



City of San Juan Bautista

The “City of History”

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PLANNING COMMISSION REGULAR MEETING TUESDAY, AUGUST 1, 2023, 6:00 P.M.

HYBRID MEETING

City Hall, Council Chambers
311 Second Street, San Juan Bautista, California

AGENDA

ZOOM WEBINAR PARTICIPATION

The meeting can also be accessed by the public in the following methods: Through Zoom (<https://zoom.us/join>) per the instruction stated below, and on Facebook.

Please note: if all Council Members are present in person, public participation by Zoom or viewing on Facebook is for convenience only and is not required by law. If the Zoom or Facebook feed is lost for any reason the meeting may be paused while a fix is attempted but the meeting may continue at the discretion of the presiding officer.

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To participate telephonically:

call 1 (669) 900-6833

Webinar ID: 863 5763 7623

1. CALL TO ORDER

- A. Pledge of Allegiance
- B. Roll Call

2. GENERAL PUBLIC COMMENT

Public comments generally are limited to three minutes per speaker on items that are not on the agenda and are under the City's subject matter jurisdiction. The Chair may further limit the time for public comments depending on the agenda schedule.

3. CONSENT

All matters listed under the Consent Agenda may be enacted by one motion unless a member of the Planning Commission or the public requests discussion or a separate vote.

- A. Approve the Affidavit of Posting Agenda.
- B. Approve the Regular Meeting Minutes of April 11, 2023.
- C. Approve the Regular Meeting Minutes of June 6, 2023.
- D. Approve the Special Meeting Minutes of June 29, 2023.
- E. Approve the Special Meeting Minutes of July 6, 2023.

4. ACTION ITEMS

- A. Consider recommendation of the Historic Resources Review Board regarding a proposed projecting sign 8” H x 24” wide on a property located at 407 Second Street (APN 002-140-001) (Kevin Herrick)**

Recommendation: Approve a Site and Design Review Permit to allow installation of proposed projecting sign.

- B. Appoint an Ad Hoc Committee and Direct Such Committee Regarding Review and Recommendation to the Planning Commission for Amendments to Sections of 11-04-020 and 030 Mixed Use and Commercial and Industrial Districts of the Zoning Ordinance.**

Recommendation: Appoint an Ad Hoc Subcommittee comprised of two members to Review Zoning Code Amendments and make recommendations to the Planning Commission.

5. COMMENTS

- A. Planning Commissioners
- B. Community Development Director

6. ADJOURNMENT

AGENDA MATERIAL / ADDENDUM

Any addendums will be posted within 72 hours of regular meetings or 24 hours of special meetings, unless otherwise allowed under the Brown Act. City Council reports may be viewed at the City of San Juan Bautista City Hall at 311 Second Street San Juan Bautista, and are posted on the City website at 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 Elizabeth Soto, Deputy Clerk, at (831) 623-4661 during normal business hours.

In compliance with the Americans with Disabilities Act, and Govt. Code 54953(e)(1)(A), 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.

PUBLIC COMMENTS PROCEDURES

If you wish to make a general public comment and are attending in person, please fill out a speaker card. If you are attending via Zoom, join the Zoom Webinar, and use the "Raise Hand" or if joining by telephone, press *9 on your telephone keypad icon.

SUBMISSION OF PUBLIC COMMENTS

Written comments may be submitted via mail 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 no later than 3:00 p.m. on the day of the meeting. Written comments will be read into the record provided that the reading does not exceed three (3) minutes.

PUBLIC NOTIFICATION

This agenda was posted on Friday, July 28, 2023, on the bulletin board at City Hall, 311 Second Street, the bulletin board at the City Library, 801 Second Street, the bulletin board at the entrance to the United States Post Office, 301 The Alameda, and the City's website.

Meetings are streamed live at <https://www.facebook.com/cityofsanjuanbautista/> and televised live on local Channel 17 on the date of the regularly scheduled meeting.

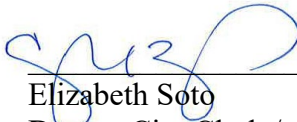
If you challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this meeting, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Please 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.

AFFIDAVIT OF POSTING

I, Elizabeth Soto, do now declare, under the penalties of perjury that I am the Deputy City Clerk / 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 28th day of July 2023, and 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 July 2023.



Elizabeth Soto
Deputy City Clerk / Administrative Services Manager

**CITY OF SAN JUAN BAUTISTA
PLANNING COMMISSION
UNOFFICIAL MEETING MINUTES
APRIL 11, 2023**

1. CALL TO ORDER

Chair Aranda called the regular meeting to order at 6:30 p.m., in the Council Chambers, 311 Second Stret, San Juan Bautista, California.

PLEDGE OF ALLEGIANCE

Commissioner Medeiros led the pledge of allegiance.

ROLL CALL

Present:

Commissioner Jose Aranda
Commissioner Dan DeVries
Commissioner David Medeiros
Commissioner Mishele Newkirk-Smith

Absent:

Commissioner Tony Correia

Staff Present:

Don Reynolds, City Manager
Brian Foucht, Assistant CM/Community Development Director
Trish Paetz, Recording Secretary

2. GENERAL PUBLIC COMMENT

Received general public comments from the following audience members:

Jolene Cosio

Unidentified audience member

Cara Vonk

3. INFORMAL PROJECT REVIEW

No items to report.

4. CONSENT

A. Affidavit of Posting Agenda.

B. Approve the Minutes of March 7, 2023

No public comment received.

MOTION:

Upon motion by Commissioner Medeiros, second by Commissioner DeVries, the Affidavit of posting, and the minutes of March 7, 2023 was approved.

AYES: Commissioners: DeVries, Medeiros, Newkirk-Smith, and Chair Aranda. NOES: None; ABSTAIN: None; ABSENT: Commissioner Correia. Motion Carried.

5. ACTION ITEMS

A. General Plan Amendment and Rezoning of 705 Fourth Street

Community Development Director Brian Foucht provided the report and fielded questions from the Commission. The General Plan Amendment and Rezoning of 705 Fourth Street is for Teatro Campesino. The need for the amendment was brought forward to staff's attention by the property owners and representatives out of concern for the current zoning designation and general plan.

Mr. Foucht added that the property owners requested the item be postpone, but staff recommends the item be tabled pending further consideration by the property owners regarding what they would like to see with zoning and plan designation.

Received comments from the following member of the public:

Wanda Guibert

Cara Vonk

MOTION:

Upon motion by Commissioner DeVries, second by Commissioner Medeiros, to table General Plan Amendment and Rezoning of 705 Fourth Streets was approved.

AYES: Commissioners: DeVries, Medeiros, Newkirk-Smith, and Chair Aranda. NOES: None; ABSTAIN: None; ABSENT: Commissioner Correia. Motion Carried.

6. INFORMATIONAL AND DISCUSSION ITEMS

A. Municipal Codes and Studies Pertaining to Annexation

Assistant City Manager/Community Development Director Brian Foucht provided a brief outlined of the annexation process. The purpose of the sphere of influence is to ensure the provision of efficient services while discouraging urban sprawl and the premature conversion of agricultural and open space lands by preventing overlapping jurisdictions and duplication of services. Staff is doing a comprehensive review of its sphere of influence that involves some consideration of properties that may be added to the city's boundary within the city limits or available for annexation at some future date, or otherwise protected as open space outside that area, within a growth boundary or a or a green belt.

No public comment received.

B. Business Conducted Outdoors/Outdoor Dining

Assistant City Manager/Community Development Director Brian Foucht provided the report and briefly explained the permit process, and the process for obtaining a special event permit.

Chair Aranda stated that he would like to see a Study session be brought forward meeting

Commissioner DeVries requested a study session on how to improve the city's Ordinances specifically, address food trucks on private property.

Received comments from the following members of the public:

Ellen Waddell
Jolene Cosio
Aaron Rickets
Fran Fitzharris
Jim Liebold
Jarad Gallagher
Steve Io
Margot Tankersley
Sean Fitzharris
Jackie Morris-Lopez

Chair Aranda asked staff if it was possible to run a report on citations issued and asked if staff can look into providing a customer service training for dealing with the public.

The Planning Commissioners offered the public their support.

Chair Aranda recessed for a ten-minute break and reconvened the meeting at 9:25 p.m.

C. Downtown Parking Plan

Assistant City Manager/Community Development Director Brian Foucht and City Manager Don Reynolds provided a brief overview and fielded questions from the Commission. Harris and Associates prepared a Preliminary Downtown Parking Study in 2019.

Received comments from the following members of the public:

Jarad Gallagher

7. COMMENTS

A. Planning Commissioners

No comments.

A. Community Development Director

No comments.

8. ADJOURNMENT

Motion to adjourn the meeting by Commissioner Medeiros, second by Commissioner DeVries. All in favor. There being no further business, Chair Aranda adjourned the meeting at 9:52 p.m.

APPROVED:

Jose Aranda, Chair

ATTEST:

Elizabeth Soto, Deputy City Clerk

**CITY OF SAN JUAN BAUTISTA
PLANNING COMMISSION
UNOFFICIAL MEETING MINUTES
JUNE 6, 2023**

1. CALL TO ORDER

Chair Aranda called the special meeting to order at 7:41 p.m. in Council Chambers, 311 Second Street, San Juan Bautista, California. Chambers.

PLEDGE OF ALLEGIANCE

Commissioner Medeiros led the pledge of allegiance.

ROLL CALL

Present:

Commissioner Tony Correia
Commissioner Dan DeVries
Commissioner David Medeiros
Chair Aranda

Absent:

Staff Present:

Don Reynolds, City Manager
Brian Foucht, ACM/Community Development Director
Elizabeth Soto, CMC, Deputy City Clerk

2. GENERAL PUBLIC COMMENT

Received general public comment.

3. INFORMAL PROJECT REVIEW

None

4. CONSENT

- A. Approve the Affidavit of Posting Agenda.
- B. Approve the Minutes of May 9, 2023

No public comment.

MOTION:

Upon motion by Commissioner Correia, second by Commissioner Medeiros, the Consent Agenda was approved.

AYES: Commissioners: Correia, DeVries, Medeiros, and Chair Aranda. NOES: None:

ABSENT: None; ABSTAIN: None. Motion carried.

5. ACTION ITEMS

- A. Consider the recommendation of the Historic Resources Board and consider a Site and Design Review Permit to connect an existing 747 sq. ft. residence to an existing 504 sq. ft. Accessory Dwelling Unit with a 47 sq. ft. connection on property known as 701 Third Street (APN 002-330-009). The Applicant is Isaiah Jimenez.**

Assistant City Manager/Community Development Director Brian Foucht provided the report.

Chair Aranda opened the public hearing.

No public comment received.

Chair Aranda closed the public hearing.

MOTION:

Upon motion by Commissioner Correia, second by Commissioner DeVries, a Site Plan and Design Review Permit subject to conditions, and based on findings contained in the Resolution attached to the staff report dated June 6, 2023, was approved.

AYES: Commissioners: Correia, DeVries, Medeiros, and Chair Aranda. NOES: None:

ABSENT: None; ABSTAIN: None. Motion carried.

- B. Consider a Site and Design Review Permit for development of a two-story Duplex, each unit 1584 sq. ft. and two attached Accessory Dwelling Units (ADUs) on a 10,534 sq. ft. property known as 45 Washington Street (APN 002-410-024). The project has been determined to be Exempt from CEQA per Guideline Sections 15303; New construction of small structures. The Applicant is James Vocolka on behalf of Tyrone Todd;**

Open the Public Hearing and Continue the Hearing Open at the request of the Applicant.

Received comments from the following members of the public:

Jackie Morris-Lopez concerned with parking and the impact during construction.

Cara Vonk stated adding a condition for property owner to pay for a plaque.

Mr. Foucht stated that the public hearing will remain open to receive further comments and will be continued for consideration during the July meeting.

MOTION:

Upon motion by Commissioner DeVries, second by Commissioner Medeiros, to open the public hearing and continue to the July meeting, was approved.

AYES: Commissioners: Correia, DeVries, Medeiros, and Chair Aranda. NOES: None:

ABSENT: None; ABSTAIN: None. Motion carried.

