



City of San Juan Bautista

The "City of History"

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AGENDA

REGULAR PLANNING COMMISSION MEETING

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

TUESDAY ~ MARCH 10, 2020

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

Any writings or documents provided to a majority of the Planning Commission 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 their 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 Commission, a staff member, or a citizen.

A. Approve Affidavit of Posting Agenda

B. Approve Affidavit of Posting Public Hearing Notice

5. Action Items

A. Appoint New Chair and Vice Chair of the Planning Commission

B. Consideration of a Recommendation from the Historic Resources Board of the San Juan Bautista Certified Local Government (CLG) Annual Report

6. Public Hearing Items

A. Consider and Recommend to City Council a Model Water Efficient Landscape Ordinance (MWEL0)

7. Discussion Items

A. Re-establishment of an Urban Growth Boundary

B. Mobile Food Vendors Ordinance

C. Report by Commissioners Delgado and Matchain on the League of California Cities Planning Commissioners Academy

8. Comments

A. Planning Commissioners

B. Associate City Planner

C. City Manager

9. Adjournment

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 5th DAY OF MARCH 2020, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

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

SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA,
ON THE 5th DAY OF MARCH 2020.

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 28th DAY OF FEBRUARY 2020, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

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

SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA,
ON THE 5th DAY OF MARCH 2020.

TRISH PAETZ, DEPUTY CITY CLERK

NOTICE OF PUBLIC HEARING CITY OF SAN JUAN BAUTISTA

Pursuant to Government Code Section 65090, the Planning Commission of the City of San Juan Bautista gives notice of a public hearing on **March 10, 2020** at 6:00 p.m. in the Council Chambers at San Juan Bautista City Hall, 311 Second Street. During the public hearing, the following items will be discussed:

- Consider and recommend to the City Council an amendment to the San Juan Bautista Zoning Ordinance to include a Model Water Efficient Landscape Ordinance. This text amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Sections 15060, 15061, and 15378. Applicant: City of San Juan Bautista
- Consider and recommend to the City Council amendments to both the San Juan Bautista Zoning Ordinance and the Municipal Code to include a provision that addresses Mobile Food Vendors or Food Carts to operate within the City of San Juan Bautista City Limits. This text amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Sections 15060, 15061, and 15378. Applicant: City of San Juan Bautista

Staff reports and the full text of all items to be discussed will be available for public review at City Hall on **March 3, 2020**. All members of the public are encouraged to attend the meeting and may address the City Council on the issue during the public hearing. Written comments may be hand delivered or mailed to City Hall (311 Second Street, P.O. Box 1420, San Juan Bautista, CA 95045), or e-mailed to cityplanning@san-juan-bautista.ca.us, not later than **5:00 p.m., March 10, 2020**.

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

Posted: February 28, 2020



CITY OF SAN JUAN BAUTISTA PLANNING COMMISSION STAFF REPORT

AGENDA ITEM: 2018-2019 Certified Local Government (CLG) Annual Report

MEETING DATE: March 10, 2020

SUBMITTED BY: Todd Kennedy
Associate Planner

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTION(S):

City Staff recommends the Planning Commission review and approve the 2018-2019 Certified Local Government (CLG) Annual Report.

BACKGROUND INFORMATION:

The California State Historic Preservation Office recognizes the City of San Juan Bautista as a Certified Local Government (CLG). A CLG is a program set forth by the National Parks Service and the State of California to encourage participation of local governments in the reviews of historic properties with evaluation, identification, preservation and improvements. This participation is including the integration of these efforts into local planning. The CLG program was established by a 1980 amendment to the National Historic Preservation Act of 1966 and is a partnership among local governments, the California State Historic Preservation Office (SHPO) and the National Park Service (NPS). That agency is under the United States Department of the Interior and is responsible for administering the National Historic Preservation Program.

The California Environmental Quality Act (CEQA) Section 21084.1 requires that all properties that are fifty years of age or older be reviewed for historic significance. CEQA law requires local governments to presume that any buildings/properties of that age or older to be historically significant unless sufficient evidence exists to the contrary.

California Public Resources Code Sections 5020.1 through 5024.1 sets forth criteria for historical resources as well as local requirements. These State provisions require the City of San Juan Bautista as a local government to have requirements for processing alterations to historic or potentially historic properties.

CLG REPORT UPDATE:

The attached CLG Report prepared by City Staff contains the information requested to the best of staff's knowledge and information available. This report covers San Juan Bautista's Historic review activity that took place between October 1, 2018 and September 30, 2019, and cover the public meetings that took place between those two dates. The report contains information from the City on its review of historic properties and is to be submitted to the California Office of Historic Preservation (SHPO) before April 17th of each year.

Based on staff's findings, this is the first report submitted to the SHPO since 2014. Our CLG status is still active but, in order to maintain this status, this report is necessary. This report contains information that covers a variety of criteria including the number of meetings that took place, commissioner attendance and backgrounds, historic properties reviewed, and any training received or anticipated to be received.

Based on staff's findings, the properties indicated in the City Registry/Inventory of Historic Resources that were reviewed at the Historic Resources Board/Planning Commission Public Hearings between October 1, 2018 and September 30, 2019 are as follows.

October 2, 2018 Meeting – 4 Historic Properties Reviewed

- 10, 11, and 17 Franklin Street - Zone Change/General Plan Amendment and Major Historic Alteration
- 505 Third Street – Minor Historic Alteration

November 13, 2018 – 2 Historic Properties Reviewed

- 27 Monterey Street – Discussion Item and follow up
- 404 and 406 Third Street – Minor Historic Alteration

December 4, 2018 – 1 Property Reviewed

- 24 Polk Street – Sign Review

January 8, 2019 – 4 Properties Reviewed

- Luck Park – Site Review for Stone Monument at Luck Museum
- 313 Third Street – Minor Historic Alteration and Sign Review
- 313 – 319 Third Street – Placement of Kiosk in downtown
- 107 Third Street – Review of Casa Rosa reports

March 12, 2019 – 1 property Reviewed

- 311 Second Street/24 Polk Street – Placement of 150th Anniversary Monument

April 2, 2019 – 1 Property Reviewed

- 312A Third Street – Sign Review

May 7, 2019 – 2 Properties Recognized (National Historic Preservation Month)

- 322 Third Street
- 1 Second Street

July 2, 2019 – 1 Property Reviewed

- 301 Third Street – Sign Review

August 6, 2019 – 1 Property Reviewed

- 205 Third Street – Minor Historic Alteration, Tenant Improvement, and Sign Review

This information is part of the CLG Report and that is required to be submitted to the SHPO in order to maintain the City's CLG status. By maintaining the status, the city has several benefits including grant opportunities, ability to streamline the review process, economic development, and demonstrating credibility. An upcoming training that includes the California Preservation Foundation Conference is indicated to be part of Commissioner training. To date, no commissioners have signed up, but staff is coordinating.

ATTACHMENTS:

1. Draft Resolution

RESOLUTION 2020 - xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA APPROVING THE 2018-2019 CERTIFIED LOCAL GOVERNMENT ANNUAL REPORT

WHEREAS, the Historic Resources Board has reviewed the 2018-2019 Certified Local Government Annual Report and made a recommendation to Planning Commission to approve the report document, and

WHEREAS, the Planning Commission has considered the recommendation from the Historic Resources Board and makes the following finding to approve the 2018-2019 Certified Local Government Annual Report.

1. The 2018-2019 Certified Local Government Annual Report is necessary to submit to the California Office of Historic Preservation in order to maintain Certified Local Government Status for the City of San Juan Bautista.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of San Juan Bautista reviewed and considered the 2018-2019 CLG Annual Report on March 10, 2020 and hereby approves the report.

PASSED AND ADOPTED by the Planning Commission of the City of San Juan Bautista at a regular meeting held on March 10, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott Freels, Chairperson

ATTEST:

Trish Paetz, Deputy City Clerk

RESOLUTION 2020 - xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA APPROVING THE 2018-2019 CERTIFIED LOCAL GOVERNMENT ANNUAL REPORT

WHEREAS, the Historic Resources Board has reviewed the 2018-2019 Certified Local Government Annual Report and made a recommendation to Planning Commission to approve the report document, and

WHEREAS, the Planning Commission has considered the recommendation from the Historic Resources Board and makes the following finding to approve the 2018-2019 Certified Local Government Annual Report.

1. The 2018-2019 Certified Local Government Annual Report is necessary to submit to the California Office of Historic Preservation in order to maintain Certified Local Government Status for the City of San Juan Bautista.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of San Juan Bautista reviewed and considered the 2018-2019 CLG Annual Report on March 10, 2020 and hereby approves the report.

PASSED AND ADOPTED by the Planning Commission of the City of San Juan Bautista at a regular meeting held on March 10, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott Freels, Chairperson

ATTEST:

Trish Paetz, Deputy City Clerk



CITY OF SAN JUAN BAUTISTA PLANNING COMMISSION STAFF REPORT

AGENDA ITEM: Model Water Efficient Landscape Ordinance (MWELo)

MEETING DATE: March 10, 2020

SUBMITTED BY: Todd Kennedy
Associate Planner

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTION(S):

City Staff recommends the Planning Commission recommend approval to City Council of the proposed Model Water Efficient Landscape Ordinance

BACKGROUND INFORMATION:

This item includes a proposed ordinance to amend the Municipal Code to include a new Model Efficient Landscape Ordinance (MWELo). By adopting a MWELo, the City becomes compliant with State Laws intended to increase water conservation.

