

7a.

**REPORT TO THE CITY COUNCIL
September 13, 2016**

Liviana M. Escobar for Jerry

**Prepared By:
Jerry Hittleman
Contract City Planner**

[Signature]

**Approved By:
Ed Tewes
Interim City Administrator**

SUBJECT:

Public Hearing to consider New Ordinances of the City Council of the City of Guadalupe, California amending the City of Guadalupe Municipal Code as required by the 2015 Housing Element Update – Housing Action Plan.

RECOMMENDATION:

- 1) Receive a presentation from staff,
- 2) Conduct a public hearing on the proposed Subdivision Ordinance Amendment and Zoning Ordinance Amendments, and
- 3) Introduce by title only:
 - a. Ordinance 2016-453, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE AMENDING THE MUNICIPAL CODE, TITLE 17 (SUBDIVISIONS), CHAPTER 17.32 (DESIGN AND IMPROVEMENT STANDARDS) TO ADD PROVISIONS FOR THE PROTECTION OF SOLAR ACCESS ON LOTS IN NEW RESIDENTIAL SUBDIVISIONS IN ACCORDANCE WITH THE STATE OF CALIFORNIA SUBDIVISION MAP ACT SECTIONS 66473.1 AND 66475.3, THE CALIFORNIA SOLAR RIGHTS ACT OF 1978, AND THE CITY'S 2015 HOUSING ELEMENT UPDATE
 - b. Ordinance 2016-454, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE AMENDING THE MUNICIPAL CODE, TITLE 18 (ZONING), CHAPTER 18.08 (DEFINITIONS) AND ADDING CHAPTER 18.53 (SECONDARY HOUSING UNITS) TO COMPLY WITH AB 1866, and CALIFORNIA GOVERNMENT CODE SECTION 65852.2
 - c. Ordinance 2016-455, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE AMENDING THE MUNICIPAL CODE, TITLE 18 (ZONING), ADDING CHAPTER 18.54 (DENSITY BONUS) TO COMPLY WITH CALIFORNIA GOVERNMENT CODE SECTIONS 65915 – 65918

- d. Ordinance 2016-456, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE AMENDING THE MUNICIPAL CODE, TITLE 18 (ZONING), ADDING CHAPTER 18.50 (REASONABLE ACCOMMODATIONS) TO COMPLY WITH THE FEDERAL FAIR HOUSING ACT AND THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (THE ACTS)
- e. Ordinance 2016-457, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE AMENDING THE MUNICIPAL CODE, TITLE 18 (ZONING), CHAPTER 18.08 (DEFINITIONS) TO DEFINE TRANSITIONAL AND SUPPORTIVE HOUSING AS RESIDENTIAL USES SUBJECT ONLY TO THOSE RESTRICTIONS THAT APPLY TO OTHER RESIDENTIAL DWELLINGS OF THE SAME TYPE IN THE SAME ZONE, IN ACCORDANCE WITH STATE LAW (CHAPTER 633, STATUTES OF 2007 [SB 2]) AND THE CITY'S 2015 HOUSING ELEMENT UPDATE

BACKGROUND:

On May 24, 2016, the City of Guadalupe adopted the 2015 Housing Element Update. Chapter VI of the Housing Element includes the Housing Action Plan, which establishes community goals, policies, programs, and quantifies objectives relative to the maintenance, preservation, improvement, and development of housing in Guadalupe for the 2015 to 2019 planning period. The Housing Action Plan requires that in the calendar year 2016, the City of Guadalupe amend the Subdivision Ordinance (Title 17) to protect solar access for residential lots in new subdivisions. The Housing Action Plan also requires the City to amend the Zoning Ordinance (Title 18), to allow second dwelling units in single family residential zone districts, provide density bonus provisions for housing projects that include affordable housing, adopt a reasonable accommodations ordinance for persons with special needs, and to allow transitional and supportive housing by right in all residential zone districts. These updates will bring the City of Guadalupe Municipal Code into compliance with California Housing Laws and Regulations as well as specific programs included in the 2015 City of Guadalupe Housing Element Update – Housing Action Plan.

DISCUSSION:

The updated Housing Element includes several housing-related action items within the Housing Action Plan section of the Housing Element. Below is a summary of each ordinance prepared for the corresponding action item in the Housing Element:

Subdivision Ordinance Amendment - Solar Access Protection

The successful use of solar energy systems for supplying space heating and cooling, water heating, or the production of electricity is dependent on access to direct sunlight. The State of California Subdivision Map Act Sections 66473.1 and 66475.3, and Solar Rights Act of 1978 requires that local governments plan for future passive or natural heating or cooling opportunities in new residential subdivisions.

Program E.3 in the City's adopted 2015 Housing Element Update – Housing Action Plan states that the City shall amend its Subdivision Ordinance to require that solar access rights be protected for each lot in new subdivisions. It is the intent of the proposed Solar Access Protection ordinance (see Attachment 1) to protect and encourage the successful use of solar energy in new subdivisions. This would be accomplished by providing for future passive or natural heating or cooling opportunities in the design of a subdivision. Consideration would be given to local climate, natural contours of the site, configuration of the parcel to be divided, and to other design and improvement requirements.

Solar access would be protected by requiring that each lot have unobstructed access to sunlight to an area of not less than 200 square feet, falling in a horizontal plane 10 feet above the grade of the buildable area of the lot. The condition of unobstructed solar access shall be considered to be achieved when a specific area of not less than 200 square feet has been unobstructed sky view of the sun between azimuths of the sun at 45 degrees to the east and 45 degrees to the west of true south on December 21, when the sun is at its lowest angle in the sky.

The ordinance also requires that a solar access easement shall be dedicated on each lot within the subdivision for the purpose of assuring that each parcel or unit in a subdivision for which approval is sought shall have the right to receive sunlight across adjacent parcels or units in the subdivision. The purpose of these requirements is to assure access to solar energy systems located on a future structure built on a lot.

Secondary Housing Units

California's Second Dwelling Unit (SDU) Law, Government Code Section 65583.1(a), was enacted in 1982 and has been amended four times. This law encourages the creation of second-units to increase the supply of affordable housing while maintaining some local control and flexibility. SDUs have been identified by the State as providing an important housing option to both potential renters and homeowners. They typically cost less than other types of housing, provide convenient housing for family members, and assist low and moderate-income homeowners with supplemental income.

Program A.3 in the City's 2015 Housing Element Update states that the City's Zoning Ordinance does not currently comply with state law regarding second units; therefore, the proposed revisions would establish consistency with this law. The City will also

promote the use of secondary housing units by discussing second units with property owners, builders, and developers.

The intent of the Secondary Housing Unit ordinance (see Attachment 2) is to allow secondary housing units (SHUs) through administrative review in all Residential Zoning Districts, subject to meeting standards in the ordinance. For example, SHUs may only be located within the area of a lot where the Residential zoning designation permits either the primary dwelling, or accessory structure, per the applicable requirements for minimum yards, maximum height, and maximum lot coverage for the subject Residential Zone. Minimum and maximum size (150 square feet to 1000 square feet), parking (one space), and architectural design standards are included in the ordinance.

Density Bonus Standards for Affordable Housing

California Density Bonus Law was adopted in its current form in 2008. The Density Bonus Ordinance (see Attachment 3) is proposed to ensure consistency with state law and the City's 2015 Housing Element Update, Program A.4. Generally, density bonus provisions allow a residential development to exceed the maximum density allowed by the General Plan and Zoning Ordinance if that development includes a certain percentage of affordable housing units as a significant proportion of the total project. The proposed Density Bonus Ordinance establishes procedures for processing density bonus applications, outlines the eligibility criteria for projects to receive a density bonus, identifies incentives and concessions available to developers utilizing density bonus provisions, and specifies the regulatory procedures to ensure long term affordability of affordable units.

State law requires local jurisdictions to grant a density bonus and the appropriate incentives and concessions to residential development projects which contain: 1) 10 percent of total units for low income households; 2) 5 percent of total units for very low income households; 3) housing for senior citizens; or 4) 10 percent of total units in a common interest development for families of moderate income. In addition, the City's 2015 Housing Element Update – Housing Action Plan, Program D.1., requires the City to approve a density bonus request for projects that include three- and four-bedroom dwellings as a significant portion of the total project. The specific density bonus allowance is detailed in the proposed ordinance; however, the amount of the density bonus increases as the number of affordable dwellings increases. The City's 2015 Housing Element Update – Housing Action Plan, Program D.1., also requires a 55-year continued affordability condition for projects that receive government funds, and a 20-year condition of continued affordability for projects that receive no government funding.

The proposed ordinance contains a provision that allows the City Council to approve concessions for projects qualifying for a density bonus. For example, the City can approve a reduction in site development standards (setbacks, height, etc.), or other concessions requested by a developer which would result in cost reductions. A project that is eligible for a density bonus is eligible for at least one concession or incentive, with additional concessions or incentives allowed as the percentage of affordable

dwelling units increases. The proposed ordinance also includes provisions which allow for a density bonus in return for land dedication, condominium conversions, and development of child care facilities. The City is required to approve the requested concession or incentive unless they are not needed to provide for affordable housing costs, would have a severe adverse impact upon health and safety or the environment or on a historic resource, or are contrary to state or federal law.

Reasonable Accommodations Ordinance

Federal and state fair housing laws require that local governments provide reasonable accommodation in rules, policies, practices, or services when such accommodations are deemed necessary to afford a person with disabilities the equal opportunity to use and enjoy a dwelling unit. The California Department of Housing and Community Development (HCD) has made conformance with reasonable accommodation standards a prerequisite for Housing Element certification. Two examples of typical reasonable accommodation requests are: (1) conversion of a portion of a garage to living quarters for a disabled adult whose parents reside in the primary residence; and (2) construction of a handicap ramp system for a person using a wheel chair within a required building setback area.

The City's Housing Element Update (2015), Program D.2, states that the City shall adopt a procedure to make reasonable accommodations in its zoning laws and other land use regulations and practices when such accommodations may be necessary to afford persons with disabilities and other special needs an equal opportunity to use and enjoy a dwelling.

The proposed ordinance (see Attachment 4) would institute a process by which persons with disabilities could seek reasonable accommodation to give them the equal opportunity to use and enjoy a dwelling unit. Under the proposed ordinance, modifications to dwelling units that might otherwise require entitlements such as variances or conditional use permits would be reviewed through an administrative process, with approval authority assigned to the Planning Director.

Requests for reasonable accommodation would be subject to specific findings, and the Planning Director would have the ability to apply conditions of approval as appropriate (e.g. that an approved modification be removed in the event that the person(s) served by the modification vacate the dwelling unit or residence).

Transitional and Supportive Housing

In the fall of 2007, California Senate Bill 2 amended state law and required local governments to define transitional and supportive housing as residential uses subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. The City of Guadalupe Housing Element, Program D.5 encourages transitional and supportive housing, and directs the City to amend all zoning districts

allowing residential uses to permit transitional and supportive housing as a residential use.

Transitional and supportive housing is defined by HCD as transitional housing programs that provide extended shelter and supportive services for homeless individuals and/or families with the goal of helping them live independently and transition into permanent housing. The supportive services may be provided directly by the organization managing the housing or by other public or private agencies in a coordinated effort with the housing provider. Transitional housing/shelter is generally provided in apartment style facilities with a higher degree of privacy than short-term homeless shelters; may be provided at no cost to the resident; and may be configured for specialized groups within the homeless population.

The proposed ordinance (see Attachment 5) and the proposed text amendments will achieve compliance with state housing law related to transitional and supportive housing. The following state-prescribed definitions of transitional and supportive housing would be included in the City's zoning ordinance:

Transitional Housing – Buildings configured as rental housing developments but operated under program requirements that call for termination of assistance and recirculation of assisted units to other eligible program recipients at some predetermined future point in time, which shall be no less than 6 months and no more than 24 months from initial occupancy. Transitional housing offers either on or off-site access to social services, counseling, and other programs, to assist formerly homeless residents in the transition to permanent housing. This classification does not include facilities licensed for residential care by the State of California or homeless shelters.

Supportive Housing – Rental housing developments receiving assistance under the Multifamily Housing Program regulated through California Code of Regulations, Title 25, Article 7, Section 4. Such housing is occupied by a target population and linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing has no limit on length of stay.

ENVIRONMENTAL REVIEW:

The proposed amendments would be exempt from CEQA pursuant to CEQA *Guidelines* Section 15305, as they have no potential to result in adverse impacts on the environment.

PUBLIC NOTICE:

Staff published the required Public Hearing Notice in a newspaper of general circulation on or before August 29, 2016.

