

City of San Juan Bautista
Planning Commission Meeting
Minutes
May 5, 2009

1. **Call to Order** at 7:17 p.m. by Chairperson Jeff Bagley
 - A. **Roll Call**
Members Present: Jeff Bagley, Reuben Garza, Georgana Gularte, Wanda Guibert, and Erika Spencer.
Staff Present: Matthew Sundt, City Planner; Steve Julian, Acting City Manager; and Trish Paetz, Deputy City Clerk.

2. **Public Comment (limited to items not on the agenda)**
None.

3. **Consent Items**
 - A. **Approval of Affidavit of Posting Agenda**
 - B. **Approval of Affidavit of Posting Public Hearing**
 - C. **Minutes of April 7, 2009 Planning Commission Meeting**
A motion was made by Commissioner Guibert and seconded by Commissioner Garza to approve Items A and C of the Consent Agenda, and continue the minutes of April 7, 2009 to the next meeting. The motion passed unanimously.

4. **Discussion Items**
 - A. **Growth Cap and Housing Element Status**
City Planner Sundt presented a report.

 - B. **Mills Act Committee**
City Planner Sundt presented a report.

5. **Public Hearing Items**
 - A. **Consideration of the Approval of a Tentative Parcel Map and Planned Unit Development at 1112 Third Street (APN 002-026-47) for a two lot subdivision and recommendation of approval of a Negative Declaration. The applicants are Manuel and Mary Lopez.**

Commissioner Garza stated, as a relative of the applicant, he would need to recuse himself from listening to and voting on this item.

Commissioners Guibert stated her primary residence, which she owns, is situated within 300 feet of 1112 Third Street and, therefore, she also would need to recuse herself from listening to and voting on this item.

Commissioner Bagley stated he also lives within 300 feet of 1112 Third Street and would also need to recuse himself from listening to and voting on this item.

City Planner Sundt stated that California regulations provide a necessity rule for situations of this kind, where a vote would not be possible because fewer than three remain. After a straw vote was conducted between Commissioners Bagley and Commissioner Guibert stayed to listen to and vote on this item.

City Planner Sundt presented a staff report stating that this property was subject to a previous subdivision approved by the City Council in May 2008. Originally, there was a 21,265 square-foot property with the pre-school building. The previously approved subdivision included creating one 7,000 square foot parcel with a remaining parcel of 14,232 square feet.

The applicant proposes to subdivide the remaining 14,232 square-foot parcel into two parcels of 7,033 and 7,199 square feet each using the City's PUD. No new buildings are proposed at this time; the pre-school will remain on the 7,199 square foot parcel. A shared driveway is proposed to serve both lots and in the same area as the existing driveway.

There was discussion about the conditions listed on the Resolution regarding sewer connection. City Planner Sundt stated he would amend the language in reference to who is responsible for paying the sewer connection fees.

The applicant, Mr. Lopez, responded to questions of the Commissioners that included discussion about tree removal.

Acting City Manager Julian suggested that make payment for the sewer line subject to a reimbursement agreement.

A motion was made by Commissioner Gularte and seconded by Commissioner Spencer to recommend to the City Council approval of a negative declaration, a tentative parcel map and planned unit development for the subdivision of a 14,232 square foot parcel located at 1112 Third Street to create two parcels (APN: 002-26-0-047). The motion passed 3-0-2-0 with Commissioners Bagley and Garza abstaining.

Chairman Bagley and Commissioner Garza returned to the meeting at 7:55 p.m.

B. Consideration of the Approval of a Conditional Use Permit and new Signs for “Harvey’s Lock Up” storage facility at 27 Monterey Street (APN 002-004-001). The applicant is David Elliot (architect) representing Steve and Rose Adair.

Commissioner Bagley stated he lives within 300 feet of the storage facility at 27 Monterey Street and would need to recuse himself from listening to and voting on this item.

City Planner Sundt presented the staff report stating the applicant is proposing to install 104 pre-fabricated storage boxes in various dimensions in the existing warehouse building, thus

providing a small-scale personal storage facility similar to other types of storage businesses in the region. Only the north half of the existing Nyland warehouse building will be used (proposed use area is 187' x 77'); the remainder of the building will continue to be used for storage by others.

