



# City of San Juan Bautista

The "City of History"

[www.san-juan-bautista.ca.us](http://www.san-juan-bautista.ca.us)

## AGENDA SPECIAL PLANNING COMMISSION MEETING

**THURSDAY ~ NOVEMBER 10, 2022 ~ 6:00 P.M.**

**~ PUBLIC PARTICIPATION BY ZOOM ONLY ~**

**Join Zoom Meeting** <https://zoom.us/j/81670311511>

**or call 1 (669) 900-6833**

**Meeting ID: 816 7031 1511**

**THIS MEETING WILL BE CONDUCTED PURSUANT TO GOVT. CODE §54953(e)(1)(A).**

In order to minimize the spread of the COVID 19 virus the Planning Commission is conducting this meeting by Zoom webinar and will be offering alternative options for public participation. You are encouraged to watch the meeting live on Zoom or Facebook.

**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. Comments from other platforms will not be considered during the meeting. If you would like to participate you MUST log in to Zoom.

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](mailto:deputycityclerk@san-juan-bautista.ca.us) not later than 5:00 p.m., November 10, 2022, and will be read into the record during public comment on the item.

In compliance with the Americans with Disabilities Act, 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](http://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](mailto: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 only on Items on the Agenda**
3. **Action Items**
  - A. **Approve Affidavit of Posting the Agenda**
4. **Public Hearing Items**
  - A. **Consider a Use Permit to allow expansion of a Non-Conforming Single Family Residence in the "I" Industrial Zoning District via a Use Accessory Dwelling Unit (ADU) on property located at 830 Mission Vineyard Rd (APN 002-550-019). The Applicant is Olivier Griss.**  
  
**CEQA: The project is exempt from CEQA per CEQA Guideline Sections 15303 (New construction or conversion of small structures)**
5. **Adjournment**

**AFFIDAVIT OF POSTING**

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE ACTING ADMINISTRATIVE SERVICES MANAGER 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 7<sup>th</sup> DAY OF NOVEMBER 2022, 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 7<sup>th</sup> DAY OF NOVEMBER 2022.



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TRISH PAETZ  
ACTING ADMINISTRATIVE SERVICES MANAGER



## CITY OF SAN JUAN BAUTISTA PLANNING COMMISSION STAFF REPORT

**AGENDA TITLE:** Use Permit to allow expansion of a Non-Conforming Single Family Residence in the “I” Industrial Zoning District via Accessory Dwelling Unit (ADU) on property located at 830 Mission Vineyard Rd (APN 002-550-019). The Applicant is Olivier Griss.  
**CEQA:**

**CEQA DETERMINATION:** The project is exempt from CEQA per CEQA Guideline Sections 15303 (New construction or conversion of small structures)

**Iworq Permit No. 206**

**MEETING DATE:** November 10, 2022

**SUBMITTED BY:** Brian Foucht, Community Development Director

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

Staff recommends that *the Planning Commission Adopt a Resolution Approving Use Permit to expand a Non-Conforming Residential Use in a “I” Industrial District via an Accessory Dwelling Unit subject to conditions and based on findings contained in the Resolution attached to the staff report dated November 1, 2022.*

### **A. BACKGROUND INFORMATION:**

**The following Zoning Ordinance provisions establish the basis for consideration of a Use Permit for the subject application for Accessory Dwelling Unit on this property within the Industrial District:**

1. *Zoning Ordinance Section 11-02-050 Permitted and Conditional Uses By Zoning District, Use Matrix* establishes Accessory Dwelling Units are allowed in a residential district (R-1 – R-3 and Mixed use U Districts) i.e. Accessory Dwelling Units are not allowed in Industrial Districts;
2. *Zoning Ordinance Section 1-15-090 Expansion of nonconforming uses and buildings or structures.*

(A) Nonconforming Use. A nonconforming use may only be expanded by securing a conditional use permit pursuant to Chapter 11-20 SJBMC.