CONCLUSION:

Staff recommends that the City Council introduce by title only and by separate motion each of the following ordinances:

- 1) Ordinance 2016-453, entitled an Ordinance of the City Council of the City of Guadalupe amending the Municipal Code, Title 17 (Subdivisions), Chapter 17.32 (Design and Improvement Standards) to add provisions for the protection of solar access on lots in new residential subdivisions;
- 2) Ordinance 2016-454, entitled an Ordinance of the City Council of the City of Guadalupe amending the Municipal Code, Title 18 (Zoning), Chapter 18.08 (Definitions) and adding Chapter 18.53 (Secondary Housing Units)
- 3) Ordinance 2016-455, entitled an Ordinance of the City Council of the City of Guadalupe amending the Municipal Code, Title 18 (zoning), adding chapter 18.54 (Density Bonus) to comply with California Government Code sections 65915 – 65918
- 4) Ordinance 2016-456, entitled an Ordinance of the City Council of the City of Guadalupe amending the Municipal Code, Title 18 (zoning), adding Chapter 18.50 (Reasonable Accommodations) to comply with the Federal Fair Housing Act and the California Fair Employment and Housing Act (The Acts)
- 5) Ordinance 2016-457, entitled an Ordinance of the City Council of the City of Guadalupe amending the municipal code, Title 18 (zoning), Chapter 18.08 (Definitions) to define transitional and supportive housing as residential uses subject only to those restrictions that apply to other residential dwellings of the same type in the same zone, in accordance with state law and the City's 2015 Housing Element Update

ATTACHMENTS:

- 1) Ordinance 2016-453, entitled an Ordinance of the City Council of the City of Guadalupe amending the Municipal Code, Title 17 (Subdivisions), Chapter 17.32 (Design and Improvement Standards) to add provisions for the protection of solar access on lots in new residential subdivisions
- 2) Ordinance 2016-454, entitled an Ordinance of the City Council of the City of Guadalupe amending the Municipal Code, Title 18 (Zoning), Chapter 18.08 (Definitions) and adding Chapter 18.53 (Secondary Housing Units)

- 3) Ordinance 2016-455, entitled an Ordinance of the City Council of the city of Guadalupe amending the Municipal Code, Title 18 (zoning), adding chapter 18.54 (Density Bonus) to comply with California Government Code sections 65915 – 65918
- 4) Ordinance 2016-456, entitled an Ordinance of the City Council of the City of Guadalupe amending the Municipal Code, Title 18 (zoning), adding Chapter 18.50 (Reasonable Accommodations) to comply with the Federal Fair Housing Act and the California Fair Employment and Housing Act (The Acts)
- 5) Ordinance 2016-457, entitled an Ordinance of the City Council of the City of Guadalupe amending the Municipal Code, Title 18 (zoning), Chapter 18.08 (Definitions) to define transitional and supportive housing as residential uses subject only to those restrictions that apply to other residential dwellings of the same type in the same zone, in accordance with state law and the city's 2015 Housing Element Update

ATTACHMENT 1

ORDINANCE NO. 2016-453

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE AMENDING
THE MUNICIPAL CODE, TITLE 17 (SUBDIVISIONS), CHAPTER 17.32 (DESIGN AND
IMPROVEMENT STANDARDS) TO ADD PROVISIONS FOR THE PROTECTION OF
SOLAR ACCESS ON LOTS IN NEW RESIDENTIAL SUBDIVISIONS**

ORDINANCE NO. 2016-453

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE AMENDING THE MUNICIPAL CODE, TITLE 17 (SUBDIVISIONS), CHAPTER 17.32 (DESIGN AND IMPROVEMENT STANDARDS) TO ADD PROVISIONS FOR THE PROTECTION OF SOLAR ACCESS ON LOTS IN NEW RESIDENTIAL SUBDIVISIONS IN ACCORDANCE WITH THE STATE OF CALIFORNIA SUBDIVISION MAP ACT SECTIONS 66473.1 AND 66475.3, THE CALIFORNIA SOLAR RIGHTS ACT OF 1978, AND THE CITY'S 2015 HOUSING ELEMENT UPDATE

WHEREAS, The State of California Subdivision Map Act Sections 66473.1 and 66475.3, and Solar Rights Act of 1978, requires local governments to protect solar access to residential lots in new subdivisions; and

WHEREAS, Solar energy is a renewable and non-polluting energy resource that can prevent fossil fuel emissions and reduce a municipality's energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated; and

WHEREAS, May 24, 2016, the City Council adopted an update to the City's 2015 Housing Element Update; and

WHEREAS, Housing Action Plan Programs E.3, of the updated Housing Element call for a subdivision ordinance amendment to protect solar access to lots in new residential subdivisions in all residential zone districts.

Now therefore, the City Council of the City of Guadalupe does ordain as follows:

SECTION 1. Title 17 (Subdivisions) Chapter 17.32 of the City of Guadalupe Municipal Code, entitled "Design and Improvement Standards" is hereby amended to add a new subsection 17.32.080 to read as follows:

Section 17.32.080 Solar Access Protection for New Subdivisions

(A) Section 66473.1 of the California Subdivision Map Act includes the following provisions for solar access protection in new subdivisions:

- a. The design of a subdivision for which a tentative map is required pursuant to Section 66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.
 1. Examples of passive or natural heating opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure.
 2. Examples of passive or natural cooling opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.
- b. In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements, and that provision shall not result in

reducing allowable densities or the percentage of a lot that may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map is filed.

(B) No tentative subdivision or parcel map received on or after the effective date of the ordinance adding this subsection shall be approved unless each lot within the subdivision can be demonstrated by the subdivider to have unobstructed access to sunlight to an area of not less than 200 square feet, falling in a horizontal plane 10 feet above the grade of the buildable area of the lot. The condition of unobstructed solar access shall be considered to be achieved when a specific area of not less than 200 square feet has an unobstructed sky view of the sun between azimuths of the sun at 45 degrees to the east and 45 degrees to the west of true south on December 21.

(C) A solar access easement shall be dedicated on each lot within the subdivision for the purpose of assuring that each parcel or unit in a subdivision for which approval is sought shall have the right to receive sunlight across adjacent parcels or units in the subdivision as specified in provision (A) and (B) above. The purpose of these requirements are to assure solar access to solar energy systems located on a future structure built on the lot as required by the State of California Subdivision Map Act Sections 66473.1 and 66475.3, and California Solar Rights Act of 1978.

(D) These requirements shall not apply to specific lots whenever a subdivider can demonstrate that it is infeasible to comply due to:

- a. A finding that the provisions of this section will result in reducing allowable densities under applicable planning and zoning in force at the time the Tentative Map is filed.
- b. A finding that the provisions of this section will result in reducing the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in force at the time the tentative map is filed.
- c. A finding that it is infeasible to comply due to topographic conditions on or surrounding the land being subdivided, the configuration or orientation of the property being subdivided or existing road patterns contiguous to the subject property.
- d. A finding that the nature of the existing or allowed future development contiguous to the subject property precludes adequate solar access to specific lots.

(E) For purposes of this section, a tentative map or tentative parcel map is "received" on the date when the applicable fees are paid and map is stamped "received" by the City. For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(F) This section is not applicable to condominium projects which consist of the subdivision of airspace in an existing building where no new structures are added.

SECTION 2. In accordance with Section 36933 of the California Government Code, within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be posted in three publicly accessible locations in the City.

SECTION 3. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

SECTION 4. Savings and Interpretation Clause. This ordinance shall not be interpreted in any manner to conflict with controlling provisions of state law, including, without limitation, the Government Code of the State of California. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. If this ordinance, or any section, subsection or clause of this ordinance shall be deemed unconstitutional or invalid as applied to a particular appeal, the validity of this ordinance and its sections, subsections and clauses in regards to other projects, shall not be affected.

INTRODUCED at a regular meeting of the City Council held this 13th day of September 2016, on motion of Councilmember _____, seconded by Councilmember _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PASSED AND ADOPTED at a regular meeting of the City Council held this 27th day of September, 2016 on motion of Councilmember _____, seconded by Councilmember _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF GUADALUPE

BY: _____
John Lizalde, Mayor

ATTEST:

Joice Earleen Raguz, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

By: _____
David M. Fleishman, City Attorney

ATTACHMENT 2

ORDINANCE 2016-454

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE AMENDING
THE MUNICIPAL CODE, TITLE 18 (ZONING), CHAPTER 18.08 (DEFINITIONS) AND
ADDING CHAPTER 18.53 (SECONDARY HOUSING UNITS)**

ORDINANCE NO. 2016-454

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE AMENDING THE MUNICIPAL CODE, TITLE 18 (ZONING), CHAPTER 18.08 (DEFINITIONS) AND ADDING CHAPTER 18.53 (SECONDARY HOUSING UNITS) TO COMPLY WITH STATE LAW AB 1866, CALIFORNIA GOVERNMENT CODE SECTION 65852.2

WHEREAS, California Government Code Section 65852.2 allows the construction of second dwelling units on any lot that has an existing single family dwelling unit; and

WHEREAS, May 24, 2016, the City Council adopted an update to the City's 2015 Housing Element Update; and

WHEREAS, Housing Action Plan Program A.3 of the updated Housing Element calls for the adoption of a zoning ordinance amendment that would allow second units in compliance with state law.

Now therefore, the City Council of the City of Guadalupe does ordain as follows:

SECTION 1. A new section 18.08.301 of the City of Guadalupe Municipal Code, entitled "Definitions" is hereby added to read as follows:

Section 18.08.301 Secondary Housing Unit.

"Secondary housing unit" means an additional dwelling unit constructed or adapted within, onto, or apart from an existing, or built concurrently with, a single-family dwelling in any residential district in accordance with Chapter 18.53 of the Zoning Ordinance.

SECTION 2. A new Chapter 18.53 is hereby added to the City of Guadalupe Municipal Code to read as follows:

18.53.010 Purpose and Intent

The purpose of this chapter is to comply with Government Code Section §65852.2 which provides for cities to set standards for the development of secondary housing units so as to increase the supply of smaller and affordable housing while ensuring that they remain compatible with the existing neighborhood.

This chapter is intended to implement the City's Housing Element of the General Plan, and is adopted to comply with State law (Government Code Section 65852.2 et seq.), by allowing secondary housing units through administrative review in all Residential Districts, subject to meeting the standards prescribed below.

18.53.20 Restrictions on Use.

(A) "Secondary housing unit" means an additional dwelling unit constructed or adapted within, onto, or apart from an existing, or built concurrently with, a single-family dwelling in any residential district. A secondary housing unit may be permitted, subject to the design and development standards described below, on a lot in any residential district with a single-family dwelling. In no case shall more than a total of two dwelling units; one primary, the other secondary, be permitted on any such lot.

(B) Requirement for Owner Occupancy. On all lots containing secondary housing units, either the primary or secondary dwelling shall be owner occupied and eligible for a "homeowner's exemption" for property tax purposes. The owner shall sign a notice of occupancy restriction, which the City will record with the County Recorder's Office, prior to issuance of a building permit for the secondary housing unit.

18.53.030 Application Requirements

(A) Application. Requests for a secondary dwelling unit shall be submitted on an application form provided by the Planning Department and shall contain the following information:

- (1) A plot plan (drawn to scale). Provide dimensions of the perimeter of parcel on which the secondary housing unit will be located. Indicate the location and dimensioned setbacks of all existing and proposed structures on the project site and structures located within 50-feet of the project site. All easements, building envelopes, and special requirements of the subdivision as shown on the final map and improvement plans shall be included.
- (2) Floor Plans. Each room shall be dimensioned and the resulting floor area calculation included. The use of each room shall be identified. The size and location of all windows and doors shall be clearly depicted.
- (3) Elevation views. Provide north, south, east and west elevations which show all openings, exterior finishes, original and finish grades, stepped footing outline, roof pitch, materials and color board for the existing residence and the proposed secondary housing unit.
- (4) Cross Section. Provide building cross sections including, but not limited to: structural wall elements, roof, foundation, fireplace and any other sections necessary to illustrate earth-to-wood clearances and floor to ceiling heights.
- (5) Fees. The fee for review shall be as set forth in the currently adopted fee resolution.

18.53.040 Design and Development Standards.

(A) Requests for secondary housing units shall meet the following design standards:

- (1) Location on Lot. A secondary housing unit may only be located within the area of the lot where the Zoning Code permits either the primary single-family dwelling, or accessory structure, as per the applicable requirements for minimum yards, maximum height and maximum lot coverage for the subject residential district. Secondary housing units may be attached to the primary single-family residence, or detached from the residence subject to separation requirements prescribed by the Zoning Code, and the Building Code as adopted and enforced at time of application.
- (2) Minimum Size and Facilities. The secondary housing unit shall contain no less than the 150 square feet area minimum required for an Efficiency Dwelling Unit as defined in Section 17958.1 of the Health & Safety Code. This unit shall include provisions for living, sleeping, eating, cooking and sanitation.
- (3) Maximum Size. A secondary housing unit may be no larger than 1,000 square feet, excluding the garage.

