

City of San Juan Bautista
Planning Commission Meeting
Minutes
July 7, 2009

1. **Call to Order** at 7:59 p.m. by Chairperson Jeff Bagley
 - A. **Roll Call**
Members Present: Jeff Bagley, Reuben Garza, Georgana Gularte, and Wanda Guibert.
Members Absent: Erika Spencer.
Staff Present: City Planner Matthew Sundt, Acting City Manager Steve Julian, and Deputy City Clerk Trish Paetz.

2. **Public Comment (limited to items not on the agenda)**

Richard Ponce asked why the new gas station that recently opened was able to triple their retail space inside the store without a permit. City Manager Julian responded that City Hall issued a permit to the business owner.

3. **Consent Items**
 - A. **Approval of Affidavit of Posting Agenda**
 - B. **Approval of Affidavit of Posting Public Hearing**
 - C. **Approval of Minutes of April 7, 2009 Planning Commission Meeting**
 - D. **Approval of Minutes of May 5, 2009 Planning Commission Meeting**

Deputy City Clerk Paetz requested the minutes of the May 5, 2009 meeting be tabled as they were not complete. A motion was made by Commissioner Guibert and seconded by Commissioner Garza to approve Items A through C of the Consent Agenda, to include minor changes to the April 7 minutes, and continue the minutes of May 5, 2009 to the next meeting. The motion passed 4-0-0-1 with Erika Spencer absent.

4. **Discussion Items**
 - A. **Housing Element Funding Status**

City Planner Sundt presented a report, stating that the City's Housing Element, in accordance with state law, needs to be updated. The cost will be included in the City's as yet not approved fiscal year 2010 budget. Sundt explained what this would involve, both in staff time and the state's process. He commented that, given the condition of the state, it is no known whether there will be staff there to deal with the process.

 - B. **Planning Commissioner's Handbook (15 minutes)**

City Planner Sundt requested, and the commission accepted, that this item is presented under Item 6C, City Planner comments.

C. Report on AB1234 Training

Deputy City Clerk Paetz reminded Planning Commissioners that AB1234 requires ethics training every two years; she has received certificates of completion from some commissioners but there are a couple who have not completed the training.

5. Public Hearing Items

A. Review and Recommend Approval of the Growth Management Ordinance and Initial Study

City Planner Sundt presented a staff report providing the history of the City's growth management ordinance and subsequent San Benito County Superior Court judgment on a suit brought by McAlpine.

During public comment Cara Vonk stated the City's infrastructure cannot support more than 1% growth. She urged Commissioners not to allow the rolling over of allocations from one year to the next, which would substantially increase the number of allocations in subsequent years. She further commented that in the transcripts of the court hearing it was evident that the City did not support the will of the voters. Ms. Vonk read excerpts from the court documents for the Commissioners.

Commissioner Guibert stated she agrees with Ms. Vonk regarding no roll over, and further suggested the decision for new development should go back into the hands of the voters.

City Planner Sundt stated that would essentially go against the Court's decision.

A motion was made by Commissioner Guibert and seconded by Commissioner Garza to recommend approval of the ordinance to the City Council after changing 10-4-145 to not require rolling over of allocations. The motion passed 4-0-0-1 with Erika Spencer absent.

B. Review and Recommend to the City Council Approval of Ordinance Amending Section 11.09.500 of the Municipal Code to Provide for an Alternative In-Lieu Fee Provision for Condominium Conversions

City Planner Sundt requested, and the Planning Commission agreed, that this item would be continued to the next Planning Commission meeting. Whereupon, Cara Vonk stated she did not know this item it would be continued and, as she would not be able to attend the next meeting, would like to submit her comments. It was allowed.

Cara Vonk stated that the ordinance is not explicit enough and then read from the condominium requirements for the City of San Carlos.

Acting City Manager Julian responded that the provisions in the San Carlos code that Ms. Vonk read from are actually requirements of the State fire code, which no city ordinance can ignore.

6. Comments

A. Planning Commissioners

Commissioner Guibert stated she has no problem listening to a resident that is also an attorney in the absence of the City Attorney.

B. City Manager

Acting City Manager Julian responded that the city has an attorney and we cannot default to a resident, who is also an attorney, for advice.

Mr. Julian went on to report that he and the City Planner today attended a County Board of Supervisors meeting where they approved a resolution authorizing a MOU between the City and San Benito County, regarding the city's sphere of influence, be forwarded to LAFCo for consideration..

C. City Planner

City Planner Sundt updated the Commission on a proposal by the Manager of the Valero gas station to expand and include a hardware store, which potentially could result in installation of curb, gutter, and sidewalk.

The City Planner then proceeded with review the first couple chapters of the Planning Commissioners Hand book.

7. Adjournment

A motion to adjourn the meeting at 9:26 p.m. passed unanimously.