

Chapter 10-4

GROWTH MANAGEMENT ORDINANCE

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Article 1. Policy – Procedures

10-4-100 Intent.

It is the intent of this Chapter to assure that residential development remains within the limits established by the San Juan Bautista General Plan 1998-2015 as amended from time to time. It ensures that residential development will not outpace the City's ability to provide, upgrade and expand essential public facilities and services.

10-4-105 Findings.

When enacting a growth limitation ordinance, Government Code Section 65863.6 requires findings be made as to the public health, safety, and welfare of the City to be promoted by the adoption of the ordinance, which justify reducing the housing opportunities in the region.

(A) The residential growth rate will be at one percent (1%) as supposed by factors noted within the General Plan H-4-26.

(B) The Growth Management Ordinance of one percent (1%) combined with the citizens' voting control of projects over four (4) units serves the public interest and protects the public health, safety and welfare by managing and pacing residential

growth upon which future planning for land use and major city facilities such as sewer and water systems is based. Current infrastructure constraints already exist. Through the one percent (1%) growth rate and the project control by the vote of the citizens, new development will not outpace the improvement and construction of adequate infrastructure.

(1) Sewer. Aging collection lines allow water from saturated ground to seep into the sewer system. Replacement of sewer mains in a number of locations will be necessary before substantial new growth can occur. Sewer capacity will be reached around 2005 and a second or expanded plant will need to be constructed.

(2) Water. Water distribution lines are old and deteriorating. The lines are too small to handle peak flow requirements, increasing the potential for loss of units due to fire. Correcting the inadequacies in the water distribution system is necessary before substantial new growth should occur.

(3) Transportation. Local roads are not currently ready to handle the fast-paced growth and increased traffic generated from regional development and tourism. Increased population in San Juan Bautista must not place a burden on the local transportation system.

(4) Drainage. Numerous areas in the City are prone to flooding. Increased impervious surface area through residential construction could increase the risks of flooding. A master drainage plan is needed for the City before substantial growth should occur.

(C) The growth management residential allocation program as amended is a key to the following General Plan goals and related implementation programs and policies:

(1) Maintain San Juan Bautista as a small, compact town surrounded by open space and agriculture (Goal L-1: Small Town Character).

(2) Ensure that future development occurs in a balanced, orderly manner and at a rate which does not exceed the City's ability to provide services (Goal L-2: Growth Management).

(3) Preserve the positive qualities of San Juan Bautista's residential areas and extend these qualities into new housing areas (Goal L-3: Residential Areas).

(4) Provide adequate housing opportunities for persons with special needs, including seniors, disabled persons, farmworkers, and families with young children (Goal H-4: Special Needs).

(5) Remove constraints to the production of affordable housing without compromising the

quality of life in San Juan Bautista (Goal H-5: Constraints).

(6) Provide water and sewer services in the most efficient, cost-effective, and environmentally sound manner possible (Goal P-1: Water and Sewer).

(D) This Chapter will not prevent the City from attaining its regional fair share of housing needs as determined by the Association of Monterey Bay Governments (AMBAG). The allocation program specifies that housing for seniors, disabled, and very low/low income may be counted as fifty percent (50%) of the actual number of units for the purposes of this Chapter.

(E) The 1992-2001 Housing Element contained in the 1998-2015 San Juan Bautista General Plan was certified by the State Department of Housing and Community Development in 1999.

10-4-110 Definitions.

(A) "Allocation" means the right to make application to create a residential lot or build a residential unit, shall be made in accordance with our growth rate of one percent (1%) and by a vote of the people in applications of over four (4) housing units.

(B) "Low income housing" shall have the same meaning as in the General Plan Housing Element.

(C) "Lower income housing" refers to low income and/or very low income housing as each is defined in the General Plan Housing Element.

(D) "Senior housing" means any multiple-family attached housing units for rent with the City approved restrictions that limit tenancy such that at least one (1) member of the household is fifty-five (55) years of age or older.

