

RESOLUTION 2016-48

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA DENYING AN APPEAL FILED
FEBRUARY 11, 2014 BY DAN DEVRIES ON BEHALF OF LEAL VINEYARD
INC., OF PLANNING COMMISSION APPROVAL OF USE PERMIT
APPLICATION NO. CUP 2014-11 AND DESIGN REVIEW APPLICATION
NO. DR 2014-11 FOR A FUEL STATION, CONVENIENCE STORE,
AND QUICK SERVE RESTAURANT AT 404-408 THE ALAMEDA AND
APPROVING BOTH APPLICATIONS WITH FINDINGS AND CONDITIONS OF
APPROVAL FOLLOWING DE NOVO PUBLIC HEARINGS**

WHEREAS, Harbhajan (Harvey) Dadwal (sometimes herein referred to as “Applicant”), pursuant to Title 11 (“Zoning”) of the San Juan Bautista Municipal Code, has applied for a conditional use permit (No. CUP 2014-11) and a site plan and design review permit (No. DR 2014-11), on property designated in the General Plan as general commercial and zoned accordingly, and located at 404-408 The Alameda (APN: 002-52-012) in the City of San Juan Bautista, for a development (sometimes herein referred to as “Project”) consisting of a 6,144 square foot single story building, covered fuel island with 12 fuel dispensing stations, 35 on-site parking spaces, trash enclosure, open space landscaping, on-site storm drain retention and bio filter system, entrance and existing driveways for free flow traffic, bicycle parking, directional signage, traffic channelization and striping, and on-site lighting; and

WHEREAS, the building is proposed to be divided into two commercial functions with (1) a small convenience store, central retail and fuel checkout counter, and (2) a restaurant with dining room accommodations and no drive-thru facility; and

WHEREAS, the applications were reviewed and considered by the San Juan Bautista Planning Commission at duly noticed meetings and hearings held on January 7, 2014, January 23, 2014, and February 4, 2014; and

WHEREAS, following hearings, the Planning Commission approved a mitigated negative declaration for the Project, and then proceeded to approve the Project, i.e. CUP 2014-11 and DR 2014-11, with mitigation measures and conditions, all as set out in Planning Commission Resolution 2014-04; and

WHEREAS, on February 11, 2014, Daniel J. DeVries, Esq., on behalf of Leal Vineyards, Inc. (sometimes referred to herein as “Appellant”) filed an appeal of the Planning Commission approvals described immediately above; and

WHEREAS, a hearing on the appeal was held by this Council on March 18, 2014, and April 9, 2014 and was legally, continued to November 18, 2014; and

WHEREAS, at the hearing on appeal on November 18, 2014, the Council, having reviewed all materials included with the agenda packet regarding the appeal, heard and considered all comments and materials made and submitted by Appellant, Applicant, staff, and other interested parties approved the project and adopted Resolutions 2014-43 and 2014-44 approving the Project ; and

WHEREAS, the Project approvals were challenged by Writ of Mandate filed by the Alliance of Concerned Citizens Organized for Responsible Development, on December 19, 2014; and

WHEREAS, the matter was briefed and heard on March 14, 2016, and the Honorable Steven R. Sanders remanded the Project back the City for reconsideration of the potential noise issues because the noise analysis used for the Project was for an earlier version of the Project and not specific to the Project before the Court. The Court found that the remainder of the Project was in compliance with CEQA. As such, the City was ordered by the Court to “undertake such further studies and proceedings as may be necessary and appropriate to evaluate and consider the proposed Project’s noise impacts on the environment, determine whether any such impacts that may be significant can be mitigated to less than significant levels, and if appropriate and feasible, adopt mitigation measures. Such compliance may take the ultimate form of adoption of a negative declaration, mitigated negative declaration, focused EIR, rejection of all of the above, such other actions consistent with CEQA as may be appropriate;” and

WHEREAS as ordered by the Court, on April 19, 2016, the City adopted Resolutions 2016 -21, setting aside Resolutions 2014-43 and 2014-44, which approved the Project; and

WHEREAS, a new Initial Study-Mitigated Negative Declaration was prepared, by Hatch, Mott, McDonald on July 11, 2016, which incorporated a new noise analysis; and

WHEREAS, the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Program prepared for the Project have been prepared, noticed, and submitted for review and previously approved according to law, with all resolutions, approvals, documents and findings incorporated into this Resolution as if fully set forth herein; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA, HEREBY RESOLVES AS FOLLOWS;

Section 1. This Council adopts the Findings attached as Exhibit “A”. Support for Findings set forth in the Administrative Record and the materials reviewed and considered by this Council in making this decision, are hereby incorporated by this reference. The findings are further supported by the conditions of approval, mitigation measures, and mitigation monitoring program, and narrative set out in the record in the Staff Reports and the Attachments to the Staff Report, including the Initial Study-Mitigated Negative Declaration.

