



# City of San Juan Bautista

*The "City of History"*

[www.san-juan-bautista.ca.us](http://www.san-juan-bautista.ca.us)

**PLANNING COMMISSION  
REGULAR MEETING  
TUESDAY, APRIL 2, 2024, 6:00 P.M.**

**HYBRID MEETING**  
**City Hall, Council Chambers**  
311 Second Street, San Juan Bautista, California

## AGENDA

### **ZOOM WEBINAR PARTICIPATION**

The meeting can also be accessed by the public in the following methods: Through Zoom (<https://zoom.us/join>) per the instruction stated below, and on Facebook.

*Please note: If all Members are present in person, public participation by Zoom or viewing on Facebook is for convenience only and is not required by law. If the Zoom or Facebook feed is lost for any reason the meeting may be paused while a fix is attempted but the meeting may continue at the discretion of the presiding officer.*

### **JOIN ZOOM WEBINAR TO PARTICIPATE LIVE**

<https://us02web.zoom.us/j/86357637623>

To participate telephonically:

**call 1 (669) 900-6833**

**Webinar ID: 863 5763 7623**

#### **1. CALL TO ORDER**

- A. Pledge of Allegiance
- B. Roll Call

#### **2. GENERAL PUBLIC COMMENT**

*Public comments generally are limited to three minutes per speaker on items that are not on the agenda and are under the City's subject matter jurisdiction. The Chair may further limit the time for public comments depending on the agenda schedule.*

#### **3. CONSENT**

*All matters listed under the Consent Agenda may be enacted by one motion unless a member of the Planning Commission or the public requests discussion or a separate vote.*

- A. Approve the Affidavit of Posting Agenda.
- B. Approve the Special Meeting Minutes of January 23, 2024.
- C. Approve the Regular Meeting Minutes of February 6, 2024.

#### 4. ACTION

##### A. **Certified Local Government (CLG) Annual Report for 2021-2022**

Recommendation: Approve a **RESOLUTION** accepting the Recommendation from the Historic Resources Board; and approving the Certified Local Government (CLG) Annual Report for 2021-2022.

#### 5. DISCUSSION

- A. Discussion: Draft Zoning Ordinance Amending Chapter 11-04 “Temporary Use Of Land”, And Adding Chapter 11-19 To Address Food Trucks

#### 6. COMMENTS

- A. Planning Commissioners  
B. Community Development Director  
C. City Manager

#### 7. ADJOURNMENT

### AGENDA MATERIAL / ADDENDUM

Any addendums will be posted within 72 hours of regular meetings or 24 hours of special meetings, unless otherwise allowed under the Brown Act. Planning Commission reports may be viewed at the City of San Juan Bautista City Hall at 311 Second Street San Juan Bautista, and are posted on the City website at [www.san-juan-bautista.ca.us](http://www.san-juan-bautista.ca.us) subject to Staff's ability to post the documents before the meeting, or by emailing [cityclerk@san-juan-bautista.ca.us](mailto:cityclerk@san-juan-bautista.ca.us) or calling Acting Clerk, Elizabeth Soto, at (831) 623-4661 during normal business hours.

In compliance with the Americans with Disabilities Act, and Govt. Code 54953(e)(1)(A), the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk a minimum of 48 hours prior to the meeting at (831) 623-4661.

### PUBLIC COMMENTS PROCEDURES

If you wish to make a general public comment and are attending in person, please fill out a speaker card. If you are attending via Zoom, join the Zoom Webinar, and use the "Raise Hand" or if joining by telephone, press \*9 on your telephone keypad icon.

### SUBMISSION OF PUBLIC COMMENTS

Written comments may be submitted via mail to the City Clerk at City Hall (P.O. Box 1420, San Juan Bautista, CA 95045), or emailed to [cityclerk@san-juan-bautista.ca.us](mailto:cityclerk@san-juan-bautista.ca.us) no later than 3:00 p.m. on the day of the meeting. Written comments will be read into the record provided that the reading does not exceed three (3) minutes.

### PUBLIC NOTIFICATION

This agenda was posted on Friday, March 29, 2024, on the bulletin board at City Hall, 311 Second Street, the bulletin board at the City Library, 801 Second Street, the bulletin board at the entrance to the United States Post Office, 301 The Alameda, and the City's website.

Meetings are streamed live at <https://www.facebook.com/cityofsanjuanbautista/> and televised live on local Channel 17 on the date of the regularly scheduled meeting.

## **DISCLOSURE**

If you challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this meeting, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Please take notice that the time within which to seek judicial review of any final administrative determination reached at this meeting is governed by Section 1094.6 of the California Code of Civil Procedure.

This portion of the meeting is reserved for persons desiring to address the Commission on matters not on this agenda. The law does not permit Commission action or extended discussion of any item not on the agenda except under special circumstances. If Commission action is requested, the Commission may place the matter on a future agenda.

## AFFIDAVIT OF POSTING

I, Elizabeth Soto, Do Now Declare, Under the Penalties of Perjury That I Am the Acting City Clerk / Administrative Services Manager in the City of San Juan Bautista and That I Posted Three (3) True Copies of the attached Planning Commission Agenda. I Further Declare That I Posted Said Agenda on the 29th day of March 2024, and 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 29th day of March 2024.

  
\_\_\_\_\_  
Elizabeth Soto, CMC, CPMC  
Acting City Clerk / Administrative Services Manager



## CITY OF SAN JUAN BAUTISTA PLANNING COMMISSION STAFF REPORT

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**DATE:** APRIL 2, 2024

**DEPARTMENT:** COMMUNITY DEVELOPMENT/CITY MANAGER

**FROM:** DON REYNOLDS, CITY MANAGER

**BY:** MEG CLOVIS, CITY HISTORIAN

**TITLE:** 2021- 2022 CERTIFIED LOCAL GOVERNMENT (CLG) ANNUAL REPORTS

### RECOMMENDED ACTIONS:

Approve the Resolution accepting the 2021-2022 Certified Local Government (CLG) Annual Reports and submit to the California Office of Historic Preservation.

### RECOMMENDATION:

Review the City's Certified Local Government (CLG) Annual Report for 2021-2022 and consider input by the Historic Resources Board.

### BACKGROUND INFORMATION:

The California State Historic Preservation Office recognizes the City of San Juan Bautista as a Certified Local Government (CLG). The National Park Service and State of California, through the CLG program, encourages the participation of local governments in the review of historic properties in regard to evaluation, identification, preservation, and improvements. This participation helps to integrate historic preservation into local planning. The CLG program was established in 1980 through an amendment to the National Preservation Act of 1966 and represents a partnership among local governments, the California State Historic Preservation Office (SHPO) and the National Park Service (NPS). The NPS is under the United States Department of the Interior and is responsible for administering the National Historic Preservation Program.

The California Environmental Quality Act (CEQA) Section 21084.1 requires that all properties that are fifty years old or older be reviewed for historical significance. CEQA law requires local governments to presume that any buildings/properties that meet that criterion be considered historically significant unless sufficient evidence exists to the contrary.

California Public Resources Code Sections 5020.1 through 5024.1 sets forth criteria for historical resources. These State provisions require the City of San Juan Bautista as a local government to have requirements for reviewing proposed alterations to historic or potentially historic properties.

CLG UPDATE:

The attached CLG reports prepared by the City's Historical Consultant contain the information requested by the SHPO and NPS. These reports recount San Juan Bautista's activities and programs which maintain its CLG status, project review related to any historic structure within the City's jurisdiction, and the minutes of all HRB public meetings. The reports also cover board member attendance at monthly meetings, board member backgrounds, and if board members received required attendance.

Following is a listing of properties reviewed during the reporting period of October 1, 2021 through September 30, 2022:

- a) 205 The Alameda
- b) 903 Third St.

This information is included in the CLG Report and is required by the SHPO in order to maintain the City's CLG status. By maintaining the status, the City receives several benefits such as grant opportunities, the ability to streamline the review process, economic development, and demonstrating credibility.

ATTACHMENTS:

- 1. Resolution
- 2. Certified Local Government Certification Agreement

**PLANNING COMMISSION RESOLUTION NO. 2024 - XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA APPROVING THE CERTIFIED LOCAL GOVERNMENT ANNUAL REPORT FOR 2021-2022**

**WHEREAS**, the Historic Resources Board has reviewed the 2021-2022 Certified Local Government Annual Report and made a recommendation to Planning Commission to approve the report, and

**WHEREAS**, the Planning Commission has considered the recommendation from the Historic Resources Board and makes the following finding to approve the 2021-2022 Certified Local Government Annual Report.

1. The 2021-2022 Certified Local Government Annual Report is necessary to submit to the California Office of Historic Preservation in order to maintain Certified Local Government Status for the City of San Juan Bautista.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of San Juan Bautista reviewed and considered the 2021-2022 CLG Annual Report on April 2, 2024 and hereby approves the report.

**PASSED AND APPROVED** by the City of San Juan Bautista Planning Commission at a regular meeting held on the 2nd day of April 2024 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**APPROVED:**

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Jose Aranda, Chair

**ATTEST:**

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Elizabeth Soto, Acting City Clerk

# Certified Local Government Program -- 2021-2022 Annual Report

(Reporting period is from October 1, 2021 through September 30, 2022)

**INSTRUCTIONS:** This a Word form with expanding text fields and check boxes. It will probably open as Read-Only. Save it to your computer before you begin entering data. This form can be saved and reopened.

Because this is a WORD form, it will behave generally like a regular Word document except that the font, size, and color are set by the text field.

- Start typing where indicated to provide the requested information.
- Click on the check box to mark either yes or no.
- To enter more than one item in a particular text box, just insert an extra line (Enter) between the items.

Save completed form and email as an attachment to [info.calshpo@parks.ca.gov](mailto:info.calshpo@parks.ca.gov). You can also convert it to a PDF and send as an email attachment. Use the Acrobat tab in WORD and select Create and Attach to Email. You can then attach the required documents to that email. If the attachments are too large (greater than 10mb total), you will need to send them in a second or third email.

## Name of CLG

City of San Juan Bautista

**Report Prepared by:** Meg Clovis, Historical Consultant

**Date of commission/board review:** Type here.

## MINIMUM REQUIREMENTS FOR CERTIFICATION

### I. Enforce Appropriate State or Local Legislation for the Designation and Protection of Historic Properties.

#### A. Preservation Laws

1. What amendments or revisions, if any, are you considering to the certified ordinance? Please forward drafts or proposals., either as part of this report or under separate cover. **REMINDER:** Pursuant to the CLG Agreement, OHP must have the opportunity to review and comment on ordinance changes prior to adoption. Changes that do not meet the CLG requirements could affect certification status.  
None.
2. Provide an electronic link to your ordinance or appropriate section(s) of the municipal/zoning code.  
<https://www.codepublishing.com/CA/SanJuanBautista11/SanJuanBautista1106.html#11-06>

#### B. New Local Landmark Designations (Comprehensive list of properties/districts designated during the reporting.



# Certified Local Government Program -- 2021-2022 Annual Report

(Reporting period is from October 1, 2021 through September 30, 2022)

1. During the reporting period, October 1, 2021 – September 30, 2022, what properties/districts have been locally designated?

Property Name/Address	Date Designated	If a district, number of contributors	Date Recorded by County Recorder
None	Type here.	Type here.	Type here.

**REMINDER:** Pursuant to California Government Code § 27288.2, “the county recorder shall record a certified resolution establishing an historical resources designation issued by the State Historical Resources Commission or a local agency, or unit thereof.”

2. What properties/districts have been de-designated this past year? For districts, include the total number of resource contributors?

Property Name/Address	Date Removed	Reason
None	<a href="#">Click or tap here to enter text.</a>	<a href="#">Click or tap here to enter text.</a>

## C. Historic Preservation Element/Plan

1. Do you address historic preservation in your general plan?     No  
 Yes, in a separate historic preservation element.     Yes, it is included in another element.

Provide an electronic link to the historic preservation section(s) of the General Plan or to the separate historic preservation element.

