

**City of San Juan Bautista**  
**Planning Commission Meeting**  
**Minutes**  
**September 2, 2008**

**1. Call to Order** at 7:02 p.m. by Chairperson Reuben Garza

**A. Roll Call**

**Members Present:** Reuben Garza, Jeff Bagley, Dan McMath, and Erika Spencer.

**Members Absent:** Wanda Guibert.

**Staff Present:** Matthew Sundt, City Planner and Trish Paetz, City Clerk.

**2. Public Comment (limited to items on the agenda)**

None.

**3. Presentation Agency and Green Building**

Sharon Sarris from Green Fuse Energy Company and Tricia Bury from AMBAG presented information on AMBAG's Regional Energy Plan for Monterey Bay.

**4. Consent Items**

**A. Approval of Affidavit of Posting Agenda**

**B. Approval of Minutes of April 1, 2008 Planning Commission Meeting**

Item A, Approval of Affidavit of Posting Agenda, was removed for approval as no affidavit was available.

A motion was made by Commissioner Spencer and seconded by Commissioner Bagley to approve the minutes of the April 1, 2008 Planning Commission Meeting. The motion passed unanimously.

**5. Public Hearing Items**

**A. Conditional Use Permit for Hell Bent Custom**

City Planner Sundt presented a staff report stating the applicant, Ray Shott and Hell Bent Custom, is requesting approval of a conditional use permit (CUP) for a custom motorcycle retail and service business. The business includes the sale and installation of custom accessories. Aftermarket motorcycle parts are sold and installed. There are hydraulic lifts in the service bay for use in motorcycle accessory installations. On or about June 12, 2008, and unbeknownst to the City Planner, City staff processed a business license for Hell Bent Custom Motorcycle sales and service without the applicant first following through with other City departments as stated on the City's business license form. The license was issued by City staff in good faith but in error. A business license fee was paid at that time. City staff is now processing this CUP as an "after-the-fact" CUP. Per SJBMC Section 11.01.050.C, the business license is technically null and void. Approval of this CUP application will incidentally correct this situation.

Chairman Garza asked staff who signed off on the business license, and City Planner Sundt responded, no one, only the receptionist, which is common procedure in City Hall.

Chairman Garza stated he does not agree with the process and, additionally, Hell Bent is a franchise. He proceeded to distribute literature from the internet to substantiate his claim.

During public comment Emily Renzel, owner of Casa de Anza, complained about noise, and the proximity of the business to her historical structure.

Resident Richard Ponce stated the municipal code does not allow motorcycle sales, and issuance of a business license to Hell Bent is irresponsible.

Resident and owner of Fool's Gold and director of the Chamber of Commerce for two and a half years Halina Kleinsmith, stated Hell Bent's presence in San Juan adversely affects her business. Additionally, she had issue with the name, "Hell Bent", in the mission city.

San Juan Bautista property owner Melinda Gallo suggested the applicant relocate his business to the old 75 gas station and stated the City Planner is "interpreting" the General Plan, not referencing it. She addressed the General Plan where she understood it to disallow motorcycle sales and service in the mixed use area, the definition of "intensities that support a pedestrian presence", and noise levels in the business areas. She also commented on areas of the City Planner's conditions of approval presented to the Planning Commission.

Resident Jerry Perezchica stated a business license should never have been granted to Hell Bent Custom, motorcycles are automotive as defined in the dictionary and by DMV, the business is not enhancing the character of the downtown with bars on the windows, and he has seen an increased number of Harleys and motorcycle people in town which he attributes to the store.

Property owner and property assessor Peter Gallo stated that at the time he purchased the property directly behind Hell Bent Customer, the building was a used furniture and antique store, and he said the motorcycle business will have a negative impact on property values.

Resident and owner of Ponzini Insulation Sandy Ponzini spoke in favor of Hell Bent, that they had assisted people with providing enough gasoline to get them to a gas station and recharging a battery. She pointed out that a mistake was made in City hall but probably no other business was viewed by the Fire Department either and that will probably change now.

Resident Mirjana Tomas who has a business on Third Street stated she had to close her doors because of motorcycle noise and her customers commented that Hell Bent is not compatible with other businesses in San Juan.

Applicant Ray Shott stated the receptionist in City Hall said he did not need to go through the Fire Department for approval and he has made a major investment in his business. While there are condemned buildings all around town, Code Enforcement found nothing wrong with his building. And while antique stores are not making money, he is.

City Planner Sundt pointed out that George Dias' property on the other side of the highway constitutes the City's industrial area, and there are lease and legal problems with the gas station property.

Planning Commissioner Spencer commented that that you can't separate motorcycle sales from the noise it produces, she did not feel that the business's location and the City gateway was a valid issue, and stated motorcycles are part of the downtown fabric.

Commissioner McMath, referring to the first paragraph on the business license permit form, said he wished Hell Bent had come to the Planning Commission earlier, and he had a problem with it coming to them when it was a mistake at the staff level. He said Mr. Shott should have checked with the other City departments.

Chairman Garza stated there is a need for this business in San Juan, but it should be located in the industrial area. Potential motions A and B to accept, or C to deny.

A motion was made by Commissioner McMath to approve the conditional use permit with the conditions set forth by the City Planner and add that they relocate to the industrial or commercial area. Commissioner Bagley seconded the motion after adding that they would have to relocate in 30 to 60 days. The motion passed 3-1-0-1 with Commissioner Spencer abstaining.

**B. Conditional Use Permit for Horse Carriage Business**

This item was continued.

**6. Discussion Items**

There were no discussion items.

**7. Comments**

**A. Planning Commissioners**

Chairman Garza commented that he observed a property at Third and North Streets is littered with truck parts, and it should be dealt with.

Commissioner Spencer commented on the AMBAG presentation, that the Commissioner should move ahead with this and get the word out about the meeting at the end of the month.

**B. City Manager**

City Manager Julian was not present.

**C. City Planner – Third Street Historic District National Register Update**

No comments.

**8. Adjournment**

A motion to adjourn the meeting at 9:45 p.m. passed unanimously.

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Reuben Garza, Chairman

ATTEST:

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Trish Paetz, Acting City Clerk