



PLANNING DEPARTMENT

**City of Guadalupe
918 Obispo Street
P.O. Box 908
Guadalupe, CA 93434
Tel (805) 356-3903**

To: Mr. Mayor and City Councilmembers
From: Larry Appel, Contract City Planner *[Signature]*
Date: September 27, 2018
Re: **Monthly Planning Report Covering September 2018**

MINISTERIAL PROJECTS

- Zoning Clearances Approved 2
- Zoning Clearances Denied 0
- Zoning Clearances Appealed 0
- Business Licenses Approved 1

DISCRETIONARY PROJECTS

The following projects are in for Planning Department review and have been worked on during August:

- People's Self Help Housing (Guadalupe Ct. Apts.) Zoning Clearance review
- Pioneer Street Apartments permit review for time extension/revision #1 and #2
- Accessory Dwelling Unit ordinance second reading approved 9-11
- Zoning Ordinance update Initiation (Round 1) approved 9-11
- General Plan Land Use amendment and Rezone map amendment Initiation process – continued to 12-11, after Cal Poly presentation on draft GP
- Preparation of revised Off-Street Parking zoning ordinance (Chapter 18.60)
- Preparation of revised Definitions (Chapter 18.08)

If any Councilmember is interested in a particular project or would like to know its status, please let me know and I would be happy to provide the information.

Guadalupe City Planning Department Planning Processing Summary for September 2018 (09/27/18 update)

<u>Case No.</u>	<u>Name</u>	<u>Submittal Date</u>	<u>Comp. Date</u>	<u>Status</u>	<u>OK for Bldg. Permit Issuance</u>
2016-054-CUP \$\$	Quiroga Boardinghouse	11-23-16	COMP 02-21-18	Close out option letter transmitted 9-25-18, otherwise, No activity this month.	NO
2017-096-CUP \$\$	Guadalupe Cultural Ctr.	09-17-17	INC 03-12-18	Working with applicant on legal documents. Staff report prepared in anticipation of receiving legal documents soon. Meet and Greet held 9-9-18, otherwise, No activity this month.	NO
2017-080-CUP \$\$	El Padrecito Retreat & Events	08-21-17	INC 10-27-17	Draft report and recommendations completed April 2018. No Activity this month	NO
2017-130-TPM \$\$	DJ Farms South Master TPM	10-12-17	Incomplete 03-07-18	INC letter sent on 03-07-18. Several early meetings with applicants to discuss the project. No activity this month.	NO
2018-089-PA \$	Housing Authority of SB Co	04/20/18	N/A	Full application submittal is now projected for late October. No Activity this month	NO
2018-097-OA No \$	ADU Ord. amend. (Clean up)	05/21/18	N/A	Second reading of ADU cleanup approved at 09/11/18 Council meeting. Ordinance effective October 12th.	N/A

Guadalupe City Case No.	Planning Name	Submittal Date	Comp. Date	Discretionary Processing Status	Page 2 OK for Bldg. Permit Issuance
2016-043-LLA \$\$	Beachside Cooler Lot Line Adj.	10-31-16	INC No record	LLA materials and updated Title Report submitted 8/30.	YES*
2017-141-FM \$\$	DJ Farm Lot 4 FM	08-25-17	INC No record	Map Recorded September 14, 2018!	YES
2018-128-ZC \$	Guadalupe Ct. Apts (PSHH)	07-16-18	N/A	Met on site with applicant and PGE to discuss permit conditions.	NO
2018-130-CUP (TE)	Pioneer Street Apartment TE	07/30/18	N/A	Request to extend the expiration date of the previously-approved CUP for 34 apartments.	N/A
2018-133-OA	Round 1-A of Zoning Ordinance Update	08/01/18	N/A	Amendments and Additions to Title 12 processed during August with Initiation approved by CC on 8/14/18. First reading occurred at CC on 9/11/18. Second reading set for 10/09/18.	N/A
2018-135-GPZ	General Plan amendment and Rezone of two areas of the City	08/29/18	N/A	Staff directed to continue initiation hearing on 12/11/18 after presentation by Cal Poly on the draft General Plan	N/A
2018-134-CUP	Pioneer Street Apartment Revision	08/16/18	Deemed Complete 09/14/18	Applicant has resubmitted a CUP to revise the 34-unit apartment project to include a sleeping room in addition to the two bedrooms already provided	NO

A DISCRETIONARY permit is one that requires City Council approval

No\$ = unreimbursed planning work

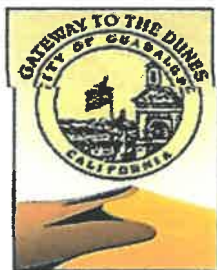
\$ = projects where a fixed fee has been paid

\$\$ = projects where a variable fee / deposit is made and the applicant is billed for time beyond the initial deposit

Ministerial Permits Approved – September 2018

2018-136-ZC Metal garage, 4685 5th Street

2018-137-ZC Front yard paving, 105 Tognazzini Avenue



CITY OF GUADALUPE
918 Obispo Street
Guadalupe, CA 93434
P: (805) 356-3895
F: (805) 343-0542
Finance Department

Memorandum

To: Cruz Ramos, City Administrator
From: Megan Lizalde, City Treasurer
Subject: Treasurer's Report – August 2018
Date: 10/2/2018

This memo lists the changes in the monthly Treasurer's report for August 2018 compared to the prior month. August 2018 cash increased by approximately \$51,780.22.

**Treasurer's Report
Investments and Cash as of August 30, 2018**

Local Agency Investment Fund ("LAIF") Account 98-42-346	4,761,022.92
Total Investments	\$ 4,761,022.92

Cash	
Checking Account 155-503815 ("Warrant Account")	488,327.37
Checking Account 155-003261 ("Payroll Account")	15,273.88
Total Cash	\$ 503,601.25 *

*Actual ending balances reconciled to Bank Statements

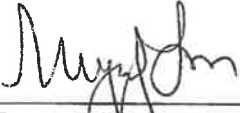
The following is a summary of the City's cash and investments as of August 30, 2018 compared with the prior month.

Investments and Cash	July 31, 2018	August 30, 2018
Investments	4,761,022.92	4,761,022.92
Cash	451,821.03	503,601.25
Total	\$ 5,212,843.95	\$ 5,264,624.17 **

** Total Cash and Investments agree to General Ledger.

Note 1: Monies held in the non-commingled and trust accounts are required to be kept separate from all other city funds.

Submitted: 10/2/2018 by:



Megan J. Lizalde
 City Treasurer

Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

www.treasurer.ca.gov/pmia-laif/laif.asx
September 13,
2018

CITY OF GUADALUPE

CITY TREASURER
918 OBISPO STREET
GUADALUPE, CA 93434

PMIA Average Monthly Yields

Account Number:
98-42-346

Tran Type Definitions

August 2018 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	4,761,022.92
Total Withdrawal:	0.00	Ending Balance:	4,761,022.92

**City of Guadalupe
Fund Balances
as of August 30, 2018**

Fund#	Fund	Balance
01	General Fund	-403,317
10	Water Operating	4,443,684
12	Wastewater Operating	-811,741
15	Solid Waste	11,542
20	Gas Tax	201,786
22	Local Transportation	180,207
23	Transit	895,106
26	RDA Operating	-4,242,985
28	Guadalupe Library	-55,307
30	Water Cap Fund	-730,041
31	Payroll Clearing	0
32	Waste Water Cap Fund	6,030,972
36	Public Facilities	5,876
38	Park Development	2,807
39	Community Corrections Grant	522
40	Fire Safety Fund	72,318
42	Police Safety Fund	70,552
43	Police-Airport	-35,586
57	Alcohol & Drug (Gladiators)	4,077
58	CDBG	57,966
60	Guadalupe Assessment District	25,978
63	PAS L&L District	-1,240
65	Guadalupe Lighting District	432,008
67	EDBG	112,285
71	Measure A	991,763
76	Capital Facilities Fund	422,206
78	City Hall Equipment	13,685
83	ATP Cycle 3	-6,849
87	Traffic Mitigation	53,543
90	RDA-Affordable Housing	422,699
91	2003 Bond Refi	658,886
94	Sewer Bond Fund	27,225
96	Def. Comp Fund	0
97	GEN L.T. Fund	0
98	GEN Fix Assests	3,597,822
99	Cash Clearing	0

NOTE:

The fund balances is the value of the fund after total liabilities are subtracted from the total assets. The balance is typical positive.



Human Resources
 918 Obispo Street
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 Guadalupe, CA 93434
 Ph: 805.356.3893
 Fax: 805.343.5512
 Email: villegas@ci.guadalupe.ca.us

HUMAN RESOURCES MONTHLY REPORT SEPTEMBER 2018

RECRUITMENT

- Chief of Police

The search for a new Chief of Police (Director of Public Safety) has been completed. See Staff Report.

- Reserve Police Officer

Full recruitment process has been completed on one candidate. Date to swear in yet to be scheduled.

One candidate currently in backgrounds from July oral board.

Two candidates interviewed in September and both will be going through backgrounds.

- Paid-Call Firefighters

We continue to have difficulty recruiting PCFs. Notices that were posted on two websites last month brought in resumes of both qualified & unqualified applicants. We scheduled one candidate for an interview but candidate did not show. Other candidates were pre-screened.

OTHER:

- Training:

No training attended this month.

- Workers' Compensation

No new claimed reported for September. Three claims remain open.

- Labor Negotiations

Negotiations with Service Employees International Union and Police Officers Association remain ongoing.

- **FACILITIES**

The following number of rental/usage data is for the period October 2016 through September 2018:

<u>Facility</u>	<u>Oct. '16 – Aug'18</u>	<u>Sept '18</u>	<u>Total To Date</u>
Auditorium/Gym	89	16	105
O'Connell Park	19	4	23
LeRoy Park	16	1	17
Senior Center	31	3	34
City Parking Lot	8	1	9
City Council Chambers	47	5	52

NOTE:

A film crew rented the use of the “classroom” used by the Police Explorers, which is across from the Police Department, as well as the hallway inside City Hall.

McKenzie Girls & Boys Volleyball will continue practicing in the gym through Thursday, October 11th. Their season ends on Saturday, October 13th when they participate in an out-of-town tournament.

The Wrestling Brigade continues practice on Mondays and Wednesdays, from 6pm to 8pm.

Guadalupe Youth Football had two games at O'Connell Park on September 8th and 22nd. They're scheduled for two more games on October 6th and 20th.

Free Concerts through UCSB Arts & Lectures Series & Dunes Center will begin again with the first concert scheduled here at the City Auditorium next month on Saturday, October 20th. There are four other concerts scheduled for this upcoming series.

The revised fees to the Master Fee Schedule for “Facilities & Parks” which were approved by the City Council at the September 11, 2018 council meeting will become effective on Thursday, November 1, 2018. (The revised fees DO NOT include the following groups at this time: 1) youth groups/organizations (basketball, wrestling, etc.); 2) government/schools; 3) Guadalupe Bulldogs Football Team, and 4) any other youth recreational programs. Further discussion on fees specific to those groups will be in a December council meeting.

City of Guadalupe
September 2018
Civil Engineering Projects

The following is a list of projects in various stages of construction, design, or planning.

- **Obispo and 11th Street Drainage Improvements** – Work on this project is nearly complete. During construction several previously unknown issues have arisen. At the September 11, 2018 meeting the City Council was informed of the challenges related to the project.
- **2018 Pavement Rehabilitation Project** – A preconstruction meeting is scheduled for October 1, 2018. It is anticipated the work will commence in October and be completed in early November.

The following segments are included in the work:

- Pelican Lane from Sandpiper Lane to Surfbird Lane
 - Sandpiper Lane from Pacific Dunes Way to Pelican Lane.
- **Implementation of NPDES Permit and MS4 Requirements** – The City is in the final year of implementation of the MS4 Requirements. Representatives from the Regional Water Quality Control Board visited Guadalupe on Monday, September 24, 2018. Some additional changes to operations and reporting have been requested by the Board.
 - **ATP Cycle 3.** Revisions are being made to the preliminary plans based on comments from Caltrans. They will then be resubmitted to Caltrans for a final approval. The project includes sidewalks on the east side of Guadalupe Street from Olivera Street to the Amtrak Station, street crossings, and handicap ramp replacements at various locations. It is anticipated that construction will occur in FY2018/2019.
 - **ATP Cycle 4.** The application was submitted to the CTC by the July 31st deadline. The application included pedestrian improvements throughout the City and on school routes. If successful, the City will receive 1.1 million dollars.
 - **IRWM DAC Grant (Lift Stations and Sewer Main Replacement)** –The first phase of the grant funding is for the design phase of work on the Pioneer and Hwy 1 Lift Stations, Sewer Main, and various “High priority” Water and Wastewater capital improvement projects. MKN has been awarded a contract to complete this work. All the design work is being funded by the IRWM Grant.
 - **Hwy 1/ Hwy 166 Intersection.** The City Engineer has been attending quarterly meetings with Caltrans, SBCAG and other agencies regarding the signalization of the Hwy 1 / Hwy 166 intersection. This project was originally slated for construction in 2018. However, due to additional requirements by the Union Pacific Railroad and Caltrans the project is on hold pending further investigation.