A MWELo is a state regulation designed to prevent water from being wasted on irrigated landscapes. On April 1, 2015, Governor Jerry Brown signed Executive Order, B-29-15. This order directed the California Department of Water Resources to update the State's current landscape ordinance. In 2015 the State was in a drought and water conservation measures had to be taken. This new order is important because roughly half of all water being directed to urban areas is used on irrigated landscapes. The current MWELo was created in 1993 from the 1990 Water Conservation and Landscaping Act.

The Executive Order further directs land use authorities (cities and counties) to enforce the ordinance and ensure that all development projects with landscaped areas of 500 square feet or more to be in compliance. Development projects include any residential, commercial, or industrial projects that require a permit, plan check, or a design review. Land use authorities are required to submit annual reports documenting MWELo permitting each year on January 31st beginning in 2015.

At this time, the City of San Juan Bautista has submitted all of its reports from 2015 through 2019; however, the City MWELo has not been implemented. Without a local ordinance, the State ordinance becomes effective and City Staff must enforce that ordinance. The City does have the ability to implement its own ordinance and there has been a previous attempt, but has not been completed.

ANALYSIS:

With this new ordinance in place, the City would be in compliance with State provisions. The proposed described by the State is included in criteria 1-6 are as follows.

1. That the waters of the state are of limited supply and are subject to ever increasing demands;
2. That the continuation of California's and San Juan Bautista's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
3. That it is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
4. That landscapes are essential to the quality of life in California and San Juan Bautista by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development; and
5. That landscape design, installation, maintenance and management can and should be water efficient; and
6. That Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

Also, this new ordinance would provide local review on landscape standards for development projects for residential, commercial, industrial, and institutional projects.

This new ordinance would be placed within the City Zoning Ordinance Chapter 11-12 (Landscaping). By having the MWELo in this location, consistency and organization would be met by having all provisions pertaining to landscaping in one place.

This new amendment is a step towards the City being in compliance with State Law while doing our part in reducing water use in landscaping. Therefore, this amendment has a second purpose besides complying with State Law. Reducing water use and requiring efficient use of water is a key ingredient to sustainability practices.

ATTACHMENTS:

1. Draft Resolution
2. Draft MWELo Language

RESOLUTION PC-2020-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA RECOMMENDING APPROVAL OF AN AMENDMENT TO ADD SECTION 11-12-030 (MODEL WATER EFFICIENT LANDSCAPE ORDINANCE), OF CHAPTER 11-12 (LANDSCAPING), OF TITLE 11 (ZONING), OF THE SAN JUAN BAUTISTA MUNICIPAL CODE

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

WHEREAS, the San Juan Bautista is required to have a Modal Water Efficient Landscape Ordinance in place as directed by State Provision included in Executive Order B-29-15 and the State Water Conservation and Landscaping Act; and

WHEREAS, the subject Ordinance protects the public health, safety and welfare by amending the San Juan Bautista Municipal Code to be consistent with mandates impose by federal and state statute related to water conservation; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), this zoning text amendment is exempt from CEQA pursuant to Sections 15060, 15061, and 15378; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of San Juan Bautista hereby recommends approval to the City Council of an amendment to add Section 11-12-030 (Model Water Efficient Landscape Ordinance), of Chapter 11-12 (Landscaping), of Title 11 (Zoning), of the San Juan Bautista Municipal Code and attached hereto by reference.

THE FOREGOING RESOLUTION was moved to recommend approval of the proposed changes to Title 11 (Zoning) to the San Juan Bautista City Council at the regular meeting of the Planning Commission of the City of San Juan Bautista held on the 10th day of March, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Planning Commission Chair

Trish Paetz, Deputy City Clerk

ORDINANCE NO. 2020-XX

**ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SAN JUAN BAUTISTA ADDING ARTICLE 2 TO CHAPTER 11-12 OF THE SAN JUAN
BAUTISTA ZONING CODE ESTABLISHING A WATER EFFICIENT LANDSCAPE ORDINANCE**

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Section 1. EVIDENCE

The City Council has considered all of the evidence submitted into the administrative record, which includes, but is not limited to, public comments, both written and oral, received and/or submitted at, or prior to the City Council's consideration of this Ordinance.

Section 2. ADDING ARTICLE 2 TO CHAPTER 11-12 (LANDSCAPING) OF THE SAN JUAN BAUTISTA MUNICIPAL CODE, ENTITLED WATER EFFICIENT LANDSCAPE

Sections:

11.12.030	Purpose
11.12.040	Applicability
11.12.050	Definitions
11.12.060	Provisions for Implementation of new construction or rehabilitated landscapes
11.12.070	Compliance with landscape application package
11.12.080	Elements of the water efficient landscape plan application package
11.12.090	Water efficient landscape worksheet
11.12.100	Soil management report
11.12.110	Landscape Design Plan
11.12.120	Irrigation design plan
11.12.130	Grading design plan
11.12.140	Certificate of completion
11.12.150	Irrigation scheduling
11.12.160	Landscape and irrigation maintenance schedule
11.12.170	Irrigation audit, irrigation survey, and irrigation water use analysis***
11.12.180	Irrigation efficiency
11.12.190	Recycled water
11.12.200	Stormwater management
11.12.210	Public education
11.12.220	Environmental review
11.12.230	Provisions for existing landscapes
11.12.240	Irrigation audit, irrigation survey, and irrigation water use analysis***(<i>combine</i>)
11.12.250	Water Waste Prevention
11.12.260	Effective precipitation

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

SECTION 1. Article 2 is hereby added to Chapter 11-12 of the San Juan Bautista Municipal Code, to read as follows:

Chapter 11-12

Article 2

WATER EFFICIENT LANDSCAPE

11-12-030 Purpose

A. The City Council affirms the findings of the state legislature as follows:

1. That the waters of the state are of limited supply and are subject to ever increasing demands;
2. That the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
3. That it is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
4. That landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development; and
5. That landscape design, installation, maintenance and management can and should be water efficient; and
6. That Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

B. The City Council affirms that consistent with the legislative findings of the state legislature, the purpose of this chapter is to:

1. Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible
2. Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
3. Establish provisions for water management practices and water waste prevention for existing landscapes;
4. Use water efficiently without waste by setting a maximum applied water allowance as an upper limit for water use and reduce water use to the lowest practical amount;
5. Promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;
6. Encourage the use of economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure; and
7. Encourage cooperation between the City of San Juan Bautista and other local agencies to enforce the provisions of this chapter.

11-12-040 Applicability

A. After January 1, 2010, this chapter shall apply to all of the following landscape projects:

1. New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet;
2. New construction and rehabilitated landscapes which are developer-installed in single-family and multifamily projects with a landscape area equal to or greater than 2,500 square feet;
3. New construction landscapes, which are homeowner-provided and/or homeowner-hired in single-family and multifamily residential projects with a total project landscape area equal to or greater than 5,000 square feet;
4. Existing landscapes limited to Sections 11-12-220, Provisions for existing landscapes, 11-12-160, Irrigation audit, irrigation survey, irrigation water use analysis, and 11-12-240, Water waste prevention;
5. Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 11-12-080, Water efficient landscape worksheet, 11-12-150, Landscape and irrigation maintenance schedule, 11-12-160, Irrigation audit, irrigation survey, and irrigation water use analysis; and existing cemeteries are limited to Sections 11-12-220, Provisions for existing landscapes, 11-12-160, Irrigation audit, irrigation survey, irrigation water use analysis, and 11-12-240, Water waste prevention.

B. This chapter does not apply to:

1. Registered local, state or federal historical sites;
2. Ecological restoration projects that do not require a permanent irrigation system;
3. Mined-land reclamation projects that do not require a permanent irrigation system; or
4. Plant collections, as part of botanical gardens and arboretums open to the public.

11-12-050 Definitions

The terms used in this chapter have the meaning set forth below:

Applied water means the portion of water supplied by the irrigation system to the landscape.

Automatic irrigation controller means a timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

Backflow prevention device means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

Certificate of Completion means the document required under Section 11-12-130, Certificate of completion.

Certified irrigation designer means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer program.

Certified landscape irrigation auditor means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.

Check valve or anti-drain valve means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

Common interest developments means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.

Conversion factor (0.62) means the number that converts acre-inches per acre per year to gallons per square foot per year.

Drip irrigation means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

Ecological restoration project means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

Effective precipitation or usable rainfall (Eppt) means the portion of total precipitation which becomes available for plant growth.

Emitter means a drip irrigation emission device that delivers water slowly from the system to the soil.

Established landscape means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

Establishment period of the plants means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.

Estimated Total Water Use (ETWU) means the total water used for the landscape as described in Section 11-12-080, Water efficient landscape worksheet.

ET adjustment factor (ETAF) means a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. A combined plant mix with a site-wide average of .5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET adjustment factor is $(0.7)=(0.5/0.71)$. The ETAF for

a Special Landscape Areas shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.

Evapotranspiration rate means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

Flow rate means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

Hardscapes means any durable material (pervious and non-pervious).

Homeowner-provided landscaping means any landscaping either installed by a private individual for a single-family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this chapter, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.

Hydrozone means a portion of the landscaped area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

Infiltration rate means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

Invasive plant species means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. Noxious weeds means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a regional district noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

Irrigation audit means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

Irrigation efficiency (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiency for purposes of this ordinance are 0.75 for overhead spray devices and 0.81 for drip systems.

Irrigation survey means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

Irrigation water use analysis means an analysis of water use data based on meter readings and billing data.

Landscape architect means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

Landscape area means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

Landscape contractor means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

Landscape application package means the documents required under Section 11-12-070.

