



# City of San Juan Bautista

The "City of History"

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that section of the packet.**

## AGENDA

### HISTORIC RESOURCES BOARD MEETING

CITY HALL COUNCIL CHAMBERS  
311 Second Street  
San Juan Bautista, California

Tuesday ~ June 6, 2017

*In compliance with the American with Disabilities Act, if you need special assistance to attend or participate in the meeting, please call the City Clerk's Office at (831) 623-4661, extension 13 at least 48 hours prior to the meeting.*

*Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the meeting and City Hall at 311 Second Street, San Juan Bautista, California during normal business hours.*

1. **Call to Order** **6:00 PM**  
**Pledge of Allegiance**  
**Roll Call**
2. **Public Comment**
3. **Informal Project Review**  
Any potential and/or future project applicant may present their project to the HRB for Informal Project Review for the purpose of gaining information as preliminary feedback only. No formal application is required and no action will be taken by the HRB on any item at this time.  
**A. Minor Alteration to Historic Resource at 101 Third Street. Applicant: Emily Renzel**
4. **Action Items**  
All matters listed under the Consent Agenda may be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the HRB, a staff member, or a citizen.  
**A. Approve Affidavit of Posting Agenda**
5. **Public Hearing Items**  
**A. Consider Recommendation to the Planning Commission of a Site and Design Review Permit. Applicant: Pat Garratt**  
**B. Consider Recommendation to the Planning Commission of a Modification to a Conditional Use Permit for a Pizza Oven at 322 Third Street (APN 002-160-003). Applicants: Anthony and Monica Ramirez**  
**C. Consider Recommendation to the Planning Commission of a Medical Clinic in the Historic District at 301 Third Street. Applicant: Mandisa Snodey**
6. **Comments**  
**A. Historic Resources Board**  
**B. City Manager**  
**C. Community Development Director**
7. **Adjournment**

May 26, 2017

Chairman Hopper & Members of the HRB:

Now that the new roof is done, I am hoping to be able to re-plaster the exterior of the adobe portion of Casa de Anza. This will entail removing the existing plaster, some of which is cement plaster and some of which is Lime plaster and replacing it with the conventional three coats of lime plaster, the type of plaster that should be used on adobe buildings to allow the building to "breathe". It will be the natural white color of lime plaster and will be maintained over time with occasional white-washing.

The plastering company, J.G. Gomes & Son, (now owned by son Harold Gomes) is local and Harold Gomes thinks they will have some time this summer. Gomes did an excellent job for me on the interior of 103 Third, so naturally I would like them to do the work on the much more sensitive outside. I could not get on the June agenda for approval, so I am coming for preliminary review. That way, I can address any issues you may have, in my preparation for your July meeting.

In 2008 Garavaglia and Associates did a Core Historic Structures Report for the Casa de Anza. Several recommendations in the report relate to the need to replace cement plaster with Lime Plaster. Excerpts from that report are pasted in below.

At the preliminary review at your June 6 meeting, I hope to be able to answer any questions you may have.

Sincerely,  
Emily M. Renzel  
101 & 103 Third Street

**Proposed Re-plastering of 101-103 Third Street  
Excerpts from Garavaglia & Associates' 2008 Core Historic Report for Casa de Anza, 101  
& 103 Third Street**

Page 2

**APPROACH**

Because the construction history of Casa de Anza remains somewhat uncertain, upgrades and improvements to this National Landmark should be made very carefully with full guidance by the appropriate Secretary of the Interior's Standards for Treatment of Historic Properties. The goals of the home owner and the value of the resource warrant a hybrid approach that is primarily based in Preservation of the resources as it currently appears. Aspects related to Rehabilitation include systems and structural upgrades that will ultimately be largely invisible to the average person.

To guide such work, Garavaglia Architecture, Inc. recommends that all work be informed by the 1933 HABS drawings and photographs. The 1930s represent a period of relatively intense

documentation of the building by the owner, E.G. Johnson. It is the earliest time that conclusive documentation as to the use and configuration of the building exists. The fact that it was chosen as one of the first HABS documentation projects is a testament to its recognized historical value. When the building was named a National Landmark in 1970, it retained much of its 1933 appearance. This has remained largely unchanged through the present.

