



City of San Juan Bautista

The "City of History"

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AGENDA

REGULAR PLANNING COMMISSION MEETING

TUESDAY ~ MAY 4, 2021 ~ 6:00 P.M.

~ PUBLIC PARTICIPATION BY ZOOM ONLY ~

Join Zoom Meeting <https://zoom.us/j/89746570500>

or call 1 (669) 900-6833

Meeting ID: 897 4657 0500

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., May 4, 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**

**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 April 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. Combined Development Permit consisting of: 1) Lot Line Adjustment to adjust Parcel A (0.163 acres / 7,105 SF) and Parcel B (0.137 acres / 6005 SF) to Parcel 1 (0.15 Acres/ 6550 sq ft) and Parcel 2 (0.15 acres/6550 SF); 2) Conditional Use Permit to allow the establishment of a bar on the main floor; 3) Conditional Use Permit to allow on-site alcohol sales/consumption; 4) Site & Design Review Permit to allow the construction of a 3,525 SF mixed use building including two multi-family dwelling units [1-2bed/1bath (920 SF) and 1-1bed/1bath (707 SF)] totaling 1,627 SF, and a 1,367 SF ground floor restaurant. APN 002-460-002. The applicants are Katherine Cain Zavala and Jesus Zavala

5. Presentations

A. Luck Park Master Plan by RRM Design Group

6. Public Hearing Items

A. Consider a Resolution of the Planning Commission of the City of San Juan Bautista approving a Conditional Use Permit (CUP) to allow on-site sales and tasting of alcoholic beverages [Type 23 (duplicate)] for the property located at 507 Third Street, APN 002-130-001. The applicants are Sean and Fran Fitzharris.

B. Consider Approval of a Combined Development Permit. APN 002-460-002. The applicants are Katherine Cain Zavala and Jesus Zavala. (Continue this item to June 1, 2021 Meeting)

7. Action Items

A. Consider Recommending to the City Council Amendment of an Ordinance to Increase Fence Heights to Minimalize Highway and Nonresidential Use Impacts and Prohibit Location Closer Than Three Feet from a Fire Hydrant.

B. Accept the Recommendation from the Historic Resources Board and appoint Chair David Medeiros to represent the HRB, and that it appoints its Chair Delgado to represent the Planning Commission and serve on the City Council's Public Safety Subcommittee.

- C. Accept the Recommendation from the Historic Resources Board and Approve a Resolution Accepting the Certified Local Government Report of October 1, 2019-September 30, 2020.**

8. Discussion Items

- A. Accessory Dwelling Unit Ordinance (ADU)**
- B. Update by City Manager on Status of Parklets and the City Budget**

9. Comments

- A. Planning Commissioners**
- B. City Manager**
- C. City Planner**

10. 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 28th DAY OF APRIL 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 28th DAY OF APRIL 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 23rd DAY OF APRIL.

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 28th DAY OF APRIL 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 **May 4, 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:

- Conditional Use Permit (CUP) to allow on-site sales and tasting of alcoholic beverages [Type 23 (duplicate)] for the property located at 507 Third Street Assessor's Parcel Number: 002-130-001. The applicants are Sean and Fran Fitzharris.
- Consider a Resolution for a Combined Development Permit consisting of: 1) Lot Line Adjustment to adjust Parcel A (0.163 acres / 7,105 SF) and Parcel B (0.137 acres / 6005 SF) to Parcel 1 (0.15 Acres/ 6550 sq ft) and Parcel 2 (0.15 acres/6550 SF); 2) Conditional Use Permit to allow the establishment of a bar on the main floor; 3) Conditional Use Permit to allow on-site alcohol sales/consumption; 4) Site & Design Review Permit to allow the construction of a 3,525 SF mixed use building including two multi-family dwelling units [1-2bed/1bath (920 SF) and 1-1bed/1bath (707 SF)] totaling 1,627 SF, and a 1,367 SF ground floor restaurant. CEQA: The project is exempt from CEQA per Sections 15303 and 15305. Assessor's Parcel Number: 002-460-002. The applicants are Katherine Cain Zavala and Jesus Zavala.

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 **April 30, 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., May 4, 2021**.

The Meeting will be virtual via Zoom. You can access the meeting at <https://us02web.zoom.us/j/89746570500>. An agenda will be posted on the City website and distributed not later than April 30.

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**

APRIL 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 6:30 p.m.

B. ROLL CALL **Present:** Commissioners Delgado, Morris-Lopez,
Bains, Matchain and Medeiros

Staff Present: City Manager Reynolds, Sr. Planner Mack and
Administrative Services Manager Paetz

2. PUBLIC COMMENT

There was no public comment.

3. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Approve Minutes of the August 6, 2019 Planning Commission Meeting

C. Approve Minutes of the February 2, 2021 Planning Commission Meeting

A motion was made by Commissioner Medeiros and seconded by Commissioner Matchain to approve all items on the Consent Agenda. The motion passed 3-0-0-2 with Commissioners Lopez Morris and Bains abstaining from approval of the August 6, 2019 Minutes only, as they were not present at the meeting.