Section 2. The Conditions of Approval attached as Exhibit “B” are hereby approved.

Section 3. Based on the foregoing, this Council concludes, determines, and orders as follows:

1. The appeal is denied.
2. The action of the Planning Commission to approve applications CUP 2014-11 and DR 2014-11 is approved.
3. The Project is approved, subject to the conditions and mitigation measures imposed.

PASSED AND ADOPTED, at a duly noticed meeting of the City Council of the City of San Juan Bautista held on the 18th day of October, 2016 by the following vote:

AYES: **West, Lund, Boch, Martorana, Edge**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

Rick Edge, Mayor

ATTEST:

Trish Paetz, Deputy City Clerk

EXHIBIT “A”

FINDINGS

Based upon the Initial Study, the Mitigated Negative Declaration, the application of mitigation measures as imposed through the Mitigation Monitoring Program, and conditions of approval that the applicant has agreed to, and after considering the staff reports and accompanying documentation, oral testimony, written comments, electronic e-mail correspondences, public input presented at the appeal hearing of the project by Leal Vineyard Inc., the City Council finds:

CEQA FINDINGS

- 1.** This Council has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record prior to proceeding to consider action on the Project.
- 2.** The Initial Study/Mitigated Negative declaration prepared for the Project has been completed in compliance with CEQA and is consistent with State Guidelines of the California Environmental Quality Act.
- 3.** The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City as lead agency for the Project.
- 4.** The City Manager, with offices in City Hall, City of San Juan Bautista, is designated as the custodian of documents and records of proceedings on which action taken by this Resolution are based.
- 5.** The Project will minimize any potential adverse effects to the surrounding properties and the environment to a less than significant level by establishing mitigation measures, implementing a mitigation monitoring program, and implementing conditions of approval.
- 6.** The Project will not take business away from the downtown shopping area and thereby cause business closures and eventual physical deterioration of downtown. The findings set forth at page 47 of the Mitigated Negative Declaration, that the Project is an auto or highway use which will not impact the downtown area is specifically adopted by this Council. There has been no other evidence submitted which would lead a reasonable person to conclude otherwise.
- 7.** The Initial Study/Mitigated Negative Declaration, with the mitigation measures, mitigation monitoring program, and conditions of approval for Project, shows that there is not substantial evidence in light of the whole record that the project as revised by the mitigation measures and conditions of approval may have a significant effect on the environment.
- 8.** In light of the whole record before this Council, the Project conforms to the goals, polices, and objectives of the 1998 General Plan, design review policies and the requirements of the City Code and there is no evidence to support a fair argument that the Project will have a significant effect on the environment of the site and surrounding area.

PROJECT FINDINGS

1. The proposed is consistent with the commercial zoning district of the City of San Juan Bautista SJBMC 11-02-020 (B) because the project meets the intent of the commercial zoning districts under Chapter 11-02, Article 1, Section 11-02-020 and because the proposed project is designed to exemplify the site and architectural intent of the zoning district and is compatible with the uses in which the property is located because the exterior design and architecture of the building and cover canopy to the fuel island is compatible with the existing motel south of the site. Further the Project is consistent with urban uses and commercial development surrounding the site.
2. The Project is consistent with the standards and requirements of the San Juan Bautista Municipal Code and does not require any variances.
3. The Project will contribute to the City's cultural and architectural characteristics of the zoning district in which it is located, as the Project will go through the design review process and based on plans submitted, will complement the City's cultural resources and architectural characteristics. The design complements the San Juan Mission and the California-era structures located in the City. The Project will develop a vacant lot that is currently under-utilized within the City and will fill the gap between the existing motel and Highway 156.
4. The Project will not adversely affect the surrounding neighborhood and will not be detrimental to the public welfare of the community. The Project will not create unhealthy eating habits for school children or crime, gang, or drug problems.
5. The Project is in compliance with City Code Section 11-04-110.
 - a. *The business offers merchandise and/or services that serve the unmet needs of the population:* The proposed project will provide a variety of choices for goods, products, services, and merchandises to meet the un-met needs of the community and other customers of the project. San Juan Bautista is a tourism based economy and having a variety of goods, products, and services available for the many visitors, tourists, and residents of the City particularly, groceries, milk, bread, cereal, and over the counter medical supplies after 9:00 P.M., will satisfy those needs. A tourist kiosk, on Highway 156 will be available at the Project and tourists will be directed to the Mission and downtown. These tourists or visitors may not have otherwise stopped in the City and learned of the attractions and services available. Such a service does not currently exist on Highway 156. Residents who reside on The Alameda and Old Lang Street will no longer have to cross Highway 156, either by automobile or walking, to obtain many goods, products, merchandise, or commercial services. Diesel fuel for cars and light pickup trucks is a serious unmet need of San Juan Bautista and having diesel fuel available would also provide the citizens with unmet needs. The site plan also shows a clean air vehicle charging station as part of the project. This is also currently an unmet need for the community and an unmet need for tourists and travelers to/from the city.
 - b. *The business will complement and enhance the character of the City:* The design will complement the San Juan Mission and the California-era structures located in the City. A tourist information center kiosk will be available at the Project and tourists will be directed to the Mission and downtown to tour, shop, and dine. These tourists or visitors