C. Consider the Recommendation of the Historic Resources Board to approve a Site and Design Review Permit for a 36” W x 16” high hanging sign in front of property known as 302 Third Street, (APN 002-160-013) The Applicant is Patricia Bains

Assistant City Manager/Community Development Director Brian provided the report and fielded questions from the Commission. The proposed sign is a metal sign within a wood frame with a total dimension of 3611W x 1611W. The proposed sign is consistent with the attached sign guidelines contained in Chapter 7.0 of the City's design guidelines.

Chair Aranda opened the public hearing.

Received public comments from the following members of the public:

Jackie Morris-Lopez
Leslie Jordan
Fran Fitzharris
Wanda Guibert
Heliena Walton
Dante Bains

Commissioner DeVries stated that he was in favor of continuing the application until it has been determined who is allowed to use the name that is being disputed and further added that the city should not be in favor of one committee over another.

Mr. Foucht stated that it is the city's responsibility to review the applications in accordance with the city's guidelines and regulations.

Chair Aranda closed the public hearing.

MOTION:

Upon motion by Commissioner Medeiros, second by Chair Aranda, a Site and Design Review Permit to allow installation of a 36” W x 16”H hanging sign in front of 302 Third Street, was approved.

AYES: Commissioners: Correia, Medeiros, and Chair Aranda. NOES: Commissioner DeVries:
ABSENT: None; ABSTAIN: None. Motion carried.

6. INFORMATIONAL AND DISCUSSION ITEMS

A. Zoning Ordinance Review: workshop schedule and organization (material to be distributed prior to the meeting).

Assistant City Manager/Community Development Director Brian Foucht suggested starting with covering the entitlements portion of the zoning ordinance. Mr. Foucht added that operation zoning ordinance in terms of conditional use permit, site design review permits, where they apply and anything related to subdivisions or other kinds of developments that relate those to those permits.

Chair Aranda suggested scheduling the workshop in July following the Historic Resources Board meeting.

No public comments received.

B. Discussion of alternatives for outdoor uses in commercial and industrial districts: workshop schedule and organization (material to be distributed prior to the meeting)

Assistant City Manager/Community Development Director Brian Foucht provided the report and announced the city issued a temporary use of land permit with some standards for issuance of that permit that provide a starting point for discussion in a workshop setting.

Chair Aranda asked about coming up with a solution regarding outdoor dining once the parklets are removed. Mr. Foucht suggested having this item discussed at a workshop and inviting the public to attend.

No public comment.

C. Comprehensive Economic Development Strategy; Economic Development Citizen Advisory Committee (EDCAC) report; Strategic Plan update and discussion. (material to be distributed prior to the meeting).

Assistant City Manager/Community Development Director Brian Foucht provided the report and announced that there is a lot happening in terms of Economic Development. The Economic Development Citizen Advisory Committee (EDCAC) are now hybrid meetings and are open to the public.

No public comment.

7. Comments

A. Planning Commissioners

Chair Aranda thanked Community Development Director and announced that he attended the customer service training held on Saturday, June 3rd.

Mr. Foucht asked the Commission if there was any items that they would like to see discussed to have those sent to him so that he can add them to the running list.

No public comment.

B. Community Development Director

None

8. ADJOURNMENT

Motion to adjourned the meeting by Commissioner Correia, second by Commissioner Medeiros. All in favor. There being no further business, Chair Aranda adjourned the meeting at 8:54 p.m.

The July meeting scheduled be rescheduled to Tuesday, July 11, 2023 due to the Fourth of July holiday.

APPROVED:

Jose Aranda, Chair

ATTEST:

Elizabeth Soto, Deputy City Clerk

**CITY OF SAN JUAN BAUTISTA
PLANNING COMMISSION
UNOFFICIAL MEETING MINUTES
JUNE 29, 2023**

1. CALL TO ORDER

Chair Aranda called the special meeting to order at 6:01 p.m. in Council Chambers, 311 Second Street, San Juan Bautista, California. Chambers.

PLEDGE OF ALLEGIANCE

Commissioner Medeiros led the pledge of allegiance.

ROLL CALL

Present:

Commissioner Tony Correia
Commissioner Dan DeVries
Commissioner David Medeiros
Chair Aranda

Absent:

Staff Present:

Don Reynolds, City Manager
Brian Foucht, ACM/Community Development Director
Elizabeth Soto, CMC, Deputy City Clerk

City Manager Don Reynolds welcomed the public and announced that this month's utility bill would have a quarterly update to ensure the community is informed about what is going on in the city.

2. 2023-2031 GENERAL PLAN HOUSING ELEMENT UPDATE & FAIR HOUSING ANALYSIS

Brian Foucht, AICP, Acting City Manager/Community Development Director, introduced Isacc George, consultant. Mr. George provided a PowerPoint presentation on the 2023 General Plan Housing Element Update and Fair Housing Analysis. Mr. George explained that a housing element is a City's vision and a plan on how best to provide housing for all income groups within the City and affirmatively furthering fair housing. The housing element must be updated every eight years.

Demographic Data

Population (2020 Decennial): 2,089

Hispanic or Latino: + 60%

Households (2021 ACS): 699

Owner occupied (2021 ACS): 56.37%
 Persons per HH (2021 ACS): 2.68
 Median HH Income (2021 ACS) - \$92,404
 Poverty (2021 ACS – 6.7% (All female headed households).

6th (2023-2031) Cycle Regional Housing Needs Allocation (RNHA)

	<u>Very-Low</u>	<u>Low</u>	<u>Mod.</u>	<u>Above-Mod.</u>	<u>Total</u>
San Benito County	1,110	890	947	2,058	5,005
Hollister	846	678	826	1,813	4,163
San Juan Bautista	18	14	18	38	88
Unincorp. San Benito	246	198	103	207	754

Fair Housing Indicators

1. Diversity Index (Racial and Ethnic Diversity): 1 to 100%
 GINI Index (Income Disparity): 1 to 10
2. Dissimilarity Index (uneven distribution of racial or ethnic populations in different neighborhoods). Index is available at County level (0.50 out of 1).
3. Racially or Ethnically Concentrated area of Poverty (R/ECAP).
 The correlation assumes that the lower the income, the higher the diversity of population.
4. Racially Concentrated Areas of Affluence (RCAA):
 Any census block in the city with a median household income of \$125,000 and a population that is 80 percent or more white.
5. Disparities in Access to Opportunities:
 Census tracts are categorized as Highest Resource, High Resource, Moderate Resource, Moderate Resource (Rapidly Changing), Low Resource, or areas of High Segregation and Poverty.
6. Disproportionate Housing Needs.
 Over payment, Cost burdens
7. Displacement
 Displacement occurs when households are forced to move because they are evicted or their building was torn down, often to make way for new and more expensive development.
8. Site Inventory

The RHNA sites not concentrated in areas with high racial or ethnic populations, persons with disabilities, female-headed households, senior households, or Low-and-moderate income (LMI) households.

9. Identification of Contributing Factors, Goals and Actions:

The programs in the Housing Element previously discussed are created in light of the findings of the fair housing analysis and needs of the community.

The following members of the public commented on the report:

Cara Vonk

Jackie Morris-Lopez

Stephanie Reck, Assistant Planner, County of San Benito County Resource Management Agency

Mr. George stated that so the next steps are to prepare the draft report, review by the Planning Commission, review by City Council, review by the State, and finally adoption of the plan.

Spanish interpretation was available during the meeting.

3. ADJOURNMENT

There being no further business, Chair Aranda adjourned the meeting at 7:56 p.m.

APPROVED:

Jose Aranda, Chair

ATTEST:

Elizabeth Soto, Deputy City Clerk

**CITY OF SAN JUAN BAUTISTA
PLANNING COMMISSION
UNOFFICIAL MEETING MINUTES
JULY 6, 2023**

1. CALL TO ORDER

Chair Aranda called the special meeting to order at 5:30 p.m. in Council Chambers, 311 Second Street, San Juan Bautista, California.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Commissioner Tony Correia
Commissioner Dan DeVries
Commissioner David Medeiros
Chair Aranda

Absent:

Staff Present:

Brian Foucht, ACM/Community Development Director
Don Reynolds, City Manager
Elizabeth Soto, CMC, Deputy City Clerk

2. ACTION ITEMS

A. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS) FOR THE PERIOD 2023-2027

Brian Foucht, AICP, Acting City Manager/Community Development Director, introduced Stephen Wahlstrom, Principal Wahlstrom & Associates; and Marie Jones, Marie Jones Consulting. Stephen Wahlstrom and Marie Jones presented the Comprehensive Economic Development Strategy (CEDS).

The Planning Commission and the members of the public present stated that they would like to see the following added to the Comprehensive Economic Development Strategy (CEDS) Report that will be presented to the City Council during their July 18th meeting.

- Develop and promote an SBC wine trail destination
- Develop a regional - scale performing arts venue at the Cement Plant El Teatro Campesino
- Develop recreation resources within the San Juan Canyon and Anza Trail
- Develop and brand San Juan Bautista as a Pinnacles Gateway
- Creative placemaking enhancements within The Alameda / Third Street corridor
- Develop San Juan Bautista as an arts destination and center

- Develop an event center venue perhaps with accommodations
- Develop a Visitor Center
- Land use development focused on employment rather than housing

The Planning Commission held an interactive meeting that included participation by the members of the public present in Chambers and via Zoom.

The following members of the public commented on the report:

Darlene Boyd

Jackie Morris-Lopez

MOTION:

Upon motion by Councilmember Medeiros, second by Aranda, the Planning Commission Recommends the City Council approve the Draft Comprehensive Economic Development Strategy (CEDS) Report, as presented to include the recommendation made by the Planning Commission.

AYES: Commissioners: Correia, DeVries, Medeiros, and Chair Aranda; NOES: None;
ABSTAIN: None; ABSENT: None. Motion Carried.

3. DISCUSSION ITEMS

A. Outdoor Uses and Activities in the Mixed Use and Commercial Districts

Assistant City Manager/Community Development Director Brian Foucht provided the report and provided the PowerPoint presentation. Mr. Foucht provided a reviewed of the Preliminary Draft Zoning Ordinance Amendments to Municipal Code Zoning Ordinance Chapter 11-04.

There were complaints from local merchants regarding ongoing, “pop up” outdoor retail activities within the City’s commercial areas in conflicted with the indoor - only requirement resulted in the staff making available to local businesses the option of a Temporary Use of Land Permit (TULP - Zoning Ordinance Chapter 11-19. Assistant City Manager/Community Development Director Brian Foucht stated that the TULP provided temporary relief that expires November 27, 2023 for approximately nine (9) businesses that have come to depend on these activities, enabling staff time to organize Planning Commission review without the necessity to immediately suspend the provision altogether.

The Planning Commission will have the opportunity to establish an Ad Hoc committee during their next meeting to review Zoning Ordinance Chapter 11-04.

No public comment.

Commissioner DeVries requested that there be special meetings only when they are necessary.

4. ADJOURNMENT

There being no further business, Chair Aranda adjourned the meeting at 8:31 p.m.

APPROVED:

Jose Aranda, Chair

ATTEST:

Elizabeth Soto, Deputy City Clerk



CITY OF SAN JUAN BAUTISTA PLANNING COMMISSION STAFF REPORT

DATE: AUGUST 1, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

BY: BRIAN FOUCH, COMMUNITY DEVELOPMENT DIRECTOR

TITLE: CONSIDER HISTORIC RESOURCES BOARD
RECOMMENDATION REGARDING A SITE AND DESIGN
REVIEW PERMIT FOR SIGN PERMIT FOR 407 SECOND
STREET (APN 002-140-001) IWORQ NUMBER 237

RECOMMENDED ACTION(S):

Staff recommends that:

The Planning Commission accept the recommendation of the Historic Resources Review Board and Approve a Site Plan and Design Review Permit for a projecting sign for 407 Second Street as referenced in attachments to the staff report dated August 1, 2023.

PROJECT DESCRIPTION:

The proposed sign is a simple composite aluminum (color and material) metal sign with a total dimension of 8"H x 24"W x 1/8" thick. The sign will be a projecting sign located above the door to the business as shown in the attached photo and diagram.