Casa de Anza exhibits typical construction methodology for its building type and period. At least some portions (under Room 2) have a rubble rock foundation. Hand formed adobe blocks, stabilized with straw and local grasses are placed on this base. The walls appear to be 2-3 wythes thick. At the rear of the adobe rooms a wood frame with adobe infill shed-roof addition was constructed at an unknown date. This addition more than doubled the available square footage of the building.

Page 3

The exterior walls are primarily covered in a multi-layer system of lime plaster. This historically appropriate coating has worn away in places. Some of these locations have been patched with concrete plaster and chicken wire metal lath. In other places the exposed adobe bricks have been painted. This treatment has been used to varying degrees since the 1930s.

Page 12

This page has an illustration identifying the 101 & 103 Third Street street-facing rooms as "Premier" and the awning over the sidewalk as "Contributing"

Page 13

#### Exterior Character-Defining Features

##### Premier Elements

- **Lime stucco coating**
- Roof shape and form
- Wood-clad gable ends
- Rock foundation

Page 15

Exterior (E=Excellent, G=Good, F=Fair, P=Poor, NA=Not Accessible for inspection)

#### Feature Locations Priority Condition Notes

**Lime Stucco Coating Throughout Premier**

**Condition: Poor**

**Notes: Condition varies by location, many incompatible patches**

Page 17

Also critical to managing water infiltration is the condition of the exterior stucco coating. There are many locations of inappropriate repairs in cement. These locations are failing and are further damaging the adobe brick behind them by trapping water and through oxide jacking of the metal wire lath used to apply the cement stucco. In other areas, adobe bricks have been

purposely left exposed to create a romantic, semi-ruinous aesthetic. Over time, these areas have sustained moisture damage and will require repair.

Page 18

## REHABILITATION RECOMMENDATIONS

### INTRODUCTION

In general, all work should be coordinated to limit the impact on historic elements. The status of Casa de Anza as a National Historic Landmark requires careful consideration of the impacts on any work, including basic systems upgrades. The archaic materials and basic construction technology are part of the inherent value of the resource. As such, work must be as minimally invasive as possible. This does not preclude the continued use of the building as a retail establishment, as a residence, or as a multi-use commercial building. However, the types of uses, their impacts on the building and the level of intervention required to bring the building into compliance with appropriate building codes for such occupancies must all be filtered through a highly developed preservation framework.

Page 23

### Walls of Unburned Clay, Adobe, or Stone Masonry

Under the CBC (section A114) walls of unburned clay, adobe or stone masonry construction shall not exceed a height-to-thickness (H/T) ratio of 8 according to CBC Table A1-G. The H/T ratios of the walls do not exceed this number, therefore conforming to the H/T ratio requirement. A maximum shear value of 9 pounds per square inch (psi) may be allowed for the existing adobe structure per CBC section A114.1, 2. A higher value may be assigned if justified by testing. The mortar for repointing may be of the same soil composition and stabilization as the brick, in lieu of cement-mortar per CBC section A114.1, 3.

Page 24

A solid plaster coat on both the interior and exterior can act as structural elements if the coat is well adhered and uniform. This has been used to increase the stability of masonry walls elsewhere in California. While not a solution in and of itself, it can be used in combination with other methods to increase compliance with the building code requirements.

Page 25

**Most of the current stucco is composed of a variety of materials.** Very little appears to be historically appropriate, or to date to the period of significance. In several places, concrete stucco has been applied, to the detriment of the adobe wall. Inappropriate (non-lime based) should be removed. Areas where the adobe need repair will also require removal of the stucco. Once the coating has been removed, repairs to the adobe can take place. Traditional methods and materials should be used under the supervision of a trained craftsman and a knowledgeable Preservation Architect and/or Architectural Conservator. **When repairs are complete, a three-coat lime stucco should be applied to the building and maintained.**

Page 27

3. **Repair the exterior lime plaster.** A weathertight exterior shell is most important way to preserve an adobe building. This includes the roof (discussed above) and the exterior walls. **The lime plaster should be a traditional three-coat system and once cured, can be regularly coated with a lime whitewash. The exterior should be white as all historic documentation indicates this color choice.** This can be done immediately, and should be done as soon as possible, but may have to be repaired after other work is completed. Those area were large gaps have developed (over the window on the Franklin Street elevation) should be filled with replacement adobe bricks prior to finishing with plaster.