may not have otherwise stopped in the City and learned of the attractions and services available.

- c. *Both exterior and interior appearance and presentation of the business is compatible with the existing scale of development, distinctive architecture and pedestrian orientation of the town character and results in an enhancement of the look and feel (i.e., character) of the surrounding area:* The plans submitted show three businesses which will be compatible with the surrounding Inn and urban, highway uses, similar to the shopping center which is across the street from the Project. As mention above in (b) the design will complement existing features of surrounding architecture and historic buildings.
 - d. *Signs shall conform to the City sign standards and design guidelines:* See condition 16.
 - e. *Drive-through food establishments shall be prohibited:* On February 4, 2014, the proposed project was approved and recommended by the Planning Commission for a quick service restaurant without a drive through window. The Project does not propose a drive-through food establishment.
6. The Project is consistent with the General Plan and meets the intent of Policy L-27 of the General Plan: “Attract businesses and services which provide for the day to day needs of local residents as well as the needs of visitors.”
 7. The Project will develop a vacant lot that is currently underutilized within the City and will fill the gap between the existing motel and highway 156, furthering the goal to conform to Policy L-3 of the General Plan as more efficient ways to grow and avoid urban sprawl.
 8. The Project is consistent with City Code Sec. 11-04-030 (B), which requires that “[a]ll 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 [limiting] provisions.” This Council finds that gas stations are excluded from this Section since gas stations are permitted by both the Zoning Code and the General Plan in a commercial zone and they involve only outdoor uses. The Code further states that “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.” As such, the Code Section was clearly meant to disallow swap meet or garage type sales outdoors, due to the negative aesthetics or nuisance. Clearly, an outdoor gas station would not present the same issues.
 9. The Project provides adequate parking for vehicles and bicycles. The parking calculations for a restaurant are based upon the area of the dining and number of employees. The total is 19 required. The parking calculations for the convenient store is based upon 2,727 square feet of gross area. The parking required is 18 plus 1 space for the employee of the fuel/diesel dispersing operations. The total of 19 is required. The parking for the fuel island is calculated to be 8. The total for the project is 46 spaces. The Project provides for this parking on site.

10. All findings included in the 13 page report entitled “CITY OF SAN JUAN BAUTISTA, ADDITIONAL INFORMATION TO STAFF REPORT,” included with the materials reviewed and considered by this Council, is hereby incorporated herein by this reference.
11. Rebutting Appellant's statement that the project is not consistent with the City of San Juan Bautista General Plan:
 - The approved Initial Study and Mitigated Negative Declaration for the Project include findings and determination that the Project is consistent with the zoning and land use of the San Juan Bautista General Plan and Zoning Ordinance and that discussion and findings are further adopted herein.
 - Further, all findings set forth regarding General Plan Consistency in “CITY OF SAN JUAN BAUTISTA, ADDITIONAL INFORMATION TO STAFF REPORT” are adopted by the City Council and incorporated by this reference.
12. Rebutting Appellant's statement that the Project is not consistent with the uses of a residential neighborhood:
 - The Project parcel is designated as general commercial in the General Plan and is zoned accordingly.
 - The Project parcel is across a public street from the nearest residentially zoned and developed neighborhood.
 - The approved Initial Study and Mitigated Negative Declaration include mitigation measures that reduce to less than significant any impacts that could otherwise be determined to be potentially significant and detrimental to any residential neighborhoods in the City, including traffic channelization, onsite lighting restrictions, hours of construction, and landscaping.
13. Rebutting Appellant's statement that channelization and other traffic measures are inadequate, and that no traffic study was done:
 - A traffic study was performed, dated December 30, 2013, by Hatch Mott MacDonald.
 - The traffic study was utilized by staff to match mitigation measures to the identified potentially significant effects, including number and width of driveways, parking restrictions on and off site, and directional signs.
 - Mitigation measures also require that Applicant shall enter into an agreement that includes a traffic study and preliminary design for a deceleration lane on the south side of State Highway 156, and that includes a requirement to participate in a fair share of the cost of the improvements.
 - The channelization lane striping and markings required are consistent with the channelization plan for The Alameda, and are recommended by the traffic study.

