

EXHIBIT "A"

FINDINGS

Based upon the Initial Study, the Mitigated Negative Declaration, the application of mitigation measures as imposed through the Mitigation Monitoring Program, and conditions of approval that the applicant has agreed to, and after considering the staff reports and accompanying documentation, oral testimony, written comments, electronic e-mail correspondences, public input presented at the appeal hearing of the project by Leal Vineyard Inc., the City Council finds:

CEQA FINDINGS

1. This Council has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record prior to proceeding to consider action on the Project.
2. The Initial Study/Mitigated Negative declaration prepared for the Project has been completed in compliance with CEQA and is consistent with State Guidelines of the California Environmental Quality Act.
3. The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City as lead agency for the Project.
4. The City Manager, with offices in City Hall, City of San Juan Bautista, is designated as the custodian of documents and records of proceedings on which action taken by this Resolution are based.
5. The Project will minimize any potential adverse effects to the surrounding properties and the environment to a less than significant level by establishing mitigation measures, implementing a mitigation monitoring program, and implementing conditions of approval.
6. The Project will not take business away from the downtown shopping area and thereby cause business closures and eventual physical deterioration of downtown. The findings set forth at page 47 of the Mitigated Negative Declaration, that the Project is an auto or highway use which will not impact the downtown area is specifically adopted by this Council. There has been no other evidence submitted which would lead a reasonable person to conclude otherwise.
7. The Initial Study/Mitigated Negative Declaration, with the mitigation measures, mitigation monitoring program, and conditions of approval for

Project, shows that there is not substantial evidence in light of the whole record that the project as revised by the mitigation measures and conditions of approval may have a significant effect on the environment.

8. In light of the whole record before this Council, the Project conforms to the goals, polices, and objectives of the 1998 General Plan, design review policies and the requirements of the City Code and there is no evidence to support a fair argument that the Project will have a significant effect on the environment of the site and surrounding area.

PROJECT FINDINGS

1. The proposed is consistent with the commercial zoning district of the City of San Juan Bautista SJBMC 11-02-020 (B) because the project meets the intent of the commercial zoning districts under Chapter 11-02, Article 1, Section 11-02-020 and because the proposed project is designed to exemplify the site and architectural intent of the zoning district and is compatible with the uses in which the property is located because the exterior design and architecture of the building and cover canopy to the fuel island is compatible with the existing motel south of the site. Further the Project is consistent with urban uses and commercial development surrounding the site
2. The Project is consistent with the standards and requirements of the San Juan Bautista Municipal Code and does not require any variances.
3. The Project will contribute to the City's cultural and architectural characteristics of the zoning district in which it is located, as the Project will go through the design review process and based on plans submitted, will complement the City's cultural resources and architectural characteristics. The design complements the San Juan Mission and the California-era structures located in the City. The Project will develop a vacant lot that is currently underutilized within the City and will fill the gap between the existing motel and Highway 156.
4. The Project will not adversely affect the surrounding neighborhood and will not be detrimental to the public welfare of the community. The Project will not create unhealthy eating habits for school children or crime, gang, or drug problems.
5. The Project is in compliance with City Code Section 11-04-110.
 - a. *The business offers merchandise and/or services that serve the unmet needs of the population:* The proposed project will provide a variety of choices for goods, products, services, and merchandises to meet the unmet needs of the community and other customers of the project. San

Juan Bautista is a tourism based economy and having a variety of goods, products, and services available for the many visitors, tourists, and residents of the City particularly, groceries, milk, bread, cereal, and over the counter medical supplies after 9:00 P.M., will satisfy those needs. A Tourist kiosk, on Highway 156 will be available at the Project and tourists will be directed to the Mission and downtown. These tourists or visitors may not have otherwise stopped in the City and learned of the attractions and services available. Such a service does not currently exist on Highway 156. Residents who reside on The Alameda and Old Lang Street will no longer have to cross Highway 156, either by automobile or walking, to obtain many goods, products, merchandise, or commercial services. Diesel fuel for cars and light pickup trucks is a serious unmet need of San Juan Bautista and having diesel fuel available would also provide the citizens with unmet needs. The site plan also shows a clean air vehicle charging station as part of the project. This is also currently an unmet need for the community and an unmet need for tourists and travelers to/from the city.

