

CITY OF SAN JUAN BAUTISTA

PLANNING COMMISSION

STAFF REPORT

DATE: August 1st, 2017

SUBJECT: Conditional Use Permit – 106 Third Street

Applicant: Sean Fitzharris

Zoning: Mixed Use

Assessor Parcel No.: 002-200-003

Size: 6,809.6652 ft²

Existing Land Use: Mixed Use

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

Details: The property is located in the Mixed Use zone in the Historic District near the northeast corner of the intersection of Franklin Street and Third Street. It is bordered by commercial uses to the east (Doña Esther's) and west (Visions of Christmas) and residential to the north.

The applicant is requesting a conditional use permit for on-site sales of alcoholic beverages. In the use matrix located in San Juan Bautista Municipal Code §11-02-050, the proposed use is listed as "C, P" for the Mixed Use zone. This is confusing, as "Conditional" and "Permitted" are mutually exclusive categorizations.

Another issue complicating the matter is that the Aimee June wine tasting room was allowed to open as a "Permitted" use.

Analysis: Due to the fact that SJBMC §11-02-050 is unclear as to whether or not the proposed use is conditional or permitted, City staff requested that the applicant apply for a conditional use permit for the property. This permit will cover both businesses on the property and allow the Historic Resources Board

and Planning Commission to have input on/oversight over the sale of alcohol on the site.

The site already has the Aimee June wine tasting room, so the addition of the Brewery 25 beer tasting room will give the location similar offerings to what The 18th Barrel offers at the other end of downtown. While some may argue that the downtown has a high concentration of establishments that serve alcohol, the creation of a historic downtown that features local beer and wine makes it a much more desirable destination for many visitors, who can stay at local hotels, do walking tours of the city, sample offerings from local breweries and wineries, and dine at local restaurants during their stay in San Juan Bautista.

Procedure: Chapter 11-20 of the San Juan Bautista Municipal Code describes the procedure for handling use permit applications. Under SJBMC §11-20-020, the Planning Commission may “*approve, approve with conditions, or disapprove a use permit,*” and they may also “*impose such reasonable conditions as it deems appropriate, including but not limited to issues such as duration of activities, and dedications or improvements of public facilities, site, structure and landscaping features and design related to the findings specified in SJBMC 11-20-030.*”

The Planning Commission must carefully consider the potential impacts of the proposed use and how those impacts could potentially be mitigated by conditions attached to the use permit (eg- limited hours of operation, safety upgrades, installation of curb and gutter, etc.).

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

- A. That the use is necessary or desirable in relation to the purposes and intent of the San Juan Bautista General Plan, zoning ordinance, and the economic, social, and environmental status of the City;
- B. That the use will be properly related to other uses, transportation facilities, and other public facilities in the area, and will not cause undue environmental impacts relating to noise, odor, pollution, etc.; and
- C. That the use will not adversely affect the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare of the City and its residents.

Parking: The biggest challenge for many businesses and/or new uses in downtown zoning districts such as ours is the requirement to provide adequate parking as required by the local municipal code. In the San Juan Bautista Municipal Code §11-11-160 “Number required – Other uses,” this use falls under

the category of "Restaurant, soda fountain, bar, cocktail lounge, or similar establishment for the sale and consumption of food or beverage on the premises not in a shopping center." This use requires:

1. One (1) space for each sixty (60) square feet of dining area, plus one (1) additional space for each three (3) employees or fraction thereof

The usable 'dining area' of the two tasting rooms is ~1,150 ft². Therefore the requirement is 19 spaces, plus one additional spot for employee parking for each establishment, which brings the total to 21.

There are, however, exceptions to the general on-site parking requirements for businesses in the Mixed-Use zone that allow them to count spaces within a certain distance from the parcel toward their required number of parking spaces. SJBMC §11-11-120 "Mixed use district" states that:

For parcels with mixed use development within the MU district, the number of on-street parking spaces for standard-sized vehicles within one hundred fifty feet (150') of a parcel, or the number that will be within one hundred fifty feet (150') upon completion of planned street/parking improvements, whichever is greater, may be counted toward the required number of parking spaces for commercial or mixed uses.

There are 39 existing on-street parking spaces within 150' of the parcel at 106 Third Street that the applicant can count towards the parking requirement. This exceeds the required number of 21 spaces under SJBMC §11-11-160, and therefore this new use satisfies the parking requirement.

Recommendation:

Staff has reviewed the application for a Conditional Use Permit, and recommends that the Planning Commission approve CUP 2017-81.

Conditions of Approval: Staff also recommends the inclusion of the following hours of operation as conditions of approval of the use permit:

1. Hours of operation will be between 11 a.m. and 10 p.m.

Action Required:

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

4. Receive written comments, e-mail communication, oral testimony and public input.
5. Close the public hearing
6. Based upon your independent review and judgment of the staff report, written comments, email communication, and oral testimony on the project, the Planning Commission should take the following actions.
 - A. Adopt Resolution 2017-XX, "A Resolution of the Planning Commission of the City of San Juan Bautista making a determination for a categorical exemption for a Conditional Use Permit (CUP 2017-81) for on-site sales of alcoholic beverages at 106 Third Street" under Section 15332, "In-Fill Development Projects," of the California Environmental Quality Act.
 - B. Adopt Resolution 2017-XX, "A Resolution of the Planning Commission of the City of San Juan Bautista approving a Conditional Use Permit for on-site sales of alcoholic beverages at 106 Third Street," CUP No. 2017-81. (Assessor Parcel No. 002-200-003)