Development

The following developments which require engineering review/oversight are in various phases.

- **Pasadera**
 - The Lot 4 final map has been approved by Council and was recorded in August.
 - Construction is occurring on Lot 4. Streets have been paved and the well and well house are nearly completed.
 - A Vesting Tentative Tract Map has been submitted for Lot B of Tract 26,090, which is the parcel between the UPRR and the Santa Maria Valley Railroad spur.
- **Pioneer Street Apartments**
 - The building permits have been approved and are awaiting the developer submitting fees. The developer is having difficulty securing funding for the project. During construction activities staff will provide technical assistance for items within the City right-of-way.
- **Beachside Cooler**
 - The Developer has submitted paperwork for a Lot Line Adjustment.
- **Apio Wastewater Reclamation System and Voluntary Merger**
 - Both applications are in various phases of review.
- **Guadalupe Court (People's Self-Help Housing)**
 - Plans have been submitted for the public improvements, onsite improvements, and the buildings. The plans are in various stages of review. Construction should start in October.



Department of Public Works Activity Summary

Caring for over \$25,000,000 of Guadalupe's Assets

October 9, 2018

Richard Jamar, DPW Director/Mike Pena, DPW Field Manager

1. General

A. Completed

- Repair/clean Facilities, Wastewater, Water, Parks & Recreation, Fleet, Streets, and Building & Planning.

B. Ongoing

- Reports for State/County HazMat, MS4/Stormwater, SB1 Expenses, IRWM expenditures.

2. Facilities

A. Completed

- Courtyard light replaced – City Hall
- Two sinks reset in men's restroom - City Hall
- Hot water heater returned to service – City Hall.
- Vent openings at PD replaced/installed missing units –City Hall.
- Repaired drinking fountain – City Hall
- Men's room window – City Hall

B. Ongoing

- Contract in for CA approval of roof repair - Senior Center
- City Hall-Main hallway
 - CCTV proposals – Council Chambers
 - Window Frame repairs needed
- Corporate Yard
 - DPW Staff continues to organize equipment/remove debris.
- JOC Park Booster Pump-proposal received, seeking budget.

3. Wastewater Department

A. Completed

- Performance
 - Biolac performing well but needs critical maintenance.
 - Biolac control panel needs programming adjustment after power surge (Aug).
 - Improved sludge and dewater process reduces the waste tonnage and odors.
 - Inspection of Apio dechlorinating facility in September.
 - No cleaning of Collection System due to staff shortage. Need min. 3 for safe ops.
- Maintenance
 - Irrigation Station: Consultant visited site for IRWM Planning/Design investigation.
 - Irrigation Sprinklers: repaired two heads

City of Guadalupe - Department of Public Works

- Hwy 1 Lift Station: Replaced filters and bubbler hose
- Bar Screen: Lubricated/Cleaned
- Office Computer: Recovering data from power surge problem in August
- Developed Sludge-handling protocol to reduce odor exposure on weekends.
- Updated Blower computer to rotate lead-lag operations, to preserve blower life.
- Production:

	This Month	(2018) Year to Date	(2017) Last Year to Date
Influent Flow (MGD)	27,515,000	159,078,000	155,042,000
Outflow	n/a	n/a	n/a
Sewer Line Cleaned (ft.)	0	1500	1700
Compliance with regulatory standards	0 Violations	~14	Unknown
Complaints – State Water Board or APCD	0 Odor issue	Approx. 20 Odor issues	Unknown

B. Ongoing

- Grade V Consultant (Grade III required) providing WWTP oversight.
- Reducing storage pond volumes to restore emergency storage.
- Influent Pump Replacement Project near bid announcement. One pump failed 10/3/18.
- Develop Sanitary Sewer Maintenance Plan (SSMP).
- Create weekly, monthly, semi-annual, annual, bi-annual, other SOP documents

4. Water Department

A. Completed

- Fire flow pump (75 h.p.) replaced due to failed leakage (electrical) tests.
- Park Irrigation Repairs contributed by Water Department.
- Water Production:

	This Month	(2018) Year to Date	(2017) Last Year to Date
Water Production (MG)	33.24	293.56 MG	359.15 MG in 2017 (619.47 MG to date)
Usage totals (MG)	28.97	257.35 MG	321.38 MG in 2017 (549.76 MG to date)
Shut offs	40	486	567 in 2017 (1013 to date)
Opens	23	256	319 in 2017 (552 to date)
Closes	20	196	240 in 2017 (416 to date)
Main Breaks	0	1	2 in 2017 (3 to date)

City of Guadalupe - Department of Public Works

Lateral Breaks	1	5	15 in 2017 (19 to date)
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B. Ongoing

- Pasadera
 - Lot #4
 - Chlorine residual issues solved with creative valve closures. GFD confirmed changes do not impact minimum fire flows.
 - 12" WL @ Flower Avenue – Caltrans encroachment permit proceeding.
 - Public Water Well
 - Developer completing punchlist work.
 - Conveyance line disinfection pending.
 - DJ Farms South TPM (west of SMRR tracks)
 - Water and Sewer "Will Serve" denied.
 - North punchlist work progressing.
- Tognazzini Well
 - Light mineral concerns.
 - Seeking reimbursement from USDA for expenditures.
- State Water Line
 - Currently flowing at 225 gpm
- Replaced steamer valve at LeRoy Park FH.

5. Parks & Rec

A. Completed

- Sprinkler heads adjusted (70%).
- New sprinkler controller installed at Softball diamond.
- Reduce park watering schedule for Fall weather.
- Fine cut grass at football field for Saturday games.
- Clean up all parks of litter.

B. Ongoing

- Developing sprinkler program for City-wide program.
- Your Children's Trees – Joint grant with SB Co. Parks Department/Guadalupe
 - 17 trees for Center Park (Sep. 8-Completed).
 - 17 trees for Jack O'Connell Park (Oct. 13).
- Guadalupe Recreation Groups – various.
 - Guadalupe Football proposal – 40-foot sea bin request at JOC Park.
 - Master Fee Schedule to be discussed again at CC Meeting.
- JOC Park Booster Pump-proposal received, seeking budget.

6. Fleet

A. Completed

- Vehicle Maintenance
 - 2 vehicles for routine maintenance
 - All vehicles washed & mileage reported for vehicle maintenance log.
 - Front tires replaced on one WWTP vehicle

City of Guadalupe - Department of Public Works

- Two WWTP trucks aligned

B. Ongoing

- No expected vehicle maintenance this month.

7. Streets Department

A. Completed


- Received Caltrans permit for “No Parking Between the Hours...” street signs.
- Parade Route cleaned and prepared for event.
- Drop Inlets cleaned.
- Stormwater outfalls cleaned.
- Debris removal to landfill.
- State CCWB inspected stormwater facilities.
- Debris removal from accident site.
- One street light replaced at Pt. Sal Dunes.

	This Month	(2018) Year to Date	2017
Trimmed Trees	0	38	46
Repaired Potholes	0	13 @2.25yds	12 Cu. Ft.
Replaced Sidewalk	0	3.5 yds. 210 sq. ft.	1115 Sq. Ft
Painted Street Markings	0	33	16 Ea. Schl xing
Painted Stop Bars	0	126	16
Painted Stop Legend	0	126	16(
Replaced Stop Signs	0	73	34
Repaired park signs	0	2	unknown
School Crosswalks	0	14	14
Sand Available for rain, approx. 22yds	Less due to public usage	Unknown	25 Tons delivered
Painted Red zones	1	227	0
Painted Green Zones	0	3	0
Auditorium cleaning /Kitchen	0	6	Unknown
Drains cleared of debris	22	109+	Unknown
Broken Trees	0	20	Unknown
Repaired damaged street signs	2	4	unknown
Recovered discards.	1	45	Unknown

B. Ongoing

- Street trash cans/random removed.
- Weed abatement.
 - Citywide, Corp Yard, and WWTP.

REPORT TO THE CITY COUNCIL
October 9, 2018



Prepared by:
Larry Appel, Contract City Planner

Approved by:
Cruz Ramos, City Administrator

SUBJECT: SECOND READING OF ORDINANCE NO. 2018-476 TO CONSIDER AMENDMENTS TO TITLE 12, OF THE GUADALUPE MUNICIPAL CODE (ZONING ORDINANCE) AS FOLLOWS: REPEALING AND REPLACING CHAPTER 18.04 (GENERAL PROVISIONS); AMENDING CHAPTERS 18.12 (ADMINISTRATION); 18.20 (R-1); 18.21 (R-1 SP); 18.24 (R-1-M); 18.28 (R-2); 18.32 (R-3); 18.37 (GENERAL STANDARDS FOR COMMERCIAL AND LIGHT INDUSTRIAL); 18.44 (GENERAL INDUSTRIAL); AND ADDING CHAPTER 18.49 (PUBLIC FACILITIES AND INSTITUTIONAL);

EXECUTIVE SUMMARY:

Each section of the amended and new portions of the zoning ordinance were presented to the City Council on September 11th. Staff explained why the various sections required amending. After comments from the public and deliberation among the Council, a vote was taken which approved the first reading.

RECOMMENDATION:

It is recommended that the City Council:

- 1) Adopt Ordinance No. 2018-476 repealing and replacing Chapter 18.04, amending Chapters 18.12, 18.20, 18.21, 18.24, 18.28, 18.32, 18.37, 18.44, and adding Chapter 18.49.

FISCAL IMPACT:

No reduction in revenue, but fewer internal inconsistencies or time-consuming delays by not having a fully functioning zoning ordinance.

BACKGROUND:

Ordinance 2018-476 was introduced for first reading at the September 11, 2018 City Council meeting. Following City procedures, the second reading is being brought back to City Council at its next meeting.

ENVIRONMENTAL REVIEW:

This ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), and the CEQA Guidelines, and has been found to be exempt pursuant to Section 15306 of the CEQA Guidelines (information collection) because it does not have the potential to create a physical environmental effect.

ATTACHMENT:

- 1. Ordinance No. 2018-476

ORDINANCE NO. 2018-476

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, REPEALING, AMENDING AND/OR ADDING TO TITLE 12, OF THE GUADALUPE MUNICIPAL CODE (ZONING ORDINANCE) AS FOLLOWS: REPEAL AND REPLACE CHAPTER 18.04 (GENERAL PROVISIONS); AMEND CHAPTERS 18.12 (ADMINISTRATION); 18.20 (R-1); 18.21 (R-1 SP); 18.24 (R-1-M); 18.28 (R-2); 18.32 (R-3); 18.37 (GENERAL STANDARDS FOR COMMERCIAL AND LIGHT INDUSTRIAL); 18.44 (GENERAL INDUSTRIAL); AND ADD CHAPTER 18.49 (PUBLIC FACILITIES AND INSTITUTIONAL)

The City Council of the City of Guadalupe, State of California, does ordain as follows:

WHEREAS, the State Planning and Zoning Law authorizes the legislative body of a city or county to regulate, among other things, the General Plan and implementation of the Plan through the administration of the zoning ordinance among other documents (Government Code Sec. 65103 (b)); and

WHEREAS, the City Council recognizes that the City's zoning ordinance was adopted in February 1980, over 38 years ago, and that except for several amendments and additions over the past few years, many sections of the ordinance are outdated, internally inconsistent, and do not reflect mandatory State regulations that have been enacted over the years; and

WHEREAS, staff is systematically reviewing and amending the zoning ordinance to ensure that the final version reflects the desire of City Council to provide the most accurate document to describe and regulate development within the City; and

WHEREAS, public notice pursuant to Government Code section 65090 was given on August 31, 2018.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUADALUPE

SECTION 1. Chapter 18.04 of the Guadalupe Municipal Code regarding General Provisions is hereby repealed and replaced to read as follows:

Chapter 18.04 GENERAL PROVISIONS

18.04.010 Provisions adopted – Statutory authority.

A substantially revised ordinance of the City, establishing regulations for the use of land and entitled "Zoning Ordinance," is adopted by the City Council. The regulations within this Zoning Ordinance are enacted based on the authority vested in the City of Guadalupe by the State of California, including: the California Constitution; the Planning and Zoning Law (Government Code Section 65000 et seq.); the California Coastal Act (Public Resources Code Section 30000 et seq.); the Subdivision Map Act (Government Code Section 66410 et seq.); and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.)

18.04.020 - Purpose of Zoning Ordinance.

The City of Guadalupe Municipal Zoning Ordinance, hereafter referred to as the "Zoning Ordinance," constitutes a portion of Chapter 18 of the City of Guadalupe Municipal Code. This Zoning Ordinance carries out the policies of the City of Guadalupe General Plan by classifying and regulating the uses of land and structures within the City, consistent with the General Plan. The purpose of this Zoning Ordinance is to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the City. More specifically, the purposes of this Zoning Ordinance are to:

- A. Provide standards and guidelines for the continuing orderly growth and development of the City that will assist in protecting the character and stability (social and economic) of agricultural, residential, commercial and industrial uses, as well as the character and identity of communities within the City;
- B. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;
- C. Encourage the most appropriate uses of land in order to prevent overcrowding of land and avoid undue concentration of population, and maintain and protect the value of property; and
- D. Ensure compatibility between different types of development and land uses.