- b. *The business will complement and enhance the character of the City:* The design will complement the San Juan Mission and the California-era structures located in the City. A Tourist information center kiosk will be available at the Project and tourists will be directed to the Mission and downtown to tour, shop, and dine. These tourists or visitors may not have otherwise stopped in the City and learned of the attractions and services available.
- c. *Both exterior and interior appearance and presentation of the business is compatible with the existing scale of development, distinctive architecture and pedestrian orientation of the town character and results in an enhancement of the look and feel (i.e., character) of the surrounding area:* The plans submitted show three businesses which will be compatible with the surrounding Inn and urban, highway uses, similar to the shopping center which is across the street from the Project. As mention above in (b) the design will complement existing features of surrounding architecture and historic buildings.
- d. *Signs shall conform to the City sign standards and design guidelines:* See condition 16.
- e. *Drive-through food establishments shall be prohibited:* On February 4, 2014, the proposed project was approved and recommended by the Planning Commission for a quick service restaurant without a drive through window. The Project does not propose a drive-through food establishment.

6. The Project is consistent with the General Plan and meets the intent of Policy L -27 of the General Plan: "Attract businesses and services which provide for the day-to-day needs of local residents as well as the needs of visitors."
7. The Project will develop a vacant lot that is currently underutilized within the City and will fill the gap between the existing motel and highway 156, furthering the goal to conform to Policy L-3 of the General Plan as more efficient ways to grow and avoid urban sprawl.
8. The Project is consistent with City Code Sec. 11-04-030 (B), which requires that "[a]ll uses shall be conducted entirely within an enclosed building with the exception of outdoor dining as an accessory to a restaurant use and outdoor sales display of merchandise in conjunction with antique shops, flower shops, art galleries and similar specialty and craft businesses subject to [limiting] ... provisions." This Council finds that gas stations are excluded from this Section since gas stations are permitted by both the Zoning Code and the General Plan in a commercial zone and they involve only outdoor uses. The Code further states that "these standards are intended to assure that all commercial and industrial operations carried out in the City are conducted in such a manner to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic adverse to the public health, safety, and general welfare." As such, the Code Section was clearly meant to disallow swap meet or garage type sales outdoors, due to the negative aesthetics or nuisance. Clearly, an outdoor gas station would not present the same issues.
9. The Project provides adequate parking for vehicles and bicycles. The parking calculations for a restaurant are based upon the area of the dining and number of employees. The total is 19 required. The parking calculations for the convenient store is based upon 2,727 square feet of gross area. The parking required is 18 plus 1 space for the employee of the fuel/diesel dispensing operations. The total of 19 is required. The parking for the fuel island is calculated to be 8. The total for the project is 46 spaces. The Project provides for this parking on site.
10. All findings included in the 13 page report entitled "CITY OF SAN JUAN BAUTISTA, ADDITIONAL INFORMATION TO STAFF REPORT," included with the materials reviewed and considered by this Council, is hereby incorporated herein by this reference.

- 11.** Rebutting Appellant's statement that the project is not consistent with the City of San Juan Bautista General Plan:
- The approved Initial Study and Mitigated Negative Declaration for the Project include findings and determination that the Project is consistent with the zoning and land use of the San Juan Bautista General Plan and Zoning Ordinance and that discussion and findings are further adopted herein.
 - Further, all findings set forth regarding General Plan Consistency in "CITY OF SAN JUAN BAUTISTA, ADDITIONAL INFORMATION TO STAFF REPORT" are adopted by the City Council and incorporated by this reference.
- 12.** Rebutting Appellant's statement that the Project is not consistent with the uses of a residential neighborhood:
- The Project parcel is designated as general commercial in the General Plan and is zoned accordingly.
 - The Project parcel is across a public street from the nearest residentially zoned and developed neighborhood.
 - The approved Initial Study and Mitigated Negative Declaration include mitigation measures that reduce to less than significant any impacts that could otherwise be determined to be potentially significant and detrimental to any residential neighborhoods in the City, including traffic channelization, onsite lighting restrictions, hours of construction, and landscaping.
- 13.** Rebutting Appellant's statement that channelization and other traffic measures are inadequate, and that no traffic study was done:
- A traffic study was performed, dated December 30, 2013, by Hatch Mott MacDonald.
 - The traffic study was utilized by staff to match mitigation measures to the identified potentially significant effects, including number and width of driveways, parking restrictions on and off site, and directional signs.
 - Mitigation measures also require that Applicant shall enter into an agreement that includes a traffic study and preliminary design for a deceleration lane on the south side of State Highway 156, and that

includes a requirement to participate in a fair share of the cost of the improvements.

- The channelization lane striping and markings required are consistent with the channelization plan for The Alameda, and are recommended by the traffic study.

