



City of San Juan Bautista

The "City of History"

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AGENDA

REGULAR PLANNING COMMISSION MEETING

TUESDAY ~ SEPTEMBER 7, 2021 ~ 6:00 P.M.

~ PUBLIC PARTICIPATION BY ZOOM ONLY ~

Join Zoom Meeting <https://zoom.us/j/83065073787>

or call 1 (669) 900-6833

Meeting ID: 830 6507 3787

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

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

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

When the Chairperson announces public comment is open for the item which you wish to speak, press *9 on your telephone keypad or if joining by Zoom, use the raise your hand icon. When called to speak, please limit your comments to three (3) minutes, or such other time as the Chairperson may decide, consistent with the time limit for all other speakers for the particular agenda item.

Written comments may be mailed to the Deputy City Clerk at City Hall (P.O. Box 1420, San Juan Bautista, CA 95045), or emailed to deputycityclerk@san-juan-bautista.ca.us not later than 5:00 p.m., August 3, 2021, and will be read into the record during public comment on the item.

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

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

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

1. Call to Order

Roll Call

Pledge of Allegiance

2. Public Comment on Items Not on the Agenda but Within the Subject Matter

Jurisdiction of the Planning Commission

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

3. Consent Items

All matters listed under the Consent Agenda may be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the Planning Commission, a staff member, or a citizen.

A. Approve Affidavit of Posting the Agenda

B. Approve Affidavit of Posting Public Hearing Notice

C. Approve Minutes of the July 6, 2021 Planning Commission Meeting

4. 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.

A. No projects to present.

5. Action Items

A. Recommend Approval to the City Council of an Accessory Dwelling Unit (ADU) Ordinance

B. Approve a Resolution Extending the Third Street Parklet Program for Six Months

6. Comments

A. Planning Commissioners

B. City Manager

C. Community Development Director

7. 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 3rd DAY OF SEPTEMBER 2021, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

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

SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA,
ON THE 3rd DAY OF SEPTEMBER 2021.



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 IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA ON THE 27th DAY OF AUGUST.

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 2nd DAY OF AUGUST 2021.



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 **September 7, 2021** at 6:00 p.m.

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

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

- Consider recommending to the City Council an Ordinance 1) amending Section 11-29-010; 2) repealing Section 11-04-050; and 3) adding a new Chapter 11-04-050 to the SJB Municipal Code to conform with Government Code Section 65852.2; regulations relating to Accessory Dwelling Units (ADUs).
- The proposed ordinance to amend regulations relating to Accessory Dwelling Units is determined to be exempt from the provisions of CEQA pursuant to CEQA Guideline Section 15282 (h) (Adoption of an ordinance implementing Government Code Section 15852.1 and 15852.2)

Staff reports and the full text of all items to be discussed will be available for public review at City Hall and on the City website on **September 3, 2021**. All members of the public are encouraged to attend the meeting remotely via Zoom and may address the Planning Commission on the issue during the public hearing. Written comments may be hand delivered or mailed to City Hall (311 Second Street, P.O. Box 1420, San Juan Bautista, CA 95045), or emailed to deputycityclerk@san-juan-bautista.ca.us, not later than **5:00 p.m., September 7, 2021**.

The Meeting will be virtual via Zoom. You can access the meeting at <https://us02web.zoom.us/j/83065073787>. An agenda will be posted on the City website and distributed not later than September 3.

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.

**CITY OF SAN JUAN BAUTISTA
PLANNING COMMISSION REGULAR MEETING**

JULY 6, 2021

DRAFT MINUTES

(Meeting held via Zoom Internet Video/Audio Conference Service)

1. CALL TO ORDER – Chairperson Delgado called the meeting to order at 6:00 p.m.

B. ROLL CALL

Present: Commissioners Delgado, Morris-Lopez
and Matchain

Absent: Commissioners Bains and Medeiros

Staff Present: Community Development Director Brian Foucht
and Administrative Services Manager Paetz

2. PUBLIC COMMENT

No public comment was received.

3. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Approve Minutes of the May 5, 2021 Planning Commission Meeting

A motion was made by Commissioner Morris-Lopez and Commissioner Matchain to approve the affidavit of posting agenda. The motion passed 3-0-0-2 with Commissioners Bains and Medeiros absent.

A motion was made by Commissioner Matchain to approve the minutes. Hearing no second to the motion, the motion died. There was discussion about how the meeting was run. No further action was taken on this item.

4. INFORMAL PROJECT REVIEW

There were no projects for informal review.