3. *Zoning Ordinance Section 04.5-060 Single-unit (R-1) zones*

*(A) Generally. One (1) 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 eight hundred fifty (850) square feet if it has no more than one (1) bedroom or one thousand (1,000) square feet if it has two (2) or more bedrooms.*

*(3) Setbacks. Has a front yard setback that is not less than the setback required in this Title for the zoning district in which it is located, or as illustrated in SJBMC 11-04.5-120, has side and rear setbacks of at least four feet (4'), and complies with applicable Building and Fire Codes.*

*(4) Height. Does not exceed a height of sixteen feet (16'), excepting the creation of a converted accessory dwelling unit within the existing footprint on a property of an existing detached accessory structure.*

*(5) Planning Commission Approval. Any proposed detached accessory dwelling unit that exceeds a height of sixteen feet (16') shall obtain a site plan and design review permit by the Planning Commission pursuant to SJBMC 11-18-030*

**1-15-090 Expansion of nonconforming uses and buildings or structures.**

*(A) Nonconforming Use. A nonconforming use may only be expanded by securing a conditional use permit pursuant to Chapter 11-20 SJBMC.*

**11-20-030 Findings.**

*The following findings are required for a use permit and must be based on substantial evidence in view of the whole record:*

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

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

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

## **B. Discussion**

Residential Uses are not allowed in the “I” (Industrial) Zoning District; therefore, the existing single-family residence on the subject property is considered a “nonconforming use”. Accessory Dwelling Units (ADUs) are permitted in all residential districts “by right” in accordance with the City’s adopted Accessory Dwelling Unit Ordinance referenced above. Attached, detached, converted or junior ADUs are conservatively interpreted as an expansion of the principal non-conforming residential use.

Findings for issuance of a Use Permit referenced generally refer to the absence of any detriment of the of the proposed use on the adjacent and surrounding uses or the City and its residents. The subject property is located in an area where existing uses are rural and semi-rural, and single-family residential uses are typically not associated with subdivisions; but rather are associated with more rural land uses.

The issue to be addressed is whether future conversion of surrounding properties to industrial land use could be constrained if the nature of an expanded residential land use would create conflicts greater than those anticipated with the existing residential use. Given the nature of the proposed expanded residential land use as accessory to a single family residential land use; i.e. the density of the land use is not increased (Govt. Code Section 65852.2.D.(7)). In this respect it is noted that the proposed ADU complies with maximum square foot requirements for detached ADUs (1000 sq.ft.), height (SB 897, 2022 modifies San Juan Bautista ADU ordinance limit of 16’ and allows detached ADUs up to 18’ in height), and proposes extensive setbacks:

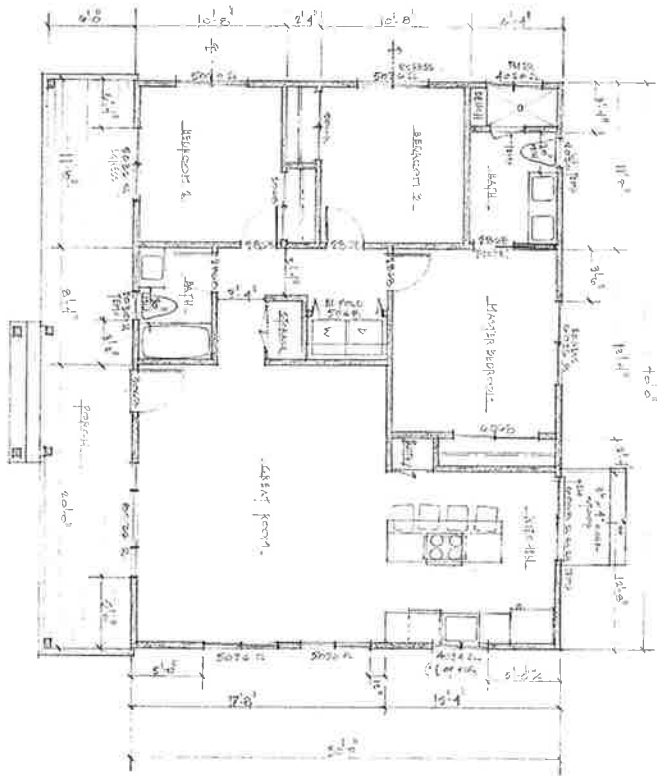
Front – 52’+  
Side – 47’  
Rear – 50’

Therefore, it is not likely that this expansion will create conflicts greater than anticipated with the current residential land use.