(E) "Unit" means a residential lot created in accordance with the Subdivision Map Act, or otherwise legally created, or a residential unit in a nonsubdivision project.

(F) "Very low income housing" shall have the same meaning as in the General Plan Housing Element.

10-4-115 Applicability.

Any residential development project of three (3) or more units or lots shall obtain allocations pursuant to this Chapter prior to application for any discretionary approval of the project, or if no discretionary project approval is required, prior to application for building or other construction permits.

(A) Units restricted to senior, disabled, or lower income housing shall count as one-half (1/2) of a

unit for the purposes of determining how many allocations are required. For example, an eight (8) unit senior housing project would require four (4) allocations. Fractional results shall not be rounded up or down.

(B) If the units designated as senior, disabled or lower income housing units at the time of award of the allocations are not subsequently approved by the City with such restrictions, such units shall count as full units rather than half units. The developer shall be required to apply for and receive additional allocations prior to issuance of building permits for such units. Approval of the project without such restrictions does not exempt the project from the requirement to obtain allocations under this Chapter.

10-4-120 Exemptions.

The following residential development projects shall be exempt from the requirement to obtain allocations as otherwise required in SJBMC 10-4-115:

(A) Projects of one (1) or two (2) residential units on an existing legal lot as of the effective date of the ordinance codified in this Chapter;

(B) Units that have been issued allocations under the prior Growth Management Ordinance with vested development rights;

(C) Second dwelling units as defined in SJBMC 11-19-200.

10-4-125 Number of allocations available.

(A) Within the City Limits. The number of housing units that may be added to existing housing stock shall be a maximum of one percent (1%) per year of all existing housing units as of January 1st of that year. This will be an exponential rate. The one percent (1%) is constant but the number for it to be applied to changes.

(B) Outside the City Limits. In annexation outside the City limits, the total and annual number of allocations for residential development shall be in accordance with a vote of the people and our growth rate of one percent (1%).

10-4-130 Award of allocations.

(A) Developers shall apply for allocations on forms to be developed by the Planning Department. Application fees shall be as determined by the City Council by resolution. At the time of application, the developer shall provide the following information:

- (1) Location of project;
- (2) Number of residential units;

(3) Number of units to be designated as senior, disabled, or lower income units;

(4) Year in which allocation is being sought;

(5) Such other information as the City deems necessary.

(B) Upon receipt of a completed application any proposed development of more than four (4) housing units, retroactive to January 1, 2002, for which development rights have not vested, shall first be submitted to the voters of San Juan Bautista for approval.

(C) Upon receipt of a completed application for any development of three (3) to four (4) housing units, retroactive to January 1, 2002, for which development rights have not vested, shall go through the Planning Commission allocation process under SJBMC 10-4-115 without being submitted to the voters of San Juan Bautista.

10-4-135 Effect of allocations.

(A) An award of allocations under this ordinance is not a project approval, nor any guarantee of a project approval. Developers must apply for and obtain any other required development and/or construction permits.

(B) Applications for and award of allocations are not a development project and are not subject to the Permit Streamlining Act.

(C) An award of allocations is not a property right.

(D) Allocations are awarded for use by a particular project in a particular location as specified in the developer's application. Allocations are not transferable to other projects or locations.

10-4-140 Expiration of allocations.

(A) If significant work on any allocated housing unit(s) has not commenced by the end of the following calendar year, the allotment will expire.

(B) The City Council by a four (4) person vote may waive this requirement with appropriate conditions on a showing by the applicant, such as an act of God.

(C) Allocations awarded to an applicant shall not be effective as to allowing the right to apply for building permits if the applicant has any outstanding balance owed to the City related to the residential development project.

10-4-145 Expired and unused allocations.

(A) Expired or unused allocations shall not roll over to increase the number of allocations available in subsequent years.

(B) The Planning Department shall monitor the number of awarded, used, expired, and unused allocations.