- 14.** Rebutting Appellant's statement that drainage details are insufficient:
- Mitigation measures require the Applicant to submit a site development plan including on-site drainage provisions conforming to the guidelines of the State Water Pollution Prevention Plan and Municipal Separate Storm Sewer systems (MS4).
 - The Applicant is required by mitigation measures to enter into an agreement with the City to construct the Project as approved; staff is directed to include in the agreement a provision that drainage will be constructed per the site development plan and State Water Pollution Prevention Plan Guidelines. See condition 1 and 12.
 - Staff has advised that drainage is required to comply with State Water Pollution Prevention Plan Guidelines.
- 15.** Rebutting Appellant's statement that provisions for mitigation of lighting are inadequate:
- Applicant is required to submit a lighting plan that complies with City's Dark Sky Standards. See condition 13.
 - Mitigation measures include provisions for shields on lighting fixtures, and for all artificial lighting to be directed away from residences on the west side of The Alameda.
- 16.** Rebutting Appellant's statement that the required "architectural fence" is inadequately defined. See condition 15.
- Mitigation measures require the Project to conform to the architectural style and appearance as submitted and approved by the Planning Commission.
 - The style and appearance is in keeping with City's historic Mission heritage, thus the "architectural fence" must follow that style and appearance.
- 17.** Rebutting Appellant's statement that sign standards for the Project are not well defined:
- The Planning Commission at the February 4th, 2014 meeting approved the project without signs. The Applicant is required to submit a sign permit application for the Project, including all signs on buildings and anywhere else on the property. See condition 16.
 - Any and all signs approved by the Planning Commission must comply with all standards of sign regulations in City's Zoning regulations in the Municipal Code, and with Chapter 7 of City's Design Guidelines.
- 18.** Rebutting Appellant's statement that there is inadequate explanation of the deferred improvement agreement required for an acceleration and deceleration lane:

- The Applicant shall enter into an agreement for the construction of a deceleration and right turn lane on the south side of State Highway 156 at The Alameda intersection. The agreement shall require the construction of improvements for an eastbound right turn lane conforming to Caltrans standards when the cumulative conditions warrant the implementation of the improvements. See condition 18.
 - When the lanes are constructed, mitigation measures require that Applicant will be required to obtain all necessary encroachment permits required by Cal Trans, and Applicant must construct per all state laws and standards.
- 19.** Rebutting Appellant's statement that no hours of operation for Project services are included:
- Applicant has agreed, and City hereby requires, that individual businesses within the project will conduct operations no earlier than 5:00 a.m. and no later than 11:00 p.m. daily. Council directs that such restriction shall be included in all appropriate City permits.
- 20.** Rebutting Appellant's statement regarding a required information kiosk:
- Placement and style of the kiosk (information center) shall be subject to City approval.
 - Applicant shall construct an informational center kiosk that shall conform to the approved architectural style of the Project. Applicant shall work and consult with City to assure that postings at the informational center kiosk include ample information regarding the historic and cultural aspects of the City of San Juan Bautista.
- 21.** As to the Project applications, this Council concurs with and adopts by this reference the findings listed 1 through 8, page 4, of the Staff Report to Planning Commission dated February 4, 2014, regarding the Project, said Report included with materials reviewed and considered by this Council as noted in the recitals hereinabove.
- 22.** In accordance with San Juan Bautista Municipal Code Section 11-20-030 (“Findings” required for use permit) this Council further finds that:
- a. The use proposed in the project application 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. Based on substantial evidence in the record, granting the use permit for the Project is consistent with this finding in that the site is suitable for commercial or highway oriented uses, and is in a commercial zone district in accordance with City’s General Plan. San Juan Bautista has a tourist oriented economy, and this Project contributes to the diversity of services necessary to meet the needs of visitors to the City. The approved mitigated declaration includes conditions and mitigations that reduce all potential impacts to less than significant.

