



# City of San Juan Bautista

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Please click on the item in  
this agenda to go straight to  
that section of the packet.**

## AGENDA

### PLANNING COMMISSION MEETING

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

**TUESDAY ~ JUNE 6, 2017**

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

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

**1. Call to Order  
Roll Call**

**6:00 PM**

**2. Public Comment**

**3. Informal Project Review**

Any potential and/or future project applicant may present his project to the Commission during Informal Project Review for the purpose of gaining information as preliminary feedback only. No formal application is required and no action will be taken by the Commission on any item at this time.

**4. 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 Planning Commission, a staff member, or a citizen.

- A. Approve Affidavit of Posting Agenda**
- B. Approve Affidavit of Posting Public Hearing Notice**
- C. Approve Minutes for the January 3, 2017 Meeting**
- D. Approve Minutes for the March 7, 2017 Meeting**
- E. Approve Minutes for the April 4, 2017 Meeting**

**5. Public Hearing**

- A. Consider Approval of a Site and Design Review for a Commercial Building with a Secondary Unit in the Historic District at 314 Third Street (APN 002-160-012).**

**Applicant: Pat Garratt**

- i. Consider Resolution 2017-XX Making a CEQA Determination for a Categorical Exemption and Approval of a Site and Design Permit (SDR 2017-401) for two Commercial Buildings with Living Quarters at 312 and 314 Third Street**

- B. Consider Approval of an Amendment to a Conditional Use Permit (CUP 2017-33) to Include a Pizza Oven in the Historic District at 322 Third Street (APN 002-160-003).**

**Applicants: Anthony and Monica Ramirez**

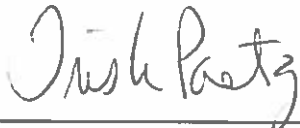


### AFFIDAVIT OF POSTING

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE DEPUTY CITY CLERK IN THE CITY OF SAN JUAN BAUTISTA AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED PLANNING COMMISSION AGENDA. I FURTHER DECLARE THAT I POSTED SAID AGENDA ON THE 30<sup>th</sup> DAY OF MAY 2017, 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 30<sup>th</sup> DAY OF MAY 2017.



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TRISH PAETZ, DEPUTY CITY CLERK

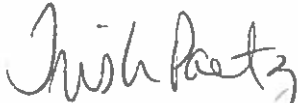
### AFFIDAVIT OF POSTING

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE DEPUTY CITY CLERK IN THE CITY OF SAN JUAN BAUTISTA AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED PLANNING COMMISSION PUBLIC HEARING NOTICE. I FURTHER DECLARE THAT I POSTED SAID NOTICE ON THE 22<sup>nd</sup> DAY OF MAY 2017, 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

I FURTHER DECLARE THAT I MAILED SAID PUBLIC HEARING NOTICE TO PROPERTY OWNERS LIVING WITHIN 300 FEET OF THE PROJECTS LISTED ON THE NOTICE, AND I MAILED THEM ON THE 22<sup>nd</sup> DAY OF MAY.

SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA, ON THE 30<sup>th</sup> DAY OF MAY 2017.



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TRISH PAETZ, DEPUTY CITY CLERK

## **NOTICE OF PUBLIC HEARING**

Pursuant to Government Code Section 65090, the Historic Resources Board and Planning Commission of the City of San Juan Bautista gives notice of a public hearing on **June 6, 2017 at 6:00 p.m.** in the Council Chambers at San Juan Bautista City Hall, 311 Second Street. During the public hearing, the following items will be discussed:

- **Consider Approval of a Site and Design Review Permit for a Commercial Building in the Historic District at 312 and 314 Third Street (APN 002-160-012). Applicant: Pat Garratt**
- **Consider Approval of a Conditional Use Permit for Medical Clinic in the Historic District at 301 Third Street (APN 002-170-005). Applicant: Mandisa Snodey**
- **Consider Approval of an Amendment to a Conditional Use Permit for the Use of an Outdoor Patio as an Accessory Use to a Wine and Beer Tasting Establishment, to Include Installation and Use of an Outdoor Pizza Oven, in the Historic District at 322 Third Street (APN 002-160-003). Applicants: Anthony and Monica Ramirez**

Staff reports and the full text of all items to be discussed will be available for public review at City Hall prior to the meeting. All members of the public are encouraged to attend the meeting and may address the Historic Resources Board and Planning Commission on the issues during the public hearing. Written comments may be hand delivered or mailed to City Hall, 311 Second Street, P.O. Box 1420, San Juan Bautista, CA 95045, or emailed to [cityplanning@san-juan-bautista.ca.us](mailto:cityplanning@san-juan-bautista.ca.us), not later than **5:00 p.m., June 6, 2017.**

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 and Mailed: 5/22/2017**

**CITY OF SAN JUAN BAUTISTA  
PLANNING COMMISSION REGULAR MEETING  
JANUARY 3, 2017  
DRAFT MINUTES**

**1. CALL TO ORDER** – Chairman Franco called the meeting to order at 6:07 p.m.

**B. ROLL CALL**      **Present:**      Chairman Franco, Commissioners Moore, Hopper, Freels and Boyd

**Staff Present:** Community Development Director Orbach, City Manager Grimsley, City Attorney Mall and Administrative Services Manager Paetz

**2. CEREMONIAL ITEMS**

**A. Transitioning of Outgoing and Incoming Commissioners**

**B. Introduction and Swearing in of New Planning Commissioners**

**C. Selection of Chairman and Vice Chairman**

Commissioner Hopper volunteered to be Chairperson. Whereupon a motion was made by Commissioner Moore and seconded by Commissioner Franco to appoint Commissioner Hopper as Chairperson of the Planning Commission. The motion passed unanimously, 5-0.

A motion was made by Commissioner Freels and seconded by Commissioner Boyd to nominate Commissioner Moore as Vice Chairperson of the Planning Commission. The motion passed unanimously, 5-0.

**3. PUBLIC COMMENT**

Emily Renzel stated she does not support the Council's approval of a stop sign on Franklin Street. Cara Vonk spoke in support of Ms. Renzel's request. Georgana Gularte commented a stop sign would be traffic calming. Jolene Cosio spoke in support of a sign at Washington Street. It was the consensus of the Planning Commission to ask the City Council to reconsider the stop sign on Franklin Street. David Medeiros suggested a transitional meeting where he could share his input as a former Planning Commissioner.

**4. INFORMAL PROJECT REVIEW**

There were no informal projects for review.

**5. CONSENT ITEMS**

**A. Approve Affidavit of Posting Agenda**

**B. Approve Affidavits of Posting and Public Hearing Notice**

**C. Approve Minutes of the July 5, 2016 Meeting**

**D. Approve Minutes of the August 2, 2016 Meeting**

A motion was made by Commissioner Franco and seconded by Commissioner Boyd to approve all items on the consent agenda. The motion passed unanimously, 5-0.

**5. PUBLIC HEARING ITEMS**

**A. Consider Rezoning 0.0655 acres of land from Commercial District to R-1 Single Family Residential District (APN 002-520-011) and Approve Resolution 2017-01. The applicant is Kathleen Manning.**

Staff presented a report. John McCormick, representative for the applicant, provided a report. Chairperson Hopper opened the public hearing. No comments were received. Chairperson Hopper closed the public hearing.

A motion was made by Commissioner Franco and seconded by Commissioner Freels to approve Resolution 2017-01 to recommend to the City Council approval of the rezoning of a 0.0655 acre parcel of land situated 251.17 feet north of the north line of San Juan-Hollister Road (APN 002-520-011) from commercial zoning to R-1 low density residential zoning district. The motion passed unanimously, 5-0.