### **Attachments**

1. AP Map; Location Map
2. Project Plans
3. Project Location Planning Commission Resolution (includes findings and conditions)

FLOOR PLAN



DATE	1/27/08
BY	GRISS
PROJECT	GRISS
SCALE	AS SHOWN
REVISIONS	

**GRISS A.D.U.**

Oliver & Sarah Griss    oliver.griss@gmail.com    851.521.7024  
 850 Mission Vineyard Road    San Juan Bautista, CA 95045  
 A.P.N. 002 - 550 - 019 - 000

NO.	DESCRIPTION

**ROBIN ALAGA**  
 250 Evening Hill Lane    Corralton, CA 95076  
 Phone (851)724-4994    Cell: (851)419-4919  
 e-mail: alaginc@gmail.com

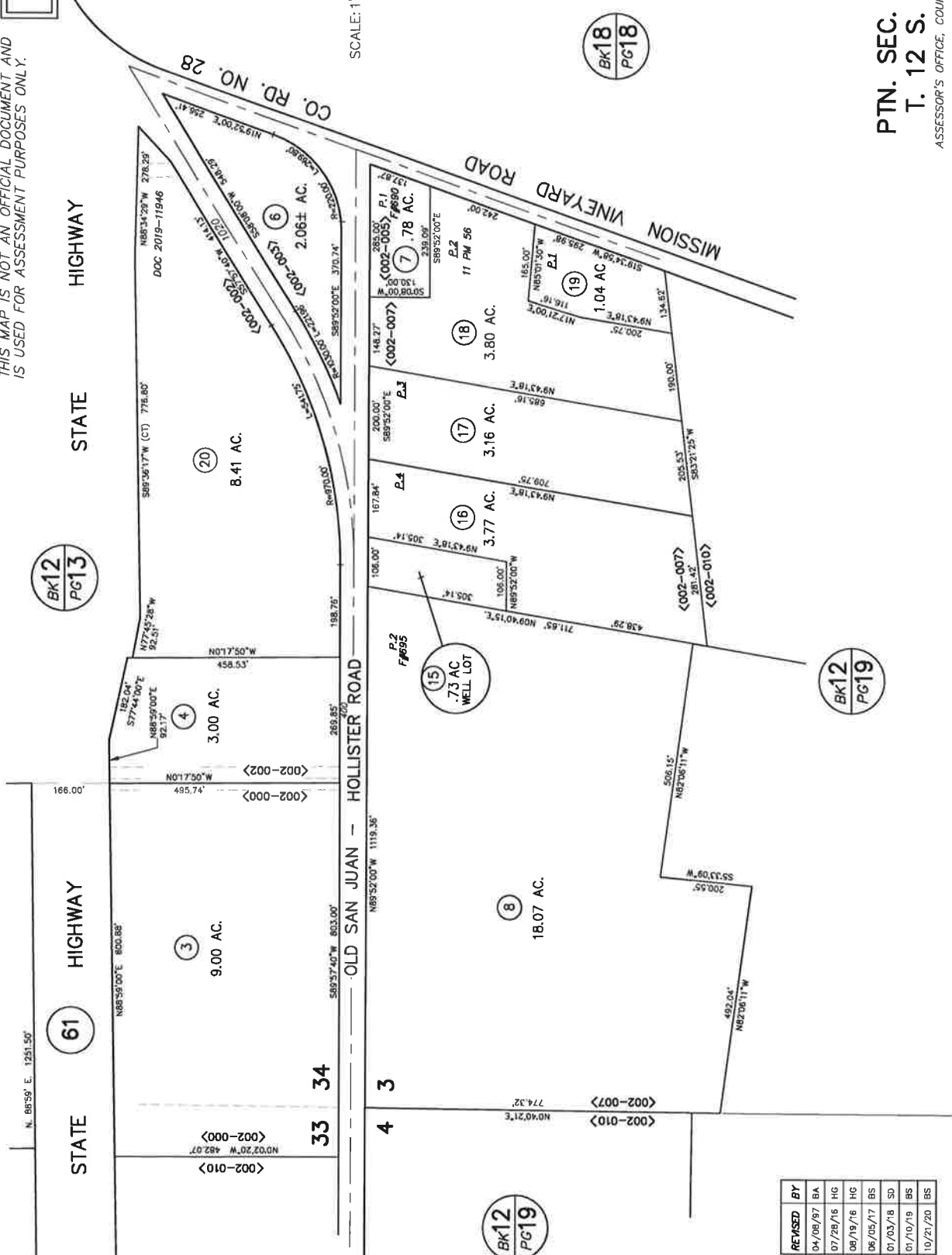




THIS MAP IS NOT AN OFFICIAL DOCUMENT AND IS USED FOR ASSESSMENT PURPOSES ONLY.

