-related charges)
- Procedural requirements for imposing or raising rates
  - Mail notice to property owners, 45+ days, hold public hearing, "majority protest"
- Substantive requirements for rates
  - Revenues cannot exceed the cost of providing service
  - Revenues can only be used for the purpose they are imposed
  - Charges cannot exceed the "proportional cost" of service attributable to each customer
  - Charges only allowable if service is used by or immediately available to rate payer
- Prop 218 has been subject to evolving legal interpretations

B

4

2



# **Water Fund Review**

- BWA reviewed the water fund and believes existing rates are sufficient to fund operations as they are for the next few years.
- BWA recommends increasing the water rates when the amount the County will charge for the connection project and water service is finalized.

BW

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# **Sewer Fund - Areas of Focus**

- Increasing Operating Expenses
   Inflation

  - Hollister treatment rates
- Capital Projects
  - \$13.3 million
- **Support Projected Debt Service** 
  - Maintain minimum debt service coverage of 1,25x
  - Projected debt service
    - Existing debt service,Additional debt service in 2025,

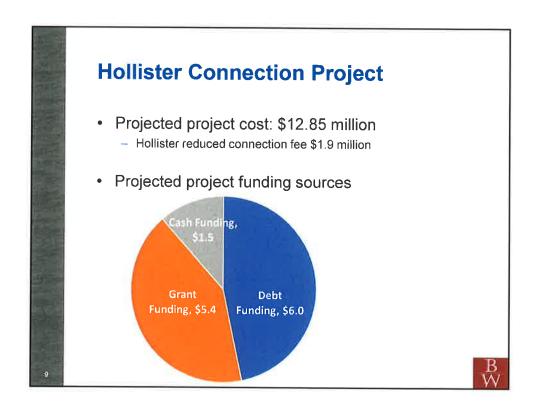
\$335,000

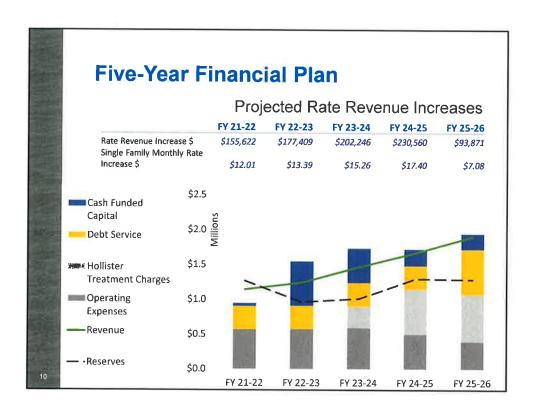
316,000 \$651,000

Total debt service in 2025,

- Projected Rate Funded Capital FY 2022–26
  - \$1.96 million







## **Sewer Rate Structure Recommendations**

Maintain Residential monthly fixed charge and Commercial minimum charge.

### **Commercial Volumetric Rates**

- Move from three, strength-based tiers to one tier
  - Reflect the charges from Hollister



#### **Proposed Sewer Rates Proposed Rates** FY 20-21 FY 21-22 FY 22-23 FY 23-24 FY 24-25 FY 25-26 Existing Proposed Proposed Proposed Proposed Residential Sewer Rates **Monthly Fixed Rate** \$83.61 \$95.62 \$109.01 \$124.27 \$141.67 \$148.75 **Commercial Sewer Rates** Min. Monthly Base Charge \$84.03 \$95.62 \$109.01 \$124.27 \$141.67 \$148.75 **Volumetric Rates** Standard Strength \$/1,000 gal \$9.10 \$14.51 \$16.54 \$18.86 \$21.50 \$22.57 Moderate Strength \$/1000 gal \$13.35 High Strength \$/1,000 gal \$18.18

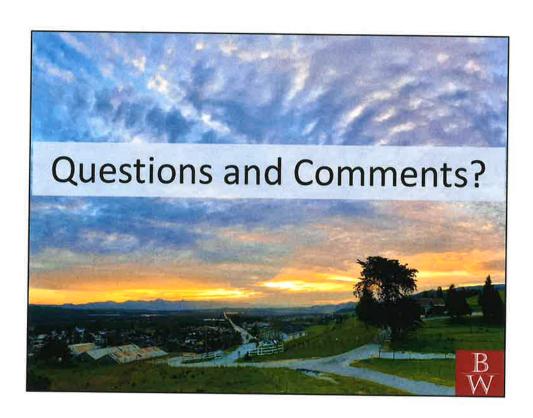
# **Next Steps**

- Present Rates to Council
- Mail 218 Notices
- 218 Notice Period
  - 45 Days
- Public Hearing
- Rate Adoption





13





# CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** 

AMENDMENT OF PLANNING FEE RESOLUTION TO AMEND PLANNING APPLICATION FEES TO 1) ADD SHORT TERM RENTAL PERMIT APPLICATION FEE AND 2 ) AMEND FEES TO ELIMINATE APPLICATION FEES FOR HOME OCCUPATIONS THAT MEET OPERATING STANDARDS IN SECTION 11-07-030 OR ARE PERMITTED IN ACCORDANCE WITH MUNICIPAL CODE Section 11-

07-040

**MEETING DATE:** 

October 19, 2021

**DEPARTMENT HEAD:** 

Brian Foucht, Community Development Director

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

That the City Council adopt the resolution next in order amending planning permit processing fees to 1) establish an initial base Short Term Rental (STR) permit of \$611.00 and a STR permit renewal fee of \$300.00

### AND

Eliminate the Home Occupation Permit Fee for uses that comply with standards in Zoning Ordinance 11-07-030 and are listed as Permitted Uses in Zoning Ordinance Section 11-07-040 Short Term with additional fees according to the number of permit processing hours.

### **BACKGROUND INFORMATION:**

### **Short Term Rentals**

SJB MC Section 3-9 requires that a Short Term Rental (STR) Permits be obtained for transient occupancies of 29 days or less and a Transient Occupancy Tax (TOT) of 12% of monthly proceeds is required.

### **Home Occupation Permits**

The Community Development Dept and Finance and Administration began coordinating required Home Occupation Permits (HOP - SJB MC 11-07) with Business Licenses and Business License renewals in June 2021. Planning Fees for these uses have been established as \$376.50.

### **DISCUSSION**

#### **Short Term Rentals**

Short Term Rental regulations have been in place since November of 2019. Administrative procedures for processing applications, including basic requirements for a change in use from an owner-occupied residence to a Lodging House and payment of the Transient Occupancy Tax (TOT) were not also established. This resulted in a lack of oversight and a non-payment of the TOT.

The proposed fee of \$611 and the renewal fee of \$300 are basic fees, based on an hourly rate for Housing Code and Fire Dept inspection, and include a rate for processing a residential land use permit - the existing basic rate for processing a similar land use review — the Home Occupation Permit. These proposed application fees are considered a deposit, with additional fee amounts possible depending on the amount of time spent by the Fire Code and Housing Code inspector to complete the inspection and document results.

### **Home Occupation Permits**

Home Occupation Permit regulations have been in effect since 2016. Initially as we began to implement the ordinance in 2021, many small business owners expressed both concern and confusion regarding the requirement to obtain a HOP. The current fee does not distinguish between HOPs that are either permitted (11-07-040) or that require review for conformance with operating standards (11-07-030). These uses are distinguished from those in 11-07-060 that require a CUP from the Planning Commission.

Small business owners that are Permitted and subject to performance review have expressed that the fee is a cost burden, and this can be a barrier to obtaining the permit. These categories take very little processing time; i.e. the costs are de minimis. .

It is staff's opinion that the regulations and the permit are necessary because the HOP permit enables prohibited or problematic uses to be modified or redirected before they can become established. To encourage effective implementation of this permit requirement, staff proposes that the fee be removed for "permitted" uses, reduced for those that meet operations standards and increased for those that require a Conditional Use Permit from the Planning Commission.

### **FISCAL IMPACT**

The cost of assessing Home Occupation Permit requirements is de minimis. Removing the fee for smaller uses and increasing the fee for more complicated conditional uses may result in more business license applications and more revenue than generated by the current fee.

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

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA SETTING FEES FOR SHORT TERM RENTAL PERMITS REQUIRED BY SAN JUAN BAUTISTA MUNICIPAL CODE SECTION 3-9-400 FEES AND AMENDING THE FEE FOR HOME OCCUPATION PERMITS REQUIRED BY SAN JUAN BAUTISTA MUNICIPAL CODE SECTION 11-01-090

### **SECTION ONE**

WHEREAS the City of San Juan Bautista passed a Resolution 2019-07 approving a fee schedule and has conducted a review and analysis of the costs associated with services for processing administrative and planning applications; and

WHEREAS the City has established a direct relationship to the cost of providing planning services to the fees charged for processing and administering planning applications; and

WHEREAS the City has adopted Planning Application Fees (Attachment 1) to cover the administrative costs of implementing provisions of San Juan Bautista Municipal Code (SJB MC) Chapter 11-04; and

WHEREAS the City Council has adopted Municipal Code Chapter 3-9, which among other things requires a permit for rent of a residential dwelling for 29 days or less, Short Term Rentals (STR); and, Section 3-9-400 requires, in part that the City Manager set the content for a STR permit including a STR application fee; and

WHEREAS the City Manager has determined that it is necessary to ensure that each Short Term Rental adheres to basic fire safety and minimum housing code requirements for habitable dwellings to ensure the safety and general welfare of guests and the surrounding neighborhood;

WHEREAS the cost of inspection to ensure each STR adheres to such safety standards, in addition to administrative permit processing costs is estimated to be \$611.00 consisting of the following components:

- 1) Uniform Housing Code Inspection: \$119.00 per hour
- 2) Fire Code Safety Inspection: 116.00 per hour
- 3) Planning Dept processing fee: \$376

WHEREAS the minimum STR fee is \$611.00 and the actual fee charged may higher depending on the circumstances of the particular case;

**WHEREAS** any abatement costs related to Short Term Rentals will accrue to the owner of the Short Term Rental in accordance SJB MC Chapter 13 - 1.



#### **SECTION TWO**

WHEREAS Zoning Ordinance Section 11-07 requires that businesses that are operated from a home obtain a business license and also, under certain circumstances specified in Sections 11-07-030, 11-07-040, and 11-07-060 are either permitted, subject to review according to operating performance standards, or are conditional uses.

WHEREAS the City Manager has determined that the primary objective of the HOP ordinance is to ensure that commercial uses in residential areas are subordinate to the residential character of the surrounding neighborhood and area;

WHEREAS the current Home Occupation Permit Fee of \$376.50 applied to Home Occupations that are permitted or qualify for Administrative approval is an impediment to the successful implementation of the Home Occupation Permit such that such uses that are permitted or meet operating standards meet ministerial requirements are often just starting out and have minimal receipts;

WHEREAS ongoing Home Occupations in conflict with Operating Standards in 11-04-030 or prohibited pursuant to 11-07-050 are subject to fees and penalties that may accrue in accordance with SJB MC Section 2-7-120 and Chapter 13; and

**WHEREAS** Home Occupation Permits subject to a Conditional Use Permit requirement in SJB MC Section 11-07-060 will be required to pay a Minor Conditional Use Permit Fee of \$787.50.