**B. Consider Approval of a Lot Line Adjustment (APN 012-130-021,023, & 031). The applicant is Kathleen Manning.**

Staff presented a report. The applicant's son Matthew Manning, when asked by Commissioner Freels, stated that an individual currently resides on the property.

Chairperson Hopper opened the public hearing. No comments were received. Chairperson Hopper closed the public hearing.

A motion was made by Commissioner Boyd and seconded by Commissioner Freels to approve a lot line adjustment for APN 012-130-021, 023 and 031 for Kathleen Manning. The motion unanimously, 5-0.

Whereupon, Administrative Services Manager Paetz pointed out that the CEQA resolution included in the Planning Commission meeting packet should be approved before the lot line adjustment resolution can be approved. There was discussion on CEQA policy and procedures.

A motion was made by Commissioner Franco and seconded by Chairperson Hopper to rescind Resolution 2017-02. The motion passed unanimously, 5-0.

A motion was made by Commissioner Franco and seconded by Commissioner Freels to approve Resolution 2017-02, making a finding for a categorical exemption under Article 19, Section 15305 of CEQA for a lot line adjustment for APN 012-130-021,023 and 031. The motion passed unanimously, 5-0.

A motion was made by Commissioner Franco and seconded by Commissioner Moore to approve Resolution 2017-03 approving a lot line adjustment for APN 012-130-021, 023 and 031 for Kathleen Manning. The motion passed 3-2-0-0 with Commissioners Boyd

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and Hopper voting against.

**C. Consider Approval of Site and Design Review Permit SDR 2016-1101 Copperleaf Subdivision (APN 012-130-031) at 200-300 San Juan Bautista-Hollister Road. The applicant is Edenbridge Homes Inc.**

**i. Adopt Resolution 2017-XX Approving Site and Design Permit for the base floor plans with four variation of exterior elevations of Copperleaf Housing units.**

The applicant, Kathy Oesterreich, was present and introduced the architect, Jeff Potts. There was discussion about the sound wall which will be installed on top of the berm. Commissioner Boyd asked whether homes are solar ready and plumbed for grey water, and suggest adding balconies.

A ten minute break was taken at 8:35 p.m.

Chairperson Hopper opened the public hearing. Cara Vonk read from a public comment Commissioners received in their packet. Dave Medeiros commented that mission or ranch detailing on homes does not have to encompass the entire facade. Chairperson Hopper closed the public hearing.

Chairperson Hopper requested staff provide Commissioners with a chronology of the Copperleaf Subdivision project prior to it being voted on by the Planning Commission.

No action was taken. This item was continued to the next meeting.

**D. Consider Approval of Site and Design Review Permit SDR 2016-1102 Rancho Vista Subdivision Tract No. 322. The applicant is Meritage Homes.**

**i. Adopt Resolution 2017-XX Approving Site and Design Permit for four base floor plans and variation of exterior elevations of Rancho Vista Housing units.**

City Manager Grimsley presented a report and then introduced Jess Salmon of Meritage Homes who reviewed the different property styles. Chairman Hopper opened the public hearing. John McCormack was concerned with drainage onto neighbor's property. Chairman Hopper closed the public hearing. There was discussion about the garage doors, street trees, elevation varieties (that no two same models be built together), drainage, a monument sign, and changes to the French country style two story.

No action was taken. This item was continued to the next meeting.

## **6. ACTION ITEMS**

**A. Review, Discuss and Adopt Resolution 2017-04 Recommending City Council Revoke Permit under SJBMC Section 11-17-050 (A) Brewery Project.**

Staff presented a report.

A motion was made by Commissioner Boyd and seconded by Commissioner Freels to approve Resolution 2017-04 and recommend to the City Council revocation of a

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building permit for the Brewery project at 104 The Alameda. The motion passed 4-0-0-1 with Commissioner Moore abstaining.

## **7. DISCUSSION ITEMS**

- A. Report on County Wide Planning Commissioners Meeting of November 16.**
- B. Informational Background Material -Planning Commissioner's Handbook**
- C. Informational Background Material- Chapter 2-3 Boards and Commissions.**
- D. Informational Background Material- Chapter 10-2 Subdivisions.**
- E. Informational Background Material- General Plan.**

Commissioner received the information in the packet. There was no discussion.

## **8. COMMENTS & REPORTS**

### **A. Planning Commissioners**

Chairman Hopper states suggested Commissioners be provided a conceptual approval list for developments, and he appreciate receiving electronic copies of plans.

### **B. City Manager**

No comments were received.

### **C. Community Development Director**

Community Development Director Orbach stating he is busy working on materials for the Water Forum.

### **D. Strategic Planning Committee**

Commissioners received a report.

## **9. ADJOURNMENT**

The meeting adjourned at 10:33 p.m.

**CITY OF SAN JUAN BAUTISTA  
PLANNING COMMISSION REGULAR MEETING  
MARCH 7, 2017  
DRAFT MINUTES**

**1. CALL TO ORDER** – Chairman Hopper called the meeting to order at 8:11 p.m.

**B. ROLL CALL**      **Present:**            Chairman Franco, Commissioners Moore,  
Hopper, Freels and Boyd

**Staff Present:** Community Development Director Orbach, City  
Manager Grimsley, City Attorney Mall and  
Administrative Services Manager Paetz

**2. PUBLIC COMMENT**

No public comments were received.

**3. INFORMAL PROJECT REVIEW**

There were no informal projects for review.

**4. CONSENT ITEMS**

- A. Approve Affidavit of Posting Agenda**
- B. Approve Affidavits of Posting and Public Hearing Notice**
- C. Approve Minutes of the July 5, 2016 Meeting**
- D. Approve Minutes of the August 2, 2016 Meeting**
- E. Approve Minutes of the September 6, 2016 Meeting**

Commissioner Franco asked that Items D and E be pulled from the consent agenda for discussion.

A motion was made by Commissioner Franco and seconded by Commissioner Boyd to approve items A, B and C on the consent agenda. The motion passed unanimously, 5-0.

A motion was made by Commissioner Franco and seconded by Commissioner Boyd to continue the minutes for the August 2, 2016 meeting and the minutes for the September 6, 2016 meeting to the next regular Planning Commission meeting, pending corrections. The motion passed unanimously, 5-0.

**5. DISCUSSION ITEMS**

- A. Staff Report on Site and Design Review Regulations, Guidelines, and Procedures**

The regulations, guidelines, and procedures were discussed at the Historic Resources

Board meeting.

## **6. PUBLIC HEARING ITEMS**

Chairperson Hopper requested to move up Item 6D on the agenda.

**D. Consider Approval of Site and Design Review Permit (SDR 2017-301) for 107 Third Street (formerly Casa Rosa) and Accept the Recommendation from the Historic Resources Board. Applicant: Greg and Christin Burda**

- i. Approve Resolution 2017-XX Adopting a Categorical Exemption Section 15331.**
- ii. Approve Resolution 2017-XX Approving Site and Design Review Permit SDR 2017-301**

Staff requested this item be continued so an historic resource evaluation and impact report could be made on the building.

A motion was made by Commissioner Franco and seconded by Commissioner Boyd to continue this item to the next meeting. The vote was 2-3-0-0 with Commissioners Moore, Hopper and Freels voting no, and the motion did not pass.

There was further discussion about the need for staff to review the findings with the applicant.

A motion was made by Chairperson Hopper and seconded by Commissioner Boyd to continue this item to the next meeting. The motion passed unanimously, 5-0.

Chairperson Hopper requested to move Item 6C up on the agenda.