18.04.030 - Responsibility for Administration

A. Responsible bodies and individuals. This Zoning Ordinance shall be administered by:

- 1. The Guadalupe City Council, hereafter referred to as the "Council;"
- 2. The Planning Director of the Planning Department, hereafter referred to as the "Planning Director;" and
- 3. The Planning Department, hereafter referred to as the "Department or designee."

B. Responsibility and authority of Planning Director. Whenever this Chapter refers to the Department, it is expressly understood that the Department staff are acting under the direction and control of the Planning Director and that they report directly and act as the designee to the Planning Director, or in the absence of a Planning Director, the City Administrator rather than the City Council.

18.04.040 - Applicability of the Zoning Ordinance.

This Zoning Ordinance applies to all land uses, subdivisions, and development within the City of Guadalupe as follows.

A. New land uses or structures, changes to land uses or structures. It shall be unlawful, and a violation of this Zoning Ordinance for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section 18.12.010 (Zoning Clearance requirements) and Chapter 18.68 (Nonconforming Uses and Structures). No Building Permit, Grading Permit, or Zoning Clearance shall be issued by the Department unless the proposed construction complies with all applicable provisions of this Zoning Ordinance and is consistent with applicable provisions of the General Plan.

B. Subdivisions. Any subdivision of land proposed within the City after the effective date of this Zoning Ordinance shall be consistent with the minimum lot area and width requirements of Chapter 18.52 (Design and Development Requirements) unless a reduction is allowed in compliance with Section 18.72.060 (Variances), the City's subdivision regulations (Guadalupe Municipal Code, Chapter 17) and all other applicable requirements of this Zoning Ordinance.

C. Continuation of an existing land use. An existing land use is lawful and not in violation of this Zoning Ordinance only when operated and maintained in compliance with all applicable provisions of this Zoning Ordinance, including Chapter 18.68 (Nonconforming Uses and Structures). However, the requirements of this Zoning Ordinance are not retroactive in their effect on a land use that was lawfully

established before the effective date of this Zoning Ordinance or any applicable Amendment, except as otherwise provided by Chapter 18.68 (Nonconforming Uses and Structures).

D. Effect of Zoning Ordinance changes on projects in progress. A project that is under construction on the effective date of this Zoning Ordinance or any Amendment, need not be changed to satisfy any new or different requirements of this Zoning Ordinance, provided that the construction, i.e., the placing of construction materials in permanent position and fastened in a permanent manner, was lawfully begun prior to the effective date of this Zoning Ordinance or any Amendment.

E. Conflicting requirements.

1. Zoning Ordinance and Guadalupe Municipal Code provisions. If conflicts occur between requirements of this Zoning Ordinance or between this Zoning Ordinance and the Guadalupe Municipal Code, or other regulations of the City, the most restrictive shall control unless specifically indicated otherwise. Within the Coastal Zone, conflicts shall be resolved in manner which on balance is the most protective of significant coastal resources.

2. Development Agreements or Specific Plans. If conflicts occur between the requirements of this Zoning Ordinance and standards adopted as part of any Development Agreement or applicable Specific Plan, the requirements of the Development Agreement or Specific Plan shall apply.

3. Private agreements. This Zoning Ordinance applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs) without affecting the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement, or a portion thereof.

F. State, City, Local Agency, and School District sites and facilities. Within the City, the provisions of this Zoning Ordinance do not apply to the following governmental properties and activities.

- a. Development by the Federal Government on long-term leased or federally owned land.
- b. Development by the State or an agency of the State acting in its sovereign (governmental) capacity.
- c. Development by the City or any district of which the Council is the governing body.

G. Other requirements may apply. Nothing in this Zoning Ordinance eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency and/or the regulations of any State, or Federal agency.

18.04.050 –Validity.

If any division, section, sentence, clause or phrase of this Zoning Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this Zoning Ordinance. The Council hereby declares that it would have passed this Zoning Ordinance and each section, sub-section, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 2. Chapter 18.12 of the Guadalupe Municipal Code regarding Administration is hereby amended to read as follows:

Chapter 18.12 ADMINISTRATION

18.12.010 Zoning clearance requirements.

A. Zoning clearance shall be required prior to the issuing of building permits, and shall be issued by the persons designated by the City Administrator as "Planning Director or designee," after it has been determined that any proposed construction is in conformity with the regulations set forth in this title and applicable sections of the General Plan.

B. Zoning clearance shall consist of a stamp of approval and a signature of the Planning Director or designee, along with appropriate notes placed upon all copies of the applicant's plot plan, which are required for application for a building permit. No building permit shall be issued until the plot plan has been approved and stamped by the Director or designee.

C. The Planning Director or designee shall not accept and approve plot plans which do not contain all information needed to clearly indicate the proposed construction, its use and its exact placement on the property, and a legal description sufficient to locate the property on the City's zoning map and County's Assessor's Parcel Map.

D. A fee set by resolution shall accompany the application. (Ord. 206 §1, 1981; Ord. 189 Art. 5 §1(A), 1980)

18.12.020 Denial of General Plan or zoning amendment, or discretionary permit—Effect.

In case an application for an amendment to this title, an amendment to the General Plan, design review permit, conditional use permit, tentative parcel map, tentative tract map (including vesting maps), or variance is denied, said application shall not be eligible for reconsideration for one year subsequent to such denial unless a new application affecting or including all or a part of the same property is substantially different from the application denied, in the opinion of the Planning Director or designee.. Appeal of the Planning Director or designee shall comply with the process set forth in Section 18.80.010. (Ord. 189 Art. 5 §7, 1980)

18.12.030 Conflicts—Request for Planning Commission review.

In any case, when interpreting and applying the provisions of this title, if the Planning Director or designee, or the applicant finds that there is an irreconcilable difference of opinion as to the intent or definition of any part of this title, either party may make a written request that the matter be reviewed and interpreted by the City Council. Once the written request is received, the matter shall be placed upon the agenda of the next regularly scheduled City Council meeting that falls more than 20 days after the written request was received. (Ord. 206 §1, 1981; Ord. 189 Art. 5 §7(B), 1980)

18.12.040 Notice of hearings.

A. Whenever the provisions of this title state that a public hearing shall be held on the applications for use permits, variances, appeals, amendments to this title, amendments to the General Plan, design review, tentative parcel map, or tentative tract map (including vesting maps), or changing the boundaries of any district, notices of public hearings shall be given by the body conducting such hearings in a manner conforming with the requirements of Sections 65090 through 65091 and Sections 65853 through 65857, inclusive, of Article 2 of the Government Code. In addition, the City may give notice of the hearing in such other manner as it may deem necessary or desirable.

B. Upon completion of publication or other notice as provided for in this section, the City Clerk shall cause an affidavit of such publication to be filed in the permanent records of the particular proceedings to which such notices pertain. (Ord. 189 Art. 5 §10, 1980)

SECTION 3. Chapter 18.20 of the Guadalupe Municipal Code regarding R-1 Single-Family is hereby amended to read as follows:

Chapter 18.20 R-1 SINGLE-FAMILY (LOW-DENSITY) RESIDENTIAL DISTRICT

18.20.020 Permitted uses.

Permitted uses in the R-1 district include:

- A. One single-family dwelling; the dwelling shall be of a permanent character, placed upon a permanent foundation, and shall not be a mobile home or other temporary or vehicular type of dwelling;
- B. Accessory buildings or uses, such as garages, patios, swimming pools or storage sheds, which are normally incidental to a single-family residence if constructed simultaneously with or subsequent to the main building on the same lot;
- C. The storage of recreational (trailer) vehicles within the rear yard provided that said vehicle is located a minimum of 5 feet from all property lines and structures;
- D. The storage of recreational (trailer) vehicles within the side yard (or street side yard of corner lots) provided that all of the design standards contained in Municipal Code Section 18.60.035 can be met;
- E. Group dwellings with 6 or fewer residents, such as boardinghouses, family care homes, rest homes, convalescent homes, or other similar residential uses, provided that there shall not be more than one residing occupant for each 500 square feet of land within the lot or parcel on which the dwellings are located. (Ord. 2014-426 §1; Ord. 2014-425 §1; Ord. 88-283 §2; Ord. 189 Art. 3 §1.2, 1980)
- F. Small family daycares.
- G. Large family daycares, provided that no large family daycare is closer than 300 feet from another.
- H. Home Occupations, consistent with the provisions of Section 18.55 (Home Occupations).
- I. Keeping household pets.

18.20.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit in the R-1 district include:

- A. A church, public or private elementary school, park, playground, public utility building or public building, along with required parking;
- B. Accessory buildings or uses normally incidental to a single-family residence, if constructed or installed prior to the main building on the same lot;

SECTION 4. Chapter 18.21 of the Guadalupe Municipal Code regarding R-1 (SP) Single-Family (Specific Plan) is hereby amended to read as follows:

CHAPTER 18.21 R-1 (SP) RESIDENTIAL SINGLE-FAMILY-LOW DENSITY (SPECIFIC PLAN)

18.21.010 Specific plan.

A final specific plan for the Point Sal Dunes residential development dated January 8, 1990 has been approved by the City Council. A final specific plan for the DJ Farms project dated September 27, 1993 has been approved by the City Council and amended on June 12, 2018 along with a Memorandum of Agreement, dated June 6, 2018, which regulates driveway parking on certain parcels of Lot 4 (FM 29,062). Future development in this zoning district must be consistent with the approved and adopted specific plan, unless the specific plan is amended as required by State law. (Ord. 93-324 § 1; Ord. 90-296 §3)

SECTION 5. Chapter 18.24 of the Guadalupe Municipal Code regarding R-1-M Single-Family (Medium-Density) is hereby amended to read as follows:

Chapter 18.24 R-1-M SINGLE-FAMILY (MEDIUM-DENSITY) RESIDENTIAL DISTRICT

18.24.050 Minimum lot area and dimensions.

Lots or parcels in the R-1-M district shall have a minimum area of 4,300 square feet. No lot shall contain less than 40 feet of lot frontage, except where a detached garage is served from an alley, where the minimum width shall be 35 feet. Minimum lot depth shall be 80 feet. On cul-de-sac lots, the required lot width must be provided within the front yard setback. (Ord. 196 §1, 1980; Ord. 189 Art. 3 §2.4(A), 1980)

SECTION 6. Chapter 18.28 of the Guadalupe Municipal Code regarding R-2 Multiple Dwelling (Medium-Density) is hereby amended to read as follows:

18.28 R-2 MULTIPLE DWELLING (MEDIUM-DENSITY) RESIDENTIAL DISTRICT

18.28.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit in the R-2 district include:

- A. Group dwellings with more than 6 residents, such as boardinghouses, family care homes, rest homes, convalescent homes, or other similar residential uses, provided that such a group dwelling shall not be located within 300 feet of the boundaries of a parcel containing another group dwelling, unless a conditional use permit is issued on the basis that waiver of such separation requirement would not be materially detrimental or injurious to the property, improvements or uses in the immediate vicinity. The dwelling shall not exceed one residing occupant for each 500 square feet of land in the lot or parcel on which the use is located.
- B. All multiple units in R-2 medium-density residential zones placed on one lot must be attached;
- C. Group dwellings with 6 or fewer residents, such as boardinghouses, family care homes, rest homes, convalescent homes, or other similar residential uses, provided that there shall not be more than one residing occupant for each 500 square feet of land within the lot or parcel on which the dwellings are located;
- D. Accessory buildings or uses, only if constructed simultaneously with, or subsequent to, the main building on the same lot;
- E. Public park or playground. (Ord. 2014-426 §2; Ord. 95-333 §§3—5; Ord. 189 Art. 3 §4.2, 1980)

SECTION 7. Chapter 18.32 of the Guadalupe Municipal Code regarding R-3 Multiple Dwelling (High-Density) is hereby amended to read as follows:

18.32 R-3 MULTIPLE DWELLING (HIGH DENSITY) RESIDENTIAL DISTRICT

18.32.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit in the R-3 district include:

- A. Mobile home parks or recreational vehicle parks;
- B. Mortuaries;
- C. A home occupation;
- D. Group dwellings with more than 6 occupants, such as hotels, motels, boardinghouses, family care homes, rest homes, convalescent homes or other similar residential uses, provided that such a group dwelling shall not be located within 300 feet of the boundaries of a parcel containing another group dwelling, unless a conditional use permit is issued on the basis that waiver of such separation requirement would not be materially detrimental or injurious to the property, improvements or uses in the immediate

vicinity. The dwelling shall not exceed one residing occupant for each 500 square feet of land in the lot or parcel on which the use is located;

E. Accessory buildings or uses normally incidental to one of the uses permitted above, if constructed or installed prior to the main building on the same lot. (Ord. 2014-426 §3; Ord. 189 Art. 3 §5.3, 1980)

SECTION 8. Chapter 18.37 of the Guadalupe Municipal Code regarding General Standards for Commercial and Light Industrial Development is hereby amended to read as follows:

18.37 GENERAL STANDARDS FOR COMMERCIAL AND LIGHT INDUSTRIAL DEVELOPMENT

18.37.010 - General Standards

D. All roof-mounted air conditioning or heating equipment, vents or ducts shall not be visible from any abutting lot, or any public street or right-of-way. This shall be accomplished through the extension of the main structure or roof or screened in a manner which is architecturally integrated with the main structure(s). If desired, the owner may incorporate appropriate landscape screening to be substituted or used in conjunction with a roof screening system, provided the screening is approved by the Planning Director or designee.