**NOW THEREFORE BE IT RESOLVED AS TO SECTION ONE** that the City Council does hereby set the minimum processing fee a Short Term Rental Permit at \$611. The minimum processing fee for annual Renewal of a STR shall be \$376.

The City Manager or designee may adjust these fees to a higher amount on a case-by-case basis, depending on the documented cost of performing Fire Code and Housing Code compliance inspections and the cost of permit processing.

**BE IT FURTHER RESOLVED AS TO SECTION TWO** that the City Council does hereby determine that:

- 1) Home Occupation Permits that are consistent with the permitted activities described in Zoning Ordinance Section 11-07-040 will accordingly be required to pay the business license tax only and are not required to pay a Home Occupation Permit fee;
- 2) Home Occupation Permits that are not referenced in Section 11-07-040 and that meet operating standards listed in 11-07-030 will be required to pay, in addition to the business license tax, a minimum fee of \$75.00.
- 3) Those Home Occupations listed as requiring a Conditional Use Permit in Section 11-07-060 will be required to pay a fee of \$787.50 for a Minor Conditional Use Permit. This fee may be increased at the time that Conditional Use Permit fees are adjusted.

City of San Juan Bautista by the following vote:	
AYES: NOES:	
ABSTAIN:	
ABSENT:	
:-	
ATTEST:	Leslie Q. Jordan, Mayor

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Juan

ADOPTED this 19th day of October 2021 at a regular meeting of the City Council of the

Bautistahereby establishes and adopts the following planning fees and charges per

Attachment 1.

Shawna Freels, CityClerk

# Attachment 1

# PLANNING DEPT FEES

# Adopted October 19, 2021 City Council Resolution 2021-\_\_

# **Planning Application Fees**

	Live and the second sec	
Conditional Use Permit (Major/Minor)	\$1,575/\$787.50	
Conditional Use Permit (Amendment)	\$603.75	
Site Plan and Design Review - Major	\$1,575	
Site Plan and Design Review - Minor	\$603.75	
Variance	\$1,575	
Signs Permit - Banners and Flags	\$52.50	
Sign Permit (New)	\$157.50	
Sign Permit (Relocating/Changing existing)	\$52.50	
Sign Program (Master sign)	\$525	
Sign Permit - Portable Freestanding	\$105	
Short Term Rental Initial Application Renewal	\$611 deposit (actual fee apply hourly rates)  • Fire Safety Inspection: \$116/ hr  • Housing Code inspections: \$119/hr  • Administration: \$376	
Historia Design Review (Major)	\$300 plus hourly inspection fee	
Historic Design Review (Major)	\$1,575	
Historic Design Review (Minor)	\$262.50	
Informal Review (Planning-HRS)	\$0	
Planned Unit Development Permit Amendment	\$5,250	
Tentative Map Major 5 lots or more	\$5,250	
Tentative Map Minor 4 lots or less	\$2,625	
Final Map	\$525	
Lot Line Adjustment	\$525	
Annexation	\$5,250	
Pre-zoning	\$3,675	
Rezoning	\$3,675	
General Plan Amendment	\$3,675	
Home Occupancy Permit/Appeal	\$367.50/50%	
Home Occupation Permit (Permitted 11-07-040)	Business License Fee	
Home Occupation (Operating Standards 11-07-030)	2. \$75.00	
Home Occupation Permit ( CUP 11-07-060) / Appeal	3. \$787.50 / 50%	
Lighting Plan - Minor	\$262.50	
Urban Growth Boundary	\$5,250	

Planning Application Fees Cont'

Misc. Permit Amendments & Time Extension	30% of
	Application
Specific Plan	\$5,250
opeometrical	
Appeal to City Council	\$525
7 Appear to Oity Courier	
Tree Removal Permit	\$25 per Tree
Lighting Plan - Major	\$525
3 3	
# 	
Environmental Review Fees	
	Consultant Cost
Initial Study	+ DF&WFee
F	Consultant Cost
Environmental Impact Report	+ DF&W Fee
Notice of Exemption	\$262.50
Notice of Determination - County Clerk Fee	
Notice of Determination - County Clerk ree	\$52.50

Staff/ Consultant Rates

City Manager	\$175/Hour
City Attorney	\$200/Hour
City Engineer	\$150/Hour
City Planner/Building Inspector/Code Enforcement	\$150/Hour
City Clerical	\$40/Hour
Public Works	\$40/Hour
Consultants/Others	Consultant Costs + 15%

**Miscellaneous Charges** 

Copies - 8 x 11 and Color	\$0.30/\$1.00 /Page
Copies - 11 x 17 and Color	\$0.50/\$2.00 /Page
City Maps/Blueprints	Actual Cost + 15%
Postage	Actual Cost + 15%
Copy of General Plan/IS-MND/IS-ND	Actual Cost + 15%
Other	To be Determined by
Other	City Manager + 15%



# CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** 

ADOPT A RESOLUTION APPROVING SHORT TERM RENTAL STANDARDS AND PROCEDURES SUPPLEMENTAL TO CITY OF SAN

JUAN BAUTISTA MUNICIPAL CODE

**MEETING DATE:** 

October 19, 2021

**DEPARTMENT HEAD:** 

Brian Foucht, Community Development Director

## RECOMMENDED ACTION(S):

Adopt a resolution directing staff to implement supplemental procedures and standards attached to the staff report dated October 19, 2021 implementing Chapter 3-9 of the San Juan Bautista Municipal Code.

## **BACKGROUND INFORMATION:**

SJB MC Section 3-9 requires that a Short Term Rental (STR) Permits be obtained for transient occupancies of 29 days or less and a Transient Occupancy Tax (TOT) of 12% of monthly proceeds is required.

#### DISCUSSION

There are many different approaches to regulating STRs and of administering permit and TOT requirements. Various jurisdictions throughout California and the Country have adopted standards that address noise, parking, owner occupancy (hosted vs. non-hosted), number of days available for rent, and area specific standards such as the number of STRs allowed on a percent basis on blocks, streets, within neighborhoods or discreet areas.

Similarly, the approach taken by jurisdictions regarding the collection and payment of the TOT also varies, with some opting to allow the rental marketing platforms (AIRBNB, VRBO etc.) to collect and remit the required tax. Further, the State of California is likely to put in place an optional program enabling the State to collect taxes for remittance to participating jurisdictions (SB 555 McGuire).

In developing the subject procedures, staff felt it was important to stay within the regulatory approach already established in SJB MC 3-9 and to focus instead on effective administration of

the regulations that are in place. Successful implementation will require that STR owners and operators:

- 1) understand the permit requirement is not optional;
- 2) fire safety and housing code inspections and compliance are mandatory;
- 3) monthly payment of the TOT and maintenance of records for audit is their obligation.

Failure to pass the fire and housing code inspections, payment of the STR tax, any unabated code violation, or management of the STR in a way that is contrary to health, safety and general welfare of persons residing in the area will result in suspension of the permit application, revocation of the permit or non-renewal.

The Short Term Rental Ordinance is written such that each time a guest – stay occurs the ordinance will apply. This means that the requirement to acquire a permit, undergo fire safety and housing code inspections, and collection and remittance of the TOT will apply. There may be some existing Short Term Rental uses that will not be able to continue after implementation of these requirements.

#### **FISCAL IMPACT**

Fees required (see fee resolution and as referenced in supplementary standards) are intended to off – set the cost of inspection and permit processing. Fees in addition to the base fee for one hour, will be assessed if the time involved for the inspector exceeds an hour.

#### Attached:

Resolution Establishing STR Supplemental Use and Occupancy And Procedures Application package:

- Supplemental Use and Occupancy and Procedures (attached to resolution)
- Fire Dept Safety Inspection Checklist
- Housing Code Inspection Checklist
- Transient Occupancy Tax Return Form
- Good Neighbor Contract

#### RESOLUTION NO. 2021-XX

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ESTABLISHING SUPPLEMENTAL OCCUPANCY AND USE STANDARDS AND PROCEDURES FOR SHORT TERM RENTAL PERMITS

WHEREAS the City of San Juan Bautista has adopted regulations and standards for the operation of Short Term Rentals (STRs) contained in San Juan Bautista Municipal Code Chapter 3-9;

WHEREAS explicit reference and enforcement of minimum health and safety standards is necessary to ensure that STRs are operated in a manner that ensures the health, safety and general welfare of STR guests and those living in the area where STRs exist;

WHEREAS it is necessary to establish a mechanism for the collection and remittance of the Transient Occupancy Tax (TOT) required by SJB MC Chapter 3-9;

WHEREAS the implementation and enforcement of such standards and practices require administration by the City Manager or designee

**NOW THEREFORE BE IT RESOLVED** that the City Council does hereby establish Supplemental Occupancy and Use Standards and Procedures, contained in Attachment 1, necessary for implementation of Short Term Rental Permits required in San Juan Bautista Municipal Code Chapter 3-9.

ADOPTED this 19<sup>th</sup> day of October 2021 at a regular meeting of the City Council of the City ofSan Juan Bautista by the following vote:

NOES:	
ABSTAIN:	
ABSENT:	
ATTEGT.	Leslie Q. Jordan, Mayor
ATTEST:	
Shawna Freels, City Clerk	





# City of San Juan Bautista Short Term Rental Permit

#### **Definition:**

Short Term Rental: A Short Term Rental, as defined in San Juan Bautista Municipal Code Chapter 3-9: "Short Term Rental" or "STR" means a dwelling unit or dwelling, multifamily, or any portion thereof, rented for occupancy for lodging or sleeping purposes for a period of twenty-nine (29) consecutive days or less.

A STR is further defined by the California Residential Code as an owner - occupied Lodging House with five (5) or fewer guest rooms and 10 or fewer total occupants, the construction of which was pursuant to the California Residential Code. San Juan Bautista Municipal Code provisions for Short-Term Rentals do not require owner occupancy; however Residential Code guest occupant limitations for Lodging Houses are considered by the Building Official to be most similar and therefore are applicable to these uses.

#### A. Application for Short Term Rental Permit:

A Short Term Rental (STR) Permit is a one-time permit that is required before any individual Short Term Rental use is initiated.

Applicants for a permit or renewal for a Short-Term Rental shall provide the following to the Planning Department:

- 1. Completed application form (attached);
- 2. Application fee of \$611;
  - Fire Safety Inspection \$116.00 per hour;
  - Housing Code safety inspections \$119.00 per hour (see checklist);
  - Planning and Zoning Inspection, permit processing \$376.00
  - Additional funds to cover further processing costs, if needed;
- 3. STR Renewal Fee of \$300.00, in addition to annual Business License Renewal Fee;
- 4. Completed and approved Fire Safety Inspection Checklist and completed and approved Housing Code Safety Checklist (attached); and
- 5. Completed San Juan Bautista Business License application and fee.