Landscape project means total area of landscape in a project as defined in "landscape area" for the purposes of this ordinance, meeting requirements under Section 11-12-040, Applicability.

Lateral line means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

Local water purveyor means any entity, including a public agency such as the City of San Juan Bautista, or private water company that provides retail water service.

Low volume irrigation means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

Main line means the pressurized pipeline that delivers water from the water source to the valve or outlet.

Maximum Applied Water Allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 11-12-080. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.

Microclimate means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

Mined-land reclamation projects means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

Mulch means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

New construction, for the purposes of this chapter, means a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

Operating pressure means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

Overhead sprinkler irrigation systems means systems that deliver water through the air (e.g., spray heads and rotors).

Overspray means the irrigation water which is delivered beyond the target area.

Permit means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.

Pervious means any surface or material that allows the passage of water through the material and into the underlying soil.

Plant factor or *plant water use factor*, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this chapter, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this chapter are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species".

Precipitation rate means the rate of application of water measured in inches per hour.

Project applicant means the individual or entity submitting a Landscape Documentation Package required under Section 11-12-070. Elements of the landscape application package, to request a permit, plan check, or design review from the City of San Juan Bautista. A project applicant may be the property owner or his or her designee.

Public agency means any city, county or special purpose district, state board or department, educational institution or other state agency which is created pursuant to statute.

Rain sensor or *rain sensing shutoff device* means a component which automatically suspends an irrigation event when it rains.

Record drawing or *as-builts* means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

Recreational area means areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.

Recycled water, reclaimed water, or treated sewage effluent water means treated or recycled wastewater of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

Reference evapotranspiration or *ETo* means a standard measurement of environmental parameters that affect the water use of plants. ETo is expressed in inches per day, month, or year as represented in the table in Section 11-12-080, Water Efficient Landscape worksheet, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

Rehabilitated landscape means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 11-12-040, and the modified landscape area is equal to or greater than 2,500 square feet.

Runoff means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, run off may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

Soil moisture sensing device or *soil moisture sensor* means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

Soil texture means the classification of soil based on its percentage of sand, silt, and clay.

Special Landscape Area (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses and where turf provides a playing surface.

Sprinkler head or *spray head* means a device which delivers water through a nozzle.

Static water pressure means the pipeline or municipal water supply pressure when water is not flowing.

Station means an area served by one valve or by a set of valves that operate simultaneously.

Swing joint means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

Turf means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

Valve means a device used to control the flow of water in the irrigation system.

Water conserving plant species means a plant species identified as having a low plant factor.

Water feature means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features, and, therefore, are not subject to the water budget calculation.

Watering window means the time of day irrigation is allowed.

WUCOLS means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension and the Department of Water Resources.

11-12-060 Provisions for Implementation of New Construction or Rehabilitated Landscapes.

The City of San Juan Bautista may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this chapter. It is the intention of the City of San

Juan Bautista to collaborate with water purveyors to define each entity's specific responsibilities relating to this chapter.

11-12-070 Compliance with Landscape Application package

- A. Prior to new construction or rehabilitation of landscape subject to this chapter, the City of San Juan Bautista shall:
 - 1. Provide the project applicant with the requirements of this chapter and procedures for permits, plan checks, or design reviews;
 - 2. Review the landscape application package submitted by the project applicant;
 - 3. Approve or deny the landscape application package;
 - 4. Issue a permit or approve the plan check or design review for the project applicant;
 - 5. Upon approval of the landscape application package, submit a copy of the water efficient landscape worksheet to the local water purveyor; and
 - 6. Pay appropriate fees as established by city council.
- B. Prior to new construction or rehabilitation of landscapes subject to this chapter, the project applicant shall submit a water efficient landscape plan to the City of San Juan Bautista.
- C. Upon approval of the Water Efficient Landscape Plan by the City of San Juan Bautista or the city's designee, the project applicant shall:
 - 1. Receive a permit for the approved water efficient landscape plan and record the date of the permit in the certificate of completion;
 - 2. Submit a copy of the approved Water Efficient Landscape Plan along with the record drawings, and any other information to the property owner or designee;
 - 3. Submit a copy of the Water Efficient Landscape worksheet to the City of San Juan Bautista and the water purveyor; and
 - 4. File certificate of completion with the City of San Juan Bautista.

Any person violating any of the provisions of this chapter shall be guilty of an infraction.

11-12-080 Elements of the Water Efficient Landscape Plan Application Package

- A. The water efficient landscape plan application package shall include the following six elements:
 - 1. Project information.
 - a. Date,
 - b. Project applicant,
 - c. Project address (if available, parcel and/or lot number(s)),
 - d. Total landscape area (square feet),
 - e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed),
 - f. Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well,
 - g. Checklist of all documents in landscape application package,

- h. Project contacts to include contact information for the project applicant and property owner,
 - i. Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Application Package.";
2. Water efficient landscape worksheet.
 - a. Hydrozone information table,
 - b. Water budget calculations.
 - i. Maximum applied water allowance (MAWA),
 - ii. Estimated total water use (ETWU);
 3. Soil management report;
 4. Landscape design plan;
 5. Irrigation design plan; and
 6. Grading design plan.

11-12-090 Water Efficient Landscape Worksheet.

A. Project applicant shall complete the Water Efficient Landscape Worksheet, which contains two sections on a form that will be provided by the city of Hollister. At a minimum, the water efficient landscape worksheet shall include the following contents:

1. A hydrozone information table for the landscape project; and
2. A water budget calculation for the landscape project. For the calculation of the maximum applied water allowance and estimated total water use, a project applicant shall use the annual evapotranspiration (ETo) values from the Reference Evapotranspiration Table shown below

County and City	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Annual ETo
San Juan Bautista	1.5	1.8	3.1	4.3	5.5	5.7	6.4	5.9	5.0	3.5	1.7	1.1	45.1

* The values in this table were derived from:

1. California Irrigation Management Information System (CIMIS);
2. Reference Evapotranspiration Zones Map, UC Department of Land, Air and Water Resources and California Department of Water Resources 1999; and
3. Reference Evapotranspiration for California, University of California, Department of Agriculture and Natural Resources (1987) Bulletin 1922.
4. Determining Daily Reference Evapotranspiration, Cooperative Extension UC Division of Agriculture and Natural Resources (1987), Publication Leaflet 21426.

B. Water budget calculations shall adhere to the following requirements:

1. The plant factor used shall be from Water Use Classification of Landscape Species (WUCOLS) published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000. The plant factor ranges from 0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
2. All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
3. All Special Landscape Areas shall be identified and their water use calculated as described below. The evapotranspiration adjustment factor (ETAF) for special landscape areas (SLA) shall not exceed 1.0.
4. The maximum applied water allowance (MAWA) shall be calculated using the following equation for applications with special landscape areas (SLA):

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$
 - a. Example calculations. The example calculations below are hypothetical to demonstrate proper use of the equations and do not represent an existing or planned landscape project. The annual evapotranspiration (ETo) values used in these calculations are from the reference evapotranspiration rate of 45.1 for the San Juan Bautista area in the table above, for planning purposes only. For actual irrigation scheduling, automatic irrigation controllers are required to use current reference evapotranspiration data, such as from the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.

Example 1. A 50,000 square foot commercial landscape project with no special landscape area:

Maximum Applied Water Allowance (MAWA) in San Juan Bautista with an irrigated landscape area of 50,000 square feet without any special landscape area (SLA = 0), no edible plants, recreational areas, or use of recycled water). To calculate MAWA, the annual reference evapotranspiration value for San Juan Bautista is 45.1 inches as listed in the reference evapotranspiration table.

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

MAWA = Maximum applied water allowance (gallons per year)

ETo = Reference evapotranspiration (inches per year)

0.62 = Conversion factor (to gallons)

0.7 = ET adjustment factor (ETAF)

LA = Landscape area including SLA (square feet)

0.3 = Additional water allowance for SLA

SLA = Special landscape area (square feet)

$$\text{MAWA} = (45.1 \text{ inches}) (0.62) [(0.7 \times 50,000 \text{ square feet}) + (0.3 \times 0)] = 978,600 \text{ gallons per year}$$

$$= 27.96 \times [35,000 + 0] \text{ gallons per year}$$

$$= 27.96 \times 35,000 \text{ gallons per year}$$

$$\text{MAWA} = 978,600 \text{ gallons per year}$$

To convert from gallons per year to hundred-cubic-feet per year:

$$978,600/748 = 1,308 \text{ hundred-cubic-feet per year (100 cubic feet = 748 gallons)}$$

Example 2. In this next hypothetical example, the landscape project in San Juan Bautista, CA has the same ETo value of 45.1 inches and a total landscape area of 50,000 square feet. Within the 50,000 square foot project there is now a 2,000 square foot area planted with edible plants. This 2,000 square foot area is considered to be a special landscape area.

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

$$\text{MAWA} = (45.1 \text{ inches})(0.62) [(0.7 \times 50,000 \text{ square feet}) + (0.3 \times 2,000 \text{ square feet})]$$

$$= 27.96 \times [35,000 + 600] \text{ gallons per year}$$

$$= 27.96 \times 35,600 \text{ gallons per year}$$

$$= 995.376 \text{ gallons per year of } 1,331 \text{ hundred-cubic-feet per year.}$$

5. Estimated Total Water Use (ETAF). The estimated total water use shall be calculated using the equation below. The sum of the estimated total water use calculated for all hydrozones shall not exceed the maximum applied water allowance (MAWA).

$$\text{ETWU} = (\text{ETo})(0.62)[(\text{PF} \times \text{HA}/\text{IE}) + \text{SLA}]$$

Where:

ETWU = Estimated total water use per year (gallons)

ETo = Reference evapotranspiration (inches per year)

PF = Plant factor from WUCOLS (1)

HA = Hydrozone area [high, medium, and low water use areas] (square feet)

SLA = Special landscape area (square feet)

0.62 = Conversion factor

IE = Irrigation efficiency (minimum 0.71)

1 A plant factor or plant water use factor is a factor, when multiplied by the reference evapotranspiration rate ETo, estimates that amount of water needed by plants. For purposes of this chapter, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6 and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this chapter are derived from the Department of Water Resources 2000 publication "Water Use Classification for Landscape Species."