- ♦ Church Street side: removal of the two roll-back doors and replacement of the roll-back door closest to Second Street with a new roll-up door. Remaining roll-back door and track (door facing south and into the open air storage area) to be removed and replaced with new stud wall and siding to match. Another roll-back door facing the interior open area will be removed and replaced with stud wall and siding to match. New exit ramp to be installed. No sidewalk is proposed on the Church Street side.
- ♦ Second Street side: new sign only with one hook light.
- ♦ Monterey Street side: new pedestrian door and sign with one hook light.
- ♦ Signs: Three new signs are proposed (one each facing Church Street, Monterey Street and Second Street). The total area of each proposed sign is approximately 5' x 11' (i.e., 55 square feet x 3 = 165 square feet). Capital letters are two feet tall. Each sign is externally illuminated by a "hook light" (modest and simple design with one bulb in each fixture).
- ♦ Parking: off-site street parking only. The facility will not be habitated but will have an office and a full time staff person to provide security and administration of the facility. However, if ever a customer uses a particularly large truck, there may be parking problems on local roads. Therefore, as conditioned, the existing outdoor storage area with access from Church Street shall be made available for parking of large trucks used by the storage business customers. This parking area shall be for temporary use only. It may be necessary to reconfigure the fence to accommodate this parking area.
- ♦ Painting/Color: The applicant proposes a light grey or tan color.

Findings are required for a use permit and must be based on substantial evidence in view of the whole record. Evidence shows that the proposed use continues the industrial and quasi-industrial uses of the property of the past 70+ years (included gas station, storage, warehousing, and packing shed). The General Plan land use designation for the project site is Mixed-Use. Per the General Plan, projects which are exclusively commercial are allowed where inclusion of residences is infeasible. Warehousing requires a conditional use per the Municipal Code (SJBMC Section 11.02.050). The use of the property for storage will enhance the City's economic, social and environmental status by providing a business that does not currently exist. The use will not destroy an historic resource and so will be consistent with the City's historic preservation goals. The proposed use will not infringe on neighboring land uses as noise, odor and pollution are negligible. The use will not adversely affect the health or safety of persons living or working in the vicinity or be materially detrimental because the proposed use is indoors, does not create noise or pollution, and is associated with intermittent human activity associated with loading and unloading belongings from vehicles.

When Commissioner Garza asked whether the fuel tanks would be removed, Acting City Manager Julian responded that that would be a Fire Department requirement, and a plan check would be required by the building inspector.

Commissioner Gularte suggested curbs and sidewalk be installed on Second, Third and Church Streets to create a uniform appearance around the building. There was discussion about an enclosed garbage dumpster and whether an EIR was needed on the soil. It was noted the floor of the warehouse would be formed up for concrete.

Architect David Elliott, representing applicants Steve and Rose Adair, explained the project to the Planning Commission, and then stated they accept the conditions, the side of the

building would be cleaned up for off street parking, they agreed with enclosing the trash area, fuel tanks that exist would probably be filled with concrete, and they intend to keep the roof rustic, but want to postpone sidewalks in view of the cost.

During public comment, when resident Richard Ponce asked if the Nyland family was in agreement with the building name, “Harvey’s Lock Up”, applicant Steve Adair responded, yes. Richard Ponce went on to comment that delaying installation of sidewalks was okay but staff should make sure it is documented.

Commissioner Gularte commented the sign should have come to the Historic Resources Board as the building has a ghost sign which should not be disturbed. She further observed that loading on Monterey Street could create a very busy situation.

There was discussion about the hours of business operation, about moving the fence back to allow for off street parking, and about signage.

Acting City Manager Julian suggested that a curb, gutter and sidewalk agreement be developed that would be presented to the City Council for approval, and the Planning Commission be made aware of the results.

A motion was made by Commissioner Garza and seconded by Commissioner Guibert to approve the project as presented with the following conditions: the pedestrian doors, signs and building color comes back to the Historic Resources Board for review, a sidewalk and gutter agreement between the City and owners, if completed in time, comes back to the Planning Commission in June, the fuel tanks will be taken care of according to state standards, the garbage will be enclosed according to city ordinance and, if necessary, overhead sprinklers will be installed for safety purposes. The motion passed 4-0-0-1 with Commissioner Bagley abstaining.

Commissioner Bagley returned to the meeting.

6. Comments

A. Planning Commissioners

No comments.

B. City Manager

No comments.

C. City Planner

No comments.

7. Adjournment

A motion to adjourn the meeting at 9:06 p.m. passed unanimously.