Inspections will be scheduled soon after an STR application is received and processed. All STR owner/operators must annually complete and submit both Fire and Building Dept Safety Inspection Checklists, along with the annual Business License renewal, by June 30 of each year.

#### B. Renewal and Safety Inspection Schedule:

A STR must be renewed annually at the same time a Business License Application is renewed, on July 1.

A STR permit obtained between March 1 and June 30 of any calendar year will not be required to pay a renewal fee or complete a new Building and Fire Safety Checklist for the subsequent year, and will nonetheless be required to renew the STR permit on July 1.

### C. The following are prohibited for use as Short Term Rental:

- 1. Accessory Dwelling Units;
- 2. A travel trailer or recreational vehicle;
- 3. A multiple family dwelling building wherein more than one dwelling unit is made available for Short Term rental Use at any one time;
- 4. Uses defined as a Short Term Rental that do not comply with applicable Fire Code and Housing Code safety requirements as determined by the Fire Marshall and the Building Official/Housing Code Inspector; and
- 5. Any property containing an existing, unabated violation of the San Juan Bautista Municipal Code.

## D. Enforcement: The following will result in denial or revocation of a STR permit:

- 1. Uncorrected or repeat 1997 Housing Code or Fire Code violations;
- 2. Activities that are determined by the Community Development Director to be contrary to the health, safety, general welfare of persons living in the neighborhood;
- 3. Failure to remit monthly transient occupancy tax as required;
- 4. Operating the Short Term Rental while under emergency orders from the State of California, San Benito County, or City of San Juan Bautista that prohibit such operation.
- 5. The STR application or renewal will be suspended or denied if there are unresolved discrepancies between the STR project site, Community Development Dept and Assessor's records. Examples of discrepancies are: building square footage, number of bedrooms, work completed without a required permit, non-permitted conversion, etc. which may have occurred at any time in the property's history.

#### E. Annual Renewal

A Short-Term Rental Permit must be renewed annually on or before July 1, along with a Business License renewal. The City Manager or Designee shall make the following findings prior to approval of an annual Vacation Renewal Permit: 1) The Short-Term Rental has successfully completed an annual Housing Code and Fire Code safety inspection; and 2) the Short Term Rental operation and related property are in compliance with applicable provisions of the San Juan Bautista Municipal Code.



# City of San Juan Bautista Short Term Rental (STR) Fire Safety Checklist

Owner Name	
Owner Address	_
Owner telephone and email address	_
Property Address	
Property Assessor Parcel Number (APN)	

Important Notice: If permitting discrepancies are found between the STR project site and the Building Department and Assessor's records, the STR application will be put on hold until the discrepancies are resolved with the Building Department. This may mean that your STR application could incur a substantial delay or be denied.

Examples of discrepancies are: building square footage, number of bedrooms, any indication that work may have been completed without a permit, non-permitted conversion, etc. which may have occurred at any time in the property's history.

#### **RESIDENCE SAFETY ITEMS**

**Posted Address**: Address numbers are required to be reflective or internally illuminated, plainly visible from the street and a minimum of four inches tall with a 1/2 inch stroke.

Fire Extinguishers: All fire extinguishers shall comply with the following:

- At least one (1) extinguisher of minimum 2-A 10-BC shall be provided for each building or occupancy.
- Extinguishers shall be mounted no higher than five (5) feet and no lower than (3) feet.
- Extinguishers shall be underwriter laboratory or fire marshal listed or approved by the State Fire Marshal.
- All extinguishers shall be conspicuously located, readily available, plainly marked and near the kitchen.
- Extinguishers shall be located so that travel distance shall not exceed 75 feet. Additional extinguishers shall be located in Barbecue and/or Fire Pit area.
- Extinguishers shall be of a serviceable type with metal neck and valve. Disposable extinguishers with plastic hardware will not be acceptable. If extinguishers do not have date stamped on bottle, they shall be tagged by a licensed firm.

Form Date: July 10, 2021 Page 1 of 2



Posted Fire Escape Routes: Each unit shall have a laminated notice (8 ½ x 11 inch minimum size) posted that identifies escape routes from the structure in a visible location in each sleeping room.

**Smoke Detectors**: Guest rooms that are used for sleeping purposes and rooms leading to the guest rooms shall be provided with smoke detectors that are installed in accordance with the approved manufacturer's instructions (one for each floor level).

**C O Detectors**: Each floor shall be provided with Carbon Monoxide detectors that are installed in accordance with the approved manufacturer's instructions.

Wood-burning Stoves & Fireplaces: All wood-burning stoves that are available for guest use shall be installed to manufacturer's instructions and meet appropriate construction codes. Instructions for proper use of wood-burning stoves and fireplaces shall be made available to guests. When they are not available for guest use, precautions shall be taken to preclude the use (padlocking or permanent screening).

Floor/Wall Mounted Heaters: In rental units where floor mounted heaters are in use, posting of potential fire hazards resulting from placement of combustible material on the floor grate shall be posted in the immediate area.

**Bedroom Emergency Escape**: All bedrooms must have two exits. If one is a window, the sill must be not higher than 44" above the floor. The open area of the window must be at lease 5.7 square feet with a minimum open height of 24" and minimum width of 20". Window bars, grills or grating are not permitted and must be removed, if installed.

**Other:** If, at the time of inspection, a health or safety violation is observed by the inspector, the violation must be corrected prior to final approval from the Mariposa County Fire Department.

# **Observation Result**

Observation Date	☐ Pass	☐ Fail	Inspector Initials
Observation Date	☐ Pass	☐ Fail	Inspector Initials
Observation Date	☐ Pass	☐ Fail	Inspector Initials

Form Date: July 10, 2021 Page 2 of 2





# City of San Juan Bautista Short Term Rental (STR) Building Inspection Checklist

Owner Name	
Owner Address	
Owner telephone & email address	
Property Address	
Property Assessor Parcel Number (APN)	

#### **Important Notice:**

If permitting discrepancies are found between the STR project site and the Building Department and Assessor's records, the STR application will be put on hold until the discrepancies are resolved with the Building Department. This may mean that your STR application could incur a substantial delay or be denied. Examples of discrepancies are: building square footage, room dimension, number of bedrooms, any indication that work may have been completed without a permit, unlawful use or occupancy. which may have occurred at any time in the property's history.

Failure to pass a safety inspection of any the following building elements defined in the ICBO 1997 Uniform Housing Code will result in denial of issuance or renewal of a Short-Term Rental application.

1997 Uniform Housing Code Element	Date	Pass	Fail	Inspector Initial
Habitable Room Dimensions				
Light				
Ventilation				
Mechanical (heating and ventilation)				
Exits				
Fire Protection				
Sanitation				
Substandard Bldg Evaluation				
Swimming Pool/Spa meets California Health and Safety Code 115922				

Form Date: September 24, 2021



# City of San Juan Bautista Short Term Rental Transient Occupancy Tax (TOT) Return

For the Month ending\_\_\_\_

Short Term Rental	Permit Number			
Owner Name:				
	s <sub></sub>			
	er(s)			
	Address:			
Assessor Parcel N	umber			
Hosting Platform(s	) Where Listed			
STR	RENTAL GUEST STAY RECORD (	ATTACH ADDITIONAL PAGE I	NEEDED)	, , , , , , , , , , , , , , , , , , ,
Rental Dates For Each Stay	number of bedrooms rented* each stay: (maximum of 5)	number of persons each stay: (maximum of 10)	Total rent each stay	Tax each stay: rent x .12 = tax
Note Carefully:  1. You are re 2. This return last day of 3. A penalty of additional praction the became de	quired to file this return each month accompanied by remittance for tax the month. of 10% shall be added to the taxes repenalties of 10% of balance due each ereof on the amount of the tax due, in elinquent until paid.	pursuant to San Juan Bautista les imposed must be received on the paid within the required time to month. Interest shall also be an addition to the penalties, from the penalties.	Municipal Code n or before the Continued delinated at the rate the date on whice	Sec 3-4-220 5th day following the nquency will result in the of 1% per month on the remittance first
4. The short- San Juan I	term rental owner shall keep record Bautista City Manager or designee r	ds pertaining to the TOT for a p may conduct an audit at any reas	eriod of three (3 sonable time. (S	B) years. The City of SJBMC 3-4-240)
I declare under herein are corre	penalty of perjury, that to the beet and true.	est of my knowledge and be	lief, the staten	nents made
Owner Signature	e:	Date <u>:</u>		
Form 09/21/21				



# SHORT-TERM RENTAL PERMIT CHECKLIST AND APPLICATION

This application form, when completed and signed by authorized City staff, serves as your STR permit for the year beginning on July 1.

SJB MC Chapter 3.9

Owner Name:	
Mailing Address:	
Owner Email Address	
STR Property Address:	
Assessor Parcel Number:	

#### THE FOLLOWING MUST BE INCLUDED WITH YOUR NEW OR STR PERMIT RENEWAL APPLICATION:

Short Term Rental Permit Fee: \$611.50

Annual Renewal Fee: \$300.00Application (2-pages, signed)

• Proof of Insurance: Proof of \$1M General Liability Insurance.

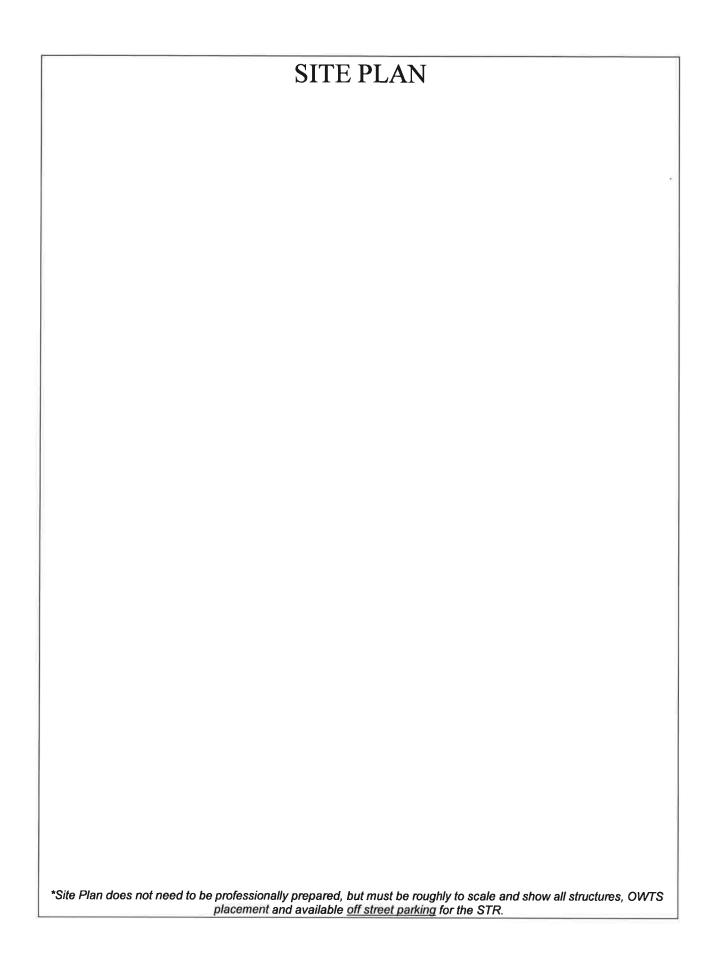
Checklist: Submit the following information for new or renewed STR permits. The City will use prior year information if there are no changes. Please check off any new or revised documents (floor & site plan, signs, etc.) and submit updated information with your application.