Example 1. ETWU Calculation. Landscape area is 50,000 square feet; plant water use type, plant factor, and hydrozone area are shown in the table below. The ETo value is 45.1 inches per year. There are no special landscape areas (recreational area, area permanently and solely dedicated to edible plants, and area irrigated with recycled water) in this example.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	10,000	7,000
3	Medium	0.5	16,000	8,000
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	24,000

*Plant Factor from WUCOLS

$$ETWU = (45.1)(0.62)[(24,700/0.71) + 0]$$

$$= 27.96 \times [(34,789 = 0)] \text{ gallons per year}$$

$$= 27.96 \times 34,789 \text{ gallons per year}$$

$$ETWU = 972,700 \text{ gallons per year}$$

Compare ETWU with MAWA: For this example MAWA = (45.1) (0.62) [(0.7 x 50,000) = (0.3 x 0)] = 978,600 gallons per year. The ETWU (972,700 gallons per year) is less than MAWA (978,600 gallons per year). In this example, the water budget complies with the MAWA.

Example 2. ETWU Calculation. Total landscape area is fifty thousand (50,000) square feet, two thousand (2,000) square feet of which is planted with edible plants. The edible plant area is considered a special landscape area (SLA). The reference evapotranspiration value is 51.1 inches per year. The plant type, plant factor, and hydrozone area are shown in the table below.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	9,000	6,300
3	Medium	0.5	15,000	7,500
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	23,500
6	SLA	1.0	2,000	2,000

*Plant Factor from WUCOLS

$$ETWU = (45.1)(0.62)[(23,500/0.71) + 2,000]$$

$$\begin{aligned}
&= (27.96)(32,394 + 2,000) \\
&= 27.96 \times 34,394 \text{ gallons per year} \\
&\text{ETWU} = 961,656 \text{ gallons per year}
\end{aligned}$$

Compare ETWU with MAWA. For this example:

$$\begin{aligned}
&\text{MAWA} = (45.1) (0.62) [(0.7 \times 50,000) + (0.3 \times 2,000)] \\
&= 27.96 \times [35,000 + 600] \\
&= 27.96 \times 35,600 \\
&= 995,376 \text{ gallons per year}
\end{aligned}$$

The ETWU (961,656 gallons per year) is less than MAWA (995,376 gallons per year). For this example, the water budget complies with the MAWA.

11-12-100 Soil Management Report.

In order to reduce runoff and encourage healthy plant growth, the project applicant or designee shall provide a soil management report, as follows:

A. Submit soil samples to a laboratory for analysis and recommendations.

1. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding depth for the intended plants.
2. The soil analysis shall include:
 - a. soil texture;
 - b. infiltration rate determined by laboratory test or soil texture infiltration rate table;
 - c. pH;
 - d. total soluble salts;
 - e. sodium;
 - f. percent organic matter; and
 - g. recommendations.

B. The project applicant, or his/her designee, shall comply with one of the following:

1. If significant mass grading is not planned, the soil analysis report shall be submitted to the City of San Juan Bautista as part of the landscape application package.
2. If significant mass grading is planned, the soil analysis report shall be submitted to the City of San Juan Bautista as part of the landscape application package.
3. The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

4. The project applicant, or designee, shall submit documentation verifying implementation of soil analysis report recommendations to the City of San Juan Bautista with certificate of completion.

11-12-110 Landscape Design Plan.

For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the landscape application package.

A. Plant Material

1. Any plant may be selected for the landscape, providing the estimated total water use (ETWU) in the landscape area does not exceed the maximum applied water allowance (MAWA). To ensure the efficient use of water, the following shall be considered:
 - a. protection and preservation of native species and natural vegetation;
 - b. selection of water-conserving plant and turf species;
 - c. selection of plants based on disease and pest resistance;
 - d. selection of street trees based on applicable local tree ordinances or tree shading guidelines; and
 - e. selection of plants from local and regional landscape program plant lists.
2. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 11-12-110, Irrigation design plan.
3. Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following shall be considered:
 - a. use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
 - b. recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; and
 - c. consider the solar orientation for plant placement to maximize summer shade and winter solar gain.
4. Turf is not allowed on slopes greater than 25 percent where the toe of the slope is adjacent to an impermeable hardscape and where 25 percent means one foot of vertical elevation change for every four feet of horizontal length (rise divided by run x 100 = slope percent).
5. The use of invasive plant species and/or noxious plant species is strongly discouraged.

6. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

C. Water Features

1. Recirculating water systems shall be used for water features.
2. Where available, recycled water shall be used as a source for decorative water features.
3. Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.
4. Pool and spa covers are highly recommended.

C. Mulch and Amendments

1. A minimum two-inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
2. Stabilizing mulching products shall be used on slopes.
3. The mulching portion of the seed/mulch slurry in hydroseeded applications shall meet the mulching requirement.
4. Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 11-12-090, Soil management report).

D. Landscape Design Plan Contents. The plan shall include the following information:

1. delineate and label each hydrozone by number, letter, or other method;
2. identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
3. identify special landscape areas
 - a. recreational areas;
 - b. areas permanently and solely dedicated to edible plants;
 - c. areas irrigated with recycled water;
4. identify type of mulch and application depth;
5. identify soil amendments, type, and quantity;
6. identify type and surface area of water features;
7. identify hardscapes (pervious and non-pervious);
8. identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are required in the landscape design plan and examples include, but are not limited to:

- a. Infiltration beds, swales, and basins that allow water to collect and soak into the ground,
 - b. Constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants, and
 - c. Pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff;
9. identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);
 10. Contain the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan"; and
 11. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.)

11-12-120 Irrigation Design Plan.

A. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the landscape application package.

1. System

- a. Dedicated landscape water meters are highly recommended but not required on landscape areas smaller than 5,000 square feet to facilitate water management.
- b. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems.
- c. The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.
 - i. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
 - ii. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

- d. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.
- e. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.
- f. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.
- g. High flow sensors that detect and report high flow conditions created by system damage or malfunction are required.
- h. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- i. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.
- j. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
- k. The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in **Section 492.4**, Water efficient landscape worksheet, regarding the maximum applied water allowance.
- m. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
- n. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
- o. Sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations and minimize overspray.
- p. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.
- q. Check valves or anti-drain valves are required on all sprinkler systems.
- r. Narrow or irregularly shaped areas, including turf, less than eight feet in width in any direction shall be irrigated with subsurface irrigation or low volume irrigation system.
- s. Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The

surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

- i. the landscape area is adjacent to permeable surfacing and no runoff occurs; or
 - ii. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
 - iii. the irrigation designer specifies an alternative design or technology, as part of the landscape application package and clearly demonstrates strict adherence to irrigation system design criteria in Section 11-12-110. Prevention of overspray and runoff must be confirmed during the irrigation audit.
- t. Slopes greater than 25% shall not be irrigated with an irrigation system with an application rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the water efficient landscape application package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

2. Hydrozone

- a. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
 - b. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
 - c. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.
 - d. Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:
 - i. plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
 - ii. the plant factor of the higher water using plant is used for calculations.
 - e. Individual hydrozones that mix high and low water use plants shall not be permitted.
 - f. On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation and correlated to a hydrozone information table provided by the city of San Juan Bautista. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the hydrozone information table provided by the City of San Juan Bautista. This table can also assist with the irrigation audit and programming the controller.
- B. The irrigation design plan, at a minimum, shall contain:
- 1. location and size of separate water meters for landscape;
 - 2. location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;

3. static water pressure at the point of connection to the public water supply;
4. flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
5. recycled water irrigation systems as specified in Section 11-12-180;
6. the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and
7. the signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code.)

11-12-130 Grading Design Plan

A. For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the landscape application package. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.

1. The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:
 - a. height of graded slopes;
 - b. drainage patterns;
 - c. pad elevations;
 - d. finish grade; and
 - e. storm water retention improvements, if applicable.
2. To prevent excessive erosion and runoff, project applicants shall consider;
 - a. Grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;
 - b. Avoid disruption of natural drainage patterns and undisturbed soil; and
 - c. Avoid soil compaction in landscape areas.
3. The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

11-12-140 Certificate of Completion.

A. The Certificate of Completion shall be prepared on a form provided by the City of San Juan Bautista and shall include the following elements:

1. Project Information Sheet that contains:
 - a. date;

- b. project name;
 - c. project applicant name, telephone, and mailing address;
 - d. project address and location; and permit number
 - e. property owner name, telephone, and mailing address;
2. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved landscape application package.

Where there have been significant changes made in the field during construction, these "as-built" or record drawings shall be included with the certification;

- 3. irrigation scheduling parameters used to set the controller (see Section 11-12-140, Irrigation scheduling);
- 4. landscape and irrigation maintenance schedule (see Section 11-12-150, Landscape and irrigation maintenance schedule);
- 5. irrigation audit report (see Section 11-12-160, Irrigation audit, irrigation survey, and irrigation water use analysis); and
- 6. soil analysis report, if not submitted with a landscape application package, and documentation verifying implementation of soil report recommendations (see Section 11-12-090, Soil management report).