ANALYSIS

The proposed sign is consistent with the NPR Preservation Brief guidance, below and the City's sign guidelines contained in Chapter 7.0 of the City's design guidelines, with respect to size, scale, appearance (simple and handcrafted, legibility, colors (composite aluminum), materials (metal), and orientation (easily read by pedestrians)

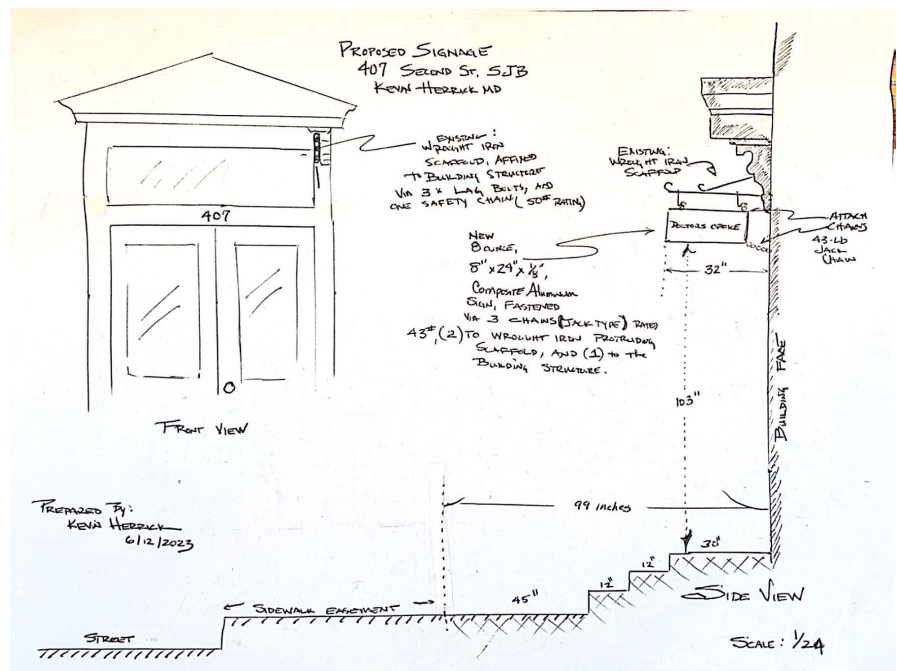
The proposed sign is consistent with NPS Preservation Brief 25 as follows:

- Signs should be viewed as part of an overall graphics system for the building. They do not have to do all the work by themselves. The building's form, name and outstanding features, both decorative and functional, also support the advertising function of a sign.
- Signs should work with the building, rather than against it. New signs should respect the size, scale and design of the historic building. Often features or details of the building will suggest a motif for new signs.

- Sign placement is important: new signs should not obscure significant features of the historic building. (Signs above a storefront should fit within the historic signboard, for example.)
- new signs should also respect neighboring buildings. They should not shadow or overpower adjacent structures.
- Sign materials should be compatible with those of the historic building. Materials characteristic of the building's period and style, used in contemporary designs, can form effective new signs.
- New signs should be attached to the building carefully, both to prevent damage to historic fabric, and to ensure the safety of pedestrians. Fittings should penetrate mortar joints rather than brick, for example, and sign loads should be properly calculated and distributed. "

ATTACHMENTS:

Proposed Sign Plans Sign Guidelines



CHAPTER 7.0

Sign Guidelines

The following design guidelines should be considered prior to developing signs for any project. These design guidelines focus primarily on the Third Street area and are intended to complement other requirements for signs found in the San Juan Bautista Zoning Ordinance.

7.1 Design

1. The scale of signs should be appropriate for the building on which they are placed and proportionate to the area in which they are located.
2. Signs should be constructed to give an appearance of hand craftsmanship. Three-dimensional hand carved and hand painted signs are strongly encouraged. Preferred materials are wood or metal with a weathered appearance. High-density pre-formed foam or similar sturdy synthetic materials are appropriate if designed in a manner consistent with these guidelines and painted or otherwise finished to compliment the architecture. Plastic sign faces are strongly discouraged.
3. Signs should not obscure a building's architectural features. A well-designed building facade or storefront is created by the careful coordination of sign and architectural design and overall color scheme.
4. Pedestrian-oriented signs are strongly encouraged. Pedestrian-oriented signs are signs that are designed for and especially directed toward pedestrians so that they can easily and comfortably read the sign as they stand adjacent to the business.

7.2 Color

1. Color is one of the most important aspects of visual communication - it can be used to catch the eye or to communicate ideas or feelings. Colors should be selected to contribute to legibility and design integrity. Even the most carefully thought out sign may be unattractive and a poor communicator because of poor color selection. Too many colors, if thoughtlessly used, can confuse and negate the message of a sign.
2. Contrast is an important influence on the legibility of signs. A substantial contrast should be provided between the color and material of the background and the letters or symbols to make the sign easier to read in both day and night. Light letters on a dark background or dark letters on a light background are the most legible.
3. Colors or color combinations that interfere with legibility of the sign copy or that interfere with viewer identification of neighboring signs should be avoided.
4. Sign colors should complement the colors used on the buildings.

7.3 Sign Legibility

1. An effective sign does more than attract attention. It communicates a message. Usually, this is a question of the readability of words and phrases. The most significant influence on legibility is lettering. The following criteria should be considered in the design of signs.
2. The number of lettering styles should be limited in order to increase legibility. A general rule to follow is to limit the number of different letter types to no more than two for small signs and no more than three for larger signs. Intricate typefaces and symbols that are difficult to read reduce the sign's ability to communicate.
3. A brief message should be used. The fewer the words, the more effective the sign. A sign with a brief, succinct message is easier to read and looks more attractive. Evaluate each word. If the word does not contribute directly to the basic message of the sign, it detracts from it and probably should be deleted.
4. Letters and words should not be spaced too close together. Crowding of letters, words, or lines will make any sign difficult to read. Conversely, over spacing these elements causes the viewer to read each letter individually, again obscuring the message. As a general rule, letters should not occupy more than 75% of the sign panel area.
5. Hard-to-read, intricate typefaces and symbols should be avoided. Typefaces and symbols that are difficult to read reduce the sign's legibility.
6. The use of appropriate symbols and logos in place of additional words is encouraged. Pictograph images will usually register more quickly in the viewer's mind than a written message.

7.4 Sign Size

1. The commercial and mixed-use areas of San Juan Bautista are envisioned to be areas of high pedestrian activity. Signs should be oriented to pedestrians and should be of a pedestrian scale.
2. A pedestrian-oriented sign is usually read from a distance of fifteen to twenty feet; a vehicle-oriented sign is viewed from a much greater distance. The closer a sign's viewing distance, the smaller the sign should be.

Pedestrian-Oriented Signs: Lettering Size

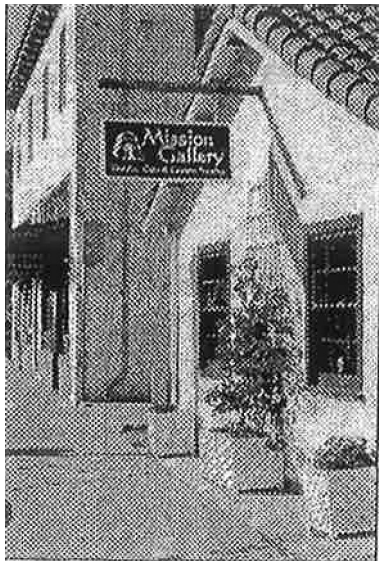
Minimum Character Size (inches)	Intended Reading Distance (feet)
1.0	10
1.5	20
2.0	30
2.5	40
3.0	50

7.5 Sign Type

Preferred sign types for San Juan Bautista businesses include the following:

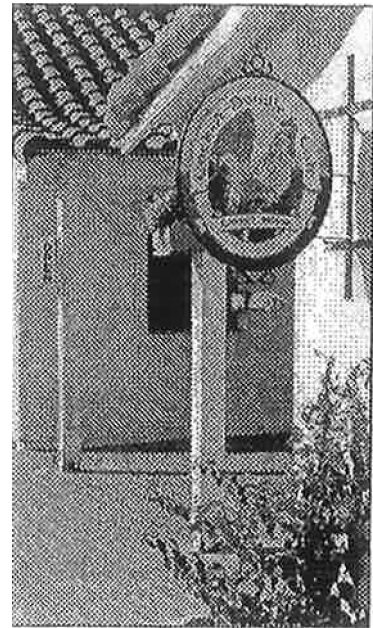
Projecting

1. To create pedestrian-oriented environments, small projecting signs are most appropriate. Signs should relate the sidewalk instead of motorists. In these locations, signs should be placed close to the store entrance.
2. Projecting signs shall be placed only on ground floor facades except in instances where a second story houses offices or stores and access is provided via balconies or verandas.



Desirable pedestrian-scaled projecting signs

3. The sign should be hung at a 90% angle from the face of the building. It should be pinned at least 6 inches away from the wall for best visibility.



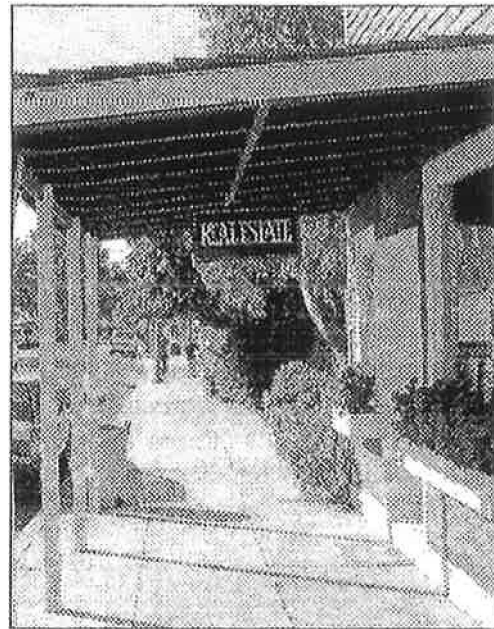
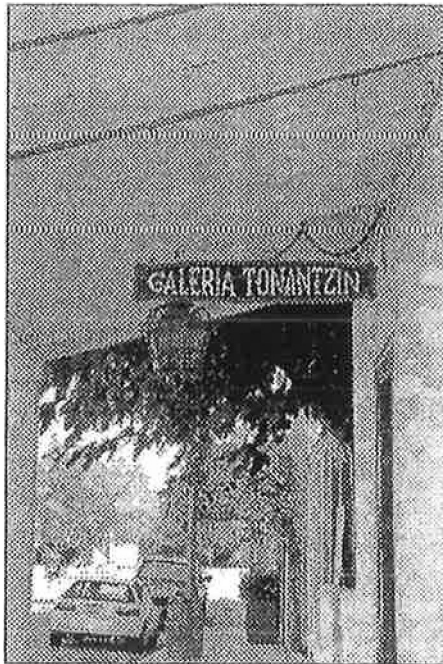
Projecting signs help create pedestrian-oriented environments

4. Consistent with the zoning ordinance, at least a seven (7) foot pedestrian clearance shall be maintained from the sidewalk level.
5. Decorative iron brackets that support projecting signs are encouraged. Well-designed wood brackets may also be appropriate. The lines of the bracket should harmonize with the shape of the sign. To avoid damaging stone and

woodwork, brackets should be designed so that they can be bolted into masonry joints when possible.

Hanging Signs

1. Where overhangs or covered walkways exist, hanging signs are appropriate. Signs should be hung over the pedestrian right-of-way. Consistent with the zoning ordinance, a seven (7) foot clearance is required.
2. Hanging signs should be simple in design and not used to compete with existing signage at the site (i.e. wall signs, projecting signs).



Simple hanging signs are encouraged

Wall Signs



Wall signs should be consistent with building scale and proportions.

1. Signs should be placed consistent with the proportions and scale of the elements within the structure's facade. A particular sign may fit well on a plain wall area, but might overpower the finer scale and proportion of a lower storefront. A sign which is appropriate near an entry may look tiny and out of place above the ground level.

PLANNING RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA APPROVING A SITE PLAN AND DESIGN REVIEW PERMIT FOR A SIGN PERMIT FOR A 36"W x 16"H PROJECTING SIGN FOR 407 SECOND STREET (APN 002-140-001)

WHEREAS, Kevin Herrick (Applicant) applied for Site Plan and Design Permit for a sign permit to install a hanging sign, in front of business located at 407 Second Street; and

WHEREAS, the sign is 8" H x 24" W 1/8" thick metal sign (composite aluminum material and color) that complement the building color and is consistent with Design Guidelines for signs adopted by the City, with respect to size (approx. 1.5 sq.ft)(, scale, appearance (simple and handcrafted, legibility, colors (composite aluminum color and material with black lettering and orientation (easily read by pedestrians); and

WHEREAS, the Historic Resources Board has recommended approval of the proposed sign based on consistency of the proposed sign with Sign Design Guidelines and National Park Service Preservation Brief 25 recommendations for new signs on historic buildings; and

WHEREAS, these circumstances enable all findings for Site and Design Review to be made in pursuant to Zoning Ordinance Chapter 11-18, incorporated herein by reference based on evidence in the record of Historic Resources Board and Planning Commission review.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of San Bautista APPROVES a Site Plan and Design Permit for a 8" H x 24" W x 1/8" thick projecting sign as depicted in the Exhibit "A" based on findings and subject to conditions recommended by the Historic Resources Board as referenced herein.