Page 28

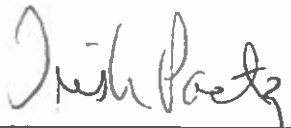
7. Landscaping. There is written documentation of the gardens that E.G. Johnson planted in the rear yard of the property. This is an appropriate use of the lot. However, vegetation should be kept minimal when it is planted near the building foundation and around the building perimeter. **These plantings should be drought resistant plant types that do not require regular irrigation.** On the Franklin elevation, the surface shows moisture damage from plants trapping water against the wall. These plants should be trimmed or removed. Any plants with spikes or thorns, or any plants with a climbing tendency should be kept away from the building walls as they will accelerate damage to the plaster finish and adobe substrate.

## AFFIDAVIT OF POSTING

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE DEPUTY CITY CLERK IN THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED HISTORIC RESOURCES BOARD MEETING AGENDA. I FURTHER DECLARE THAT I POSTED SAID AGENDA ON THE 30<sup>th</sup> DAY OF MAY 2017, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

1. ON THE BULLETIN BOARD AT CITY HALL, 311 SECOND STREET.
2. ON THE BULLETIN BOARD AT THE CITY LIBRARY, 801 SECOND STREET.
3. ON THE BULLETIN BOARD AT THE ENTRANCE TO THE UNITED STATES POST OFFICE, 301 THE ALAMEDA

SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA, ON THE 30<sup>th</sup> DAY OF MAY 2017.



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Trish Paetz, Deputy City Clerk

# CITY OF SAN JUAN BAUTISTA

## PLANNING COMMISSION & HISTORIC RESOURCES BOARD

### STAFF REPORT

**DATE:** June 6<sup>th</sup>, 2017

**SUBJECT:** Site and Design Review Permit (SDR 2017-401)

**APPLICANT:** Pat Garratt

**GENERAL PLAN:** Mixed Use

**ZONING:** Mixed Use

**STREET ADDRESS:** 312 & 314 Third Street

**APN:** 002-160-012 & 013

**SITE AREA:** 2,316.72 square feet & 2,329.75 square feet.

**CEQA:** The project is exempt under Chapter 3, Guidelines for implementation of the California Environmental Quality Act, Article 19, Categorical Exemption, Section 15332 In-fill Development Projects, Class 32.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality and water quality.
- (e) The site can be adequately served by all required utilities and public services, subject to Compliance Order No. 02-05-16R-004.

**DISCUSSION:** The applicant is requesting a site and design permit for two parcels situated at 312 and 314 Third Street. The applicant recently submitted an informal presentation to the Historic Resources Board for the proposed project. The applicant owns the two parcels and is requesting site and design approval for both project.

The project will consist of two structures on each parcel. Building "A" is a 20'-0" wide by 47'-6" long; 950 square feet in size, single story wood framed with a wood framed roof awing extending over the sidewalk. The front exterior will be rustic wood board and battens with wood siding both horizontal and vertical in appearance. The wood siding will remain natural in color, texture and appearance. The side and rear will be stucco.

Building "B" is a 20'-0" wide by 30'-0" long; 600 square feet in size, single story wood framed structure. Building "B" will have stucco exterior wall with an architectural composition shingled roof.

## **GENERAL PLAN CONFORMITY**

**General Plan Policy L-18;** Support new mixed use development on the remaining vacant and underdeveloped sites in San Juan Bautista, particularly Downtown along Muckelemi Street

**General Plan Policy L-27;** Attract businesses and services which provide day to day needs of local residents as well as the needs of visitors.

**General Plan H-5;** Allow residential uses in all areas designated for commercial and mixed use on the land use diagram, where combined with commercial uses and compatible with the other goals and policies in the General Plan. Uses permitted in mixed use districts.

## **RECOMMENDATION:**

1. Open the public hearing
2. Receive staff report
3. Receive applicant's presentation
4. Receive public testimony, written and oral comments.
5. Close the public hearing
6. Historic Resources Board to discuss, review and consider project for conformance with the Historic District goals, objectives and General Plan policies
7. Recommendation to the Planning Commission
8. Resolution 2017-XX for a categorical exemption of project SDR 2017-40.
9. Recommend to the Planning Commission Approving Resolution 2017-XX for SDR 2017-401, subject to the following conditions.
  - a. The applicant shall construct the project as approved by the Planning Commission and in conformance with the approved plans.
  - b. A separate permit for a hanging signs for each building shall be required.
  - c. The applicant shall obtain an encroachment permit for the wood framed awning structure over the public right of way on Third Street.



