

CITY OF SAN JUAN BAUTISTA

PLANNING COMMISSION

STAFF REPORT

DATE: June 6th, 2017

SUBJECT: Conditional Use Permit Amendment – 322 Third Street

Applicant: Anthony and Monica Ramirez

Zoning: Mixed Use

Assessor Parcel No.: 002-160-003

Size: 7,173.342 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 applicant is requesting an amendment to Conditional Use Permit 2017-33 for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment at 322 Third Street to allow for the installation and operation of an outdoor pizza oven.

Proposed Amendment

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

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

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

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

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

Recommendation:

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

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

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

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

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

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

Action Required:

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

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

Attachments:

1. Patio Plan