**C. Consider Approval of Site and Design Review Permit (SDR 2017-101) for a Multiple Family Residential Two Story Duplex Unit at 1114 Third Street (APN 002-260-046).**

**Applicant: Manuel Lopez**

- i. Approve Resolution 2017-XX Adopting a Categorical Exemption "In-Fill project."**
- ii. Approve Resolution 2017-XX Approving Site and Design Review Permit**

Staff presented a report. The applicant was present and responded to questions. Chairperson Hopper opened the public hearing. Shawn Collins spoke against the project and read from his written comments submitted earlier. Lindsey Collins spoke against the project and presented a petition from neighbors. Chairperson Hopper closed the public hearing. There was discussion about solar panels and inclusion of a garage or carport.

A motion was made by Chairperson Hopper and seconded by Commissioner Franco to continue this item to the next meeting. The motion passed unanimously, 5-0.

Chairman Hopper requested coming back to Item 6A.

**A. Consider Approval of Site and Design Review Permit SDR 2016-1102 Rancho**

*Regular Planning Commission Meeting – March 7, 2017*

**Vista Subdivision Tract No. 322. The applicant is Meritage Homes.**

**i. Adopt Resolution 2017-05 Approving Site and Design Permit for four base floor plans and variation of exterior elevations of Rancho Vista Housing units.**

Staff presented a report, stating the applicant took into consideration the six requests made at the January meeting. Meritage Homes representative Jeff Salmon was present and reviewed changes to the design as requested by the Commission at their last meeting. Chairperson Hopper opened the public hearing. Kathleen Manning, a neighbor of the project, requested a copy of the findings from the earthquake study and was concerned with setbacks and drainage. Jackie Morris suggested an unbiased second opinion be sought. Dan Devries was concerned with drainage remedies.

A motion was made by Commissioner Franco and seconded by Commissioner Moore to approve Resolution 2017-05 approving the site plans and design review permit for the Rancho Vista Subdivision Project. The motion passed 3-2-0-0 with Commissioners Freels and Hopper voting against.

As the time was close to 10:00 p.m., Chairperson Hopper entertained a motion to extend the meeting time.

A motion was made by Commissioner Franco and seconded by Commissioner Boy to extend the meeting time so all public hearing items could be heard. The motion passed unanimously, 5-0.

Whereupon, a five minute break was taken.

**B. Consider Approval of Site and Design Review Permit SDR 2016-1101 Copperleaf Subdivision (APN 012-130-031) at 200-300 San Juan Bautista-Hollister Road. The applicant is Edenbridge Homes Inc.**

**i. Adopt Resolution 2017-06 Approving Site and Design Permit for three base floor plans and one floor plan for reserved secondary rental unit with variations of exterior elevations of Copperleaf Housing units.**

The applicant, Kathy Oesterreich, introduced Architect Jeff Potts who presented changes to the plans. During public comment Jackie Morris asks about restrictions on water hookups. City Manager Grimsley clarified that there is a moratorium and the builder will not be allowed to hookup to city water until a new City well is drilled. Chairman Hopper closed the public hearing. There was discussion about affordable housing.

A motion was made by Commissioner and seconded by Commissioner Boyd to approve Resolution 2017-06 approving the site plans and design review permit for the Copperleaf Subdivision Project. The motion passed 3-2-0-0 with Commissioners Hopper and Freels voting against.

**E. Adopt Resolution 2017-XX Recommending to the City Council an Amendment to the San Juan Bautista Municipal Code Section 10-02-540 Appeals**

*Regular Planning Commission Meeting – March 7, 2017*

Community Development Director Orbach presented a report.

A motion was made by Commissioner Boyd and seconded by Commissioner Franco to recommend to the City Council amendment to Section 10-02-540 of the SJBMC dealing with appeals. The motion passed unanimously, 5-0.

## **7. COMMENTS AND REPORTS**

### **A. Planning Commissioners' Conference Report**

Chairman Hopper provided a report on the Planning Commissioners Academy attended by Commissioners Hopper, Freels, and Boyd.

### **B. Community Development Director**

No comments were received.

### **C. City Manager**

No comments were received.

## **8. ADJOURNMENT**

The meeting adjourned at 10:50 p.m.

**CITY OF SAN JUAN BAUTISTA  
PLANNING COMMISSION REGULAR MEETING  
APRIL 4, 2017  
DRAFT MINUTES**

**1. CALL TO ORDER** – Chairman Franco called the meeting to order at 6:07 p.m.

**B. ROLL CALL**

**Present:** Commissioners Moore, Franco, Freels and Boyd

**Absent:** Chairman Hopper (excused)

**Staff Present:** Community Development Director Orbach, City Manager Grimsley, City Attorney Mall and Administrative Services Manager Paetz

Vice Chairperson Boyd chaired the meeting.

**2. PUBLIC COMMENT**

Cara Vonk reminded Commissioners of their duties as members of the Historic Resources Board and stated in Section 11-06 of the Municipal Code and encouraged them to make the Mills Act available to the residents. Commissioner Franco reminded everyone that April 30 is Fremont Peak Day.

**3. INFORMAL PROJECT REVIEW**

There were no informal projects for review.

**4. CONSENT ITEMS**

- A. Approve Affidavit of Posting Agenda**
- B. Approve Affidavits of Posting and Public Hearing Notice**
- C. Approve Minutes of the August 2, 2016 Meeting**
- D. Approve Minutes of the September 6, 2016 Meeting**

A motion was made by Commissioner Franco and seconded by Commissioner Moore to approve all items on the consent agenda with changes to the minutes of September 6, 2016. The motion passed unanimously, 4-0-0-1 with Commissioner Hopper absent.

**5. PUBLIC HEARING ITEMS**

- A. Consider Approval of Site and Design Review Permit for 107 Third Street (formerly Casa Rosa, APN 002-021-004) and Accept the Recommendation of the Historic Resources Board. Applicant: Greg and Christin Burda.**
  - i. Approve Resolution 2017-07 Adopting a Categorical Exemption for Site and design Review Permit.**

**ii. Adopt Resolution 2017-08 Approving Site and Design Review Permit for a restaurant, bar, and residential unit**

Community Development Director Orbach requested that discussion by the Historic Resources Board be incorporated into the record and noted the Historic Resources Board recommends this project for approval. Staff presented a report and stated this item was continued from last month so staff could adequately research the historical aspect of the property. Vice Chairperson Boyd opened the public hearing. No comments were received. Vice Chairperson Boyd closed the public hearing.

A motion was made by Commissioner Franco and seconded by Commissioner Moore to approve Resolution 2017-07 making a determination for a categorical exemption for site and design review for a mixed use restaurant, bar and residential unit at 107 Third Street. The motion passed unanimously, 4-0-0-1 with Chairperson Hopper absent.

A motion was made by Commissioner Franco and seconded by Commissioner Freels to approve Resolution 2017-08 approving a site and design review permit for a restaurant, bar, and residential unit at 107 Third Street (APN 002-021-004) for Greg and Christin Burda. The motion passed unanimously, 4-0-0-1 with Chairperson Hopper absent.

**B. Consider Approval of Site and Design Review Permit for a Wine and Beer Tasting Establishment at 322 Third Street (APN 002-160-003) and Accept the Recommendation of the Historic Resources Board.**

**i. Approve Resolution 2017-09 Adopting a Categorical Exemption for Site and Design Review Permit under Section 15331 “Historical Resources Restoration/Rehabilitation” of CEQA.**

**ii. Adopt Resolution 2017-10 Approving Site and Design Review Permit (SDR 2017-32) for a Wine and Beer Tasting Establishment at 322 Third Street.**

**iii. Consider a Sign Permit for the 18<sup>th</sup> Barrel at 322 Third Street.**

Community Development Director Orbach requested that the discussion of the Historic Resources Board be incorporated into the record. The Historic Resources Board recommends this project for approval. The applicant, Anthony Ramirez, was present. Vice Chairperson Boyd opened the public hearing. No comments were received. Vice Chairperson Boyd closed the public hearing.