[http://cms6.revise.com/revise/sanjuanbautista/document\\_center/San%20Juan%Bautista%202035%20General%20Plan/San-Juan-Bautista-2035-General-Plan-FINAL-2-3-16.pdf](http://cms6.revise.com/revise/sanjuanbautista/document_center/San%20Juan%Bautista%202035%20General%20Plan/San-Juan-Bautista-2035-General-Plan-FINAL-2-3-16.pdf)

## D. Review Responsibilities

1. Who takes responsibility for design review or Certificates of Appropriateness?

- All projects subject to design review go the commission.
- Some projects are reviewed at the staff level without commission review. What is the threshold between staff-only review and full-commission review? The City of San Juan Bautista’s Historic Resources Ordinance (SJBMC Chapter

# Certified Local Government Program -- 2021-2022 Annual Report

(Reporting period is from October 1, 2021 through September 30, 2022)

11-06 – Historic Resources Preservation) distinguishes between Major Historic Alterations and Minor Historic Alterations. A Major Historic Alteration is any substantial change to a building listed in the Historic Resources Inventory, such as demolition, additions, or major interior renovation. Major Historic Alterations are reviewed by the Historic Resources Board (HRB) and Planning Commission (PC) and require a report from an Architectural Historian on our qualified consultants list. Minor Historic Alterations can include repainting, basic maintenance and repair, and change of use. If a Minor Historic Alteration meets the City’s Design Guidelines and applicable Zoning Regulations, the project can be reviewed at the staff level. If the proposed project does not meet the Design Guidelines it is referred to the HRB and PC for review.

## 2. California Environmental Quality Act

- What is the role of historic preservation staff and commission in *providing input* to CEQA documents prepared for or by the local government? The role of staff and the HRB is fully integrated. Both review and comment on CEQA documents.

What is the role of the staff and commission in *reviewing* CEQA documents for projects that are proposed within the jurisdiction of the local government? City staff reviews CEQA documents for compliance. The documents are then submitted to the HRB and PC for resolution/adoption. Decisions are recorded and/or filed at the County Recorder’s Office.

## 3. Section 106 of the National Historic Preservation Act

- What is the role of the staff and commission in *providing input* to Section 106 documents prepared for or by; the local government? Staff, the HRB, PC, and possibly the City Council would be asked to provide input into any Section 106 documents prepared for, or by, the City.
- What is the role of the staff and commission in *reviewing* Section 106 documents for projects that are proposed within the jurisdiction of the local government? If any historic resource would be impacted by a proposed project, then staff and the HRB would review the Section 106 documents.

## Certified Local Government Program -- 2021-2022 Annual Report

(Reporting period is from October 1, 2021 through September 30, 2022)

### II. Establish an Adequate and Qualified Historic Preservation Review Commission by State or Local Legislation.

#### A. Commission Membership

Name	Professional Discipline	Date Appointed	Date Term Ends	Email Address
Yolanda Delgado	Transportation	12/2018	12/2022	<a href="mailto:Y.Delgado@san-juan-bautista.ca.us">Y.Delgado@san-juan-bautista.ca.us</a>
David Medeiros	Computer Science - retired	12/2018	12/2022	<a href="mailto:D.Medeiros@san-juan-bautista.ca.us">D.Medeiros@san-juan-bautista.ca.us</a>
Jackie Morris-Lopez	Physician's Asst.	12/2020	12/2022	<a href="mailto:J.Morris-Lopez@san-juan-bautista.ca.us">J.Morris-Lopez@san-juan-bautista.ca.us</a>
Luis Matchain	Real Estate	12/2018	8/2022	<a href="mailto:L.Matchain@san-juan-bautista.ca.us">L.Matchain@san-juan-bautista.ca.us</a>
Dr. Mary Bains	Physician	12/2020	6/2022	<a href="mailto:M.Bains@san-juan-bautista.ca.us">M.Bains@san-juan-bautista.ca.us</a>
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Type here.	Type here.	Type here.	Type here.	Type here.
Type here.	Type here.	Type here.	Type here.	Type here.

Attach resumes and Statement of Professional Qualifications forms for all members.

1. If you do not have two qualified professionals on your commission, explain why the professional qualifications have not been met and how professional expertise is otherwise being provided. *The HRB members fill the dual role of Planning Commissioners. San Juan Bautista is a very small community with a population of 2000. The residents willing to serve in these roles often do not have the desired professional qualifications. The City is considering hiring a historic preservation consultant to fill this gap in expertise.*
  
2. If all positions are not currently filled, why is there a vacancy, and when will the position be filled? *There are no vacancies on the HRB.*

# Certified Local Government Program -- 2021-2022 Annual Report

(Reporting period is from October 1, 2021 through September 30, 2022)

## B. Staff to the Commission/CLG staff

1. Is the staff to your commission the same as your CLG coordinator?  Yes     No    If not, who serves as staff? [Click or tap here to enter text.](#)
2. If the position(s) is not currently filled, why is there a vacancy? Type here.

Attach resumes and Statement of Professional Qualifications forms for staff.

Name/Title	Discipline	Dept. Affiliation	Email Address
Brian Foucht	Community Planning	Planning Department	<a href="mailto:Acm-cddirector@san-juan-bautista.ca.us">Acm-cddirector@san-juan-bautista.ca.us</a>

## C. Attendance Record

Please complete attendance chart for each commissioner and staff member. Commissions are required to meet four times a year, at a minimum. If you haven't met at least four times, explain why not.

Commissioner/Staff	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Yolanda Delgado	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Medeiros	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jackie Morris-Lopez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Luis Matchain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Mary Bains	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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# Certified Local Government Program -- 2021-2022 Annual Report

(Reporting period is from October 1, 2021 through September 30, 2022)

Commissioner/Staff	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Brian Foucht	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## D. Training Received

Indicate what training each commissioner and staff member has received. Remember it is a CLG requirement that all commissioners and staff to the commission attend at least one training program relevant to your commission each year. It is up to the CLG to determine the relevancy of the training.

Based on the minutes for 10/1/2021 to 9/30/2022, none of the commissioners or staff received training.

Commissioner/Staff Name	Training Title & Description (including method presentation, e.g., webinar, workshop)	Duration of Training	Training Provider	Date
Type here.	Type here.	Type here.	Type here.	Type here.
Type here.	Type here.	Type here.	Type here.	Type here.
Type here.	Type here.	Type here.	Type here.	Type here.
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Type here.	Type here.	Type here.	Type here.	Type here.
Type here.	Type here.	Type here.	Type here.	Type here.
Type here.	Type here.	Type here.	Type here.	Type here.
Type here.	Type here.	Type here.	Type here.	Type here.

## III. Maintain a System for the Survey and Inventory of Properties that Furthers the Purposes of the National Historic Preservation Act

# Certified Local Government Program -- 2021-2022 Annual Report

(Reporting period is from October 1, 2021 through September 30, 2022)

**A. Historical Contexts: initiated, researched, or developed in the reporting year (excluding those funded by OHP)**

**NOTE:** California CLG procedures require CLGs to submit survey results, including historic contexts, to OHP. (If you have not done so, submit an electronic copy or link if available online with this report.)

Context Name	Description	How it is Being Used	Date Submitted to OHP
None	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

**B. New Surveys or Survey Updates (excluding those funded by OHP)**

**NOTE:** The evaluation of a single property is not a survey. Also, material changes to a property that is included in a survey, is not a change to the survey and should not be reported here.

Survey Area	Context Based-yes/no	Level: Reconnaissance or Intensive	Acreage	# of Properties Surveyed	Date Completed	Date Submitted to OHP
None	Type here.	Type here.	Type here.	Type here.	Type here.	Type here.

How are you using the survey data? Type here.

**IV. Provide for Adequate Public Participation in the Local Historic Preservation Program**

**A. Public Education**

What public outreach, training, or publications programs has the CLG undertaken? How were the commissioners and staff involved? Please provide an electronic link to all publications or other products not previously provided to OHP.

# Certified Local Government Program -- 2021-2022 Annual Report

(Reporting period is from October 1, 2021 through September 30, 2022)

Item or Event	Description	Date
None	Type here.	Type here.

## ADDITIONAL INFORMATION FOR NATIONAL PARK SERVICE ANNUAL PRODUCTS REPORTS FOR CLGS

### NOTE: OHP will forward this information to NPS on your behalf. CLG Inventory Program

During the reporting period (October 1, 2021-September 30, 2022) how many historic properties did your local government **add** to the CLG inventory? This is the total number of historic properties and contributors to districts (or your best estimate of the number) added to your inventory **from all programs**, local, state, and Federal, during the reporting year. These might include National Register, California Register, California Historic Landmarks, locally funded surveys, CLG surveys, and local designations.

Program area	Number of Properties added
None	Type here.

#### **A. Local Register (i.e., Local Landmarks and Historic Districts) Program**

1. During the reporting period (October 1, 2021-September 30, 2022) did you have a local register program to create local landmarks and/or local districts (or a similar list of designations) created by local law?       Yes       No
  
2. If the answer is yes, then how many properties have been added to your register or designated from October 1, 2021 to September 30, 2022? None

#### **C. Local Tax Incentives Program**

1. During the reporting period (October 1, 2021-September 30, 2022) did you have a Local Tax Incentives Program, such as the Mills Act?     Yes     No

## Certified Local Government Program -- 2021-2022 Annual Report

(Reporting period is from October 1, 2021 through September 30, 2022)

2. If the answer is yes, how many properties have been added to this program from October 1, 2021 to September 30, 2022? *Click or tap here to enter text.*

Name of Program	Number of Properties Added During 2021-2022	Total Number of Properties Benefiting From Program
Type here.	Type here.	<i>Click or tap here to enter text.</i>

### D. Local “bricks and mortar” grants/loan program

1. During the reporting period (October 1, 2021-September 30, 2022) did you have a local government historic preservation grant and/or loan program for rehabilitating/restoring historic properties?     Yes     No
2. If the answer is yes, then how many properties have been assisted under the program(s) from October 1, 2021 to September 30, 2022? *Type here.*

Name of Program	Number of Properties that have Benefited
Type here.	Type here.

### E. Design Review/Local Regulatory Program

1. During the reporting period (October 1, 2021-September 30, 2022) did your local government have a historic preservation regulatory law(s) (e.g., an ordinance) authorizing Commission and/or staff review of local government projects or impacts on historic properties?     Yes     No
2. If the answer is yes, how many historic properties did your local government review for compliance with your local government’s historic preservation regulatory law(s) from October 1, 2020 to September 30, 2021? Formal review of two properties (205 The Alameda & 903 Third St.) and general discussion about three properties (Third St. window signs, Casa Rosa, Plaza Market).

### F. Local Property Acquisition Program

1. During the reporting period (October 1, 2021--September 30, 2022) did you have a local program to acquire (or help to acquire) historic properties in whole or in part through purchase, donation, or other means?     Yes     No



# Certified Local Government Program -- 2021-2022 Annual Report

(Reporting period is from October 1, 2021 through September 30, 2022)

2. If the answer is yes, then how many properties have been assisted under the program(s) from October 1, 2021 to September 30, 2022 Type here.

Name of Program	Number of Properties that have Benefited
Type here.	Type here.

## **IN ADDITION TO THE MINIMUM CLG REQUIREMENTS, OHP IS INTERESTED IN YOUR FEEDBACK ABOUT THE RECENT CAMP TRAINING**

- Did anyone from your local government participate in the free CAMP training opportunities in Fall 2021?
- Whether or not you were able to take advantage of any of the CAMP trainings in 2021, would you like to see OHP to provide free additional CAMPs in the future?
- What are your top three topics for future training?

## **XII Attachments (electronic)**

- Resumes and Statement of Qualifications forms for **all** commission members/alternatives and staff
- Minutes from commission meetings [https://www.san-juan-bautista.ca.us/government/commissions\\_boards\\_and\\_committees/historic\\_resources\\_board\\_agendas\\_and\\_minutes.php#review\\_document\\_center\\_rz2969](https://www.san-juan-bautista.ca.us/government/commissions_boards_and_committees/historic_resources_board_agendas_and_minutes.php#review_document_center_rz2969)
- Drafts of proposed changes to the ordinance
- Drafts of proposed changes to the General Plan
- Public outreach publications

Email to: [info.calshpo@parks.ca.gov](mailto:info.calshpo@parks.ca.gov)



## CITY OF SAN JUAN BAUTISTA PLANNING COMMISSION STAFF REPORT

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**DATE:** APRIL 2, 2024

**DEPARTMENT:** COMMUNITY DEVELOPMENT

**FROM:** DON REYNOLDS, CITY MANAGER

**BY:** ADRIANNA ORTIZ, ACTING COMMUNITY DEVELOPMENT DIRECTOR

**TITLE:** DISCUSSION: DRAFT ZONING ORDINANCE AMENDING CHAPTER 11-04 “TEMPORARY USE OF LAND”, AND ADDING CHAPTER 11-19 TO ADDRESS FOOD TRUCKS

### RECOMMENDED ACTION:

Staff recommends that the Planning Commission review the attached preliminary draft Zoning Ordinance Amendments and discuss any desirable changes.