- (4) Parking. A minimum of one independently usable off-street parking space shall be provided for the secondary housing unit, which shall be provided in addition to the required parking for the primary single-family dwelling. This space need not be covered, and shall comply with all development standard set forth in Section 18.60(Off Street Parking and Loading Facilities). A tandem parking space may also be used to meet the parking requirement for the secondary housing unit, providing such space will not encumber access to a required parking space for the primary single-family dwelling. Required parking for the primary single-family dwelling may not be removed for the creation of a secondary housing unit (e.g., garage conversions), or allocated to meet the parking requirement for the secondary housing unit, unless replacement covered parking is provided in a location permitted by the Zoning Code.
- (5) The secondary housing unit shall be visually subordinate to the primary single-family dwelling on the parcel, by its size, location, and design. The exterior entry to the secondary housing unit shall clearly appear as a secondary entry when compared to the entry for the primary single-family dwelling.
- (6) The exterior appearance and character shall echo the architectural form and style of the primary single-family dwelling. Siding materials, roof pitches and colors are to be substantially the same as those of the primary dwelling.
- (7) Outside stairways leading to a second story secondary housing unit shall not be in the front of the primary single family dwelling, or in an exterior side yard if visible from the public right-of-way. Access to a first story unit by stairs or ADA accessible ramp may be permitted in the front of the primary dwelling.

18.53.050 Review Authority

- (A) Planning Director. Requests for a secondary housing unit shall be reviewed by the Planning Director, or his/her designee if no approval is sought other than the request for a secondary housing unit.
- (B) Other Review Authority. Requests for a secondary housing unit submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application.

SECTION 3. In accordance with Section 36933 of the California Government Code, within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be posted in three publicly accessible locations in the City.

SECTION 4. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

SECTION 5. Savings and Interpretation Clause. This ordinance shall not be interpreted in any manner to conflict with controlling provisions of state law, including, without limitation, the Government Code of the State of California. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. If this ordinance, or any section, subsection or clause of this ordinance shall be deemed unconstitutional or invalid as applied to a particular appeal, the validity of this ordinance and its sections, subsections and clauses in regards to other projects, shall not be affected.

INTRODUCED at a regular meeting of the City Council held this 13th day of September, 2016 on motion of Councilmember _____, seconded by Councilmember _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PASSED AND ADOPTED at a regular meeting of the City Council held this 27th day of September, 2016 on motion of Councilmember _____, seconded by Councilmember _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF GUADALUPE

BY: _____
John Lizalde, Mayor

ATTEST:

Joice Earleen Raguz, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

By: _____
David M. Fleishman, City Attorney

ATTACHMENT 3

ORDINANCE 2016-455

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE AMENDING THE MUNICIPAL CODE, TITLE 18 (ZONING), ADDING CHAPTER 18.54 (DENSITY BONUS) TO COMPLY WITH CALIFORNIA GOVERNMENT CODE SECTIONS 65915 – 65918

ORDINANCE NO. 2016-455

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE AMENDING THE MUNICIPAL CODE, TITLE 18 (ZONING), ADDING CHAPTER 18.54 (DENSITY BONUS) TO COMPLY WITH CALIFORNIA GOVERNMENT CODE SECTIONS 65915 65918

WHEREAS, California Government Code Sections 65915-65918 allow developers to apply for a density bonus when a certain amount of affordable housing is provided within a housing development; and

WHEREAS, May 24, 2016, the City Council adopted an update to the City's 2015 Housing Element Update; and

WHEREAS, Housing Action Plan Programs A.4 and D.1, of the updated Housing Element calls for the adoption of an ordinance that would require a 55-year continued affordability allowance in projects that receive a density bonus that also utilize government funds.

Now therefore, the City Council of the City of Guadalupe does ordain as follows:

SECTION 1. Title 18 (Zoning) Chapter 18.54 is hereby added to read as follows:

18.54.010 Purpose

This Density Bonus Ordinance is intended to provide incentives for the production of affordable housing, senior housing and the development of child care facilities. In enacting this Chapter, it is the intent of the City of Guadalupe to implement the goals, objectives, and policies of the 2015 Housing Element Update and further to implement and be subject to California Government Code Section 65915. In the event that any provision in this chapter conflicts with state law, state law shall control.

18.54.020 Definitions

The following terms used in this chapter shall be defined as follows:

(A) Affordable Housing/Affordable Housing Unit: A housing unit which is available for sale to moderate income households or for rent to low and/or very low income households, as those terms are defined in this section.

(B) Affordable Rent: Monthly rent charged to low and very low income households for housing units as calculated in accordance with section 50053 of the Health and Safety Code.

(C) Child Care Facility: A facility that provides non-medical care and supervision of minor children for periods of less than 24 hours and is licensed by the California State Department of Social Services, further subject to the definition in California Government Code Section 65915(h)(4).

(D) Density Bonus: A density increase for residential units over the otherwise allowed residential density under the applicable zoning and land use designation on the date an application is deemed complete.

(E) Density Bonus Housing Agreement. A legally binding agreement between a developer and the City to ensure that continued affordability of the affordable housing units required by this chapter persists and the units are maintained in accordance with this chapter.

(F) Density Bonus Units. Those additional residential units granted pursuant to the provisions of this chapter.

(G) Housing Development. A development project for five or more residential units. Within this chapter, it shall also include a subdivision or common interest development, a project which rehabilitates and converts a commercial building to a residential use, and a condominium conversion an existing multi-family building.

(H) Incentives or Concessions. Regulatory concessions which include, but are not limited to, the reduction of site development standards or zoning code requirements, approval of mixed-use zoning in conjunction with the housing development, or any other regulatory incentive which would result in identifiable, financially sufficient, and actual cost reductions that are offered in addition to a density bonus.

(I) Initial Subsidy. The fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. (e.g. X (*fair market value of the home to be purchased*) - Y (*the price the moderate income family paid for the home*) + Z (*amount of any down payment assistance*) = Initial Subsidy).

(J) Low Income Household. A household whose income does not exceed 80 percent of the area median income for Santa Barbara County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

(K) Moderate Income Household. A household whose income does not exceed 120 percent of the area median income for Santa Barbara County as published and periodically updated by the State Department of Housing and Community Development pursuant to Sections 50079.5 and 50052.5 of the California Health and Safety Code.

(L) Share of Appreciation. The ratio of the initial subsidy as defined above to the fair market value of the home at the time of initial sale. (e.g. X (*initial subsidy*) / Y (*fair market value*) = Proportionate Share of Appreciation).

(M) Senior Citizen Housing Development. A housing development developed, substantially rehabilitated or renovated, and having at least 35 dwelling units for senior citizens in compliance with the requirements of Section 51.3 of the California Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(N) Very Low Income Household. A household whose income does not exceed 50 percent of the area median income for Santa Barbara County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

18.54.030 Application for Density Bonus and Incentives or Concessions

At the time the applicant of a proposed housing development, seeking a density bonus and concessions or incentives under this chapter, files a formal application for approval of the proposed development with the Planning Department the following information shall be submitted with the required fees and application:

- (A) Identification of the location, acreage, and the maximum number of base units allowed under the zoning and the land use designated under the General Plan without the Density Bonus.
- (B) Identification of the total number of units proposed, specifically identifying the density bonus units and the affordable units which will demonstrate eligibility under this chapter.
- (C) Identification of the requested concessions or incentives or a list of any alternative concessions or incentives which would provide, in the developer's opinion, an equivalent financial value to the concession or incentive requested. This requirement does not impair the applicant from substituting a new incentive or concession from what is initially proposed, however the identified incentives or concessions may not be changed once the environmental review for the proposed housing development has commenced.
- (D) A clear statement of how the requested concessions or incentives are necessary to make the proposed housing development economically feasible, and result in identifiable, financially sufficient and actual cost reductions. The information should be sufficiently detailed to enable City staff to examine the conclusions reached by the developer.
- (E) Other pertinent information the Planning Director may require to enable the City to adequately analyze the identifiable, financially sufficient and actual cost reductions of the proposed housing development with respect to the requested additional concession or incentive and other concessions or incentives, which may be made available.

18.54.040 Processing of Density Bonus Application

- (A) Once deemed complete, the density bonus application shall be processed and determinations made concurrent with the underlying housing development application.
- (B) Review Authority. A request for density bonus will be reviewed by the same review authority as the housing development's other entitlements specifically noted below. The reviewing authority shall grant the density bonus and requested incentive(s) or concession(s) unless the findings in 18.54.080 (B) can be made. If the project requires entitlements or an environmental clearance to be considered by the City Council, then the City Council will consider and act on the density bonus request concurrent with the applicable project entitlement/environmental clearance.

18.54.050 Eligibility Criteria for Density Bonus

(A) The City shall consider a density bonus and provide incentives or concessions as described in 18.54.080, when a developer of a housing development seeks and agrees to construct a housing development that will contain at least one of the following:

1. Ten percent of the total units of a housing development strictly for low income households as defined herein;

2. Five percent of the total units of a housing development strictly for very low income households as defined herein;
3. A senior citizen housing development as defined herein;
4. Ten percent of the total dwelling units in a condominium or planned unit development for persons and families of moderate income households as defined herein, provided that all units in the development are offered to the public for purchase.

18.54.060 Project Specific Density Bonus

The City will allow a housing development a density bonus and concessions or incentives meeting all the applicable eligibility requirements of this chapter according to the following density bonus options. In the event that the minimum requirements for granting density bonus units or number of applicable concessions or incentives as set forth in California Government Code 65915 is amended or modified after the adoption of this chapter by the City, then the lowest minimum requirements shall apply.

(A) Density Bonus for Very Low Income Households: If a housing developer elects to construct units for very low income households, the development shall be entitled to the following density bonus calculation:

Provision of Very Low Income Units		
Percentage of Very Low Income Units Affordable	Density Bonus Available *	Number of Incentives or Concessions
5%	20%	1
6%	22.5%	1
7%	25%	1
8%	27.5%	1
9%	30%	1
10%	32.5%	2
11%	35%	2

** the allowed increase is the percentage over the total number of units that would be allowed without a Density Bonus*

(B) Density Bonus for Low Income Households: If a housing developer elects to construct units for low income households, the housing development shall be entitled to the following density bonus calculation:

Provision of Low Income Units		
Percentage of Low Income Units Affordable	Density Bonus Available *	Number of Incentives or Concessions
10%	20%	1
11%	21.5%	1
12%	23%	1
13%	24.5%	1

14%	26%	1
15%	27.5%	1
17%	30.5%	1
18%	32%	1
19%	33.5%	1
20%	35%	2

**the allowed increase is the percentage over the total
Number of units that would be allowed without a Density Bonus*

(C) **Senior Housing:** If a housing developer elects to construct a senior citizen housing development, the density bonus shall be 20 percent of the total number of allowed housing units without the density bonus.

(D) **Moderate Income Units in Condominiums and Planned Developments:** If a housing developer elects to construct units for moderate income households, the development shall be entitled to the following density bonus calculation:

Moderate Income Units		
Percentage of Moderate Income Units	Density Bonus Available*	Number of Incentives or Concessions
10%	5%	1
11%	6%	1
12%	7%	1
13%	8%	1
14%	9%	1
15%	10%	1
16%	11%	1
17%	12%	1
18%	13%	1
19%	14%	1
20%	15%	2
21%	16%	2
23%	18%	2
24%	19%	2
25%	20%	2
26%	21%	2
27%	22%	2
28%	23%	2
30%	25%	3
31%	26%	3
32%	27%	3
33%	28%	3
34%	29%	3
35%	30%	3
36%	31%	3
37%	32%	3
38%	33%	3

39%	34%	3
40%	35%	3

** the allowed increase is the percentage over the total number of units that would be allowed without a Density Bonus*

(E) **Density Bonus for Land Donation:** When an applicant for a tentative map, parcel map, or other residential development approval donates at least one acre of land or enough land to develop 40 units, then the applicant shall be entitled to a fifteen percent increase above the otherwise maximum allowable residential density for the entire housing development as follows:

Land Donation	
Percentage of Very Low	Percentage Density Bonus
10%	15%
11%	16%
12%	17%
13%	18%
14%	19%
15%	20%
16%	21%
17%	22%
18%	23%
19%	24%
20%	25%
21%	26%
22%	27%
23%	28%
24%	29%
25%	30%
26%	31%
27%	32%
29%	34%
30%	35%

1. Nothing in this subsection shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development.
2. The density bonus for land dedication shall be in addition to any density bonus earned pursuant to Section 18.54.060 and up to a maximum combined increase of 35 percent.
3. An applicant with a land donation shall be eligible for the increased density bonus if all of the following conditions are met:
 - a. The applicant donates and transfers the land to the City no later than the date of approval of the City of the final subdivision map, parcel map, or housing development application for the proposed housing development seeking the density bonus.