SECTION 9. Chapter 18.44 of the Guadalupe Municipal Code regarding General Industrial Standards is hereby amended to read as follows:

18.44 G-I GENERAL INDUSTRIAL

18.44.040 General standards.

The following standards shall apply to development in the General Industrial District, except as otherwise provided for in this code.

A. Outdoor uses (e.g., Box and container making or assembling, agricultural industries, lumber yards or lumber assembly, contractor storage yards, shipping and transportation, equipment rental, etc.) should generally be screened from public view in an appropriate manner.

B. There shall be no visible storage of motor vehicles, trailers, boats, or their composite parts; loose rubbish, garbage or junk, or their receptacles. No storage shall occur on any vacant parcel, unless first permitted by Planning.

C. Every parcel shall have a trash receptacle on the premises. The trash receptacle shall be screened on 3 sides by a solid enclosure 6 feet in height, and on the 4th side by a solid gate not less than 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures.

D. All roof-mounted air conditioning or heating equipment, vents or ducts shall not be visible from any abutting lot, or any public street or right-of-way. This shall be accomplished through the extension of the main structure or roof or screened in a manner which is architecturally integrated with the main structure(s). If desired, the owner may incorporate appropriate landscape screening to be substituted or used in conjunction with a roof screening system, provided the screening is approved by the Planning Director or designee.

SECTION 10. Adding Chapter 18.49 to the Guadalupe Municipal Code regarding PF Public Facilities and Institutional hereby reads:

CHAPTER 18.49 PF - PUBLIC FACILITIES AND INSTITUTIONAL ZONE DISTRICT

18.49.010 Purpose of district.

The PF district is designed and intended to provide for those uses and activities which serve the public and are generally conducted by government agencies or charitable and philanthropic nonprofit organizations.

18.49.020 Permitted uses.

- A. Governmental buildings and facilities designed for public use and accommodation;
- B. Public libraries, museums, schools, and colleges;
- C. Charitable and philanthropic institutions;
- D. Cemeteries, crematories or mausoleums;
- E. Water and wastewater treatment plants, substations and other public service facilities of a similar nature;
- F. Uses, buildings and structures incidental, accessory and subordinate to permitted uses;
- G. Churches;
- H. Student housing;
- I. Any uses which the City Council find to be similar to and within the intent and purpose of the PF district, that are no more obnoxious or detrimental to the public welfare, and are found by the City Council to be compatible with adjoining land uses, and which are of a comparable nature and of the same class as the uses enumerated above.

18.49.030 Accessory uses.

Premises in the PF (public facilities) district may be used for accessory uses, provided such uses are established on the same lot or parcel of land, are incidental to and do not substantially alter the character of any permitted principal use.

18.49.040 Development standards.

Development, uses and structures in the PF district are subject to the development standards set out in Sections 18.49.050 through 18.49.100.

18.49.050 Lot coverage.

No development shall cover in excess of fifty percent (50%) of the total area of the property (exclusive of public streets).

18.49.060 Height.

No building or structure shall exceed a height of three (3) stories or thirty-five (35) feet as measured from finished grade on the site, unless so authorized by the City Council, upon the approval of a Design Review Permit and making the finding that unique circumstances apply to the particular property or development proposed which justify an exception and which, if allowed, will nevertheless be compatible with adjoining properties.

18.49.070 Setbacks.

- A. Front yard: No building or structure shall be located closer than fifteen (15) feet to the right-of-way line of any public street.
- B. Required side yard is ten (10) feet.
- C. Required rear yard is ten (10) feet.

18.49.080 Project review.

A. No permit shall be issued for the grading of land nor for the construction, erection or moving of any buildings or structure, nor the use of any land in the PF district until a Design Review permit has been approved by the City Council. Three (3) copies of a Design Review application shall be submitted to the Planning Department and shall include the following:

1. A plot plan of the proposed development drawn to scale showing the boundaries of the property, topography, and a proposed grading plan; the width, location and names of surrounding streets; the location, dimensions and uses on adjacent property of all existing buildings and structures within fifty (50) feet of the boundary line of the subject property; the location, dimension, ground floor area, and uses of all existing and proposed buildings and structures on the subject property; landscaping, parking areas, including the size and number of parking spaces and the internal circulation pattern; signs, including location, size and height; pedestrian, vehicular and service ingress and egress; location, height and material of walls and fences; and a designation of the specific uses of the property;
 2. Schematic drawings and renderings to scale showing architectural design of buildings and structures proposed to be constructed;
 3. Statistical information including the following:
 - a. Acreage or square footage in the property,
 - b. Height, ground floor area and total floor area of each building,
 - c. Number of buildings on the site,
 - d. Building coverage expressed as a percentage of the total lot area,
 - e. Parking ratio, expressed as the number of parking spaces to the square footage of building area,
 - f. Area of land devoted to landscaping and/or open space usable for recreation purposes and its percentage of the total land area,
 - g. The sequence of construction of various portions of development,
 - h. A statement as to the source of water and method of waste water disposal.
- B. Upon receipt of a Design Review permit, together with the required supplemental data, the Planning Department shall transmit copies of the Design Review application to various City department for review. The Director or designee shall determine if the application is Complete or Incomplete for processing. If Incomplete, a letter will be transmitted within 30 days of application submittal and identify missing items and all items requiring revisions. If Complete, a letter will be transmitted indicating that the application is Complete and once the California Environmental Quality Act (CEQA) process is completed, a staff report will be prepared with recommendations to City Council. All departmental conditions shall be included with the staff report to City Council. The City Council shall consider the application and the recommendations of the staff and shall approve, conditionally approve, or disapprove the Design Review permit at a noticed public hearing per Section 18.12.040.

18.49.090 Parking.

For provisions on parking, see Chapter 18.60 of this title.

18.49.100 Signs.

For provisions on signs, see Chapter 18.51 of this title.

SECTION 11. This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), and the CEQA guidelines, and has been found to be exempt pursuant to §15306 of the CEQA Guidelines (Information Collection) because it does not have the potential to create a physical environmental effect.

SECTION 12. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance is held invalid, the City Council declares it would have adopted the remaining

provisions of this Ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this Ordinance should remain in effect after the invalid portion has been eliminated.

SECTION 13. The City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

INTRODUCED at a regular meeting of the City Council on the 11th day of September 2018, by the following roll call vote:

MOTION: ARISTON JULIAN / GINA RUBALCABA

AYES: 4 Councilmembers: Ramirez, Lizalde, Rubalcaba, Julian
NOES: 0
ABSENT: 0
ABSTAIN: 1 Councilmembers: Ponce

PASSED AND ADOPTED at a regular meeting of the City Council on the 9th day of October 2018, by the following roll call vote:

MOTION:
AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Joice Earleen Raguz, City Clerk


John Lizalde, Mayor

APPROVED AS TO FORM:


Philip F. Sinco, City Attorney

REPORT TO THE CITY COUNCIL

October 9, 2018



Prepared By:
Philip F. Sinco,
City Attorney



Approved By:
Cruz Ramos, City Administrator

SUBJECT: HOMELESS EMERGENCY AID PROGRAM (HEAP) DECLARATION OF SHELTER CRISIS

RECOMMENDATION:

That the City Council adopts a resolution declaring a “shelter crisis” in the County of Santa Barbara and its cities and approve the City’s efforts to partner with the County of Santa Barbara in applying for the Homeless Emergency Aid Program (HEAP) grant.

BACKGROUND:

The Homelessness Emergency Aid Program (HEAP) is a \$500 million block grant program designed to provide direct assistance to cities and counties to address the homeless crisis throughout California. HEAP is authorized by Senate Bill (SB) 850, which was signed into law by Governor Brown in June 2018.

The County of Santa Barbara is both the State recognized Administrative Entity on behalf of the Santa Maria/Santa Barbara County Continuum of Care (CoC) and the Lead Agency for the CoC, which enables the County to be the eligible applicant on behalf of the CoC to apply to the State for HEAP funds. This means that the City of Guadalupe cannot apply for the funding on its own; however, it can support the County of Santa Barbara and participate in the program.

HEAP will reimburse eligible costs associated with strategies which address immediate homelessness challenges, including, but not limited to, prevention, criminal justice diversion programs to homeless individuals with mental health needs, and emergency aid. An estimated allocation of \$9.385 million in HEAP funding is available for eligible homeless assistance within the jurisdictions served by the County of Santa Barbara’s CoC.

In order for the City of Guadalupe to be eligible for program funds that the CoC may receive under HEAP, Senate Bill 850 requires the governing body of each city and county within the local CoC to declare a “shelter crisis.” State Government Code 8698 defines a “declaration of

shelter crisis” as a “duly proclaimed existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety.”

Staff is recommending the adoption of a resolution that declares the existence of “an emergency shelter crisis” in the County of Santa Barbara and its cities to support the County’s intent to apply for HEAP funds on the CoC’s behalf.

HEAP legislation states applications for the first round of awards must be due to the State Business, Consumer Services, and Housing Agency (BCSHA) on or before December 31, 2018 with a first round of awards made by January 31, 2019. All funds are to be expended by June 2021.

DISCUSSION:

The attached resolution declaring the existence of a “shelter crisis” identifies data sources that document Santa Barbara County’s “shelter crisis” as required under SB 850. Data from the 2017 Point-In-Time count of homeless persons found 1,860 homeless persons on January 26, 2017. Of that number, 893 persons (48%) were unsheltered and living in a space unfit for human habitation, including a vehicle. The 2017 Homeless Inventory Count (HIC) of available beds for homeless persons, including emergency shelter, transitional, and permanent supportive housing beds, found that there were 531 emergency shelter beds and 370 additional ‘seasonal’ beds for a total of 901 shelter beds available during the same time period as the PIT. Also included in the resolution are homeless fatality statistics reported by County Public Health in the 2017 Homeless Death review Team report that reported forty-four (44) deaths of homeless persons in 2016, which is an increase of 47% compared to thirty (30) deaths reported in 2011.

The City of Guadalupe does not have a documented number of homeless persons residing within the City limits; however, some of the City’s residents are vulnerable to becoming homeless. HEAP funding includes grant funding for homeless prevention, and this funding could be helpful for the City of Guadalupe’s vulnerable residents. In order to have the opportunity to receive program funding, the Council must declare a “shelter emergency.”

Once the State has issued the HEAP Notice of Funding Availability (NOFA) expected in the 3rd quarter of 2018, the California Housing and Community Development (HCD) staff will issue a local NOFA to local housing and homeless services providers, and to local jurisdictions which have executed “declaration of shelter crisis” resolutions. At this time, the City of Guadalupe will have an opportunity to apply for a part of the funding the CoC receives.

ALTERNATIVE:

The City Council can decide not to “declare a shelter crisis” within the County of Santa Barbara and its cities; however, in not doing so, the City and any agency that operates and serves the City’s residents would not be eligible to receive HEAP grant funds.

FISCAL IMPACT:

Adoption of the proposed resolution will have no impact on the general fund.

CONCLUSION

Staff recommends that the City Council adopt Resolution No. 2018-64.

ATTACHMENT:

- 1) Resolution No. 2018-64 entitled "A Resolution of the City Council of the City of Guadalupe, California, Declaring the Existence of a Shelter Crisis Pursuant to SB 850 (Chapter 48, Statutes of 2018 and Government Code Section 8698.2.)"

RESOLUTION NO. 2018-64

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GUADALUPE, CALIFORNIA, DECLARING THE EXISTENCE OF A
SHELTER CRISIS PURSUANT TO SB 850 (CHAPTER 48, STATUTES
OF 2018 AND GOVERNMENT CODE SECTION 8698.2)**

WHEREAS, California's Governor Edmund G. Brown, Jr. and the members of the California Legislature have recognized the urgent and immediate need for funding at the local level to address homelessness; and

WHEREAS, the Governor and Legislature have provided funding to local governments under the Homeless Emergency Aid Program (HEAP) as part of the SB 850 and the 2018-19 Budget Act (Chapter 48, Statutes of 2018); and

WHEREAS, the Governor and Legislature require jurisdictions seeking an allocation through HEAP to declare a Shelter Crisis pursuant to Government Code 8698.2; and

WHEREAS, the City of Guadalupe finds that there are persons in the City of Guadalupe who are vulnerable to becoming unsheltered, and that the health and safety of unsheltered persons in the County of Santa Barbara and its cities is threatened by a lack of shelter; and

WHEREAS, the County's 2017 homeless Point-in-Time (PIT) Count found there were 1,860 homeless men, women, and children residing in the County, an increase of 4 percent from the 2015 PIT Count and that 893 of the 1,860 homeless persons are living without any shelter; and

WHEREAS, in 2017, the County's Public Health Department's Homeless Death Review Team reported 44 deaths in 2016 among people experiencing homelessness in the County, an increase of 47 percent compared to 30 deaths reported in 2011; and

WHEREAS, unauthorized homeless encampments are prevalent throughout the County, exposing homeless individuals to traffic hazards, crime, risk of death and injury, exposure to weather, lack of adequate sanitation and debris services, and other conditions that are detrimental to their health and safety.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Guadalupe, California that a shelter crisis pursuant to Government Code §8698.2 exists in the County of Santa Barbara and its cities, and authorizes the City's participation in the Homeless Emergency Aid Program.