A motion was made by Commissioner Franco and seconded by Commissioner Moore to approve Resolution 2017-09 making a determination for a categorical exemption for site and design review for a wine and beer tasting establishment at 322 Third Street (APN 002-160-003). The motion unanimously, 4-0-0-1 with Commissioner Hopper absent.

A motion was made by Commissioner Freels and seconded by Commissioner Franco to approve Resolution 2017-10 approving a site and design review permit for a wine and beer tasting establishment at 322 Third Street (APN 002-160-003) for Anthony and Monica Ramirez. The motion passed unanimously, 4-0-0-1 with Commissioner Hopper absent.

A motion was made by Commissioner Franco and seconded by Commissioner Freels to approve Resolution 2017-11 approving a sign permit application for the 18<sup>TH</sup> Barrel wine and beer tasting establishment at 322 Third Street, within the Historic District. The motion passed unanimously, 4-0-0-1 with Commissioner Hopper absent.

**C. Consider Approval of Conditional use Permit for the Use of an Outdoor Patio as an Accessory Use for the 18<sup>th</sup> Barrel at 322 Third Street (APN 002-160-003)**

**i. Approve Resolution 2017-12 Making a Determination for a Categorical Exemption for a Conditional Use Permit Under Section 15332 “In-Fill Development Projects” of CEQA.**

**ii. Adopt Resolution 2017-13 Approving a Conditional Use Permit for the Use of an Outdoor Patio as an Accessory Use for the 18<sup>th</sup> Barrel.**

Staff presented a report and explained the process for a conditional use permit. Vice Chairperson Boyd opened the public hearing. No comments were received. Vice Chairperson Boyd closed the public hearing. Commissioner Franco was concerned with parking availability in the downtown and the proposed live music, and suggested the applicant be required to undergo a short trial period. There was discussion about music coming from other establishments not far from that end of the downtown. The applicant, Anthony Ramirez, was present and stated the live music would depend upon events and the weather, and was responsive to review at six and twelve month periods.

A motion was made by Commissioner Moore and seconded by Commissioner Franco to approve Resolution 2017-12 making a determination for a categorical exemption for a conditional use permit for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment at 322 Third Street under Section 15332 of the California Environmental Quality Act. The motion passed unanimously, 4-0-0-1 with Commissioner Hopper absent.

A motion was made by Commissioner Franco and seconded by Commissioner Freels to approve Resolution 2017-13 approving a conditional use permit for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment at 322 Third Street. The motion passed unanimously, 4-0-0-1 with Commissioner Hopper absent.

**D. Consider Approval of Site and Design Review Permit for a multiple family residential two story duplex unit at 1114 Third Street (APN 002-260-046).**

**Applicant: Manuel Lopez**

**i. Approve Resolution 2017-14 Adopting a Categorical Exemption Under Section 15332 “In-Fill Development Projects” of CEQA.**

**ii. Approve Resolution 2017-15 Approving Site and Design Review Permit (2017-101) for a Multiple Family Residential Two Story Duplex Unit at 1114 Third Street (APN 002-260-046).**

This item was continued from the Planning Commission meeting last month. Vice Chairperson Boyd opened the public comment. Shawn Collins stated he had met with



the applicant and in a good faith effort, he agrees to the changes, and requested the fence to be installed on the property be eight feet tall. Vice Chairperson Boyd closed the public hearing.

A motion was made by Commissioner Freels and seconded by Commissioner Moore to approve Resolution 2017-14 approving a Categorical Exemption under Section 15332 of CEQA, "In-Fill Development Projects." The motion passed unanimously, 4-0-0-1 with Commissioner Hopper absent.

There was discussion about making it a condition to add more parking to accommodate the tenants so they do not have to park on the street. Vice Chairperson Boyd opened the public comment. Cara Vonk did not support requiring more pavement for parking. Emily Renzel suggested a "parking preserve". Vice Chairperson Boyd closed the public hearing.

A motion was made by Commissioner Freels and seconded by Commissioner Moore to approve Resolution 2017-15 approving a Site and Design Review Permit. The motion passed 3-1-0-1 with Commissioner Boyd voting against and Commissioner Hopper absent.

## **6. ACTION ITEMS**

### **A. Stop Sign at Third and Franklin Street**

The Historic Resources Board recommends to the Planning Commission that they make a recommendation to the City Council to rescind their decision to erect a stop sign at Third and Franklin Street. During public comment Emily Renzel spoke against a stop sign, and Cara Vonk spoke against a stop sign as well.

A motion was made by Commissioner Freels and seconded by Vice Chairperson Boyd to ask Council to rescind their resolution for a stop sign at Third and Franklin Street. The motion passed 3-1-0-1 with Commissioner Moore voting against and Commissioner Hopper absent.

## **7. DISCUSSION ITEMS**

### **A. Website Revision Team**

Community Development Director Orbach suggested a committee be established to provide input to the contractor that will create a new City website. Commissioner Boyd volunteered to assist with revision of the website. There was no public comment.

### **B. Invitation to Joint Meeting with City of Hollister Planning Commission**

In a conversation with the chairperson of the Hollister Planning Commission, Community Development Director Orbach posed questions which they could not answer. Commissioners advised that the County should be involved as well in the joint meeting. There was no public comment received.

## **8. COMMENTS & REPORTS**

### **A. Planning Commissioners' Conference Report**

Commissioners Boyd and Freels reported on the Planning Commissioners Academy attended by Commissioners Boyd, Freels, and Hopper.

**B. Community Development Director**

Director Orbach reviewed cottage industries and home occupations as covered in the Municipal Code.

**C. City Manager**

No comments received from the City Manager. City Attorney Mall suggested a work program for staff at fiscal year.

**9. ADJOURNMENT**

The meeting adjourned at 8:46 p.m.

# CITY OF SAN JUAN BAUTISTA

## PLANNING COMMISSION & HISTORIC RESOURCES BOARD

### STAFF REPORT

**DATE:** June 6<sup>th</sup>, 2017

**SUBJECT:** Site and Design Review Permit (SDR 2017-401)

**APPLICANT:** Pat Garratt

**GENERAL PLAN:** Mixed Use

**ZONING:** Mixed Use

**STREET ADDRESS:** 312 & 314 Third Street

**APN:** 002-160-012 & 013

**SITE AREA:** 2,316.72 square feet & 2,329.75 square feet.

**CEQA:** The project is exempt under Chapter 3, Guidelines for implementation of the California Environmental Quality Act, Article 19, Categorical Exemption, Section 15332 In-fill Development Projects. Class 32.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality and water quality.
- (e) The site can be adequately served by all required utilities and public services, subject to Compliance Order No. 02-05-16R-004.

**DISCUSSION:** The applicant is requesting a site and design permit for two parcels situated at 312 and 314 Third Street. The applicant recently submitted an informal presentation to the Historic Resources Board for the proposed project. The applicant owns the two parcels and is requesting site and design approval for both project.

The project will consist of two structures on each parcel. Building "A" is a 20'-0" wide by 47'-6" long; 950 square feet in size, single story wood framed with a wood framed roof awing extending over the sidewalk. The front exterior will be rustic wood board and battens with wood siding both horizontal and vertical in appearance. The wood siding will remain natural in color, texture and appearance. The side and rear will be stucco.