- b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed housing development seeking the density bonus.
- c. The land proposed to be donated to the City:
 - (i) has the appropriate General Plan designation and is appropriately zoned for development at the density described in paragraph (3) of subsection (c) of section 65583.2; and
 - (ii) is or will be served by adequate public facilities and infrastructures; and
 - (iii) is donated no later than the date of approval of the final subdivision map, parcel map or housing development application seeking a density bonus and has all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land; and
 - (iv) is transferred to the City or a housing developer approved by the City; and
 - (v) shall be within the boundary of the proposed development or within one-quarter mile of the boundary of the proposed development; and
 - (vi) must have a proposed source of funding for the very low income units prior to the approval of the final subdivision map, parcel map or housing development application seeking the density bonus.
- d. The transferred land and the affordable housing units shall be subject to a deed restriction, which shall be recorded on the property upon dedication, ensuring continued affordability of units for at least 55 years for those projects receiving government funds and a minimum of 20 years for those projects that do not use government funding. This time period shall be calculated from the date of occupancy.

(F) Condominium Conversions. Density bonus for condominium conversion shall be considered and approved in accordance with section 65915.5 of the California Government Code.

(G) Projects that include Three or Four Bedroom Units. If a housing developer elects to construct a project with three or four bedroom units, the density bonus shall be 20 percent of the total number of allowed housing units without the density bonus.

18.54.70 Density Bonus for Development of a Child Care Facility

(A) A housing development meeting the requirements of Section 18.54.050 and 18.54.060 above and including a child care facility that will be located on the premises of, as part of, or adjacent to, such a housing development shall receive either of the following:

1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

2. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility.

(B) When a housing development is providing a child care facility consistent with this chapter, then the conditions of approval shall require that:

1. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable; and
2. Of the children who attend the childcare facility, the children of very low income households, lower income households, or persons or families of moderate income shall equal a percentage that is equal to or greater than the percentage of affordable units that are required pursuant to Section 18.54.050.

(C) The City shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child care facilities.

18.54.080 Available Incentives and Concessions.

In addition to the applicable density bonus described above, an applicant may request incentives or concessions in connection with its application for a density bonus in accordance with the density bonus calculation set forth in 18.54.060.

(A) An incentive or concession may mean:

1. A reduction in the site development standards or a modification of zoning code requirements including but not limited to:
 - a. Reduced minimum lot size or dimension
 - b. Reduced minimum setbacks
2. If a housing development is 100% affordable, meaning that all or substantially all of the units will be maintained at affordable rents by agreement with the City or another governmental agency, priority processing of the required density bonus application and associated entitlement applications will be given. Priority processing shall mean a timeline for review of the housing development and all associated applications as mutually agreed to by the City and the developer.
3. Approval of mixed-use development in conjunction with the proposed housing development if the non-residential land uses will reduce the cost of the proposed housing development, and the non-residential land uses are compatible with the proposed housing development and surrounding development;
4. Other regulatory incentives or concessions proposed by the applicant or that the City determines will result in identifiable, financially sufficient, and actual cost reductions.

(B) The City shall grant incentive(s) or concession(s) requested by the applicant unless the City can make a written finding, based upon the substantial evidence, of any of the following:

1. The incentive or concession is not required in order to provide for affordable housing costs or affordable rents.
2. The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or physical environment or any real property that is listed in the California Register of Historical Resources and for which the City determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate- income households.
3. The incentive or concession would be contrary to state or federal law.

18.54.90 General Provisions for Density Bonuses and Incentives/Concessions

(A) An allocated unit which is required to be provided and made available to a lower income household or a very low income household under the provisions of the City's Housing Element, shall not, and may not, be counted as an affordable housing unit which is required to be provided by a developer under this chapter.

(B) All density bonus calculations resulting in fractional units shall be rounded up to the next whole number.

(C) The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

(D) Upon request by the applicant, the City shall not require the proposed housing development eligible for a density bonus pursuant to this chapter to provide a parking ratio, including handicapped and guest parking, that exceeds the following:

1. Zero to one bedrooms: one onsite parking space
2. Two to three bedrooms: two onsite parking spaces
3. Four and more bedrooms: two and one-half parking spaces.
4. If the total number of parking spaces required for the proposed housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide onsite parking through tandem parking or uncovered parking, but not through on- street parking.

(E) The City shall not apply any development standard that would have the effect of precluding the construction of a proposed Housing Development meeting the requirements of Section 18.54.060 at the densities or with the incentives permitted by this Chapter. An applicant may submit with its application to the City a proposal for the waiver or reduction of development standards. A waiver or reduction of development standards, the application of which would physically preclude the development, shall not reduce nor increase the number of incentives or concessions being requested. Nothing in this subsection, however, shall be

interpreted to require the City to waive or reduce development standards if the waiver or reduction would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which the City determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Furthermore, the applicant shall be required to prove that the waiver or modification is necessary to make the affordable units economically feasible.

(F) Location of Affordable Units. The location of the affordable units within the housing development may be at the discretion of the developer. However, the affordable units shall:

1. Be constructed at the same time as the market units are constructed.
2. Be reasonably dispersed throughout the development and/or phases if applicable.
3. Be a similar unit type/size to the overall Housing Development; and
4. Be reasonably compatible with the design or use of the remaining units in terms of appearance, materials and quality of finish.

18.54.100 Required Density Bonus Agreement and Terms of Agreement.

(A) A density bonus housing agreement must be executed prior to recording any final map for the underlying property or prior to the issuance of any building permit for the housing development, whichever comes first. The density bonus housing agreement shall be binding on all future owners and successors of interests of the housing development.

(B) The density bonus housing agreement shall:

1. Identify the type, size and location of each affordable housing unit required hereunder;
2. Identify the term of the agreement, which would define the term of affordability of the required units;
3. Require that the affordable housing units be constructed and completed by the developer as specified in this chapter and in accordance with state law;
4. Require that each affordable housing unit be kept available only to members of the identified income group at the maximum affordable rent or sales price during the term of the agreement.
5. Identify the means by which such continued availability shall be secured and enforced and the procedures under which the affordable housing units shall be leased or sold and shall contain such other terms and provisions, the City may require. The agreement, in its form and manner of execution, shall be in a form able to be recorded with the Santa Barbara County Recorder.

6. The density bonus housing agreement shall be reviewed and approved by the City Administrator and the affordability of the required units shall be monitored for compliance by the Planning Department staff. The City Administrator is hereby expressly authorized to act as the City's agent to enter into the density bonus housing agreement for the purpose of enforcing the terms of the agreement consistent with this chapter.

(C) Required Terms for the Continued Availability of Affordable Units

1. Low and Very Low Income Households. A housing developer providing low and very low income units in accordance with this chapter must continue to restrict those units to low or very low income households for a minimum of 55 years for those projects receiving government funds and a minimum of 20 years for those projects that do not use government funding. This time period shall be calculated from the date of occupancy.
2. Moderate Income Households. In the case of a housing development providing moderate income units, the initial occupant of the unit must be a person or family of moderate income.
 - a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City and/or any other public funding entity shall recapture any initial subsidy and its/their proportionate share of appreciation; which shall be used within five years of receipt for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership. Any recaptured funds shall be deposited into a designated fund to be used in accordance with subsection (e) of section 33334.2 of the Health and Safety Code.

SECTION 3. In accordance with Section 36933 of the California Government Code, within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be posted in three publicly accessible locations in the City.

SECTION 4. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

SECTION 5. Savings and Interpretation Clause. This ordinance shall not be interpreted in any manner to conflict with controlling provisions of state law, including, without limitation, the Government Code of the State of California. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. If this ordinance, or any section, subsection or clause of this ordinance shall be deemed unconstitutional or invalid as applied to a particular appeal, the validity of this ordinance and its sections, subsections and clauses in regards to other projects, shall not be affected.

INTRODUCED at a regular meeting of the City Council held this 13th day of September, 2016 on motion of Councilmember _____, seconded by Councilmember _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PASSED AND ADOPTED at a regular meeting of the City Council held this 27th day of September, 2016 on motion of Councilmember _____, seconded by Councilmember _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF GUADALUPE

BY: _____
John Lizalde, Mayor

ATTEST:

Joice Earleen Raguz, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

By: _____
David M. Fleishman, City Attorney

ATTACHMENT 4

ORDINANCE 2016-456

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE AMENDING THE MUNICIPAL CODE, TITLE 18 (ZONING), ADDING CHAPTER 18.50 (REASONABLE ACCOMMODATIONS) TO COMPLY WITH THE FEDERAL FAIR HOUSING ACT AND THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (THE ACTS)

ORDINANCE NO. 2016-456

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE AMENDING THE MUNICIPAL CODE, TITLE 18 (ZONING), ADDING CHAPTER 18.50 (REASONABLE ACCOMMODATIONS) TO COMPLY WITH THE FEDERAL FAIR HOUSING ACT AND THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (THE ACTS)

WHEREAS, the Federal Fair Housing Act and the California Fair Employment and Housing Act allow any person with disabilities to request reasonable accommodation that may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice; and

WHEREAS, May 24, 2016, the City Council adopted an update to the City's 2015 Housing Element Update; and

WHEREAS, Housing Action Plan Program D.2 of the updated Housing Element calls for the adoption of an ordinance that would adopt a procedure to make reasonable accommodation to its zoning laws and other land use regulations for persons with disabilities and other special needs.

Now therefore, the City Council of the City of Guadalupe does ordain as follows:

SECTION 1. Title 18 (Zoning) Chapter 18.50 is hereby added to read as follows:

18.50.010 Purpose and Intent

The purpose of this chapter is to comply with the Federal Fair Housing Act and the California Fair Employment Act (the Acts) in the application of zoning laws and other land use regulations, policies, and procedures. This section is intended to implement the 2015 City's Housing Element of the General Plan – Housing Action Plan.

18.50.020 Applicability

A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities in any residential zone district. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by Section 18.50.030 (Application Requirements).

18.50.030 Application Requirements

(A) Application. Requests for reasonable accommodation shall be submitted on an application form provided by the Planning Department and shall contain the following information:

- (1) The applicant's name, address and telephone number.
- (2) Address of the property for which the request is being made.
- (3) The current actual use of the property.
- (4) Plot Plan. A plot plan showing the size and location of the reasonable accommodation improvement (if applicable).
- (5) Floor Plans.
- (6) The size and location of the reasonable accommodation improvement (if applicable).
- (7) Elevations. Elevations showing the size and location of the reasonable accommodation improvement (if applicable).
- (8) The basis for the claim that the individual is considered disabled under the Acts.
- (9) The zoning code provision, regulation or policy from which reasonable accommodation is being requested.
- (10) Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

(B) Review with other land use applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (including but not limited to; conditional use permit, design review, general plan amendment, zone change, annexation, etc.), then the applicant shall file the information required by Subsection A together for concurrent review with the application for discretionary approval.

18.50.40 Review Authority

(A) Planning Director. Requests for reasonable accommodation shall be reviewed by the Planning Director, or his/her designee if no approval is sought other than the request for reasonable accommodation.

(B) Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application.

18.50.050 Findings and Decision

(A) Findings. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

- (1) Whether the housing, which is the subject of the request, will be used by an individual considered to be disabled under the Acts.
- (2) Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
- (3) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City.
- (4) Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.
- (5) Potential impact on surrounding uses.
- (6) Physical attributes of the property and structures.
- (7) Alternative reasonable accommodations which may provide an equivalent level of benefit.

(B) Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Subsection A above.

18.50.060 Appeal Determination

A determination by the reviewing authority to grant or deny a request for a reasonable accommodation may be appealed to the City Council in accordance with the provisions of Chapter 18.80, with the reviewing authority being deemed to be acting as the Planning Commission for purposes of Chapter 18.80.

SECTION 2. In accordance with Section 36933 of the California Government Code, within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be posted in three publicly accessible locations in the City.

SECTION 3. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

SECTION 4. Savings and Interpretation Clause. This ordinance shall not be interpreted in any manner to conflict with controlling provisions of state law, including, without limitation, the Government Code of the State of California. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. If this ordinance, or any section, subsection or clause of this ordinance shall be deemed unconstitutional or invalid as applied to a particular appeal, the validity of this ordinance and its sections, subsections and clauses in regards to other projects, shall not be affected.