- d. The applicant shall repair and/ or reconstruct all deteriorated and dilapidated concrete sidewalks along the frontage of the properties on 312 and 314 Third Street.
- e. The applicant shall enter into a hold harmless agreement with the City of San Juan Bautista indemnifying the city arising out of the approval of the project.
- f. The applicant shall pay all fees, including but not limited to building permits and all applicable city approved impact fees.

**To review the Site and Design Review documents for this project,  
please visit: [www.san-juan-bautista.ca.us/planning/](http://www.san-juan-bautista.ca.us/planning/)**

# CITY OF SAN JUAN BAUTISTA

## HISTORIC RESOURCES BOARD

### STAFF REPORT

**DATE:** June 6th, 2017

**SUBJECT:** Conditional Use Permit Amendment – 322 Third Street

**Applicant:** Anthony and Monica Ramirez

**Zoning:** Mixed Use

**Assessor Parcel No.:** 002-160-003

**Size:** 7,173.342 ft<sup>2</sup>

**Existing Land Use:** Mixed Use

**Environmental Review:** This Conditional Use Permit is Categorically Exempt under Section 15332 of the California Environmental Quality Act, "In-Fill Development Projects."

**Details:** The applicant is requesting an amendment to Conditional Use Permit 2017-33 for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment at 322 Third Street to allow for the installation and operation of an outdoor pizza oven.

### Proposed Amendment

After receiving CUP 2017-33 from the Planning Commission in April, the applicant learned from the Department of Alcoholic Beverage Control (ABC) that, in order to use the patio as a 'family-friendly' area under a Type 41 Permit, they would have to install a permanent food preparation area either inside the building or on the patio.

The applicants had originally only been planning to serve food via independent caterers (mobile barbecue, food truck, etc.) for special events, but upon learning that the permit they were going to receive required the installation of a food preparation area, they began exploring options for satisfying the requirement. The simplest and most non-intrusive way to satisfy the ABC requirement is to install a pizza oven on the outdoor patio.

The attached drawings illustrate where the pizza oven will be located on the patio.

**Findings:** In order to amend the conditional use permit, the Planning Commission must also make the findings listed in SJBMC §11-20-030 again based on the new evidence and in view of the whole record. The Planning Commission must find that:

- A. That the use 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;
- B. That the use 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.; and
- C. That the use 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.

**Recommendation:**

Staff has reviewed the application for an amendment to CUP 2017-33, and recommends that the Historic Resources Board recommend that the Planning Commission make the required findings based on the rationale stated below each finding:

- A. That the use 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;**
  - a. In addition to fitting in with the purposes and intent of the San Juan Bautista 2035 General Plan and meeting the requirements of the San Juan Bautista Municipal Code, this project has the support of the San Juan Bautista City Council, as stated in the letters of support staff was directed to send to the ABC dated January 18<sup>th</sup>, 2017, and March 7<sup>th</sup>, 2017. The January letter states that *"the project fits in well with the character of our Downtown Historic District, will help build our sales tax base, and provides welcome variety to the existing food and beverage establishments in our downtown area for the enjoyment of both residents and visitors."*
  - b. Restaurants are an approved use in the Mixed-Use zone. The addition of a pizza oven to a beer and wine tasting room will only change the current use to another approved use in San Juan Bautista Municipal Code §11-02-050, meaning that the use is necessary and desirable.

- B. That the use 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.; and**
- a. The conditional use is an accessory to a location that has been a long-standing restaurant use in the Mixed-Use zone of downtown San Juan Bautista, which is properly related to other uses, transportation facilities, and other public facilities in the area under the San Juan Bautista 2035 General Plan. Any associated increase in noise (e.g. - live music on the patio) or odor/smoke from the pizza oven can be mitigated through the conditions of the conditional use permit.
- C. That the use 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.**
- a. The conditional use permit for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment, which is simply an accessory use to an approved use on the same parcel, 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.
  - b. The patio is fenced off and private and the location of the pizza oven will comply with the recommendations of the fire department, so the addition of a pizza oven will not be materially detrimental to the public welfare of the City and its residents.

**Conditions of Approval:** The following conditions of approval were included with CUP 2017-33:

1. Hours of operation will be between 11 a.m. and 10 p.m.
2. Live music is permitted only during hours of operation (no later than 10 p.m.).
3. The Planning Commission shall review the conditional use permit six (6) months and twelve (12) months after the Wine and Beer Tasting Establishment begins operation.