SECTION 1. The City Council hereby finds that the above recitations are true and correct and, accordingly, are incorporated as a material part of this Resolution.

SECTION 2. The City Clerk is hereby directed to deliver a copy of the Resolution to the Santa Barbara County Community Services Department.

PASSED, APPROVED AND ADOPTED at a regular meeting on the 9th day of October 2018 by the following vote:

Motion:
AYES:
NOES:
ABSENT:
ABSTAIN:

I, Joice Earleen Raguz, City Clerk of the City of Guadalupe DO HEREBY CERTIFY that the foregoing Resolution, being **Resolution No. 2018-64**, has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held October 9, 2018, and that same was approved and adopted.

ATTEST:

Joice Earleen Raguz, City Clerk

John Lizalde, Mayor

APPROVED AS TO FORM:

Philip Sinco, City Attorney

REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE
Agenda of October 09, 2018



Presented by:

Cruz Ramos, City Administrator

SUBJECT: CITY COUNCIL CONSIDER COMMUNITY DEVELOPMENT BLOCK GRANT SUB-RECIPIENT AGREEMENT WITH RURAL COMMUNITY DEVELOPMENT CORPORATION OF CALIFORNIA (RCDCC)

RECOMMENDATION:

It is recommended that the City Council approve the Sub-Recipient Agreement (Contract) between the City and RCDCC.

BACKGROUND:

City staff arranged with RCDCC to reapply for a Community Development Block Grant (CDBG) to rehabilitate LeRoy Park and the community center in 2017. The application consisted of Public Facilities & Improvements, Youth Services and other Public Services, and a Community Resilience Planning grant, of which the Public Facilities/Improvements and a Community Resilience Planning process were approved for funding. The total funds awarded to the City by the California Department of Housing & Community Development (HCD) was \$4.5M

DISCUSSION:

Staff's recommendation of Rural Community Development Corporation of California (RCDCC) to be the contract administrator to manage the CDBG Contract (17CDBG12099) is based on CDBG expertise and knowledge of rural communities. Thomas Brandeberry, CEO of RCDCC has 15 years' experience at HCD, of which 6 years consisted of managing the State's CDBG program before retiring to start RCDCC. In addition to the level of expertise and knowledge of CDBG compliance requirements, RCDCC has engaged a *Civic Spark Fellow to be the day to day staff person housed at City Hall who will assist in the daily management of contract requirements and obligations to ensure compliance.

FISCAL IMPACT:

The City's grant amount of \$4.5M will cover planning, construction, administration and implementation of all related grant activities. The Civic Spark Fellow expenses will be fully funded by RCDCC. In addition, the City will be reimbursed for its share of the administrative costs, which is expected to be about sixteen percent of the allowable administration funds over the term of the grant (estimated \$50,000).

***CivicSpark**—a Governor’s Initiative AmeriCorps program dedicated to building capacity for local governments. CivicSpark Fellows complete research, planning, or implementation projects that provide local government agencies with the support they need to advance their sustainability and opportunity access initiatives.

ATTACHMENT

AGREEMENT WITH RURAL COMMUNITY DEVELOPMENT CORPORATION OF CALIFORNIA (RCDCC)

**CONTRACT BETWEEN THE CITY OF GUADALUPE
AND
RURAL COMMUNITY DEVELOPMENT CORPORATION OF CALIFORNIA (RCDCC)**

THIS AGREEMENT, is made and entered into as of this 9TH day of OCTOBER 2018 by and between the City of Guadalupe, California, hereinafter called "CITY", and the RURAL COMMUNITY DEVELOPMENT CORPORATION OF CALIFORNIA (RCDCC), hereinafter called a "SUBRECIPIENT".

1. CONTRACT WITH SUBRECIPIENT: The CITY hereby agrees to contract with the Subrecipient and the Subrecipient hereby agrees to perform the services under this agreement in accordance with the applicable federal and state CDBG regulations to complete CITY'S 2017 State of California CDBG Contract (17CDBG12099).
2. DURATION OF CONTRACT: This contract shall be for a period commencing on the date entered above and ending not more than four years later, or until all CDBG Contract closeout conditions have been met, whichever comes first.
3. RECORDS, REPORTS, AND EVALUATIONS: The Subrecipient agrees to prepare, retain, report and allow the City to inspect for purposes of evaluation, records as may be required by the City for program management purposes. Such records shall be limited to the scope of work in this contract.

Upon completion of this contract, or if terminated earlier, all records, reports, worksheets or any other materials related to this contract shall become the property of the City.

The rights of access and inspection provided in this paragraph shall continue until completion of the CDBG Contract conditions have been met with the Department of Housing and Community Development, CDBG Program.

The records shall be kept with the City, whenever possible, and all records shall be given to the City prior to the completion of the CDBG Contract Closeout process.

4. FINANCIAL REPORTS: The Subrecipient shall furnish the City with invoices with all supporting documents the City requires for payment.

5. CHANGES: The City may, from time to time, request changes in the scope of work of the Subrecipient to be performed hereunder. Such changes, including an increase or decrease in the amount of the Subrecipient allocation, must be incorporated as written amendments to this contract. These changes may include the waiver of certain rules and regulations where the City deems it appropriate.

6. TERMINATION FOR CONVENIENCE: The City may terminate this Subrecipient contract at any time by giving thirty (30) days written notice to the Subrecipient. The Contractor shall be entitled to payment for deliverables in progress, to the extent work has been performed satisfactorily. Subrecipient is entitled to terminate this Subrecipient contract, giving sixty (60) days written notice to the City.

7. TERMINATION OR SUSPENSION FOR CAUSE: The City may, after giving written notice terminate this contract immediately and payment in whole or part for cause. Cause shall include but not be limited to:

- (1) failure, for any reason, of the Subrecipient to fulfill in a timely and proper manner its obligations under this contract, including compliance with approved CDBG Contract conditions;
- (2) submission by the Subrecipient to the City, of reports that are incorrect or incomplete in any material respect;
- (3) ineffective or improper use of funds provided under this contract;
- (4) suspension or termination of the funds from the Department of Housing and Community Development, to the City, under which this contract is made, or the portion thereof delegated by this contract.

The City, where appropriate, may suspend the contract or payment from time to time in lieu of termination based on reasons indicated above. There may be a suspension of payment when a term of the contract has not been resolved by the next payment period.

If the Subrecipient is unable or unwilling to comply with such additional conditions as may be lawfully applied to the grant received from the City, the Subrecipient shall terminate this agreement by giving reasonable written notice to the City, signifying the effective date thereof.

In the event of any termination, or suspension, all property and finished or unfinished documents, data, studies, and reports purchased or prepared by the Subrecipient under this contract shall become the property of the City. The Subrecipient shall be entitled to compensation for any unreimbursed expenses reasonably and necessarily incurred in satisfactory performance of the contract. Notwithstanding the above, the Subrecipient shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of the contract by the Subrecipient and the City may withhold any reimbursement to the Subrecipient for the purposes of setoff until such time as the exact amount of damages due the City from the Subrecipient is agreed upon or otherwise determined. The City may authorize the Subrecipient to continue with its own funds for the project until a question is resolved with the understanding that a satisfactory resolution will cause the City to reimburse funds.

8. PROHIBITION AGAINST ASSIGNMENT: Subrecipient shall not assign any interest in this agreement, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the City.

9. LEGAL AUTHORITY: The Subrecipient assures and guarantees that it possesses the legal authority, pursuant to any proper, appropriate and official motion, resolution or action passed or taken, giving the Subrecipient legal authority to enter into this agreement, receive funds, authorized by this agreement and to perform the services the Subrecipient has obligated itself to perform under this agreement.

10. COMPLIANCE WITH FEDERAL, STATE AND LOCAL GUIDELINES: The Subrecipient hereby binds itself and its employees, certifies, and gives its assurance that it will comply with all federal and State regulations, policies, guidelines and requirements, as they relate to the CDBG Contract (17CDBG12099), acceptance and use of state and federal resources for the State CDBG assisted activities.

The Subrecipient further agrees to comply with applicable laws, ordinances, and codes of the State and federal and local governments.

11. DISCRIMINATION CLAUSE: The Subrecipient agrees to abide by the

requirements of the following as applicable: Title VI of the Civil Rights Act of 1964 and Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, Federal Executive Order 11246 as amended, the Rehabilitation Act of 1973, as amended, the Vietnam Era Veteran's Readjustment Assistance Act of 1974, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, the Fair Housing Act of 1968 as amended, and contractor agrees to abide by the requirements of the Americans with Disabilities Act of 1990. Subrecipient agrees not to discriminate in its employment practices, and will render services under this contract without regard to race, color, religion, sex, national origin, veteran status, political affiliation, or disabilities. Any act of discrimination committed by Contractor, or failure to comply with these statutory obligations when applicable shall be grounds for termination of this contract.

12. COMPLIANCE WITH APPROVED PROGRAM: All activities authorized by this agreement will be performed in accordance with the approved work program and time schedule as needed to meet the CDBG (17CDBG12099) Contract timeline.

13. COVENANT AGAINST CONTINGENT FEES AND CONFLICT OF INTEREST: The Subrecipient warrants that no person or selling agency or other organization has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warrant the City shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee, or to seek such other remedies as legally may be available.

No member, officer, or employee of the Contractor, or its designees, or agents, no consultant, no member of the governing body of the Subrecipient or the locality in which the work is situated, and no other public official of the Subrecipient or such locality or localities, who exercises or has exercised any functions or responsibilities with respect to the project during his or her tenure, shall have any interest, direct or indirect, in any contract or subcontract, or the

proceeds thereof, for work to be performed in connection with this agreement or in any activity or benefit, which is part of this agreement. However, upon written request of the Subrecipient, the City may agree in writing to waive a conflict (with State CDBG program approval) otherwise prohibited by this provision whenever there has been full public disclosure of the conflict of interest, and the City determines that undue hardship will result either to the Subrecipient or the person affected by applying the prohibition and that the granting of a waiver is in the public interest. No such request for waiver shall be made by Subrecipient which would, in any way, permit a violation local law or any charter provision of the Subrecipient.

14. SCHEDULE OF PAYMENT: In consideration of the various obligations undertaken by the Subrecipient pursuant to this contract, City agrees to provide the Subrecipient with contract funds in the amount of \$230,000, on a 30-day reimbursement basis, periodically as work is completed by the one Subrecipient, and in compliance with the CDBG Contract requirements.

15. PROGRAM INCOME: The Subrecipient will provide technical assistance in the use of the City's CDBG Program Income with the CDBG 17CDBG12099 Contract funded activities.

16. REMEDIES FOR DEFAULT: Any claim or controversy arising out of this agreement shall be resolved by the provisions of R.S. 39:1524 and 1525.

17. INSURANCE: Subrecipient shall procure and maintain for the duration of this Agreement, automobile insurance for bodily injury (including death) and property damage which provides total limits of not less than one million dollars (\$1,000,000) combined single limit per occurrence applicable to owned, non-owned and hired vehicles.

18. SCOPE OF WORK:

A. Subrecipient will complete all CDBG Contract (17CDBG12099) conditions, reporting requirements, and other requirements, within the timeframe of the Contract, to ensure the successful completion of all funded activities, with the regulatory requirement of the CDBG program, both State and federal.

B. To meet the above, the Subrecipient will complete all work listed in Exhibit A (Contract Administration), Exhibit B (LeRoy Park and Community Center Rehabilitation), and Exhibit C (Guadalupe Community Resilience Planning process).

19. INCURRING COST FOR PROJECT ACTIVITIES:

The use of grant funds paid to Subrecipient is conditioned upon the Subrecipient incurring costs in accordance with this agreement or as otherwise approved by the State in writing. The incurring of costs to be paid out of CDBG Contract funds shall be governed by the following:

A. All cost will be associated with work needed to complete requirements within the 17CDBG12099 Contract, within the budget as shown in Exhibit D.

B. Cost will include but not be limited to staff time, travel costs, and other necessary cost (see Exhibit D for budget) expenditures to complete the CDBG Contract requirements.

19. PROCEDURES FOR REQUISITIONING PAYMENTS: The Subrecipient will submit periodic invoices for work completed, as a reimbursement process.

IN WITNESS THEREOF, the parties hereto have executed this agreement this _____ day of October, 2018.

Contractor:

Tom Brandeberry,
President & CEO
Rural Community Development
Corporation of California (RCDCC)

City:

John Lizalde, Mayor
City of Guadalupe, California

Exhibit A

SCOPE OF WORK: Contract Administration

The Subrecipient (RCDCC) will ensure the City is informed of all Department CDBG contract requirements, will either complete the work for the City or provide Planning & Technical Assistance (PTA) to City staff on how to complete each required task.