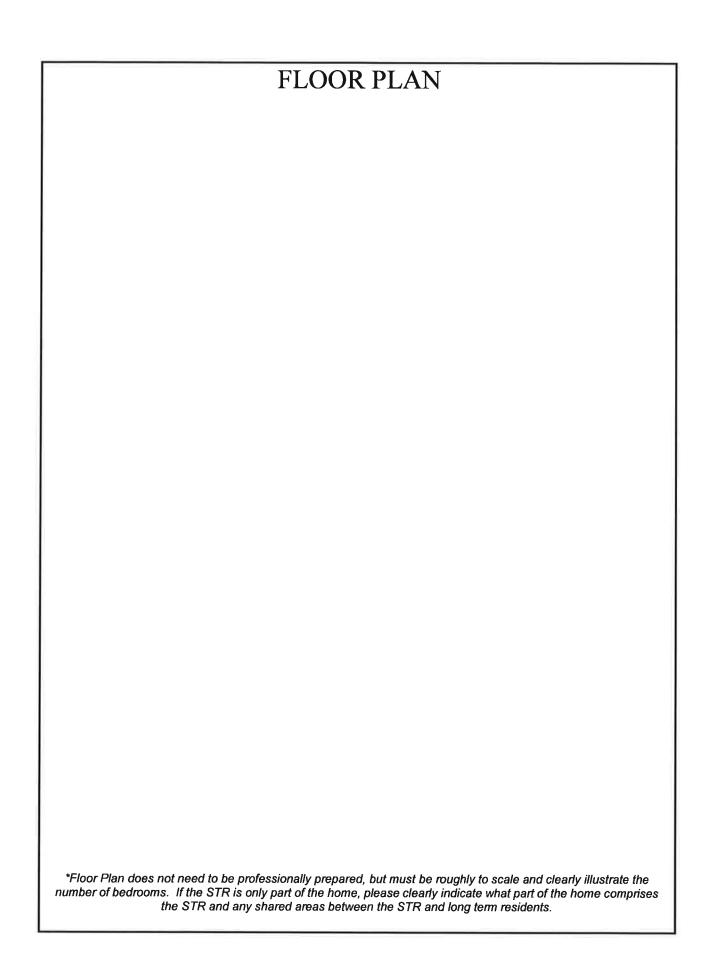
new	renew	
		SITE PLAN: Of entire property, dimensioned or drawn to scale, showing and labeling all structures, including thosenot associated with the STR, OWTS location and off-street parking spaces
		<b>FLOOR PLAN</b> : dimensioned or drawn to scale showing bedrooms & total square footage. Note: If the STR is not the entire residence, then the floor plan must indicate the portions of the home that will be used as a STR and any areas of the home that will be "shared use" between the STR guests and long-term tenants or owners.
	RENTAL AGREEMENT: Copy of Rental Agreement addressing all requirements of the STR Ordi	
	GOOD NEIGHBOR CONTRACT: Attached to the main rental agreement or included within it.	
		LOCAL CONTACT & 24/7 EMERGENCY CONTACT: Phone number included on the application.  Must live within 25 miles/30 minutes of STR, and be prominently displayed inside the STR.
		<b>SIGN COMPLIANCE</b> : If your STR has exterior signage to alert the public that a rental exists at that location, please provide a photo of the sign along with dimensions

Operation of a Short-Term Rental (STR) in the City of San Juan Bautista requires a Business License and a STR Permit both of which must be renewed annually before June 30, regardless of the date of the initial permit.

Inspections will be scheduled as soon as the applications are received and processed. All STR's must have all their application materials submitted and an inspection scheduled on or before June 30 annually.

STR Marketing Platform:								
Property Management Company:								
Property Manager & Phone Number:								
Property Manager Email:								
Local Contact Name and 24-Hour Contact Number:								
Number of Bedrooms*:* Only include bedrooms that are part of the STR								
Total Interior Square Footage:Total Property Square Footage:								
Number Off Street Parking Spaces:(Include Site Plan showing parking locations) (Off-Street = fully located on private property – not on street or alley public right of way)								
Number of STR Occupants Proposed (limit of 10 people, 2 persons per bedroom and 5 bedrooms):								
Number of Long Term Renters/Owner sharing the property with STR guests:  Certification & Acknowledgement  I hereby certify under penalty of perjury that:  1) I am the owner, or an authorized agent of the owner, of the STR described in this application; 2) The information included with this application is true and correct; 3) I will operate this STR in accordance with the rules and regulations defined in Chapter 3.9 and City Council Resolution								
Signature:Date:Date:								
Official Use Only  STR Permit NoIssue DateBusiness License NoIssue Date:  Maximum Occupancy:Zoning Designation:  Approval Authority								
Name Signature Date								







# Short Term Rental (STR) GOOD NEIGHBOR CONTRACT

A fully executed copy of this form for each stay shall be kept on file by the Owner/Manager and is subject to periodic audit at reasonable times.

Rental	Rental Name:					
Rental	Address:					
Guest I	Guest Name(s):					
Reserv	ration Dates:					
GENE	RAL RULES OF CONDUCT - Please read and initial each contract statement listed below.					
	be staying in a residential neighborhood where I acknowledge that residents ask and ect that I will be considerate and respectful.					
	upancy Limit: The maximum number of occupants in this home is 2 persons per bedroom of 10 occupants, including permanent residents.					
	or Limit: The maximum number of visitors, in addition to guests, at one time is equal to the imum occupancy.					
Quie	et Hours are from 10:00 p.m. to 7:00 am, and noise will be kept inside during this time.					
Gue	sts will park on-site and in designated off-street parking locations.					
Gue neig	st traffic generated will not unreasonably interfere with quiet use and enjoyment of hboring residences.					
Gue	sts will provide a list of each guest vehicle to the owner/manager Managers for each stay.					
Dogs	will be kept on a leash whenever they are off the rental property (streets, & trails).					
Firew	orks of any kind will not be used on the property or on adjoining public spaces.					
Acknowledg riolations m	ement: I have read and agree to the general rules of conduct above, and understand that ay result in fines, loss of security deposit, and/or eviction.					
Signatu	Data:					



# City of San Juan Bautista Short Term Rental Permit Supplemental Occupancy and Use Standards

#### Definition:

Short Term Rental: A Short Term Rental, as defined in San Juan Bautista Municipal Code Chapter 3-9: "Short Term Rental" or "STR" means a dwelling unit or dwelling, multifamily, or any portion thereof, rented for occupancy for lodging or sleeping purposes for a period of twenty-nine (29) consecutive days or less.

A Short Term Rental is further defined by the California Residential Code as an owner - occupied Lodging House with five (5) or fewer guest rooms and 10 or fewer total occupants, the construction of which was pursuant to the California Residential Code. San Juan Bautista Municipal Code provisions for Short-Term Rentals do not require owner occupancy; however Residential Code limitations for Lodging Houses are considered by the Building Official to be most similar and therefore are applicable to these uses.

#### A. Application for Short Term Rental Permit:

A Short Term Rental (STR) Permit is a one-time permit that is required before any individual Short Term Rental occupancy or use is initiated.

- 1. Applicants for a permit or renewal for a Short-Term Rental shall provide the following to the Planning Department:
- 2. Completed application form (attached);
- 3. Application fee of \$611;
  - Fire Safety Inspection \$116.00 per hour;
  - Housing Code safety inspections \$119.00 per hour (see checklist);
  - Planning and Zoning Inspection, permit processing \$376.00
  - Additional funds to cover further processing costs, if needed;
- 4. STR Renewal Fee of \$300.00, in addition to annual Business License Renewal Fee;
- 5. Completed and approved Fire Safety Inspection Checklist and completed and approved Housing Code Safety Checklist (attached); and
- 6. Completed San Juan Bautista Business License application and fee.

Inspections will be scheduled soon after an STR application is received and processed. All STR owner/operators must annually complete and submit both Fire and Building Dept Safety Inspection Checklists, along with the annual Business License renewal, by June 30 of each year.

#### **B.** Renewal Safety Inspection Schedule:

A STR must be renewed annually at the same time a Business License Application is renewed, on July 1.

A STR permit obtained between March 1 and June 30 of any calendar year will not be required to pay a renewal fee or complete a new Building and Fire Safety Checklist for the subsequent year, and will nonetheless be required to renew the STR permit on July 1.

### C. The following are prohibited for use as Short Term Rental:

- 1. Accessory Dwelling Units;
- 2. A travel trailer or recreational vehicle;
- 3. A multiple family dwelling building wherein more than one dwelling unit is made available for Short Term rental Use at any one time;
- Uses defined as a Short Term Rental that do not comply with applicable Fire Code and Housing Code safety requirements as determined by the Fire Marshall and the Building Official/Housing Code Inspector; and
- 5. Any property containing an existing, unabated violation of the San Juan Bautista Municipal Code.

## D. Enforcement: The following will result in denial or revocation of a STR permit:

- 1. Uncorrected or repeat 1997 Housing Code or Fire Code violations;
- 2. Activities that are determined by the Community Development Director to be contrary to the health, safety, general welfare of persons living in the neighborhood;
- 3. Failure to remit monthly transient occupancy tax as required;
- Operating the Short Term Rental while under emergency orders from the State of California,
   San Benito County, or City of San Juan Bautista that prohibit such operation.
- 5. The STR application or renewal will be suspended or denied if there are unresolved discrepancies between the STR project site, Community Development Dept and Assessor's records. Examples of discrepancies are: building square footage, number of bedrooms, work completed without a required permit, non-permitted conversion, etc. which may have occurred at any time in the property's history.

#### E. Annual Renewal

A Short-Term Rental Permit must be renewed annually on or before July 1, along with a Business License renewal. The City Manager or Designee shall make the following findings prior to approval of an annual Vacation Renewal Permit: 1) The Short-Term Rental has successfully completed an annual Housing Code and Fire Code safety inspection; and 2) the Short Term Rental operation and related property are in compliance with applicable provisions of the San Juan Bautista Municipal Code.



# CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

AGENDA TITLE: APPROVAL OF AN AGREEMENT BETWEEN THE CITY AND THE

EDMUNDO LOAYZA, TRUSTEE OF THE EDMUNDO M. LOAYZA LIVING TRUST DATED JANUARY 6, 1987, ROSA LOAYZA, TRUSTEE

OF THE ROSA LOAYZA 2002 REVOCABLE TRUST DATED

DECEMBER 13, 2002 TO SET THE DATE OF VALUATION FOR

PROPERTY REQUIRED FOR A PUBLIC IMPROVEMENT

MEETING DATE: October 19, 2021

**DEPARTMENT HEAD:** The City Attorney

#### REQUEST:

It is requested that the City Council:

1. Adopt a Resolution to approve the Agreement to Set the Date of Valuation and an exemption from the California Environmental Quality Act.

#### **BACKGROUND:**

The Loayzas are the owners of property located at 1130 First Street. As a condition of approval of the Rancho Vista Subdivision, Meritage is required to construct a roundabout intersection and related improvements. The City needs to acquire a portion of the Loayzas' property for the construction.

#### **ENVIRONMENTAL REVIEW**

The project is exempt from environmental review per CEQA Guidelines under Section 15061 (b) (3) as a project which, with certainty will not have a significant effect on the environment because it only concerns the valuation of the property and not the purchase or underlying project, which has already been approved.

#### **DISCUSSION:**

The Loayzas delayed construction of the roundabout by not giving a construction license to Meritage to construct on their property, until the City agreed to fix the date of valuation, in the event the City needs to proceed with an eminent domain action. As such, signature on the attached agreement is necessary for Meritage to be able to initiate construction. The agreement serves to fulfil the requirement of the Loayzas that construction of the roundabout would not affect the value of their property, in the event the City needs to proceed with an eminent domain action.

The City's appraisers have agreed to use the date as it is common for the parties to agree to a date of valuation. If the City is required to go through eminent domain to acquire the property, a different date would be used. However, setting the date now using the proposed date, would not appear to significantly alter the valuation and therefore the City Council should authorize signature of the agreement.

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

# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING AGREEMENT TO SET THE DATE OF VALUATION FOR PROPERTY REQUIRED FOR A PUBLIC IMPROVEMENT

WHEREAS, the City and the Edmundo Loayza, trustee of the Edmundo M. Loayza living trust dated January 6, 1987, Rosa Loayza, trustee of the Rosa Loayza 2002 revocable trust dated December 13, 2002 desire to set the date of valuation for property required for a public improvement; and

WHEREAS, said property is located at 1130 First Street in the City of San Juan Bautista; and

WHEREAS, as a condition of approval of the Rancho Vista Subdivision, the Contractor is required to construct a roundabout intersection and related improvements and the City needs to acquire a portion of the Loayzas' property for the construction.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the City Manager may sign the Agreement to Set the Date of Valuation, as attached hereto as Exhibit "A."

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista on this 19<sup>th</sup> day of October 2021 by the following vote.

AYES:	
NOES:	
ABSENT:	
ABSTAIN	
ATTEST:	Leslie Q. Jordan, Mayor
Shawna Frank City Clark	
Shawna Freels, City Clerk	



# AGREEMENT TO SET THE DATE OF VALUATION FOR PROPERTY REQUIRED FOR A PUBLIC IMPROVEMENT

This Agreement To Set The Date Of Valuation For Property Required For A Public Improvement ("Agreement") is entered by and between the City of San Juan Bautista, a municipal corporation of the State of California ("CITY"), Edmundo Loayza, trustee of the Edmundo M. Loayza Living Trust dated January 6, 1987, Rosa Loayza, trustee of the Rosa Loayza 2002 Revocable Trust dated December 13, 2002 (collectively "LOAYZA") and Meritage Homes of California, Inc., a California corporation ("MERITAGE").

#### RECITALS

- A. LOAYZAS are the owners of certain real property located at 1130 First Street in the City of San Juan Bautista, California ("Subject Property").
- B. MERITAGE is a private developer of the Rancho Vista Subdivision. MERITAGE is required by CITY pursuant to conditions of approval of the Rancho Vista Subdivision to construct a roundabout intersection and related improvements. CITY seeks to condemn a portion of the LOAYZAS' property as needed for said construction.
- C. CITY has retained a consultant to obtain an appraisal needed to identify the just compensation for the taking of the portion of LOAYZAS' property. CITY anticipates that this appraisal will be completed in November 2021.
- D. MERITAGE and CITY desire to initiate construction of the public improvements on LOAYZAS' property immediately pursuant to terms of a license agreement to be entered between LOAYZAS and MERITAGE.
- E. The date of valuation applicable under the eminent domain laws for the taking of a portion of LOAYZAS' property is generally fixed by statute as the date of deposit pursuant to California Code of Civil Procedure Section 1263.110 or the date of commencement of the proceeding pursuant to California Code of Civil Procedure Section 1263.120.
- F. MERITAGE and CITY seek to initiate construction in advance of CITY'S ability to commence condemnation proceedings or to make a deposit of probable compensation.
- G. The parties desire to establish a certain date of valuation prior to construction activities on LOAYZAS' property so that MERITAGE and CITY may proceed immediately with construction of public improvements. The parties intend that this date of valuation will therefore occur prior to the dates set forth in California Code of Civil Procedure Sections 1263.110 and 1263.120 to avoid any devaluation of property due to said construction activities or other adverse impact to LOAYZAS in the amount of just compensation that should be awarded to LOAYZAS.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for other

good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, CITY, LOAYZAS and MERITAGE agree as follows:

- 1. <u>Date of Valuation.</u> The date of valuation for the City's impending partial taking of the Subject Property for purposes of construction of road and infrastructure improvements by MERITAGE shall be September 23, 2021 except that this date of valuation (i) shall not preclude any additional severance damages that may accrue after September 23, 2021 and (ii) shall not apply to limit any claims by LOAYZAS for pre-condemnation damages prior to September 23, 2021.
- 2. <u>Counterparts</u>. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which, together, shall constitute one and the same instrument.
- 3. <u>Authority.</u> Each party represents and warrants to each other party that as of the date hereof, (i) it has the full power and authority to enter into this Agreement and to carry out the performance of the covenants and obligations contained herein; and (ii) no consent or authorization of any third party is required for execution and delivery of this Agreement.
- 4. <u>Governing Law; Jurisdiction; Venue.</u> This Agreement shall be governed under the laws of the State of California. Jurisdiction and venue shall be proper in the County of San Benito.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date affixed next to the signatures of CITY, LOAYZAS and by MERITAGE on the date affixed next to the signatures.

#### CITY OF SAN JUAN BAUTISTA

Dated:	By:
Dated:	Edmundo Loayza, trustee of the Edmundo M. Loayza Living Trust dated January 6, 1987
Dated:	Rosa Loayza, trustee of the Rosa Loayza 2002 Revocable Trust dated December 13, 2002  MERITAGE HOMES OF CALIFORNIA, INC. a California corporation
Dated:	By:



# CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** 

**DEDICATED SHERIFF DEPUTY** 

**MEETING DATE:** 

October 19, 2021

**DEPARTMENT HEAD:** 

Don Reynolds, City Manager

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

It is recommended that the City Council adopt the attached Resolution establishing a dedicated Deputy be assigned to the City, and requesting the Sheriff to implement this change in service delivery.

#### **BACKGROUND INFORMATION:**

The Sheriff has provided the City with law enforcement services for several decades, and is currently required to meet the specific service levels defined in the 2009 Agreement, to provide:

one (1) sheriff Deputy, 84-hours per two-week period, based upon the Sheriff's normal twelve (12) hour rotation schedule.

When the last dedicated Deputy was transferred from the City to the Courts, the service delivery model changed to routine patrols from various Deputies. Calls for service are dispatched to any or all available Deputies depending on the nature and the severity of the call. The Sheriff is dutifully fulfilling the 84-hour per two-week requirement, with overtime as needed and provided for in the Agreement. The second attachment is the page from the Agreement that describes the City and Sheriff's shared service expectations.

At its first strategic planning meeting in February of this year, the City learned from the then Acting Sheriff he perspective of the City level of law enforcement, identifying possible gaps in service. Especially for the enforcement of traffic and commercial truck laws. On March 3<sup>rd</sup>, when the City adopted its Strategic Plan for Fiscal Year 2021/22, is included a new and enhanced Quality of Life section 5. This was the start of the new "Public Safety" initiative that established the "Public Safety Ad-Hoc Committee." This initiative was subsequently budgeted with \$100,000 to implement and/or initiate recommendations approved by the Council and that are recommended from the Committee.

#### 5) Quality of Life

- Enforce ordinances maintaining quality of life, promoting health and safety for the community.
- b. Establish a Public Safety Sub Committee to review contracts and services, identify gaps in service (traffic enforcement, emergency preparedness, crime prevention, crime investigation).
- c. Build resiliency into the City's quality of life by building closer communications, closer relationships, by listening to our neighbors and friends.
- d. Nurture diversity, remove inequities, and celebrate the strength in the community that comes from a strong and diverse community.

The Public Safety "Team" in the current "State of Emergency" includes the Sheriff, the expanded responsibilities of the City's Code Enforcement Officer from 20 to 30-hours, and private security. Under certain circumstances the City receives support from its Fire Department and State Park officers. It was the State Park officers that helped with a drive-by shooting in 2019. The City's success reducing the use of illegal fireworks last July, is an excellent example of the city, Sheriff, Fire Department and private security all working together in unison over the holiday weekend to implement the Council's safety policies.

### **DISCUSSION:**

The Public Safety Ad-Hoc Committee consists of Mayor Jordan, Councilmember Freels, the Chair of the Historic Resources Board David Madeiros, the Planning Commission Yolanda Delgado, and Member at Large Rachel Ponce. The Committee has met twice this fiscal year, and at its last meeting September 20, 2021, the Sheriff attended and shared his thoughts and ideas concerning the Sheriff contract for services. The Committee is very interested in the City returning to the service model that provides a dedicated Deputy.

The Sheriff's presentation to the Public Safety Ad-Hoc Committee was very supportive of recruiting for and assigning a dedicated Deputy to the City again. Sheriff Taylor expressed that the current contract was worded such that it would not need to be amended to accomplish this goal. He stated that he would make certain that the City had access to law enforcement services when the dedicated Deputy was off-duty. Because this change in service deliveries remains consistent with the current contract for services, the Sheriff recommended that the City Council simply make the request. The Committee strongly supports this change, and the attached Resolution has been written to implement it.

The Sheriff describes a recruitment process, and request for volunteers to serve in this capacity. He seems optimistic that Deputies will apply.

#### **FISCAL IMPACT:**

No impact.