Building "B" is a 20'-0" wide by 30'-0" long; 600 square feet in size, single story wood framed structure. Building "B" will have stucco exterior wall with an architectural composition shingled roof.

## **GENERAL PLAN CONFORMITY**

**General Plan Policy L-18;** Support new mixed use development on the remaining vacant and underdeveloped sites in San Juan Bautista, particularly Downtown along Muckelemi Street

**General Plan Policy L-27;** Attract businesses and services which provide day to day needs of local residents as well as the needs of visitors.

**General Plan H-5;** Allow residential uses in all areas designated for commercial and mixed use on the land use diagram, where combined with commercial uses and compatible with the other goals and policies in the General Plan. Uses permitted in mixed use districts.

## **RECOMMENDATION:**

1. Open the public hearing
2. Receive staff report
3. Receive applicant's presentation
4. Receive public testimony, written and oral comments.
5. Close the public hearing
6. Historic Resources Board to discuss, review and consider project for conformance with the Historic District goals, objectives and General Plan policies
7. Recommendation to the Planning Commission
8. Resolution 2017-XX for a categorical exemption of project SDR 2017-40.
9. Recommend to the Planning Commission Approving Resolution 2017-XX for SDR 2017-401, subject to the following conditions.
  - a. The applicant shall construct the project as approved by the Planning Commission and in conformance with the approved plans.
  - b. A separate permit for a hanging signs for each building shall be required.
  - c. The applicant shall obtain an encroachment permit for the wood framed awning structure over the public right of way on Third Street.

- d. The applicant shall repair and/ or reconstruct all deteriorated and dilapidated concrete sidewalks along the frontage of the properties on 312 and 314 Third Street.
- e. The applicant shall enter into a hold harmless agreement with the City of San Juan Bautista indemnifying the city arising out of the approval of the project.
- f. The applicant shall pay all fees, including but not limited to building permits and all applicable city approved impact fees.

**To review the Site and Design Review documents for this project, please visit: [www.san-juan-bautista.ca.us/planning/](http://www.san-juan-bautista.ca.us/planning/)**

## RESOLUTION 2017-XX

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA MAKING A CEQA DETERMINATION FOR A CATEGORICAL EXEMPTION AND APPROVAL OF A SITE AND DESIGN PERMIT (SDR 2017-401) FOR TWO COMMERCIAL BUILDINGS WITH LIVING QUARTERS AT 312 AND 314 THIRD STREET

**WHEREAS**, the Planning Commission received an application for a Site and Design Review Permit (SDR 2017-401) for two 950 square feet commercial buildings with living quarters at 312 and 314 Third Street; and

**WHEREAS**, the Planning Commission held a public hearing on June 6<sup>th</sup>, 2017, to consider the Site and Design Permit for two 950 square feet commercial buildings with living quarters at 312 and 314 Third Street; and

**WHEREAS**, the Planning Commission has reviewed the project, staff report and received oral comments and public testimony on the project; and

**WHEREAS**, based upon the whole record before the Planning Commission and in light of the proposed 950 square feet commercial buildings and 600 square feet living quarters as an accessory use to commercial establishments situated at 312 and 314 Third Street, the Planning Commission determined that the project is Categorically Exempt under Article 19 of CEQA, Section 15332 and hereby makes the following findings to support the Categorical Exemption:

1. The project is consistent with the 2035 General Plan designation and polices as well as zoning designation and regulations; and
2. The proposed project occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; and
3. The project site has no value as habitat for endangered, rare, or threatened species; and
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
5. The site can be adequately served by all municipal utilities and public services; and
6. The project is consistent with the standards and requirements of the San Juan Bautista Municipal Code; and

**WHEREAS**, the Planning Commission hereby makes the necessary findings for the approval of the Site and Design Permit (SDR 2017-401) of two 950 square feet commercial buildings with a 600 square feet living quarters as an accessory use to a commercial establishments at 312 and 314 Third Street:

- A. That the use is necessary or desirable in relation to the purposes and intent of the San Juan Bautista General Plan, zoning ordinance, and the economic, social, and environmental status of the City;

- B. That the use will be properly related to other uses, transportation facilities, and other public facilities in the area, and will not cause undue environmental impacts relating to noise, odor, pollution, etc.; and
- C. That the use will not adversely affect the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare of the City and its residents.
- D. That the use is consistent with policies of the 2035 General Plan and San Juan Bautista Municipal Code and standards.

**WHEREAS**, the applicant has agreed to the following conditions of approval for the Site and Design Permit and Conditional Use Permit at 312 and 314 Third Street:

- 1. The applicant shall construct the project as approved by the Planning Commission and in conformance with the approved plans.
- 2. A separate sign permit for the each building shall be required.
- 3. The applicant shall obtain an encroachment permit for the wood framed awing structure over the public right of way of Third Street.
- 4. The applicant shall repair and reconstruct all deteriorated and dillapidated concrete sidewalks along the frontage of the properties on 312 and 314 Third Street.
- 5. The applicant shall enter into a hold harmless agreement with the City of San Juan Bautista indemnifying the city arising out of the conditional approval of the project.
- 6. The applicant shall pay all fees including but not limited to building permits and all applicable city approved impact fees.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of San Juan Bautista hereby approves the Site and Design Permits (SDR 2017-401) for two 950 square feet commercial buildings with 600 square feet living quarters as an accessory use to the commercial establishments at 312 and 314 Third Street.

**PASSED AND ADOPTED** by the Planning Commission of the City of San Juan Bautista on this 6<sup>th</sup> day of June 2017, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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Chairperson John Hopper

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Trish Paetz, Deputy City Clerk

# CITY OF SAN JUAN BAUTISTA

## PLANNING COMMISSION

### STAFF REPORT

**DATE:** June 6th, 2017

**SUBJECT:** Conditional Use Permit Amendment – 322 Third Street

**Applicant:** Anthony and Monica Ramirez

**Zoning:** Mixed Use

**Assessor Parcel No.:** 002-160-003

**Size:** 7,173.342 ft<sup>2</sup>

**Existing Land Use:** Mixed Use

**Environmental Review:** This Conditional Use Permit is Categorically Exempt under Section 15332 of the California Environmental Quality Act, "In-Fill Development Projects."

**Details:** The applicant is requesting an amendment to Conditional Use Permit 2017-33 for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment at 322 Third Street to allow for the installation and operation of an outdoor pizza oven.

### Proposed Amendment

After receiving CUP 2017-33 from the Planning Commission in April, the applicant learned from the Department of Alcoholic Beverage Control (ABC) that, in order to use the patio as a 'family-friendly' area under a Type 41 Permit, they would have to install a permanent food preparation area either inside the building or on the patio.

The applicants had originally only been planning to serve food via independent caterers (mobile barbecue, food truck, etc.) for special events, but upon learning that the permit they were going to receive required the installation of a food preparation area, they began exploring options for satisfying the requirement. The simplest and most non-intrusive way to satisfy the ABC requirement is to install a pizza oven on the outdoor patio.



The attached drawings illustrate where the pizza oven will be located on the patio.

**Findings:** In order to amend the conditional use permit, the Planning Commission must also make the findings listed in SJBMC §11-20-030 again based on the new evidence and in view of the whole record. The Planning Commission must find that:

- A. That the use is necessary or desirable in relation to the purposes and intent of the San Juan Bautista General Plan, zoning ordinance, and the economic, social, and environmental status of the City;
- B. That the use will be properly related to other uses, transportation facilities, and other public facilities in the area, and will not cause undue environmental impacts relating to noise, odor, pollution, etc.; and
- C. That the use will not adversely affect the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare of the City and its residents.