4. INFORMAL PROJECT REVIEW

A. Brewery 25 Report on Moving their Business to 507 Third Street

Contract Planner David Mack explained that the owners of Brewery 25, Sean and Fran Fitzharris have submitted a planning application to move their business location to 507 Third Street. The applicants were present and explained their intention in moving to a larger space to accommodate families. There was no public comment.

5. ACTION ITEMS

A. Consider Resolution 2021-XX Recommendation to the City Council Amendment of the Fence Ordinance to Increase Fence Heights to Minimalize Highway and Nonresidential Use Impacts and Prohibit Location Closer than three feet from a fire hydrant

City Manager Reynolds provided a report. Commissioner Medeiros commented that walls are more effective at abating noise than fences. Commissioner Morris-Lopez commented that noise issues should be addressed with the code. Commissioner Bains commented that noise pollution is unhealthy. During public comment Cara Vonk summarized her comments submitted earlier that changes to the ordinance should be specific to properties around the Highway 156.

A motion was made by Commissioner Bains and seconded by Commissioner Medeiros to direct staff to investigate limitations and bring back their information to the next meeting. The motion passed unanimously, 5-0.

B. Consider Resolution 2021-03 Recommending to the City Council Recognition of a Private Building During National Preservation Month

City Manager Reynolds asked Commissioners to accept the recommendation of the Historic Resources Board and request the City Council to honor the owners of the recently renovated house and property at 700 Third Street during National Preservation Month. There was no public comment.

A motion was made by Commissioner Medeiros and seconded by Commissioner Morris-Lopez to adopt Resolution 2021-03 recognizing the owners of 700 Third Street during National Preservation Month and recommending to the City Council. The motion passed unanimously, 5-0.

C. Consider Resolution 2021-04 Recommending to the City Council Recognition of a Public Building During National Preservation Month

City Manager Reynolds asked Commissioners to accept the recommendation of the Historic Resources Board and request the City Council to honor the owners of the recently painted Bluebird Hotel at the corner of Polk and Third Streets during National Preservation Month. There was no public comment.

A motion was made by Commissioner Medeiros and seconded by Commissioner Morris-Lopez to adopt Resolution 2021-04 recognizing the owners of 401, 403 and 405 Third Street during National Preservation Month and recommending to the City Council. The motion passed unanimously, 5-0.

6. COMMENTS & REPORTS

A. Planning Commissioners

Commissioner Medeiros reported on the League of California Cities' Planning Commissioners Academy which encompassed 20 hours of sessions, and learned amongst other things that the Housing Element is important to share with the State.

B. City Manager

City Manager Reynolds thanked the Commissioners for attending the Planning Commissioners Academy.

C. City Planner

Sr. Planner David Mack provided a quick update on potential projects with the City include the Orchard View subdivision, a mixed use building across from JJ's Burgers, Midnight Express' application for a cannabis site, and an ADU ordinance.

7. ADJOURNMENT

The meeting adjourned at 8:02 p.m.



CITY OF SAN JUAN BAUTISTA PLANNING COMMISSION STAFF REPORT

AGENDA TITLE: Luck Park Masterplan
MEETING DATE: May 4, 2021
SUBMITTED BY: Michael H. Ballard P.E.
DEPARTMENT HEAD: Don Reynolds

RECOMMENDED ACTION:

Approve the Masterplan for Luck Park.

BACKGROUND INFORMATION:

On April 21, 2020, the City Council approved a contract with RRM Design Group of San Luis Obispo in the amount of \$25,765 to develop a masterplan for Luck Park. The scope of services included three task headings including Project startup, public outreach and presentations to the Planning Commission and City Council; and development of a conceptual plan for Luck Park. Within the task headings are several subtasks that are now substantially complete.

DISCUSSION:

A kickoff meeting was held at Luck Park on August 6, 2020 with stakeholders including City Council, Planning Commission, Library Auxiliary, Historical Society and City park maintenance staff. Participants provided input on their preferences and vision for development of the park. From this input, RRM developed a project program that included opportunities and constraints, potential design elements, and a summary of the desired park character and function as expressed by the meeting participants.

An on-line community survey was conducted from December 2020 to January 2021. The survey was advertised through utility bill inserts and advertisements on Facebook and Instagram. The survey was completed by 169 residents and included both multiple choice and open-ended questions.

Based on input from the kickoff meeting and on-line survey, RRM developed two alternative masterplans. Each plan included an expansion of the library, different approaches to certain common elements that were deemed to be integral to the masterplan, and other elements that were distinctly different in each plan to promote further public comment.

These alternatives were presented in an on-line public meeting conducted on March 9. Meeting participants were invited to answer poll questions regarding their preferences for each of the plans.

There was also an opportunity to make specific comments on the alternative plans. Based on the information gathered at the meeting and two follow-up meeting with City staff, a final concept plan has been developed and is the subject of the presentation.