INTRODUCED at a regular meeting of the City Council held this 13th day of September, 2016 on motion of Councilmember _____, seconded by Councilmember _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PASSED AND ADOPTED at a regular meeting of the City Council held this 27th day of September, 2016 on motion of Councilmember _____, seconded by Councilmember _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF GUADALUPE

BY: _____
John Lizalde, Mayor

ATTEST:

Joice Earleen Raguz, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

By: _____
David M. Fleishman, City Attorney

ATTACHMENT 5

ORDINANCE 2016-457

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE AMENDING THE MUNICIPAL CODE, TITLE 18 (ZONING), CHAPTER 18.08 (DEFINITIONS) TO DEFINE TRANSITIONAL AND SUPPORTIVE HOUSING AS RESIDENTIAL USES SUBJECT ONLY TO THOSE RESTRICTIONS THAT APPLY TO OTHER RESIDENTIAL DWELLINGS OF THE SAME TYPE IN THE SAME ZONE, IN ACCORDANCE WITH STATE LAW AND THE CITY'S 2015 HOUSING ELEMENT UPDATE



ORDINANCE NO. 2016-457

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE AMENDING THE MUNICIPAL CODE, TITLE 18 (ZONING), CHAPTER 18.08 (DEFINITIONS) TO DEFINE TRANSITIONAL AND SUPPORTIVE HOUSING AS RESIDENTIAL USES SUBJECT ONLY TO THOSE RESTRICTIONS THAT APPLY TO OTHER RESIDENTIAL DWELLINGS OF THE SAME TYPE IN THE SAME ZONE, IN ACCORDANCE WITH STATE LAW AND THE CITY'S 2015 HOUSING ELEMENT UPDATE

WHEREAS, Senate Bill 2 (Chapter 633, Statutes of 2007) requires local governments to define transitional and supportive housing as residential uses subject only to those restrictions that apply to other residential dwellings of the same type in the same zone; and

WHEREAS, May 24, 2016, the City Council adopted an update to the City's 2015 Housing Element Update; and

WHEREAS, Housing Action Plan Programs A.3 and D.5 of the updated Housing Element call for zoning text amendments to achieve compliance with those provisions of Senate Bill 2 related to the allowance of transitional/supportive housing in all residential zone districts.

Now therefore, the City Council of the City of Guadalupe does ordain as follows:

SECTION 1. Title 18 (Zoning) Chapter 18.08 of the City of Guadalupe Municipal Code, entitled "Definitions" is hereby amended to add Sections 18.08.303, 18.08.304 and 18.08.305 as follows:

Section 18.08.303 Supportive Housing.

"Supportive Housing" means housing that is occupied by persons within the target population, and linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing shall be allowed in any residential zone district subject only to those restrictions that apply to other residential dwellings of the same type in the same zone in accordance with California Government Code Section 65583. Supportive housing has no limit on length of stay.

Section 18.08.304 Target Population

"Target population" means adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.

Section 18.08.305 Transitional Housing

"Transitional Housing" means housing that assists persons within the target population in the transition to permanent housing by offering either on or off-site access to social services, counseling, and other programs to its residents. Transitional housing is operated under program requirements that call for the

termination of assistance and recirculation of assisted units to other eligible program recipients at some predetermined future point in time, which shall be no less than six months and no more than 24 months from initial occupancy. Transitional housing shall be allowed in all residential zone districts and shall be subject only to those restrictions that apply to other dwellings of the same type in the same zone.

SECTION 2. In accordance with Section 36933 of the California Government Code, within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be posted in three publicly accessible locations in the City.

SECTION 3. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

SECTION 4. Savings and Interpretation Clause. This ordinance shall not be interpreted in any manner to conflict with controlling provisions of state law, including, without limitation, the Government Code of the State of California. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. If this ordinance, or any section, subsection or clause of this ordinance shall be deemed unconstitutional or invalid as applied to a particular appeal, the validity of this ordinance and its sections, subsections and clauses in regards to other projects, shall not be affected.

INTRODUCED at a regular meeting of the City Council held this 13th day of September 2016 on motion of Councilmember _____, seconded by Councilmember _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PASSED AND ADOPTED at a regular meeting of the City Council held this 27th day of September, 2016 on motion of Councilmember _____, seconded by Councilmember _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF GUADALUPE

BY: _____
John Lizalde, Mayor

ATTEST:


Joice Earleen Raguz, City Clerk


APPROVED AS TO FORM:
Office of the City Attorney

By: _____
David M. Fleishman, City Attorney

8a.

**REPORT TO THE CITY COUNCIL
Council Agenda of September 13, 2016**


Prepared by:
Annette Muñoz


Approved by:
Ed Tewes, Interim City Administrator

SUBJECT: Authorizing the Signing of Warrants

RECOMMENDATION: That the City Council review and consider adoption of Resolution No. 2016-58 "A Resolution of the City Council of the City of Guadalupe, California Designating a Council Member or City Employee to Sign Warrants."

BACKGROUND:
Guadalupe Municipal code 2.53.010 states "All payments to be made by warrant shall be signed by any two (2) of the following: City Treasurer, Mayor, City Administrator. In addition, the City Council, by adoption of a resolution by a majority of the City Council, may designate other City employees or elected officials to sign warrants."

During the FY 2015-16 interim audit the week of July 25, 2016, it was brought to staff's attention by the senior auditor that one of the four signers is not an elected official or a city employee.

RECOMMENDATION:
Staff recommends that Council choose one of its members or a City employee to be the fourth signer for the warrants. Keep in mind that the person chosen should be readily available if two of the other signers are not.

FISCAL IMPACT:
None

Attachment:
Resolution 2016-58

RESOLUTION NO. 2016-58

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GUADALUPE, CALIFORNIA DESIGNATING A COUNCIL MEMBER OR CITY EMPLOYEE TO SIGN
WARRANTS**

WHEREAS, the City of Guadalupe utilizes the warrant system to pay salaries, procure services and supplies; and

WHEREAS, in order to safeguard the City's warrant system, the City desires to have at least two (2) signers for each warrant; and

WHEREAS, per Guadalupe Municipal Code 2.53.010 the City has established three (3) signers; the City Treasurer, Mayor and City Administrator.

WHEREAS, the City desires to add a fourth signatory to allow for efficient warrant disbursements in the event two of the signers are not available.

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the following elected City official or City employee to be the fourth signer:

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Guadalupe this 13th day of September 2016.

John Lizalde, Mayor

ATTEST:

I, **Joice Earleen Raguz**, City Clerk of the City of Guadalupe, California, **DO HEREBY CERTIFY** that the foregoing Resolution, being **Resolution No. 2016-58** has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held the 13th day of September and the same was approve and adopted by the following vote:

MOTION:

AYES:

NOES:

ABSENT:

ABSTAIN

Joice Earleen Raguz, City Clerk



AGENDA REPORT

SUBJECT/TITLE:

PROPOSED EMPLOYMENT AGREEMENT WITH CRUZ W. RAMOS AS CITY ADMINISTRATOR

RECOMMENDATION:

- 1. AUTHORIZE MAYOR TO EXECUTE EMPLOYMENT AGREEMENT WITH CRUZ W. RAMOS**

EXECUTIVE SUMMARY:

The City Council recently engaged in a wide-ranging recruitment to find a city administrator to succeed Andrew Carter. City staff received resumes from a number of highly qualified candidates, and after an initial screening panel comprised of three city managers from other cities who forwarded a list of the top three candidates, the City Council conducted lengthy interviews with each of the three candidates. Cruz W. Ramos, former city administrator for the city of San Joaquin, was selected by council as the top candidate and Ms. Ramos was offered the position of city administrator. The attached employment agreement sets forth the various terms and conditions of her employment, her compensation and benefits, and other provisions required by law.

In summary, the agreement is a three-year agreement, with the recognition that the city administrator position serves at the will of the City Council. Thus, the agreement can be terminated prior to the three year period, but severance pay in the amount equal to six months' salary and health benefits would be payable. The base salary is set at \$115,000 per year, with a provision guaranteeing that the city administrator's salary will be increased to \$1.00 greater than the base salary of any other employee in the City, in the event another employee's base salary exceeds \$115,000 in the future. Health benefits match those provided to other employees of the City.

FISCAL IMPACT: The cost of this contract on an annualized basis will be \$146,282 including \$115,000 in salary; \$15,962 in City contribution to retirement; and \$15,320 in City contribution toward health insurance. That amount is within the budget for the compensation of the City Administrator approved in June 2016. Since August 3 there have been some labor cost savings attributable to retaining a CalPERS retired annuitant to serve as Interim City Administrator.

Prepared by: David Fleishman, City Attorney

Meeting Date: 13 September 2016

Attachment: Proposed employment agreement

Interim City Administrator Approval:

**City of Guadalupe
City Administrator Fiscal Impact
as of 9/9/16**

Base Salary	115,000		9 months 86,250	Annualized 115,000
Health Insurance-Family				
Health	Fam Rate	Sub ttl		
Oct-Dec 16	1,040	3,119		
Jan-Jun 17	1,265	7,587	10,706	14,274
Dental				
Oct 15-Jun 17	101	680	680	907
Vision				
Oct 15-Jun 17	15	104	104	139
Total insurance cost			11,490	15,320
Retirement Cost				
Classic 16-17 Rates				
Employer	8.88%		7,659	10,212
Employee	5.00%		4,313	5,750
Total retirement cost			11,972	15,962
Total cost			109,712	146,282

Assumptions:

Health insurance based on family rates
 Retirement based on Classic employee
 Start date October 1, 2016

EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF GUADALUPE
&
CRUZ W. RAMOS

This Agreement is made and entered into this 13th day of September, 2016 by and between the City of Guadalupe, a municipal corporation, (hereinafter called "Employer" and Cruz W. Ramos, (hereinafter called "Employee") an individual, both of whom agree as follows:

Section 1: Term:

The term of this agreement shall be for a period of three (3) years, from October 3, 2016 to and including October 2, 2019. Not later than June 30, 2019, Council shall either negotiate an extension to this agreement or vote to not extend this agreement. Notwithstanding the term of the agreement, Employee acknowledges that her position with the City is an "at-will" position, and Employer need not provide advance notification, sufficient or just cause or a right of appeal from a decision to terminate Employee. Employee shall be entitled to only such benefits upon termination as are explicitly set forth in this Agreement. Employee is exempt from City's Personnel System and holds no property right in her employment.

Employee agrees that no representative of City has made or can make any promises, statements, or representations which state or imply that Employee is hired or retained under any terms other than at-will and with exemption from City's Personnel System, as set forth above. Employee agrees that no agreement can impliedly arise that Employee is employed under any terms other than at-will and with exemption from City's Personnel System, as set forth above. Employee's status as at-will and exemption from City's Personnel System may only be changed, revoked, amended, or superseded by a written document, signed by Employee and the Mayor following approval by the City Council.

Section 2: Duties and Authority

Employer agrees to employ Employee as City Administrator to perform the functions and duties specified for that position under the California Government Code and Guadalupe Municipal Code Chapter 2.04 and to perform other legally permissible and proper duties and functions, including but not limited to executive direction of the Successor Agency to the former Guadalupe Redevelopment Agency. Employee agrees to devote all of her business time, skill, attention, and best efforts to the discharge of the duties and responsibilities assigned to her by the City Council during the term of her employment.

Section 3: Compensation

During the term of this Agreement, Employer agrees to pay Employee an annual base salary of one hundred fifteen thousand and 00/100 Dollars (\$115,000.00), payable in installments at the time that other management employees of the employees of the Employer are paid, less any applicable deductions required for taxes or other legally required amounts. During the term of this Agreement, should any employee of the City

receive a cost of living or other increase in the base salary that equals or exceeds Employee's base salary set forth in this paragraph, Employer agrees to increase Employee's base salary to one dollar more than the base salary of the next-highest paid employee of the City. For purposes of this section, "base salary" shall not include those amounts paid to employees for overtime payment.

Section 4: Health Insurance Benefits

A. The Employer agrees to provide and to pay the premiums for insurance programs for the Employee and her dependents equal to those provided to other non-safety department heads of the City of Guadalupe. In the event Employee does not wish to enroll in such insurance programs, Employee may elect to receive the cash equivalent of such benefits by payment into a deferred compensation program.

B. The Employer agrees to provide and pay the premiums for term life insurance in the amount of \$105,000 on Employee's life, the beneficiary of which shall be selected by Employee. With respect to this insurance benefit only, Employee may not elect to receive the cash equivalent of such benefit.