1. REVIEW HCD CDBG CONTRACT AGREEMENT. The Subrecipient will review the Department CDBG contract to identify all requirements and key timelines and report back to the City all requirements, key dates, to ensure the City is fully aware of its obligations.
2. HCD CDBG CONTRACT BUDGET. The Subrecipient will develop a complete contract budget breaking all costs into the three primary categories (General Administration (GA), Activity Delivery (AD), and Activity Costs (AC)) by the three funded CDBG Activities, noted above. The Subrecipient will, as part of the Work/Cost for the LeRoy Park/Community Center, will further break out the Activity (construction) Cost into component parts of the project and the construction details cost by line item (see that activity's Scope of Work).
3. CDBG PUBLIC FILE. The Subrecipient will maintain the City's CDBG Public File, as required under federal and state regulations, for the period that the Department CDBG contract is active to ensure that need required documents are in the file, are up to date, and will be complete once all activities are complete. The Subrecipient will set up the file with required sections and maintain the file at the City's location of choice.
4. SPECIAL & GENERAL CONDITION CLEARANCE. The Subrecipient will complete all Department CDBG contract conditions to ensure the activities can move forward as timely as possible. The Subrecipient will review all condition and complete the clearance process using Department CDBG forms and procedures.

5. COMPLETE FUNDS REQUEST. The Subrecipient will review all invoice, and complete "Department CDBG Funds Request" forms before giving the invoices and Funds Request to the City for processing. The Subrecipient will maintain a master list of Funds Request(s) to assist the City in tracking funds for reimbursement from the Department.
6. GRANT CLOSEOUT. The Subrecipient will complete all paperwork and forms needed to close out all three funded activities and the Department CDBG contract.
7. HCD MONITORING. The Subrecipient will prepare the City for a monitoring visit, should the Department place the City on its monitoring schedule.
8. MONITORING SUBRECIPIENT (RCDCC). The City will be required to monitor The Subrecipient work. The Subrecipient will provide the City will monitoring options, provide monitoring tools, and train the City on the CDBG/HCD monitoring requirements. The City will determine their method of monitoring the Subrecipient and the Subrecipient will comply.
9. PERIODIC REPORTING. The Subrecipient will provide periodic reporting (in writing or in person) to the City, as requested by the City.

Exhibit B

SCOPE OF WORK FOR PUBLIC FACILITY IMPROVEMENT: LeRoy Park and Community

Center Rehabilitation Project

1. COMPLETE FINAL PLANS MEETING. The Subrecipient will complete a public meeting(s) that includes the City Council, City Staff and community stakeholders to present the initial plans for comment and possible alterations. This will include confirming the present park components and improvement to the community center. With consensus, the Subrecipient will move forward in completing the final plans, engineering plans, and site map.
2. FINAL PLANS/ENGINEERING PLANS. The Subrecipient will, with the hired Architect/Engineer, submit final construction plans, including engineering specifications, and site map to the City for Public Works approval.
3. ORGANIZE A GROUND-BREAKING EVENT. With City staff, the Subrecipient will organize a ground-breaking event at the LeRoy Park and Community Center to show the public/new media and the Department, what the final project will look like.
4. PUBLIC OUTREACH. The Subrecipient will use social media platform(s) to let the general public see the project progress as it is happening.
5. PROJECT CHECKLIST. The Subrecipient will create a checklist to track progress on the project for the City as each major Task is completed, ensuring compliance with the project timeline while keeping the City informed.
6. DETERMINE TIMELINES AND DELIVERABLES FOR THE PROJECT. The above checklist (#5) will include a timeline for deliverables, keeping the City informed on progress until project completion.
7. PROJECT REPORTING. The Subrecipient will make monthly reports to the City staff in writing and will Report by writing and/or orally to the City Council as needed.

8. PROJECT MANAGER. The Subrecipient, with directions from the City, will be the project manager on this project.
9. COMPLETE PROJECT SETUP AND COMPLETION REPORT. The Subrecipient will complete the Department's required Setup Report and Completion Reports within the Department's timeframe.
10. WORK/COST WRITE UP. The Subrecipient will develop the complete project work write up and line item cost breakdown to be used in the Seal Bid Process (see #12) below.
11. DAVIS BACON/STATE PREVAILING WAGE. The Subrecipient will ensure all Prevailing wage requirements are met. The Subrecipient will ensure there is an adequate Labor Compliance Officer and a Prevailing Wage Monitor, both of whom cannot be the same entity. The Subrecipient will procure and supervise, the consultant(s) needed to complete all prevailing wage (state and/or federal) requirements.
12. CONSTRUCTION SEAL BID PACKAGE. The Subrecipient will develop the Seal Bid Package, include all work items to be completed by the hired construction company, all federal regulatory overlays, local and state contracting requirements, timeline requirements, and construction company minimum experience requirements.
13. CONSTRUCTION BID MEETINGS. The Subrecipient will hold at least one Construction Bid Meeting.
14. CONSTRUCTION BID PACKAGES EVALUATION. The Subrecipient will submit a bid recommendation to the City for approval based on the scoring criteria stated in the Seal Bid Package.
15. CONSTRUCTION CONTRACT. The Subrecipient will draft a construction contract with all required federal, state, and local regulatory and legal requirements for City review and approval.
16. NEPA/CEQA. The Subrecipient will procure a consultant to complete all NEPA and CEQA requirement and coordinate with City staff on the required process, including

publication for noticing and signing documents. The Subrecipient will ensure that no "Choice Limiting Actions" are taken prior to the completion of the all environmental work.

Exhibit C

SCOPE OF WORK FOR RESILIENCE PLAN: Guadalupe Community Resilience Planning

Process

1. MEETINGS, OUTREACH, & COMMUNITY EVENTS: Subrecipient will organize and lead all Leadership Team Meetings, all Stakeholder Meetings, and all Community Events, with a minimum of three (3) of each.
2. PERSONNEL REQUIREMENTS: The City will ensure that at minimum one (1) city staff member and one (1) council member participate actively in the Leadership Team Meetings, all Stakeholder Meetings, and each Community Meeting.
3. OUTREACH METRICS: Subrecipient will develop a community survey(s) and collect all data from the survey and all meetings for the development of the Plan. The data and results will be stored for the City's access and reference.
4. TRAINING MATERIALS: Subrecipient will develop training materials on Rural Community Resilience to be presented to the Leadership Team, Stakeholders, and community events/organizations.
5. RESILIENCE PLAN MODIFICATION: **Subrecipient will** be the presiding editor of all versions of the plan and presentations within the scope of the plan until "finalized" by the Guadalupe City Council.
6. COMMUNITY PERSPECTIVE: **Subrecipient will** develop a longitudinal view of the City's future based on the outcomes of the survey(s), leadership, stakeholder, and community input. These will shape Guadalupe's community goals based on community feedback. The projective outlook is to provide a clear and realistic

perspective of what the city aspires to embody, in tune with community values and culture.

7. **COMMUNITY GOALS**: Subrecipient will develop the Plans' Goals based on the survey(s), leadership, stakeholder and community input. Subrecipient will also prioritize all goals based on community input.
8. **AUTHORING OF RESILIENCE PLAN**: Subrecipient will write the Guadalupe Community Resilience Plan
 - a. The purpose of the plan is to establish a vision of the Guadalupe Community as a resilient community. This will include:
 - i. A brief summary of the information gathered throughout the process
 - ii. An explanation of how resilience factors were prioritized
 - iii. The action plan itself, including timelines, responsibilities, necessary resources, and milestones
9. **PUBLIC OUTREACH**: Subrecipient will develop public outreach plan in coordination with the Leadership Team:
 - a. Develop community commitment through newspaper stories, service organizations, Resilience Team members, stakeholders, and both long-term and new community members. An emphasis will be placed on vulnerable, difficult to reach, and underserved populations.
 - b. Develop a community portal on the City of Guadalupe website, allowing public comments. RCDCC will continue updating this process.
 - c. Conduct interviews and/or focus groups including but not limited to:
 - i. One-on-one interviews
 - ii. Focus groups.
 - d. Hold Community Meetings:
 - i. Facilitate discussions and record discussion points, including shared views of resilience factors.

- e. Develop an online survey(s) including a printed version and distribute throughout the community ensuring that marginalize community members are targeted:
- f. All data gathered is to be organized and recorded. Tools will be developed for ease of access, completion, and availability for consultant(s) on the project.

Exhibit D

BUDGET

The following budget covers all scope of works listed in Exhibits A, B, and C, completed by the Subrecipient, for the period of this agreement. The budget covers both the Subrecipient staff and the CivicSpark Fellow(s). The budget represents the work to be done by the Subrecipient, for example, to procure consultants for environmental clearance and prevailing wage, but not the cost that the consultants will charge to complete their work. The budget is based on three years of work, and the active term of this Agreement.

	LeRoy Park	AD LeRoy Park	Planning	General Admin	Totals
CEO/Tom Brandeberry	\$0	\$22,000	\$36,000	\$60,000	\$118,000
Civic Spark Fellow	\$0		\$30,000	\$30,000	\$60,000
Travel	\$0		\$10,000	\$15,000	\$25,000
Planning Services	\$0		\$20,000		\$20,000
Indirect Costs	\$0	\$0	\$0	\$7,000	\$7,000
Totals	\$0	\$22,000	\$96,000	\$112,000	\$230,000

Budget Items	LeRoy Park Activity Funds	LeRoy Park Activity Devlery	Resilience Planning	General Admin	Total
	\$3,654,485	\$438,538	\$93,023	\$313,954	\$4,500,000
Civic Spark Fellow Travel			\$30,000	\$30,000 5,000	\$60,000 \$5,000
CEO/Brandeberry	\$	22,000	\$36,000	60,000	\$118,000
Indirect Costs			\$	7,000	7,000
Travel Planning Services	\$	-	10,000 20,000	10,000	20,000 \$20,000
TOTALS	\$	22,000	\$96,000	\$112,000	\$230,000
BALANCE Available	\$3,654,485	\$416,538	(\$2,977)	\$201,954	\$4,270,000

**REPORT TO CITY COUNCIL
Council Agenda of October 9, 2018**

KS
Prepared By:
Philip Sinco and Annette Munoz
City Attorney Finance Director

cur
Approved By:
Cruz Ramos, City Administrator

SUBJECT Measure A Funds Transferred to Solid Waste Fund

RECOMMENDATION Reprogram Measure A Funds for Street Sweeping Allocated to Solid Waste Fund to Reduce Deficit from FY 2013-14 to FY 2016-17 and Use for Other Permitted Purposes

BACKGROUND

At the 12/9/14 City Council meeting, the prior City Administrator presented Resolution 2014-71 to the City Council directing staff to:

- 1.) Begin the Proposition 218 process to increase the City's Solid Waste Rates over six years to reduce the deficit in the Solid Waste Fund.
- 2.) Begin Negotiations with Waste Management, to have that company process customer billing for Solid Waste instead of the City.

Council approved Resolution 2014-71 at the 12/9/14 Council meeting.

Why was this necessary?

The Solid Waste Fund (SWF) had an ongoing deficit fund balance since 2001/02. In December of 2014 the deficit fund balance was projected to grow to \$403,381 over the next three years if no solid waste rate increases took place.

In every audit since June 30, 2005, the auditors have advised the City of the need to increase solid waste collection rates so as to eliminate the negative fund balance. The following is what is written in the audit findings for the June 30, 2016 audit:

Condition: the Solid Waste Fund has an ending net deficit of (\$95,135) for the year ended June 30, 2016. Although the fund had net income during the years ended June 30, 2016 and 2015, it has experienced net losses in previous years and its total liabilities exceed total assets. Note this is a repeat finding from the years ended June 30, 2005 through 2015.

Effect: Although the City has balanced the budget for the Solid Waste Fund by implementing fee increases, the Fund has a negative net position that will need to be recouped with net income.

Recommendation: The City should continue to ensure that the Solid Waste fund remains solvent by requiring an operating budget that plans to recoup the net deficiency.

City Response: The City's plan to decrease the net deficiency is evidenced by Resolution 2015-430, "Affirming, Revising and Setting Fees and Rates for Garbage Collection Services." This five-year plan was implemented on June 1, 2015 for the first 6% increase with subsequent 3% increases beginning August 1, 2015 and every year thereafter for the next four years. With this plan in place the deficit will continue to decrease over time.

The purpose of Resolution 2015-430 in the City's response was to reduce the deficit in the Solid Waste Fund.

Where are we now?

The deficit in the Solid Waste Fund has been reduced to a positive position earlier than expected.

As of August 31, 2018, the Solid Waste Fund balance is positive by \$11,542.03. The five-year deficit reduction per resolution 2015-430 (above) was expected to end after the last surcharge increase on August 1, 2019.

How did this occur?

To help reduce the Solid Waste Fund deficit the following activity took place beginning in 2013:

- 1.) In January of 2013, per the Interim City Administrator, a monthly transfer began from Measure A to the Solid Waste Fund for street sweeping services provided by Waste Management. This occurred because the City was no longer able to provide street sweeping services to residents due to obsolete equipment and inadequate funds.¹
- 2.) In February 2015, a five-year plan was adopted by Council per resolution 2015-430 (above) to reduce the deficit.
- 3.) In FY 14-15 and FY 15-16, Waste Management made payments to the Solid Waste Fund to cover billing errors.