Whereupon, Commissioners Bains and Medeiros arrived to the meeting at 6:23 p.m.

5. DISCUSSION ITEMS

A. Formation of an ADU Committee

Community Development Director Foucht provided a report. Chairperson Delgado explained the purpose of the ad hoc committee, and provided an update on what was discussed at the last meeting. Commissioner Bains commented, if the City is paying a consultant to explain the ADU concept, why is an ad hoc needed. Commissioner Morris-Lopez was concerned with the State's view of historic cities and their needs.

Commissioner Matchain stated he agrees with Commissioner Bains, and feels the ad hoc committee is a waste of time. Chairperson Delgado cited past practice by prior Planning

Commission Chairpersons in establishing ad hoc committees. Whereupon, Chairperson Delgado motioned to appoint herself and Commissioner Morris-Lopez to an ad hoc committee to review the ADU ordinance. Commissioner Morris-Lopez added that the public would be invited to the meetings. Hearing no second to the motion, the motion died. Community Development Director Foucht stated he would respond to concerns.

6. COMMENTS & REPORTS

A. Planning Commissioners

Commissioner Medeiros reported on Historic Preservation training he attended. Commissioner Bains is looking forward to working with the commission. Commissioner Matchain commented that Commissioners should be more inclusive by attending workshops. Commissioner Morris Lopez commented she will reach out to the public for their input on the ADU ordinance. Chairperson Delgado commented she is passionate about being a commissioner and a resident of San Juan Bautista. Commissioner Medeiros explained that he abstained from voting tonight as the was not an action item.

B. City Manager

The City Manager was not present.

C. Community Development Director

Community Development Director Foucht stated he supports the ADU committee and the results that come forward. Currently he has been meeting with consultants assigned to various projects (for example, UGB and SB1). Chairperson Delgado asked Director Foucht find out how many ADU's there are in the City.

7. ADJOURNMENT

The meeting adjourned at 7:23 p.m.



CITY OF SAN JUAN BAUTISTA HISTORIC RESOURCES BOARD AND PLANNING COMMISSION STAFF REPORT

AGENDA TITLE: Review and recommend that the City Council approve an ordinance amending Section 11-29-010, repealing Section 11-04-050, and adding a new Chapter 11-04-050 of the San Juan Bautista Municipal Code to conform with State regulations relating to Accessory Dwelling Units

MEETING DATE: September 7, 2021

SUBMITTED BY: Brian Foucht, Community Development Director

RECOMMENDED ACTION(S): Staff recommends the following:

Review and Recommend that the City Council approve an ordinance repealing Zoning Ordinance Section 11-04-050 and adding Chapter 11-05-05 of the San Juan Bautista Municipal Code to conform with State regulations relating to Accessory Dwelling Units (Proposed Ordinance).

BACKGROUND INFORMATION:

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

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

The new State laws include changes related to the minimum number, size, and location of ADUs allowed on a lot. A local ordinance that does not conform to the minimum requirements of current State law for the creation of ADUs is superseded until amendments to the local ordinance are adopted. Current State law does not limit the authority of jurisdictions to adopt less restrictive regulations for the creation of ADUs. Furthermore, any new ADU ordinance adopted

by a city must be reviewed by the State of California Housing and Community Development Department (HCD) for compliance with State law.

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

The Historic Resources Review Board (HRB) and Planning Commission

ANALYSIS:

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

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

The proposed Draft ordinance includes provisions that are context – sensitive in the treatment of ADUs within Historic Districts and enables illegal or unpermitted units entry to the ADU program.

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

- **ADUs Subject to Mandatory Approval**

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

However, in no case shall an application of such requirements preclude the development of a **Statewide Exemption ADU**: Any ADU that is 800 square feet or smaller in size, has a height

above grade of no more than 16 feet, and has a minimum four-foot-wide side and rear yard setbacks.

- **Historic Districts**

- ADUs are allowed within historic districts and on lots where the primary residence is subject to historic preservation.
- The City can establish objective design standards to prevent adverse impacts on any real property listed in the California Register of Historic Resources.
- Several provisions of the proposed ordinance relate to ADUs within Historic Districts. These provisions subject ADUs within Historic Districts that are over 16' in height to HRB review. In addition to these allowances, the proposed ordinance contains a provision similar to an existing Secondary Dwelling Unit provision, that exterior colors, materials and finishes must match the primary dwelling.
- No additional parking spaces are required if an ADU is built in a historic district.