ATTACHMENTS:

1. Conceptual Masterplan



CITY OF SAN JUAN BAUTISTA PLANNING COMMISSION STAFF REPORT

AGENDA TITLE: Conditional Use Permit (CUP) to allow on-site sales and tasting of alcoholic beverages [Type 23 (duplicate)] for the property located at 507 Third Street Assessor's Parcel Number: 002-130-001

MEETING DATE: May 4, 2021

SUBMITTED BY: David J. R. Mack, AICP, City Planner

DEPARTMENT HEAD: Don Reynolds, City Manager

APPLICANT: Sean and Fran Fitzharris

ZONING/LAND USE: Mixed Use

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

1. Consider the Conditional Use Permit (CUP) to allow on-site sales and tasting of alcoholic beverages [Type 23 (duplicate)]; and
2. Approve a Resolution to grant the Conditional Use Permit Application.

BACKGROUND INFORMATION:

On April 15, 2021, Sean and Fran Fitzharris (Applicant) applied for a Conditional Use Permit (CUP) (**Attachment 2**) to allow on-site sales and tasting of alcoholic beverages [Type 23 (duplicate)] with a small indoor and larger outdoor tasting area located at 507 Third Street (previously the Mission Hardware site).

Pursuant to San Juan Bautista Municipal Code (SJBMC) Section 11-02-050 (*Permitted and Conditional Uses by Zoning District, Use Matrix*) the proposed activity within the Mixed Use zoning classification requires the Planning Commission to consider and grant a Conditional Use Permit for on-site alcoholic beverage sales, including tasting areas/rooms.

The proposed project does not involve any structural alterations, additions, or changes to the building. The proposed tasting room/facility is not located within the Historic District of Downtown, and therefore no other discretionary planning permit or consideration (Site & Design Review or Historic Evaluation) is required for the provision of alcohol sales/tasting rooms.

PROCESS/ANALYSIS:

SJBMC Section 11-20-030 details the Findings required to be made, by the Planning Commission, for all proposed Use Permit applications.

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

Evidence: The proposed use is a conditionally permitted use in the zoning ordinance. The proposed use will provide potential economic benefit to the currently unused parcel and city as a whole, by providing additional merchant and sale tax revenue.

- B) *That the use will be properly related to other uses, transportation facilities, and other public facilities in the area, and will not cause undue environmental impacts related to noise, odor, pollution, etc.; and*

Evidence: The proposed use is consistent with normal activities/uses within the Mixed Use zoning classification, and will not cause undue environmental impacts related to noise, odor or pollution. On-site alcoholic sales/tasting, in general, do not result in additional noise, release of odor or trash generation, above the level that was in existence during the previous use of the subject site (hardware store).

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

Evidence: The proposed use will not adversely affect the health or safety of persons living or working in the vicinity or be detrimental to the public welfare of the City and/or its residents. The on-site sale and tasting of alcoholic beverages is a conditionally allowed use within the Mixed Use zoning designation and is similar to multiple other establishments within the Mixed Use designation within the jurisdiction of San Juan Bautista.

CONDITIONAL USE PERMIT APPROVAL

The Conditional Use Permit approval runs with the land, and is not specific to the existing business and/or business owner/operator, and is transferrable to any subsequent restaurant use and/or business operator/owner on the same site/location and within the existing structure. Any new business would need to obtain their own alcohol license, from the Department of Alcoholic Beverage Control (ABC) and have the city complete the required Zoning Affidavit prior to commencement of sales of alcoholic beverages.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The project can be considered to be categorically exempt from the California Environmental Quality Act, per Section 15301 (Class 1) which exempts the operation, permitting, leasing, or licensing of existing public or private structures/facilities, involving negligible or no expansion of the existing use.

The granting of the CUP to allow on-site sales of alcoholic beverages at an existing developed parcel will not involve any expansion or change in the existing zoning, and will not require an expansion of the existing structure/facility.

None of the exceptions found in Section 15300.2 apply to the project site, in so much as the project is not located in an area of critical concern, will not pose a cumulative impact, is not located on or adjacent to a scenic highway, and is not located on or near a hazardous materials site.

ATTACHMENTS:

1. Draft Resolution of Approval
 - a. Recommended Conditions of Approval.
2. Application Form.

**DRAFT
RESOLUTION 2021-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW ON-SITE SALES AND TASTING OF ALCOHOLIC BEVERAGES [TYPE 23 (DUPLICATE)] FOR THE PROPERTY LOCATED AT 507 THIRD STREET ASSESSOR'S PARCEL NUMBER: 002-130-001.