B. The project applicant shall:

- (1) submit the signed Certificate of Completion to the local agency for review;
- (2) ensure that copies of the approved Certificate of Completion are submitted to the City of San Juan Bautista, and property owner or designee.

C. The City of San Juan Bautista shall:

- 1. receive the signed certificate of completion from the project applicant;
- 2. approve or deny the certificate of completion. If the certificate of completion is denied, the City of San Juan Bautista shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

11-12-150 Irrigation Scheduling.

A. For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

- 1. Irrigation scheduling shall be regulated by automatic irrigation controllers.

2. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
3. For implementation of the irrigation schedule, particular attention shall be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the estimated total water use. Total annual applied water shall be less than or equal to maximum applied water allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.
4. Parameters used to set the automatic controller shall be developed and submitted for each of the following:
 - a. The plant establishment period;
 - b. The established landscape; and
 - c. Temporarily irrigated areas.
5. Each irrigation schedule shall consider for each station all of the following that apply:
 - a. Irrigation interval (days between irrigation);
 - b. Irrigation run times (hours or minutes per irrigation event to avoid runoff);
 - c. Number of cycle starts required for each irrigation event to avoid runoff;
 - d. Amount of applied water scheduled to be applied on a monthly basis;
 - e. Application rate setting;
 - f. Root depth setting;
 - g. Plant type setting;
 - h. Soil type;
 - i. Slope factor setting;
 - j. Shade factor setting; and
 - k. Irrigation uniformity or efficiency setting.

11-12-160 Landscape and irrigation maintenance schedule.

- A. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.
- B. A regular maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing obstructions to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

- C. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.
- D. A project applicant shall consider the implementation of sustainable or environmentally friendly practices for overall landscape maintenance.

11-12-170 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

- A. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.
- B. For new construction and rehabilitated landscape projects installed after *December 1, 2015*, as described in *Section 15.22.020*, Applicability:
 - 1. The project applicant shall submit an irrigation audit report with the Certificate of Completion to the City of San Juan Bautista that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule;
 - 2. The City of San Juan Bautista and its designee shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.

11-12-180 Irrigation Efficiency.

For the purpose of determining maximum applied water allowance, average irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 0.71.

11-12-190 Recycled Water.

- A. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water, unless a written exemption has been granted as described in subsection B of this section.
- B. Irrigation systems and decorative water features shall use recycled water unless a written exemption has been granted by the City of San Juan Bautista stating that recycled water meeting all public health codes and standards is not available and will not be available for the foreseeable future.
- C. All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and state laws.
- D. Landscapes using recycled water are considered special landscape areas. The ET adjustment factor for special landscape areas shall not exceed 1.0.

11-12-200 Stormwater Management

- A. Stormwater management practices minimize runoff and increase infiltration, which recharges groundwater and improves water quality. Implementing stormwater best management practices

into the landscape and grading design plans to minimize runoff and to increase on-site rainwater retention and infiltration is required.

- B. Project applicants shall refer to the City of San Juan Bautista or Regional Water Quality Control Board for information on any applicable stormwater management plans.
- C. Rain gardens, cisterns, and other landscape features and practices that increase rainwater capture and create opportunities for infiltration and/or on-site storage are required.

11-12-210 Public Education.

A. *Publications.* Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.

- 1. The City of San Juan Bautista and its designee(s) shall provide information to owners of new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes.

B. *Model Homes.* All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this chapter.

- 1. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.
- 2. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

11-12-220 Environmental Review.

The City of San Juan Bautista shall comply with the California Environmental Quality Act (CEQA), as appropriate.

11-12-230 Provisions for Existing Landscapes.

The City of San Juan Bautista may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this chapter. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this chapter.

11-12-240 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

A. This section shall apply to all existing landscapes that were installed before *December 1, 2015* and are over one acre in size.

- 1. For any landscape referenced by this subsection that has a water meter, the City of San Juan Bautista and its designee shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and

provide recommendations as necessary to reduce landscape water use to a level that does not exceed the maximum applied water allowance for existing landscapes. The maximum applied water allowance for existing landscapes shall be calculated as: $MAWA = (0.8) (ET_o)(LA)(0.62)$.

2. For all landscape referenced by this subsection, that does not have a meter, the City of San Juan Bautista shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

B. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

11-12-250 Water Waste Prevention

- A. The City of San Juan Bautista shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions shall be established locally.
- B. Restrictions regarding overspray and runoff may be modified if:
 1. The landscape area is adjacent to permeable surfacing and no runoff occurs; or
 2. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

11-12-260 Effective Precipitation.

A local agency may consider effective precipitation (25% of annual precipitation) in tracking water use and may use the following equation to calculate Maximum Applied Water Allowance (MAWA):

$$MAWA = (ET_o - Eppt) (0.62) [(0.7 \times LA) + (0.3 \times SLA)].$$



CITY OF SAN JUAN BAUTISTA PLANNING COMMISSION STAFF REPORT

AGENDA TITLE: Discuss the re-establishment of an Urban Growth Boundary

MEETING DATE: March 10, 2020

SUBMITTED BY: David J. R. Mack, AICP (Contract Planner)

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTION(S): Staff recommends the Planning Commission:

1. Receive an informational presentation on the Urban Growth Boundary; and
2. Discuss the option(s) of re-establishing an Urban Growth Boundary; and
3. Direct Staff to make an information presentation to the City Council on a future agenda.

BACKGROUND INFORMATION:

An urban growth boundary, or UGB, is a regional boundary, set in an attempt to control urban sprawl by, in its simplest form, mandating that the area inside the boundary be used for urban development and the area outside be preserved in its natural state or used for agriculture.

Legislating for an "urban growth boundary" is one way, among many others, of managing the major challenges posed by unplanned urban growth and the encroachment of cities upon agricultural and rural land.

Prior to the adoption of the 2035 San Juan Bautista General Plan, adopted on November 1, 2015, the City of San Juan Bautista had an Urban Growth Boundary surrounding it. However, the adopted 2035 General Plan did not include an UGB, and therefore a UGB is not in place now.

That being said, there are numerous policies/goals within the 2035 General Plan that speak to a UGB, as detailed below:

Goal HO 4

- Objective HO 4.1
 - Policy 4.1.4
 - Program HO 4.1.4.1 – Maintain an Urban Growth Boundary to promote new growth in desirable areas and protect prime agricultural lands and viewshed.

Goal LU 3

- Objective LU 3.2
 - Policy LU 3.2.1
 - Program 3.2.1.1 – Develop urban growth boundaries to successfully control urban sprawl without restricting development to avoid home price increases.

Goal PF 1

- Objective PF 1.2
 - Policy PH 1.2.3 – Provide extensions of the City potable water service to properties within the designated sphere of influence. Do not extend service or sell capacity to development on agricultural or open space lands outside of the City's Urban Growth Boundary.

DISCUSSION

Process for Re-Adoption/Re-Establishment of an Urban Growth Boundary

Amending and/or re-implementing an Urban Growth Boundary, will require coordination between the City, LAFCO, and San Benito County, as well as cooperation with effected land owners.

Application to re-institute (or change) a UGB is part of a series of tools the City can use to plan for future annexations and determine where development will occur. LAFCO would oversee all jurisdictional boundary changes.

Implementation (and/or future amendments) of a UGB requires a series of actions:

- 1) Identification of where the boundary(ies) shall be placed;
- 2) Coordination with San Benito County;
- 3) Coordination with LAFCO;
- 4) General Plan Amendment(s) (potentially multiple sections);
- 5) Re-zoning of applicable properties
- 6) Zoning Ordinance Amendment;
- 7) California Environmental Quality Act (CEQA).
 - a. Initial Study/Mitigated Negative Declaration; or
 - b. Environmental Impact Report (EIR).
 - i. Supplemental EIR; or
 - ii. Addendum to prior EIR; or
 - iii. Tier off prior EIR

(The level of environmental review will need to be determined at a later date, and will depend on the content of the 2015 General Plan EIR and where the proposed UGB is located.)

Information in 2035 General Plan

As mentioned above, a UGB was *not* included in the 2035 General Plan. The 2035 General Plan did include a “sphere of influence” discussion and map (Figure 4.2) which is attached to this Staff Report.

A “Sphere of Influence” is intended to encourage cooperation between governing bodies/jurisdictions, even though one governing body/jurisdiction has no formal governing power. A city’s “Sphere of Influence” is adopted by LAFCO and is “a plan for the probable physical boundaries and service area of a local government agency as determined by the commission”.

The City of San Juan Bautista first had a “sphere” boundary established by LAFCO in 1985, when approximately 3.7 square miles of unincorporated land outside of the city limits. The original “sphere” was bounded by Lucy Brown Road (to the east), San Justo Road (to the north), Prescott Road (to the northwest), the hills of the Gabilan Range (to the west), and San Juan Canyon Road (to the south).

This the adoption of the original “sphere”, it has been amended and most recently includes a larger stretch of land to the north along San Juan Highway and to the west along SR-156.

In this particular case, the “sphere of influence” would encourage the County of San Benito to consult with the City of San Juan Bautista, for all development project and/or activities what are conducting or proposed within the “sphere”. The “Sphere of Influence” does not provide San Juan Bautista with any governing powers, as the land remains under the jurisdiction of San Benito County, for all permits (land use) and legislative actions.