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

- A maximum size limit for detached units is set at 850 square feet and 1,000 square feet for ADUs with more than one bedroom. The City may not establish a maximum ADU size that is less than 1,000 square feet.
- Internal conversions of up to 50% of the primary residence size shall be allowed.
- A 16-foot height limit is established. The City cannot establish a lower building height limit; for example, the current Secondary Dwelling Unit ordinance establishes a Maximum height of 15'. Such units will become non-conforming by operation of the ADU ordinance.
- 4-foot interior side and rear yard setbacks are established. The City cannot impose a more restrictive setback standard if the unit is no more than 16 feet in height.
- Provides expedited review of an 800-square-foot (or smaller) unit.
- Allows the requirement of no more than one parking space for a newly constructed unit (where applicable) which can still be in tandem in an existing driveway.
- Removes replacement parking obligation for removal of required parking.

- Establishes no parking is required for internal conversions, units within ½-mile walking distance from transit, historic properties, and certain other cases.
- Removes owner occupancy requirement for units built before January 1, 2025.
- No development impact fees can be imposed for units that are less than 750 square feet in size. ADUs over 750 square feet would be subject to development impact fees charged proportionally based on the size of the primary dwelling unit. The building permit review and inspection fees still apply (i.e., the same as required for any residential structure addition, but not as a separate residential dwelling unit).
- Maintains prohibition on short-term rental and separate sale of units.
- **Junior Accessory Dwelling Units - Single-Family Zoning (R-1)**
 - Allow a 500 square foot maximum size limit and limits this to internal conversions only within a single-family residence.
 - Unit must provide an efficiency kitchen, access to sanitary facilities and exterior access.
 - No additional parking or fees can be required.
 - Owner occupancy of either the primary residence or the JADU is required. Short-term rental and separate sale or conveyance remains prohibited.
- **Multi-family Accessory Dwelling Units - Multi-Family Zoning (R-2, and R-3)**
 - Units must be allowed within existing space that is not currently used for livable area, including garages (but not required laundry facilities or other required amenities).
 - City must allow at least one ADU and up to 25 percent of the primary multifamily units.
 - City must allow up to two detached accessory units that are no more than 16 feet in height and with four-foot rear and side yard setbacks. Size limits cannot be set that are more restrictive than state law.
 - Parking may not be required for new detached units in a complex that is within one-half mile walking distance of transit, as defined in the ordinance.
 - The proposed ordinance seeks to increase flexibility in cases where existing multi-family development sites have the ability to add either attached or detached ADUs.

- **Accessory Dwelling Units – Mixed Use Zoning (MU)**

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

ENVIRONMENTAL REVIEW:

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

ATTACHMENTS:

1. Ordinance of the City Council of the City of San Juan Bautista amending Section 11-29-010, repealing Section 11-04-050, and adding Chapter 11-04-050 of the San Juan Bautista Municipal Code to conform with State regulations relating to Accessory Dwelling Units.

ORDINANCE NO. 2021-XX

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

NOTE: UNDERLINED SECTIONS ARE ADDED TEXT

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

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

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

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

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

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

WHEREAS, a public hearing was held by the City Council on _____, 2021, in the Council Chambers and notice of time, place and purpose of the public hearing was given in accordance to the Ralph M. Brown Act. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing.

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

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

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

Chapter 11-XXX

ACCESSORY DWELLING UNITS

Sections:

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

11-XXX-140	Standards Applicable to Junior Accessory Dwelling Units
11-XXX-150	Additional Standards Applicable to All Accessory Dwelling Units
11-XXX-160	All Zones - Design Standards (For units larger than 800 sf or taller than 16 ft)
11-XXX-170	Historic District Zones — Design Standards (For units larger than 800 sf or taller than 16 ft)
11-XXX-180	Permits and Action on an Application

11-XXX-010 Purpose, Applicability and Where Permitted

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

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

1. Deemed to be inconsistent with the General Plan designation and zone for the parcel on which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.
2. Deemed to exceed the allowable density for the parcel on which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.
3. Considered in the application of any City ordinance, policy, or program to limit residential growth.
4. Required to correct a nonconforming structure or nonconforming use as defined in Section 11-29 (Definitions). This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