### BACKGROUND:

In 2023, the City used a Temporary Use of Land Permit to allow a business owner to include temporarily, pop-up sales to occur as well as food trucks if entirely on their private properties, in commercial and mixed-use districts. “Temporary” is 6-months with one extension allowed. Vertigos is a good example, including on their property a variety of vendors including food trucks, jewelry, and other temporary uses outside of the use permit. These “TULPS” expired in November, but several remain active.

The Planning Commission assigned an Ad-Hoc Committee of Devries and Aranda to work on a draft Ordinance to address several concerns especially the provision restricting business activities to occur outdoors. They convened a business owner meeting at Vertigos. This zoning code change was assigned to the Community Development Director who was placed on leave before the permits expired at the end of November. Attached is the last report provided to the Planning Commission November 7, 2023, explaining the proposed Zoning Code changes to Chapter 11-04. It includes the notes from the business owner meeting. This matter has not returned to the City Council.

4Leaf Inc. stepped in to support the City’s community development efforts in December. Adrianna Ortiz (acting as the City’s Community Development Director), and Magda Gonzales (acting as Principal Planner) reviewed the proposed Zoning Code and dug deeper into the topic of food trucks. Several cities have adopted specific food truck ordinances addressing health and safety issues related to them, on both private and public properties. There has been a lot of support and interest in the community around food trucks of all kinds. Some have even proposed permanent food trucks

established on their private properties.

The attached draft Ordinance adding Chapter 11-19 addresses the health and safety and annual permitting allowing food trucks in the city, for both short-term and long-term presence, and on both private and public property.

#### PROJECT DESCRIPTION AND DISCUSSION:

Pertaining to draft Ordinance 11-04, the question before the Planning Commission is whether this draft is the Ordinance the Ad Hoc Committee wants to present in its final form. Staff understood from Commissioner Devries that it is not, and that a different draft was going to be considered.

As far as the draft Ordinance adding 11-19 for Food Trucks is concerned, the community seems eager to have this conversation. That conversation of “how, when where, and under what circumstances” is presented here. The City is allowing temporary food trucks with a TULP for 6 months, or if allowed by the property CUP, allowed for longer. The City of Hollister recently had this discussion and adopted a similar Ordinance. The attached draft ordinance has been adapted for San Juan Bautista.

In the past, local business owners have not supported temporary uses or food trucks, as they “compete” with “bricks and mortar.” The existing law goes even further and does not allow “outdoor retail.” However recent trends support the diversity that food trucks and pop-up vendors bring to the community, that attract more visitors and can be a benefit to the whole economy. If they are safe, healthy, comply with business license and other local laws, and report sales tax earned from sales made in the City, they can be a benefit. These matters can be controversial, and it is important to actively seek input from every stakeholder, prior to considering the decision to add this ordinance to the Zoning Code.

Staff suggests edits to reflect “public safety” rather than Police Department, adding a limit to the number of food trucks allowed in the City, and preventing the transfer of a permit from one owner to another without the City’s approval.

#### ATTACHMENTS:

1. November 7, 2023, Planning Commission staff report and its attachments to include a draft Ordinance for amending Chapter 11-04 of the Zoning Code for TULPs
2. Draft Ordinance adding Chapter 11-19 for Food Trucks

**AD HOC MEETING**  
**on 11-04-030 w/ stake holders and members of the community**  
**regarding Pop Ups Retail and Food Truck Vendors**

High Level Needs from Business Owners

- Fairness with code enforcement consistent across the board.
- Code Enforcement and city should be less restrictive on pop-ups and food trucks
- Ease of process to obtain Business License
- Business License app should be quick and painless to fill out.
- Knowledge of business license process, incase questions arise.
- Obtain Business license in a timely manner, same day / one business day.

Local Businesses don't like the idea of having to write a letter on behalf of pop-up merchant stating that they are allowed to conduct business on their property. When essentially, they wouldn't be able to anyways without the owner's consent. It's a redundant process. Perhaps tying this into the business license form.

There should be a pop-up / food truck business license form on its own. Perhaps a different class of license for these vendors. Event Class?

Business license app should be online and readily accessible.  
Business license app fee should be payable in person or online.  
Business License should be ready the day of / 1 business day for pick up or printed out online.

Food Trucks should be able to remain on site for up to 4 days  
Asked about hours of op, business owners didn't care for hours of op.  
Asked about how many trucks should be allowed on site, business owners didn't care.  
The less restrictive the better as pop-ups and food truck vendors is the new thing going forward.

Business owners agreed that city interests should be sales tax and that everyone should pay their fair share. But its ultimately it is the responsibility of the pop-up owner to file their taxes on sales in the correct jurisdiction.

**Question that needs follow up.**

- Are pop up allowed to be conducted inside, as one business owner was told she could not.
- Can fees be lowered to make it more enticing for popups and food trucks to come into town?

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Governmental interest in Regulating Pop-Ups and Food Trucks / City Needs

- Health, Safety and General Welfare
- Require Business Licenses
- Sellers Permit
- Health Department Clearance (if applicable)
- Uniform reference on ordinances

TULP is working out and no complaints so far to the city.

**1-04-020 Mixed Use(MU), Commercial ( C) Districts and Industrial (I) Districts.**

## A. The following shall apply to development within the MU district:

1. Within the area of the MU district bounded by Second Street, Muckelemi Street, Fourth Street, and Franklin Street, upon the redevelopment of any existing site or upon the development of a vacant site, no parking shall be allowed between the front and/or streetside property line and the building.
2. Within the MU district, new projects that are exclusively residential (i.e., that do not include a commercial component) shall not be allowed unless one hundred percent (100%) of the project meets an identified affordable or special housing need as defined by Chapter [11-09](#) SJBMC, Inclusionary Housing.
3. Projects that are exclusively commercial are permitted in the mixed use district where it is infeasible to include a mix of uses.
4. Residential units shall not be located on street level, except when provided in the rear of a horizontally developed mixed use project.
5. For building facades that face an abutting street, a minimum of fifty percent (50%) of the ground floor facade shall include windows and/or doors. The building facade shall be designed so a blank wall without a window or doorway is no greater than twenty feet (20') in length.
6. A minimum of fifty percent (50%) of the lot frontage abutting a street shall be occupied by a building facade. For lots with three (3) or more street frontages, this standard shall apply to two (2) lot frontages.
7. In order to achieve the type and quality of development and revitalization envisioned by the General Plan for the MU districts, certain development incentive bonuses are established (see subsection (I) of this Section) to encourage developers and property owners to provide special needs housing and pedestrian amenities, as described in subsection (H) of this Section. Incentive bonuses may be granted at the discretion of the City Manager or designee and nothing contained herein shall obligate the City Manager or designee to provide any of the bonuses.

## 8. Pedestrian Amenity Improvements

(a) Pedestrian Linkages. In order to qualify for pedestrian linkage bonuses, a development project must include pedestrian linkages that meet all of the following requirements, unless otherwise determined by the City Manager or designee.

(1) Pedestrian linkages and pathways that run between buildings shall be a minimum of eight feet (8') in width.

(2) Pedestrian linkages shall be designed to be an integral part of the overall project and shall be configured to provide straightforward access from the development to adjacent land uses. The incorporation of plazas into the design of pedestrian linkages is highly encouraged.

(3) Business entrances are encouraged to front onto a pedestrian linkage or pathway. If a business entrance cannot front onto a pedestrian linkage or pathway, a minimum of one (1) display window per business shall be provided facing onto the pathway or linkage.

(4) The pedestrian linkage or pathway shall incorporate landscape features, lighting, shade, textured paving, or other design elements to enhance the overall pedestrian environment and provide a high level of security, natural surveillance, and convenience.

(5) Unless otherwise determined, the property owner shall be responsible for maintenance and other liabilities of the pedestrian linkages.

(b) Public Plazas. In order to qualify for the public plaza incentive bonus, a proposed project must include a public plaza that meets all of the following requirements. Where inconsistent setbacks occur along the street, plazas shall be considered to compensate for the broken building edge.

(1) Plazas shall be designed with unimpeded lines-of-sight to and from the public sidewalk and pedestrian linkages.

(2) Physical access shall be provided from the public sidewalk to plazas, via pedestrian linkages.

(3) Visual features, such as public art or a fountain, shall be incorporated in plazas to attract pedestrians.

(4) Shade trees or other elements providing relief from the sun, rain, and wind shall be incorporated within plazas. Landscaping shall provide special interest through unique foliage, color, seasonal changes in plant habit, scent, or floral display.

(5) Special paving and street furniture consistent with the historic character of San Juan Bautista shall be used in plazas to complement the streetscape elements in the public right-of-way, consistent with the City's design guidelines, when adopted.

(6) Unless otherwise determined, the property owner shall be responsible for maintenance and other liabilities of the public plazas.

B. The following shall apply to uses within the Mixed Use (MU) and Commercial (C ) Districts:

Product displays, sales, dining, personal services and other pedestrian-oriented uses and improvements are generally allowed on public sidewalks and within public and private plazas, courtyards, linkages between adjacent buildings and businesses, and recessed entries accessible to the public subject to the following provisions:

1. Permitted Uses

(a) Product Displays outside an enclosed building subject to the following provisions:

- (1) Product displays not associated with sales shall be permitted upon the public right of way only in conjunction with adjacent antique shops, flower shops, art galleries and similar specialty and craft businesses;
- (2) A minimum width of four feet (4') from street curb is maintained clear of any obstructions.
- (3) No additional signs or other advertising devices (temporary or permanent) shall be used in conjunction with product displays, except those allowed in compliance with this Title.



(4) The outdoor display of products shall only occur during times when the associated establishment is also open for business.

(b) Sales of products, dining, and personal services normally conducted at any business, or another business operating legally in the City, outside an enclosed building, are permitted only on private property. Such permitted uses shall operate only during times that an associated business is also open for business and shall possess a current City 1) business license in accordance with SJB MC Section \_\_\_\_\_. The following are accessory to such permitted uses:

- 1) One (1) "A" frame or other sign not to exceed 24" x 36" or six (6) square feet may be used for any single or multiple outdoor retail businesses on the same site.
- 2) Tables or racks etc., and signs, located to ensure an unimpeded accessible path of travel of at least 48".

## 2. Conditional Use Permit (CUP) Required:

Uses outside an enclosed building require issuance of a Conditional Use Permit, as follows:

- (a) The use is conducted more than two (2) days per week within an area required for, or currently in use as, on-site parking;
- (b) Mobile food vendors i.e. food trucks and other mobile vendors, when more than two (2) vendors are proposed to occupy the site at any one time;
- (c) Amplified music is proposed as part of the activity;
- (d) The site of the proposed use is a property as a designated historical resource with a State Office Historic Preservation Historical Resources Status Code of 5 or lower based on a California State Department of Parks and Recreation (DPR) 523 Form prepared or updated no later than one year previous to the application and the site or structures will be altered to accommodate the proposed activity.
- (e) Improvements to the site or buildings necessary to accommodate the outdoor uses also require the issuance of a Site Plan and Design Review Permit.

- (3) The Community Development Director, notwithstanding the above provisions, may refer uses to the Planning Commission for issuance of a Conditional Use Permit that may potentially adversely affect the use and enjoyment and use of adjacent or surrounding properties due factors including, but not limited to, noise, odors, traffic, circulation, ingress and egress, or the character of adjacent uses, adversely affect health safety or general welfare of persons working or residing in the vicinity of the proposed activity, adversely affect the integrity of a Historic Resource, or may pose conflicts with policies of the General Plan.

### C. Industrial Districts

The following standards shall apply in the Industrial “I” District

1. All uses shall be conducted within an enclosed building unless otherwise authorized by a Conditional Use Permit and Site Plan and Development Review Permit.
2. In determining acceptable activities either within or outside an enclosed building, the Planning Commission shall consider the essential characteristics of the proposed use in relation to the reasonableness of requirements for the operation of uses within, or outside, an enclosed building. The Planning Commission shall assess factors including, and not limited to, environmental constraints, location, potential for conflicts with adjacent and surrounding uses due to noise, vibration, odors, air quality, glare, exposure to hazardous substances and materials, necessary movement of materials, and operation of equipment integral to the industrial use under consideration.

### **11-04-030 Performance Standards: Industrial (I), Commercial (C) and Mixed Use (MU) Districts;**

The following performance 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.