PASSED AND APPROVED by the San Juan Bautista Planning Commission on this 1st day of August, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

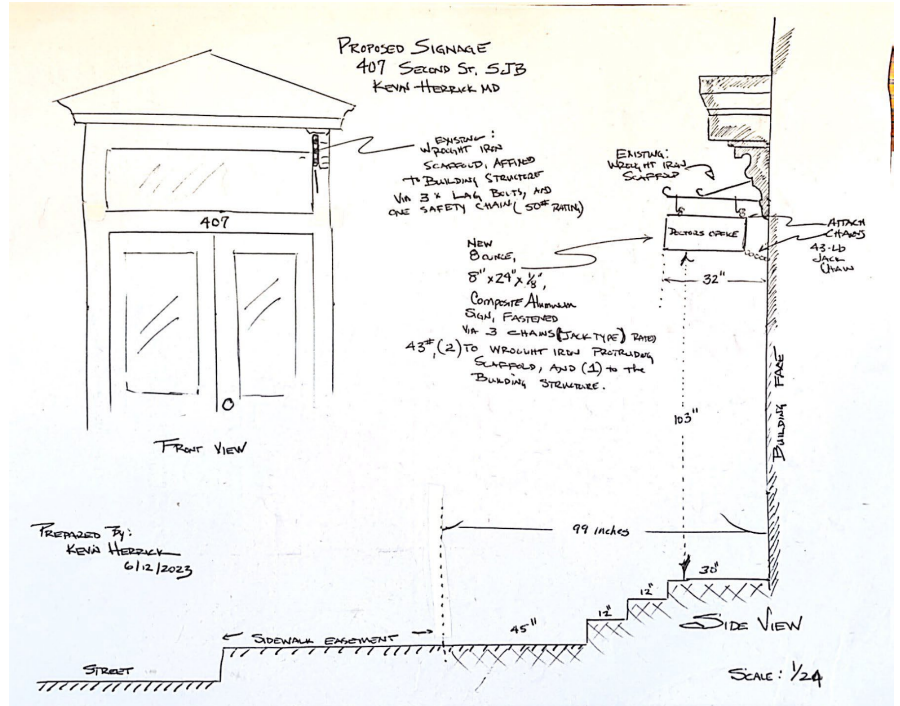
APPROVED:

Jose Aranda, Chair

ATTEST:

Elizabeth Soto, Deputy City Clerk

EXHIBIT A
Approved Projecting Sign
407 Second Street
(APN 002-140-001)





CITY OF SAN JUAN BAUTISTA PLANNING COMMISSION STAFF REPORT

DATE: JULY 6, 2023

BY: BRIAN FOUCHT, ASST CITY MANAGER, COMMUNITY
DEVELOPMENT DIRECTOR

TITLE: DISCUSSION: PRELIMINARY DRAFT ZONING ORDINANCE
AMENDMENTS TO ZONING ORDINANCE CHAPTER 11-04

RECOMMENDED ACTION(S):

Staff recommends that the Planning Commission review the attached preliminary draft Zoning Ordinance Amendment and discuss any desirable changes; i.e. what changes (additions/deletions/organization, would you like to see?

BACKGROUND:

During March and April 2023 City staff received several complaints from local merchants and during Special Events regarding the conduct of outdoor dining and outdoor retail sales in the City. Complaints resulted in enforcement by staff of two key sections of the Zoning Ordinance:

Section 11-04-030 (B) with states: *All uses shall be conducted entirely within an enclosed building with the exception of outdoor dining as an accessory to a restaurant use and outdoor sales display of merchandise in conjunction with antique shops, flower shops, art galleries and similar specialty and craft businesses...AND*

Section 11-02-050 Permitted and conditional uses by zoning district, use matrix.

Use (Commercial)	R-1	R-2	R-3	C	MU	I	P	PF	A
Outdoor dining as an accessory use to a principal on-site restaurant				C	C				

It is generally recognized that Zoning Ordinance Section 11-04-030 (B) provision requiring all uses to be conducted indoors is 1) overly restrictive as it applies to retail commercial activities in the downtown area; and 2) is not appropriate within the set of performance standards that generally prohibit effects of any business from adversely affecting surrounding land uses (11-04-030 (A), (C) and D. Restrictions in Section 11-04-030 (B) were therefore questioned regarding whether they are reasonable and necessary and whether they promote the good of the entire community consistent with the General Plan. In particular, to achieve the Goal ED 1 “*A vibrant, robust, and diversified local*

economy”, Objective ED 1.2 seeks to “*Increase the number of locally-serving businesses*” via Policy ED 1.2.1 to “*Remove regulatory barriers to locating locally-serving businesses in the City.*”

On May 16, 2023 the City Council directed the Planning Commission to evaluate and recommend to the City Council alternatives for amendment of Zoning Ordinance Section 11-04-030 and any related Zoning Ordinance provisions, consistent with the General Plan (attached City Council staff report May 16, 2023).

Coincidentally, City staff continued to receive complaints from local merchants regarding ongoing, “pop up” outdoor retail activities within the City’s commercial areas in conflicted with the indoor - only requirement. Some of these activities had apparently been historically operating in the community for quite some time, including participation by several local businesses, without intervention by the City to enforce these provisions. These activities included personal services, sale of food products, and product sales on a temporary basis and typically on properties with “brick and mortar” businesses.

Staff recognized several factors that required intervention:

- 1) The City had not consistently enforced relevant Zoning Ordinance provisions;
- 2) The City Council direction to the Planning Commission would likely take several months to complete;
- 3) several local businesses consistently hold and dependent upon “outdoor, pop-up” retail activities;
- 4) The more active summer visitor months were just ahead.

Therefore, staff made available to local businesses the option of a Temporary Use of Land Permit (TULP - Zoning Ordinance Chapter 11-19; attached) for businesses that met certain qualifications (see attached application form) This provided temporary relief that expires November 27, 2023 for approximately nine (9) businesses that have come to depend on these activities, enabling staff time to organize Planning Commission review without the necessity to immediately suspend the provision altogether.

PROJECT DESCRIPTION AND DISCUSSION:

Pursuant to City Council direction, Staff has prepared the attached *preliminary draft Zoning Ordinance amendment as a starting point for discussion* regarding changes to regulations concerning outdoor commercial activities (note these changes do not address mobile food vendors on public streets, as these will require a separate discussion and review of alternatives):

1. Retain existing pedestrian – oriented development standards and incentives that apply to new development in the MU District;
2. Establish separate provisions that address outdoor product displays and sales, conduct of personal services and outdoor dining within the Commercial and Mixed Use Districts;
3. Establish a 3 - tier permit regime, similar to that applied to Home Occupation Permits as follows:

- a) Outdoor displays of products are permitted subject to current restrictions that operate to prohibit out door display of general merchandise; i.e. limited to specialty stores;
- b) *A new Administrative Permit* will authorize outdoor commercial activities that meet specified standards;
- c) *A new Use Permit requirement* for businesses that desire outdoor activities that exceed conditions for Administrative Permit;
- 4. Retain the Use Permit requirements for certain uses in the “I” District and maintain the requirement that activities in the Industrial Areas are conducted within an enclosed building unless a Use Permit is issued allowing such outdoor activities;
- 5. Separate 11-04-030 performance standards for uses in the MU, Commercial and Industrial Districts that address health and safety and general welfare considerations from other provisions that affect the opportunity for outdoor retail commercial activities outside an enclosed building.

Attached:

Preliminary Draft ZO amendment For Discussion

Existing ZO

Additional Standards

1-04-020 Mixed Use(MU), Commercial (C) Districts and Industrial (I) Districts.

A. The following shall apply to projects, uses and activities and within the MU district:

1. Within the area of the MU district bounded by Second Street, Muckelemei Street, Fourth Street, and Franklin Street, upon the redevelopment of any existing site or upon the development of a vacant site, no parking shall be allowed between the front and/or streetside property line and the building.
2. Within the MU district, new projects that are exclusively residential (i.e., that do not include a commercial component) shall not be allowed unless one hundred percent (100%) of the project meets an identified affordable or special housing need as defined by Chapter [11-09](#) SJBMC, Inclusionary Housing.
3. Projects that are exclusively commercial are permitted in the mixed use district where it is infeasible to include a mix of uses.
4. Residential units shall not be located on street level, except when provided in the rear of a horizontally developed mixed use project.
5. For building facades that face an abutting street, a minimum of fifty percent (50%) of the ground floor facade shall include windows and/or doors. The building facade shall be designed so a blank wall without a window or doorway is no greater than twenty feet (20') in length.
6. A minimum of fifty percent (50%) of the lot frontage abutting a street shall be occupied by a building facade. For lots with three (3) or more street frontages, this standard shall apply to two (2) lot frontages.
7. In order to achieve the type and quality of development and revitalization envisioned by the General Plan for the MU districts, certain development incentive bonuses are established (see subsection (I) of this Section) to encourage developers and property owners to provide special needs housing and pedestrian amenities, as described in subsection (H) of this Section. Incentive bonuses may be granted at the discretion of the City Manager or designee and nothing contained herein shall obligate the City Manager or designee to provide any of the bonuses.

8. Pedestrian Amenity Improvements

(a) Pedestrian Linkages. In order to qualify for pedestrian linkage bonuses, a development project must include pedestrian linkages that meet all of the following requirements, unless otherwise determined by the City Manager or designee.

(1) Pedestrian linkages and pathways that run between buildings shall be a minimum of eight feet (8') in width.

(2) Pedestrian linkages shall be designed to be an integral part of the overall project and shall be configured to provide straightforward access from the development to adjacent land uses. The incorporation of plazas into the design of pedestrian linkages is highly encouraged.

(3) Business entrances are encouraged to front onto a pedestrian linkage or pathway. If a business entrance cannot front onto a pedestrian linkage or pathway, a minimum of one (1) display window per business shall be provided facing onto the pathway or linkage.

(4) The pedestrian linkage or pathway shall incorporate landscape features, lighting, shade, textured paving, or other design elements to enhance the overall pedestrian environment and provide a high level of security, natural surveillance, and convenience.

(5) Unless otherwise determined, the property owner shall be responsible for maintenance and other liabilities of the pedestrian linkages.

(b) Public Plazas. In order to qualify for the public plaza incentive bonus, a proposed project must include a public plaza that meets all of the following requirements. Where inconsistent setbacks occur along the street, plazas shall be considered to compensate for the broken building edge.

(1) Plazas shall be designed with unimpeded lines-of-sight to and from the public sidewalk and pedestrian linkages.

(2) Physical access shall be provided from the public sidewalk to plazas, via pedestrian linkages.

(3) Visual features, such as public art or a fountain, shall be incorporated in plazas to attract pedestrians.

(4) Shade trees or other elements providing relief from the sun, rain, and wind shall be incorporated within plazas. Landscaping shall provide special interest through unique foliage, color, seasonal changes in plant habit, scent, or floral display.

(5) Special paving and street furniture consistent with the historic character of San Juan Bautista shall be used in plazas to complement the streetscape elements in the public right-of-way, consistent with the City's design guidelines, when adopted.

(6) Unless otherwise determined, the property owner shall be responsible for maintenance and other liabilities of the public plazas.

B. The following shall apply to uses and activities and within the Mixed Use (MU) and Commercial (C) Districts:

Uses and activities within MU and Commercial Districts are 1) permitted; 2) allowed upon approval of Administrative Permit by the Community Development Director; or 3) require the approval of a Use Permit and Site Plan and Design Review Permit by the Planning Commission, in accordance with the provisions of this section. Product displays, sales, dining, personal services and other pedestrian-oriented uses and improvements are generally allowed on public sidewalks and within public and private plazas, courtyards, linkages between adjacent buildings and businesses, and recessed entries accessible to the public subject to the following provisions:

(1) Product Displays outside an enclosed building are permitted subject to the following provisions:

(a) Product displays not associated with sales shall be permitted upon the public sidewalk only in conjunction with antique shops, flower shops, art galleries and similar specialty and craft businesses;

(b) A minimum width of four feet (4') from street curb is maintained clear of any obstructions.

