



City of San Juan Bautista

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**PLANNING COMMISSION
REGULAR MEETING
TUESDAY, SEPTEMBER 5, 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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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 August 1, 2023.

4. PUBLIC HEARING

- A. Consider Amendment to Site and Design Review Permit NO. DR 2014-11 and CUP 2014-11 (fuel station, convenience store and quick serve restaurant) located at 404-408 San Juan Hollister Rd in the City of San Juan Bautista (APN 002-52-012) in the City of San Juan Bautista filed by Fred R Avila on behalf of SJB Alameda Enterprises.

This item will be postponed to the next regular meeting of October 3, 2023.

5. ACTION ITEMS

- A. Draft 2023 - 2031 Housing Element of the General Plan (previously distributed)**

Recommendation: Consider public comments and approve a resolution recommending the City Council review and direct staff to forward the Draft 2023-2031 Housing Element and Fair Housing Analysis, together with any recommended changes to the California Department of Housing and Community Development (HCD) for review and approval.

- B. Review and accept Ad Hoc Committee recommendations regarding Amendments to Zoning Code regulations affecting the conduct of business outside an enclosed building**

Recommendation: Review and accept recommendations and direct staff to evaluate and report to the Planning Commission regarding changes necessary to accomplish ad hoc committee recommendations and to further advise the Planning Commission regarding any necessary and related Zoning Ordinance amendments.

6. COMMENTS

- A. Planning Commissioners
B. Community Development Director

7. 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 Deputy Clerk, Elizabeth Soto, 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 Thursday, August 31, 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.

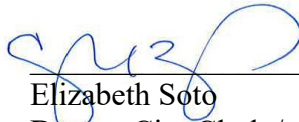
If you challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this meeting, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Please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

DATE: September 5, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

FROM: BRIAN FOUCHT, ASSISTANT CITY MANAGER/COMMUNITY DEVELOPMENT DIRECTOR

TITLE: Amendment to Site and Design Review Permit NO. DR 2014-11 and CUP 2014-11 (fuel station, convenience store and quick serve restaurant) located at 404-408 San Juan Hollister Rd in the City of San Juan Bautista (APN 002-52-012) in the City of San Juan Bautista filed by Fred R Avila on behalf of SJB Alameda Enterprises

RECOMMENDATION:

The applicant is revising design characteristics of this project, and has requested that the hearing be continued to the regular Planning Commission meeting of October 3, 2023 to enable completion of those revisions. Staff recommends that the public hearing be postponed to October 3, 2023. A new Public Hearing Notice will be posted and published accordingly.



CITY OF SAN JUAN BAUTISTA PLANNING COMMISSION STAFF REPORT

DATE: September 5, 2023

FROM: BRIAN FOUCHT, COMMUNITY DEVELOPMENT DIRECTOR

TITLE: 2023-2031 GENERAL PLAN HOUSING ELEMENT OF THE GENERAL PLAN

RECOMMENDATION:

Approve a Resolution Recommending the City Council review and direct staff to forward the Draft 2023-2031 Housing Element and Fair Housing Analysis, together with any recommended changes to the California Department of Housing and Community Development (HCD) for review and approval.

I. BACKGROUND: 2023-2031 GENERAL PLAN HOUSING ELEMENT UPDATE & FAIR HOUSING ANALYSIS

The Housing Element is a State mandated element of the City's General Plan containing analysis, policies, and programs with the objective to preserve, improve, and develop housing for all economic segments of the community. The current update covers the period 2023-2031 (6th Cycle Housing Element).

The Draft Housing Element, (Previously Distributed), has been prepared in accordance with State Housing Element Law and Guidelines of the State Department of Housing and Community Development Department (HCD). Staff will send the Draft to HCD for review for up to 90 days. During this time, staff will assemble any comments resulting from Planning Commission hearing on the September 5 and City Council review on September 19, 2023. HCD may 1) approve the Draft; 2) submit comments requiring further update; or 3) approve the draft conditioned upon clarifying or requiring further changes and provide a finding of statutory compliance. If a revised draft is submitted for further review and approval, it could take another 60 days for HCD review. Upon obtaining the letter of statutory compliance, the Final Housing Element will be scheduled before the City Council for Adoption. Once adopted, a copy of the Housing Element will be submitted to HCD for Certification.