(A) Prohibition of Dangerous or Objectionable Elements. No land or building shall be used or occupied in any manner that would create any dangerous, injurious, noxious or otherwise objectionable explosive or other hazard. Nor shall any use create noise or vibration, smoke, dust, odor or other form of air pollution; heat, cold or dampness; electrical or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition or element in

such a manner or in such amount as to unreasonably adversely affect the surrounding area or adjoining premises.

(C) Fire and Explosive Hazards. All activities involving storage of flammable or explosive materials shall comply with applicable Uniform Fire Codes.

(D) Radioactive or Electrical Disturbance. No activities shall be permitted which will cause physical hazard by reason of radiation or similar cause to property in the same or adjacent zones or that emit electrical disturbance or affect the operation of any equipment other than that of the creator of such disturbance.

(E) Noise. All commercial and industrial uses shall not cause noise levels in excess of the values listed in Table 1.

## Chapter 11-04 ADDITIONAL DEVELOPMENT STANDARDS

Sections:

### Article 1. Development Standards

- 11-04-010** Residential districts.
- 11-04-020** Mixed use district.
- 11-04-030** Commercial and industrial districts.
- 11-04-040** Mobile home park standards.
- 11-04-050** *Repealed.*
- 11-04-060** Accessory structures and uses.
- 11-04-070** Required yards.
- 11-04-080** Storage.
- 11-04-090** Utility stations.
- 11-04-100** Wireless communication facilities.
- 11-04-110** Large-scale retail business, formula retail or restaurant business, and formula visitor accommodations.

### Article 1. Development Standards

#### **11-04-010 Residential districts.**

The following development standards shall apply to residential districts, as specified herewith:

(A) For single-family residential lots, the maximum building coverage shall not exceed forty-five percent (45%) of the lot size as shown in SJBMC [11-03-010](#). The building area is calculated as the floor area of the house, garage and all areas within the walls of the structure. Roof overhang, eaves, cornices, architectural appendages and attached open spaced framing trellis are not included in the building area.

(B) For single-family residential lots, the maximum site coverage shall not exceed fifty-eight percent (58%) of the lot size. Calculation for site coverage shall include all accessory and out buildings on the lot, impermeable concrete walkways, driveways and patio areas. Not included in the calculations are permeable ground cover materials.

(C) Zoning district designated as single-family residential district (R-1) shall consist of R-1-7 (seven thousand (7,000) square feet), R-1-6 (six thousand (6,000) square feet) and R-1-5 (five thousand (5,000) square feet).

(D) For any subdivision of twenty (20) lots or more for single-family residential development, the size and standards of lots within the development for single-family residential may be as follows:

- (1) Residential lots seven thousand (7,000) square feet in size shall be seventy-five percent (75%) or greater of the total lots. The percentage of seven thousand (7,000) square foot lots along the frontage of any streets, roads, drives, avenues, boulevards and cul-de-sacs within the development shall be seventy-five percent (75%) or greater of the total lots.

(2) Residential lots six thousand (6,000) square feet in size may be allowed in the single-family residential development up to a maximum of twenty percent (20%) of the total lots. The percentage of six thousand (6,000) square foot lots along the frontage of any streets within the development shall not exceed twenty percent (20%).

(3) Residential lots five thousand (5,000) square feet in size may be allowed in single-family residential development up to a maximum of ten percent (10%) of the total lots. The percentage of five thousand (5,000) square foot lots along the frontage of any streets within the development shall not exceed ten percent (10%).

(4) In development of twenty (20) lots or more, the front building setback shall vary in distance from fifteen feet (15') to twenty-five feet (25') and the front setback of the garage shall be a minimum of twenty-five feet (25') or more.

(E) For developments of five (5) or more units on the R-3 districts, the following shall apply:

(1) Ratio of Units. New developments of five (5) or more units shall make available as rental units at least twenty percent (20%) of the total units. The minimum required rental units shall contain two (2) or more bedrooms.

(2) Useable Individual Common Open Space. Four hundred fifty (450) square feet per dwelling unit. If the development provides a common open space area available to all units, the individual common open space area can be reduced to three hundred sixty (360) square feet per dwelling unit.

(3) Secured Storage. One (1) individual secured and protected storage area per unit shall be provided for the purpose of storing items such as bicycles, barbecues, outdoor equipment, etc. The minimum size shall be six feet (6') high by eight feet (8') wide by five feet (5') deep. The development of five (5) or more units may incorporate a common secured and protected storage area for each unit with accessible access by each unit to the common storage area.

#### **11-04-020 Mixed use district.**

The following shall apply to projects within the MU district:

(A) Within the area of the MU district bounded by Second Street, Muckelemi Street, Fourth Street, and Franklin Street, upon the redevelopment of any existing site or upon the development of a vacant site, no parking shall be allowed between the front and/or streetside property line and the building.

(B) Within the MU district, new projects that are exclusively residential (i.e., that do not include a commercial component) shall not be allowed unless one hundred percent (100%) of the project meets an identified affordable or special housing need as defined by Chapter [11-09](#) SJBMC, Inclusionary Housing.

(C) Projects that are exclusively commercial are permitted in the mixed use district where it is infeasible to include a mix of uses.

(D) Residential units must not be located on street level, except when provided in the rear of a horizontally developed mixed use project.

(E) For building facades that face an abutting street, a minimum of fifty percent (50%) of the ground floor facade shall include windows and/or doors. The building facade shall be designed so a blank wall without a window or doorway is no greater than twenty feet (20') in length.

(F) A minimum of fifty percent (50%) of the lot frontage abutting a street shall be occupied by a building facade. For lots with three (3) or more street frontages, this standard shall apply to two (2) lot frontages.

(G) In order to achieve the type and quality of development and revitalization envisioned by the General Plan for the MU districts, certain development incentive bonuses are established (see subsection (I) of this Section) to encourage developers and property owners to provide special needs housing and pedestrian amenities, as described in subsection (H) of this Section. Incentive bonuses may be granted at the discretion of the City Manager or designee and nothing contained herein shall obligate the City Manager or designee to provide any of the bonuses.

(H) Pedestrian Amenities. Within the MU districts, the City encourages developers to provide pedestrian amenities, which include linkages between adjacent uses, public plazas and other pedestrian-oriented areas that encourage interaction between people and create vitality through street “presence” in the City.

(1) Pedestrian Linkages. In order to qualify for pedestrian linkage bonuses, a project must include pedestrian linkages that meet all of the following requirements, unless otherwise determined by the City Manager or designee.

(a) Pedestrian linkages and pathways that run between buildings shall be a minimum of eight feet (8') in width.

(b) Pedestrian linkages shall be designed to be an integral part of the overall project and shall be configured to provide straightforward access from the development to adjacent land uses. The incorporation of plazas into the design of pedestrian linkages is highly encouraged.

(c) Business entrances are encouraged to front onto a pedestrian linkage or pathway. If a business entrance cannot front onto a pedestrian linkage or pathway, a minimum of one (1) display window per business shall be provided facing onto the pathway or linkage.

(d) The pedestrian linkage or pathway shall incorporate landscape features, lighting, shade, textured paving, or other design elements to enhance the overall pedestrian environment and provide a high level of security, natural surveillance, and convenience.

(e) Unless otherwise determined, the property owner shall be responsible for maintenance and other liabilities of the pedestrian linkages.

(2) Public Plazas. In order to qualify for the public plaza incentive bonus, a proposed project must include a public plaza that meets all of the following requirements. Where inconsistent setbacks occur along the street, plazas shall be considered to compensate for the broken building edge.

(a) Plazas shall be designed with unimpeded lines-of-sight to and from the public sidewalk and pedestrian linkages.

(b) Physical access shall be provided from the public sidewalk to plazas, via pedestrian linkages.

(c) Visual features, such as public art or a fountain, shall be incorporated in plazas to attract pedestrians.

(d) Shade trees or other elements providing relief from the sun, rain, and wind shall be incorporated within plazas. Landscaping shall provide special interest through unique foliage, color, seasonal changes in plant habit, scent, or floral display.

(e) Special paving and street furniture consistent with the historic character of San Juan Bautista shall be used in plazas to complement the streetscape elements in the public right-of-way, consistent with the City's design guidelines, when adopted.

(f) Unless otherwise determined, the property owner shall be responsible for maintenance and other liabilities of the public plazas.

(l) Development Bonuses. For mixed use projects with a residential component that is one hundred percent (100%) affordable or restricted to a special needs group as defined by Chapter [11-09](#) SJBMC, Inclusionary Housing, or for projects meeting the above requirements for pedestrian linkage or public plazas, the following development bonuses may be available:

(1) Required parking may be reduced by ten percent (10%); provided, that a finding can be made that the reduced number of parking spaces will be available to the project.

(2) Area of permitted signs may be increased by a maximum of ten percent (10%); provided, that a finding can be made that the increased sign area does not detract from the City's historic preservation, beautification, or pedestrian-oriented objectives.

(3) Up to fifty percent (50%) increase in residential density. This cannot be combined with California Government Code Section [65915](#), Density Bonuses.

(4) Through the development agreement process, the City may consider other incentive bonuses, such as reductions in processing fees, in-lieu fees, utility connection fees or low interest loans. The extent of such bonuses may vary on a case-by-case basis, per agreement by the project applicant and the City.

#### **11-04-030 Commercial and industrial districts.**

The performance standards established in this Section apply to the mixed use, commercial and industrial zoning districts. 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.

(A) Prohibition of Dangerous or Objectionable Elements. No land or building shall be used or occupied in any manner that would create any dangerous, injurious, noxious or otherwise objectionable explosive or other hazard. Nor shall any use create noise or vibration, smoke, dust, odor or other form of air pollution; heat, cold or dampness; electrical or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such amount as to unreasonably adversely affect the surrounding area or adjoining premises.

(B) All 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 the following provisions:

(1) Outdoor sales displays may be allowed upon the public sidewalk; provided, that a minimum width of four feet (4') from street curb is maintained clear of any obstructions.

(2) No additional signs or other advertising devices (temporary or permanent) shall be used in conjunction with outdoor sales displays except those allowed in compliance with this Title.



(3) The outdoor sales display of merchandise shall only occur during times when the associated establishment is also open for business.

(4) Only merchandise normally available at the associated business may be displayed outdoors.

(C) Fire and Explosive Hazards. All activities involving storage of flammable or explosive materials shall comply with applicable Uniform Fire Codes.

(D) Radioactive or Electrical Disturbance. No activities shall be permitted which will cause physical hazard by reason of radiation or similar cause to property in the same or adjacent zones or that emit electrical disturbance or affect the operation of any equipment other than that of the creator of such disturbance.

(E) Noise. All commercial and industrial uses shall not cause noise levels in excess of the values listed in Table 1.

**Table 1 – Maximum Allowed Noise Levels, dB (Ldn)**

Land Use	Interior	Normally Acceptable <sup>1</sup>	Conditionally Acceptable <sup>2</sup>	Normally Unacceptable <sup>3</sup>
Residential				
Low Density	45	<60	55 – 70	70 – 75
Medium/High Density		<65	60 – 70	70 – 75
Commercial				
Motel	50	<65	60 – 70	70 – 80
Office	55	<70	67 – 77	>75
Restaurant/Retail	60	<70	67 – 77	>75
Industrial	55	<75	70 – 80	>75
Public/Quasi-Public				
School, Library	45	<70	60 – 70	70 – 80
Church, Theater	45		<70	
Open Space				
Playgrounds/Parks	NA	<70	NA	>65 – 75
Golf Courses		<75		70 – 80
Cemeteries				

Notes:

1. Normally acceptable noise levels are those which pose no threat to the specified use. Standard construction would reduce external noise so that the interior noise level would not disrupt activities.
2. Conditionally acceptable noise levels are those in which standard building construction would not be adequate to protect the use. However, standard mitigation measures such as noise barriers, site design, architectural design to protect noise-sensitive activities, or acoustical insulation could be easily employed to



achieve acceptable sound levels. Based on the noise levels along Highway 156 projected by Caltrans, some of the properties with highway frontage would fall into this category. The City will require mitigation for new projects proposed in these areas to ensure that noise levels are reduced to acceptable standards.

3. Normally unacceptable noise levels are those for which simple mitigation measures would not be adequate. The specified land uses would not be appropriate in these areas unless major noise attenuation measures have been designed into the projects by a professional who is competent in sound reduction and unless a detailed noise study has been conducted to assure the performance of the design. Construction of the specified use should be strongly discouraged in areas with these levels.

(F) Vibration. No vibration shall be permitted which is discernible without instruments at the lot line of the establishment or use.

(G) Smoke. No emission shall be permitted at any point, from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro Ringelmann Chart, published by McGraw-Hill, Inc.

