

**RESOLUTION NO. 2007- 16**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF SAN JUAN BAUTISTA  
(1) CALLING AND PROVIDING FOR A SPECIAL  
MUNICIPAL ELECTION TO BE HELD IN THE CITY  
ON TUESDAY, AUGUST 28, 2007, (2) PROVIDING  
FOR SAID ELECTION TO BE CONDUCTED BY  
MAIL, (3) PLACING ON SAID ELECTION BALLOT  
A MEASURE REGARDING THE AMENDMENT OF  
CITY'S GROWTH MANAGEMENT ORDINANCE, AND  
(4) APPROVING A NEGATIVE DECLARATION FOR  
SAID BALLOT MEASURE**

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**WHEREAS**, City presently has in place a Growth Management Ordinance ("GMO"), at Chapter 10-4 of the San Juan Bautista Municipal Code ("SJBMC"), the GMO having been adopted pursuant to the law governing initiative legislation by cities, and therefore subject to amendment only by vote of the people of the City; and

**WHEREAS**, this Council has been requested by a property developer to place on the ballot a measure that, if passed, would amend the GMO to provide that a specific property in the City is exempt from provisions of the GMO; and

**WHEREAS**, this Council wishes to place such measure on a ballot for consideration by City's qualified electors; and

**WHEREAS**, this Council previously has directed the City Planner to submit the substance of the measure to California Environmental Quality Act ("CEQA") review, and the City Planner has done so and has prepared a Negative Declaration pursuant to CEQA procedures for consideration by this Council;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY RESOLVES AS FOLLOWS:**

1. Pursuant to Elections Code Sections 9222 and 12001, this Council hereby orders and calls a special municipal election to be held in the City for the purpose of submitting to qualified electors a single measure, hereinafter described and set out.

2. Pursuant to Elections Code Sections 1500, 4000, and other applicable provisions of said Code, such election so ordered and called shall be conducted by City's Election Official/City Clerk with the assistance of an election services firm, by mail ballot on Tuesday, August 28, 2007, said mail ballot election subject to all required procedures of the Elections Code and other applicable law.

3. The developer referenced in the recitals, hereinabove, shall pay and reimburse City for any and all expenses related to the mail ballot election called and ordered hereby, including, without limitation, cost of engaging and employing an election services firm<sup>1</sup>, all City employee and consultant costs related to the mail ballot election, and other expenses reasonably related to the preparation and conduct of said election. It is the intent of this Council that the conduct of the election is contingent upon developer's payment and reimbursement of such costs, and that failure of developer to make such payments and reimbursements upon demand by the City Manager may result in this Council rescinding the call and order for election made hereby.

4. The single measure to be placed on the mail ballot election hereby called shall be printed in the ballots used at said election in substantially the following form:

Shall Section 10-4-120 of Chapter 10-4 (Growth Management Ordinance) of the San Juan Bautista Municipal Code be amended (by ordinance in substantially the form included in election materials provided to qualified electors) to add thereto the following new and additional exemption from the requirement to obtain allocations for residential lots or residential units:  
Residential and mixed use development of the parcel at and in the vicinity of 70 Muckelemei Street, San Juan Bautista (APN: 002-350-002) is permitted, subject to project review and approval by the City for senior housing and other live/work units, both including affordable units and other mixed uses, without any of the allocation or growth limitations in Sections 10-4-115 through 10-4-180 of the Growth Management Ordinance?

5. The words "Yes" and "No" shall be printed on the ballots so the qualified electors may express their choice on the aforescribed measure. The form of ordinance referred to in the measure is attached hereto and marked Attachment A, and shall be included in the election materials provided to qualified electors.

6. The City Clerk is authorized and directed to post in the requisite number of public places in the City, in the time, form, and manner required by law, a Notice of Election; and to make such publications regarding the election as are required by law.

7. The City Council shall meet following the election, within the time required by law, to canvass the returns and to declare the results of the election.

8. The City Manager is authorized and directed to contract with an election services firm for the administration and conduct of the election.

9. Written arguments, not to exceed three hundred (300) words, in favor or opposition to said measure, may be submitted to the City Clerk no later than May 30, 2007.

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<sup>1</sup> This Council has approved engaging an elections services firm on the date of adoption of this resolution.

10. This Council has received, reviewed, and fully considered the negative declaration prepared for the ballot measure (“project”) subject of this resolution. The negative declaration has been prepared, noticed, and circulated as required by law. This Council hereby finds, based on said negative declaration, that there is no substantial evidence in the record before it that the project will have a significant effect on the environment, and further that the negative declaration reflects the City’s and this Council’s independent judgment and analysis. Therefore, this Council hereby approves and adopts the negative declaration. The record of these environmental proceedings is on file in the office of the City Planner.

**THE FOREGOING RESOLUTION** was adopted at a regular meeting of the San Juan Bautista City Council on the 15<sup>th</sup> day of May, 2007, by the following vote:

**AYES:**                **Hill, Dias, Paradice, Edge, Laverone**

**NOES:**                **None**

**ABSENT:**            **None**

**ABSTAIN:**           **None**

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**Priscilla J. Hill, Mayor**

**ATTEST:**

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**Trish Paetz, Deputy City Clerk**

**APPROVED AS TO FORM:**

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**George Thacher, City Attorney**

ATTACHMENT A

ORDINANCE NO. 2007-\_\_\_\_\_

**AN ORDINANCE OF THE PEOPLE OF  
THE CITY OF SAN JUAN BAUTISTA  
AMENDING SECTION 10-4-120 OF CHAPTER  
10-4 (GROWTH MANAGEMENT ORDINANCE)  
OF THE SAN JUAN BAUTISTA MUNICIPAL CODE  
TO ADD AN ADDITIONAL EXEMPTION TO  
GROWTH LIMITS**

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**THE PEOPLE OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAIN AS  
FOLLOWS:**

**SECTION 1.** Section 10-4-120 of Chapter 10-4 of the San Juan Bautista Municipal Code hereby is amended to add a new exemption (to be lettered (D)) thereto, said section as amended to read:

**10-4-120 Exemptions.**

The following residential development projects shall be exempt from the requirement to obtain allocations as otherwise required in SJBMC 10-4-114, and from requirements as described in the following listed exemptions:

(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.

(D) Residential and mixed use development of the parcel at and in the vicinity of 70 Muckelemi Street, San Juan Bautista (APN: 002-350-002) is permitted, subject to project review and approval by the City for senior housing and other live/work units, both including affordable units and other mixed uses, without any of the allocation or growth limitations in Sections 10-4-115 through 10-4-180 of this Chapter.

**SECTION 2.** The City Council finds and declares that this ordinance was passed by a majority of City's qualified electors at a mail ballot election held on August 28, 2007, by the following vote: YES:\_\_\_\_, NO:\_\_\_\_\_.

**THE FOREGOING ORDINANCE** is effective as of \_\_\_\_\_, 2007.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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**Priscilla J. Hill, Mayor**

**ATTEST:**

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**Trish Paetz, Deputy City Clerk**

**APPROVED AS TO FORM:**

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**George Thacher, City Attorney**