Section 5: Vacation, Sick, Administrative and Holiday Leave

Employee shall be credited with vacation, holiday and sick leave in an amount equal to that of other non-safety employees of the City of equal tenure. A vacation accrual cap of 240 hours shall apply – Employee will not earn additional vacation hours in excess of that cap. Employee shall be credited with 10 hours of Administrative leave upon commencement of employment, due to the irregular hours and additional hours needed to meet the needs of the City. Thereafter, Employee shall be credited with 40 hours of Administrative leave each calendar year of this Agreement. Administrative leave shall be replenished annually on January 1 but unused leave shall not be paid off at the end of each calendar year, contract year, or upon termination or separation from the City.

Section 6: Retirement

The Employer agrees to enroll the Employee into the applicable State PERS retirement system or plan using the 2% @ 62 base formula. The Employer agrees to make the appropriate Employer contributions on the Employee's behalf as required by PERS and approved by Council. Employee shall pay the full employee member contribution.

Section 7: General Business Expenses

A. Employer recognizes that certain expenses of a non-personal but job related nature are incurred by Employee, and agrees to reimburse or to pay said general expenses. The Finance Director is authorized to disburse such

moneys upon receipt of duly executed receipts, pursuant to the City's Travel and Expense Reimbursement Policy.

- B. The Employer acknowledges the value of Employee being immediately accessible to Council members and staff via electronic mail and mobile telephone at all hours, whether Employee is present at City Hall or not. As such, the Employer shall provide a mobile phone to Employee, which includes a data plan, and pay for reasonable monthly use charges. Alternatively, once the current cell phone contract expires, Employee shall have the option to keep using the City-provided cell phone or have the City pay Employee a monthly mobile telephone allowance of \$75, which shall cover all expenses of whatever nature incurred in the use of a mobile telephone for her duties for Employer.
- C. Employer shall budget for and pay reasonable professional dues, subscriptions, and expenses related to annual conference attendance and occasional training seminars, on behalf of Employee for purposes of allowing her continued and full participation in direct job-related professional organizations for the good of the City at the national, regional, state, and local levels. Such organizations shall include membership in the International City/County Manager's Association. Employee will be expected to provide reasonable notice to the City of any planned absences to attend such activities.
- D. City shall make available to Employee a City vehicle for her use on City business. In the event the City vehicle is unavailable, and Employee uses her personal vehicle for City business, City shall reimburse Employee for such use at the then-current IRS mileage rate, which reimbursement shall be deemed to cover all costs and expenses of such use, including but not limited to the cost of insurance, insurance deductibles, fuel, maintenance, and any other expense of whatever description.

Section 8: Termination

- A. For the purpose of this agreement, termination shall occur when at least three (3) out of five (5) members of the City Council vote to terminate the Employee at a duly authorized public meeting, when Employee is otherwise ready, willing and able to perform the duties of her position.
- B. If Employee is permanently disabled or is otherwise unable to perform her duties because of sickness, accident, injury, mental incapacity or health, with or without a reasonable accommodation, for a period of four (4) successive weeks beyond any accumulated leave, or for twenty (20) working days over a thirty (30) working day period, Employer shall have the option to terminate this agreement, subject to the severance pay requirements of Section 9.

- C. If the Employer reduces the base salary, compensation or any other financial benefit of the employee in a percentage greater than the average reduction applicable to all department heads, Employee shall have the right to declare that such reduction constitutes termination entitling Employee to severance under Section 9.
- D. If the Employee resigns following an offer by Employer to accept resignation, or following a suggestion by Employer to resign, whether formal or informal, then the Employee shall have the right to declare such resignation a termination under this Agreement.

Section 9: Severance

- A. Except as set forth in subsection C. and under Government Code Section 53260, if the Employee is terminated under Section 8, the Employer shall provide a severance payment equal to six (6) months base salary at the current rate of pay and health insurance benefits at the employee-only level. Should the Council fail to vote to extend the term of this Agreement on or before June 30, 2016, then Employee shall be entitled to three (3) months severance pay at the expiration of the term of this Agreement. The severance shall be paid in a lump sum. Notwithstanding anything to the contrary in this subsection, pursuant to Government Code Section 53243.2, regardless of the term of this Agreement, if the Agreement is terminated, any cash settlement related to the termination that Employee may receive from City shall be fully reimbursed to City if Employee is convicted of a crime involving an abuse of her office or position.
- B. Whether or not the City is required to pay a severance payment to Employee on termination of Employee, Employee shall be paid for all accrued and unused vacation leave to date of termination then payable under the terms of this Agreement. No payment shall be made upon termination or separation from the City for accrued and unused sick or administrative leave.
- C. Employee shall not be entitled to the severance payment set forth in subsection A. in the event she is terminated following a conviction of a felony, or of a misdemeanor involving abuse of office or position by Employee, as that term is defined in Government Code Section 53243.4.
- D. This Section in no way changes or modifies Employee's status as an at-will employee.

Section 10: Resignation

In the event that the Employee voluntarily resigns her position with the Employer, the Employee shall provide a minimum of sixty (60) days notice unless the parties agree otherwise. If Employee voluntarily resigns her position with the Employer, Employee shall not be entitled to the severance payment set forth in Section 9.

Section 11: Hours of Work

It is recognized that the Employee must devote a great deal of time outside the normal office hours on business for the Employer, including but not limited to City Council and other meetings occurring during evening and night hours, and on days when City Hall is closed to the public. Employer is retaining Employee to perform the duties of City Administrator, and not for any particular working hours or schedule. Employee shall be entitled to no additional compensation for hours worked outside the Employer's normal office hours.

Section 12: Indemnification

- A. Employer shall provide Employee defense and indemnification as set forth in Part 7, Division 3.6, Title 1 of the Government Code, specifically Government Code Sections 995 et seq.
- B. Employee recognizes that Employer shall have the right to compromise and settle all actions or proceedings in which Employer is providing Employee a defense, even if Employee objects to such compromise or settlement.

Section 13: Other Terms and Conditions of Employment

A. The Employer shall fix any such other terms and conditions of employment as it may determine from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City of Guadalupe municipal code or any other California law.

B. Employer shall review Employee's job performance not less frequently than annually with the first review being in August 2017. Subsequent annual reviews shall occur during the month of August of each year thereafter unless the parties agree otherwise. Interim reviews may be scheduled at any time upon direction of the City Council, with such notice as is required by law. The annual performance reviews and evaluations shall be in writing and in accordance with criteria and format developed jointly by Employer and Employee. Employer shall provide Employee a reasonable and adequate opportunity to discuss Employee's evaluation with the Employer. The annual performance reviews and evaluations shall be reasonably related to the Employee's duties under Chapter 2.04

of the Municipal Code and shall be based, in whole or in part, on goals for Employee's performance that are jointly developed and adopted by the Employer and Employee.

Section 14: General Provisions

- A. **Effective Date:** This Agreement shall become effective on approval by the City Council at a regular meeting.
- B. **Arbitration:** Any and all controversies or claims arising out of or relating to Employee's employment with City or the termination of Employee's employment with City shall be settled by binding arbitration in accordance with the Employment Arbitration Rules and Mediation Procedures of the American Arbitration Association and judgment on the award rendered by the Arbitrator may be entered in any court having jurisdiction thereof.
- C. **Severability:** The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.
- D. **Miscellaneous:** Employee's duties and obligations under this Agreement are personal and not assignable. The Agreement shall be binding on the Employer and the Employee as well as their heirs, assigns, executors, personal representatives and successors in interest. Paragraph headings used in this Agreement are for convenience only and shall not be considered part of the terms of the Agreement. No interpretation or construction of any provision or provisions of this Agreement will be influenced by the identity of the party drafting the Agreement. This Agreement will be governed by and construed in accordance with the laws of the State of California.
- E. **Integration:** This Agreement sets forth and establishes the entire understanding between the Employer and the Employee related to the employment of the Employee by the Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this agreement during the life of the agreement. Such amendments shall be incorporated and made a part of this agreement.

CITY OF GUADALUPE
("EMPLOYER")

CRUZ W. RAMOS
("EMPLOYEE")

By: _____
John Lizalde, Mayor

By: _____
Cruz W. Ramos

O'CONNELL PARK – PAST, CURRENT AND FUTURE
PREPARED BY ARISTON JULIAN, COUNCIL MEMBER
SEPTEMBER 13, 2016

On or about July, 2002, the City of Guadalupe received Roberti-Z'Berg-Harris funds of \$182,000 for the upgrade of the 15 Acre O'Connell Park. Shortly after that grant, the City of Guadalupe received Per Capita Grant Program 2000 Resources Bond Act funds of \$59,000 to meet the need for safe, open and accessible recreational facilities. The total of these two grants, \$241,000, required city match in the way of dollars or in-kind contributions. Since the above figures and grants happened more than 13 years ago, a review of financial data on the grants received from the state and other sources, is necessary to get an accurate accounting of funds which directly impacted the upgrade of O'Connell Park. The two grants above, however, accounted for the majority of improvements completed

Regardless of the total amount which was utilized to upgrade the park, the issue for the City of Guadalupe is to determine if we have been good stewards of the public money which went into the park development. Through this brief update, it is my opinion that O'Connell Park is in dire need of attention.

Guadalupe Bulldogs Organization:

The local Guadalupe Bulldogs organization approached the City of Guadalupe many months ago when the City Council was considering charging for the use of O'Connell Park for the programs using the complex. The theory for the rationale for charging to use the facility, in my mind, was to ensure that we had resources to maintain the facilities. Since there has been no charge for facility use, thus, maintenance must be absorbed by the city general fund and by limited staffing available for park upkeep. During that presentation, the City committed to have two city council members, myself and Mr. Jerry Beatty, meet with the group to see how we could support our two goals: Provide a playing field safe to use and how to help cover the cost to maintain the facility.

The most significant issue regarding the football/soccer field as identified by the Bulldog organization, was that the crowning of the field to prevent water from ponding in the playing area. This water accumulation or slow drainage of water on the playing field would leave the field to moist for use and then subject the turf to damage. The problem today is that the excessive slope of the crown is too excessive where water is not permit water to adequately aerate into the soil for optimum watering of the turf. Additionally, the irrigation system in the entire O'Connell complex does not seem to adequately water the areas where play, both for football and softball, can be safely conducted. With our past years of drought conditions and issues with irrigation, the turf area has been significantly degraded.

Condition of Playing Fields – Football and Softball – Irrigation System and Gophers

More than 50% of O’Connell Park is not adequately watered and has been inundated with gophers. A short Power Point print out is provided for review. I encourage a site visit by council members to observe the conditions of the park. This condition poses a safety risk for those who visit the facility and prevents organized sports from practicing or utilizing the fields for league play.

Parameter Trees

All the trees planted on the site were donations to the park and planted by volunteers as part of the in-kind donations. The trees on western property line of the park are in dire need of trimming, and in some cases, removal. Trees and other wood plants respond in specific and predictable ways to pruning and other maintenance practices. Careful study of these responses has led to pruning practices which best preserve and enhance the beauty, structural integrity and functional values of trees. In an effort to promote practices which encourage the preservation of tree structure and health, we need to review how we maintain the trees both in the area of adequate watering and trimming. Additionally, the tree overgrowth is can permit unwanted activities and can present to a visitor, unsafe areas because of the inability to observe any potential areas where the lack of sight in and around the trees can culture unwanted or undesirable activities. The trees are counter to a safe venue for visitors, walkers, etc.

Friends of O’Connell Park – Concept

The City of Guadalupe, lacks the adequate resources to staff O’Connell Park and other city park facilities. Coupled with in my opinion, which leads to the conditions we now see at O’Connell Park. The City was “granted” funds to provide a regional park area for areas residents to enjoy. Over the past decade, we have seen a substantial deterioration at this particular park, do, primarily, to the lack of funds for maintenance, issues with the lack adequate irrigation system, droughts we have experienced for 4-5 years, etc., etc.

One answer to renovating and maintenance of O’Connell Park and other city park facilities, is to partner with youth, civic organizations, other like-minded volunteers and individuals to help with maintenance and upkeep. There are three organizations currently who have expressed an interest to partner with the City of Guadalupe to help maintain O’Connell Park. Guadalupe Bulldogs Organization, Girls Youth Soft Ball League and Guadalupe Sports Hall of Fame (GSHF). Additionally, several agribusiness companies and private donations are available to develop strategies to work with city staff, in planning, help maintaining, fund raising funds to keep O’Connell Park in the condition it was first developed.

RECOMMENDATIONS

Recommendation One

The primary goal of renovating and maintaining the upkeep of O'Connell Park will require continued collaboration with the City of Guadalupe, city staff and volunteer youth organizations to oversee the following recommendations. Without this approval, renovation and maintenance of O'Connell Park would be extremely challenging.