**Recommendation:**

Staff has reviewed the application for an amendment to CUP 2017-33, and recommends that the Planning Commission make the required findings based on the rationale stated below each finding:

- A. That the use is necessary or desirable in relation to the purposes and intent of the San Juan Bautista General Plan, zoning ordinance, and the economic, social, and environmental status of the City;**
  - a. In addition to fitting in with the purposes and intent of the San Juan Bautista 2035 General Plan and meeting the requirements of the San Juan Bautista Municipal Code, this project has the support of the San Juan Bautista City Council, as stated in the letters of support staff was directed to send to the ABC dated January 18<sup>th</sup>, 2017, and March 7<sup>th</sup>, 2017. The January letter states that *"the project fits in well with the character of our Downtown Historic District, will help build our sales tax base, and provides welcome variety to the existing food and beverage establishments in our downtown area for the enjoyment of both residents and visitors."*
  - b. Restaurants are an approved use in the Mixed-Use zone. The addition of a pizza oven to a beer and wine tasting room will only change the current use to another approved use in San Juan Bautista Municipal Code §11-02-050, meaning that the use is necessary and desirable.

- B. That the use will be properly related to other uses, transportation facilities, and other public facilities in the area, and will not cause undue environmental impacts relating to noise, odor, pollution, etc.; and**
- a. The conditional use is an accessory to a location that has been a long-standing restaurant use in the Mixed-Use zone of downtown San Juan Bautista, which is properly related to other uses, transportation facilities, and other public facilities in the area under the San Juan Bautista 2035 General Plan. Any associated increase in noise (eg- live music on the patio) or odor/smoke from the pizza oven can be mitigated through the conditions of the conditional use permit.
- C. That the use will not adversely affect the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare of the City and its residents.**
- a. The conditional use permit for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment, which is simply an accessory use to an approved use on the same parcel, will not adversely affect the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare of the City and its residents.
  - b. The patio is fenced off and private and the location of the pizza oven will comply with the recommendations of the fire department, so the addition of a pizza oven will not be materially detrimental to the public welfare of the City and its residents.

**Conditions of Approval:** The following conditions of approval were included with CUP 2017-33:

1. Hours of operation will be between 11 a.m. and 10 p.m.
2. Live music is permitted only during hours of operation (no later than 10 p.m.).
3. The Planning Commission shall review the conditional use permit six (6) months and twelve (12) months after the Wine and Beer Tasting Establishment begins operation.

The addition of a pizza oven does not significantly affect any of the previously approved conditions of approval.

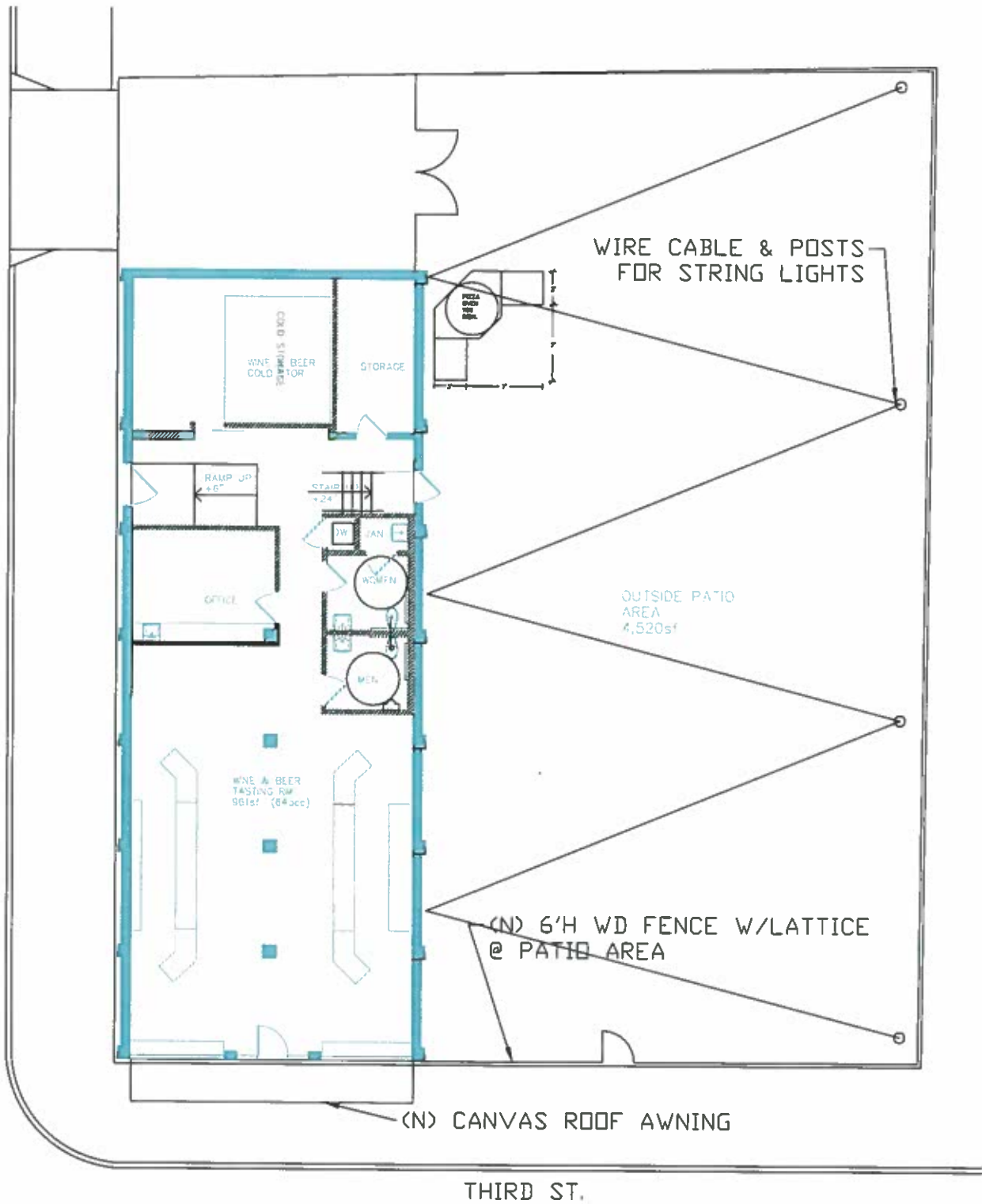
**Action Required:**

1. Verify posting of notice of public hearing
2. Open the Public Hearing
3. Receive staff report and supporting documents

4. Receive written comments, e-mail communication, oral testimony and public input.
5. Close the public hearing
6. Based upon your independent review and judgment of the staff report, written comments, email communication, recommendation from the Historic Resources Board, and oral testimony on the project, the Planning Commission should take the following action:
  - A. Adopt Resolution 2017-XX, "A Resolution of the Planning Commission of the City of San Juan Bautista amending Conditional Use Permit (CUP 2017-33) for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment at 322 Third Street to include the installation and use of an outdoor pizza oven."

**Attachments:**

1. Patio Plan



## RESOLUTION 2017-XX

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA AMENDING CONDITIONAL USE PERMIT 2017-33 FOR THE USE OF AN OUTDOOR PATIO AS AN ACCESSORY USE TO A WINE AND BEER TASTING ESTABLISHMENT AT 322 THIRD STREET TO INCLUDE THE INSTALLATION AND USE OF AN OUTDOOR PIZZA OVEN

**WHEREAS**, the Planning Commission adopted Resolution 2017-12 on April 4, 2017, determining that the project is Categorically Exempt under CEQA §15332; and

**WHEREAS**, the Planning Commission adopted CUP 2017-33 on April 4, 2017, with findings and conditions; and

**WHEREAS**, the Historic Resources Board held a public hearing on June 6<sup>th</sup>, 2017, to consider amending Conditional Use Permit 2017-33 for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment at 322 Third Street to include the installation and use of an outdoor pizza oven; and

**WHEREAS**, the Planning Commission received a recommendation from the Historic Resources Board that they adopt Resolution 2017-XX "A resolution of the Planning Commission of the City of San Juan Bautista amending conditional use permit 2017-33 for the use of an outdoor patio as an accessory unit to a wine and beer tasting establishment at 322 Third Street to include the installation and use of an outdoor pizza oven."