(H) Odors, Flying Ash, Dust, Fumes, Vapors, Gasses and Other Forms of Air Pollution. All uses shall conform to applicable standards established by the Monterey Bay Air Pollution Control District (MBAPCD) adopted herein by reference.

(I) Glare. No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, shall emanate from any establishment or use so as to be visible at a distance of two hundred feet (200') from said establishment or use.

(J) Liquid or Solid Wastes. All liquid and solid waste discharge shall be in compliance with Chapter [5-4](#) SJBMC, Refuse Collection and Recycling.

**11-04-040 Mobile home park standards.**

(A) Minimum Mobile Home Park Site. No mobile home park shall contain less than five (5) acres of usable land, including all private streets and accessways but not including any part of any public street.

(B) Density. No mobile home park shall be developed to a residential density in excess of the zoning district in which it is located.

(C) Roadways and Drainage. Park roadways shall be paved and equipped with gutters and other drainage facilities as required by the City Engineer. Such roadways shall be not less than twenty feet (20') wide. Park roadways and pedestrian walkways, where provided, shall be lighted from dark to dawn.

(D) Setbacks.

(1) Every mobile home shall have a minimum ten-foot (10') clearance in all directions from other structures, excluding storage cabinets, except that when awnings, porches, or cabanas are attached, the minimum clearance shall be six feet (6').

(2) All structures and mobile homes shall have a setback of at least fifteen feet (15') from all property lines. All structures and mobile homes shall have a setback of at least twenty feet (20') from the ultimate right-of-way of any public street adjoining the mobile home park. The setback area shall be landscaped and continually maintained.

(E) Utilities. All utility service lines on a mobile home park shall be installed underground. It shall be the responsibility of the owner of such mobile home park to comply with this Section by making arrangements

satisfactory to the serving utilities.

(F) Accessory Uses. Uses accessory to the mobile home units shall be allowed in mobile home parks such as awnings, portable demountable or permanent cabanas; ramadas, storage cabinets, fences or windbreakers; carports, garages and porches; parks, playgrounds, riding and hiking trails, golf courses, lakes, stables and riding rings; other similar recreational buildings, structures and facilities, clubhouses, laundries, community centers and similar uses; provided, that all such uses are designed for and limited to use by residents of the mobile home park and their guests; further provided, that such uses are not authorized on the individual mobile home lots within mobile home parks.

**11-04-050 Secondary dwelling units.**

*Repealed by Ord. 2021-03.*

**11-04-060 Accessory structures and uses.**

(A) Noncommercial horticulture and private outdoor recreational facilities are permitted accessory uses in all districts. The operation of necessary facilities and equipment in connection with any public park, playground or institutional use shall be deemed to be an accessory use.

(B) The City Manager or designee has the authority to issue a home occupation permit, appealable to the Planning Commission, that allows residents to operate a business from their home, provided the operation of said business does not impact, disrupt or change the character of the residential district in which it is located and is consistent with the following:

(1) The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the gross floor area of the dwelling unit shall be used in the conduct of the home occupation.

(2) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, with the exception of the allowed business identification sign.

(3) No home occupation shall be conducted in or make use of any accessory building.

(4) There shall be no sales in connection with such home occupation other than sales of merchandise produced on the premises or directly related to the services offered.

(5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

(6) No commercial vehicle shall be used by the occupant for transportation of materials to or from the premises.

(7) No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot to the normal senses. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television, computer, telephone, fax machine or other receiving devices or electronic or electrical equipment off the premises, or causes fluctuations in line voltage off the premises.

(8) No employees other than residents of the household conducting the home occupation shall be associated with the home occupation.

(9) No home occupation shall involve the teaching of music or dancing to more than one (1) pupil at a time.

(10) The nature or type of occupation for which a home occupation permit may be granted shall be a material part of granting such permit.

(C) Any structure used for an accessory use shall meet all requirements for a main structure, except as indicated below.

(D) Any garage, carport, or other accessory building that shares a common wall with the main building shall meet all the requirements of this Title applicable to the main building.

(E) Except as allowed by the provisions of this Section, a detached garage or accessory building not exceeding fifteen feet (15') in height may occupy not more than thirty percent (30%), or collective accessory buildings not more than forty percent (40%), of the area of a rear yard. Such a structure shall not contain cooking or sleeping facilities or be used for such purposes.

(F) A garage, carport or other accessory building not having a common wall with the main building shall not be placed closer than five feet (5') from the main building and any property line.

(G) A breezeway may be permitted to provide shelter between an accessory building and a main building. Such a breezeway is a covered passageway that does not exceed ten feet (10') in width and that has at least one (1) side open, except for necessary supporting columns.

(H) No detached accessory building shall be placed on a corner lot so as to occupy any part of one-half (1/2) of the lot measured from any street side.

**11-04-070 Required yards.**

(A) Except as otherwise provided in this Chapter, required yards are to be unobstructed by any building structure or other improvement constructed on, over, or under the ground. No part of a yard required by this Title shall be included as part of a yard required for any other lot.

(B) Cornices, eaves, canopies, fireplaces, oriel windows and other similar architectural features, but not including any flat wall, bay window, or other window surface, may extend into any yard a distance not exceeding eighteen inches (18").

(C) Uncovered porches or stairways, fire escapes or landing places may extend into any required front or rear yard a distance not exceeding six feet (6') and into any required side yard a distance not exceeding one-half (1/2) the width of the required side yard.

(D) Decks and patios structurally supported entirely by earth at no higher than natural grade may extend into a side or rear yard to within one foot (1') of any property line.

(E) Detached accessory structures shall be allowed in rear and side yards if not less than five feet (5') away from any property line.

(F) Swimming pools, spas, trellises, arbors and gazebos shall be allowed in rear and side yards if not less than five feet (5') away from any property line.

(G) Private driveways that do not provide necessary access to any other lot shall be permitted within setbacks.

(H) Ramps for access by handicapped persons from grade to a raised ground floor structural entry shall be allowed in setbacks.

(I) In any district where fifty percent (50%) or more of the lots on one (1) side of any block have been improved with buildings other than accessory structures, the required front yard for lots located on that side of the block shall be a depth equal to the average of the actual unobstructed front yards of the lots so improved, but not more than the minimum front yard specified for the district. When computing the average depth of the lots, the actual unobstructed front yard of each lot shall be deemed to be equal to the minimum front yard specified for the zoning district unless a lesser depth has been recognized as lawful by the Planning Commission. This subsection shall have control over any other front yard requirements set forth in this code to the extent such other requirements are inconsistent with this subsection.

(J) Fences, Walls, and Hedges.

(1) In residential zones, fences, hedges, and walls may not exceed three feet (3') in the required front yard setback or six feet (6') in the required side or rear yard setbacks. The following exceptions shall apply:

(a) Properties sites within the historic overlay district shall not have fences, hedges, and walls higher than three feet (3') in a front yard except as provided in subsection (J)(1)(b) of this Section.

(b) Boundary line fences or walls adjacent to commercial property may be eight feet (8') high if requested or agreed upon by a majority of the adjacent residential property owners.

(2) In the A, C, MU or I district, fencing shall be permitted in required yards as necessary to provide effective screening and security for permitted uses.

(3) For the purposes of this Section, fence and wall heights shall be measured from grade from the lower side of the structure.

**11-04-080 Storage.**

(A) Vacant Parcels. No person shall store any commercial or construction equipment or materials or store or park any boat, house trailer, camper trailer, detached camper trailer, detached camper trailer top, motor vehicle, or dismantled motor vehicle on vacant lots or vacant parcels in any zoning district of the City.

(B) Outdoor Storage. Outdoor storage buildings, containers and enclosures in commercial and industrial zoning districts are permitted only when screened from view of any public right-of-way, less than three hundred (300) square feet in size, and located in rear or side yard areas.

**11-04-090 Utility stations.**

The following special requirements shall apply if the proposed use is a utility service center that includes equipment yard functions:

(A) Equipment yard activities shall be screened from all streets and to the extent possible from adjacent uses, and may involve any combination of structures and landscaping acceptable to the City Manager or designee.

(B) Notwithstanding SJBMC [11-04-070](#)(J)(1), any screening must include a twenty-foot (20') setback that is covered with a dense landscaping screen on the side and rear property lines of any utility service center.

(C) Notwithstanding SJBMC [11-04-070](#)(J)(I), screening must incorporate required landscaping if the utility service center is located in an industrial district.

(D) Noise barriers shall be constructed of an effective masonry or other high-mass noise barrier within the setback between the property line and the equipment yard component of the facility.

**11-04-100 Wireless communication facilities.**

(A) Purpose and Intent. The purpose of this Section is to establish a comprehensive set of zoning requirements for antennas and wireless communication facilities. These regulations are intended to provide for the managed development of antennas and wireless communications facilities in a manner that recognizes and enhances the community benefits of wireless communication technology and reasonably accommodates the needs of citizens and wireless communication service providers in accordance with Federal and State rules and regulations, while at the same time protects the neighbors from potential adverse impacts of such facilities; preserves the visual and historic character of the established community and the natural beauty of hillsides and ridgelines.

(B) Exemptions. The requirements imposed by this Section shall not apply to antennas or antenna structures set forth in this subsection, unless noted otherwise below. Each such exempt facility above shall fully comply with any other applicable requirements of the Municipal Code to the extent not specially exempted in this Section, including but not limited to the California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, and California Fire Code.

(1) Direct broadcast satellite (DBS) antennas and multipoint distribution services (MDS) antennas measuring one (1) meter or less in diameter (or diagonal measurement); and television broadcast system (TVBS) antennas, provided: (a) the antenna is located entirely on and/or above the subject property, (b) no antenna is more than twelve feet (12') in height, and (c) no portion of any ground-mounted antenna is within a required front yard setback for the main building, in front of the main building, within a required side yard setback of a corner lot or adjacent to a street.

(2) Satellite earth station (SES) antennas measuring two (2) meters or less in diameter (or diagonal measurement) located on a property within any commercial or industrial zoning district, provided: (a) the antenna is located entirely on and/or above the subject property; and (b) no portion of any ground-mounted antenna is within a required front yard setback for the main building, in front of the main building, within a required side yard setback of a corner lot or adjacent to a street. All SES antennas shall require a building permit and Planning Commission review of placement to ensure that maximum safety is maintained.

(3) Antennas and antenna structures constructed by or for FCC licensed amateur radio operators that comply with the following provisions shall require a building permit and Planning Commission review of placement to ensure that maximum safety is maintained:

(a) The antenna structure, when fully extended, measures forty-five feet (45') or less in height, and measures twenty-four inches (24") or less in diameter or width;

(b) The antenna boom measures twenty feet (20') or less in length and is three inches (3") or less in diameter;

(c) No antenna element exceeds thirty-two feet (32') in length or two inches (2") in diameter or width, with the exception of mid-element tuning devices which shall not exceed six inches (6") in diameter or width;



(d) The turning radius of any antenna does not exceed twenty-six feet (26'); and

(e) All antennas and antenna structures shall comply with the applicable provisions of Chapter [11-03](#) SJBMC, Development Standards, and this Chapter and any other applicable provisions of the San Juan Bautista Municipal Code.

(4) A proposed facility shall be exempt if, and to the extent that, rules and regulations of the Federal Communication Commission (FCC) or the provisions of a permit issued by the California Public Utilities Commission (CPUC) specifically provide that the facility is exempt from City regulation.

(C) Review and Approval. Any person who proposes to install or operate a wireless communication facility shall first obtain approval of a conditional use permit and/or design review approval, as set forth in this subsection, unless the facility is exempt under subsection (B) of this Section.

(1) Required Permits. Requests for approval of wireless communication facilities shall be reviewed as follows:

(a) Conditional Use Permit. Antennas and antenna structures set forth in this subsection shall require a conditional use permit pursuant to the provisions of Chapter [11-20](#) SJBMC and subsections (C)(2) and (3) of this Section:

(i) An amateur radio antenna or antenna structure which, when fully extended, exceeds sixty feet (60') in height;

(ii) A service provider facility located in or within three hundred feet (300') of a residential zoning district (as defined in Chapter [11-02](#) SJBMC); and

(iii) A monopole antenna structure constructed by or for a service provider.

(b) Design Review Application. Antennas and antenna structures set forth in this subsection shall require a design review application pursuant to Chapter [11-18](#) SJBMC and subsections (C)(2) and (3) of this Section. The Planning Commission may delegate its authority under this subsection to the City Manager, in which case approval may still only be granted after providing ten (10) days' notice to property owners within a three-hundred-foot (300') radius of the proposed antenna location.