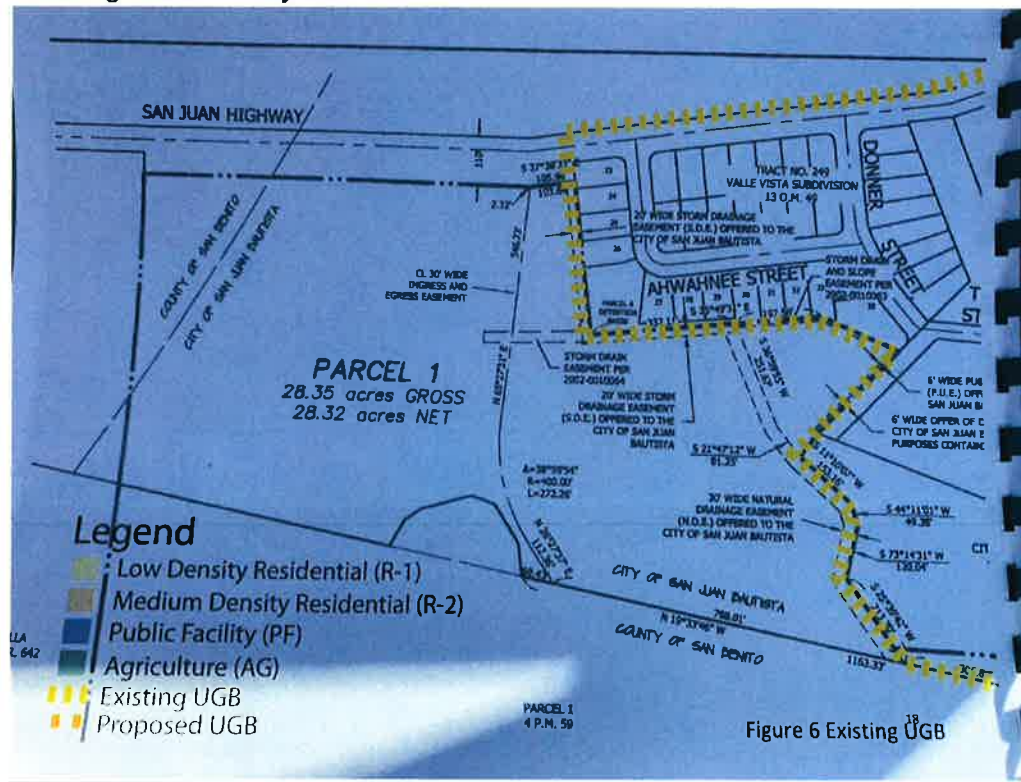
Unfortunately, the “Sphere of Influence” shown in Figure 4.2, while included in the 2035 General Plan, was never formally adopted, approved, and/or recorded wit LAFCO, so it is unclear if the “sphere” is adequately and formally accepted by all jurisdictional parties (San Juan Bautista, LAFCO, and San Benito County).

Prior Urban Growth Boundary / CEQA Efforts

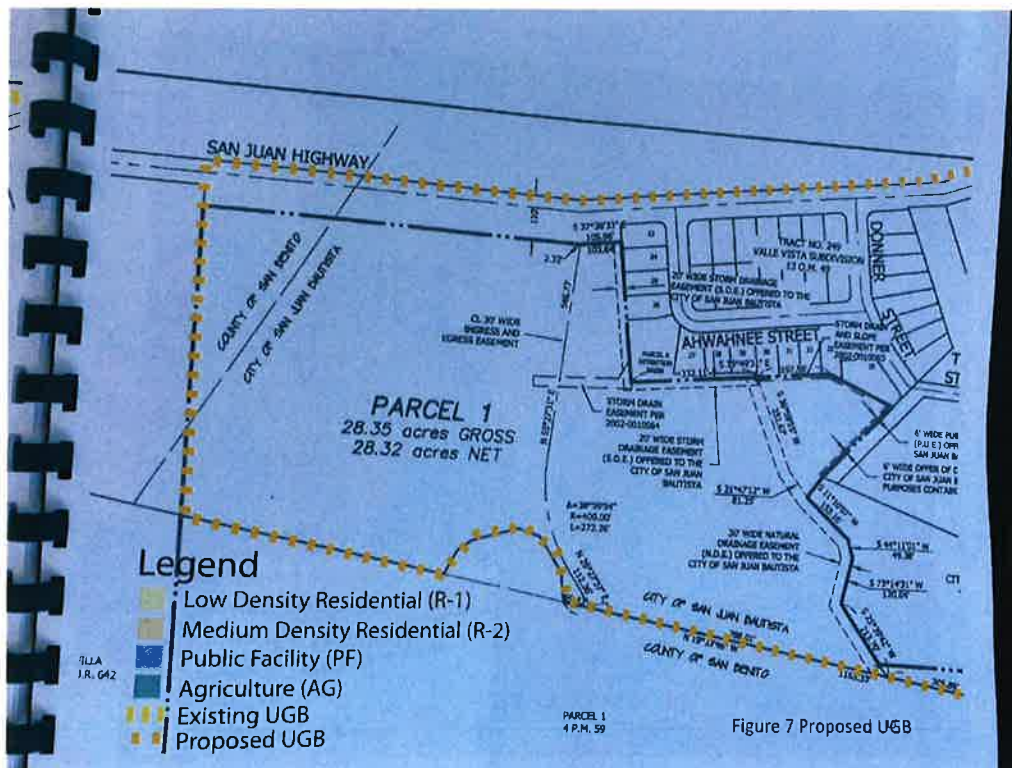
As mentioned earlier the City of San Juan Bautista previously had an UGB in place, however the UGB was not carried forward with the adoption of the 2035 General Plan.

However, while in effect/existence, the last amendment to the prior UGB was done in October 2014, when the UGB was expanded to include the former Christopher Ranch property, where the Rancho Vista subdivision is currently being developed. (see photos below).

Existing UGB – May 2014



Amended UGB – October 2014



This amendment was done via a Mitigated Negative Declaration, which addressed potential environmental effects to the UGB boundary change.

Conclusion

Currently the City of San Juan Bautista does not have an Urban Growth Boundary in place, as it was dropped off during the adoption and implementation of the 2035 General Plan. Additionally, it is not clear that the "Sphere of Influence" shown in the 2035 General Plan is correct and/or valid, as it was never adopted or approved by LAFCO following the 2035 General Plan adoption.

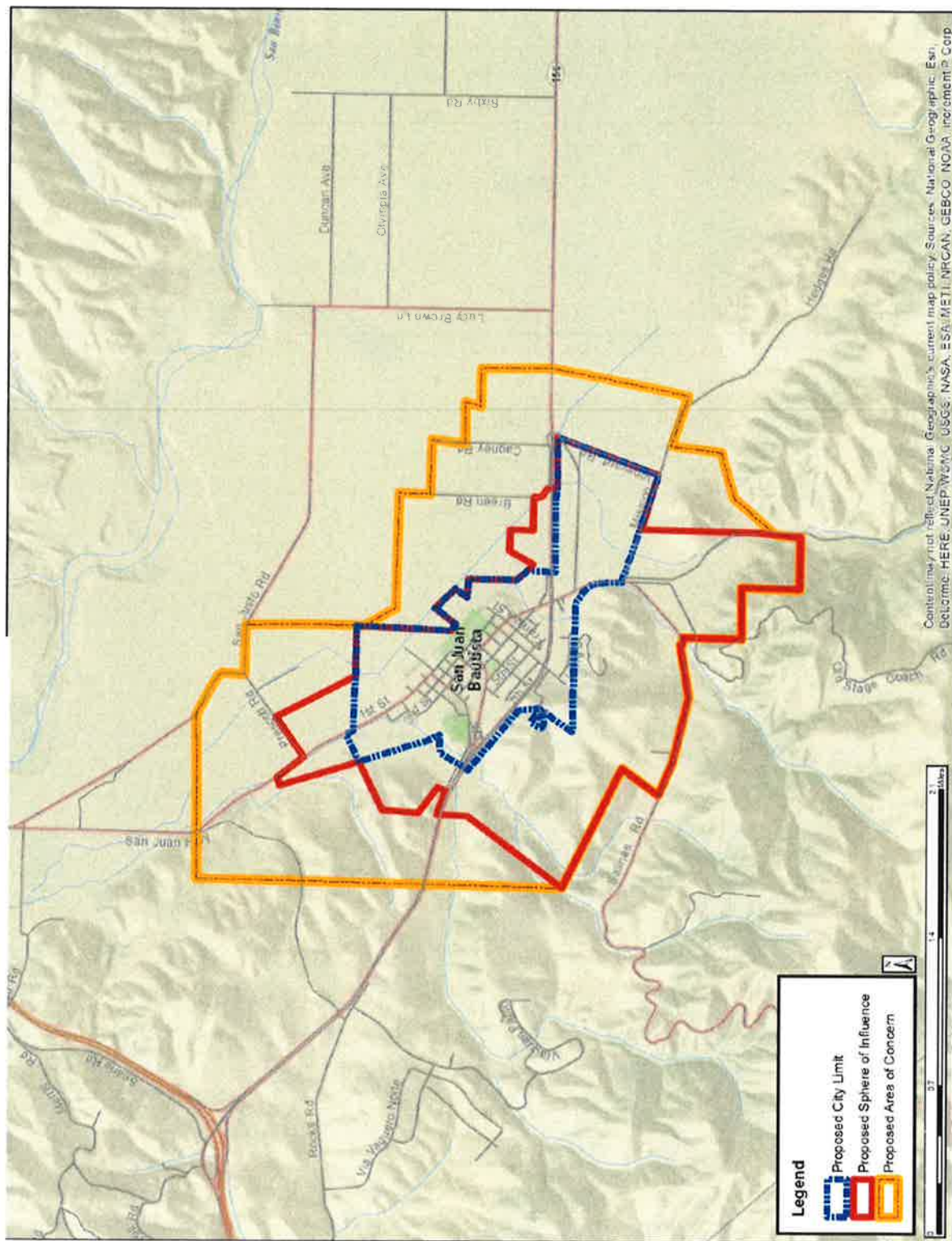
If San Juan Bautista desires to re-implement an Urban Growth Boundary, substantial coordination with the County of San Benito, LAFCO, and effected private property owners (where the boundaries would be placed) will be required. Upon identification of the desired placement of the boundary, a General Plan Amendment (to include the UGB within the General Plan) would be required. The adoption of an UGB is a "project" under the California Environmental Quality Act (CEQA), and therefore will require the preparation of an appropriate environmental document (EIR, IS/MND, etc.).