**ATTACHMENTS**: Resolution and 2009 Excerpt from the Sheriff Services Agreement

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

# A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA ESTABLISHING A DEDICATED SHERIFF DEPUTY ASSIGNED TO THE CITY

WHEREAS, the City has contracted with the San Benito County Sheriff to provide lawenforcement services for the citizens of San Juan Bautista for the past several decades; and

WHEREAS, the current contract was executed in 2009, and the Scope of Services outlined in Attachment A to that Agreement describe services equal to one (1) full-time deputy for eighty-four (84) hours per two (2) week period: and

**WHEREAS**, The 84 hours per 2-week period shall be based upon the Sheriff's Office normal twelve (12) hour rotation schedule; and

WHEREAS, necessary overtime shall be assigned at the Sheriff's discretion, not to exceed ten (10) percent of the total hours provided by this Agreement, without the City's prior written approval, except in the case of an emergency affecting the public safety, health and welfare of the City or its residents; and

WHEREAS, over the years and through various changes in leadership, the City has received levels of service delivery for its law enforcement ranging from one dedicated deputy, to a more random array of different Deputies providing routine patrols, calls for service are dispatched to any or all available Deputies depending on the nature and the severity of the call, within this 84-hour time frame; and

WHEREAS, for the past several years, the City has not had a dedicated Deputy assigned, and has operated under service model that includes random patrols, and calls for service dispatched to any and all available Deputies; and

WHEREAS, there are strengths and weaknesses to both strategies, as described in the attached staff report; and

WHEREAS, changing from one service delivery model to another, without changing the hours does not require the Agreement to be amended; and

WHEREAS, Resolution 2021-15 was approved during the City's Strategic Planning meeting, March 23, 2021, and it establishes the City's priorities for Fiscal Year 2021/22; and

**WHEREAS**, the FY 2021/22 Budget includes \$100,000 for public safety initiatives for the newly established Public Safety Ad-Hoc Committee to consider;

**WHEREAS**, at its second meeting held September 20, 2021, the Sheriff presented an overview of the Contract, and suggested that if the City wished to return to a dedicated Deputy be assigned to the City, the City is required to send a request (resolution) authorizing the Sheriff to make this change; and



WHEREAS, the Public Safety Ad-Hoc Committee supports changing the service delivery from the Sheriff back to a dedicated Deputy assigned to the City; and

WHEREAS, the City Council agrees with the recommendation from the Public Safety Ad-Hoc Committee, and seeks the Sheriff's full cooperation changing service delivery to a dedicated Deputy and to make this happen as quickly as possible.

# NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA NOW HEREBY FINDS:

- 1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.
- 2. It agrees to change the Sheriff service delivery model from a random patrol and call for services delivery dispatched to any or all Deputies, to a model assigning a dedicated Deputy to the City, at the same 84-hours per two-week period as currently provided for in the 2009 City/Sheriff Agreement.
- 3. Authorize the City Manager to deliver this Resolution to the Sheriff and make this change in service delivery as soon as they are able.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista at a regular meeting held on the 19<sup>th</sup> day of October 2021, by the following vote:

AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
ATTEST:	Leslie Q. Jordan, Mayor
Shawna Freels, City Clerk	





# CITY OF SAN JUAN BAUTISTA CITY COUNCIL

AGENDA TITLE: APPROVE "OFFICE TECHNICIAN" AND

"MAINTENANCE WORKER I & II" JOB

**DESCRIPTIONS** 

**MEETING DATE:** October 19, 2021

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

### **RECOMMENDED ACTION:**

It is recommended that the City Council approve the two attached Resolutions; 1) for the "Office Technician" job description, and 2) "Maintenance Worker I & II" job description attached thereto.

### **BACKGROUND**

This report requests the City Council to consider two job description updates – creating an Office Technician job description, and updating its Maintenance Worker job descriptions. The intention of both revisions is to have job descriptions that reflect the actual duties being performed, and to then make certain competitive salaries are offered commensurate with these duties.

The Office Assistant position was approved July 13, 2021 by the City Council in Resolution 2021-39. That job description is written for someone with 3-years of experience to be paid at Salary Range 53, starting at \$26.28 per hour. The City received a lot of replies when the position was advertised, but the selection process did not recommend anyone with this level of experience. Pursuant to Personnel Policy Section 31, a Provisional Appointment was made and is being paid at Salary Range 45, \$21.57/hour, until a new recruitment can occur.

The Maintenance Worker I & II job description was last revised in 2006. It includes knowledge and experience that will limit the City's ability to recruit for this position. Specifically, it is required to have or earn credentials (within 6-months of being hired) related to pesticides, water and sewer system collection and distribution and other specialties. These requirements create a culture amongst our maintenance staff that separates their duties, when the preferred culture is one relying on teamwork and solving issues together. With a small staff of four fulltime employees and two part-time employees, a culture that promotes teamwork is best. It also improves recruitment, by attracting a larger pool of candidates. These issues were identified in March 2020, and presented to the Council March 17, 2020. But due to the State of Emergency, they have been delayed in coming forward for consideration until now.

#### **DISCUSSION**

The new Office Technician job description is intended to provide an entry level position to accompany the Office Assistant position. It removes the three-year experience criteria and allows for any combination of experience and education in the related accounting fields. The Provisional Appointment is only valid for 6-months. The intent is to re-advertise both positions in an attempt to permanently fill this position before that term expires.

The Maintenance Worker Job descriptions are intended to be a more accurate reflection of the current job duties, and allow for employees to tailor their experience with the City based upon their interests and expertise. The most significant change is to remove the credentialling attribute of the 2006 Job Description. Rather than requiring a credential, the City has contract service providers to provide licensed and certified landscapers, and water and sewer system operators.

The maintenance worker job descriptions rely upon the Council's favorable consideration of a new education incentive plan. In a separate report before the City Council on this same Agenda, it is proposed that professional credentialing be accomplished by incentives. Education incentives are suggested above and beyond the salary schedule at 2.5% increase per credential. Employees who have already earned an appropriate credential, will have their salary adjusted to conform with the new policy. New hires will also be credited for these accomplishments. Ideally, the maintenance staff will achieve more than one credential, in more than one discipline (up to four). That would be the best outcome for a team approach to solving the City's ongoing maintenance issues.

In general, the basic maintenance worker job description, seeking less of a required skill level, should attract a larger pool of applicants. This proposed incentive plan would hopefully help to retain the employees we have, and apply to all positions, not just the Maintenance worker class.

The City Manager and maintenance staff have discussed these changes. They were first provided to the staff in draft format in September, and we have met twice since then.

### **FISCAL IMPACT**

The Office Technician position is planned at Salary Range 45, step A, at an hourly rate of \$21.57, several steps below Range 53, approved and budgeted for the Office Assistant position.

A comparison between several small cities shows that the current Maintenance Worker salary is appropriate for this job. There is no proposed change to the salary range for the Maintenance Workers. If by chance the educational incentive policy is not approved, no employee would have a lower salary. They would be "Y" rated as an exception to the City policy.

Attachment: Resolution and Maintenance Worker Job Description

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

# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ADOPTING A JOB DESCRIPTION FOR THE POSITIONS OF MAINTENANCE WORKER I AND MAINTENANCE WORKER II

**WHEREAS**, in 2006, the City updated its Maintenance Worker I (MWI) and Maintenance Worker II (MWII) job descriptions and on March 17, 2020, the job description was updated, presented to the Council, but not considered; and

WHEREAS, the need to update the MW's job description is long overdue, does not accurately reflect the actual duties being performed, and is not currently suited for the current job market or City's needs for flexibility from its limited staff; and

**WHEREAS**, the 2006 job description includes strict requirements for specific knowledge of certain City skills needs including landscaping, water systems and sewer system operations; and

WHEREAS, these specific credential requirements can limit the flexibility needed for staff to work in various capacities in and around public works as the needs demand in the City; and

**WHEREAS**, the City contracts for services to operate these key functions with licensed and certified operators; and

**WHEREAS**, attached is a new job description for MW I and MWII that updates the 2006 job description by removing these special credentials, and instead using credentials as an incentive to grow and learn; and

WHEREAS, the basic MW job description offered in this report will attract more talent with a wider variety of skills, and remove the pressure on current employees to be accredited when they have no interest, limited time, and ability to do so; and

**WHEREAS**, the City Council agrees that these duties more closely match the needs and flexibility of its Public Works staff.

# NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA NOW HEREBY FINDS:

- 1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.
- 2. It agrees that adding the Maintenance Worker I and Maintenance Worker II Job Description updates more accurately reflect the work being done, and are more flexible and able to attract more candidates to fill these positions should vacancies occur.
- 3. Adopts the Maintenance Worker I and Maintenance Worker II Job Description attached to this Resolution.

<b>PASSED AND ADOPTED</b> by the City Council of the City of San Juan Bautista at a regular meeting held on the 19 <sup>th</sup> day of October 2021, by the following vote:				
AYES:				
NOES:				
ABSENT:				
ABSTAIN:				
ATTEST:	Leslie Q. Jordan, Mayor			
Trish Paetz, Deputy City Clerk				

Attachment: Job Description for "Maintenance Worker I and Maintenance Worker II"

# City of San Juan Bautista Position Description

Public Works Maintenance Worker I/II

Full Time, 40 Hr. Week

**Permanent Employee** 

Non-Exempt Classification - Overtime Provided per Municipal Personnel Policies

### General Description of Function & Purpose:

Under general supervision of the Public Works Supervisor, performs a variety of semi-skilled work in the construction, modification, maintenance, repair and operation of City assets that include but are not limited to its public infrastructure, (streets, street lights, sidewalks, water, waste water, and storm water systems), property management, buildings, parks, and landscaping, and performs other related duties as required.

#### **Class Characteristics:**

Public Works Maintenance Worker I ("MWI") is the Maintenance class entry-level position. Under close supervision, incumbents with basic maintenance experience the "MW1" will learn about City infrastructure and facilities, and learn the skills and the use of tools and equipment needed to construct, inspect, maintain and repair them. As experience is gained, assignments become more varied and are performed with greater independence. This class is alternatively-staffed with Public Works Maintenance Worker II and incumbents may advance to the higher level after gaining the knowledge, skill and experience which meet the qualifications for and demonstrating the ability to perform the work of the higher-level class. This class may also be used for temporary or part-time staffing as determined by the needs of the City.

<u>Public Works Maintenance Worker II</u> ("MWII") is the experienced-level class, capable of performing a wide variety of work to ensure that the public facilities and infrastructure of the City are maintained in a safe and effective working condition. "MWII" responsibilities include performing work in all operational and maintenance areas, depending upon the immediate needs of the City. It may include the use of heavy equipment including but not limited to a dump truck, back-hoe and street sweeper. While incumbents may have developed skills in one or more areas of activity, all are expected to be able to perform basic maintenance and repair in all areas of assignment.

#### REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

#### All Sections:

Inspect, assess the and evaluate the conditions of City Public Works Assets and infrastructure systems following the Standard Operating Procedures for each system (water wells, sewer lift stations, fleet, building maintenance, etc). Repair and maintain systems as directed. Complete work orders submitted from the community and other city staff. Operate and provide daily maintenance on equipment, vehicles, and hand and power tools as assigned. MWII will oversee the work of full-time, part-time, volunteers and others (such as social Service and Department of



Correction programs and individuals) as assigned. MW II may act as Public Works Supervisor in his/her absence as assigned. Prepare and keep accurate records and reports. Investigate/inspect service requests and complaints. Provide training to MWI's, Maintenance Aides, and others (including Social Service and Department of Correction individuals) as assigned.