WHEREAS, on April 15, 2021, Sean and Fran Fitzharris (Applicant) applied for a Conditional Use Permit (CUP) to allow on-site sales and tasting of alcoholic beverages [Type 23 (duplicate)] with a small indoor and larger outdoor tasting area located at 507 Third Street (previously the Mission Hardware site); and

WHEREAS, on April 20, 2021, the Conditional Use Permit Application was deemed complete by all departments and recommended conditions of approval were developed; and

WHEREAS, City Staff reviewed the application, made the required determination under San Juan Bautista Municipal Code (SBJMC) Section 11-20-030 (Use Permit – Required Findings); and

WHEREAS, the Planning Commission timely conducted a public hearing on May 4, 2021 to consider approval of the Conditional Use Permit to allow on-site sales and tasting of alcoholic beverages [Type 23 (duplicate)] with a small indoor and larger outdoor tasting area located at 507 Third Street; and

WHEREAS, the Conditional Use Permit approval runs with the land, and is not specific to the existing business and/or business owner/operator, and is transferrable to any subsequent restaurant use and/or business operator/owner on the same site/location and within the existing structure; and

WHEREAS, the Planning Commission, upon reviewing the application materials, staff report, and draft resolution, determined that the project is Categorically Exempt under Section 15303 of the California Environmental Quality Act. Section 15301 (Class 1) of the California Environmental Quality Act exempts the operation, permitting, leasing, and/or licensing of existing public or private structures/facilities, involving negligible or no expansion of the existing use. The granting of the CUP to allow on-site sales of alcoholic beverages at an existing developed parcel will not involve any expansion or change in the existing zoning, and will not require an expansion of the existing structure/facility. None of the exceptions found in Section 15300.2 apply to the project site, in so much as the project is not located in an area of critical concern, will not pose a cumulative impact, is not located on or adjacent to a scenic highway, and is not located on or near a hazardous materials site.

WHEREAS, upon reviewing the application materials, staff report, and draft resolution, the Planning Commission finds that the project meets all of the Use Permit requirements in Section 11-20-030 of the San Juan Bautista Municipal Code, as detailed below:

SECTION 11-20 – USE PERMIT REQUIRED FINDINGS:

The following findings are required for the approval of a Conditional Use Permit Application (11-20-030):

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

Evidence: The proposed use is a conditionally permitted use in the zoning ordinance. The proposed use will provide potential economic benefit to the currently unused parcel and city as a whole, by providing additional merchant and sale tax revenue.

- B) *That the use will be properly related to other uses, transportation facilities, and other public facilities in the area, and will not cause undue environmental impacts related to noise, odor, pollution, etc.; and*

Evidence: The proposed use is consistent with normal activities/uses within the Mixed Use zoning classification, and will not cause undue environmental impacts related to noise, odor or pollution. On-site alcoholic sales/tasting, in general, do not result in additional noise, release of odor or trash generation, above the level that was in existence during the previous use of the subject site (hardware store).

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

Evidence: The proposed use will not adversely affect the health or safety of persons living or working in the vicinity or be detrimental to the public welfare of the City and/or its residents. The on-site sale and tasting of alcoholic beverages is a conditionally allowed use within the Mixed Use zoning designation and is similar to multiple other establishments within the Mixed Use designation within the jurisdiction of San Juan Bautista.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of San Bautista approves a Conditional Use Permit to allow on-site sales and tasting of alcoholic beverages [Type 23 (duplicate)] with a small indoor and larger outdoor tasting area located at 507 Third Street (previously the Mission Hardware site); San Juan Bautista (APN: 002-130-001), subject to the recommended Conditions of Approval attached.

PASSED AND ADOPTED by the Planning Commission of the City of San Juan Bautista on this 4th day of May, 2021, by the following vote:

AYES, COMMISSION MEMBERS:

NOES, COMMISSION MEMBERS:

ABSENT, COMMISSION MEMBERS:

ABSTAIN, COMMISSION MEMBERS:

Yolanda Delgado, Planning Commission Chair

ATTEST:

Trish Paetz, Deputy City Clerk

EXHIBIT A
CONDITIONS OF APPROVAL

- 1) Prior to the commencement of alcohol sales and/or tasting, the Owner/Applicant shall submit the ABC Zoning Affidavit to the City for completion and approval.
- 2) Prior to the commencement of alcohol sales and/or tasting, the Owner/Applicant shall submit proof of a finalized Type 23 (duplicate) Alcohol License, issued by the Department of Alcoholic Beverage Control (ABC).
- 3) Prior to the commencement of alcohol sales, the Owner/Applicant shall post signs within the tasting areas and near the border of any outside tasting area(s), patio or other dining area that state "*No consumption of alcohol outside of these premises*" or similar language.
- 4) Not permanent exterior alterations, including paint, walls, fences, lighting, or seating areas shall be installed without obtaining an appropriate Site & Design Review application and approval. Non-permanent seating (tables and chairs), high-top tables, or other furniture may be placed at the start of each business day, but must be removed and stored upon closing each day.
- 5) No signs shall be installed on the premise without approval of a sign permit, required to approve the placement, size, and design of business signs. An administrative sign permit application can be obtained from the City Hall office.
- 6) No outside entertainment, including live or recorded music, shall occur onsite unless approved by the City with the appropriate permit.
- 7) Food trucks may be parked onsite, to provide food service, if the food trucks are parked fully within private property and not located on any city street or right-of-way. A food truck operator shall show proof of a valid San Juan Bautista business license and Health Permit issued by the County of San Benito. Both licenses shall be clearly visible during operation and shall be shown upon request.



CITY OF SAN JUAN BAUTISTA

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

PLANNING DEPARTMENT

Phone: (831) 623-4661

Fax: (831) 623-4093

PLANNING APPLICATION COVER PAGE

TYPE OF APPLICATION (CHECK ALL THAT APPLY).