(i) A monopole antenna structure constructed by or for an FCC licensed amateur radio operator which, when fully extended, is between forty-five feet (45') and sixty feet (60') in height, and/or has a turning radius exceeding twenty-six feet (26') (i.e., when the antennas are rotated);

(ii) A service provider facility located anywhere other than in or within three hundred feet (300') of a residential zoning district (as defined in Chapter [11-02](#) SJBMC); and

(iii) A monopole antenna structure constructed by or for a service provider.

(c) Building Permit. All antennas and antenna structures, unless specifically exempted under subsection (B) of this Section, shall require a building permit.

(2) Findings. The Planning Commission may approve a conditional use permit or design review application for a wireless communication facility only upon making the findings set forth in Chapter [11-18](#) SJBMC, Site Plan and Design Review, or Chapter [11-20](#) SJBMC, Use Permits, as well as the

following finding: Every applicable requirement set forth in subsections (D), (E) and (F) of this Section is satisfied, or an exception has been granted pursuant to subsection (C)(3) of this Section.

(3) Exceptions. The Planning Commission may grant an exception to any requirement of this Section that is not met upon finding that (a) strict compliance precludes the reasonable accommodation of the communication needs of the operator as set forth in Federal and/or State rules and regulations; and (b) there are no other feasible alternatives. In order to grant an exception for a wireless communication facility located within a vertical distance of one hundred feet (100') of a major ridge, the Planning Commission must also make one (1) of the following findings: (a) due to the proposed location and/or design of the facility, it will not be readily visible from surrounding properties, right-of-way or public property; or (b) due to existing structures and/or landscaping, the facility will be substantially screened from view and will not have significant adverse visual impacts.

(4) Length of Permit. A conditional use permit or design review approval for a wireless communication facility shall be valid for an initial maximum period of ten (10) years, unless a shorter period of time is required as a condition of approval by the Planning Commission. The permit may be administratively extended for a period no longer than the initial maximum period by the City Manager upon verification of continued compliance with the findings and conditions of approval under which the application was originally approved, as well as any other provisions provided for in the Municipal Code which are in effect at the time of permit renewal.

(5) Submittal Requirements. In addition to the general requirements set forth in other subsections of this Section, each application shall include the following information:

(a) Documentation demonstrating that the facility will comply with applicable radio frequency (RF) emission standards as set forth in subsection (D)(1)(j) of this Section. Such documentation may be satisfied by a written demonstration of compliance with FCC Bulletin OET-65, as amended.

(b) Written description of the proposed method(s) of correcting any potential interference with consumer electronic products that may result from the operation of the facility as set forth in subsection (D)(2)(i) of this Section.

(c) Written description of any noise generated by the facility, including but not limited to retractable monopole motors, antenna rotators, power generation and related equipment. Such information shall include the estimated times, frequency, duration and decibel levels of the noise.

(d) Any application for a facility that does not comply with all applicable standards in subsections (D), (E) and (F) of this Section shall include a written statement explaining why strict compliance with the standard would not reasonably accommodate the communication needs of the operator, any alternatives that were considered, and the reasons why there are no feasible alternatives that would meet the standard.

(e) Based on the reasonable discretion of the City Manager, the City, at the applicant's sole expense, may also require the applicant to provide:

(i) Visual impact analysis showing a silhouette or other visualization(s) of the proposed facility within the context of its surroundings; and/or

(ii) Written authorization for the City to hire an independent, qualified consultant to evaluate technical and other aspects of the proposal, including, but not limited to, compliance with

applicable emission standards, potential for interference with consumer electronic products and/or public safety communications and the appropriateness of granting any requested exceptions. Such authorization shall include a written agreement by the applicant to advance or promptly reimburse the City for all reasonable costs associated with the consultation.

(f) The type(s) of wireless communication service(s) to be provided by the facility.

(g) In addition to the information required in subsections (C)(5)(a) through (f) of this Section, applications for approval of a service provider facility shall include the following:

(i) Map showing all current and planned facility sites within and adjacent to the City that are owned and/or operated by the service operator;

(ii) Name(s), address(es) and telephone number(s) of the person(s) that own the facility and that will be responsible for its operation and maintenance;

(iii) Any proposed access roads or parking areas; and

(iv) Documentation that the operator has obtained any licenses and/or approvals that are required by Federal and/or State agencies.

(D) General Requirements. Unless specifically stated otherwise in this Section, all antennas and antenna structures shall be designed, installed and operated in compliance with the following provisions:

(1) Development Standards.

(a) All antennas, to the greatest degree possible, shall be located out of the public view and screened from public view.

(b) No portion of an antenna, support structure or any related equipment shall be located on or within a vertical distance of one hundred feet (100') of a major ridge.

(c) Unless otherwise required by City, County, State or Federal rules or regulations, wireless communication facilities shall have a nonreflective finish and shall be painted a neutral color consistent with the predominant background color, as determined by the Planning Commission.

(d) Unless otherwise required by applicable Federal rules or regulations, no wireless communications facility shall have artificial lighting.

(e) All facilities shall be designed so as to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions, which would result in hazardous conditions, visual blight, or attractive nuisances.

(f) No portion of any antenna, support structure or related equipment shall overhang a property line. This restriction shall apply to any portion of any antennas as they rotate or are in a fixed position.

(g) All wireless communication facilities shall comply with the applicable provisions of this Section and this Title as well as the California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Fire Code and rules and regulations imposed by State and Federal agencies.



(h) No antenna or antenna structure shall be located within the required front yard setback for the main building, in front of the main building, within the required side yard setback of a corner lot or adjacent to any street frontage. This requirement shall also apply to antennas as they rotate.

(i) Not more than one (1) monopole antenna structure is permitted on any parcel in a residential zoning district.

(j) No wireless communication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to the public health. To that end, no facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard subsequently adopted or promulgated by the City, County, State or Federal government. Absolute compliance with FCC Office of Engineering Technology (OET) Bulletin 65, as amended, is mandatory, and any violation of this Section shall be grounds for the City to immediately terminate any permit granted hereunder, or to order the immediate service termination of any nonpermitted, noncomplying facility constructed within the City.

(k) Existing and new landscaping materials, especially trees, shall be used where possible to screen antennas and antenna towers from off-site views.

## (2) Design and Operational Standards.

(a) In order of preference, wireless communication facilities and ancillary equipment shall be located within a building, on a screened rooftop, on a building facade or within in a fenced yard area. Antennas, antenna structures and related equipment shall incorporate architectural, landscape, color and/or other treatments to minimize potential visual impacts to surrounding areas, including public property. Innovative design solutions that minimize visual impacts should be utilized. All hardware, such as brackets, turnbuckles, clips and similar items subject to rust or corrosion shall be protected by galvanizing or paint.

(b) Building-mounted antennas shall be in scale and architecturally integrated with the building design in such a manner as to be visually unobtrusive and to avoid blocking scenic resources. Facilities shall be as small as possible and the minimum height necessary without compromising reasonable reception or transmission. Screening may include locating the facility within attics, steeples, and towers or within a new architectural addition to a building or structure, which is architecturally compatible with the building.

(c) All wireless communication facilities shall be:

(i) Substantially screened from the view of surrounding properties, public right-of-way and other public property; or co-located with existing facilities or structures so as not to create substantial visual, noise or thermal impacts; or

(ii) Located in areas with substantial existing screening by structures and/or landscaping; or

(iii) Designed to appear as natural features found in the immediate area, such as trees or rocks, so as to be effectively unnoticeable.

(d) Whenever reasonably feasible as may be determined by the City Manager, all facilities shall avoid any unreasonable obstruction of views from neighboring properties.

(e) Whenever reasonably feasible as may be determined by the City Manager, wireless communication facilities shall be installed in a manner so as to preserve existing landscaping, whether or not it is utilized for screening. Additional landscaping may be required where such vegetation is deemed necessary and appropriate to provide screening.

(f) The smallest and least visible antennas possible should be installed which will reasonably accommodate the operator's communication needs. The applicant shall disclose what antennas and support structures were evaluated, and the selection process used to select the antenna and support structure consistent with this Section.

(g) The City shall retain the authority to limit the number of antennas and related equipment at any site in order to minimize potential visual impacts.

(h) Each facility shall be operated in such a manner so as to minimize any noise impacts.

(i) To the extent allowed under applicable Federal rules and regulations, the operator of a wireless communication facility shall correct interference problems experienced by any person or entity with respect to equipment such as television, radio, computer, and telephone reception or transmission that are caused by the facility. If a Federal agency with jurisdiction over such matters finds that a facility is operating in violation of Federal standards, the operator shall bring the facility into conformance with such standards within the conformance period established by the Federal agency. In the event that the Federal agency does not establish a conformance period, the operator shall bring the facility into conformance within thirty (30) days of notification by the Federal agency. The operator is under an affirmative duty to promptly provide the City Manager with a copy of any notice of such violation issued by any Federal agency. Any violation of the provisions of this Section shall be grounds for the City to terminate any permit granted hereunder and/or to order the immediate service termination of the facility. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference (including but not limited to filtering, installing radio frequency cavities, installing directional antennas, powering down systems and engineering analysis), and all costs arising from third-party claims against the City attributable to such interference.

(E) Special Provisions for Amateur Radio Antennas and Antenna Structures. In addition to the general requirements in subsection (D) of this Section, amateur radio antennas and antenna structures shall be the minimum height and size necessary to reasonably accommodate the operator's communication needs, in accordance with FCC regulations as set forth in FCC Order "PRB-1." Retractable monopoles may be required for antenna structures over forty-five feet (45') in height which are in or within three hundred feet (300') of any residential zoning district (as defined in Chapter [11-02 SJBMC](#)). At times when not in operation, the monopole may be required to be retracted to the lowest elevation possible in order to maintain a safe clearance above any nearby building, accessory structure, overhead utility, landscaping and/or any other site improvements.

(F) Special Provisions for Service Provider Facilities. In addition to the general requirements in subsection (D) of this Section, service provider facilities shall comply with the following requirements:

(1) Whenever reasonably feasible, as determined by the City Manager, service provider facilities shall be encouraged to be located on City-owned property or public right-of-way.

(2) Any service provider facilities that are developed on vacant sites shall be temporary. When such sites are developed, these facilities shall be removed. Such facilities may be replaced with building-mounted antennas or other types of appropriate facilities, subject to review and approval by the City in accordance with subsection (C) of this Section, Review and Approval.

(3) Facilities shall be co-located with existing facilities, whenever reasonably feasible and aesthetically desirable. In order to facilitate future co-location of antennas for other service providers, the conditions of approval shall prohibit the applicant from entering into an exclusive lease for the use of the site.

(4) Roof-mounted antennas and antenna structures shall not exceed a height of twelve feet (12') above the maximum allowed height limit for the main building in the zoning district in which the facility is located. If there is no height limit for the main building, the antennas and support structures shall not exceed sixty feet (60') in height.

(G) Discontinuance of Use. Antennas, support structures and related equipment shall be removed within thirty (30) calendar days of the discontinuation of the use of a wireless communication facility and the site shall be restored to its previous condition. The service provider shall provide the City Manager with a notice of intent to vacate the site a minimum of thirty (30) calendar days prior to vacation. For facilities located on City property, this requirement shall be included in the terms of the lease. For facilities located on other sites, the property owner shall be responsible for removal of all antennas, structures and related equipment within thirty (30) calendar days of the discontinuation of the use.

(H) Nonconforming Facilities. Any wireless communication facility in existence prior to the effective date of the ordinance codified in this Section which is nonconforming to the provisions of this Section may continue to be used. Such nonconforming facilities may be operated, repaired and maintained but shall not be enlarged, expanded, relocated or modified to increase the discrepancy between the existing conditions and the requirements of this Section.

**11-04-110 Large-scale retail business, formula retail or restaurant business, and formula visitor accommodations.**

(A) The following findings shall be required:

(1) The business offers merchandise and/or services that serve the unmet needs of the population.

(2) Although the formula-based business may have other store locations throughout the country, State, or region, the business will compliment and enhance the character of the City.

(3) Both exterior and interior appearance and presentation of the business are compatible with the existing scale of development, distinctive architecture and pedestrian orientation of the town character and result in an enhancement of the look and feel (i.e., character) of the surrounding area.

(4) Signs shall conform to the City sign standards and design guidelines.

(5) Drive-through food establishments shall be prohibited.

(B) Application Procedure. Large-scale retail business, formula retail or restaurant business, and formula visitor accommodations are subject to review by the Planning Commission so therefore the

business/applicant shall fill out the application requirements for a conditional use permit and any other pertinent applications as specified therein, pay fees specified, and submit plans as set forth therein.