**WHEREAS**, the Planning Commission held a public hearing on June 6<sup>th</sup>, 2017, to consider amending Conditional Use Permit 2017-33 to include the installation and use of an outdoor pizza oven; and

**WHEREAS**, the Planning Commission has reviewed the project staff report and received oral comments and public testimony on the project; and

**WHEREAS**, the Planning Commission has made the necessary findings for amending Conditional Use Permit 2017-33, including:

- A. That the use is necessary or desirable in relation to the purposes and intent of the San Juan Bautista General Plan, zoning ordinance, and the economic, social, and environmental status of the City;
- B. That the use will be properly related to other uses, transportation facilities, and other public facilities in the area, and will not cause undue environmental impacts relating to noise, odor, pollution, etc.; and

- C. That the use will not adversely affect the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare of the City and its residents.

**WHEREAS**, the applicant has agreed to the following conditions of approval for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment at 322 Third Street:

1. Hours of operation will be between 11 a.m. and 10 p.m.
2. Live music is permitted only during hours of operation (no later than 10 p.m.).
3. The Planning Commission shall review the conditional use permit six (6) months and twelve (12) months after the Wine and Beer Tasting Establishment begins operation.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of San Juan Bautista hereby approves the amendment of Conditional Use Permit 2017-33 for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment at 322 Third Street to include the installation and use of an outdoor pizza oven.

**PASSED AND ADOPTED** by the Planning Commission of the City of San Juan Bautista on this 6<sup>th</sup> day of June, 2017, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Chairman John Hopper

**ATTEST:**

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Trish Paetz, Deputy City Clerk

# CITY OF SAN JUAN BAUTISTA

## PLANNING COMMISSION

### STAFF REPORT

**DATE:** June 6th, 2017

**SUBJECT:** Conditional Use Permit – 301 Third Street

**Applicant:** Mandisa Snodey

**Zoning:** Mixed Use/Historic District/Nationally Recognized Historic District

**Assessor Parcel No.:** 002-170-005

**Size:** 0.3636 acres

**Existing Land Use:** Commercial

**Environmental Review:** This Conditional Use Permit is Categorically Exempt under Section 15332 of the California Environmental Quality Act, "In-Fill Development Projects."

**Details:** The applicant is requesting a use determination for her proposed business at 301 Third Street. Upon request, she submitted the following description of the proposed business:

*Closet Under the Stairs Apothecarium is a business promoting a holistic plant based lifestyle with referral and consulting services. Specifically offering consultation services, education, recommendation services by a licensed physician, as well as retail sales of nutritional supplements. No medical services will be offered onsite, including but not limited to, massage, chiropractic, acupuncture, primary care services.*

**Analysis:** Based on the description given above, the use of the site could possibly fall into three use categories listed in San Juan Bautista Municipal Code §11-02-050 "Permitted and conditional uses by zoning district, use matrix," two of which are permitted and one of which is not: (1) Drug stores, retail (Permitted); (2) Personal services (Permitted); and (3) Medical clinics and laboratories (Not Permitted).

While the description explicitly states that “medical services” will not be offered, it also states that a “licensed physician” will be on site offering “consultation services” and “recommendation services.” The San Juan Bautista Municipal Code does not contain a definition of “medical clinic” that would help resolve this uncertainty surrounding whether or not the presence of a licensed physician dispensing medical advice constitutes a “medical clinic.”

The first three definitions of ‘clinic’ in the Merriam-Webster dictionary apply to one-time clinics or medical clinics that have multiple physicians and provide outpatient services, such as:

1. A class of medical instruction in which patients are examined and discussed
2. A group meeting devoted to the analysis and solution of concrete problems or to the acquiring of specific skills or knowledge
3. a. A facility (as of a hospital) for diagnosis and treatment of outpatients  
b. A group practice in which several physicians work cooperatively

The fourth definition of ‘clinic,’ however, defines a clinic as:

4. A facility that offers professional services or consultation usually at discounted rates

This definition is intentionally broad, because it is meant to include non-medical clinics such as legal clinics. Under this definition, however, “a facility that offers professional services or consultation” where the “professional services” and “consultation” are provided by a licensed physician could easily be considered to be a medical clinic.

**Context:** It is also important to note, given the discussions at recent City Council meetings and the upcoming Marijuana Forum, that “holistic plant based lifestyle” refers, at least in part, to medical marijuana and services related to that market. SJBMC §5-14.5 currently prohibits medical marijuana dispensaries in the City of San Juan Bautista, but the City Council is currently re-evaluating the City’s marijuana ordinances and policies and discussing how the City should handle the rollout of legal recreational marijuana next year. While this project is not described as a medical marijuana dispensary, one of the services it would provide would be physician ‘recommendations’ to ‘patients’ for the medical use of marijuana. Those recommendations are then taken to a medical marijuana dispensary to obtain medical marijuana.

The Planning Commission should carefully consider the application in this context, as descriptions such as the one submitted are often times used to give cover to dispensaries that are attempting to function outside of the law.



**Procedure:** The Planning Commission must decide two things: (1) does the proposed use constitute a “medical clinic” under SJBMC §11-02-050 and (2) if it does, whether or not to issue a Conditional Use Permit allowing the proposed use at 301 Third Street.

**Findings:** If the Planning Commission decides to issue a conditional use permit, they must make the findings listed in SJBMC §11-20-030 based on substantial evidence in view of the whole record. The Planning Commission must find that:

- A. That the use is necessary or desirable in relation to the purposes and intent of the San Juan Bautista General Plan, zoning ordinance, and the economic, social, and environmental status of the City;
- B. That the use will be properly related to other uses, transportation facilities, and other public facilities in the area, and will not cause undue environmental impacts relating to noise, odor, pollution, etc.; and
- C. That the use will not adversely affect the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare of the City and its residents.

**Conditions of Approval:** Due to the fact that medical marijuana dispensaries are currently illegal in the City of San Juan Bautista and the proposed use provides services closely linked to those of medical marijuana dispensaries, if the Planning Commission chooses to issue a Conditional Use Permit for this use, they should consider the possibility of attaching conditions of approval to the permit. Those conditions could include:

- A condition stating that the permit will be revoked if any marijuana or marijuana product is sold or changes hands on the site.
- A condition requiring that the exterior storefront windows along the Mariposa Street and Third Street frontage shall be kept free from obstructions or non-transparent materials (such as display cases, posters, applied window tint, etc.) to a degree that provides public safety officers with direct lines of sight into the establishment.
- A condition, based on the items listed in California Health and Safety Code §11014.5 (of the Uniform Controlled Substances Act), prohibiting “drug paraphernalia” on the site.
- Any other conditions that either limit the allowed activities or define/clarify the parameters within which the use will be allowed.