- | | |
|--|--|
| <input type="checkbox"/> <u>Historic Resource Design Review</u> | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Informal Project Review | <input type="checkbox"/> Urban Growth Boundary |
| <input type="checkbox"/> Major Projects | <input type="checkbox"/> Rezoning / Pre-zoning |
| <input type="checkbox"/> Minor Projects | <input type="checkbox"/> General Plan Amendment |
| <input type="checkbox"/> <u>Design Review</u> | <input type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Informal Project Review | <input type="checkbox"/> Certificate of Compliance |
| <input type="checkbox"/> Major Projects | <input type="checkbox"/> Lot Line Adjustment |
| <input type="checkbox"/> Minor Projects | <input type="checkbox"/> Secondary Dwelling Unit |
| <input type="checkbox"/> Sign Permit | <input type="checkbox"/> Variance |
| <input checked="" type="checkbox"/> Conditional Use Permit/Amendment | <input type="checkbox"/> Permit Amendment |
| <input type="checkbox"/> Tentative Map Major | <input type="checkbox"/> Appeal |
| <input type="checkbox"/> Tentative Map Minor | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Planning Unit Development | |

Applicant(s):

Name: Sean & Fran Fitzharris - Brewery Twenty Five

Mailing Address: PO Box 1037, Hollister, CA 95024

Phone: (408) 476-4697 email: sean@brewerytwentyfive.com

Property/Land Owner(s):

Name: Dante Bains

Mailing Address: PO Box 192, San Juan Bautista, CA, 95045-192

Phone: (831) 801-8880

Name and mailing address of property owner's or applicant's duly authorized agent who is to be furnished with notice of hearing (Section 65091 – California Government Code):

Name: Dante Bains

Mailing Address: PO Box 192, San Juan Bautista, CA, 95045-192

Phone: (831) 801-8880 email: w.dantebains@gmail.com

Project Address/Location: 507 Third Street (rear), San Juan Bautista, CA 95045

Most Current Assessor's Parcel Number: 002-130-001-000

For Office Use Only:

Date Application Submitted _____ Deposit Collected \$ _____ Date _____

Date Application Complete _____ Billing Number _____

File Number(s) _____

12/17/2013

P:\Forms\Planning Application Cover Page.DOC

Third Street

Main Building
507 Third St
(no sales or consumption)

Restroom



Entrance to
restroom

Entrance to
indoor space

Indoor Tasting
Room Space

32' 2"

19' 1"

Outdoor Tasting Area

San Jose Street

127' 7"