- b. The use proposed 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. Based on substantial evidence in the record, granting the use permit for the project is consistent with this finding in that mitigation measures required reduce all potential impacts to less than significant, including all potential impacts that could otherwise be detrimental. The Project is adjacent to State Highway 156, allowing easy accessibility to the site with minimal traffic congestion. The Project is located and proposed to be operated in a manner that will have no adverse effect on any other public facilities or uses in the immediate area.
 - c. The use proposed 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. Based on substantial evidence in the record, granting the use permit for the project is consistent with this finding in that the conditions of approval and mitigation measures required adequately protect the welfare of surrounding uses, neighborhood and residents. See also comments following findings A. and B., immediately above.
- 23.** In accordance with San Juan Bautista Municipal Code Section 11-18-040 (“Findings for decision” required for site plan and design review approval) this Council further finds that:
- a. The Project is consistent with the standards and requirements of the San Juan Bautista Municipal Code. Based on substantial evidence in the record, granting site plan and design review approval is consistent with this finding in that the Project is designed and is proposed for construction, inspection, and monitoring to meet City Uniform Codes, Building Standards, and energy standards, as well as all applicable zoning regulations.
 - b. The Project is consistent with the goals and policies of the General Plan and any applicable specific or community plans. Based on substantial evidence in the record, granting site plan and design review approval is consistent with this finding in that the Project will increase employment opportunities in the City, will meet infill objectives of the General Plan, and improve parking availability for visitors to the City. The record contains nothing that demonstrates the Project as proposed presents any departure from applicable General Plan goals and policies.
 - c. The Project contributes to safeguarding the City’s heritage and cultural and historic resources. Based on substantial evidence in the record, granting site plan and design approval is consistent with this finding in that the Project’s exterior architecture and design characteristics call on City’s Spanish period and Mission heritage, and promote the historical resources and cultural objectives of the City.
 - d. The Project is compatible with the surrounding character of the environment because the architectural design, materials, and colors harmonize with the character of surrounding development, or other improvements on the site and specific design elements (e.g. balconies, fencing, screening of equipment and

utility installations, signs and lighting) are incorporated into the Project. Based on substantial evidence in the record, granting site plan and design approval is consistent with this finding in that the Project is designed to include a pleasant landscape plan compatible with neighboring properties, with trees, plants, and shrubbery meeting City's standards. The Project also includes shielded on-site lighting that complies with City Dark Sky Standards and design standards. Also see finding D., immediately above, with comments following.

- e. The location and configuration of the Project harmonizes with the site and with surrounding sites or structures. Structures do not dominate their surroundings to an extent inappropriate to their use and do not unnecessarily block significant views or solar access to adjacent properties. Based on substantial evidence in the record, granting site plan and design approval is consistent with this finding in that the Project is designed with appropriate size and massing in relation to the neighboring San Juan Inn, and will create a noise buffer between State Highway 156 and the San Juan Inn. The design reveals no significant view blockage or solar access blockage.
- f. The Project effectively uses architectural details to break up mass. Roof planes are varied without being overly complex. Otherwise monotonous long or two story walls are well-articulated with details such as building offsets and window features that are compatible with the design and not overly ornate. Based on substantial evidence in the record, granting site plan and design approval is consistent with this finding in that the Project has been designed so that all four exterior elevations visible from adjacent properties have setbacks meeting zoning regulations. The appearance of an architectural fence with landscaping lends harmony to the project and the neighboring area. The proposed plans show well-articulated walls with appealing features consistent with the historical treatment described in finding C. and comments, above.
- g. The landscape design, if any, including the location, type, size, color, texture, and coverage of plant materials, provisions for irrigation, and protection of landscape elements have been considered to create visual relief and complement the structures to provide an attractive and water-conserving environment. Based on substantial evidence in the record, granting site plan and design approval is consistent with this finding. See finding D. and comments, above. Further, an additional landscaping plan will be submitted pursuant to mitigation measures, and will be reviewed by staff and the Planning Commission for conformance with the City's adopted trees, plants, and shrubbery list.
- h. The design and layout of the Project do not interfere with the use and enjoyment of neighboring existing or future development, do not result in vehicular and/or pedestrian hazards, and promote public health, safety, and welfare. Based on substantial evidence in the record, granting site plan and design approval is consistent with this finding in that the Project as proposed is consistent with zoning regulations, and incorporates design elements and site building layouts that minimize traffic congestion, allow easy vehicular traffic entrance and exiting, provide compatible pedestrian corridors and pathways. See also findings D, E, and F, and comments. Mitigation measures and conditions of approval imposed

hereby and through approval of environmental mitigations adequately protect neighboring uses and their enjoyment.