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

11-XXX-020 Definitions

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

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

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

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

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

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

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

F. "Historic District." An area or building designated in Section 11-06-060.

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

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

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

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

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

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

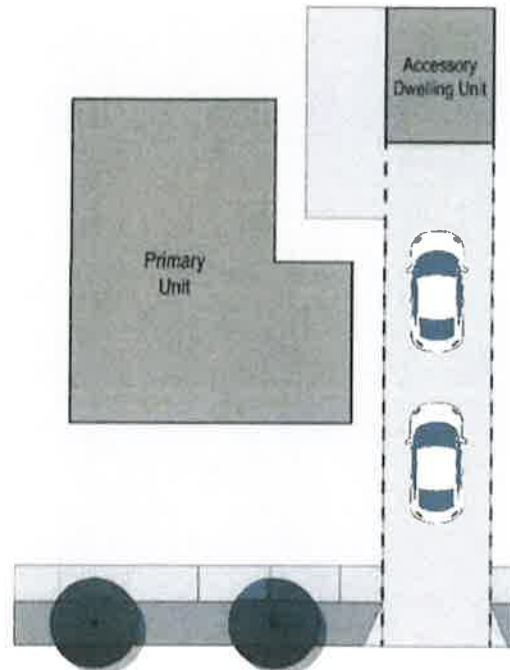
M. "Passageway." A pathway that extends from a street or alley to one entrance of the accessory dwelling unit.

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

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

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

Tandem Parking



11-XXX-030 Types

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

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

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

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

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

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

2. If a proposed conversion of a structure into an Accessory Dwelling Unit does not satisfy the requirements of Subsection 1 above, it shall be defined by the Community Development Director as 1.) an Attached Accessory Dwelling Unit, 2.) a Detached Accessory Dwelling Unit, or 3.) a Junior Accessory Dwelling Unit. However, if the structure does not fulfill the definition of either, it shall be defined as an accessory structure and not an Accessory Dwelling Unit.

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

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

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

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

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

5. Includes an efficiency kitchen.

11-XXX-040 Accessory Dwelling Units Subject to Mandatory Approval

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

A. Any Accessory Dwelling Unit that is 800 square feet or smaller in size, has a height above grade of no more than 16 feet, has a minimum four-foot-wide side and rear yard setbacks, and is located outside of a Historic District; and

B. Any Junior Accessory Dwelling Unit that is 500 square feet or smaller in size and is located outside of a Historic District.

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

11-XXX-050 Accessory Dwelling Units in a Historic District

Within the City's Historic Districts or within any historic district zone, the City shall approve any application for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit as described in this Chapter, provided all applicable requirements of this Chapter, and specifically Section 11-XXX-170, are met.

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

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

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

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

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

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

1. Location. Is detached from the primary dwelling.

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

3. Setbacks. Has a front yard setback that is not less than the required front yard setback of the primary structure, has side and rear setbacks of at least four feet, and complies with applicable building and fire codes.

4. Height. Does not exceed a height of 16 feet, excepting the creation of a Converted Accessory Dwelling Unit within the existing footprint on a property of an existing detached accessory structure.

B. Setback and Height Limitations.

1. Historic District. In a Historic District, any proposed Detached Accessory Dwelling Unit that exceeds a height of 16 feet shall be subject to review by the Historic Resources Board in compliance with the provisions of Section 11-06-120 of the San Juan Bautista Municipal Code.

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

3. Increased Setbacks for Structures Over 16 Feet in Height. Any Detached Accessory Dwelling Unit that exceeds a height of 16 feet must comply with the design standards set forth in Section 11-XXX-170 for an Accessory Dwelling Unit in a Historic District, or Section 11-XXX-160 for an Accessory Dwelling Unit located outside of the Historic Districts.

11-XXX-080 Single-Unit (R-1) Zones: Attached Accessory Dwelling Unit

A. Generally. One Attached Accessory Dwelling Unit shall be allowed on single-unit parcels if it meets all the following requirements:

1. Location. Shares at least one common wall with the primary structure.

2. Size. At a minimum meets the requirements of an efficiency unit, and at a maximum does not exceed 850 square feet if it has no more than one bedroom or 1,000 square feet if it has two or more bedrooms. Subject to the foregoing maximum size limitation, if there is an existing primary dwelling, the total floor area of an Attached Accessory Dwelling Unit shall not exceed 50 percent of the existing primary dwelling or 800 square feet, whichever is greater.

3. Setbacks. Has a front yard setback of at least 20 feet, has side and rear setbacks of at least four feet, and complies with applicable building and fire codes.

4. Height. Does not exceed a height of 16 feet, excepting the creation of a Converted Accessory Dwelling Unit within the existing space of the primary dwelling.