As of August 1, 2016, Waste Management took over the billing for solid waste services. The transfer for street sweeping services was discontinued as of July 31, 2016. Waste Management is now fully engaged in all responsibilities of providing solid waste services, customer billing and street sweeping services to the City of Guadalupe as an outside contractor.

¹ It should be noted that Council was not informed and allowed to decide if Measure A funds should be transferred to the Solid Waste Fund for street sweeping once the City no longer performed street sweeping services.

DISCUSSION:

Staff believes that while the Interim City Administrator's decision to use Measure A funds previously designated for street sweeping to pay down the deficit in the Solid Waste Fund (SWF) may have been a justifiable one at the time, this decision should have been made by the City Council rather than at staff level. However, the justification for this decision ceased to exist when the City Council imposed increases to solid waste collection rates and the surcharge to reduce the deficit in the Solid Waste Fund (without the Council being informed about the transfer of Measure A funds).

For this reason, staff recommends that the Council adopt proposed Resolution No. 2018-63 directing staff to reprogram \$97,996 in Measure A funds by notifying SBCAG (the Santa Barbara County Association of Governments) which oversees the collection and distribution of Measure A funds for recipients, including the City, that these funds will be used for other permitted purposes. The City has control over how it wishes to spend its Measure A funds, provided they are spent on permissible uses for these funds (which does include street sweeping expenses), so notifying SBCAG of the reprogramming of these funds for another (permissible) purpose is sufficient to accomplish this.

This resolution also directs staff to process a prior period adjustment after SBCAG has been notified of the reprogramming of the Measure A funds and transfer the \$97,996 to the Measure A Fund. These funds will be included in the City Engineer's next Program of Projects for Measure A, which is anticipated will be brought to the City Council for approval in March 2019 and then forwarded to the SBCAG Board for adoption in the Measure A Program of Projects.

FISCAL IMPACT:

Reprogramming the Measure A funds used to reduce the deficit in the Solid Waste Fund from January 2013 to July 2016 will result in additional Measure A funds for the City to use for permitted purposes.

CONCLUSION

Staff recommends that the City Council adopt Resolution No. 2018-63.

ATTACHMENTS:

Resolution 2018-63 Authorizing the Reprogramming of Measure A Funds Designated for Street Sweeping from FY 2013-14 to FY 2016-17 for Another Permissible Purpose.

RESOLUTION NO. 2018-63

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY GUADALUPE
AUTHORIZING THE REPROGRAMMING OF MEASURE A FUNDS DESIGNATED FOR
STREET SWEEPING FROM FY 2013-14 TO FY 2016-17 FOR ANOTHER PERMISSIBLE
PURPOSE**

WHEREAS, prior to February 27, 2013, the City performed its own street sweeping services; and,

WHEREAS, thereafter, the City's solid waste franchisee, Waste Management, performed street sweeping services as part of an amended franchise agreement; and

WHEREAS, at that time, the Solid Waste Fund had a significant deficit dating back to FY 2001-02, and possibly, to help reduce this deficit, Measure A funds designated for street sweeping were transferred to the Solid Waste Fund on an annual basis beginning in January 2013 and continued until July 2016 when the transfer of Measure A funds was discontinued; and

WHEREAS, the City Council had approved a rate increase for solid waste collection fees on February 14, 2015, which included a "surcharge" to reduce the deficit in the Solid Waste Fund in full compliance with Proposition 218's requirements for rate increases; and

WHEREAS, the use of Measure A funds designated for street sweeping to reduce the deficit in the Solid Waste Fund was made at the staff level without Council's approval, and was never disclosed to the Council, including during the Council's consideration of the rate increase; and

WHEREAS, the Council has the authority to determine how the City's Measure A funds should be used and allocated.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Guadalupe as follows:

SECTION 1. City staff is directed to identify the Measure A funds designated for street sweeping and used to reduce the deficit in the Solid Waste Fund (\$97,996) and reprogram them for other uses consistent with the requirements of Measure A by informing the Santa Barbara County Association of Governments (SBCAG) that these funds previously designated for street sweeping from FY 2013-14 to FY 2016-17 will be used for other purposes consistent with the requirements of Measure A.

SECTION 2. After SBCAG is informed that these funds will be reprogrammed for other permissible uses, City staff will prepare a prior period adjustment to transfer these funds from the Solid Waste Fund to the Measure A Fund, and the City Engineer will include these funds in his next Program of Projects for Measure A, which is anticipated will be brought to the City Council for approval in March 2019 and then forwarded to the SBCAG Board for adoption in the Measure A Program of Projects.

PASSED, APPROVED AND ADOPTED at a regular meeting on the 9th day of October 2018 by the following vote:

Motion:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Joice Earleen Raguz, City Clerk of the City of Guadalupe DO HEREBY CERTIFY that the foregoing Resolution, being **Resolution No. 2018-63**, has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held October 9, 2018, and that same was approved and adopted.

ATTEST:

Joice Earleen Raguz, City Clerk

John Lizalde, Mayor

APPROVED AS TO FORM:

Philip Sinco, City Attorney

REPORT TO THE CITY COUNCIL
October 9, 2018



Prepared by:
Larry Appel, Contract City Planner



Approved by:
Cruz Ramos, City Administrator

SUBJECT: PUBLIC HEARING TO CONSIDER A SECOND AND FINAL ONE-YEAR TIME EXTENSION OF THE PIONEER STREET APARTMENTS, 2015-012-CUP(TE2) FROM OCTOBER 27, 2018 TO OCTOBER 27, 2019

EXECUTIVE SUMMARY:

The applicant received a one-year time extension at the City Council meeting on September 11, 2018 which extended the life of the project to October 27, 2018. Under the provisions of the Design Review section of the Guadalupe Municipal Code, this project is entitled to request a second and final one-year time extension. An application for a second time extension was filed September 14, 2018. If approved, the project would have until October 27, 2019 to be issued a building permit as well as begin construction. If this second time extension is not approved, then this CUP will expire on October 27, 2018.

RECOMMENDATION:

It is recommended that the City Council:

- 1) Receive a presentation from staff (Philip Sinco, City Attorney); and
- 2) Conduct a public hearing to accept comments regarding the requested time extension; and
- 3) Adopt Resolution No. 2018-62 and extend 2015-012-CUP (TE2) to October 27, 2019.

FISCAL IMPACT:

There are no obvious fiscal impacts to the City through Council action to extend the expiration date of this permit.

BACKGROUND:

The original project was submitted to the City on March 11, 2015. After being processed by the previous Contract City Planner, a project was brought to the City

Council where it was approved on October 27, 2015. In February 2016, the applicant submitted a building permit application to the Building Department and began the plan check process. Permits were never issued so this final extension is required to keep the CUP active.

DISCUSSION:

Utilizing a conditional use permit, Section 18.32.030 (General Commercial) allows ground floor residential units to be permitted where they would normally not be allowed. However, there are no guidelines under the General Commercial chapter nor the CUP chapter by which to evaluate the development of residences. The planner therefore must utilize the Design Review section of the ordinance (Section 18.73) to obtain Procedures, Components of Review, and Findings necessary to effectively evaluate the request for housing in the General Commercial zone district. Resolution No. 2015-49 included Design Review Findings for approval along with the CUP Findings in the original approval.

This hearing is considered *de novo* which means that the City Council must consider this request as a new hearing. Council has the option of approving, denying, continuing, or modifying the permit request, including modifying Conditions of Approval. In this case, staff is recommending approval of the original project utilizing the original Findings. Condition #5 was modified with the first time extension and that modified wording is carried forward into this second time extension. No modifications are being requested by the applicant or staff.

ENVIRONMENTAL REVIEW:

The environmental impacts of the project were adequately addressed in a Mitigated Negative Declaration prepared as part of 2015-012-CUP. The mitigation measures were included as conditions of approval. No further environmental review is required.

PUBLIC NOTICE:

Staff published the required legal ad in a newspaper of general circulation on or before September 28, 2018.

ATTACHMENT:

1. Resolution No. 2018-62

RESOLUTION NO. 2018-62

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE,
CALIFORNIA, APPROVING A SECOND AND FINAL ONE-YEAR TIME EXTENSION
TO 2015-012-CUP(TE2) FOR THE PIONEER STREET APARTMENTS
DEVELOPMENT PROJECT**

WHEREAS, Katherine Simoulis (the “Applicant”) submitted on March 11, 2015, an application to the City of Guadalupe to construct a 34-unit, three-story apartment complex. The project site is located at 856, 864, and 872 Pioneer Street (APNs 115-092-001, and 115-092-025), in the City of Guadalupe; and

WHEREAS, the City Council held a duly-noticed public hearing on October 27, 2015 and after taking public testimony and hearing evidence from City staff, the City Council found, pursuant to the Findings attached to this resolution as Exhibit 1 and subject to the project’s Conditions of Approval attached to this resolution as Exhibit 2 (as amended with the revision to General Condition No. 5), that the approval of the Conditional Use Permit, is consistent with the City’s General Plan and applicable Articles of the City’s Municipal Code; and

WHEREAS, the Applicant submitted on July 30, 2018, an application to extend the time for one-year to allow issuance of a building permit for the subject project on or prior to October 27, 2018; and

WHEREAS, the City Council has considered the entire administrative record, including application materials, staff report, the Final Initial Study-Mitigated Negative Declaration prepared in accordance with the California Environmental Quality Act, and oral and written testimony from interested persons along with this Resolution No. 2018-53 and approved 2015-012-CUP(TE) on September 11, 2018; and

WHEREAS, the Applicant submitted on September 14, 2018, an application to extend the time for one year to allow issuance of a building permit for the subject project on or prior to October 27, 2019; and

WHEREAS, the City Council has considered the entire administrative record, including application materials, staff report, the Final Initial Study-Mitigated Negative Declaration prepared in accordance with the California Environmental Quality Act, and oral and written testimony from interested persons along with this Resolution No. 2018-62; and

WHEREAS, the City Council finds that a second and final one-year extension of the Conditional Use Permit would be consistent with the City’s General Plan, the provisions of Title 18 (Zoning Code) of the Guadalupe Municipal Code; and the required findings have been made, including findings pursuant to the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Guadalupe does hereby find and determine as follows:

- Section 1. The Findings set forth in Exhibit 1 to this Resolution are true and correct in regards to the time extension for the Conditional Use Permit, which are hereby adopted and incorporated herein by this reference.
- Section 2. The Final Initial Study - Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program remains valid and continues to meet all of the requirements of the California Environmental Quality Act.
- Section 3. The Conditional Use Permit is extended for one year through October 27, 2019, subject to the Conditions of Approval, set forth in Exhibit 2 of this Resolution.
- Section 4. The City Council Secretary shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 9th day of October, 2018 on motion of Councilmember _____, seconded by Councilmember _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF GUADALUPE

John Lizalde, Mayor

ATTEST:

Joice Earleen Raguz, City Clerk

APPROVED AS TO FORM:

Philip F. Sinco, City Attorney

**FINDINGS FOR TIME EXTENSION APPROVAL
CONDITIONAL USE PERMIT NO. 2015-012-CUP(TE2)
PIONEER STREET APARTMENTS DEVELOPMENT PROJECT**

1.0 CEQA Findings

1.1 CONSIDERATION OF THE MITIGATED NEGATIVE DECLARATION AND FULL DISCLOSURE

The City Council has considered the Final Initial Study – Mitigated Negative Declaration together with the Mitigation Monitoring and Reporting Program. The Final Initial Study-Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council and has been completed in compliance with CEQA, and is adequate for this proposal.

1.2 FINDING OF NO SIGNIFICANT EFFECT

On the basis of the whole record, including the Final Initial Study-Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and any comments received on the project, the City Council finds that through feasible mitigation measures and conditions of approval placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated and on the basis of the whole record there is no substantial evidence that the project will have a significant effect on the environment.

1.3 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the City of Guadalupe, 918 Obispo Street, Guadalupe, CA 93434.

1.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the City to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects to the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby made as the reporting and monitoring program for this project. The monitoring program is designed to ensure permit compliance during project implementation.

2.0 Administrative Findings

2.1 DESIGN REVIEW PERMIT FINDINGS

Pursuant to City of Guadalupe Municipal Code, Section 18.73.100, the following findings can be made:

- A.) *The buildings, structures, and landscaping are appropriate and of good design in relation to other buildings, structures, and landscaping on-site or in the immediate vicinity of the project.*

The architectural style is Spanish Mission style with low-pitched red tile roofs, white stucco walls, red trim, decorative black metal railings, and a mix of arched and rectangular windows. Proposed landscaping throughout the project site includes a mix of ornamental, drought-tolerant plants. Landscaping along Pioneer Street, once grown to maturity, would partially screen Buildings A and B and the parking lot from Pioneer Street and from the site in between the two parcels; the landscaping would also soften the appearance of these structures. The colors, materials, and design of the proposed project are of good design in relation to development in the immediate vicinity of the project. The project conforms to the standards within the Downtown Design Guidelines. Therefore, the proposed project is consistent with this finding.