(c) No additional signs or other advertising devices (temporary or permanent) shall be used in conjunction with product displays displays except those allowed in compliance with this Title.

(d) The outdoor display of products shall only occur during times when the associated establishment is also open for business.

(2) Sale of Products, Dining, And The Conduct of Personal Services Outside an Enclosed Building; Administrative Permit (AP) Required (*Note: New Zoning Ordinance Sections SJB MC added to Site Plan and Design Review and Conditional Use Permit Section 11-18 and 20*):

A business may conduct activities outside an enclosed building including sale of products, dining, or conduct of personal services normally available at the associated business, or another business operating legally in the City under the following circumstances:

- a) The Product sales, dining, personal services and other pedestrian-oriented uses and improvements will occur on private property within private plazas, courtyards, linkages between adjacent buildings and businesses, and recessed entries accessible to the public;
- b) One (1) "A" frame or other sign not to exceed 24" x 36" or six (6) square feet may be used for any single of multiple outdoor retail businesses on the same site.
- c) Products for sale will be displayed on tables or racks etc., and signs, product display tables or racks and chairs are placed only on private property so as not to impede the required accessible path of travel of at least 48".
- d) The sale of products and personal services outside and enclosed building will only occur during times the associated establishment is also open for business.
- e) Activities do not involve site or building alterations that require Site Plan and Design Approval;
- f) One (1) mobile food vendor; i.e. a food truck or other mobile vendor is proposed to occupy any portion of a private property at any one time;
- g) All businesses conducting product sales or services outside an enclosed building shall possess a current Business License, a Sellers Permit and collect and remit any required Sales and Use Tax.

(3) Sale of Products, Dining And The Conduct of Personal Services Outside an Enclosed Building; Conditional Use Permit (CUP) Required:

A business operating legally in the City proposes to conduct activities outside an enclosed building including sale of products, dining, or conduct of personal services normally available at the associated business, or another business operating legally in the City shall obtain a Conditional Use Permit from the Planning Commission under the following circumstances:

- a) The activity is conducted within an area capable, intended, improved or approved for private on-site parking;
- b) Amplified music is proposed as part of the activity;
- c) Mobile Food Vendors i.e. food trucks and other mobile vendors when more than one (1) such vendor is proposed to occupy the site at any one time;
- d) The proposed activity is proposed on a site containing a designated historical resource with a State Office Historic Preservation Historical Resources Status Code of 5 or lower based on a California State Department of Parks and Recreation (DPR) 523 Form prepared or updated no later than one year previous to the application and the site or structures will be altered to accommodate the proposed activity;
- e) Improvements to the site or buildings necessary to accommodate the outdoor activity also require the issuance of a Site Plan and Design Review Permit; and
- f) Activities that, in the opinion of the Community Development Director, may potentially adversely affect the use and enjoyment and use of adjacent or surrounding properties due factors including, but not limited to, noise, odors, traffic, circulation, ingress and egress, or the character of adjacent uses, adversely affect health safety or general welfare of persons working or residing in the vicinity of the proposed activity, adversely affect the integrity of a Historic Resource, or may pose conflicts with policies of the General Plan.

C. Industrial Districts

The following standards shall apply in the Industrial "I" District

1. All uses shall be conducted within an enclosed building unless otherwise authorized by a Conditional Use Permit and Site Plan and Development Review Permit.

2. In determining acceptable activities either within or outside an enclosed building, the Planning Commission shall consider the essential characteristics of the proposed use in relation to the reasonableness of requirements for the operation of uses within, or outside, an enclosed building. The Planning Commission shall assess factors including, and not limited to, environmental constraints, location, potential for conflicts with adjacent and surrounding uses due to noise, vibration, odors, air quality, glare, exposure to hazardous substances and materials, necessary movement of materials, and operation of equipment integral to the industrial use under consideration.

11-04-030 Performance Standards: Industrial (I), Commercial (C) and Mixed Use (MU) Districts;

The following performance standards are intended to assure that all commercial and industrial operations carried out in the City are conducted in such a manner to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic adverse to the public health, safety, and general welfare.

(A) Prohibition of Dangerous or Objectionable Elements. No land or building shall be used or occupied in any manner that would create any dangerous, injurious, noxious or otherwise objectionable explosive or other hazard. Nor shall any use create noise or vibration, smoke, dust, odor or other form of air pollution; heat, cold or dampness; electrical or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such amount as to unreasonably adversely affect the surrounding area or adjoining premises.

(C) Fire and Explosive Hazards. All activities involving storage of flammable or explosive materials shall comply with applicable Uniform Fire Codes.

(D) Radioactive or Electrical Disturbance. No activities shall be permitted which will cause physical hazard by reason of radiation or similar cause to property in the same or adjacent zones or that emit electrical disturbance or affect the operation of any equipment other than that of the creator of such disturbance.

(E) Noise. All commercial and industrial uses shall not cause noise levels in excess of the values listed in Table 1.



Temporary Use Of Land Permit
Outdoor Retail Sales And Personal Services

NOTES:

This form, when filled out and signed by a business owner constitutes the Temporary Use of Land Permit (TULP; SJB MC 11-19) and agreement with the following terms and conditions of approval:*

This Permit expires on November 27, 2023, or upon enactment of revisions to Municipal Code provisions affecting the conduct of commercial uses outside enclosed buildings, whichever occurs first.

- I am the owner of a business who desires to conduct and host outdoor retail sale of merchandise or to provide or host a personal service (body art, make-up, nails, hair etc.) outside an enclosed building.
- I plan to sell my own merchandise and/or allow the sale of merchandise of others, or to conduct or allow a personal service on an approved parklet or on private property that I own, or are entitled to use for this purpose, outside an enclosed building.
- I will require any associated seller of merchandise or personal service provider to obtain a City of San Juan Bautista Business License prior to any sale or service. Such license will be displayed within the area of outdoor sales. I will also advise sellers regarding Sellers Permit requirements: [Get a Seller's Permit \(ca.gov\)](#); [Sales and Use Tax \(ca.gov\)](#)
- I may install on private property one (1) "A" frame or other sign not to exceed 24" x 36" or six (6) square feet in size for my location within which outdoor retail sales may be conducted.
- I will ensure that signs, tables or racks for the display of merchandise, chairs, etc. will be placed only on private property and so as not to impede the required accessible path of travel of at least 48".
- The outdoor sales of merchandise and personal services will only occur during times when my associated establishment is also open for business.

* This authorization excludes: 1) The sale of prepared food products unless a valid Health permit has been obtained by a seller and 2) Any activity that, in the opinion of the Community Development Director, would constitute a public gathering requiring issuance of a Community Event Permit (SJB MC Chapter 5-15)

Date	Business Name	Owner Name	Business Address	Signature	City Initial - Approval

Chapter 11-04 ADDITIONAL DEVELOPMENT STANDARDS

Sections:

Article 1. Development Standards

- 11-04-010** Residential districts.
- 11-04-020** Mixed use district.
- 11-04-030** Commercial and industrial districts.
- 11-04-040** Mobile home park standards.
- 11-04-050** *Repealed.*
- 11-04-060** Accessory structures and uses.
- 11-04-070** Required yards.
- 11-04-080** Storage.
- 11-04-090** Utility stations.
- 11-04-100** Wireless communication facilities.
- 11-04-110** Large-scale retail business, formula retail or restaurant business, and formula visitor accommodations.

Article 1. Development Standards

11-04-010 Residential districts.

The following development standards shall apply to residential districts, as specified herewith:

(A) For single-family residential lots, the maximum building coverage shall not exceed forty-five percent (45%) of the lot size as shown in SJBMC [11-03-010](#). The building area is calculated as the floor area of the house, garage and all areas within the walls of the structure. Roof overhang, eaves, cornices, architectural appendages and attached open spaced framing trellis are not included in the building area.

(B) For single-family residential lots, the maximum site coverage shall not exceed fifty-eight percent (58%) of the lot size. Calculation for site coverage shall include all accessory and out buildings on the lot, impermeable concrete walkways, driveways and patio areas. Not included in the calculations are permeable ground cover materials.

(C) Zoning district designated as single-family residential district (R-1) shall consist of R-1-7 (seven thousand (7,000) square feet), R-1-6 (six thousand (6,000) square feet) and R-1-5 (five thousand (5,000) square feet).

(D) For any subdivision of twenty (20) lots or more for single-family residential development, the size and standards of lots within the development for single-family residential may be as follows:

- (1) Residential lots seven thousand (7,000) square feet in size shall be seventy-five percent (75%) or greater of the total lots. The percentage of seven thousand (7,000) square foot lots along the frontage of any streets, roads, drives, avenues, boulevards and cul-de-sacs within the development shall be seventy-five percent (75%) or greater of the total lots.

(2) Residential lots six thousand (6,000) square feet in size may be allowed in the single-family residential development up to a maximum of twenty percent (20%) of the total lots. The percentage of six thousand (6,000) square foot lots along the frontage of any streets within the development shall not exceed twenty percent (20%).

(3) Residential lots five thousand (5,000) square feet in size may be allowed in single-family residential development up to a maximum of ten percent (10%) of the total lots. The percentage of five thousand (5,000) square foot lots along the frontage of any streets within the development shall not exceed ten percent (10%).

(4) In development of twenty (20) lots or more, the front building setback shall vary in distance from fifteen feet (15') to twenty-five feet (25') and the front setback of the garage shall be a minimum of twenty-five feet (25') or more.

(E) For developments of five (5) or more units on the R-3 districts, the following shall apply:

(1) Ratio of Units. New developments of five (5) or more units shall make available as rental units at least twenty percent (20%) of the total units. The minimum required rental units shall contain two (2) or more bedrooms.

(2) Useable Individual Common Open Space. Four hundred fifty (450) square feet per dwelling unit. If the development provides a common open space area available to all units, the individual common open space area can be reduced to three hundred sixty (360) square feet per dwelling unit.

(3) Secured Storage. One (1) individual secured and protected storage area per unit shall be provided for the purpose of storing items such as bicycles, barbecues, outdoor equipment, etc. The minimum size shall be six feet (6') high by eight feet (8') wide by five feet (5') deep. The development of five (5) or more units may incorporate a common secured and protected storage area for each unit with accessible access by each unit to the common storage area.

11-04-020 Mixed use district.

The following shall apply to projects within the MU district:

(A) Within the area of the MU district bounded by Second Street, Muckelemy Street, Fourth Street, and Franklin Street, upon the redevelopment of any existing site or upon the development of a vacant site, no parking shall be allowed between the front and/or streetside property line and the building.

(B) Within the MU district, new projects that are exclusively residential (i.e., that do not include a commercial component) shall not be allowed unless one hundred percent (100%) of the project meets an identified affordable or special housing need as defined by Chapter [11-09](#) SJBMC, Inclusionary Housing.

(C) Projects that are exclusively commercial are permitted in the mixed use district where it is infeasible to include a mix of uses.

(D) Residential units must not be located on street level, except when provided in the rear of a horizontally developed mixed use project.

(E) For building facades that face an abutting street, a minimum of fifty percent (50%) of the ground floor facade shall include windows and/or doors. The building facade shall be designed so a blank wall without a window or doorway is no greater than twenty feet (20') in length.

(F) A minimum of fifty percent (50%) of the lot frontage abutting a street shall be occupied by a building facade. For lots with three (3) or more street frontages, this standard shall apply to two (2) lot frontages.

(G) In order to achieve the type and quality of development and revitalization envisioned by the General Plan for the MU districts, certain development incentive bonuses are established (see subsection (I) of this Section) to encourage developers and property owners to provide special needs housing and pedestrian amenities, as described in subsection (H) of this Section. Incentive bonuses may be granted at the discretion of the City Manager or designee and nothing contained herein shall obligate the City Manager or designee to provide any of the bonuses.

(H) Pedestrian Amenities. Within the MU districts, the City encourages developers to provide pedestrian amenities, which include linkages between adjacent uses, public plazas and other pedestrian-oriented areas that encourage interaction between people and create vitality through street “presence” in the City.