5. Access. Has exterior access that is separate from the proposed or existing single-unit dwelling.

B. Setback and Height Limitations.

1. Historic District. In a Historic District, any proposed Attached Accessory Dwelling Unit that exceeds a height of 16 shall be subject to review by the Historic Resources Board in compliance with the provisions of Section 11-06-120 of the San Juan Bautista Municipal Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Units detached from the primary multi-unit structure, may either be attached or detached from each other and subject to the following criteria:

- a. 16 feet or less in height.
- b. Side and rear yard of at least a 4 feet.
- c. Gross floor area of each unit of not more than 800 sq. ft.

2. Accessory Dwelling Units attached to, but not within, a primary multi-family structure shall be subject to the following criteria:

- a. Height. Does not exceed the maximum height required by this Title for multi-family structures.
- b. Setbacks: consistent with the setbacks required by this Title for the primary structure.

- c. A gross floor area for each Accessory Dwelling Unit of not more than 1,000 sq. ft.
3. Accessory Dwelling Units on properties surrounded on two or more sides by separate properties that predominantly contain one story existing buildings shall be not more than 16' in height.

11-XXX-110 Mixed-Use (MU) Zones

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

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

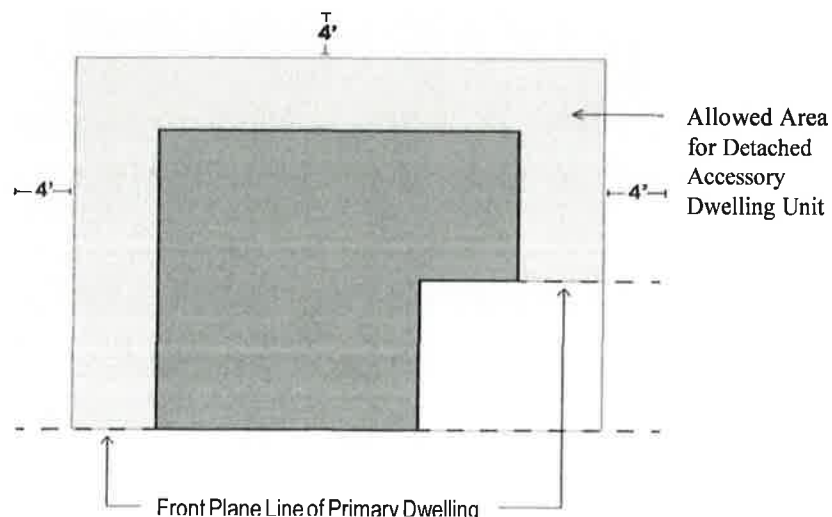
B. Multi-Unit Developments within a Mixed-Use Zone. Accessory Dwelling Units built in a Mixed-Use zone shall be allowed if they meet the requirements presented in Section 11-XXX-100.

11-XXX-120 Additional Standards Applicable to Attached and Detached Units

The following standards shall apply to all Attached and Detached Accessory Dwelling Units in all zones that allow single-family unit and multi-unit dwellings. However, in no event shall these provisions preclude an Accessory Dwelling Unit that is 800 square feet or smaller in size, has a height above grade of 16 feet or lower, has minimum four-foot side and rear yard setbacks, and is located outside of a Historic District.

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

Location of Detached Accessory Dwelling Unit



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

C. Exterior colors, materials and finishes of attached or detached Accessory Dwelling Units shall be consistent with, and match, those of the primary dwelling unit, except for 1) converted accessory buildings and any expansion of such buildings permitted by this Chapter; 2) Nonconforming Accessory Dwelling Units; and 3) when required by applicable provisions of the Residential Building Codes and the California Building Code.

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

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

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

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

H. Rear Yard Coverage – Multi Family (R-2 and R-3) Residential Districts. The area covered by Accessory Dwelling Unit(s) may exceed the Floor Area Ratio (FAR) and Building Coverage Requirements of those districts by not more than 25%, subject to applicable rear yard, side yard, height and setback requirements in section 11-XXX-120.

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

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

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

L. Addressing.

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

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

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

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

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

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

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

c. The Accessory Dwelling Unit is located within a Historic District.

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

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

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

11-XXX-130 Additional Standards Applicable to Converted Accessory Dwelling Units

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

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

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

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

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

E. Utilities. A Converted Accessory Dwelling Unit is not required to have a new or separate utility connection directly between the Accessory Dwelling Unit and the utility, nor is a connection fee or capacity charge required. The applicant may voluntarily install a new or separate utility

connection. Any utility charges or fees shall be consistent with Government Code Section 65852.2.