II. FAIR HOUSING ANALYSIS

California State Law AB 686 created new requirements for all housing elements revised on or after January 1, 2021, to contain an Affirmatively Furthering Fair Housing (AFFH) analysis, Exhibit B. Under State law, affirmatively further fair housing means "taking meaningful actions, in addition to combatting discrimination, to facilitate deliberate actions to explicitly address, combat, and

relieve disparities resulting from past patterns of segregation to foster more inclusive communities free from barriers that restrict access to opportunity based on protected characteristics”.

The Housing Element analysis must include an analysis of Racially Concentrated Areas of Affluence, and patterns and trends at both a local and regional scale. The city’s consultant has prepared the Housing Element and a Fair Housing Analysis addressing the following topics:

1. Outreach
2. Assessment of Fair Housing
 - a. Key Data and Background Information
 - b. Fair Housing Enforcement and Outreach Capacity
 - c. Integration and Segregation Patterns and Trends
 - d. Racially or Ethnically Concentrated Areas of Poverty
 - e. Disparities in Access to Opportunity
 - f. Disproportionate Housing Needs in the Jurisdiction
 - g. Displacement Risk
3. Sites Inventory
4. Identification of Contributing Factors, Goals and Actions

FAIR HOUSING ANALYSIS – FINDINGS

The following ten (10) discussion items describe San Juan Bautista’s compliance with and implementation of the California State Law AB 686 - Affirmatively Furthering Fair Housing (AFFH) requirements.

1. **Diversity Index:** Diversity Index, captures the racial and ethnic diversity of a geographic area in a single number, from 0 to 100. Scores between 40-55 represent low diversity, 55-70 represent moderate diversity, and 70-85 represent high diversity.

The neighborhood population concentration in San Benito County and City of San Juan Bautista is Latinx-White. There generally appears to be moderate to high diversity index scores throughout the City of San Juan the City, and the County as a whole. The eastern half of the city also has a high diversity index score of ≤ 85 . There has not been much change to the diversity index between 2018 and 2023.

2. **GINI Index:** The GINI index is a measure of the extent to which the distribution of income among families/households within a community deviate from a perfect equal distribution. In other words, there is income disparity between the populations in the jurisdiction. The scale is from 0 to 1, with 0 representing perfect equality and 1 representing the highest possible level of inequality.

Gini coefficient for California is 0.487. County of San Benito’s Gini index is 0.408. The lower Gini index in San Benito is reflective of the lower overall poverty levels in the area compared to California.

- 3. Dissimilarity Index:** The dissimilarity index ranges from 0 to 1. Higher values indicate that groups are more unevenly distributed (for example, they tend to live in different neighborhoods).

Table 6: Racial Dissimilarity Index Values for San Benito County				
Race	2010	2018	2020	2021
White to Non-White Racial Dissimilarity	0.308	0.279	0.352	0.358

Source: FRED Economic Data (fred.stlouisfed.org)

The increasing dissimilarity index reflects the increase in non-white population in San Benito County. Considering the population distribution in San Juan Bautista of approximately 50% Hispanic/Latino, San Juan Bautista will also have an increasing dissimilarity index.

- 4. Racially or Ethnically Concentrated area of Poverty (R/ECAP):**

According to the HCD AFFH Dataset, there is no R/ECAP in San Benito County. Areas of higher diversity in San Benito County generally correlate with a lower income. According to ACS 5-year estimates between 2017 and 2021, 11.3% Hispanic or Latino of any race in San Juan Bautista are under the poverty level while 1.4% of non-Hispanic White are under the poverty level.