**Action Required:**

1. Verify posting of notice of public hearing
2. Open the Public Hearing

3. Receive staff report and supporting documents
4. Receive written comments, e-mail communication, oral testimony, and public input.
5. Close the public hearing
6. If, based upon independent review and judgment of the staff report, written comments, email communication, and oral testimony on the project, the Planning Commission supports the use of 301 Third Street as a medical clinic, they should take the following actions.
  - A. Adopt Resolution 2017-XX, "A Resolution of the Planning Commission of the City of San Juan Bautista making a determination for a categorical exemption for a Conditional Use Permit (CUP 2017-61) for a medical clinic at 301 Third Street" under Section 15332, "In-Fill Development Projects," of the California Environmental Quality Act.
  - B. Adopt Resolution 2017-XX, "A Resolution of the Planning Commission of the City of San Juan Bautista approving a Conditional Use Permit for a medical clinic at 301 Third Street," Project No. 2017-61. (Assessor Parcel No. 002-170-005).

**Attachments:**

California Health and Safety Code §11014.5

**HEALTH AND SAFETY CODE - HSC**

**DIVISION 10. UNIFORM CONTROLLED SUBSTANCES ACT [11000 - 11651]**

*(Division 10 repealed and added by Stats. 1972, Ch. 1407.)*

**CHAPTER 1. General Provisions and Definitions [11000 - 11033]**

*(Chapter 1 added by Stats. 1972, Ch. 1407.)*

**11014.5.**

(a) "Drug paraphernalia" means all equipment, products and materials of any kind which are designed for use or marketed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this division. It includes, but is not limited to:

- (1) Kits designed for use or marketed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
- (2) Kits designed for use or marketed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- (3) Isomerization devices designed for use or marketed for use in increasing the potency of any species of plant which is a controlled substance.
- (4) Testing equipment designed for use or marketed for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled substances.
- (5) Scales and balances designed for use or marketed for use in weighing or measuring controlled substances.
- (6) Containers and other objects designed for use or marketed for use in storing or concealing controlled substances.
- (7) Hypodermic syringes, needles, and other objects designed for use or marketed for use in parenterally injecting controlled substances into the human body.
- (8) Objects designed for use or marketed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
  - (A) Carburetion tubes and devices.
  - (B) Smoking and carburetion masks.
  - (C) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
  - (D) Miniature cocaine spoons, and cocaine vials.

- (E) Chamber pipes.
- (F) Carburetor pipes.
- (G) Electric pipes.
- (H) Air-driven pipes.
- (I) Chillums.
- (J) Bongs.
- (K) Ice pipes or chillers.

(b) For the purposes of this section, the phrase "marketed for use" means advertising, distributing, offering for sale, displaying for sale, or selling in a manner which promotes the use of equipment, products, or materials with controlled substances.

(c) In determining whether an object is drug paraphernalia, a court or other authority may consider, in addition to all other logically relevant factors, the following:

- (1) Statements by an owner or by anyone in control of the object concerning its use.
- (2) Instructions, oral or written, provided with the object concerning its use for ingesting, inhaling, or otherwise introducing a controlled substance into the human body.
- (3) Descriptive materials accompanying the object which explain or depict its use.
- (4) National and local advertising concerning its use.
- (5) The manner in which the object is displayed for sale.
- (6) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
- (7) Expert testimony concerning its use.

(d) If any provision of this section or the application thereof to any person or circumstance is held invalid, it is the intent of the Legislature that the invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application and to this end the provisions of this section are severable.

*(Added by Stats. 1982, Ch. 1278, Sec. 1.)*

## RESOLUTION 2017-XX

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA MAKING A DETERMINATION FOR A CATEGORICAL EXEMPTION FOR A CONDITIONAL USE PERMIT (CUP 2017-61) FOR A MEDICAL CLINIC AT 301 THIRD STREET UNDER SECTION 15332 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

**WHEREAS**, the Planning Commission received an application for a Conditional Use Permit for a medical clinic at 301 Third Street; and

**WHEREAS**, the Planning Commission received oral comments and public input and the staff report on June 6<sup>th</sup>, 2017, for the Conditional Use Permit (CUP 2017-61); and

**WHEREAS**, based upon the whole record before the Planning Commission and in light of the proposed medical clinic at 301 Third Street, the Planning Commission determined that the project is Categorically Exempt under CEQA §15332 "In-Fill Development Projects" by making the following findings:

1. The project is consistent with the 2035 General Plan designation and polices as well as zoning designation and regulations.
2. The proposed project occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
3. The project site has no value as habitat for endangered, rare, or threatened species.
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
5. The site can be adequately served by all municipal utilities and public services.
6. The project is consistent with the standards and requirements of the San Juan Bautista Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of San Juan Bautista hereby approves the Categorical Exemption under CEQA §15332 "In-Fill Development Projects" for a Conditional Use Permit (CUP 2017-61) for a medical clinic at 301 Third Street.

**PASSED AND ADOPTED** by the Planning Commission of the City of San Juan Bautista on this 6<sup>th</sup> day of June, 2017, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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Chairman John Hopper

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Trish Paetz, Deputy City Clerk

## RESOLUTION 2017-XX

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA APPROVING A CONDITIONAL USE PERMIT (CUP 2017-61) FOR A MEDICAL CLINIC AT 301 THIRD STREET

**WHEREAS**, the Planning Commission received an application for a Conditional Use Permit for a medical clinic at 301 Third Street; and

**WHEREAS**, the Planning Commission held a public hearing on June 6<sup>th</sup>, 2017, to consider a Conditional Use Permit (CUP 2017-61) for a medical clinic at 301 Third Street; and

**WHEREAS**, the Planning Commission has reviewed the project staff report and received oral comments and public testimony on the project; and

**WHEREAS**, based upon the whole record before the Planning Commission and in light of the proposed medical clinic at 322 Third Street, the Planning Commission determined that the project is Categorically Exempt under CEQA §15332 and made the following findings:

1. The project is consistent with the 2035 General Plan designation and polices as well as zoning designation and regulations; and
2. The proposed project occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; and
3. The project site has no value as habitat for endangered, rare, or threatened species; and
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
5. The site can be adequately served by all municipal utilities and public services; and
6. The project is consistent with the standards and requirements of the San Juan Bautista Municipal Code; and

**WHEREAS**, the Planning Commission has made the necessary findings for the Conditional Use Permit (CUP 2017-61) for a medical clinic at 301 Third Street, including:

- A. That the use is necessary or desirable in relation to the purposes and intent of the San Juan Bautista General Plan, zoning ordinance, and the economic, social, and environmental status of the City;
- B. That the use will be properly related to other uses, transportation facilities, and other public facilities in the area, and will not cause undue environmental impacts relating to noise, odor, pollution, etc.; and

- C. That the use will not adversely affect the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare of the City and its residents.

**WHEREAS**, the applicant has agreed to the following conditions of approval for a medical clinic at 301 Third Street:

1. The permit shall be revoked if any marijuana or marijuana product is sold or changes hands on the site.
2. The exterior storefront windows along the Mariposa Street and Third Street frontage shall be kept free from obstructions or non-transparent materials (such as display cases, posters, applied window tint, etc.) to a degree that provides public safety officers with direct lines of sight into the establishment.
3. Drug paraphernalia, as defined in California Health and Safety Code §11014.5 (of the Uniform Controlled Substances Act), shall be prohibited on the site.
4. The Planning Commission shall review the conditional use permit six (6) months and twelve (12) months after the medical clinic begins operation.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of San Juan Bautista hereby approves the Conditional Use Permit (CUP 2017-61) for a medical clinic at 301 Third Street.

**PASSED AND ADOPTED** by the Planning Commission of the City of San Juan Bautista on this 6<sup>th</sup> day of June, 2017, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Chairman John Hopper

**ATTEST:**

\_\_\_\_\_  
Trish Paetz, Deputy City Clerk