Legislative History: Ords. 2007-03 (2/20/07), 2007-04 (2/20/07), 2007-12 (3/20/07), 2014-03 (9/16/14), 2015-21 (9/15/15), 2017-01 (1/17/17), 2021-03 (11/16/21).

[Mobile Version](#)

## Chapter 11-19 Mobile Food Vending

### 11-19 Mobile Food Vending

#### 11-19-## Intent.

(A) The intent of this chapter is to establish a permitting and regulatory program for Mobile Food Vendors in compliance with State Statutes. The provisions herein are set forth to protect the public's health, safety, and welfare as follows:

- (1) Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence, public building, place of business, park, areas located within the immediate vicinity of a permitted certified farmers' market and a permitted swap meet, an area designated by a temporary special permit issued by the City, street to the sidewalk, and by persons exiting or entering parked or standing vehicles.
- (2) Provide continuous access for the use and maintenance of sidewalks, pathways, poles, posts, traffic signs or signals, hydrants, firefighting apparatus, mailboxes, as well as access to locations used for public transportation services.
- (3) Reduce exposure to the City for personal injury or property damage claims and litigation; and Ensure vending activities occur only in locations where such activities would not restrict sidewalk and pathway access and enjoyment by individuals with disabilities pursuant to the American with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards.
- (4) Notwithstanding all other applicable provisions of this article, it is unlawful to sell, offer for sale, display, disperse, permit, or authorize the sale, display or dispersal of any ~~food, food item, Food~~ or ~~B~~beverage from a food truck unless such food truck is operated in accordance with the provisions of this article and in accordance with state and local law.

#### 11-19-## Definitions.

(A) **Beverage.** A liquid for drinking that does not contain alcohol.

~~(B) **Block.** A segment of a street between adjacent intersections or between an intersection and the terminus of the street or City boundary.~~

~~(C) **Food, or foodstuff.** Any substance as defined by Section 113781 of the California Health and Safety Code, defined as a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.~~

~~(D) **Mobile Food Truck(s) (MFT):**~~

- (1) Means any motorized vehicle designed primarily for dispensing food provisions. For purposes herein, the terms "mobile food truck" and "food truck" shall include any trailer designed primarily for dispensing food provisions but only if always attached to a motor vehicle during which the food provisions are dispensed. ~~"Food truck Mobile Food Truck"~~ shall not include any other trailer or any wagon or pushcart, either propelled or drawn by motorized or other force, or any other vehicle incidentally used for dispensing any type of food provisions; ~~and,;~~
- (2) Means any vehicle or trailer as those terms are defined in the California Vehicle Code, which is equipped or used for retail sales of prepared unpackaged ~~food or foodstuffs~~ **Food** of any kind. ~~Food vending vehicle Mobile Food Trucks~~ as used in this title does not refer to, nor include, ice cream trucks, catering trucks selling prepackaged food, or vehicles used for delivering previously ordered food from any store or restaurant to another place of business or residence; ~~and,;~~
- (3) Means a licensed and operable motor vehicle used to serve, vend, or provide ~~Food or nonalcoholic beverages~~ **Beverages** for human consumption from a fixed location or along a

## Chapter 11-19 Mobile Food Vending

route in a public place as authorized by Health and Human Services —San Benito County;  
and:

- (4) Means a licensed, motorized vehicle, including any legally attached trailer, used in conjunction with the service of a commissary, or other permanent food facility upon which prepackaged or approved non-prepackaged food is sold, offered for sale, or otherwise distributed as retail.

~~(E)-(D)~~ **Mobile Food Truck Vendor.** A mobile food truck vendor is a person or any form of business entity involved in the sale of prepared, unprepared, prepackaged, or unpackaged food of any kind on private or public property including streets, sidewalks, roadways, highways, and parkways.

~~(E)~~ **Notarized Parking Authorization Form.** A notarized and typed or handwritten (legible) document signed by a Mobile Food Vendor and developed private property owner or legal representative indicating the Mobile Food Vendor may utilize parking spaces within the development.

~~(F)~~ **Authorization for use of Restroom Facilities Form.** A notarized and typed or handwritten (legible) document signed by a Mobile Food Vendor and developed private property owner or legal representative indicating the Mobile Food Vendor may utilize the restroom facilities located on the private property.

~~(G)~~ **Operate.** The terms "operate(s)" or "operation" shall mean all activities associated with the conduct of business, including but not limited to, set up, take down, and actual hours when the Mobile Food Truck is open for business. An "owner" or "operator" of a Mobile Food Truck is any person or business entity that owns or operates a Mobile Food Truck.

~~(H)~~ **Private Property.** A legal designation for the ownership of property by non-governmental legal entities.

~~(I)~~ **Right-of-way.** A path or route that may lawfully be used. The legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another.

~~(J)~~ **Mobile Food Vending Permit or Permit means...**

~~(I)-(K)~~ **Mobile Food Vending Site Plan or Site Plan means...**

### 11-19-## Applicability.

Application for Mobile Food Vending Permit shall be filed with the Planning Department on a form prescribed by the Planning Director ("Director") and shall contain all fees, information, licenses, and documentation (collectively, "Documentation") deemed necessary by the application submittal package or by other applicable ordinances or by the Director or Director's designee to review and take action on the application. Documentation includes, but is not limited to, a Mobile Food Vending Site Plan. A Mobile Food Truck Vendor may apply for one or more of the allowed permits as described in 11-19-##(J).

The City Engineer shall have authority to determine appropriate locations at which Mobile Food Trucks may be parked or located for purposes of the sale, display or dispersal of any food, food item or beverage. The criteria to be considered by the City Engineer, in addition to the other criteria otherwise specifically set forth in this article, shall include, but not be limited to, the following:

- (A) Creation of pedestrian or vehicular safety hazards;

**Commented [JSB1]:** Consider narrowing this section to a single definition of MFTs to avoid ambiguity.

**Commented [JS2]:** Consider adding a definition of Mobile Food Vending and description of the various types of permits available. Specifically, this definition should address what actions the successful applicant is permitted to take under each type of permit.

## Chapter 11-19 Mobile Food Vending

- (B) Road geometrics including, but not limited to, design, alignment, configuration, width, and intersection sight distance;
- (C) Impediments to traffic flow;
- (D) Traffic congestion, patterns, circulation, movements, and average daily trip volumes;
- (E) Speed limits and traffic speeds;
- (F) Traffic studies and accident rates;
- (G) On-street parking requirements; and
- (H) Any other factor deemed to be a potential safety hazard by the City Engineer.

The Planning Director and/or the City Engineer may from time to time create no parking zones, adjust parking space sizes, and impose parking time limits upon vending vehicles in areas that the Director deems necessary for the safe passage of pedestrians and vehicles. If the city engineer determines that any owner operator of any food truck is operating such food truck in a manner that affects vehicular or pedestrian safety, such operation shall be prohibited, and the owner and operator of such food truck shall be subject to enforcement action as set forth in this article.

### 11-19-## Findings.

- (A) Mobile Food Trucks have the potential to foster an active, vibrant, and social pedestrian environment in areas and communities throughout the City. Although Mobile Food Trucks can be focal point to the community, they can also create certain dangers to public health, safety, and welfare if not adequately regulated.
- (B) A Mobile Food Truck Vendor is less attentive to pedestrian and vehicular traffic while driving and looking for potential customers which presents obvious traffic and safety risks. A Mobile Food Truck Vendor parking their vehicle improperly creating an obstruction can also increase the safety risks to pedestrians and other vehicles. The City of San Juan Bautista seeks to prevent this unneeded safety risk of the community.
- (C) Parking If Mobile Food Trucks park in highly congested areas to do business, then this action might increase, and make worse, existing traffic issues as well as obstruct sidewalks and pedestrian paths of travel. As such, this could create increased safety issues for pedestrians for those using the public sidewalk, as well as a safety risk to pedestrians attempting to buy from the vendor Mobile Food Truck Vendor. This safety risk seems to increase around schools while children, and their parents, are coming and going from the site.
- (D) The City of San Juan Bautista has an important, as well as a substantial, public interest to provide the community regulations to prevent safety, traffic, and health hazards, while also trying to preserve the peace, security, and welfare of the community.

### 11-19-## Requirements, Licenses, and Process.

- (A) Process:
  - (1) Upon receipt of a completed Mobile Food Vending Permit application, Site Plan mobile food vending site plan, and all related documents and fees deemed necessary by the Director of Director's designee, the department shall consult with all applicable city departments deemed applicable by the Director or Director's designee, including police, fire, engineering, and code enforcement.



## Chapter 11-19 Mobile Food Vending

(2) Planning Division staff will review the application submittal to determine completeness.

(a) ~~If application submittal is deemed complete it will be reviewed for approval or denial.~~

(b) If application submittal is deemed incomplete, applicant will be granted 30 days to submit all necessary information. If applicant fails to submit the required information within 30 days, the application will be withdrawn without prejudice.

(B) Right-of-way Operation Requirements by application type:

(1) Short-Term Operations: The applicant shall supply a ~~site plan~~ Site Plan, fees, Documentation and other information that the ~~department-Director or Director's designee~~ may reasonably require based upon the location, intensity, and level of services required for each proposed food truck. The applicant must show or provide, at a minimum, the following information.

(a) Completed Mobile Food Vending Permit Application with Site Plan, and

(b) Compliance with State and local laws, by submitting the following:

(i) Copy of California Sales Tax Permit, and

(c) Business Tax Certificate and License from the City, and

(d) Environmental Health Permit issued by the San Benito County Health and Human Services Department, and

(e) Fees shall be paid to the affected department(s) at least 30 days before the scheduled occurrence of the Mobile Food Truck (MFT), and

(f) Bonding, and Insurance naming the City as an additional named insured. The City may require a bond to be posted before the MFT to ensure that all conditions are met, including cleanup.

(2) Long-Term Operations: The applicant shall supply a ~~site plan~~ Site Plan, fees, Documentation and other information that the ~~department-Director or Director's designee~~ may reasonably require based upon the location, intensity, and level of services required for each proposed truck. The applicant must show or provide, at a minimum, the following information:

(a) Completed Mobile Food Vending Permit Application with Site Plan, and;

(b) Authorization for use of Restroom Facilities Form, and;

(c) Compliance with State and local laws, by submitting the following:

(i) Copy of California Sales Tax Permit, and;

(d) Business Tax Certificate and License from the City, and;

(e) Environmental Health Permit issued by the San Benito County Health and Human Services Department, and;

(f) Fees shall be paid to the affected department(s) at least 30 days before the scheduled occurrence of the Mobile Food Truck (MFT), and;

**Commented [JSB3]:** The City may consider adding additional details regarding how long review/approval/denial will take, and describing the appeals process (if any) available to the applicant if denied.



## Chapter 11-19 Mobile Food Vending

(g) Bonding, and Insurance naming the City as an additional named insured. The City may require a bond to be posted before the MFT to ensure that all conditions are met, including cleanup.

(3) Developed Private Property Operations: The applicant shall supply a Site Plan, fees, Documentation site plan and other information that the department may reasonably require based upon the location, intensity, and level of services required for each proposed food truck. The applicant must show or provide, at a minimum, the following information:

(a) Completed Mobile Food Vending Permit Application with Site Plan, and;

(b) Authorization for use of Restroom Facilities Form, and;

(c) Notarized Parking Authorization Form, and;

(d) Compliance with State and local laws, by submitting the following:

(i) Copy of California Sales Tax Permit, and;

(e) Business Tax Certificate and License from the City, and;

(f) Environmental Health Permit issued by the San Benito County Health and Human Services Department.

### 11-19-## Operational Standards.

(A) An owner or operator of a food truck that sells, offers for sale, displays, disperses, or permits, any Food, Food item or Beverage from any Mobile Food Truck from a designated location may do so only between the hours of 10:00 a.m. and 3:00 a.m. Except as otherwise provided in this section, it shall be unlawful for any person to operate any Mobile Food Truck in any such manner at any other time.

(B) An owner or operator of a Mobile Food Truck ~~food truck~~ that sells, offer for sale, displays, disperses, or permits, any Food, Food item or beverage from any food truck not from a designated location may do so only between the hours of 6:00 a.m. to 10:00 p.m. for a period not to exceed six hours at a single location and not within five hundred feet of the same address or location or on the same street. Except as otherwise provided in this section, it shall be unlawful for any person to operate any Mobile Food Truck in any such manner at any other time.