- 5. Racially Concentrated Areas of Affluence (RCAA):**

While HCD does not have a standard definition for RCAAs, looking at the percentage of the White population and median household income can provide a good indicator for areas of affluence.

San Juan Bautista is not designated as RCAA as most of the census tracts within San Benito County. The only RCAA designation in the County is around the area of Ridgemark Census-Designated Place (CDP).

- 6. Disparities in Access to Opportunities:** The Tax Credit Allocation Committee and the Housing and Community Development Department has categorized all Census Tracts in the State as Resource Opportunity areas and maps associated with it. Economic, Educational and Environmental domains were identified and studied. Based on the domain scores, census tracts are categorized as Highest Resource, High Resource, Moderate Resource, Moderate Resource (Rapidly Changing), Low Resource, or areas of High Segregation and Poverty.

San Juan Bautista has moderate resources and opportunities.

- 7. Disproportionate Housing Needs:**

The most disproportionate housing needs in San Juan Bautista include increasing the variety of housing types at affordable prices for low-income households as 48.23% of the households have experienced cost burden during the period 2017 to 2021. Overall, the cost burden has reduced significantly compared to the 2010-2014 period when the cost burden was over 80%. Some 43.6% of total households in San Juan Bautista are renters, with 77% of the renters between the ages of 25 and 54.

- 8. 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.

San Juan Bautista has recorded a low displacement risk in 2022 as is the case in most parts of the County. There are no disadvantaged communities in City of San Juan Bautista. San Juan Bautista is a sensitive community with vulnerability for displacement because of housing cost.

- 9. Site Inventory:** The inventory of sites identified in the Housing Element will meet the City's Regional Housing Needs Assessment (RHNA) at all income levels. The RHNA sites are generally accommodated throughout the city and are 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.

10. Identification of Contributing Factors, Goals and Actions:

Based on the issues identified in the Fair Housing Analysis, the following are the top 5 issues to be addressed through the programs in the Housing Plan:

1. Maintaining and preserving the existing affordable housing stock;
2. Assisting in the provision of housing;
3. Removing governmental constraints, as necessary;
4. Providing adequate sites to achieve a variety and diversity of housing; and
5. Promoting equal housing opportunity.

The Draft **2023-2031** Housing Element contains a Housing Plan (Chapter VI) which includes policies and programs augmenting Fair Housing goals of the City.

III. DRAFT 2023-2031 HOUSING ELEMENT

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).



Regional Housing Needs Assessment (RHNA).

The Regional Housing Needs Assessment (RHNA) as allocated by HCD shows the housing units that should be constructed for each jurisdiction in each RHNA period.

The city’s 6th Cycle RHNA obligations are shown in Table 1. Of the total 88 units required, eight (8) units are needed for extremely low-income; 10 units for very low income; 14 units for low income; and 18 units for moderate (including above moderate) income categories.

Table 1:
San Juan Bautista’s Share of Regional Housing Needs 2023-2031

Income Category	City’s Share of Regional Housing Needs	
	Number of Units	Percent of Total Units
Extremely Low Income	8	9%
Very Low	10	11%
Low	14	16%
Moderate	18	20%
Above Moderate	38	43%
Total	88	100%

Source: California Department of Housing and Community Development, 2023-2031

The commonly used income categories based on *Area Median Income (AMI)* are approximately as follows, subject to variations for household size and other factors:

- Extremely low income: 15-30% of AMI
- Very low income: 30% to 50% of AMI
- Lower income: 50% to 80% of AMI; also used to mean 0% to 80% of AMI
- Moderate income: 80% to 120% of AMI

IV. IMPLEMENTING ACTIONS:

The new Housing Element has proposed a Housing Plan (Chapter VI of Housing Element), that include policies and programs augmenting Fair Housing goals of the City. Some of the existing programs will be continued. The programs are intended to bring the City's codes and housing approvals consistent with the State Law and have provisions to implement them. The city is required to submit to HCD Annual Progress Reports on implementation of the Housing Element.

