

# CITY OF SAN JUAN BAUTISTA

## PLANNING COMMISSION

### STAFF REPORT

**DATE:** April 4th, 2017

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

**Applicant:** Anthony and Monica Ramirez

**Zoning:** Mixed Use

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

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

**Existing Land Use:** Mixed Use

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

**Details:** The property is located in the Mixed Use zone in the Historic District at the northeast corner of the intersection of Polk Street and Third Street. It is bordered by commercial uses to the east (Ponzini Insulation, Inc.) and public facilities to the north (San Juan Bautista City Hall and the fire department).

The applicant is requesting a conditional use permit for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment at 322 Third Street. The proposed use of the structure on the parcel is an approved use in the Mixed Use zone, but the use of the outdoor patio in conjunction with a wine tasting establishment is not an approved use, so in order to use the outdoor patio the applicant is required to obtain a conditional use permit.

The patio would be used as seating for patrons who purchase wine and beer inside the establishment (and their families and friends) and would periodically be used for special events, some of which would include live music and catering (by outside vendors), as well.

**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 is given a large amount of discretion on the issuance of conditional use permits because it is a 'catch all' category that covers every potential use that is not specifically allowed under SJBMC §11-02-050 "Permitted and conditional uses by zoning district, use matrix." 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 area of the patio (full patio minus the planter boxes) is 2,294 ft<sup>2</sup>. Therefore the requirement is 38 spaces, plus one additional spot for employee parking, which brings the total to 39.

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 45 existing on-street parking spaces within 150' of the parcel at 322 Third Street, as well as two spots available on-site, giving the site a total of 47 spots that they can count towards the parking requirement. This exceeds the required number of 39 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 make the required findings based on the rationale stated below each finding:

- A. That the use is necessary or desirable in relation to the purposes and intent of the San Juan Bautista General Plan, zoning ordinance, and the economic, social, and environmental status of the City;**
  - a. In addition to fitting in with the purposes and intent of the San Juan Bautista 2035 General Plan and meeting the requirements of the San Juan Bautista Municipal Code, this project has the support of the San Juan Bautista City Council, as stated in the letters of support staff was directed to send to the ABC dated January 18<sup>th</sup>, 2017, and March 7<sup>th</sup>, 2017. The January letter states that "*the project fits in well with the character of our Downtown Historic District, will help build our sales tax base, and provides welcome variety to the existing food and beverage establishments in our downtown area for the enjoyment of both residents and visitors.*"
- B. 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) 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.

**Conditions of Approval:** Staff also recommends the inclusion of the following hours of operation and hours during which live music will be permitted as conditions of approval of the use permit:

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.).

**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 2017-33) for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment at 322 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 the use of an outdoor patio as an

accessory use to a wine and beer tasting establishment at 322 Third Street," Project No. 2017-33. (Assessor Parcel No. 002-160-003).

Attachments:

1. CUP Application – 322 Third Street – 18<sup>th</sup> Barrel – Ramirez
2. ABC Letter of Support for Anthony and Monica Ramirez – 1-18-17
3. ABC Letter of Support for Anthony and Monica Ramirez – 03-01-17