The addition of a pizza oven does not significantly affect any of the previously approved conditions of approval.

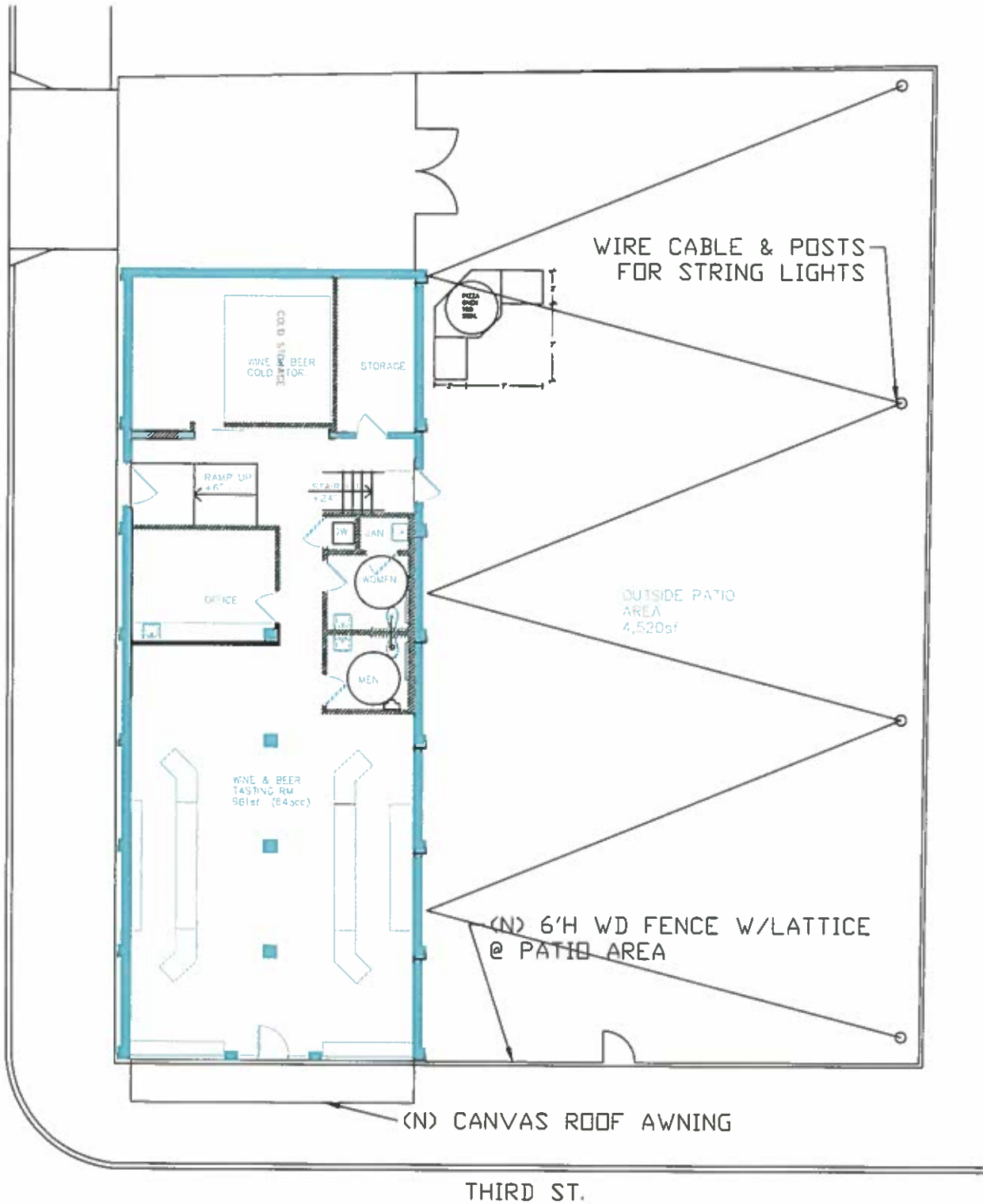
**Action Required:**

1. Verify posting of notice of public hearing
2. Open the Public Hearing
3. Receive staff report and supporting documents

4. Receive written comments, e-mail communication, oral testimony and public input.
5. Close the public hearing
6. Based upon your independent review and judgment of the staff report, written comments, email communication, and oral testimony on the project, the Historic Resources Board should take the following action:
  - A. Recommend that the Planning Commission adopt Resolution 2017-XX, "A Resolution of the Planning Commission of the City of San Juan Bautista amending Conditional Use Permit (CUP 2017-33) for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment at 322 Third Street to include the installation and use of an outdoor pizza oven."