Staff is seeking direction from the Planning Commission, as to their desire on whether a UGB should be implemented, and how the Planning Commission would like Staff to report to the City Council during the March 17, 2020 scheduled meeting.

ATTACHMENTS:

1. Map 4.2 of the 2035 San Juan Bautista General Plan (Sphere of Influence and Area of Concern Map).

Map 4.2 City of San Juan Bautista: Proposed Boundaries





CITY OF SAN JUAN BAUTISTA PLANNING COMMISSION STAFF REPORT

AGENDA TITLE: MOBILE FOOD VENDORS

MEETING DATE: March 10, 2020

SUBMITTED BY: Todd Kennedy
Associate Planner

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTION(S):

Consider allowing mobile food vendors in the City of San Juan Bautista, and determine what if any conditions would be imposed on the temporary vendors.

BACKGROUND INFORMATION:

Staff has researched the municipal code to determine if mobile food vendors would be allowed in the City. The zoning code has no provisions for this type of mobile use. Title 7 "Streets and Parks" code specifies that mobile vendors cannot be established in one location for more than 10-minutes. A typical food truck, coffee, or shaved ice van would not be able to serve its mobile food under these provisions. Does the City want to change its laws to allow these types of mobile food services?

This report provides some examples of how Title 7 (Streets and Parks) and the Title 11 (Zoning) might be amended to allow mobile food vendors. Two possible text amendments to accommodate and allow mobile food carts, food trucks, etc. to operate within the City of San Juan Bautista. These types of uses are not specifically indicated in the palette of uses listed in Section 11-02-050 of the City Zoning Code. However, food and beverage uses are indicated (i.e., restaurants, food and beverage sales, catering services).

City Staff has reviewed very few of these types of uses. They are unique to San Juan Bautista because of the historic nature of the community and the support of the local businesses. Whereas, in other communities, such as Santa Cruz, Oakland, and San Francisco, mobile food carts are common. Based on a previous approval of a business license for mobile food vendor, past inquires, and previous discussions with Planning Commission, mobile food carts are requested to be reviewed by the Planning Commission before any business license application can be signed off.

COMMUNITY PERSPECTIVE:

It has been brought staff's attention that Mobile Food Vendors are a sensitive use here in San Juan Bautista. There is great respect and support for local businesses and Mobile Food Vendors are perceived as competition to our local businesses. It has not been indicated that Mobile Food Vendors should be completely prohibited in town, but to have a thorough review that includes a public process.

CURRENT REVIEW PROCESS:

As indicated previously, Planning Commission has requested to review mobile food vendors. However, since the use is not specifically indicated in the City Zoning Ordinance and the type of entitlement process (i.e. Conditional Use Permit, Site Review, or Variance) a new application and review process is necessary. Staff has reviewed Title 7 of the City Municipal Code and reviewed all available entitlement processes. The findings and results are as follows.

To begin, Section 7-4-140 of the Municipal Code does indicate push carts and vendor vehicles. Please see below.

7-4-140 Parking or standing of vendors' vehicles, pushcarts, etc. – Permit required.

(A) Except as otherwise provided in this Chapter, no person shall park or stand any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale, bartered or exchanged, or any lunch wagon or eating car or vehicle, on any street, municipal parking lot or City property, except that such vehicles, wagons or pushcarts may park or stand only at the request of a bona fide purchaser for a period of time not exceeding ten (10) minutes at any one (1) place. The provisions of this Section shall not apply to persons delivering such articles upon order of or by agreement with a customer from a store or other fixed place of business or distribution.

(B) No person shall park or stand on any street any lunch wagon, eating cart, vehicle or pushcart from which tamales, peanuts, popcorn, candy or other articles of food are sold or offered for sale without first obtaining a written permit to do so from the City Manager or his or her delegate who shall designate the specific location in which such cart shall stand.

In Section 11-20 of the Zoning Code, Use Permits are described. It may seem accurate to apply the Use Permit process to this type of use. However, after reviewing the section, uses that would fall under this process are uses identified in the matrix found in Section 11-02-050 of the Zoning Code.

"A use permit is intended to allow certain land uses, identified in this Title, which have characteristics that may render them appropriate to some sites and situations, but not to others. They are subject to the regulations in this Chapter."

As previously stated mobile food carts are not indicated. It is difficult to justify how a Conditional Use Permit would be applicable to this type of use. Therefore, another entitlement process type needs to be examined.

In Section 11-18 of the Zoning Code, Site and Design Review processes are described. This process covers mostly design procedures for new construction and/or additions for buildings. However, several criteria in the first section indicate flexibility of the types of uses and/or construction being proposed. There is no specific land use indicated for Site and Design review; only criteria and applicability. Some of these include;

Recognize the interdependence of land values, aesthetics, and the historic uniqueness of the City and implement this interdependence to the City's benefit;

Encourage appropriate site planning and design, compatible with the design and use of surrounding properties and with the City in general;

Minimize any potential adverse effects and related impacts on surrounding properties and the environment;

New construction, relocation and major exterior maintenance of all structures for residential, commercial, mixed use, industrial, planned unit, institutional, and public purposes.

Site and Design reviews may have some language that indicates compatibility of land uses, but they are intended to review new construction and/or additions/alterations over a certain threshold.

Based on reviewing the two entitlement processes (Site and Design Review and Conditional Use Permit) above, neither one of them are an effective review vehicle or entitlement process for a public process. Therefore, a new review process needs to be implemented.

PROPOSED REVIEW PROCESS:

City Staff has reached out to neighboring jurisdictions including Hollister, Gilroy, and Santa Cruz for their processes. After reviewing their processes, the Police Departments are the reviewing agencies for Mobile Food Vendors when they are operating in Public Right-of-Way. In Santa Cruz for instance, if a Mobile Food Vendor is operating on private property, a Zoning Clearance Application for an over-the-counter permit is required as long as the applicant submits the required material including written permission from the property owner. If they choose to operate in Public Right-of-Way, the Santa Cruz Police Department is the reviewing agency.

For the City of Hollister, it is a similar process except that the Development Services Department is the reviewing agency and an Administrative Permit is required for these uses to operate in certain zoning districts. Staff decided to use this process, but tailor it towards San Juan Bautista. Staff is proposing to add a new section in the City Zoning Ordinance (Section 11-14-060) and to amend an existing section (Section 7-4-140) of the Municipal Code.

Section 11-14-060 of the Zoning Ordinance would include the application, review and permitting issuance process for any prospective mobile food vendors who wish to operate within San Juan Bautista City Limits. The draft resolution with the proposed language is included as an attachment. The language follows the City of Hollister, but uses Planning Commission as the decision making body who can issue or revoke permits.

Furthermore, Section 7-4-140 of the Municipal Code (Parking or standing of vendors' vehicles, pushcarts, etc. – Permit required) is being amended to reference to the new Zoning Ordinance

Section and the decision making process. By this new amendment the section would be consistent and direct users to the appropriate section. The draft resolution with the proposed changes is included as an attachment as well.

ATTACHMENTS:

1. Potential Mobile Food Cart language
2. Potential changes to Section 7-4-140

RESOLUTION PC-2020-XX**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA RECOMMENDING APPROVAL OF AN AMENDMENT TO ADD SECTION 11-14-060 (MOBILE FOOD), OF CHAPTER 11-14 (EXCEPTIONS), OF TITLE 11 (ZONING), OF THE SAN JUAN BAUTISTA MUNICIPAL CODE**

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

WHEREAS, the City San Juan Bautista does not currently have provisions that manage mobile food vendors with the exception of a provision found in Title 7 (Streets and Parks) of the San Juan Bautista Municipal Code; and

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

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), this zoning text amendment is exempt from CEQA pursuant to Sections 15060, 15061, and 15378; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of San Juan Bautista hereby recommends approval to the City Council of an amendment to add Section 11-14-060 (Mobile Food), of Chapter 11-14 (Exceptions), of Title 11 (Zoning), of the San Juan Bautista Municipal Code to read in its entirety with the following provisions:

Section 11-14-060

- A. *Definitions.* For purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

Mobile food catering cart shall mean a self-contained, non-motorized mobile food unit that is used for either the preparation, storage, or transportation of food products for sale, or any combination thereof.

Mobile food catering vehicle shall mean a self-contained, motorized mobile food service unit that is used for either the preparation, storage or transportation of food products, or any combination thereof.

Mobile food unit shall mean any mobile food facility or portable food service unit for which food is prepared for service, sale, or distribution at retail for profit.

Mobile food vending facility shall mean any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail for profit.

Mobile food vendor shall mean any person selling food from a mobile food vending facility, mobile food catering cart, mobile food catering vehicle, or mobile food unit.