Recommendation Two

Continue collaboration with the Guadalupe Bulldogs Organization, Softball League, GSHF and other volunteers and organizations to prepare a work plan with the priority of renovating the football field for a planned return of the use of the field by the organized youth football league in 2017.

Recommendation Three

Work with Mike Pena, Ron Estabillo and other city staff, in helping organize work parties and efforts to upgrade the football field. This would include the consultation with professional landscaping contractors to determine the most appropriate manner to eliminate the gophers, and return the turf to functional and safe use.

Recommendation Four

Work with the City Engineer to survey the crown area of the football field to survey a playing area which is optimum for use by youth football or, if appropriate, soccer. Grading contractors will be paid for by donations made to the football field preparation and at no cost to the City of Guadalupe.

Recommendation Five

Develop a volunteer core group, along with a professional arborist, and city staff, to trim, remove, replant, brace, etc., the parameter trees so that by sprucing up the tree area, one can begin to see efforts to improve O'Connell Park. We have a commitment from Health Sanitation (Thank you Mr. Beatty) for the use of roll-offs to remove trimmings from the park. In this tree pruning effort, we should consult with David Fleishman, City Attorney, to ensure that the City is adequately protected and released from any liability when utilizing volunteers for this effort.

Recommendation Six

All three entities named above; youth football, youth softball and GSHF all are nonprofit organizations and have both financial commitments from supporters, resources and a volunteer base to undertake preliminary field preparations for their areas they wish to renovate: Football Field, Softball Field and the development of the Little League type field proposed for the north east corner of the park.

Recommendation Seven

It should be noted that all three of these athletic endeavors will require adequate irrigation systems to ensure that what is replanted, repaired, etc., remains in optimum condition. Without the appropriate irrigation system and turf coverage, any work related to turf repair will be for naught. If necessary, an appropriate irrigation system vendor should be contacted for advice on proper function and maintenance.

Recommendation Eight

Determine what role and impact our contracted landscaping company has in upkeep, maintenance, gopher eradication, etc., of the entire O'Connell Park complex.

Recommendation Nine

If necessary, permit the above athletic organizations and programs, to contract a gopher eradication contractor to help control the existing rodents and provide advise on how to maintain the park as free of gophers and squirrels as possible.

CLOSING:

In closing, the key to the upgrade of O'Connell Park requires the approval of Recommendation One. With the councils continue approval of this working relationship between the city and local residents and programs, this effort to improve and maintain O'Connell could encompass the same attention needed by other city park facilities.

Thank you for your time and Consideration.

CITY COUNCIL UPDATE CONDITION OF O'CONNELL PARK

Several board members of the local Guadalupe Youth Football Team, Guadalupe Bulldogs, approached city representatives to discuss the condition of the football field at O'Connell Park. Their primary concern was that the condition of the field was not suitable for any league play. After review of the field and comparison to the park when initially open for play, it becomes obvious that the condition of the park today can prove detrimental to the safety of those who utilize the facility not only the football field but most of the 15 acre park.

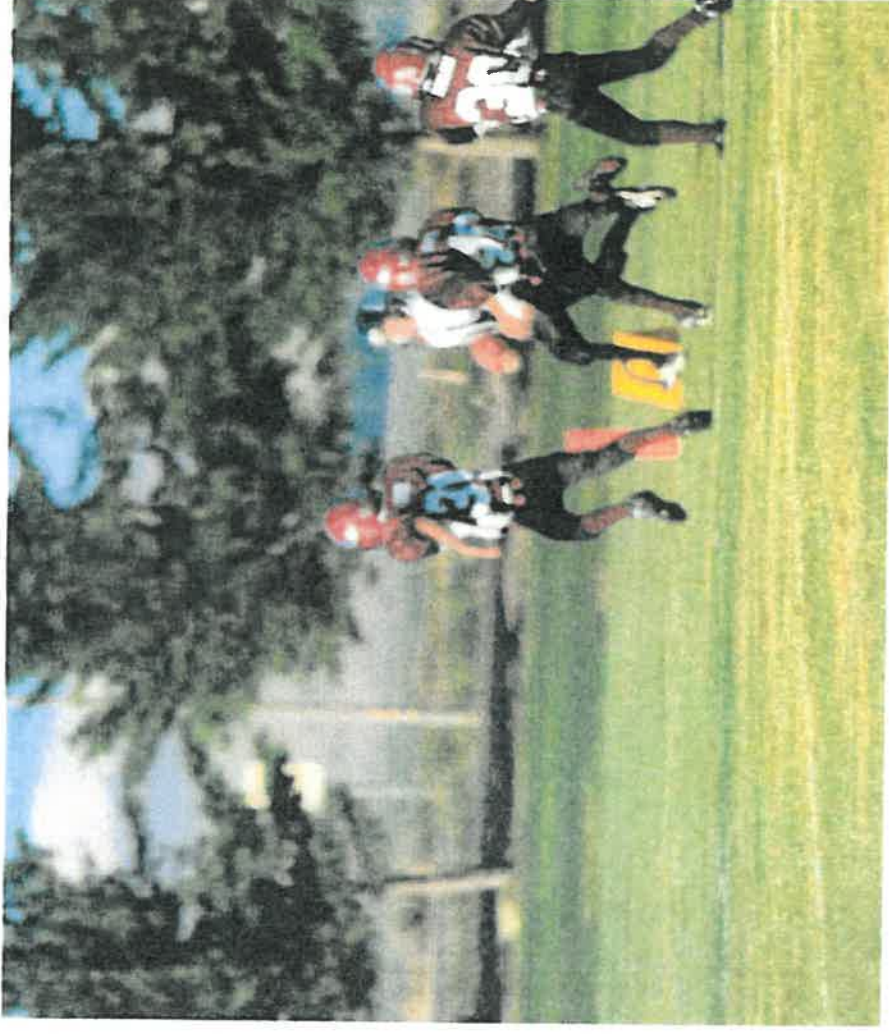


On or about 2003/2004

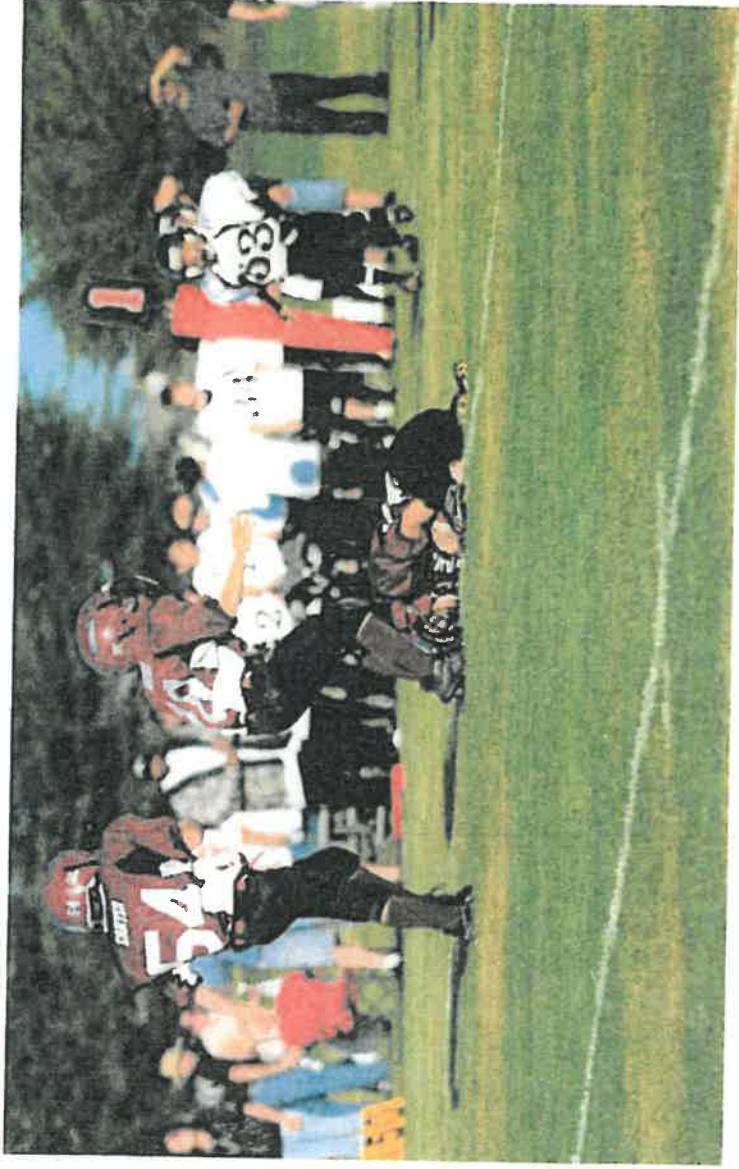


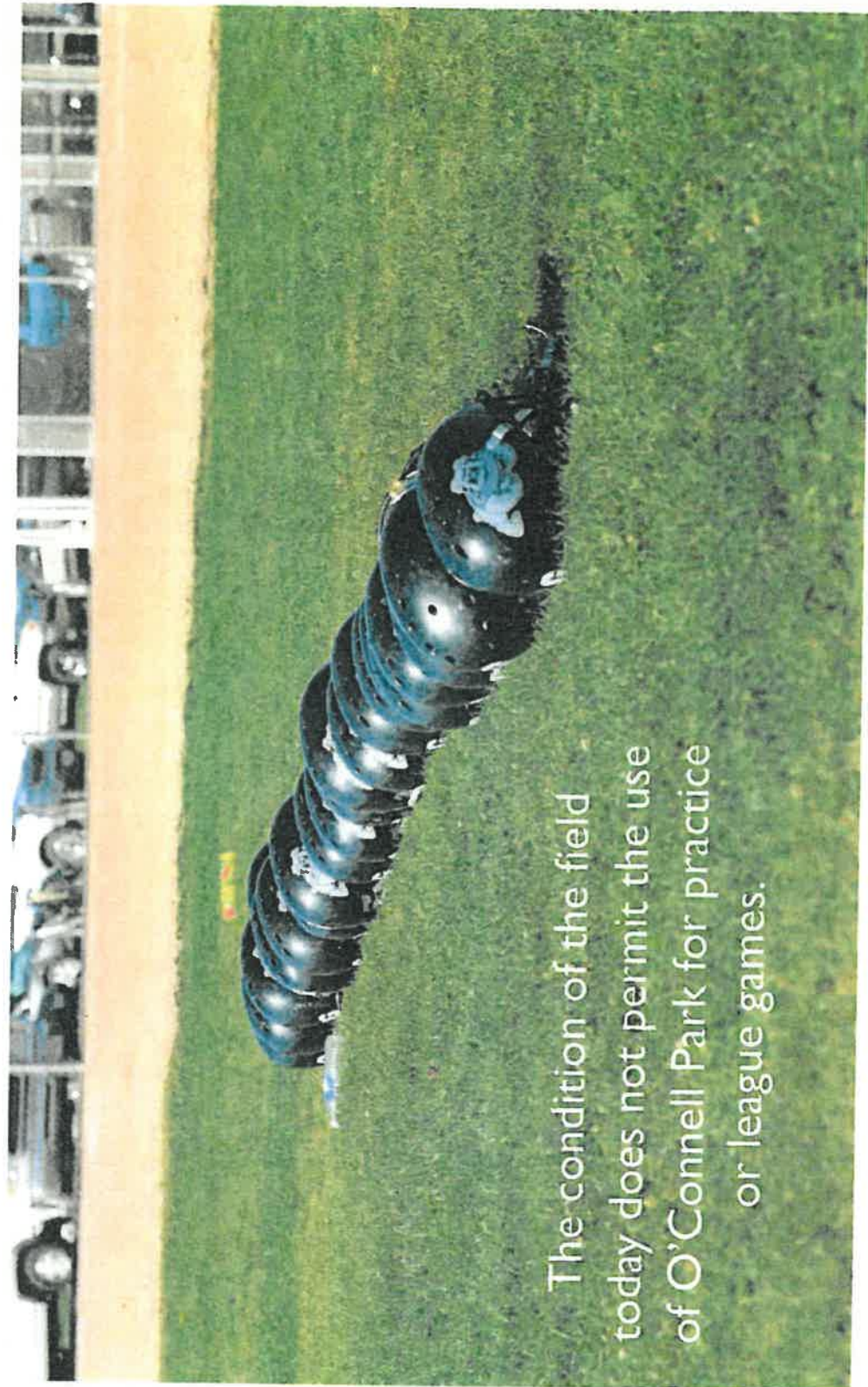
NOTE CONDITION
OF TURF

The Board of Directors of the Bulldogs Football team have requested that the crown on the playing field be lowered to help water the playing area. Without water retention, the playing area becomes hard packed and not suitable for practice nor play.