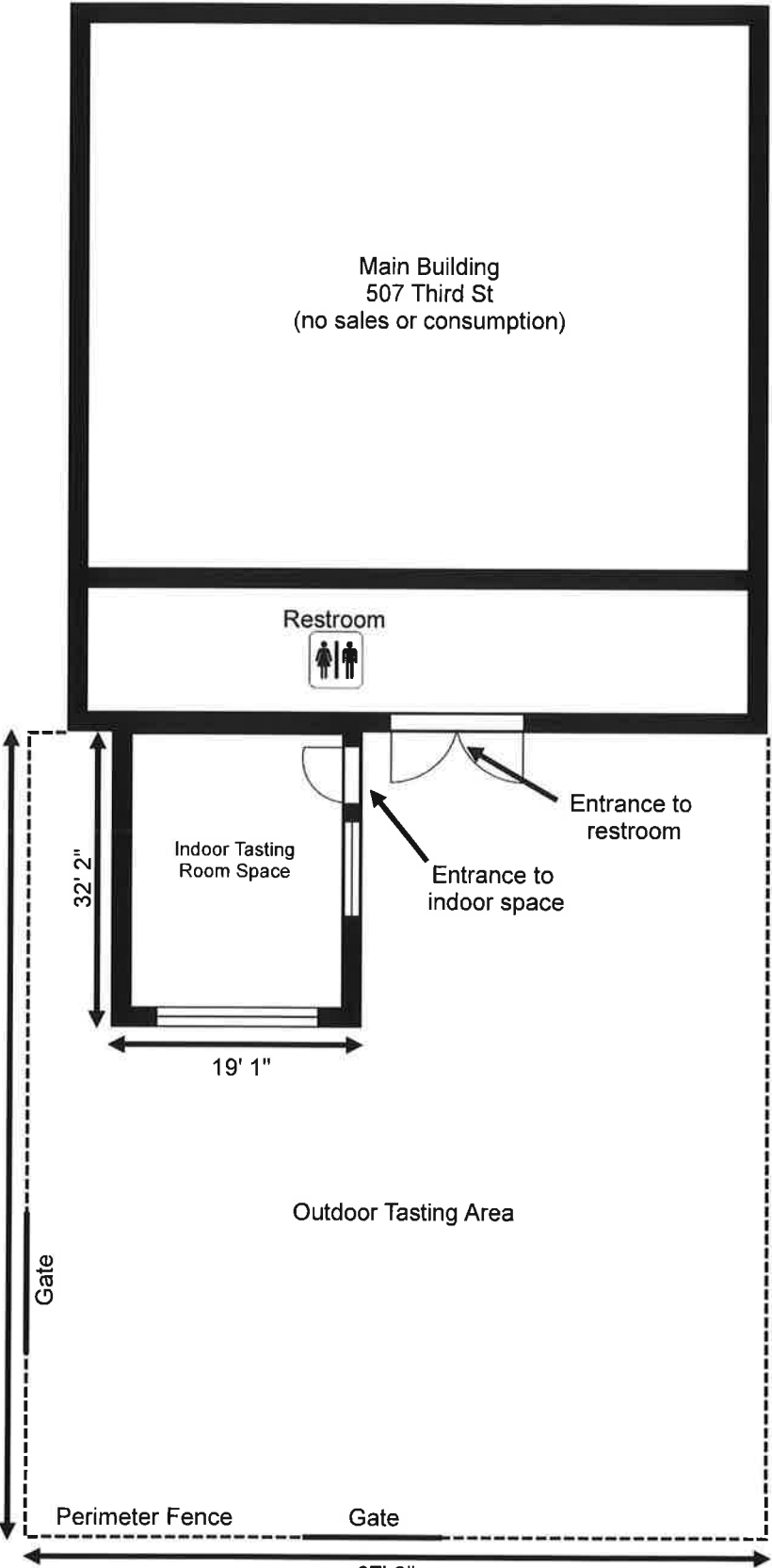
Gate

Perimeter Fence

Gate

67' 3"

Fourth Street



rainy closed



Third St

27

507

607

605

601

506

504

San Jose St

Third St

502

33



507 Third St, San Juan
Bautista, CA 95045

35

San Jose St

Third St

39

San Jose St

505

503

501

Muckelemi St

507

4th St

504

35



499

Glad Tidings

37b

378

Muckelemi St

406

53

Brewery Twenty-Five Tasting Room 507 Third Street (rear of lot), San Juan Bautista, CA

Project Description:

- 1. Is any building designated as a national, state, or local historical structure on the site.**

To the best of our knowledge the building is located outside of the San Juan Bautista Third Street Historic District and has not been placed on the National Register or California Register of Historic resources.

Reference:

https://cms6.revize.com/revize/sanjuanbautistaca/revize_photo_gallery/Map/san-juan-bautista.ca.us_sjb36x36gpmmap2-2.jpg

https://cms6.revize.com/revize/sanjuanbautistaca/document_center/history/san-juan-bautista.ca.us_sjb-third-street-historic-district-original-from-cara-03-13-17.pdf

- 2. Describe the project (indicate the extent of proposed project).**

Brewery Twenty Five is a State and Federally licensed, husband and wife operated, farmhouse craft brewery located four miles from town overlooking the San Juan Valley. We have been manufacturing beer for 8 years and have operated our tasting room at 106 Third Street for 4 years.

After having been closed for on-site consumption for the majority of the pandemic we've realized that ample outdoor space will be key to our future success. We have an opportunity to move our tasting room to the lot behind 507 Third Street.

We're excited for this timely opportunity to grow our small local business despite the challenges this pandemic has brought to many of us in the San Juan Bautista business community. This new space gives us a bigger outdoor

area along with a nice indoor environment so all of our visitors, big & small, have ample room to social distance as they enjoy their visit.

This new space will allow us to continue growing with our community and bring tourism/visitors to San Juan Bautista. Our tasting room/space gives us the opportunity interact directly with local and out of the area visitors, so we can share our story and talk about our beers, as well as teach them about the beer making process. We'll offer family style seating, as well as seating areas for individuals and smaller groups.

Our retail program will include branded gear & packaged beer to-go in growlers, crowlers and in special can/bottle releases. In addition to our artisan beer, we will also offer house-made sodas to accommodate families and non-drinkers.

The Delicious & hearty fare program will be a combination of encouraging patrons to source from our local eateries for enjoyment in house. We will also bring in Pop-Ups that offer unique culinary experiences.

3. List or describe in general the types of buildings and the architecture style proposed for the project.

We are making no changes to the architecture style of the building.

4. Provide any other information that you feel is relevant to this application.

All of our outdoor seating and shade coverings will be moveable/non-permanent.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL

AGENDA TITLE: **AMENDMENTS TO FENCE ORDINANCE 10-01-505 TO INCREASE FENCE HEIGHTS TO MINIMALIZE STATE HIGHWAY 156 USE IMPACTS AND PROHIBIT LOCATION CLOSER THAN THREE FEET FROM A FIRE HYDRANT**

MEETING DATE: May 4, 2021

SUBMITTED BY: Don Reynolds, City Manager

RECOMMENDED ACTION:

It is requested that the City Planning Commission:

1. Review the attached draft revised Ordinance to increase fence heights if needed to mitigate noise or provide screening from adjoining State Highway 156, and ban locations closer to fire hydrants, including environmental review; and,
2. Make a recommendation to the City Council that it approve the environmental review and Ordinance in its revised and current form.