(1) Pedestrian Linkages. In order to qualify for pedestrian linkage bonuses, a project must include pedestrian linkages that meet all of the following requirements, unless otherwise determined by the City Manager or designee.

(a) Pedestrian linkages and pathways that run between buildings shall be a minimum of eight feet (8') in width.

(b) Pedestrian linkages shall be designed to be an integral part of the overall project and shall be configured to provide straightforward access from the development to adjacent land uses. The incorporation of plazas into the design of pedestrian linkages is highly encouraged.

(c) Business entrances are encouraged to front onto a pedestrian linkage or pathway. If a business entrance cannot front onto a pedestrian linkage or pathway, a minimum of one (1) display window per business shall be provided facing onto the pathway or linkage.

(d) The pedestrian linkage or pathway shall incorporate landscape features, lighting, shade, textured paving, or other design elements to enhance the overall pedestrian environment and provide a high level of security, natural surveillance, and convenience.

(e) Unless otherwise determined, the property owner shall be responsible for maintenance and other liabilities of the pedestrian linkages.

(2) Public Plazas. In order to qualify for the public plaza incentive bonus, a proposed project must include a public plaza that meets all of the following requirements. Where inconsistent setbacks occur along the street, plazas shall be considered to compensate for the broken building edge.

(a) Plazas shall be designed with unimpeded lines-of-sight to and from the public sidewalk and pedestrian linkages.

(b) Physical access shall be provided from the public sidewalk to plazas, via pedestrian linkages.

(c) Visual features, such as public art or a fountain, shall be incorporated in plazas to attract pedestrians.

(d) Shade trees or other elements providing relief from the sun, rain, and wind shall be incorporated within plazas. Landscaping shall provide special interest through unique foliage, color, seasonal changes in plant habit, scent, or floral display.

(e) Special paving and street furniture consistent with the historic character of San Juan Bautista shall be used in plazas to complement the streetscape elements in the public right-of-way, consistent with the City's design guidelines, when adopted.

(f) Unless otherwise determined, the property owner shall be responsible for maintenance and other liabilities of the public plazas.

(I) Development Bonuses. For mixed use projects with a residential component that is one hundred percent (100%) affordable or restricted to a special needs group as defined by Chapter [11-09](#) SJBMC, Inclusionary Housing, or for projects meeting the above requirements for pedestrian linkage or public plazas, the following development bonuses may be available:

(1) Required parking may be reduced by ten percent (10%); provided, that a finding can be made that the reduced number of parking spaces will be available to the project.

(2) Area of permitted signs may be increased by a maximum of ten percent (10%); provided, that a finding can be made that the increased sign area does not detract from the City's historic preservation, beautification, or pedestrian-oriented objectives.

(3) Up to fifty percent (50%) increase in residential density. This cannot be combined with California Government Code Section [65915](#), Density Bonuses.

(4) Through the development agreement process, the City may consider other incentive bonuses, such as reductions in processing fees, in-lieu fees, utility connection fees or low interest loans. The extent of such bonuses may vary on a case-by-case basis, per agreement by the project applicant and the City.

11-04-030 Commercial and industrial districts.

The performance standards established in this Section apply to the mixed use, commercial and industrial zoning districts. These standards are intended to assure that all commercial and industrial operations carried out in the City are conducted in such a manner to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic adverse to the public health, safety, and general welfare.

(A) Prohibition of Dangerous or Objectionable Elements. No land or building shall be used or occupied in any manner that would create any dangerous, injurious, noxious or otherwise objectionable explosive or other hazard. Nor shall any use create noise or vibration, smoke, dust, odor or other form of air pollution; heat, cold or dampness; electrical or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such amount as to unreasonably adversely affect the surrounding area or adjoining premises.

(B) All uses shall be conducted entirely within an enclosed building with the exception of outdoor dining as an accessory to a restaurant use and outdoor sales display of merchandise in conjunction with antique shops, flower shops, art galleries and similar specialty and craft businesses subject to the following provisions:

(1) Outdoor sales displays may be allowed upon the public sidewalk; provided, that a minimum width of four feet (4') from street curb is maintained clear of any obstructions.

(2) No additional signs or other advertising devices (temporary or permanent) shall be used in conjunction with outdoor sales displays except those allowed in compliance with this Title.

(3) The outdoor sales display of merchandise shall only occur during times when the associated establishment is also open for business.

(4) Only merchandise normally available at the associated business may be displayed outdoors.

(C) Fire and Explosive Hazards. All activities involving storage of flammable or explosive materials shall comply with applicable Uniform Fire Codes.

(D) Radioactive or Electrical Disturbance. No activities shall be permitted which will cause physical hazard by reason of radiation or similar cause to property in the same or adjacent zones or that emit electrical disturbance or affect the operation of any equipment other than that of the creator of such disturbance.

(E) Noise. All commercial and industrial uses shall not cause noise levels in excess of the values listed in Table 1.

Table 1 – Maximum Allowed Noise Levels, dB (Ldn)

Land Use	Interior	Normally Acceptable ¹	Conditionally Acceptable ²	Normally Unacceptable ³
Residential				
Low Density	45	<60	55 – 70	70 – 75
Medium/High Density		<65	60 – 70	70 – 75
Commercial				
Motel	50	<65	60 – 70	70 – 80
Office	55	<70	67 – 77	>75
Restaurant/Retail	60	<70	67 – 77	>75
Industrial	55	<75	70 – 80	>75
Public/Quasi-Public				
School, Library	45	<70	60 – 70	70 – 80
Church, Theater	45		<70	
Open Space				
Playgrounds/Parks	NA	<70	NA	>65 – 75
Golf Courses		<75		70 – 80
Cemeteries				

Notes:

1. Normally acceptable noise levels are those which pose no threat to the specified use. Standard construction would reduce external noise so that the interior noise level would not disrupt activities.
2. Conditionally acceptable noise levels are those in which standard building construction would not be adequate to protect the use. However, standard mitigation measures such as noise barriers, site design, architectural design to protect noise-sensitive activities, or acoustical insulation could be easily employed to

achieve acceptable sound levels. Based on the noise levels along Highway 156 projected by Caltrans, some of the properties with highway frontage would fall into this category. The City will require mitigation for new projects proposed in these areas to ensure that noise levels are reduced to acceptable standards.

3. Normally unacceptable noise levels are those for which simple mitigation measures would not be adequate. The specified land uses would not be appropriate in these areas unless major noise attenuation measures have been designed into the projects by a professional who is competent in sound reduction and unless a detailed noise study has been conducted to assure the performance of the design. Construction of the specified use should be strongly discouraged in areas with these levels.

(F) Vibration. No vibration shall be permitted which is discernible without instruments at the lot line of the establishment or use.

(G) Smoke. No emission shall be permitted at any point, from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro Ringelmann Chart, published by McGraw-Hill, Inc.

(H) Odors, Flying Ash, Dust, Fumes, Vapors, Gasses and Other Forms of Air Pollution. All uses shall conform to applicable standards established by the Monterey Bay Air Pollution Control District (MBAPCD) adopted herein by reference.

(I) Glare. No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, shall emanate from any establishment or use so as to be visible at a distance of two hundred feet (200') from said establishment or use.

(J) Liquid or Solid Wastes. All liquid and solid waste discharge shall be in compliance with Chapter [5-4](#) SJBMC, Refuse Collection and Recycling.

11-04-040 Mobile home park standards.

(A) Minimum Mobile Home Park Site. No mobile home park shall contain less than five (5) acres of usable land, including all private streets and accessways but not including any part of any public street.

(B) Density. No mobile home park shall be developed to a residential density in excess of the zoning district in which it is located.

(C) Roadways and Drainage. Park roadways shall be paved and equipped with gutters and other drainage facilities as required by the City Engineer. Such roadways shall be not less than twenty feet (20') wide. Park roadways and pedestrian walkways, where provided, shall be lighted from dark to dawn.

(D) Setbacks.

(1) Every mobile home shall have a minimum ten-foot (10') clearance in all directions from other structures, excluding storage cabinets, except that when awnings, porches, or cabanas are attached, the minimum clearance shall be six feet (6').

(2) All structures and mobile homes shall have a setback of at least fifteen feet (15') from all property lines. All structures and mobile homes shall have a setback of at least twenty feet (20') from the ultimate right-of-way of any public street adjoining the mobile home park. The setback area shall be landscaped and continually maintained.

(E) Utilities. All utility service lines on a mobile home park shall be installed underground. It shall be the responsibility of the owner of such mobile home park to comply with this Section by making arrangements

satisfactory to the serving utilities.

(F) Accessory Uses. Uses accessory to the mobile home units shall be allowed in mobile home parks such as awnings, portable demountable or permanent cabanas; ramadas, storage cabinets, fences or windbreakers; carports, garages and porches; parks, playgrounds, riding and hiking trails, golf courses, lakes, stables and riding rings; other similar recreational buildings, structures and facilities, clubhouses, laundries, community centers and similar uses; provided, that all such uses are designed for and limited to use by residents of the mobile home park and their guests; further provided, that such uses are not authorized on the individual mobile home lots within mobile home parks.

11-04-050 Secondary dwelling units.

Repealed by Ord. 2021-03.

11-04-060 Accessory structures and uses.

(A) Noncommercial horticulture and private outdoor recreational facilities are permitted accessory uses in all districts. The operation of necessary facilities and equipment in connection with any public park, playground or institutional use shall be deemed to be an accessory use.

(B) The City Manager or designee has the authority to issue a home occupation permit, appealable to the Planning Commission, that allows residents to operate a business from their home, provided the operation of said business does not impact, disrupt or change the character of the residential district in which it is located and is consistent with the following:

(1) The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the gross floor area of the dwelling unit shall be used in the conduct of the home occupation.

(2) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, with the exception of the allowed business identification sign.

(3) No home occupation shall be conducted in or make use of any accessory building.

(4) There shall be no sales in connection with such home occupation other than sales of merchandise produced on the premises or directly related to the services offered.

(5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

(6) No commercial vehicle shall be used by the occupant for transportation of materials to or from the premises.

(7) No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot to the normal senses. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television, computer, telephone, fax machine or other receiving devices or electronic or electrical equipment off the premises, or causes fluctuations in line voltage off the premises.

(8) No employees other than residents of the household conducting the home occupation shall be associated with the home occupation.

(9) No home occupation shall involve the teaching of music or dancing to more than one (1) pupil at a time.

(10) The nature or type of occupation for which a home occupation permit may be granted shall be a material part of granting such permit.

(C) Any structure used for an accessory use shall meet all requirements for a main structure, except as indicated below.

(D) Any garage, carport, or other accessory building that shares a common wall with the main building shall meet all the requirements of this Title applicable to the main building.

(E) Except as allowed by the provisions of this Section, a detached garage or accessory building not exceeding fifteen feet (15') in height may occupy not more than thirty percent (30%), or collective accessory buildings not more than forty percent (40%), of the area of a rear yard. Such a structure shall not contain cooking or sleeping facilities or be used for such purposes.

(F) A garage, carport or other accessory building not having a common wall with the main building shall not be placed closer than five feet (5') from the main building and any property line.

(G) A breezeway may be permitted to provide shelter between an accessory building and a main building. Such a breezeway is a covered passageway that does not exceed ten feet (10') in width and that has at least one (1) side open, except for necessary supporting columns.

(H) No detached accessory building shall be placed on a corner lot so as to occupy any part of one-half (1/2) of the lot measured from any street side.

11-04-070 Required yards.

(A) Except as otherwise provided in this Chapter, required yards are to be unobstructed by any building structure or other improvement constructed on, over, or under the ground. No part of a yard required by this Title shall be included as part of a yard required for any other lot.

(B) Cornices, eaves, canopies, fireplaces, oriel windows and other similar architectural features, but not including any flat wall, bay window, or other window surface, may extend into any yard a distance not exceeding eighteen inches (18").

(C) Uncovered porches or stairways, fire escapes or landing places may extend into any required front or rear yard a distance not exceeding six feet (6') and into any required side yard a distance not exceeding one-half (1/2) the width of the required side yard.

(D) Decks and patios structurally supported entirely by earth at no higher than natural grade may extend into a side or rear yard to within one foot (1') of any property line.

(E) Detached accessory structures shall be allowed in rear and side yards if not less than five feet (5') away from any property line.

(F) Swimming pools, spas, trellises, arbors and gazebos shall be allowed in rear and side yards if not less than five feet (5') away from any property line.