- B.) *That the development will be compatible with the neighborhood, and its size, bulk and scale will be appropriate to the site and the neighborhood.*

The proposed three story apartment complex is compatible with the existing two and three story structures in the Central Business District. The proposal is the first proposal on Pioneer Street since the expansion of the Central Business District in 2002. While the proposed project would be relatively larger in size, bulk, and scale than the existing surrounding development to the north, west, and south; the City's objective is for the area to transform. Therefore, the proposed project is consistent with this finding.

- C.) *There is harmony of material, color, and composition of all sides of a structure or buildings as well as consistency and unity of composition and treatment of exterior elevation.*

The architectural style is Spanish Mission style with low-pitched red tile roofs, white stucco walls, red trim, decorative black metal railings, and a mix of arched and rectangular windows. The overall design is balanced and unified. Therefore, the project is consistent with this finding.

- D.) *Any mechanical or electrical equipment is well integrated into the total design concept and screened from public view to the maximum extent practicable.*

Mechanical Equipment (water heaters) will be located inside the building and will not be visible from view. No roof mounted condensers or equipment are proposed. Only heater vent pipes would be visible from the exterior. If a pad mounted transformer is required, it would be located between the front of the building and the street and screened with shrubbery and landscaping. Therefore, the project is consistent with this finding. .

- E.) *All visible on-site utility services are appropriate in size and location.*

The water, wastewater, and drainage, will be underground and thus will not be visible from the adjacent public roadways or adjacent residential neighborhood. If a pad mounted electrical transformer is required, it would be screened with shrubbery and landscaping. Therefore, the proposed project is consistent with this finding.

- F.) *The grading will be appropriate to the site.*
Minimal grading will be required for project development. It is expected to balance on site with the possibility of exporting some materials due to the development of a retaining wall as the eastern end of the site. Therefore, the project is consistent with this policy.
- G.) *Adequate landscaping is provided in proportion to the project and the site with due regard to the preservation of existing trees, and existing native vegetation, and adequate provision will be made for the long-term maintenance of such landscaping.*
A professional landscape plan was developed, reviewed and approved by the previous Contract City Planner which will ensure that adequate screening is provided for the new development. Therefore, the project is consistent with this policy.
- H.) *The development will not adversely affect significant public scenic views.*
The only public scenic views are to the west through the adjacent farmland and on to the dunes. No existing development would be impacted by the development of the proposed apartment buildings. Therefore, the project is consistent with this policy.
- I.) *All exterior site, structure and building lighting is well-designed and appropriate in size and location.*
All parking lot lighting would be contained between the two proposed three-story apartment buildings. Small wall-mounted patio and balcony lights would be utilized within the renter's private exterior space. These lights would not impact the local residents. Therefore, the project is consistent with this policy.
- J.) *The proposed development is consistent with any additional design standards as expressly adopted by the City Council.*
No added design standards were required by City Council prior to approving the original project on October 27, 2015. Therefore, the project is consistent with this policy.
- K.) *The project architecture will respect the privacy of neighbors and is considerate of solar access.*
Small patios and balconies have been designed into this project to provide private open space for the renters. Given the small size of these areas, residents would most likely not spend much time, therefore the privacy of neighbors would be respected. No solar access exists on any of the adjacent homes and likely would not be developed as the homes are very old and would more likely be torn down for redevelopment rather than have solar installed. Therefore, the project is consistent with this policy.
- L.) *The project will provide for adequate street design and sufficient parking for residents and guests in a safe and aesthetically pleasing way.*

The development provides 54 parking spaces for residents and guests, three more spaces than required by the zoning ordinance. Access onto Pioneer Street has been designed such that there is adequate line-of-sight for ingress and egress. Therefore, the project is consistent with this policy.

M.) *The proposed development as shown on the project plans is in conformance with all applicable policies of the General Plan and the requirements of this title. (Ord. 2008-393 §1)*

The project is consistent with applicable policies of the General Plan as enumerated in the response below (CUP Findings A). Therefore, the project is consistent with this policy.

2.2 CONDITIONAL USE PERMIT FINDINGS

Pursuant to City of Guadalupe Municipal Code, Section 18.72.050, a Conditional Use Permit shall be approved only if all of the following findings can be made:

A. *The project is consistent with the General Plan.*

The project is consistent with the following applicable General Plan policies:

8. *The City will encourage residential activity above compatible office and retail uses in the Central Business District.*

While no office or retail uses are proposed as part of the residential proposal, the project does not preclude future conversion to a mixed use development. The three-story project could be converted to accommodate both commercial and residential units if market forces warrant. Due to the current shortage of market-rate rental housing units in the region, as demonstrated by a continued increase in rental values¹, the 34-unit apartment complex is an appropriate use for the site. Therefore, the project is consistent with this policy.

10. *The City will work to strengthen its partnership with the private sector to protect and expand the economic viability of the downtown.*

The construction of the 34-unit apartment complex will expand the economic viability of the downtown. The addition of approximately 149 new residents to the downtown area would increase the customer base for existing downtown restaurants and shops and will generate demand for increased services within walking distance of the apartment complex. Therefore, the project is consistent with this policy.

11. *The City will reserve the Central Business District for uses which primarily provide retail and service businesses which serve the entire community and visitors.*

¹ Rupert, Peter. Santa Barbara Economic Summit. University of California, Santa Barbara Economic Forecast Project Presentation. April 30, 2015.

The project site was added to the CBD to facilitate off street parking behind existing stores fronting Guadalupe Street and to encourage larger scale commercial development. Since the adoption of the General Plan, there has been less demand for off-street parking and large scale commercial development in the CBD as previously anticipated. Increasing the residential population in the CBD is expected to generate increased demand for goods and services provided by existing CBD retailers, which would strengthen the CBD economy overall. Therefore, the project is consistent with this policy.

- B. The project would not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.*

The apartment complex will not be detrimental to the neighborhood. The site is vacant, and no residents will be displaced as a result of project construction. The site was previously developed with a multi-family residential use, and a multifamily residential complex is adjacent to the site. The other surrounding properties are developed with residential uses. The Initial Study Mitigated Negative Declaration prepared for the project determined that with the incorporation of mitigation, the project will result in no impacts or less than significant impacts pertaining to issues of health, safety, and comfort (i.e., aesthetics, geology, hazards, and noise). The City's infrastructure, including streets, water systems, and wastewater systems, have the capacity to support the proposed project. Therefore, the proposed project is consistent with this finding.

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 2015-012-CUP(TE2)
PIONEER STREET APARTMENTS PROJECT**

GENERAL CONDITIONS

1. Subject to the conditions set forth below, this permit authorizes the improvements and uses requested by Case No. 2015-012-CUP(TE2) and shown in the project plans on file with the City of Guadalupe. Any deviations from the project description in the staff report, exhibits or conditions must be reviewed and approved by the City of Guadalupe for conformity with this approval. Deviations may require changes to the permit to be approved and/or further environmental review. Deviations without the above-described approval will constitute a violation of the permit approval.
2. Approval of this Conditional Use Permit is not valid until the property owner or authorized agent signs this list of conditions agreeing to the terms and Conditions of Approval.
3. The Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicants expense, City and City's agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of this permit or to determine the reasonableness, legality or validity of any condition attach hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and city will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligation of this condition. Applicant's acceptance of this permit approval or commencement of construction or operations under the approval shall be deemed to be acceptance of all conditions of approval.
4. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threaten to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.
5. This project was processed as a CUP as well as a Design Review (DR) since all Procedures, Components of Review and Findings were utilized through the DR chapter to evaluate and approve the project. As such, the time limits follow Section 18.73.120 which allows for an initial two-year approval followed by two one-year time extensions. The CUP was simply used to allow the development of ground-level residential units within the General Commercial zone district.

6. In accordance with Section 18.72.140 of the City Municipal Code, this Conditional Use Permit may be revoked by the City Council if any of the conditions or terms of such permits are violated.

PUBLIC WORKS DEPARTMENT CONDITIONS

7. The applicant shall comply with all requirements of the Guadalupe Public Works Department, including but not limited to encroachment permits for any construction within the City's public right-of-way and all current National Pollution Discharge Elimination System (NPDES) requirements to limit discharge of storm water during construction.

CITY ENGINEER CONDITIONS

8. The following conditions shall be completed to the satisfaction of the City Engineer prior to issuance of certificate of occupancy for the project, unless otherwise stated herein or as agreed by the City Engineer:
 - a. All engineering submittals prepared by the applicant's engineer shall be signed and sealed by a California licensed civil engineer.
 - b. All plans shall be prepared in conformance with the Conditional Use Permit and Environmental Documents.
 - c. All public improvements shall be constructed in accordance with the City of Santa Maria Standard Specifications and Drawings, or as directed by the City Engineer. The public improvements shall be approved by the City Engineer prior to construction.
 - d. The project shall comply with all Municipal Separate Storm Sewer System (MS4) requirements to the extent compliance is required as part of this project. Low impact development, best management practices and similar regulations and guidelines shall be met. The design shall be in compliance with The Santa Barbara County Post Construction Requirements, Stormwater Technical Guide, and all future updates.
 - e. Geotechnical Report. A site-specific geotechnical investigation report shall be prepared as part of final project design, and its recommendations for seismic design parameters per UBC code shall be incorporated into the proposed project design. This report shall include an in-depth study of the site-specific geologic conditions, including a liquefaction hazard analysis. Measures to reduce impacts would include ground improvement such as soil mixing, excavation and recompaction, soil densification, pile supported structures, etc. The use of specific measures will depend on soil type and stratigraphy, which will be determined during final design.

- f. The project applicant, or his/her representative, shall file a lot merger application with the City of Guadalupe Planning Department. The merged lots shall be configured in a manner deemed acceptable by the City Engineer. Prior to the issuance of a certificate of occupancy, the lot merger application shall be reviewed and approved by the City Engineer.

PLANNING DEPARTMENT CONDITIONS

9. Prior to issuance of the building permit, all conditions of approval shall be printed in their entirety on applicable pages of final construction plans submitted to the City.
10. Prior to issuance of a building permit, the applicant shall pay all applicable permit processing and/or plan check fees in full.

SPECIAL CONDITIONS

11. **Halt Work Order for Archaeological or Paleontological Resources.** In the unexpected event archaeological or paleontological resources are unearthed during project construction, all earth disturbing work within the project area of potential effect (APE) must be temporarily suspended until an archaeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume. A Native American representative should monitor any archaeological field work associated with Native American materials.
12. **Geotechnical Report.** A site-specific geotechnical investigation report shall be prepared as part of final project design, and its recommendations for seismic design parameters per UBC code shall be incorporated into the proposed project design. This report shall include an in-depth study of the site-specific geologic conditions, including a liquefaction hazard analysis. Measures to reduce impacts would include ground improvement such as soil mixing, excavation and recompaction, soil densification, pile supported structures, etc. The use of specific measures will depend on soil type and stratigraphy, which will be determined during final design and shall be subject to review and approval by the City Engineer prior to the issuance of building permits.
13. **Restricted Construction Hours.** Construction activity shall be limited between the hours of 7:00 AM and 5:00 PM Monday through Friday and no work shall be permitted on Saturday, Sunday, or holidays.
14. **Temporary Sound Barriers and Sound Blankets.** The construction contractor shall use temporary sound barriers rated to STC25 or higher and/or sound blankets to buffer construction sound along the portions the western, eastern, and southern boundaries of the project site adjacent to existing sensitive uses. Temporary sound barriers shall be placed such that the line-of-sight between the ground level construction and adjacent sensitive land uses is blocked.

15. **Equipment Mufflers.** The construction contractor shall implement the use of residential-grade mufflers on all construction equipment.
16. **Stationary Equipment and Equipment Staging.** All equipment staging and stationary construction equipment shall be located as far as practical from the adjacent occupied properties.
17. **Electrically-Powered Tools and Facilities.** To the extent practical, electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.
18. **Stairwell Access.** Two stairwells, constructed per Uniform Building Code and City of Guadalupe Fire Department requirements, shall be provided to all floors and roofs of each building. Stairwells, landings, and doorways shall remain clear of furniture and other obstacles at all times. The Fire Department may conduct annual inspections to ensure that the stairwells are structurally sound and safe. Stairwells shall be depicted on building plans and shall be reviewed and approved prior to issuance of building permits.
19. **Public Safety Impact Fee.** The project applicant shall contribute the necessary funding for emergency equipment and facilities to serve the proposed structures. The applicant shall pay the required public safety fees to the City of Guadalupe as deemed necessary by the City of Guadalupe Fire Department prior to issuance of a certificate of occupancy.
20. **Water Development Impact Fee.** The City of Guadalupe shall purchase additional State Water to provide adequate water service for the future infill demand, including the Pioneer Street Apartments development. To facilitate purchase of additional water, the applicant shall pay a one-time water development impact fee to the City of Guadalupe in an amount of \$2,500 per AFY or a total of \$25,000 (Central Coast Water Authority estimated cost) prior to the issuance of the first certificate of occupancy.

Applicant's Consent to Abide by the above Conditions of Approval

Signature Date

Printed Name Title