V. EXHIBITS:

1. Resolution

Previously Distributed:

2. Exhibit A: Draft 2023-2031 Housing Element.
3. Exhibit B: Draft 2023-2031 Fair Housing Analysis.

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA RECOMMENDING TO THE CITY COUNCIL THAT THEY AUTHORIZE STAFF TO FORWARD THE 6TH CYCLE, 2023-2031 HOUSING ELEMENT & THE FAIR HOUSING ANALYSIS TO THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR REVIEW AND APPROVAL

WHEREAS, the City of San Juan Bautista has authorized the 2023-2031 update of the General Plan Housing Element, and the preparation of a Fair Housing Analysis; and

WHEREAS, the Draft Housing Element and the Fair Housing Analysis were prepared in accordance with State Housing Element Law and Guidelines of the State Department of Housing and Community Development Department (HCD); and

WHEREAS, the Planning Commission has conducted a public workshop and hearings on Draft 2023-2031 Housing Element and the Fair Housing Analysis at its meeting on June 29, 2023 and September 5, 2023; and

WHEREAS, a notice of Draft 2023-2031 Housing Element availability was posted on July 28, 2023, initiating a 30 - day public review period from July 28, 2023 - August 29, 2023;

WHEREAS, proof of the notice is on file at the City Clerks' office; and

WHEREAS, copies of the 2023-2031 Housing Element and the Fair Housing Analysis were made available for public inspection during 30 day public review period, at the City Clerk's office, the City's Community Development Department, the City Public Library and was duly published on the City's website.

NOW, THEREFORE, the Planning Commission of the City of San Juan Bautista find, determine, resolve and order as follows:

1. The above recitals are true and correct.
2. The Planning Commission recommends that the City Council review and direct staff to forward the 2023-2031 Draft Housing Element and Fair Housing Analysis to HCD for review and approval;

PASSED AND APPROVED by the San Juan Bautista Planning Commission on the 5th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Jose Aranda, Chair

ATTEST:

Elizabeth Soto, Deputy City Clerk

Attachments:

Exhibit A – 2023 Housing Element Update

Exhibit B – Fair Housing Analysis

Ad Hoc Meeting on 11-04-030 w/ stake holders and members of the community regarding Pop Ups Retail and Food Truck Vendors

High Level Needs from Business Owners

- Fairness with code enforcement consistent across the board.
- Code Enforcement and city should be less restrictive on pop-ups and food trucks
- Ease of process to obtain Business License
- Business License app should be quick and painless to fill out.
- Knowledge of business license process, incase questions arise.
- Obtain Business license in a timely manner, same day / one business day.

Local Businesses don't like the idea of having to write a letter on behalf of pop-up merchant stating that they are allowed to conduct business on their property. When essentially, they wouldn't be able to anyways without the owner's consent. It's a redundant process. Perhaps tying this into the business license form.

There should be a pop-up / food truck business license form on its own. Perhaps a different class of license for these vendors. Event Class?

Business license app should be online and readily accessible.

Business license app fee should be payable in person or online.

Business License should be ready the day of / 1 business day for pick up or printed out online.

Food Trucks should be able to remain on site for up to 4 days

Asked about hours of op, business owners didn't care for hours of op.

Asked about how many trucks should be allowed on site, business owners didn't care.

The less restrictive the better as pop-ups and food truck vendors is the new thing going forward.

Business owners agreed that city interests should be sales tax and that everyone should pay their fair share. But its ultimately it is the responsibility of the pop-up owner to file their taxes on sales in the correct jurisdiction.

Question that needs follow up.

- Are pop up allowed to be conducted inside, as one business owner was told she could not.
- Can fees be lowered to make it more enticing for popups and food trucks to come into town?

Governmental interest in Regulating Pop-Ups and Food Trucks / City Needs

- Health, Safety and General Welfare
- Require Business Licenses
- Sellers Permit
- Health Department Clearance (if applicable)
- Uniform reference on ordinances

TULP is working out and no complaints so far to the city.