(G) Private driveways that do not provide necessary access to any other lot shall be permitted within setbacks.

(H) Ramps for access by handicapped persons from grade to a raised ground floor structural entry shall be allowed in setbacks.

(I) In any district where fifty percent (50%) or more of the lots on one (1) side of any block have been improved with buildings other than accessory structures, the required front yard for lots located on that side of the block shall be a depth equal to the average of the actual unobstructed front yards of the lots so improved, but not more than the minimum front yard specified for the district. When computing the average depth of the lots, the actual unobstructed front yard of each lot shall be deemed to be equal to the minimum front yard specified for the zoning district unless a lesser depth has been recognized as lawful by the Planning Commission. This subsection shall have control over any other front yard requirements set forth in this code to the extent such other requirements are inconsistent with this subsection.

(J) Fences, Walls, and Hedges.

(1) In residential zones, fences, hedges, and walls may not exceed three feet (3') in the required front yard setback or six feet (6') in the required side or rear yard setbacks. The following exceptions shall apply:

(a) Properties sites within the historic overlay district shall not have fences, hedges, and walls higher than three feet (3') in a front yard except as provided in subsection (J)(1)(b) of this Section.

(b) Boundary line fences or walls adjacent to commercial property may be eight feet (8') high if requested or agreed upon by a majority of the adjacent residential property owners.

(2) In the A, C, MU or I district, fencing shall be permitted in required yards as necessary to provide effective screening and security for permitted uses.

(3) For the purposes of this Section, fence and wall heights shall be measured from grade from the lower side of the structure.

11-04-080 Storage.

(A) Vacant Parcels. No person shall store any commercial or construction equipment or materials or store or park any boat, house trailer, camper trailer, detached camper trailer, detached camper trailer top, motor vehicle, or dismantled motor vehicle on vacant lots or vacant parcels in any zoning district of the City.

(B) Outdoor Storage. Outdoor storage buildings, containers and enclosures in commercial and industrial zoning districts are permitted only when screened from view of any public right-of-way, less than three hundred (300) square feet in size, and located in rear or side yard areas.

11-04-090 Utility stations.

The following special requirements shall apply if the proposed use is a utility service center that includes equipment yard functions:

(A) Equipment yard activities shall be screened from all streets and to the extent possible from adjacent uses, and may involve any combination of structures and landscaping acceptable to the City Manager or designee.

(B) Notwithstanding SJBMC [11-04-070](#)(J)(1), any screening must include a twenty-foot (20') setback that is covered with a dense landscaping screen on the side and rear property lines of any utility service center.

(C) Notwithstanding SJBMC [11-04-070](#)(J)(I), screening must incorporate required landscaping if the utility service center is located in an industrial district.

(D) Noise barriers shall be constructed of an effective masonry or other high-mass noise barrier within the setback between the property line and the equipment yard component of the facility.

11-04-100 Wireless communication facilities.

(A) Purpose and Intent. The purpose of this Section is to establish a comprehensive set of zoning requirements for antennas and wireless communication facilities. These regulations are intended to provide for the managed development of antennas and wireless communications facilities in a manner that recognizes and enhances the community benefits of wireless communication technology and reasonably accommodates the needs of citizens and wireless communication service providers in accordance with Federal and State rules and regulations, while at the same time protects the neighbors from potential adverse impacts of such facilities; preserves the visual and historic character of the established community and the natural beauty of hillsides and ridgelines.

(B) Exemptions. The requirements imposed by this Section shall not apply to antennas or antenna structures set forth in this subsection, unless noted otherwise below. Each such exempt facility above shall fully comply with any other applicable requirements of the Municipal Code to the extent not specially exempted in this Section, including but not limited to the California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, and California Fire Code.

(1) Direct broadcast satellite (DBS) antennas and multipoint distribution services (MDS) antennas measuring one (1) meter or less in diameter (or diagonal measurement); and television broadcast system (TVBS) antennas, provided: (a) the antenna is located entirely on and/or above the subject property, (b) no antenna is more than twelve feet (12') in height, and (c) no portion of any ground-mounted antenna is within a required front yard setback for the main building, in front of the main building, within a required side yard setback of a corner lot or adjacent to a street.

(2) Satellite earth station (SES) antennas measuring two (2) meters or less in diameter (or diagonal measurement) located on a property within any commercial or industrial zoning district, provided: (a) the antenna is located entirely on and/or above the subject property; and (b) no portion of any ground-mounted antenna is within a required front yard setback for the main building, in front of the main building, within a required side yard setback of a corner lot or adjacent to a street. All SES antennas shall require a building permit and Planning Commission review of placement to ensure that maximum safety is maintained.

(3) Antennas and antenna structures constructed by or for FCC licensed amateur radio operators that comply with the following provisions shall require a building permit and Planning Commission review of placement to ensure that maximum safety is maintained:

(a) The antenna structure, when fully extended, measures forty-five feet (45') or less in height, and measures twenty-four inches (24") or less in diameter or width;

(b) The antenna boom measures twenty feet (20') or less in length and is three inches (3") or less in diameter;

(c) No antenna element exceeds thirty-two feet (32') in length or two inches (2") in diameter or width, with the exception of mid-element tuning devices which shall not exceed six inches (6") in diameter or width;

(d) The turning radius of any antenna does not exceed twenty-six feet (26'); and

(e) All antennas and antenna structures shall comply with the applicable provisions of Chapter [11-03](#) SJBMC, Development Standards, and this Chapter and any other applicable provisions of the San Juan Bautista Municipal Code.

(4) A proposed facility shall be exempt if, and to the extent that, rules and regulations of the Federal Communication Commission (FCC) or the provisions of a permit issued by the California Public Utilities Commission (CPUC) specifically provide that the facility is exempt from City regulation.

(C) Review and Approval. Any person who proposes to install or operate a wireless communication facility shall first obtain approval of a conditional use permit and/or design review approval, as set forth in this subsection, unless the facility is exempt under subsection (B) of this Section.

(1) Required Permits. Requests for approval of wireless communication facilities shall be reviewed as follows:

(a) Conditional Use Permit. Antennas and antenna structures set forth in this subsection shall require a conditional use permit pursuant to the provisions of Chapter [11-20](#) SJBMC and subsections (C)(2) and (3) of this Section:

(i) An amateur radio antenna or antenna structure which, when fully extended, exceeds sixty feet (60') in height;

(ii) A service provider facility located in or within three hundred feet (300') of a residential zoning district (as defined in Chapter [11-02](#) SJBMC); and

(iii) A monopole antenna structure constructed by or for a service provider.

(b) Design Review Application. Antennas and antenna structures set forth in this subsection shall require a design review application pursuant to Chapter [11-18](#) SJBMC and subsections (C)(2) and (3) of this Section. The Planning Commission may delegate its authority under this subsection to the City Manager, in which case approval may still only be granted after providing ten (10) days' notice to property owners within a three-hundred-foot (300') radius of the proposed antenna location.

(i) A monopole antenna structure constructed by or for an FCC licensed amateur radio operator which, when fully extended, is between forty-five feet (45') and sixty feet (60') in height, and/or has a turning radius exceeding twenty-six feet (26') (i.e., when the antennas are rotated);

(ii) A service provider facility located anywhere other than in or within three hundred feet (300') of a residential zoning district (as defined in Chapter [11-02](#) SJBMC); and

(iii) A monopole antenna structure constructed by or for a service provider.

(c) Building Permit. All antennas and antenna structures, unless specifically exempted under subsection (B) of this Section, shall require a building permit.

(2) Findings. The Planning Commission may approve a conditional use permit or design review application for a wireless communication facility only upon making the findings set forth in Chapter [11-18](#) SJBMC, Site Plan and Design Review, or Chapter [11-20](#) SJBMC, Use Permits, as well as the

following finding: Every applicable requirement set forth in subsections (D), (E) and (F) of this Section is satisfied, or an exception has been granted pursuant to subsection (C)(3) of this Section.

(3) Exceptions. The Planning Commission may grant an exception to any requirement of this Section that is not met upon finding that (a) strict compliance precludes the reasonable accommodation of the communication needs of the operator as set forth in Federal and/or State rules and regulations; and (b) there are no other feasible alternatives. In order to grant an exception for a wireless communication facility located within a vertical distance of one hundred feet (100') of a major ridge, the Planning Commission must also make one (1) of the following findings: (a) due to the proposed location and/or design of the facility, it will not be readily visible from surrounding properties, right-of-way or public property; or (b) due to existing structures and/or landscaping, the facility will be substantially screened from view and will not have significant adverse visual impacts.

(4) Length of Permit. A conditional use permit or design review approval for a wireless communication facility shall be valid for an initial maximum period of ten (10) years, unless a shorter period of time is required as a condition of approval by the Planning Commission. The permit may be administratively extended for a period no longer than the initial maximum period by the City Manager upon verification of continued compliance with the findings and conditions of approval under which the application was originally approved, as well as any other provisions provided for in the Municipal Code which are in effect at the time of permit renewal.

(5) Submittal Requirements. In addition to the general requirements set forth in other subsections of this Section, each application shall include the following information:

(a) Documentation demonstrating that the facility will comply with applicable radio frequency (RF) emission standards as set forth in subsection (D)(1)(j) of this Section. Such documentation may be satisfied by a written demonstration of compliance with FCC Bulletin OET-65, as amended.

(b) Written description of the proposed method(s) of correcting any potential interference with consumer electronic products that may result from the operation of the facility as set forth in subsection (D)(2)(i) of this Section.

(c) Written description of any noise generated by the facility, including but not limited to retractable monopole motors, antenna rotators, power generation and related equipment. Such information shall include the estimated times, frequency, duration and decibel levels of the noise.

(d) Any application for a facility that does not comply with all applicable standards in subsections (D), (E) and (F) of this Section shall include a written statement explaining why strict compliance with the standard would not reasonably accommodate the communication needs of the operator, any alternatives that were considered, and the reasons why there are no feasible alternatives that would meet the standard.

(e) Based on the reasonable discretion of the City Manager, the City, at the applicant's sole expense, may also require the applicant to provide:

(i) Visual impact analysis showing a silhouette or other visualization(s) of the proposed facility within the context of its surroundings; and/or

(ii) Written authorization for the City to hire an independent, qualified consultant to evaluate technical and other aspects of the proposal, including, but not limited to, compliance with

applicable emission standards, potential for interference with consumer electronic products and/or public safety communications and the appropriateness of granting any requested exceptions. Such authorization shall include a written agreement by the applicant to advance or promptly reimburse the City for all reasonable costs associated with the consultation.

(f) The type(s) of wireless communication service(s) to be provided by the facility.

(g) In addition to the information required in subsections (C)(5)(a) through (f) of this Section, applications for approval of a service provider facility shall include the following:

(i) Map showing all current and planned facility sites within and adjacent to the City that are owned and/or operated by the service operator;

(ii) Name(s), address(es) and telephone number(s) of the person(s) that own the facility and that will be responsible for its operation and maintenance;

(iii) Any proposed access roads or parking areas; and

(iv) Documentation that the operator has obtained any licenses and/or approvals that are required by Federal and/or State agencies.

(D) General Requirements. Unless specifically stated otherwise in this Section, all antennas and antenna structures shall be designed, installed and operated in compliance with the following provisions:

(1) Development Standards.

(a) All antennas, to the greatest degree possible, shall be located out of the public view and screened from public view.

(b) No portion of an antenna, support structure or any related equipment shall be located on or within a vertical distance of one hundred feet (100') of a major ridge.

(c) Unless otherwise required by City, County, State or Federal rules or regulations, wireless communication facilities shall have a nonreflective finish and shall be painted a neutral color consistent with the predominant background color, as determined by the Planning Commission.

(d) Unless otherwise required by applicable Federal rules or regulations, no wireless communications facility shall have artificial lighting.

(e) All facilities shall be designed so as to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions, which would result in hazardous conditions, visual blight, or attractive nuisances.

(f) No portion of any antenna, support structure or related equipment shall overhang a property line. This restriction shall apply to any portion of any antennas as they rotate or are in a fixed position.

(g) All wireless communication facilities shall comply with the applicable provisions of this Section and this Title as well as the California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Fire Code and rules and regulations imposed by State and Federal agencies.

(h) No antenna or antenna structure shall be located within the required front yard setback for the main building, in front of the main building, within the required side yard setback of a corner lot or adjacent to any street frontage. This requirement shall also apply to antennas as they rotate.