#### **Specific Examples of Duties**

The duties described below will be assigned as needed or determined by the PW Supervisor. Given appropriate safety training and/or technical certification, every MW position may act in any of the duties described below.

#### **Water Collection Distribution Systems:**

Implement the City's Standard Operating Procedures for maintaining the City's water distribution system that includes wells as repairs and replacement of water mains, water services, fire hydrants and water meters. Take water quality samples per State of California regulations. Read water meters. May perform backflow tests and repairs on City-owned backflow assemblies.

#### **Sewer Systems:**

Implement the City's Standard Operating Procedures established for the City's sewer collection systems, including routine flushing of lines, and regular maintenance of the sewer lift stations. Replace and maintain collection system pipes, manholes and lift station equipment. Operate industry trade equipment including pipe cameras and flushing equipment. Trouble shoot system failures including water testing, odor control and chemical additives used to control odors. Assist with the execution of the Grease Trap policies for private businesses.

### Building and Grounds, Parks and Landscape:

Perform weekly public building and park safety inspections that includes the safety and equal access to all play equipment, furniture and structures. Perform landscape, irrigation, and ground maintenance around public buildings, recreation facilities, rights-of-way, and open areas. Clean an maintain park buildings and restrooms. Perform or coordinate necessary plumbing, carpentry, painting, irrigation repair, and related building and grounds maintenance and vandalism repair as assigned. May perform support services during major functions that occur in City facilities.

#### Streets/Trees:

Perform general maintenance and repair work involved in streets, street lights, sidewalks, trees, and storm drains. Perform work in asphalt patching, street striping, street sweeping equipment, power wash sidewalks, cement masonry, carpentry, painting, and minor plumbing and electrical. Street light repair and replacement as needed.

#### Buildings, Grounds, Parks and Landscape:

Best practices and methods, materials, tools and equipment used in maintenance work of assigned area. Knowledge of water conservation practices, and pesticide application is desirable. Practice safety rules and practices required by Cal OSHA in the safe performance of work. Safe and responsible operation and maintenance of assigned vehicles and equipment. Ability to

communicate with the general public, provide, and follow oral and written instructions and to prepare reports and complete necessary forms.

#### **SKILLS:**

Use hand-tools common to a variety of different maintenance trades. Operate a variety of equipment associated with maintenance work in assigned section, and be able to use applications loaded onto a city cell phone. Interpersonal and customer service skills necessary to work effectively with the public and fellow employees. Leadership skills necessary to oversee and direct the work of other employees.

### **ABILITY TO:**

#### MW I

Walk or stand for long periods of time. Perform medium to heavy manual/physical labor including lifting and carrying weighted objects. Lift, pull, carry and move weighted objects. Dig, rake, shovel, saw and perform other manual tasks. Work out of doors under sometimes unfavorable weather conditions. Use hand and power tools. Understand, follow, and provide verbal and written instructions and keep accurate records. Establish and maintain effective working relationships with supervisors, co-workers, other departments, outside agencies, and the general public. Work in a safe manner.

## MWII (in addition to the MW I abilities)

In addition to the MWI abilities, be able to read and interpret advanced schematic and blue print plans and maps pertaining to assigned section. Oversee and direct the work of others, including taking responsibility for the work to be performed by the crew. Express ideas effectively, orally and in writing. Training and guide subordinates in work practices and methods.

## REQUIREMENTS, TRAINING, EXPERIENCE AND QUALIFICATIONS:

#### Maintenance Worker I

- 1. Must have a valid California Drivers' License, and be insurable as a driver by the City.
- 2. Minimum twelfth grade education or a G.E.D.
- 4. Prior work for a public agency preferred.
- 5. May learn or be credentialed to drive the fork-lift and tractor.
- 6. Will drive trucks, mowing equipment, and pull trailers and other related accessories.
- 7. Must be familiar and be able to use a variety of powered an unpowered hand tools.
- 8. Must be able to use a smart-phone responsibly.

#### Maintenance Worker II

- 1. Three-years of experience in public works maintenance areas such as water, sewer, streets, trees, parks, landscape, or other related areas is preferred.
- 2. Proficiency in the use of the following list of equipment: backhoe, front end loader, dump truck, chain saw, compressor jack hammer, Tiger mower/flail, Vactor truck, aerial lift, pressure washer, forklift, chipper, bob cat, paving box, water truck, sweeper,

- concrete/asphalt saw, emergency lights, oxy-acetylene cutting and welding torch, and arrow and message board.
- 3. Supervision of maintenance staff.
- 4. Work independently, and follow Standard Operating Procedures without supervision
- 5. Complete written incident and damage reports.

#### WORK ENVIRONMENT AND SPECIAL CONDITIONS OF WORK

- 1. When subject to assignment on paid standby duty, must reside within sixty (60) minutes normal driving time of the City Corporation Yard. Normal driving time is the most direct route, at the speed limit.
- 2. May be subject to scheduled 7 day paid standby duty on a rotating basis.
- 3. May be subject to weekend work, work on holidays, and varied shifts.
- 4. Subject to recall and/or emergency basis.
- 5. Possess at time of employment, and maintain during employment, A VALID Class C California Driving License, and a safe driving record necessary to operate assigned vehicle(s).
- 6. Pass a post-offer medical examination, which includes a drug test.

#### **Physical Demands:**

Must possess strength, stamina and mobility to perform heavy physical work, use varied hand and power tools, drive a motor vehicle and heavy construction equipment and lift and move materials and equipment weighing to 90 pounds and heavier weights with the use of proper equipment; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone or radio.

#### SPECIAL CREDENTIALS/WORKING ENVIRONMENT

City Personnel Policy XX was approved by Resolution 2021-XX on October 19, 2021, and provides incentives for those with specific work-related credentials before they are hired, and while they work for the City.

- 1. Qualified (Pesticide) Applicators Certificate, including Category A & B Landscape Maintenance).
- 2. Grade I Grade IV Water Distribution Operator Certificate issued by the State of California.
- 3. CWEA Collection System Maintenance Certification Grade I- Grade IV.
- 4. A Backflow Prevention Assembly General Tester Certificate
- 5. A Connection Control Program Specialist Certificate
- 6. A valid California Class A or B operate two and three axel commercial vehicles

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

# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ADOPTING A JOB DESCRIPTION FOR THE POSITION OF OFFICE TECHNICIAN

WHEREAS, the City's Strategic Plan for Fiscal Year 2021/22 includes the theme of "rebuilding city services" following the State of Emergency and the COVID-19 pandemic; and

**WHEREAS**, on June 15, 2021, the City adopted Resolution 2021-34, and its new Budget for Fiscal Year 21-22, that restored the staffing levels from the prior year, adding back the frozen position of Office Assistant; and

**WHEREAS**, on July 13, 2021, the City Council approved Resolution 2021-39, and a job description for Office Assistant to be paid at Level 53 of the salary scale, and initiated a search for an experienced accounts payable clerk with a minimum of three-year's experience; and

**WHEREAS**, when the City recruited for this position, there were plenty of applicants, but few with the high level of skills the City sought; and

WHEREAS, attached is a new job description "Office Technician" that updates the original Office Assistant job description by reducing experience needed in hopes of finding skilled applicants at a reduced pay-rate; and

**WHEREAS**, the City Council agrees that these duties are needed to rebuild the City services consistent with both the intent of the Strategic Plan and City Budget.

## NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA NOW HEREBY FINDS:

- 1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.
- 2. It agrees that adding the Office Technician position to the City's staff is rebuilding City services consistent with its Strategic Plan and Budget.
- 3. Adopts the Job Description attached to this Resolution and authorize the City to initiate its recruitment for both Office Assistant and Office Technician immediately.

meeting held on the 19th day of October 2021, by the following vot	e:
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
ATTEST:  Trish Paetz, Deputy City Clerk	Leslie Q. Jordan, Mayor
Attachment: Job Description for "Office Technician"	

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular

#### CITY OF SAN JUAN BAUTISTA POSITION DESCRIPTION

#### OFFICE TECHNICIAN

Full Time – 40 Hr./Week

Permanent Employee

Non Exempt Classification - Overtime provided per Municipal Personnel Policies

#### **GENERAL DESCRIPTION OF FUNCTION & PURPOSE:**

Under direct supervision of the City Manager and Administrative Services Manager, performs clerical work according to specific routines. Responsible for all aspects of accounts payable, and helps update the City's website and social media accounts.

#### **SPECIFIC EXAMPLES OF DUTIES & RESPONSIBILITIES:**

#### **OFFICE ASSISTANT**

- 1. Compares bills and invoices against receiving records. Processes accounts payable and produces checks for signature using Quickbooks software, or the City's most recent accounting software.
- 2. May make mathematical calculations and be required to prepare related reports.
- 3. Organize and maintain a variety of records and files for the City Manager and Administrative Services Manager.
- 4. Performs special accounting and billing research projects using spread sheets and Excel software.
- 5. May be asked to help answer telephones, take and relays messages, assists customers over the phone and at the front counter.
- 6. Furnishes routine information over the counter or telephone on such matters as location of forms, outstanding balance of utility bill, the location of employees, and makes appointments.
- 7. Provide assistance to the Finance Clerk with utility billing.
- 8. May help the Deputy City Clerk with the preparation of City Council and Planning Commission meeting packets, public records requests, and records retention. May be asked to take minutes at public meetings.

#### **PUBLIC INFORMATION CLERK**

- 9. Coordinate public outreach tools and update when needed to include the City website and social media accounts. May update department web pages as requested by department manager.
- 10. Post City meetings agendas in accordance with the Brown Act. Post public hearing notices, minutes, public meeting videos, treasurer reports, financials on the website

#### **GENERALLY**

11. Perform other duties and responsibilities as assigned by City Manager and Administrative Services Manager.

#### **REQUIRED SKILLS & ABILITIES:**

#### Knowledge of:

Generally accepted accounting principles and ethics.

Principles and practices of dealing professionally with the public when answering phones and in person.

#### Ability to:

Attention to details is critical for this position.

Operate a variety of office machines that include but are not limited to a personal computer or lap-top, ten-key calculator, copy machine, fax, scanner, phone system, and Microsoft Office software programs.

Learn on the job.

Follow oral and written instructions.

Establish and maintain effective working relationships with co-workers and the general public.

Comfortable with procedures and terminology specific to the world wide web.

Successfully manage several tasks simultaneously, which demands focus and concentration.

Provide high level customer service.

Demonstrate teamwork and collaboration

Demonstrate ethical behavior and treat people with respect.

Keep up with work pace and ability to follow through on instructions given.

Exhibit dependability through timely attendance.