- B. *Mobile Food Vendor Permit.* Mobile food uses shall be permitted in all zoning districts and both on Public and Private Properties subject to the provisions of this chapter with a Planning Commission Approval pursuant to 11-16-060 of the San Juan Bautista Municipal Code. A Mobile Food Vendor Permit issued from Planning Commission shall be required for mobile food vendors operating over ten minutes at any one place to ensure that the mobile food vending facility, mobile food catering cart, mobile food catering vehicle or mobile food unit is in compliance with the following standards:
1. No person may conduct business as a mobile food vendor and no person may park or operate or sell, display or permit or authorize the sale, display or dispersal of any food, beverage or other product or item of merchandise within 20 feet of any driveway.
 2. The mobile food vending facility, mobile food catering cart, mobile food catering vehicle or mobile food unit shall be kept in a good state of repair and shall be maintained with surfaces, which are clean and not cracked, peeling, or faded. The surfaces, which do not contain advertising display, shall be painted or otherwise covered in muted colors. Each mobile food vending facility, mobile food catering cart, mobile food catering vehicle or mobile food unit shall display in a manner legible and visible to its clientele:
 - a. The name, physical address and phone number of the vendor operating the vending facility.
 - b. The City business license issued to the vending facility.
 3. Must have and maintain a Valid County Health Permit issued to the vending facility
 4. The exterior of a mobile food vending facility, mobile food catering cart, mobile food catering vehicle or mobile food unit, and the surrounding area, as relating to the operation of food service, shall be maintained in a sanitary condition.
 5. All trash or debris accumulating by reason of any mobile food vending facility, mobile food catering cart, mobile food catering vehicle or mobile food unit shall be collected by the vendor and deposited in a trash container. Trash and recycling receptacles shall be provided on the site for the use of customers as long as there is adequate passage for pedestrians. These receptacles must be mobile and be of lightweight design and/or material. The mobile food vendor shall obtain written permission from the property owner to utilize trash and recycling receptacle(s) related to any other business on the same site.
 6. All Mobile Food Vendors must comply with the City Single-Use Plastics Ordinance.

7. The hours of operation of a mobile food vending facility shall be limited to the hours of operation of the fixed-base business on the fixed-base host site if applicable.
8. When not in use, the mobile vendor shall provide proper storage for the mobile food vending facility, mobile food catering cart, mobile food catering vehicle or mobile food unit and specify storage location at time of permit to operate application.
9. The pouring of grease, food waste, wash water, wastewater, or anything else down a storm drain is prohibited. Any spills must be cleaned up and disposed of immediately. A spill kit containing labels, a broom, and absorbent must be handy at all times. All spills must be reported to the city of San Juan Bautista Code Enforcement Department to ensure that the spills are properly cleaned.
10. All wash water used for cleaning must be held on board until it can be properly discharged at an approved facility sanitary sewer connection (e.g., sink, clean-out, mop sink).
11. No owner or operator of any mobile food vending facility, mobile food catering cart, mobile food catering vehicle, or mobile food unit may place any chairs, stools, tables or other fixtures or furniture on any portion of the street, sidewalk or public right-of-way.
12. Open flame cooking is prohibited. The generation of smoke/odor is prohibited.
13. Amplified music or other sounds in conjunction with a business governed by this Section shall comply with all applicable City Standards in Municipal Code as well as any additional requirements and/or conditions required by the Planning Commission.

C. *Application Submittal.* The mobile food vendor shall meet and comply with all applicable laws including, but not limited to, building, zoning, housing, fire, safety, and health regulations relating to health and safety requirements.

1. Whether proposing to operate on either private property or public property, the mobile food vendor shall complete and submit a project application, in sufficient quantity for City department review, to include a site plan indicating the location of all existing buildings, structures, driveways, parking spaces, and improvements, and the location or areas where the proposed vending activity, structures, and improvements related to the mobile food vending, will be located upon the site.
2. Proof of current, valid City business license.

3. If operating a vehicle of any kind, proof of current vehicle registration and a copy of an applicable vehicle insurance policy must be submitted with the application packet. If operating a pushcart or any type of mobile cart, proof of ownership or rental documentation must be submitted as part of the application packet.
 4. Photographs and or images showing the exterior views of the mobile food vending facility, mobile food catering cart, mobile food catering vehicle, or mobile food unit.
 5. A copy of a current San Benito County environmental health permit.
 6. Signature and approval showing proof that demonstrates acknowledgement and consent of the property owner to permit the mobile food vendor to operate on the site, signed by the property owner if proposing to operate on private property.
 7. An affidavit from the business or location providing the required restroom facilities for food service workers and customers, stating the hours that those facilities are being made available. At all times during their operation, and prior to the issuance of any permit under this article, access to hand washing and restroom facilities must be made available for use by all owners, operators and employees of the mobile food unit. Access to the hand washing and restroom facilities must be at all times within 200 feet of the mobile food unit and evidence of such access must be sufficiently demonstrated to the satisfaction of the City.
 8. A description of the length of time during which it is proposed that the mobile food vending business shall be conducted.
 9. A brief description of the nature, character, and quantity of the food, beverage, goods or merchandise to be sold.
 10. If employed by another, the name and business address of the employing person, firm, association, organization, company or corporation.
 11. A valid seller's permit or any applicable or required permit issued from California Department of Tax and Fee Administration.
 12. Any other information the City Manager or his/her designee may require to show full compliance with this chapter and any other applicable laws of the City.
- D. The following may constitute grounds for denial of a permit to operate:
1. The mobile food vending operations or activity as proposed by the applicant does not comply with all applicable laws including, but not limited to, the applicable, zoning, fire, safety, and health regulations.
 2. Failure to obtain clearance from San Benito County Environmental Health Department.
- E. *Permit Revocation.* Any license issued under this chapter may be suspended or revoked for any of the following reasons:

1. Fraud or misrepresentation of the application for the license.
2. Conducting the business of vending, contrary to the conditions of the license.
3. Conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety and welfare.
4. Vending of alcoholic beverages, controlled substances or any other item, the possession or use of which is deemed illegal under any federal, state or local law or regulation, is prohibited and, notwithstanding any provision of this article to the contrary, grounds for immediate revocation of such person's vendor permit by the City.
5. On suspension or revocation, the City shall deliver written notice to the license holder stating the action taken and the reason supporting such action. The written notice shall be delivered to the license holder's place of business or mailed to the license holder's last known address.
6. The Planning Commission shall reserve the right to revoke any permit authorized by this section if the Planning Commission determines that the mobile food vending facility, mobile food catering cart, mobile food catering vehicle, or mobile food unit is in violation of any of the provisions of this section. The mobile food vendor shall have the right to appeal the Planning Commission's decision in accordance with the provisions of Chapter 11-25 (Appeals).

THE FOREGOING RESOLUTION was moved to recommend approval of the proposed changes to Title 11 (Zoning) to the San Juan Bautista City Council at the regular meeting of the Planning Commission of the City of San Juan Bautista held on the 10th day of March, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Planning Commission Chair

ATTEST:

Trish Paetz, Deputy City Clerk

RESOLUTION PC-2020-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA RECOMMENDING APPROVAL OF AN AMENDMENT TO SECTION 7-4-140 (PARKING OR STANDING OF VENDORS' VEHICLES, PUSHCARTS, ETC. – PERMIT REQUIRED), OF CHAPTER 7-4 (STOPPING, STANDING AND PARKING), OF TITLE 7 (STREETS AND PARKS), OF THE SAN JUAN BAUTISTA MUNICIPAL CODE

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

WHEREAS, the City San Juan Bautista is currently amending the City Zoning Ordinance to include Mobile Food Vendors and there is a provision to be amended accordingly found in Title 7 (Streets and Parks) of the San Juan Bautista Municipal Code; and

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

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), this zoning text amendment is exempt from CEQA pursuant to Sections 15060, 15061, and 15378; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of San Juan Bautista hereby recommends approval to the City Council of an amendment to Section 7-4-140 (Parking or standing of vendors' vehicles, pushcarts, etc. – Permit required), of Chapter 7-4 (Stopping, Standing and Parking), of Title 7 (Streets and Parks), of the San Juan Bautista Municipal Code to read in its entirety with the following change:

7-4-140 Parking or standing of vendors' vehicles, pushcarts, etc. – Permit Planning Commission Approval required.

(A) Except as otherwise provided in this Chapter, no person shall park or stand any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale, bartered or exchanged, or any lunch wagon or eating car or vehicle, on any street, municipal parking lot or City property, except that such vehicles, wagons or pushcarts may park or stand only at the request of a bona fide purchaser. ~~for a period of time not exceeding ten (10) minutes at any one (1) place.~~ The provisions of this Section shall not apply to persons delivering such articles upon order of or by agreement with a customer from a store or other fixed place of business or distribution.

(B) No person shall park or stand on any street any lunch wagon, eating cart, vehicle or pushcart from which tamales, peanuts, popcorn, candy or other articles of food are sold or offered for sale without first obtaining a written permit approval to do so from the ~~City Manager or his or her delegate who shall designate the specific location in which such cart shall stand.~~ City of San Juan Bautista Planning Commission. Section 11-14-060 (Mobile Food) has additional information.

THE FOREGOING RESOLUTION was moved to recommend approval of the proposed changes to Title 7 (Streets and Parks) to the San Juan Bautista City Council at the regular meeting of the Planning Commission of the City of San Juan Bautista held on the 10th day of March, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Planning Commission Chair

ATTEST:

Trish Paetz, Deputy City Clerk