(i) Not more than one (1) monopole antenna structure is permitted on any parcel in a residential zoning district.

(j) No wireless communication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to the public health. To that end, no facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard subsequently adopted or promulgated by the City, County, State or Federal government. Absolute compliance with FCC Office of Engineering Technology (OET) Bulletin 65, as amended, is mandatory, and any violation of this Section shall be grounds for the City to immediately terminate any permit granted hereunder, or to order the immediate service termination of any nonpermitted, noncomplying facility constructed within the City.

(k) Existing and new landscaping materials, especially trees, shall be used where possible to screen antennas and antenna towers from off-site views.

(2) Design and Operational Standards.

(a) In order of preference, wireless communication facilities and ancillary equipment shall be located within a building, on a screened rooftop, on a building facade or within in a fenced yard area. Antennas, antenna structures and related equipment shall incorporate architectural, landscape, color and/or other treatments to minimize potential visual impacts to surrounding areas, including public property. Innovative design solutions that minimize visual impacts should be utilized. All hardware, such as brackets, turnbuckles, clips and similar items subject to rust or corrosion shall be protected by galvanizing or paint.

(b) Building-mounted antennas shall be in scale and architecturally integrated with the building design in such a manner as to be visually unobtrusive and to avoid blocking scenic resources. Facilities shall be as small as possible and the minimum height necessary without compromising reasonable reception or transmission. Screening may include locating the facility within attics, steeples, and towers or within a new architectural addition to a building or structure, which is architecturally compatible with the building.

(c) All wireless communication facilities shall be:

(i) Substantially screened from the view of surrounding properties, public right-of-way and other public property; or co-located with existing facilities or structures so as not to create substantial visual, noise or thermal impacts; or

(ii) Located in areas with substantial existing screening by structures and/or landscaping; or

(iii) Designed to appear as natural features found in the immediate area, such as trees or rocks, so as to be effectively unnoticeable.

(d) Whenever reasonably feasible as may be determined by the City Manager, all facilities shall avoid any unreasonable obstruction of views from neighboring properties.

(e) Whenever reasonably feasible as may be determined by the City Manager, wireless communication facilities shall be installed in a manner so as to preserve existing landscaping, whether or not it is utilized for screening. Additional landscaping may be required where such vegetation is deemed necessary and appropriate to provide screening.

(f) The smallest and least visible antennas possible should be installed which will reasonably accommodate the operator's communication needs. The applicant shall disclose what antennas and support structures were evaluated, and the selection process used to select the antenna and support structure consistent with this Section.

(g) The City shall retain the authority to limit the number of antennas and related equipment at any site in order to minimize potential visual impacts.

(h) Each facility shall be operated in such a manner so as to minimize any noise impacts.

(i) To the extent allowed under applicable Federal rules and regulations, the operator of a wireless communication facility shall correct interference problems experienced by any person or entity with respect to equipment such as television, radio, computer, and telephone reception or transmission that are caused by the facility. If a Federal agency with jurisdiction over such matters finds that a facility is operating in violation of Federal standards, the operator shall bring the facility into conformance with such standards within the conformance period established by the Federal agency. In the event that the Federal agency does not establish a conformance period, the operator shall bring the facility into conformance within thirty (30) days of notification by the Federal agency. The operator is under an affirmative duty to promptly provide the City Manager with a copy of any notice of such violation issued by any Federal agency. Any violation of the provisions of this Section shall be grounds for the City to terminate any permit granted hereunder and/or to order the immediate service termination of the facility. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference (including but not limited to filtering, installing radio frequency cavities, installing directional antennas, powering down systems and engineering analysis), and all costs arising from third-party claims against the City attributable to such interference.

(E) Special Provisions for Amateur Radio Antennas and Antenna Structures. In addition to the general requirements in subsection (D) of this Section, amateur radio antennas and antenna structures shall be the minimum height and size necessary to reasonably accommodate the operator's communication needs, in accordance with FCC regulations as set forth in FCC Order "PRB-1." Retractable monopoles may be required for antenna structures over forty-five feet (45') in height which are in or within three hundred feet (300') of any residential zoning district (as defined in Chapter [11-02 SJBMC](#)). At times when not in operation, the monopole may be required to be retracted to the lowest elevation possible in order to maintain a safe clearance above any nearby building, accessory structure, overhead utility, landscaping and/or any other site improvements.

(F) Special Provisions for Service Provider Facilities. In addition to the general requirements in subsection (D) of this Section, service provider facilities shall comply with the following requirements:

(1) Whenever reasonably feasible, as determined by the City Manager, service provider facilities shall be encouraged to be located on City-owned property or public right-of-way.

(2) Any service provider facilities that are developed on vacant sites shall be temporary. When such sites are developed, these facilities shall be removed. Such facilities may be replaced with building-mounted antennas or other types of appropriate facilities, subject to review and approval by the City in accordance with subsection (C) of this Section, Review and Approval.

(3) Facilities shall be co-located with existing facilities, whenever reasonably feasible and aesthetically desirable. In order to facilitate future co-location of antennas for other service providers, the conditions of approval shall prohibit the applicant from entering into an exclusive lease for the use of the site.

(4) Roof-mounted antennas and antenna structures shall not exceed a height of twelve feet (12') above the maximum allowed height limit for the main building in the zoning district in which the facility is located. If there is no height limit for the main building, the antennas and support structures shall not exceed sixty feet (60') in height.

(G) Discontinuance of Use. Antennas, support structures and related equipment shall be removed within thirty (30) calendar days of the discontinuation of the use of a wireless communication facility and the site shall be restored to its previous condition. The service provider shall provide the City Manager with a notice of intent to vacate the site a minimum of thirty (30) calendar days prior to vacation. For facilities located on City property, this requirement shall be included in the terms of the lease. For facilities located on other sites, the property owner shall be responsible for removal of all antennas, structures and related equipment within thirty (30) calendar days of the discontinuation of the use.

(H) Nonconforming Facilities. Any wireless communication facility in existence prior to the effective date of the ordinance codified in this Section which is nonconforming to the provisions of this Section may continue to be used. Such nonconforming facilities may be operated, repaired and maintained but shall not be enlarged, expanded, relocated or modified to increase the discrepancy between the existing conditions and the requirements of this Section.

11-04-110 Large-scale retail business, formula retail or restaurant business, and formula visitor accommodations.

(A) The following findings shall be required:

(1) The business offers merchandise and/or services that serve the unmet needs of the population.

(2) Although the formula-based business may have other store locations throughout the country, State, or region, the business will compliment and enhance the character of the City.

(3) Both exterior and interior appearance and presentation of the business are compatible with the existing scale of development, distinctive architecture and pedestrian orientation of the town character and result in an enhancement of the look and feel (i.e., character) of the surrounding area.

(4) Signs shall conform to the City sign standards and design guidelines.

(5) Drive-through food establishments shall be prohibited.

(B) Application Procedure. Large-scale retail business, formula retail or restaurant business, and formula visitor accommodations are subject to review by the Planning Commission so therefore the

business/applicant shall fill out the application requirements for a conditional use permit and any other pertinent applications as specified therein, pay fees specified, and submit plans as set forth therein.

Legislative History: Ords. 2007-03 (2/20/07), 2007-04 (2/20/07), 2007-12 (3/20/07), 2014-03 (9/16/14), 2015-21 (9/15/15), 2017-01 (1/17/17), 2021-03 (11/16/21).

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CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

AGENDA TITLE: **Review Zoning Ordinance Chapter 11-04 Additional Development Standards, Section 11-04-030 Commercial and Industrial Districts.**

MEETING DATE: **May 16, 2023**

DEPARTMENT HEADS: **ASSISTANT CITY MANAGER-COMMUNITY DEVELOPMENT DIRECTOR**

RECOMMENDED ACTION:

It is recommended that the City Council Direct the Planning Commission to evaluate and recommend to the City Council alternatives for amendment of Zoning Ordinance Section 11-04-030 and any related Zoning Ordinance provisions, consistent with the General Plan.

BACKGROUND AND DISCUSSION:

The stated overall purpose of Zoning Ordinance section 11-04-03 is to assure that all commercial and industrial operations carried out in the City are conducted in such a manner to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic adverse to the public health, safety, and general welfare. (A) (C) and (D) contain qualitative performance standards for commercial and industrial uses, rather than standards based on specified measurements, such as height, setback, coverage, floor area-ratio etc.. The exception are provisions that reference quantified noise thresholds and the more objective standards in 11-04-030.B, which has been the subject of recent controversy following enforcement of those provisions.

The rationale behind zoning overall and any particular section of a zoning ordinance, is that it promotes the good of the entire community in accordance with the General Plan.

Courts have held that a zoning regulation is permissible if it is “reasonable” and not arbitrary; if it bears a reasonable and substantial relation to the public health, safety, comfort, morals, and general welfare; and if the means employed are reasonably necessary for the accomplishment of its purpose. Whether a regulation is reasonable must be based on all relevant factors, such as the need of the City; the purpose of the restriction; the location, size, and physical characteristics of the commercial area and adjacent residential areas; the character of commercial areas and related uses and activities; and its effect on the value of properties. These are exactly the concerns expressed regarding Zoning Ordinance Section 11-04-030.B during the May 2, 2023 Planning Commission meeting and generally in the community.

The concerns expressed relate to the language of Section 11-04030.B, which does not seek to reduce, minimize or moderate the operation of *uses*, but speaks to avoidance, prohibition, and exclusion, with limited exceptions. In other words, the ordinance is restrictive, rather than enabling.

The performance standards contained in Section 11-04-030 (A), (C) and (D) are determined on a case by case, depend on the situation, and involve a determination whether the effects of any specific use (uses in general) “unreasonably adversely” affect the community.

Section of the 11-04-030.B requires the conduct of *all uses* within an enclosed building and restricts the outdoor display of merchandise. These restrictions have recently been questioned regarding whether they are reasonable and necessary and whether they promote the good of the entire community consistent with the General Plan. This particular section is also linked to Zoning Ordinance Section 11-02-050 Permitted and Conditional Uses By Zoning District, Use Matrix which requires a Use Permit for Outdoor Dining as an “accessory use to a principal on-site restaurant.”

The following are the provisions of Zoning Ordinance Section 11-04-030:

11-04-030 Commercial and industrial districts.

The performance standards established in this Section apply to the mixed use, commercial and industrial zoning districts. These standards are intended to assure that all commercial and industrial operations carried out in the City are conducted in such a manner to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic adverse to the public health, safety, and general welfare.

(A) Prohibition of Dangerous or Objectionable Elements. No land or building shall be used or occupied in any manner that would create any dangerous, injurious, noxious or otherwise objectionable explosive or other hazard. Nor shall any use create noise or vibration, smoke, dust, odor or other form of air pollution; heat, cold or dampness; electrical or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such amount as to unreasonably adversely affect the surrounding area or adjoining premises.

(B) All uses shall be conducted entirely within an enclosed building with the exception of outdoor dining as an accessory to a restaurant use and outdoor sales display of merchandise in conjunction with antique shops, flower shops, art galleries and similar specialty and craft businesses subject to the following provisions:

(1) Outdoor sales displays may be allowed upon the public sidewalk; provided, that a minimum width of four feet (4') from street curb is maintained clear of any obstructions.

(2) No additional signs or other advertising devices (temporary or permanent) shall be used in conjunction with outdoor sales displays except those allowed in compliance with this Title.

(3) The outdoor sales display of merchandise shall only occur during times when the associated establishment is also open for business.

(4) Only merchandise normally available at the associated business may be displayed outdoors.

(C) Fire and Explosive Hazards. All activities involving storage of flammable or explosive materials shall comply with applicable Uniform Fire Codes.

(D) Radioactive or Electrical Disturbance. No activities shall be permitted which will cause physical hazard by reason of radiation or similar cause to property in the same or adjacent zones or that emit electrical disturbance or affect the operation of any equipment other than that of the creator of such disturbance.

(E) Noise. All commercial and industrial uses shall not cause noise levels in excess of the values listed in Table 1.

STAFF RECOMMENDATION:

Staff recommends that the City Council direct the Planning Commission to evaluate Zoning Ordinance Section 11-04-030, and 11-04-030.B in particular, and recommend to the City Council whether this and any other related section of the Zoning Ordinance should be amended, and if so, alternative regulations consistent with the General Plan.