(C) Any housing unit allotment available during a year, if not allotted during that year, shall expire by the end of the allotment year.

(D) Allocations may only be made for the current year and not future years.

(E) Any additional development allotments over the one percent (1%) growth rate shall only be allowed by an affirmative vote of the voters of San Juan Bautista with costs to be borne by the proponents.

10-4-150 Annual review.

Annually, beginning in the year 2002, the Planning Department shall report to the City Council on the following:

(A) The number of allocations requested, awarded and expired or otherwise unused. Each subsequent annual review shall include such information for the previous year and cumulated for all previous years from the effective date of the ordinance codified in this Chapter.

(B) The condition of infrastructure and other public services and facilities to ensure that development likely in the following year will be adequately supported by such services and facilities.

Article 2. Initiative Ordinance

10-4-160 Purpose.

(A) Findings. The people of the City of San Juan Bautista hereby find that it is in the best interest of the present and future residents of the city to change the growth rate from three percent (3%) to one percent (1%) and require all projects of five (5) units or over to be approved by a vote of the registered voters of the City.

(B) Purpose. The purpose of the General Plan and Initiative Ordinance amendments is to reduce the growth rate to one percent (1%) and so limit excessive growth which we cannot sustain. Along with this perilous situation we are in, we also, in order to protect our economy and our historic town, limit the approval of projects of five (5) units or over to a vote of the citizens. There can be no exceptions to this vote of the people.

10-4-170 Title, chapter and section headings.

Title, chapter, and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or

intent of the provisions of any title, chapter, or section hereof.

10-4-180 Implementations.

(A) Upon passage of this Initiative Ordinance amending the General Plan and Growth Management Ordinance 2000-5, its provisions shall be immediately effective, and the City shall immediately adopt all changes required by this Initiative Ordinance.

(B) The City shall amend the Growth Management Ordinance 2000-5, the General Plan, any successor Growth Management Ordinance (GMO), all ordinances, regulations, its zoning ordinance and all other land use, development and subdivision regulations to bring them into conformity with this Initiative Ordinance.

(C) Pending such amendment, as well as after said amendment, the City, its departments, boards, commissions, officers and employees, shall not issue or grant any permit, approval or other land use entitlement, enter into any development agreements, or take any other action, which is inconsistent with the GMO 2000-05 as amended herein.

(D) The City shall not adopt any amendments to the General Plan inconsistent with the terms and purposes of this Initiative Ordinance without a majority vote of the electors of San Juan Bautista.

(E) Subsequent amendments to the GMO or other guidelines, regulations and ordinances may thereafter be made, so long as such amendments are consistent with the terms and purposes of this Initiative Ordinance.

(F) Nothing in this Initiative Ordinance shall be construed to preclude, prohibit or limit the City from complying with any requirements under state housing law. To the extent that any provision of this Initiative Ordinance can be read to conflict with state housing law, it shall be read to allow for compliance with state housing law, while honoring the intent and purposes of the Initiative Ordinance.

10-4-190 Amendment and repeal.

This Initiative Ordinance as amended shall remain in effect and no part of the Ordinance may be amended or repealed except by a majority vote of the San Juan Bautista voters at a regularly scheduled general election.

10-4-200 Severability and interpretation.

(A) This Initiative Ordinance shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations.

(B) If any portion of the Initiative Ordinance is held to be invalid by a final judgement of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative Ordinance. San Juan Bautista voters hereby declare that this Initiative Ordinance and each portion thereof would have been adopted or passed even if one or more portions are declared invalid. If any provision of this Initiative Ordinance is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative Ordinance that can be given effect without the invalid application.

(C) This Initiative Ordinance shall be broadly construed in order to achieve the purposes stated in this Initiative Ordinance.

Legislative History: Ords. 189 (11/7/79), 189.1 (12/31/84), 99-02 (12/21/99), 2000-05 (12/19/00), 2002-04 (8/1/02).