- i. The existing or proposed public facilities necessary to accommodate the proposed project (e.g. fire protection devices, public utilities, sewers, sidewalks, storm drains, street lights, traffic control devices, width and pavement of adjoining streets, etc.) are available to serve the subject site. Based on substantial evidence in the record, granting site plan and design approval is consistent with this finding in that many of the required mitigation measures and conditions demonstrate that all necessary public facilities, devices, and lighting are required.

EXHIBIT “B”

CONDITIONS OF APPROVAL

Fuel Station, Convenient Store and Quick Serve Restaurant

1. The applicant shall enter into a project development agreement with the City of San Juan Bautista to construct the proposed project as submitted herewith conforming to the architectural style and appearance as submitted and approved by the Planning Commission and subsequently approved by the City Council on appeal of the Planning Commission.
2. The applicant shall enter into an indemnification and hold harmless agreement with the City of San Juan Bautista for the approval of the project and an agreement to pay processing fees for land use application and access to project site, in the forms hereto attached as Exhibit “1” and Exhibit “2”. (This agreement has been prepared and executed.)
3. The applicant or contractor shall obtain an encroachment permit for any work performed within the City of San Juan Bautista public right of way.
4. The applicant shall submit for and obtain a grading permit for the site including drainage provisions and compliance with flood zone elevation requirements.
5. The applicant shall remove all existing driveway approaches that are not being used, replace them with a vertical face curb, gutter, and sidewalk and install new commercial concrete driveways at the entrance and exit conforming to the approved site plan and to City standards.
6. The applicant shall repair and reconstruct all damaged and broken sidewalks along the frontage of The Alameda and construct the sidewalk as shown on the final approved site plan.
7. The applicant shall install a new 8” diameter sanitary sewer line from the existing manhole at the intersection of The Alameda and Lang Street westerly for a distance of 35 feet west. The invert elevation of the 8” diameter sewer line at the manhole shall be provided by the City.
8. The applicant shall remove a 7 foot wide strip of asphalt pavement adjacent to the lip of gutter and replace with 8” thick aggregate class 2 base rock and 2-1/2” thick asphalt pavement for a distant of approximately 240 feet. The asphalt widening surface edge shall conform to the existing pavement edge. A slurry seal coat shall be apply to the new asphalt and existing pavement from the lip of gutter to the centerline of The Alameda for a distance from the intersection with State Route 156 to the south limits of the project site, approximately 310 feet.
9. The applicant shall install pavement markings and striping for traffic channelization along the frontage of the property to provide a left or right turn lane for ingress and egress. The striping and pavement marking shall be done after the completion of the asphalt widening and slurry seal coat work. The stripping and channelization shall conform to the approved striping plan for the project.

10. The applicant shall obtain a building permit for the buildings and fuel islands to ensure that it conforms to the uniform building codes, municipal building codes, and all applicable energy codes required. The building plan and fuel island shall conform to the architectural style presented and approved by the City Council.
11. The applicant shall submit a landscaping and irrigation plan to the City for review by the Planning Commission and obtain approval prior to issuance of an occupancy permit to any of the buildings or structures.
12. The applicant shall submit a site development plan including drainage, curbs, trash enclosure, on-site driveways, asphalt pavement, striping, electric charge station, and bicycle rack. Drainage shall conform to the State Storm Water Pollution Prevention Plan guidelines and best management practices.
13. The applicant shall submit an on-site lighting plan conforming to the city's dark sky regulations and provide hooded shield deflectors on all lighting fixtures. All lighting within the fuel island and in the parking area shall be directed downward or deflected in a direction away from the residential homes on the west side of The Alameda. All on-site exterior lighting shall be equipped with warm white illumination.
14. The applicant shall enter into a maintenance agreement with the City for continual maintenance of the landscaping and irrigations system for all landscaping and irrigation installed on the site.
15. The applicant shall install a minimum 7 foot high architectural perimeter fence along the southerly property line and a 4 foot high architectural perimeter fence along the easterly property line as shown on the approved plans. (See Mitigation Measure NOI-1 of MND.)
16. The applicant shall submit a sign permit application to install signs on all buildings. The application shall include one free standing monument type sign situated in the landscaping planter area adjacent to State Highway 156. All signs shall conform to the City's sign ordinance.
17. The applicant shall install fire hydrants on the project site as shown upon the approved site plan. The fire hydrants shall conform to the City standards and approved by the Fire chief. A fire sprinkler system shall be installed on all structures conforming to the fire standard title 13.
18. The applicant shall enter into an agreement for the construction of a deceleration and right turn lane on the south side of State Highway 156 at The Alameda intersection. The agreement shall require the construction of improvements for an eastbound right turn lance conforming to Caltrans standards. The applicant shall pay \$200,000 of the cost for the improvements of the right turn lane, through a reimbursement agreement with the City. Construction of the improvement will commence prior to or concurrent with construction of the Project. The City of San Juan Bautista will coordinate with Caltrans to determine when the cumulative traffic conditions warrant the implementation of the improvements. That Agreement has been prepared and executed with improvements to be made at the time of construction of the Project.