BOOK 002 PAGE 55

TRA
02 000
02 002
02 003
02 005
02 007



REASED BY
04/08/97 BA
07/28/16 HG
08/19/16 HG
06/05/17 BS
01/03/18 SD
07/10/19 BS
10/21/20 BS

PTN. SEC. 33 7 34  
T. 12 S. R. 4 E.

ASSESSOR'S OFFICE, COUNTY OF SAN BENITO, CA.



Received

OCT 06 2022

City of San Juan Bautista

830 MISSION VINYARD ROAD

# EXTERIOR COLORS & MATERIALS

## SIDING



Benjamin Moore  
Soft Fern

## TRIM

Benjamin Moore  
2-White

## ROOFING



Certainteed  
Woodland Cedarwood Abbey

## WINDOW SASH

Milgard  
White Vinyl

Received

OCT 06 2022

City of San Juan Bautista



EAST ELEVATION



NORTH ELEVATION

Received  
OCT 06 2022  
City of San Juan Bautista



WEST ELEVATION

Received

OCT 06 2022

City of San Juan Bautista



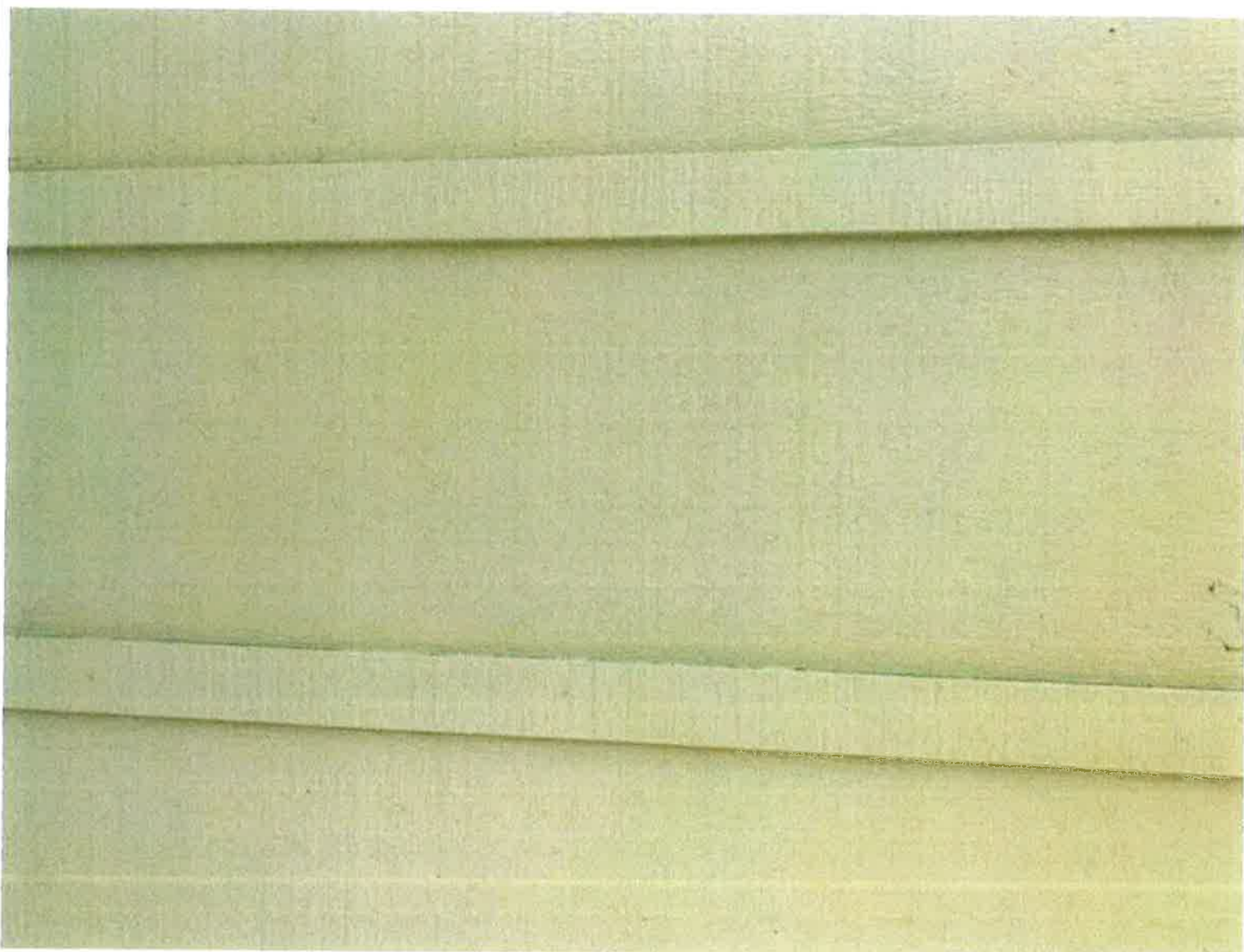
SOUTH ELEVATION

Received

OCT 06 2022

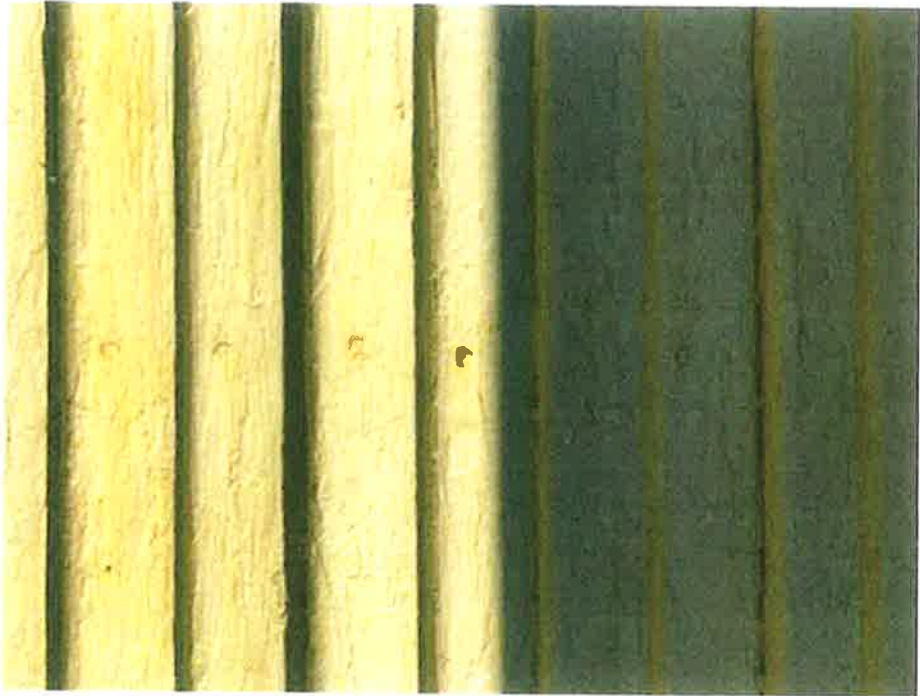
City of San Juan Bautista

SIDING





SIDING



**RESOLUTION 2022-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA APPROVING A USE PERMIT TO ALLOW EXPANSION OF A NON-CONFORMING SINGLE FAMILY RESIDENCE IN THE "I" INDUSTRIAL ZONING DISTRICT VIA AN ACCESSORY DWELLING UNIT (ADU) ON PROPERTY LOCATED AT 830 MISSION VINEYARD RD (APN 002-550-019) (GRISS)**

**WHEREAS**, on August 18, 2022 Dan Devries applied for a Use Permit on behalf of Olivier Griss (Applicant) to allow for expansion of a nonconforming residential use via a 1,200 sq. ft accessory dwelling unit as illustrated on plans dated August 18, 2022 (exhibit A);

**WHEREAS**, the proposed Use Permit to expand a nonconforming residential use via an accessory dwelling unit is Categorically Exempt from CEQA in accordance with Guideline Section 15303 (new construction or conversion of small structures)

**WHEREAS**, the proposed Use, subject to conditions in the attached Exhibit, will enable the following findings:

- (A) Finding: 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 propose project, as depicted on plans dated August 18, 2022 is an accessory dwelling unit that, with conditions, will comply with requirements of San Juan Bautista Municipal Code Section 11-04.5. The proposed expansion via an ADU consistent with, and in excess of, minimum design standards with ministerial development standards of Municipal Code Section 11-04.5 will not exacerbate any future land use conflict that may impair the viability of any future industrial land use.

- (B) Finding: The use will be properly related to other uses, transportation facilities, and other public facilities in the area, and will not cause undue environmental impacts relating to noise, odor, pollution, etc.

Evidence: conditions of approval require that the accessory dwelling unit, as a residential use that is accessory to a single family residence, will comply with Fire, Building and Public Health codes and regulations.