BACKGROUND:

At the April 6 2020, Planning Commission meeting, a draft Ordinance to amend the City's zoning code for fences in residential areas was considered. Several members of the public were concerned that the definition allowing where fences could be higher than the current code, was too liberal in its interpretation. It included properties adjacent to state highways "and non-residential uses." Staff was directed to revise the draft Ordinance limiting the allowance to have high fences to only areas adjacent to State Highway 156.

ENVIRONMENTAL REVIEW

The approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") because pursuant to CEQA Guidelines 18.36.050 any project to construct a fence is exempt from review. The ordinance only addresses the requirements for the construction of fences.

DISCUSSION:

Very simple changes to the April 6 draft are proposed to address the Planning Commission's concerns from the April review of this matter. Section 10-01-505 is amended to read as follows: "the additional height is needed to mitigate noise impacts or provide screening from adjoining State Highway 156." Reference to "non-residential uses" has been removed.

CONCLUSION:

It is recommended that the attached ordinance and environmental review be approved by the Planning Commission and forwarded to the City Council for a first and second reading to pass the Ordinance expeditiously.

Attachments:

Revised Draft Fence Ordinance 10-01-505

EXHIBIT "A"

ORDINANCE 2021-XX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
AMENDING THE SAN JUAN BAUTISTA MUNICIPAL CODE CHAPTER 10-1, TO
REVISE SECTION 10-1-505 TO INCLUDE AN INCREASE IN FENCE HEIGHTS IF
NEEDED TO MITIGATE NOISE OR PROVIDE SCREENING FROM ADJOINING
HIGHWAYS OR NONRESIDENTIAL USE AND TO PROHIBIT FENCES CLOSER THAN
THREE FEET FROM A FIRE HYDRANT**

(EXEMPT FROM CEQA)

WHEREAS, the San Juan Bautista Planning Commission has reviewed the amendment to the Fence Ordinance proposed by staff and recognizes an need for an amendment to decrease noise impacts and increase safety for City residents and recommends that the City Council amend Chapter 10-1, Section 10-1-505 of the City Code to include new subparagraphs (E) and (F) to allow fence heights to be increased to mitigate noise and provide screening from adjoining Highways and Nonresidential uses and to prohibit fences closer than three fee from a fire hydrant; and,

WHEREAS, this project to amend the fence ordinance is exempt from the California Environmental Quality Act under Guideline 18.36.050, which exempts the construction of fences.

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

Section10-1-505 shall be revised to add two new subparagraphs as follows:

(E) The height of a wall or fence along any side or rear yard may exceed the requirements in this Article 5 if the City Manager or his designee determines that the additional height is needed to mitigate noise impacts or provide screening from adjoining State Highway 156. The wall or fence shall not exceed the height necessary to mitigate noise and screen undesirable views.

(F) Fences and walls shall be located to maintain a minimum of three feet of clearance around the circumference of any fire hydrant.

The FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the__ th day of _____, 2021, and was 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:

Mayor Leslie Q. Jordan

ATTEST:

Shawna Freels, City Clerk

APPROVED AS TO FORM:

Deborah Mall, City Attorney



CITY OF SAN JUAN BAUTISTA PLANNING COMMISSION STAFF REPORT

AGENDA TITLE: APPOINTMENT TO THE CITY COUNCIL
SAFETY SUB-COMMITTEE

MEETING DATE: May 4, 2021

SUBMITTED BY: Donald Reynolds, City Manager

RECOMMENDED ACTION:

That the Planning Commission approve the recommendation from the Historic Resources Board and appoint Chair David Medeiros to represent the HRB, and that it appoint its Chair Delgado to represent the Planning Commission and serve on the City Council's Public Safety Subcommittee.

BACKGROUND INFORMATION:

(this report is nearly identical to the matter of similar nature before the Historic Resources Board)

On February 15, 2020, the City Council held a town-hall meeting to discuss its new Strategic Plan. Five focus goals arose as priorities, the fifth goal being "Quality of Life." In the survey that followed the 2020 Strategic Planning exercise, Traffic Safety was one of the top three issues identified by the respondents.

Again, this year, on February 23rd, 2021, the City held a community meeting to update its Strategic Plan. Speaking to the Goal 5 "Quality of Life" the Sherriff shared this slide with the community:

SHERIFF- changes to public safety?

- Currently pay for 25% coverage @\$160,000 – 100% coverage = \$2.3 million
- Does not include traffic safety or animal control (consider?)
- MOU with CHP for Traffic Enforcement (CHP does all County traffic but for Hollister PD)
- Considering the dedicated deputy- pros and cons
- Regional coverage from SJB- recent accident at Hwy 156 and Monterey Street- this is a challenge now
- Grant writers to support this? Need to look outside the org.
- Private Security- unarmed, one patrol officer, hours 10-6 AM (2 patrol officers?)

On March 23, 2021, in a follow-up conversation focused on the Quality of Life, the City Council agreed to form a Public Safety Committee to consider the current safety services and the gaps that may exist between them. Goal 5 was revised to read:

5) Quality of Life

- a. **Enforce ordinances maintaining quality of life, promoting health and safety for the community. Consider a Public Safety Sub Committee to review contracts and services, identify gaps in service (traffic enforcement, emergency preparedness, crime prevention, crime investigation).**

This report seeks the nomination and appointment of a member of the Historic Resources Board to represent the HRB on this Committee.