19. Construction on the site shall be restricted to the hours of 7:00 A.M. to 6:00 P.M. Monday and 8:00 A.M. to 5:00 P.M. on Saturday. No construction shall be allowed on Sundays or Federal Holidays.
20. The applicant shall restrict all loud noises, vibratory equipment, truck backup devices, and gas powered compaction tools to hours between 9:00 A.M. to 4:00 P.M. during the permitted days of construction. No construction will be allow on Sundays or Holidays unless it is within a confined building where all noises are contained inside the building.
21. The applicant shall select or mitigate mechanical equipment to meet applicable noise standards. To be considered “Normally acceptable” according to the City General Plan and Municipal Code, mechanical noise would need to be limited to DNL 60 dB at the nearest residential property line and DNL 65 dB at the nearby hotel property line. These noise levels would also satisfy the County General Plan Goal HS-8.11 guidelines.

To meet the draft City noise ordinance limits and the county General Plan Goal HS-8.1, noise levels at the nearest residential receivers are to be limited to an hourly Leq of 55 dB and maximum noise level of 70 dB during the daytime hours and hourly Leq 45 dB and a maximum noise level of 65 dB during nighttime hours.

The expected mechanical systems to include common commercial air-conditioning and ventilation equipment. Therefore, standard construction methods including selecting quieter equipment models, strategic siting, equipment setback, noise barriers or enclosures, acoustical louvers, and equipment noise attenuators should be sufficient. A qualified acoustical professional should be involved during the design phase of the project to advise the design team regarding effective noise reduction measures. (Mitigation 2a.)

22. The applicant shall require on-site noise measurements indicate that the existing ambient noise levels at adjacent properties are between DNL 62dB and DNL 78 dB, which varies by location and proximity to the roadways. To reduce the impact of mechanical equipment, it must be designed such that noise levels do not increase by three decibels or more at adjacent properties. Specific equipment plans have not been developed, and it is possible that mechanical equipment could exceed the threshold. Project equipment that generates a noise level of DNL 62 dB at the southern property lines would be expected to increase ambient noise levels by up to three decibels. Therefore, project equipment that might generate noise exceeding DNL 62 dB at adjacent properties is to be evaluated further. Additional measures are to be incorporated to reduce equipment noise to DNL 62 dB or quieter. Expect the mechanical systems to include common commercial air-conditioning and ventilation equipment. Therefore, standard construction methods including selecting quitter equipment models, strategic siting, equipment setback, noise barriers or enclosures, acoustical louvers, and equipment noise attenuators should be sufficient. A qualified acoustical professional should be involved during the design phase of the project to advise the design team regarding effective noise reduction measures. (Mitigation 2b.)
23. All Truck deliveries at the site that require the use of backup alarms should be limited to daytime hours. (Mitigation 3a.)

24. The applicant shall require reduction of potential noise impact from construction-related activities, they are to be conducted in accordance with the following;
1. Construction shall be limited to the hours of 7:00 am and 6:00 pm on weekdays and 8:00 am and 5:00 pm on Saturdays. No construction shall be allowed on Sundays or Federal holidays.
 2. During construction, mufflers shall be provided for all heavy construction equipment and all stationary noise sources in accordance with the manufacturer's recommendations.
 3. Limit unnecessary idling of internal combustion engines.
 4. Stationary noise sources and staging areas shall be located as far as is feasible from existing noise sensitive receivers. Locating stationary noise sources near existing roadways away from adjacent properties is preferred. If located otherwise, stationary noise sources are to be enclosed or shielded from neighboring noise sensitive properties with noise barriers to the extent feasible.
 5. Air compressor and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.
 6. A construction liaison shall be designated to ensure coordination between construction staff and neighbors to minimize disruptions due to construction noise. Neighboring property owners within 300 feet of construction activity shall be notified in writing of the contract information for the construction liaison.
 7. Neighboring property owners within 300 feet of construction activity shall be notified in writing of the construction schedule and at least 30 day prior to loud noise-generating activities. Notification is to include the nature and estimated duration of the activity.
 8. Prior to construction, a qualified acoustical professional is to review specific equipment and site locations that would be expected to generate noise levels above 80 dBA at adjacent residential properties and 85 dBA at adjacent commercial properties. The study would also determine additional mitigation measures, as feasible, to reduce noise levels by at least five decibels and below the aforementioned limits. Additional measures might include local barriers around specific construction equipment or property line barriers. The location, height, and extent of the barriers should be provided by the acoustical professional.
 9. A qualified acoustical professional should be retained as needed to address neighbor complaints as they occur. If complaints occur, noise measurements could be conducted to determine if construction noise levels at adjacent property lines are within the standards. Short-term construction noise monitoring could also be utilized to diagnose complaints and determine if additional mitigation is required for certain phases of the construction as needed. (Mitigation 4a.)