- (C) Finding: 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, as designed referenced in plans dated August 18, 2022 and subject to conditions in the attached Exhibit, will not alter the residential density, or change the manner in which the property is utilized to an extent that would impair the use of surrounding properties, or impair to a greater extent than existing land uses, the improvement of surrounding properties to accommodate industrial land uses.

NOW, THEREFORE, BE RESOLVED that the San Juan Bautista Planning Commission APPROVES expansion of a nonconforming residential use via an accessory dwelling unit on 830 Mission Vineyard Road based on findings and subject to conditions contained in Exhibit A.

**PASSED AND ADOPTED** by the Planning Commission of the City of San Juan Bautista on this 10<sup>th</sup> day of November 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Yolanda Delgado, Chairperson

**ATTEST:**

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Trish Paetz, Planning Commission Secretary

EXHIBIT 'A'  
Conditions of Approval  
830 Mission Vineyard Rd (APN 002-550-019) (Griss)  
November 1, 2022

**Planning Dept.**

1. Prior to the issuance of a Building or Grading Permit applicant shall submit revised plans demonstrating the accessory dwelling is 1000 sq. ft. or less, not including any portion not defined as habitable space.
2. Prior to issuance of a Building or Grading Permit, applicant shall submit written evidence by the Fire Marshall of compliance with Fire Dept and City Engineer Requirements.

**City Engineer**

3. Prior to issuance of a Building, Grading or Encroachment Permit applicant shall submit an engineered site development plan for review and approval in writing by the City Engineer. The site development plan shall include the following:
  - a) Grading Plan showing existing and proposed contours for the building pad, driveway and parking areas.
  - b) Surface water and storm water plan;
  - c) Location of on-site utilities and off site connections
  - d) Parking areas and driveway shall comply with SJB MC Chapter 11-1 *Parking* with respect to dimensions and surfacing. An encroachment permit shall be required for the interface between the on-site driveway and the City Right of Way. The design of driveway entrances to the site shall be reviewed and approved by the City Engineer.
4. Prior to issuance of a Building or Grading Permit applicant shall submit written evidence of review and approval by the San Benito County Environmental Health Dept of septic system(s) serving the existing and proposed residences.

**Fire Dept.**

5. 506.1 **Require a key box** or other approved emergency access device to be installed in an approved location. The key box or other approved emergency access device shall be of an approved type and shall contain keys or other information to gain necessary access as required by the fire code official. Knox automatic key switch, Knox pad lock on a gate or automatic gate.

6. 603.6.6 **Spark arresters.** An approved spark arrester shall be installed on all chimneys, incinerators, smokestacks or similar devices using solid fuel for conveying smoke or hot gases to the outer air.
7. 903.2 **Approved automatic sprinkler systems** shall be provided in all new buildings and structures constructed, moved into or relocated within the jurisdiction. **REQUIRED IF OVER 1200 SQUARE FEET WITH WATER SUPPLY AND WATER STORAGE-1 TANK OR IF MAIN HOME DOES HAVE FIRE SPRINKLERS. IF KEPT BELOW 1200. Sq ft. and main home does not have sprinklers then ADU does not require them.**
8. O103.1 **Driveways** shall be defined as access pathways for one or two parcels. Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent with a maximum side slope of 5%. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. If permitted by the fire code official, grades over 15% shall be paved with perpendicularly grooved concrete. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be 30 feet long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.
9. O103.2 **Gates** providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 14 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box, lock or Knox key switch is required.
10. O104.2 **Addresses for buildings.** Letters, numbers and symbols for addresses shall be a minimum of 4-inch height. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are

required at a single driveway, they shall be mounted on a single sign. Permanent address numbers shall be posted prior to requesting final clearance.

11. O105.1 **Water systems** shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in The San Benito County General Plan, NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available
12. O105.3 **Single parcel fire protection water supply.** For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons (1 tank) 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons (2 tanks). For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply.
13. O105.4 **Fire hydrants and valves.** A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. **More restrictive hydrant requirements may be applied by the Reviewing Authority.** Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. **2 ½ in. wharf fire hydrant acceptable.**
14. O109.1 **Standard defensible space requirements.** Combustible vegetation shall be removed from within a minimum of 100 feet or to the property line from structures, whichever is closer.
15. **Schedule final fire** life safety inspection pay associated fees at 831-636-4325