#### Education and Experience:

Any combination of education and experience of commensurate work experience with QuickBooks experience, including utilizing the accounts payable module.

#### Special Training (preferred, not required):

QuickBooks Microsoft Excel

Webmaster

Social Media Etiquette

**Public Information Officer** 

#### Skills:

Time management.

Effectively communicate both in writing and orally.

Understanding of the internet and web.

October 19, 2021



### CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** 

DISCUSSION – FORMATION OF A STANDING COMMITTEE OF THE CITY COUNCIL FOR BUSINESS IMPROVEMENT, RESILIENCY, AND

**OVERALL COMMUNITY ECONOMIC DEVELOPMENT** 

**MEETING DATE:** 

October 19, 2021

**DEPARTMENT HEAD:** 

Brian Foucht, Community Development Director

#### RECOMMENDED ACTION(S):

That the City Council direct staff to prepare, for City Council action, the title, organization, membership number and categories, purpose, role, responsibilities and operating by – laws for a standing citizens advisory committee of the City Council to advise and recommend business improvement and economic development initiatives to the City Council.

#### **BACKGROUND INFORMATION:**

In September, an informal group of San Juan Bautista business interests (San Juan Bautista Business Forum) expressed a desire to establish a formal, organized approach to address business improvement, resiliency and overall economic development in San Juan Bautista. The Business Forum discussion focused on the need for 1) enhanced resources for local business development and support; 2) organized communication and follow up with staff and City Council regarding these concerns, and 3) ongoing liaison and follow up with economic development resources in San Benito County and through State and Federal agencies.

On September 21, Mayor Jordan asked that this discussion be placed on the City Council agenda for discussion and possible direction to staff.

#### **DISCUSSION:**

A standing committee of the sort under consideration is subject to the Brown Act (Government Code Section 54952) and also the "Maddie Act" (Government Code Section 54970 et seq) designed to increase public awareness of appointments made by the City Council and to provide the local legislative bodies access to critical talent resources that would otherwise go unused. Staff suggests that is precisely what the Business Forum participants suggest is an important

objective for the committee – a way to bring information, resources, and feedback to the City Council that would otherwise be difficult to access or obtain. Information and resources would be expected to come to the committee from staff and committee research and outreach for organized presentation to the City Council.

A standing committee of this type is subject to specific reporting requirements regarding appointments, terms and qualifications of committee members.

Staff resources are necessary to support such committees, including preparation of the list of appointees, management of agendas and minutes, arrangement of resources, research, report preparation, and meeting facilitation.

A recent example of this type of committee was the City of San Juan Bautista Strategic Plan Committee established in 2013 to guide General Plan 2035 implementation.

The typical purpose of such a committee would be to:

- Provide a forum for exchange of ideas and information;
- Address the business and economic needs of the business community, residents and visitors;
- Reach out to the business community, residents, and visitors to promote business development;
- Interact proactively with a broad spectrum of economic development interests;
- Prepare and recommend strategies to the City Council to provide resources directly to San Juan Bautista Businesses.

#### Fiscal Impact

The fiscal impact on the City short term will consist of costs to support the committee. Long term financial benefit to the City is expected to outweigh these costs.



### CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** 

COUNTY REQUEST TO AMEND CITY USE OF \$231,284 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

C.A.R.E.S. ACT V2 AND V3

**MEETING DATE:** 

October 19, 2021

**DEPARTMENT HEAD:** 

Don Reynolds, City Manager

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

It is recommended that the City Council discuss the circumstances related to the County's request to the City to change the use of its \$231,284 of Community Development Block Grant ("CDBG) CARES Act V2 and V3 funds from public services, to capital improvements (to repair the Homeless Shelter).

#### **BACKGROUND INFORMATION:**

The City has entered into two Memorandum of Understandings with the County for the use of federal Housing and Urban Development (HUD) CDBG funds allocated to City through the CARES Act V1, V2 and V3. The first round ("V1") occurred last summer, when the City was notified that it is going to receive approximately \$63,558. The City agreed to work with the City of Hollister and the County and use these funds to help City residents struggling to pay rent and utility bills as a result of the COVID-19 State of Emergency. Of these funds, \$10,805 is to be used to administer the program, and \$52,750 is to be used for direct payments to residents.

By adopting Resolution 2021-16 on April 13, 2021, the City agreed to amend this MOU when the CARES Act provided rental assistance funds directly to the State, and State initiated its own eviction prevention program. These changes further delayed the implementation of the program. The City was notified last week, that of the \$52,750, only \$1,500 has been distributed to San Juan Bautista residents. This might be because during the continuing State of Emergency, the City is unable to terminate water and sewer services for lack of payment, and unable to levy late fees. The City will need to step up its outreach efforts to spend all of these funds before they expire.

The use of the second and third round of CARES Act funding occurred April 20,2021, when the City adopted Resolution 2021-20 and agreed to execute a second MOU with the City of Hollister and the County for a total of \$1,150,872. These funds are to be used to serve the homeless

population: \$300,000 was allocated to repair the homeless shelter, and the balance of \$850,872 was to be used for used for homeless services. Of the \$850,872, City's second and third allocation (V2 and V3) of \$231, 284 is to be used for public services as follows:

administer regional homeless services programs with its \$231,284 CDBG-CV2 and CV3 allocation, as part of a shared effort to address homelessness, with a total budget of \$1,150, 872 as follows:

Public Service – \$850,852: Homeless Services including operations of the Homeless Shelter, emergency hotel vouchers, outreach services, housing navigation, case management, rapid rehousing activities and supportive services.

Public Facility-\$300,000: Homeless Shelter Improvements.

Resolution 2021-20 is attached.

#### **DISCUSSION:**

On October 1, 2021, the City was notified that the County wishes to eliminate the public service contribution and use all of the funds to repair the shelter. Apparently, the County intended to use the public service funds to staff a new homeless camp near the Hollister airport. When the preferred location for the camp was voted down last month, they determined that the public service funds should be re-programmed as capital improvement funds.

#### The County wrote:

The CDBG CV 2/3 has not been awarded. I recently had a meeting with HCD to modify our scope of work to redirect the Public Services request to the Public Facilities application for necessary repairs of the shelter.

The shelter is in dire need of a new roof, new epoxy on the interior floors, new interior painting and front parking asphalt. Every year when it rains, multiple leaks appear. The roof is very old and the solution is to replace it.

This change is due to the encampment delays. Further delays will jeopardize the grant application since CV 2/3 funding has an expiring due date.

As a result, we are updating the budget. Plus, the resolution and MOU will need to be amended to reflect this activity change. The resolution and MOU was updated this morning.

I will send them to you and Brett this afternoon so you can have your City Counsel approve them.

Feel free to call me if you have any questions.

Thank you

But obviously the City's decision to fund public services was not aligned with the County's intended use. Staff inquired to see if at least the City's portion (\$231,2984 of \$850,872) could be used for public services.

#### City Manager wrote-

I hope you got my Email yesterday- I am writing staff reports this week- now I have an extra one to consider. I'll try to get to it. Wil the County give any consideration to developing an outreach team to respond to homeless calls for service and help them navigate the system? This what the City Council expected (refer to yesterday's email).

#### Reply:

Hi Don, I did receive your prior email. Thank you for your suggestion.

I recommend that we keep the amended CDBG CV 2/3 as I proposed since there are urgent needs with the replacement of the roof and other necessary repairs. It makes sense to take care of these repairs to prevent any operational disruptions and further damages. As other opportunities become available for homeless services, we can target an outreach team to provide up front assistance to homeless individuals. I am presently working on a scope of work for the CoC Homeless Housing Assistance Program (HHAP). If allowed, I can include outreach services. In the interim, staff may be available to assist on a case by case basis.

At the last Homeless Planning Committee Meeting, the committee discussed the scheduling of a strategic planning retreat for early February. As a team, perhaps we can include outreach and supportive services as a local strategy. I can include you in these emails if you want.

Feel free to call me to discuss this further. I can call you as well.

#### Thank you

The purpose of this discussion is to ask the question: does the City "mutually agree to this amendment"? The MOU allows it to be terminated with 30-day's notice, without cause. If it does not agree to the proposed "Amended" use of the funds, then perhaps it wishes to terminate the MOU. At that point, the City would really have to hurry to build a different program by itself to use the funds for a COVID related purpose. That may not be possible given current staff priorities and other time limits facing the City right now.

The worst-case scenario is for the funds to be returned to HUD. If the City does agree to amend the MOU, a special meeting can be scheduled for next Tuesday, October 26<sup>th</sup> 2021.

**ATTACHMENTS:** Resolution 2021-20

#### **RESOLUTION 2021-20**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF HOLLISTER AND SAN BENITO COUNTY TO USE \$231,284 OF COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT CV2 AND CV3 FUNDS TO OPERATE AND ADMINISTER A FEDERALLY FUNDED REGIONAL HOMELESS SERVICES PROGRAM

WHEREAS, the federal government delegated a portion of its CARES Act relief funds to its various departments, and the Department of Housing and Urban Development ("HUD") received a generous allocation as part of its Community Development Block Grant ("CDBG") program in three intervals referred to as "CDBG-CV1, CV2, AND CV3"; and

WHEREAS, on April 13, 2021, the City Council adopted Resolution 2021-16, and appropriated \$63,558 from CDBG CARES ACT V1 authorizing the execution of a regional MOU between the City of Hollister, San Benito County and San Juan Bautista that provides subsistence payments to City and County residents for utilities, whom suffered a loss of income due to the pandemic; and

WHEREAS, also on April 13, 2021, the City Council directed staff to bring forward a second Resolution and MOU for the CARES Act V2 and V3 in the amount of \$231,284 in partnership with the City of Hollister and San Benito County for a total budget of \$1,150,872, to fund various regional homeless services programs as descried in the attached MOU and staff report; and

**WHEREAS,** the deadline to submit this application for the CDBG-CV2 and CV3 funds is May 7, 2021.

# 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 agrees with the terms and conditions set forth in the MOU attached hereto by reference, agrees to partner with the City of Hollister and San Benito County to

administer regional homeless services programs with its \$231,284 CDBG-CV2 and CV3 allocation, as part of a shared effort to address homelessness, with a total budget of \$1,150, 872 as follows:

Public Service – \$850,852: Homeless Services including operations of the Homeless Shelter, emergency hotel vouchers, outreach services, housing navigation, case management, rapid rehousing activities and supportive services,

Public Facility- \$300,000: Homeless Shelter Improvements.

**SECTION 3.** The City Council directs and authorizes the City Manager to prepare and execute the MOU in time for the May 7, 2021 deadline.

**PASSED, APPROVED AND ADOPTED** this 20<sup>th</sup> day of April, 2021, by the following vote:

AYES:

Jordan, Flores, Freels, Freeman

NOES:

Edge

ABSENT:

None

ABSTAIN:

None

Leslie Q. Jordan, Mayor

ATTESTED:

shawna Freels, City Clerk