14. Rebutting Appellant's statement that drainage details are insufficient:

- Mitigation measures require the Applicant to submit a site development plan including on-site drainage provisions conforming to the guidelines of the State Water Pollution Prevention Plan and Municipal Separate Storm Sewer systems (MS4).
- The Applicant is required by mitigation measures to enter into an agreement with the City to construct the Project as approved; staff is directed to include in the agreement a provision that drainage will be constructed per the site development plan and State Water Pollution Prevention Plan Guidelines. See condition 1 and 12.
- Staff has advised that drainage is required to comply with State Water Pollution Prevention Plan Guidelines.

15. Rebutting Appellant's statement that provisions for mitigation of lighting are inadequate:

- Applicant is required to submit a lighting plan that complies with City's Dark Sky Standards. See condition 13.
- Mitigation measures include provisions for shields on lighting fixtures, and for all artificial lighting to be directed away from residences on the west side of The Alameda.

16. Rebutting Appellant's statement that the required "architectural fence" is inadequately defined. See condition 15.

- Mitigation measures require the Project to conform to the architectural style and appearance as submitted and approved by the Planning Commission.
- The style and appearance is in keeping with City's historic Mission heritage, thus the "architectural fence" must follow that style and appearance.

17. Rebutting Appellant's statement that sign standards for the Project are not well defined:

- The Planning Commission at the February 4th, 2014 meeting approved the project without signs. The Applicant is required to submit a sign permit application for the Project, including all signs on buildings and anywhere else on the property. See condition 16.
 - Any and all signs approved by the Planning Commission must comply with all standards of sign regulations in City's Zoning regulations in the Municipal Code, and with Chapter 7 of City's Design Guidelines.
- 18.** Rebutting Appellant's statement that there is inadequate explanation of the deferred improvement agreement required for an acceleration and deceleration lane:
- The Applicant shall enter into an agreement for the construction of a deceleration and right turn lane on the south side of State Highway 156 at The Alameda intersection. The agreement shall require the construction of improvements for an eastbound right turn lane conforming to Caltrans standards when the cumulative conditions warrant the implementation of the improvements. See condition 18.
 - When the lanes are constructed, mitigation measures require that Applicant will be required to obtain all necessary encroachment permits required by Cal Trans, and Applicant must construct per all state laws and standards.
- 19.** Rebutting Appellant's statement that no hours of operation for Project services are included:
- Applicant has agreed, and City hereby requires, that individual businesses within the project will conduct operations no earlier than 5:00 a.m. and no later than 11:00 p.m. daily. Council directs that such restriction shall be included in all appropriate City permits.
- 20.** Rebutting Appellant's statement regarding a required information kiosk:
- Placement and style of the kiosk (information center) shall be subject to City approval.
 - Applicant shall construct an informational center kiosk that shall conform to the approved architectural style of the Project. Applicant shall work and consult with City to assure that postings at

the informational center kiosk include ample information regarding the historic and cultural aspects of the City of San Juan Bautista.

- 21.** As to the Project applications, this Council concurs with and adopts by this reference the findings listed 1 through 8, page 4, of the Staff Report to Planning Commission dated February 4, 2014, regarding the Project, said Report included with materials reviewed and considered by this Council as noted in the recitals hereinabove.
- 22.** In accordance with San Juan Bautista Municipal Code Section 11-20-030 ("Findings" required for use permit) this Council further finds that:
 - a. The use proposed in the project application is necessary or desirable in relation to the purposes and intent of the San Juan Bautista General Plan, zoning ordinance, and the economic, social and environmental status of the City. Based on substantial evidence in the record, granting the use permit for the Project is consistent with this finding in that the site is suitable for commercial or highway oriented uses, and is in a commercial zone district in accordance with City's General Plan. San Juan Bautista has a tourist oriented economy, and this Project contributes to the diversity of services necessary to meet the needs of visitors to the City. The approved mitigated declaration includes conditions and mitigations that reduce all potential impacts to less than significant.
 - b. The use proposed will be properly related to other uses, transportation facilities, and other public facilities in the area, and will not cause undue environmental impacts relating to noise, odor, pollution, etc. Based on substantial evidence in the record, granting the use permit for the project is consistent with this finding in that mitigation measures required reduce all potential impacts to less than significant, including all potential impacts that could otherwise be detrimental. The Project is adjacent to State Highway 156, allowing easy accessibility to the site with minimal traffic congestion. The Project is located and proposed to be operated in a manner that will have no adverse effect on any other public facilities or uses in the immediate area.
 - c. The use proposed will not adversely affect the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare of the City and its residents. Based on substantial evidence in the record, granting the use permit for the project is consistent with this finding in that the conditions of approval and mitigation measures required adequately protect the

welfare of surrounding uses, neighborhood and residents. See also comments following findings A. and B., immediately above.