Attachments:

1. Patio Plan



# CITY OF SAN JUAN BAUTISTA

## HISTORIC RESOURCES BOARD

### STAFF REPORT

**DATE:** June 6th, 2017

**SUBJECT:** Conditional Use Permit – 301 Third Street

**Applicant:** Mandisa Snodey

**Zoning:** Mixed Use/Historic District/Nationally Recognized Historic District

**Assessor Parcel No.:** 002-170-005

**Size:** 0.3636 acres

**Existing Land Use:** Commercial

**Environmental Review:** This Conditional Use Permit is Categorically Exempt under Section 15332 of the California Environmental Quality Act, "In-Fill Development Projects."

**Details:** The applicant is requesting a use determination for her proposed business at 301 Third Street. Upon request, she submitted the following description of the proposed business:

*Closet Under the Stairs Apothecarium is a business promoting a holistic plant based lifestyle with referral and consulting services. Specifically offering consultation services, education, recommendation services by a licensed physician, as well as retail sales of nutritional supplements. No medical services will be offered onsite, including but not limited to, massage, chiropractic, acupuncture, primary care services.*

**Analysis:** Based on the description given above, the use of the site could possibly fall into three use categories listed in San Juan Bautista Municipal Code §11-02-050 "Permitted and conditional uses by zoning district, use matrix," two of which are permitted and one of which is not: (1) Drug stores, retail (Permitted); (2) Personal services (Permitted); and (3) Medical clinics and laboratories (Not Permitted).

While the description explicitly states that “medical services” will not be offered, it also states that a “licensed physician” will be on site offering “consultation services” and “recommendation services.” The San Juan Bautista Municipal Code does not contain a definition of “medical clinic” that would help resolve this uncertainty surrounding whether or not the presence of a licensed physician dispensing medical advice constitutes a “medical clinic.”

The first three definitions of ‘clinic’ in the Merriam-Webster dictionary apply to one-time clinics or medical clinics that have multiple physicians and provide outpatient services, such as:

1. A class of medical instruction in which patients are examined and discussed
2. A group meeting devoted to the analysis and solution of concrete problems or to the acquiring of specific skills or knowledge writing clinics golf clinics
3. a. A facility (as of a hospital) for diagnosis and treatment of outpatients  
b. A group practice in which several physicians work cooperatively

The fourth definition of ‘clinic,’ however, defines a clinic as:

4. A facility that offers professional services or consultation usually at discounted rates

This definition is intentionally broad, because it is meant to include non-medical clinics such as legal clinics. Under this definition, however, “a facility that offers professional services or consultation” where the “professional services” and “consultation” are provided by a licensed physician must be considered to be a medical clinic.

**Context:** It is also important to note, given the discussions at recent City Council meetings and the upcoming Marijuana Forum, that “holistic plant based lifestyle” refers, at least in part, to medical marijuana and services related to that market. SJBMC §5-14.5 currently prohibits medical marijuana dispensaries in the City of San Juan Bautista, but the City Council is currently re-evaluating the City’s marijuana ordinances and policies and discussing how the City should handle the rollout of legal recreational marijuana next year. While this project is not described as a medical marijuana dispensary, one of the services it would provide would be physician ‘recommendations’ to ‘patients’ for the medical use of marijuana. Those recommendations are then taken to a medical marijuana dispensary to obtain medical marijuana.



The Historic Resources Board should carefully consider the application in this context, as descriptions such as the one submitted are often times used to give cover to dispensaries that are attempting to function outside of the law.

**Procedure:** The Historic Resources Board must decide two things: (1) does the proposed use constitute a “medical clinic” under SJBMC §11-02-050 and (2) if it does, whether or not to recommend that the Planning Commission issue a Conditional Use Permit allowing the proposed use at 301 Third Street.

**Findings:** If the Planning Commission decides to issue a conditional use permit, they must make the findings listed in SJBMC §11-20-030 based on substantial evidence in view of the whole record. The Planning Commission must find that:

- A. That the use 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;
- B. That the use 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.; and
- C. That the use 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.