(C) An owner or operator of a Mobile Food Truck ~~food truck~~ that exclusively sells, offers for sale, displays, disperses, or permits, raw and fresh fruits and vegetables, may do so from any Mobile Food Truck between the hours of sunrise and sunset. Except as otherwise provided in this section, it shall be unlawful for any person to operate any Mobile Food Truck in any such manner at any other time and except in compliance with all other applicable provisions of this article and except as otherwise specifically set forth in this subsection as follows:

(1) No Mobile Food Truck issued a permit to sell raw and fresh fruits and vegetables shall vend any other Food, food item or Beverage other than raw and fresh fruits and vegetables;

(2) Preference shall be given to a Mobile Food Truck that exclusively sells, offers for sale, displays, disperses, or permits raw and fresh fruits and vegetables to vend immediately adjacent to a public park with a restroom facility.

## Chapter 11-19 Mobile Food Vending

- (D) No owner or operator of a Mobile Food Truck may park or operate any ~~food truck~~Mobile Food Truck or sell, display, or permit or authorize the sale, display or dispersal of any Food or Beverage, ~~or other product~~ from any Mobile Food Truck within two hundred feet of any elementary, middle, high school, other K—12 school, or educational facility; whether public or private. The two-hundred-foot distance shall be measured from the property line of the school which is closest to the food truck.
- (E) No owner or operator of a Mobile Food Truck may park or operate any Mobile Food Truck or sell, display, or permit or authorize the sale, display or dispersal of any Food or Beverage, ~~or other product~~ from any Mobile Food Truck within two hundred feet of any other other Mobile Food Truck. On arterial streets having at least a four-lane configuration and a posted speed limit of thirty-five miles per hour or greater, no Mobile Food Truck may be parked or operated within five hundred feet of any other Mobile Food Truck.
- (F) No owner or operator of a Mobile Food Truck may park or operate any Mobile Food Truck or sell, display, or permit or authorize the sale, display or dispersal of any Food or Beverage, ~~or other product~~ from any Mobile Food Truck within any public park or other recreation facility, ~~except in designated locations and except in compliance with all other applicable provisions of this article and except as otherwise specifically set forth in this subsection as follows:~~
- (1) An owner or operator of a Mobile Food Truck that sells, offer for sale, displays, disperses, or permits, any Food, ~~food item~~ or Beverage from any Mobile Food Truck from a designated location adjacent a public park may do so only between the hours of sunrise and sunset. Except as otherwise provided in this section, it shall be unlawful for any person to operate any Mobile Food Truck in any such manner at any other time.
  - (2) No owner or operator of a Mobile Food Truck selling in a designated location adjacent to a public park shall use or operate a diesel- or gas-powered generator exceeding fifty-five decibels measured at a distance of five feet from the unit.
- (G) No owner or operator of a Mobile Food Truck may park or operate any ~~food truck~~Mobile Food Truck or sell, display, or permit or authorize the sale, display or dispersal of any Food or Beverage, ~~or other product or item of merchandise~~ from any Mobile Food Truck along a prohibited area/intersection.
- (H) No owner or operator of a Mobile Food Truck may park or operate any Mobile Food Truck or sell, display, or permit or authorize the sale, display or dispersal of any Food or Beverage ~~or other product or item of merchandise~~ from any food truck within two hundred feet of a high collision area.
- (I) No owner or operator of a Mobile Food Truck may park or operate any Mobile Food Truck or sell, display, or permit or authorize the sale, display or dispersal of any Food or Beverage ~~or other product or item of merchandise~~ from any food truck in any area of the city with a residential zoning classification, except mixed use zoning classification and except in compliance with all other applicable provides of this article.
- (J) No owner or operator of a Mobile Food Truck may park or operate any Mobile Food Truck or sell, display, or permit or authorize the sale, display or dispersal of any Food or Beverage ~~or other product or item of merchandise~~ from any Mobile Food Truck within forty feet of any intersection or within twenty feet of any driveway.
- (K) No owner or operator of a Mobile Food Truck may park or operate any Mobile Food Truck or sell, display or permit or authorize the sale, display or dispersal of any Food or Beverage ~~or other product or item of merchandise~~ from any Mobile Food Truck, unless within a designated location,

Commented [JSB4]: Consider defining the term "designated locations."

Commented [JSB5]: Consider defining "high collision area."

## Chapter 11-19 Mobile Food Vending

on any street immediately adjacent to and within that area of a curb which has been designated as a white, yellow, green, blue or red zone or immediately adjacent to time-restricted parking.

- (L) ~~No owner or operator of a Mobile Food Truck may sell, display or permit or authorize the sale, display or dispersal. Vending of any~~ alcoholic beverages, controlled substances or any other item, the possession or use of which is deemed illegal under any federal, state, or local law or regulation. ~~Such activity-~~ is prohibited and, notwithstanding any provision of this article to the contrary, grounds for immediate revocation of such ~~person's vendor owner or operator's Mobile Food Vending Permit permit~~ by the ~~City~~ ~~Engineer~~ or their designee.
- (M) No owner or operator of a ~~Mobile Food Truck~~ may park or operate any ~~Mobile Food Truck~~ over a street curb, sidewalk, or parkway. Any food truck operating in the public right-of-way shall do so only on a paved roadway and adjacent to a concrete or asphalt sidewalk or path.
- (N) No ~~products,~~ goods, wares, or other items of merchandise other than ~~Food, food items or Beverages~~ may be sold from any food truck at any time.
- (O) No owner or operator of any ~~Mobile Food Truck~~ may place any chairs, stools, tables or other fixtures or furniture on any portion of the street, sidewalk, or public right-of-way.
- (P) No owner or operator of any ~~Mobile Food Truck~~ may stop, park or operate any ~~Mobile Food Truck~~ in any manner which may prevent the routine street sweeping of roadways by city maintenance crews at any location.
- (Q) The owner or operator of a ~~Mobile Food Truck~~ shall provide trash receptacles on the site at which it is permitted to operate large enough to contain all trash generated by the operation of such ~~Mobile Food Truck~~. The owners and/or operators of ~~Mobile Food Trucks~~ are required to provide recycling bins and food compost bins for use by their patrons. The owners and/or operators of ~~Mobile Food Trucks~~ are required to use recyclable materials, biodegradable cutlery and straws, and are prohibited from using polystyrene food service ware, consistent with Title 5 – Public Health, Safety and Welfare.
- (R) It shall be unlawful for any person to operate any ~~Mobile Food Truck~~ upon any street or sidewalk within the city in any manner that impedes the flow of vehicular or pedestrian traffic in any manner or that impedes the flow or use of any public right-of-way. ~~Mobile Food Trucks~~ permitted to conduct business from city streets under a Mobile Food Vending Permit shall comply with all applicable parking and traffic regulations.
- (S) It shall be unlawful for any owner or operator of a ~~Mobile Food Truck~~ to park or drive or cause to be driven any ~~Mobile Food Truck~~ which is in a defective, unsafe, or unsanitary condition or which is otherwise parked or operated in violation of any provision of the California Vehicle Code or any other applicable law, regulation or standard.
- (T) Notwithstanding all other applicable provisions of this article, with the exception of those ~~Mobile Food Trucks~~ more specifically described in subsection (y) of this section, it is unlawful for any ~~person owner or operator of a Mobile Food Truck~~ to sell, display, dispense or permit or authorize the sale, display or dispersal of any ~~Food or Beverage or other product~~ from a ~~Mobile Food Truck~~ located ~~in on~~ private property unless said private property has secured an established entitled property, allowing ~~Food or Beverages~~ to be sold from a ~~Mobile Food Truck~~, except in compliance with all the applicable provisions of this article and except as otherwise specifically set forth in this subsection as follows:
- (1) No ~~person owner or operator of a Mobile Food Truck~~ shall stop, park or cause a ~~Mobile Food Truck~~ to remain on any private property for the purpose of selling, dispersing, displaying or

**Commented [JSB6]:** Consider providing a definition for "unsanitary condition."

**Commented [JSB7]:** Consider defining this term and making reference to the process by which a property owner would "secure an established entitled property."

## Chapter 11-19 Mobile Food Vending

offering to sell, disperse or display any Food or Beverage without written permission of the private property owner.

- (U) No Mobile Food Truck owner or operator may store, park or, otherwise, leave any Mobile Food Truck overnight on any public street, park or public property.
- (V) No Mobile Food Truck owner or operator may leave any Mobile Food Truck unattended in any the right-of-way for longer than thirty minutes.
- (W) Those Mobile Food Trucks operating within city boundaries and exclusively within construction sites located on sites that exceed five acres, or agriculture fields, shall be exempt from all subsections of this section except subsections (g), (i), (j), (n), (p), (s) and (w). The owners and operators of such Mobile Food Trucks, however, shall be required to comply with all other applicable provisions of this article. Mobile Food Trucks being operated at construction sites and agriculture fields are expected to remain mobile and shall not be permitted to operate in a stationary manner or to park or stand in any one location for a period exceeding sixty minutes.
- (X) No owner or operator of a Mobile Food Truck selling in the public right-of-way shall use or operate a diesel- or gas-powered generator exceeding seventy decibels, measured at a distance of five feet from the unit.
- (Y) Designated Mobile Food Truck locations shall be occupied. The owner of a Mobile Food Truck shall notify the City Engineer if a designated location will be left vacant for an extended period. Failure to not occupy a designated location within a thirty day period without notification shall result in the revocation of the designated location and Mobile Food Vending Permit.

**Commented [JSB8]:** Consider defining "Designated Mobile Food Truck Locations." (i.e. are designated locations assigned at the time of permit, or through some other process?)

To the extent the provisions of this article conflict with other provisions of the San Juan Bautista Municipal Code, the provisions of this article shall supersede such other conflicting provisions and shall control.

### 11-19-## Exceptions.

Any Mobile Food Truck Vendor identified in an application for a special event submitted to the City of San Juan Bautista pursuant to the City of San Juan Bautista Special Event Program, or any other City sponsored or approved event, shall be exempt from the requirements of this chapter pertaining to Mobile Food Trucks, provided that the Mobile Food Truck is parked for the duration of the special event in order to conduct business.

Any Mobile Food Truck who has not been granted a permit to operate at a special event must remain at least 500 feet away from the boundary of the special event for the duration of the event.

### 11-19-## Approval and Permit Issuance.

- (A) The Director, or designee, shall approve and issue a Mobile Food Vending Permit if:
  - (1) The required permit fees have been paid.
  - (2) No violation, as outlined in Chapter 13-1 Enforcement, are pending for the Mobile Food Truck Vendor or owner, or the subject property where the Mobile Food Truck intends to locate.
  - (3) The Mobile Food Truck Vendor agrees to comply with the regulations in this chapter.
- (B) A permit is effective upon approval by the Director, or designee.

**Commented [JSB9]:** Consider defining these fees.

## Chapter 11-19 Mobile Food Vending

- (C) If the city issues a Mobile Food Vending Permit, the contents of the Permit application shall become Permit conditions, which exist in addition to any other permit conditions and/or restrictions imposed by the city.

### 11-19-## Permit Suspension or Revocation.

- (A) If the Director, or designee, determines that there has been a violation of the Permit or the mobile food truck regulations in this article, he or she may provide the Permit holder with a notice of intent to revoke Permit.
- (B) The notice of intent to revoke shall describe the violation, require the Permit holder to immediately correct the violation or cause the violation to be corrected, and shall be provided to the Permit holder by personal service, mail, or posting, to the license holder's place of business or mailed to the last known address.
- (C) If the Permit holder fails to immediately (within 24 hours) correct the violation or cause the violation to be corrected, the Director or designee may revoke the Permit. The Mobile Food Truck Vendor shall have the right to appeal the Director or designee's decision in accordance with Chapter 11-17 Permit Application Submittal.

### 11-19-## Permit Expiration.

Each Mobile Food Vending Permit shall expire one year from the date of issuance, except if the Permit is suspended or revoked under this article.

### 11-19-## Permit Renewal.

- (A) A Mobile Food Vending Permit may be renewed under the same process for issuance of new Mobile Food Vending Permits then in effect when at the time the approval has expired, after one year of issuance.
- (B) Renewal of a Mobile Food Vending Permit when the Permit was suspended or revoked due to violations or other noncompliance actions will require the applicant to submit a Compliance Plan to the Director or designee. The Compliance Plan shall detail why the original permit was suspended or revoked and outline the specific measures taken to comply with the requirements listed in Section 11.19.# Operational Standards. The Compliance Plan will be reviewed by the Director or designee and a written determination shall be given within thirty (30) days of a complete application submittal.