- 25.** The applicant shall require all vibration-generating mechanical equipment is to be adequately vibration isolated per ASHRAE Guidelines to reduce ground-borne vibration levels at neighboring properties. (Mitigation 5a.)
- 26.** The applicant shall require mitigation measures listed below so vibration can be reduced to a level that would result in a less-than significant impact.
 1. Use administrative controls such as notifying adjacent land uses of scheduled construction activities, and limiting construction activities with the highest potential to produce significant vibration to the least sensitive times of the day.
 2. Along property lines, equipment and methods that generate less ground borne vibration are to be used, to the extent feasible.
 3. Prior to construction, a qualified acoustical engineer shall review and monitor specific impact generating and heavy equipment and site locations that might generate vibration levels above a conservative threshold of 0.2 in/sec at adjacent property lines. The study would also determine if additional mitigation measures, as feasible, are needed to reduce vibration to a level that would not be expected to result in building damage. (Mitigation 6a.)
- 27.** The applicant shall have the following note placed upon all construction plans and drawings of the project:

If prehistoric or historic archaeological resources or human remains are unexpectedly discovered during construction, work shall be halted within 50 meters (160 feet more or less) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. (See Mitigation Measure CR-1.)
- 28.** The applicant shall pay all planning, building permit, site and building inspection fees, school impact fees and City of San Juan Bautista development impact fees upon issuance of a building permit.
- 29.** The applicant shall obtain all right of way easements required and all easement to be abandoned or relocated prior to commencement of construction. The applicant shall provide copies of all easements or the abandonment to the City.
- 30.** The applicant shall provide copies to the City of the soils report and all compaction tests performed on the site during grading, excavation and embankment operations. (See Mitigation Measures GEO-1.)
- 31.** The applicant shall submit to the City and obtain approval for an erosion control plan conforming to SWPPP guidelines during all grading activities and a letter or statement from the contractor that all work complies with the guidelines.

32. The applicant shall submit to the City and Health Department a hazardous waste management plan together with emergency contact information.
33. The applicant shall submit to the City a solid waste disposal plan if required.
34. The applicant shall obtain and submit a copy of the Monterey Bay Air Pollution Control District permit to the City.
35. The applicant shall obtain the necessary permits from the San Benito Health Department to conduct food related business within the proposed restaurant and convenience store prior to operations. A copy of the permit shall be provided to the City.
36. The applicant shall incorporate in the site development plan accommodation for a minimum of 8 bicycle parking spaces.
37. The applicant shall install domestic water services to the property and pay the required connection permit fees. Water service can be master metered or individually metered to each business. The applicant shall obtain an encroachment permit for water service lateral connection within the City right of way.
38. The applicant shall post a note on the improvement plans that all grading activities at the project site shall cease during high wind periods. The City Planning Department shall be contacted when construction is delayed due to high winds.
39. The applicant shall request and obtain a final inspection before a certificate of occupancy for the building permits are issued, prior to the onset of business operations.
40. Applicant shall install pavement traffic marking signs along The Alameda from the intersection of State Highway 156 to south end of the project as shown on the channelization plans prior to occupancy.
41. Applicant shall dedicate a strip of land ten feet in width along the frontage of The Alameda for future widening of The Alameda.
42. The applicant shall pay a fair share cost for the construction of a round-a-about intersection at the intersection of The Alameda, San Juan-Hollister Road, and Salinas Grade Road. The fair share cost analysis shall be prepared by the City and shall be based upon traffic movements from the proposed project to the proposed round-a-bout intersection.
43. The applicant shall install two architectural street lights conforming to the type, standards, and style of the San Juan Bautista Historic Third Street along the frontage of The Alameda. The light shall be energized from the existing utility poles by underground conduit and electrical junction boxes.
44. The exterior of the proposed building shall be constructed using non-reflective materials including non-mirrored glass, painted metal panel treatments and non-reflective wall surfaces. See Mitigation Measure AE-1.