**Conditions of Approval:** Due to the fact that medical marijuana dispensaries are currently illegal in the City of San Juan Bautista and the proposed use provides services closely linked to those of medical marijuana dispensaries, if the Planning Commission chooses to issue a Conditional Use Permit for this use, they should consider the possibility of attaching conditions of approval to the permit. Those conditions could include:

- A condition stating that the permit will be revoked if any marijuana or marijuana product is sold or changes hands on the site.
- A condition requiring that the exterior storefront windows along the Mariposa Street and Third Street frontage shall be kept free from obstructions or non-transparent materials (such as display cases, posters, applied window tint, etc.) to a degree that provides public safety officers with direct lines of sight into the establishment.
- A condition, based on the items listed in California Health and Safety Code §11014.5 (of the Uniform Controlled Substances Act), prohibiting “drug paraphernalia” on the site.
- Any other conditions that either limit the allowed activities or define/clarify the parameters within which the use will be allowed.

**Action Required:**

1. Verify posting of notice of public hearing
2. Open the Public Hearing
3. Receive staff report and supporting documents
4. Receive written comments, e-mail communication, oral testimony and public input.
5. Close the public hearing
6. If, based upon independent review and judgment of the staff report, written comments, email communication, and oral testimony on the project, the Historic Resources Board supports the use of 301 Third Street as a medical clinic, they should take the following actions.
  - A. Recommend that the Planning Commission adopt Resolution 2017-XX, "A Resolution of the Planning Commission of the City of San Juan Bautista making a determination for a categorical exemption for a Conditional Use Permit (CUP 2017-XX) for a medical clinic at 301 Third Street" under Section 15332, "In-Fill Development Projects," of the California Environmental Quality Act.
  - B. Recommend that the Planning Commission adopt Resolution 2017-XX, "A Resolution of the Planning Commission of the City of San Juan Bautista approving a Conditional Use Permit for a medical clinic at 301 Third Street," Project No. 2017-33. (Assessor Parcel No. 002-160-003).

**Attachments:**

California Health and Safety Code §11014.5

**HEALTH AND SAFETY CODE - HSC**

**DIVISION 10. UNIFORM CONTROLLED SUBSTANCES ACT [11000 - 11651]**

*(Division 10 repealed and added by Stats. 1972, Ch. 1407. )*

**CHAPTER 1. General Provisions and Definitions [11000 - 11033]**

*(Chapter 1 added by Stats. 1972, Ch. 1407. )*

**11014.5.**

(a) "Drug paraphernalia" means all equipment, products and materials of any kind which are designed for use or marketed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this division. It includes, but is not limited to:

- (1) Kits designed for use or marketed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
- (2) Kits designed for use or marketed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- (3) Isomerization devices designed for use or marketed for use in increasing the potency of any species of plant which is a controlled substance.
- (4) Testing equipment designed for use or marketed for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled substances.
- (5) Scales and balances designed for use or marketed for use in weighing or measuring controlled substances.
- (6) Containers and other objects designed for use or marketed for use in storing or concealing controlled substances.
- (7) Hypodermic syringes, needles, and other objects designed for use or marketed for use in parenterally injecting controlled substances into the human body.
- (8) Objects designed for use or marketed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
  - (A) Carburetion tubes and devices.
  - (B) Smoking and carburetion masks.
  - (C) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
  - (D) Miniature cocaine spoons, and cocaine vials.

- (E) Chamber pipes.
- (F) Carburetor pipes.
- (G) Electric pipes.
- (H) Air-driven pipes.
- (I) Chillums.
- (J) Bongos.
- (K) Ice pipes or chillers.

(b) For the purposes of this section, the phrase "marketed for use" means advertising, distributing, offering for sale, displaying for sale, or selling in a manner which promotes the use of equipment, products, or materials with controlled substances.

(c) In determining whether an object is drug paraphernalia, a court or other authority may consider, in addition to all other logically relevant factors, the following:

- (1) Statements by an owner or by anyone in control of the object concerning its use.
- (2) Instructions, oral or written, provided with the object concerning its use for ingesting, inhaling, or otherwise introducing a controlled substance into the human body.
- (3) Descriptive materials accompanying the object which explain or depict its use.
- (4) National and local advertising concerning its use.
- (5) The manner in which the object is displayed for sale.
- (6) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
- (7) Expert testimony concerning its use.

(d) If any provision of this section or the application thereof to any person or circumstance is held invalid, it is the intent of the Legislature that the invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application and to this end the provisions of this section are severable.

*(Added by Stats. 1982, Ch. 1278, Sec. 1.)*