F. Parking. No replacement of off-street parking is required when a garage, carport, or covered parking structure is converted to an Accessory Dwelling Unit. In all other situations where off-street parking is required for a converted Accessory Dwelling Unit, the parking requirement shall not exceed one parking space per converted Accessory Dwelling Unit or per bedroom, whichever is less. The off-street parking spaces may be provided as tandem parking on a driveway or in rear yard setback areas on a paved surface.

11-XXX-140 Standards Applicable to Junior Accessory Dwelling Units

The following shall apply to all Junior Accessory Dwelling Units:

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

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

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

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

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

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

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

owned by a governmental agency, land trust, or non-profit housing organization.

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

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

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

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

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

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

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

11-XXX-150 Additional Standards Applicable to All Accessory Dwelling Units

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

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

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

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

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

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

F. Permanent Foundations.

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

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

G. Design. The design standards set forth in Section 11-XXX-160 shall apply to all Accessory Dwelling Units in the City, and the standards set forth in Section 11-XXX-170 shall apply to all Accessory Dwelling Units in a Historic District. Design standards do not apply to Converted Accessory Dwelling Units located outside of a Historic District.

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

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

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

a) Unlawful residential occupancy in a Historic District are determined to be consistent with the requirements of 11-06-120; subject to review by the Historic Resources Review Board in accordance with procedures set forth in Section 11-06-120, and occupancy is established in a manner consistent with applicable California Historic Building Code, California Residential Codes and California Building Code; and

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

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

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

L. Owner Occupancy Requirements.

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

~~1. Established on or after January 1, 2025. Accessory Dwelling Units shall not be subject to an owner-occupancy requirement. A person with legal or equitable title to the primary single-unit dwelling shall reside on the property in either the primary unit or the Accessory Dwelling Unit as that person's legal domicile and permanent residence.~~

M. Impact Fees.

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

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

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

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

11-XXX-160 All Zones – Design Standards

For all Accessory Dwelling Units that are larger than 800 square feet, taller than 16 feet, and are located outside of a Historic District, except for Converted Accessory Dwelling Units, the guidelines provided in Chapter 5 of the San Juan Bautista Design Guidelines shall apply.

11-XXX-170 Historic District Zones – Design Standards

In addition to the provisions of Section 11-XXX-160, the guidelines provided in Chapter 6 of the San Juan Bautista Design Guidelines shall apply to all Accessory Dwelling Units in a Historic District zone.

11-XXX-180 Permits and Action on an Application

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

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

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

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

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

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

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

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

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Leslie Jordan, Mayor

ATTEST:

Shawna Freels, City Clerk

RESOLUTION NO. 2021-XX

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

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

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

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

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

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

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

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

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

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

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

AYES, COMMISSION MEMBERS:

NOES, COMMISSION MEMBERS:

ABSENT, COMMISSION MEMBERS:

ABSTAIN, COMMISSION MEMBERS:

Yolanda Delgado, Chairperson

ATTEST:

Trish Paetz, Deputy City Clerk



CITY OF SAN JUAN BAUTISTA HISTORIC RESOURCES BOARD AND PLANNING COMMISSION STAFF REPORT

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

MEETING DATE: September 7, 2021

SUBMITTED BY: Brian Foucht, Community Development Director

RECOMMENDED ACTION(S):

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

BACKGROUND INFORMATION:

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

DISCUSSION:

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

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

The parklet ad hoc committee has continued to craft new guidelines for parklets that are intended to be used in the context of permanent or temporary encroachments. This work is anticipated to be completed and forwarded to the Planning Commission and City Council in October and November, before the holiday season.

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

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

Attached - Draft Resolution

RESOLUTION 2021-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN
BAUTISTA RECOMMENDING THAT THE CITY COUNCIL EXTEND THE
TERM OF THE PARKLETS ENCROACHMENT PERMIT UNTIL
MARCH 30, 2022**

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

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

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

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION:

1. Agrees with the recommendation from the Historic Resources Board;
2. Recommends to the City Council that the term of the Transformation of Third Street and the parklets be extended for one hundred eighty days, or until March 30, 2021.

3. That staff prepare the policies and procedures necessary for a public debate of a City policy that governs all matters related to parklets going forward, after the current State of Emergency has ended.

PASSED AND ADOPTED by the Planning Commission of the City of San Juan Bautista on the 7th day of September 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Yolanda Delgado, Chairperson

ATTEST:

Trish Paetz, Deputy City Clerk