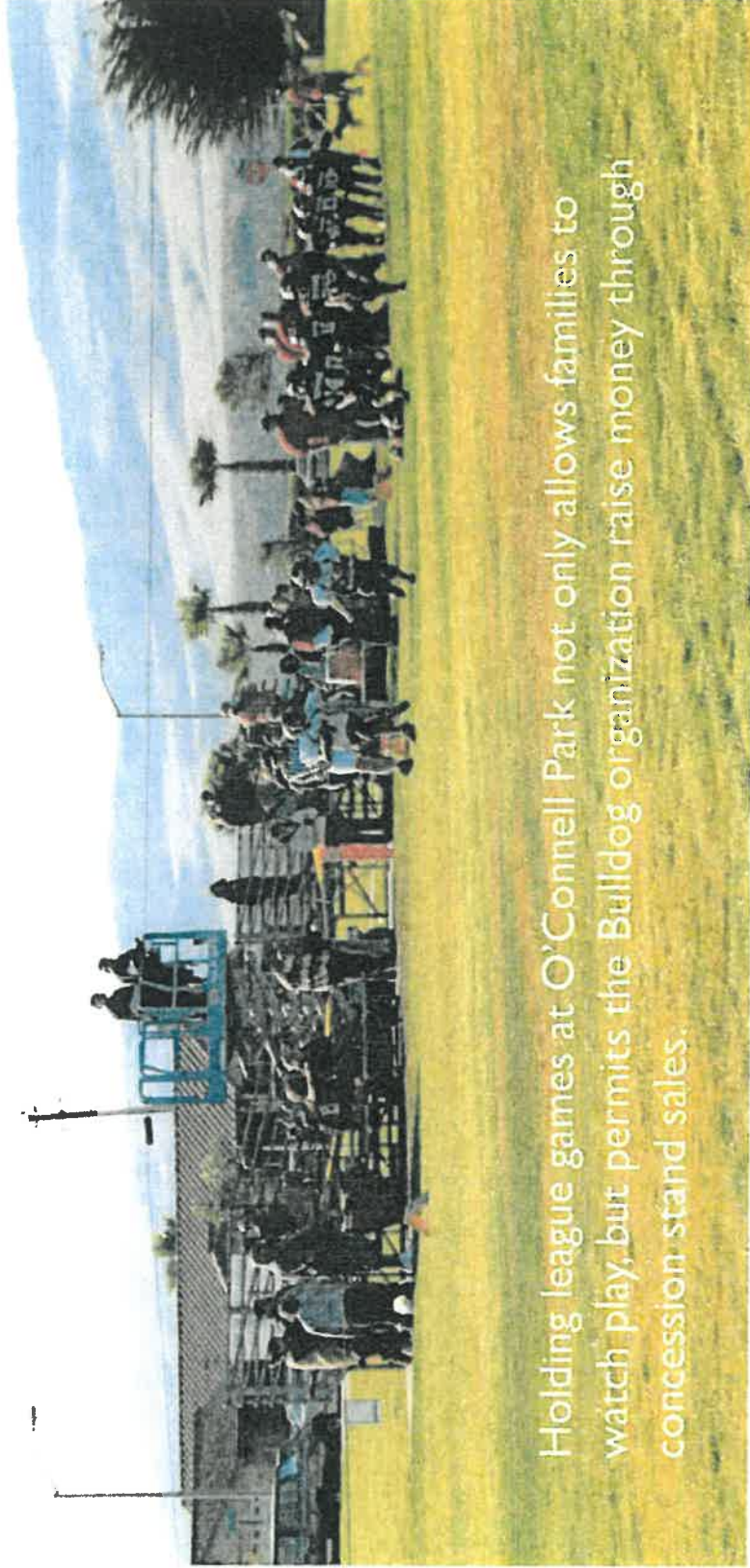


**IN THE PAST, THE FIELD WAS IDEAL FOR
LOCAL LEAGUE TO SCHEDULE PLAY AT THE
PARK**





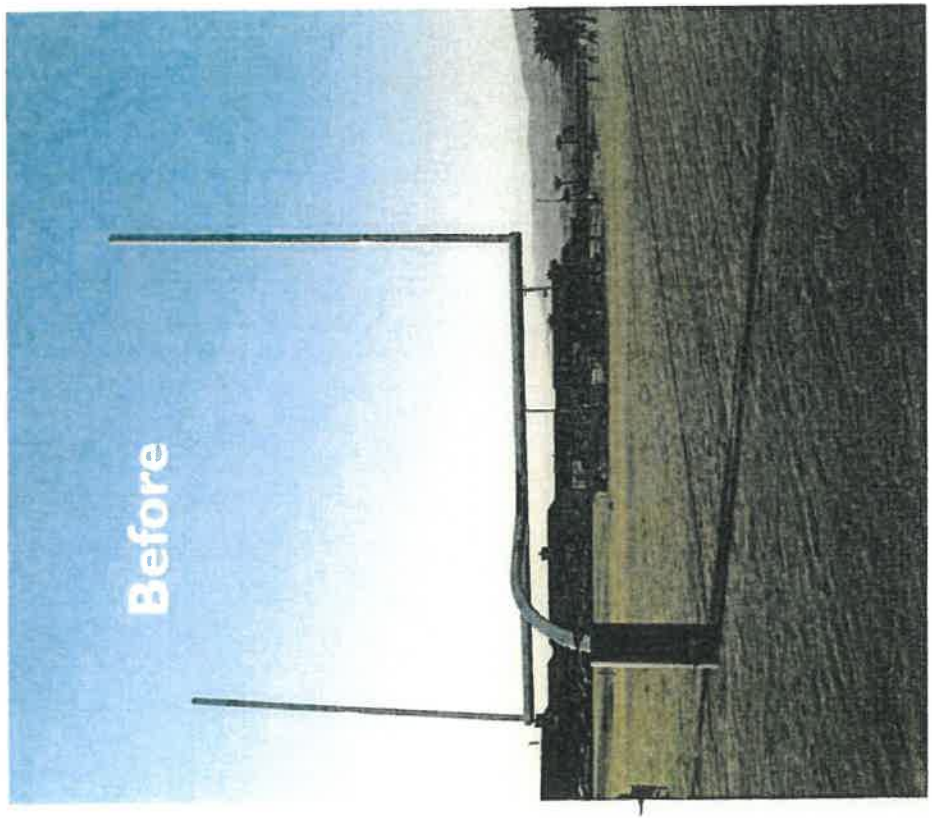
The condition of the field today does not permit the use of O'Connell Park for practice or league games.



Holding league games at O'Connell Park not only allows families to watch play, but permits the Bulldog organization raise money through concession stand sales.

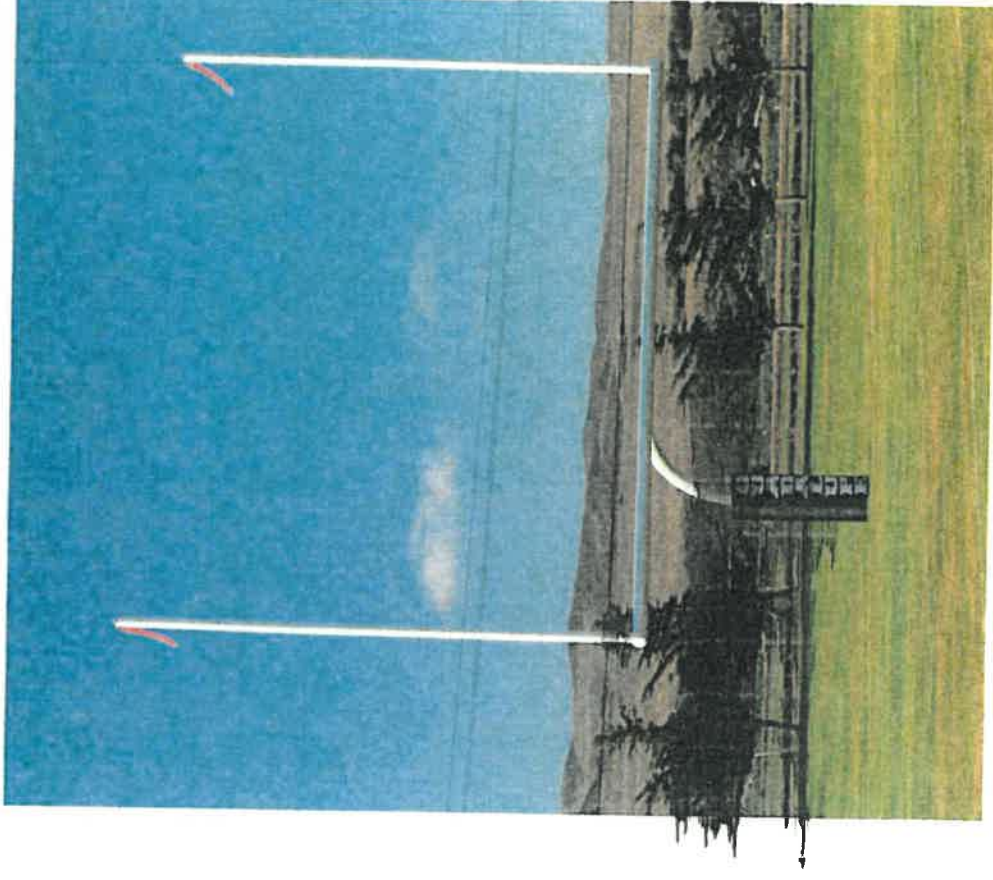


Today



Before

**PROPERLY
MAINTAINED
TURF HELPS
PREVENT
RODENTS
FROM
ESTABLISHING
HABITAT**



**FOOTBALL PRACTICE HAS MOVED TO MCKENZIE
JUNIOR HIGH SCHOOL – POOR FIELD
CONDITIONS AT O'CONNELL PARK**



O'CONNEL PARK NEEDS HELP

BEFORE



TODAY



Guadalupe Bulldogs Board of Directors has raised funds to pay for any field renovations requested for safe play. The issue of continued maintenance must be identified to keep the park in a safe and useful state.



When O'Connell Park was opened for use for both Football and Softball play, it was considered a "jewel" for youth play. Not so today!



BEFORE



TODAY



NO LEAGUE PLAY FOR LOCAL GIRL'S SOFTBALL POOR FIELD CONDITIONS – OPENING DAY



BEFORE AND AFTER – YOUTH LOSING OUT TO GOPHERS



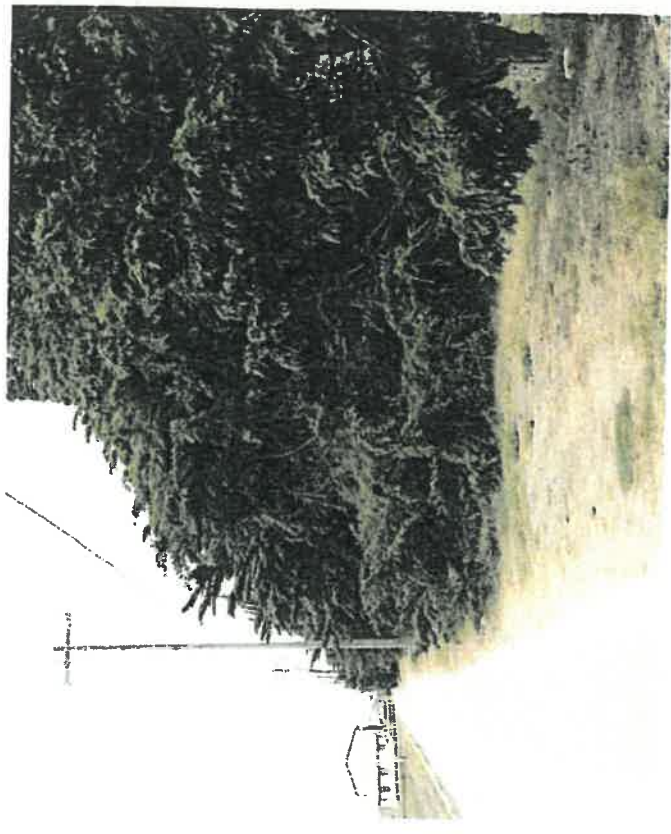
WAS BUILT FOR SAFE PLAY --- NOT TODAY



SOFT BALL FIELD – RIBBON CUTTING



TREE PRUNING & TRIMMING NEEDED



SPORTS FOR OUR
YOUTH HELPS KEEP
KIDS IN SCHOOL.
KEEPING KIDS
GUADALUPE
YOUTH IN SCHOOL
IS A MUST



YOUTH COMPETE WITH GOPHERS



Proposed youth baseball/softball field location





TODAY



BEFORE