- 23.** In accordance with San Juan Bautista Municipal Code Section 11-18-040 ("Findings for decision" required for site plan and design review approval) this Council further finds that:
- a. The Project is consistent with the standards and requirements of the San Juan Bautista Municipal Code. Based on substantial evidence in the record, granting site plan and design review approval is consistent with this finding in that the Project is designed and is proposed for construction, inspection, and monitoring to meet City Uniform Codes, Building Standards, and energy standards, as well as all applicable zoning regulations.
 - b. The Project is consistent with the goals and policies of the General Plan and any applicable specific or community plans. Based on substantial evidence in the record, granting site plan and design review approval is consistent with this finding in that the Project will increase employment opportunities in the City, will meet infill objectives of the General Plan, and improve parking availability for visitors to the City. The record contains nothing that demonstrates the Project as proposed presents any departure from applicable General Plan goals and policies.
 - c. The Project contributes to safeguarding the City's heritage and cultural and historic resources. Based on substantial evidence in the record, granting site plan and design approval is consistent with this finding in that the Project's exterior architecture and design characteristics call on City's Spanish period and Mission heritage, and promote the historical resources and cultural objectives of the City.
 - d. The Project is compatible with the surrounding character of the environment because the architectural design, materials, and colors harmonize with the character of surrounding development, or other improvements on the site and specific design elements (e.g. balconies, fencing, screening of equipment and utility installations, signs and lighting) are incorporated into the Project. Based on substantial evidence in the record, granting site plan and design approval is consistent with this finding in that the Project is designed to include a pleasant landscape plan compatible with neighboring properties, with trees, plants, and shrubbery meeting City's standards. The Project also includes shielded on-site lighting

that complies with City Dark Sky Standards and design standards. Also see finding D., immediately above, with comments following.

- e. The location and configuration of the Project harmonizes with the site and with surrounding sites or structures. Structures do not dominate their surroundings to an extent inappropriate to their use and do not unnecessarily block significant views or solar access to adjacent properties. Based on substantial evidence in the record, granting site plan and design approval is consistent with this finding in that the Project is designed with appropriate size and massing in relation to the neighboring San Juan Inn, and will create a noise buffer between State Highway 156 and the San Juan Inn. The design reveals no significant view blockage or solar access blockage.
- f. The Project effectively uses architectural details to break up mass. Roof planes are varied without being overly complex. Otherwise monotonous long or two story walls are well-articulated with details such as building offsets and window features that are compatible with the design and not overly ornate. Based on substantial evidence in the record, granting site plan and design approval is consistent with this finding in that the Project has been designed so that all four exterior elevations visible from adjacent properties have setbacks meeting zoning regulations. The appearance of an architectural fence with landscaping lends harmony to the project and the neighboring area. The proposed plans show well-articulated walls with appealing features consistent with the historical treatment described in finding C. and comments, above.
- g. The landscape design, if any, including the location, type, size, color, texture, and coverage of plant materials, provisions for irrigation, and protection of landscape elements have been considered to create visual relief and complement the structures to provide an attractive and water-conserving environment. Based on substantial evidence in the record, granting site plan and design approval is consistent with this finding. See finding D. and comments, above. Further, an additional landscaping plan will be submitted pursuant to mitigation measures, and will be reviewed by staff and the Planning Commission for conformance with the City's adopted trees, plants, and shrubbery list.
- h. The design and layout of the Project do not interfere with the use and enjoyment of neighboring existing or future development, do not result in vehicular and/or pedestrian hazards, and promote

public health, safety, and welfare. Based on substantial evidence in the record, granting site plan and design approval is consistent with this finding in that the Project as proposed is consistent with zoning regulations, and incorporates design elements and site building layouts that minimize traffic congestion, allow easy vehicular traffic entrance and exiting, provide compatible pedestrian corridors and pathways. See also findings D, E, and F, and comments. Mitigation measures and conditions of approval imposed hereby and through approval of environmental mitigations adequately protect neighboring uses and their enjoyment.

- i. The existing or proposed public facilities necessary to accommodate the proposed project (e.g. fire protection devices, public utilities, sewers, sidewalks, storm drains, street lights, traffic control devices, width and pavement of adjoining streets, etc.) are available to serve the subject site. Based on substantial evidence in the record, granting site plan and design approval is consistent with this finding in that many of the required mitigation measures and conditions demonstrate that all necessary public facilities, devices, and lighting are required.