DISCUSSION:

The role of the Planning Commission (and the Historic Resources Board Planning Commission) in Public Safety policy is mostly focused on what is referred to as the “Built Environment.” The various elements of the General Plan all touch on safety to one extent or another, whether it is traffic circulation, economic development and land use, or the actual “Safety Element” itself. The San Juan Bautista General Plan provides a “Safety Element” of the City in its Section 13. There are 6 goals in this section, and are focused on emergency preparedness, except Goal 5. Goal 5 of Section 13 of the General Plan focuses on crime and crime prevention. While these six goals are very important, they overlook the value of designing a community to be safe.

This is an excerpt from the Minneapolis “General Plan” referred to by title as “Minneapolis 2040.”

Crime Prevention Through Environmental Design (CPTED) is a commonly-used term for designing the built environment to contribute to a sense of safety. The four elements of CPTED are: natural surveillance and visibility; lighting; territorial reinforcement and space delineation, and natural access control. The City of Minneapolis requires all new development to be designed using CPTED principles and encourages the renovation of existing development to conform to CPTED principles. This includes development projects that are both publicly and privately owned as well as those that impact the public realm such as open spaces and parks.

A common best practice of CPTED orients buildings, entrances, and circulation or movement patterns to the street to function as “eyes” that watch over street activity. The success in this approach often lies in the kind of activity that looks out over the street. For example, small scale neighborhood commercial uses located up to the sidewalk provide the most vigilant and alert security force available; owners and tenants have a vested interest in watching over their immediate surroundings. The daily presence of a manager, owner, or tenant brings the stability

and security of commercial activity to a neighborhood. Stores or services can turn isolated areas into hubs for local neighborhood residents.

Features of CPTED building design include incorporating lighting strategically into site and structure design, providing unobstructed views across the property and to and from the public realm, and unobstructed windows for visual surveillance. Expanses of blank walls are avoided and parking is placed behind the building, so as not separate the building from the street.



ACTION STEPS

The City will seek to accomplish the following action steps to use design principles that ensure a safe and welcoming environment when designing all projects that impact the public realm, including open spaces and parks, on publicly-owned and private land.

Here is the link to this document if you want to learn more:

<https://minneapolis2040.com/policies/public-safety-through-environmental-design/>

The HRB recently confronted an unsafe historic structure when challenged by the unsafe conditions of La Casa Rosa. It may be soon challenged to work on a Master Plan for the downtown that brings up benches and furniture, lighting and other critical issues. Certainly as Parklets are built, the balance between safety and a sensitivity to the historic nature of Third Street have to be taken into consideration at the same time.

It is recommended that the Planning Commission recommend to the City Council that they appoint Chair David Medeiros to represent the HRB, and Chair Delgado to represent the Planning Commission on the City Council's Public Safety Committee.

FISCAL IMPACT:

It is hopeful that the Public Safety Committee will have time to meet, and make recommendations to the City Council, to be considered with the new Budget for Fiscal Year 2021/22.

RESOLUTION 2021 - XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA APPROVING THE 2019-2020 CERTIFIED LOCAL GOVERNMENT ANNUAL REPORT

WHEREAS, the Historic Resources Board has reviewed the 2019-2020 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 2019-2020 Certified Local Government Annual Report.

1. The 2019-2020 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 2019-2020 CLG Annual Report 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 May 4, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Yolanda Delgado, Chairperson

ATTEST:

Trish Paetz, Deputy City Clerk



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

AGENDA TITLE: Introduce and conduct a public workshop to discuss 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-XXX of the San Juan Bautista Municipal Code to conform with State regulations relating to Accessory Dwelling Units

MEETING DATE: May 4, 2021

SUBMITTED BY: David Mack, City Planner (Harris & Associates)
Irlanda Martinez, Senior Analyst (Harris & Associates)

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTION(S): Staff recommends the following:

1. Introduce and conduct a public workshop to discuss a proposed Ordinance of the City Council of the City of San Juan Bautista repealing Section 11-04-050 and adding Chapter 11-XXX 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.

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 draft ordinance proposes the changes necessary to comply with State law. In summary, the 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**, which is:
 - Any ADU that is 800 square feet or smaller in size, has a peak height above grade of no more than 16 feet, and has a minimum four-foot-wide side and rear yard setbacks; and
- **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.
- However, such standards shall not apply to Statewide Exemption ADUs.
- 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.
 - 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-1, 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.
- **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, which exempts adoption of an ordinance regarding second units to implement provisions of GOV Sections 65852.2 and 65852.22. Additionally, the Proposed Ordinance is categorically exempt pursuant to CCR, Title 14, Sections 15303 (New Construction or Conversion of Small Structures) and 15305 (Minor Alterations in Land Use/Limitations). 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-XXX of the San Juan Bautista Municipal Code to conform with State regulations relating to Accessory Dwelling Units.