

ORDINANCE 2007-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA TO AMEND CHAPTER 11.04 OF THE SAN JUAN BAUTISTA MUNICIPAL CODE ESTABLISHING LIMITS ON THE APPROVAL OF LARGE-SCALE RETAIL BUSINESSES, FORMULA RETAIL AND RESTAURANT BUSINESSES, AND FORMULA VISITOR ACCOMMODATIONS WITHIN THE CITY OF SAN JUAN BAUTISTA

THE CITY COUNCIL ORDAINS AS FOLLOWS:

SECTION 1: The City Council finds and determines the following:

- A. The continued vitality of the City's economy is dependent upon tourism, and upon the ability of the City's commercial and historic districts to attract both residents and visitors.
- B. Preservation of the existing character and scale of the City's commercial and historic districts is vital to the continuation of the City's ability to attract tourism and other visitors.
- C. Preservation of the existing character and scale of the City's commercial and historic districts is also important to maintain the distinctive small town charm and character enjoyed by current residents.
- D. The development of retail and commercial establishments that conflict with the character of the City's historic and commercial districts, and that are out of scale in relation to the current pattern of development in such districts creates a threat to the public health, safety, and general welfare by threatening the character of the City's commercial and historic districts and their continued economic vitality.
- E. Large-scale retail business, formula retail or restaurant business, and formula visitor accommodations potentially may conflict with the existing character and scale of the City's historic and commercial districts and, therefore, potentially pose a threat to the City's ability to attract tourists and other visitors and thereby maintain a vital economy.

SECTION 2: The following definitions are added to Chapter 11.29 of the San Juan Bautista Municipal Code to read as follows:

“LARGE-SCALE RETAIL BUSINESS DEVELOPMENT. Any structure 5,000 square feet, or more, to be occupied by any one retail establishment. This definition does not include service and community establishments, including, but not limited to, banks, insurance brokerages, real estate brokerages, health centers, governmental uses, community centers,

theaters, religious or fraternal uses, and similar establishments. A proposed development where retail sales are an incidental or accessory use to the primary use is not included within this definition.”

“FORMULA RETAIL OR RESTAURANT BUSINESS DEVELOPMENT. A retail, restaurant, or fast-food business that is required by contractual or other arrangement to maintain standardized services, merchandise, menus, ingredients, food preparation, uniforms, décor, logos, architecture, signs, or similar features.”

“FORMULA VISITOR ACCOMMODATIONS. A visitor accommodation business that incorporates physical features common among one or more of the other visitor accommodation businesses owned by the same company and that is required by contractual or other arrangement to maintain standardized services, merchandise, uniforms, décor, logos, architecture, signs, or similar features.”

SECTION 4: The following is added to the San Juan Bautista Municipal Code **SECTION 11.04 – *Additional Development Standards***, to read as follows:

“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 is compatible with the existing scale of development, distinctive architecture and pedestrian orientation of the town character and results 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-thru food establishments shall be prohibited.

- B. Application Procedure.
 - 1. 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.

SECTION 5: Environmental Determination. The City Council determines that the following findings reflect the independent judgment of the City Council. The City Council finds

that this Ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines 15378, 15061(b)(3), 15183, 15305, and Public Resources Code section 21083.3(e) for the following reasons:

1. Under CEQA Guidelines Section 15061(b)(3), CEQA review is not required because there is no possibility that this Ordinance may have a significant effect upon the environment.

2. Under CEQA Guidelines Section 15378, the proposed amendments are not a project under CEQA because they will not cause a “direct physical change in the environment” and will not authorize any specific development activity.

3. Any potential indirect secondary impacts of the proposed amendments on the physical environment are speculative and are not reasonably foreseeable, and are, therefore, not subject to review under CEQA.

4. There is no substantial evidence that the proposed amendments will have the potential to cause a significant impact upon the environment.

5. There is no substantiated opinion or reasonable argument to determine that the proposed amendments will cause impacts that are subject to review under CEQA.

6. The proposed text amendments constitute a minor alteration in a land use limitation under CEQA Guidelines Section 15305, and such a land use limitation is a permissible exercise of the city’s zoning powers.

7. There are no unusual circumstances that would necessitate CEQA review.

8. Under CEQA Guidelines Section 15183 and Public Resources Code section 21083.3(e), the proposed regulations are consistent with the San Juan Bautista General Plan. The following General Plan policies support adoption of the ordinance:

Policy L-16 – Commercial development outside of the Downtown area must be planned in a manner which complements Downtown businesses and does not compromise its position as a center of community life.

Policy L-21 – Support the development of land at the western and eastern “gateways” to Downtown with mixed uses that convey a positive image of the City to residents and visitors. Appropriate uses would include specialty retail stores, restaurants, galleries and studios, offices, craft shops, “cottage” industry, live-work projects, home occupations, and similar uses. Inappropriate uses would include large-scale auto “malls” and repair establishments, drive-through restaurants, big box retailers, and storage yards.

Policy L-23 – Support existing small and locally-owned businesses in San Juan Bautista. Small “mom and pop” businesses – and an absence of large “chain” stores – are a distinguishing element of San Juan Bautista. These businesses employ local residents, provide sales tax revenue, provide goods and services, and contribute to a sense of tradition and community.

Some of the town's small businesses provide a visible link to the past and is a reminder of an earlier period in California living. These establishments provide the backbone of the City's commercial district and should be supported in the future. They are an important part of why tourists come to San Juan Bautista.

Policy L-24 – Support the establishment of new tourist-oriented businesses that are consistent with the town's role as an historic center, an arts and cultural center, an agricultural center, and a showcase of Early California living. While future tourist development is encouraged, it must be consistent with the City's character and history. New visitor-serving uses should convey a positive image of the City. Uses which convey a cheap, tacky, or overly commercialized image should be discouraged.

SECTION 6: Effective Date. This Ordinance shall take effect 30 days after its final adoption by the City Council.

SECTION 7: Expiration of Ordinance 2004-06. Ordinance 2004-06 shall be of no further force and effect upon this Ordinance 2007-04 taking effect as provided in Section 6 of this Ordinance.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 16th day of January, 2007, and was adopted at a regular meeting of the San Juan Bautista City Council on the 20th day of February, 2007, by the following vote:

AYES: Hill, Dias, Paradice, Edge, Laverone

NOES: None

ABSENT: None

ABSTAIN: None

Priscilla Hill, Mayor

Trish Paetz, Deputy City Clerk

APPROVED AS TO FORM:

George Thacher, City Attorney