

**GUADALUPE POLICE DEPARTMENT
MONTHLY ADMINISTRATIVE OPERATIONAL DATA SUMMARY
MONTH OF AUGUST 2019**

PART I: CRIMES

TYPE OF CRIMES	THIS MONTH		THIS MONTH LAST YEAR		THIS YEAR TO DATE		LAST YEAR TO DATE	
	REPORTED	CLEARED	REPORTED	CLEARED	REPORTED	CLEARED	REPORTED	CLEARED
187 PC HOMICIDE	0	0	0	0	0	0	0	0
261 PC RAPE	0	1	0	0	1	1	0	0
211 PC ROBBERY	1	0	0	0	1	0	1	0
242/245 PC ASSAULT	4	3	2	2	36	30	19	16
459 PC BURGLARY	7	3	1	0	24	5	7	0
484/487 PC THEFT	4	0	3	0	19	4	16	3
10851 VC VEH THEFT	1	2	0	0	12	9	8	6
451 PC ARSON	0	0	0	0	0	0	1	1
TOTAL	17	9	6	2	93	49	52	26

PART II: REPORTED CRIMES

REQUEST FOR SERVICE	THIS MONTH	THIS MONTH LAST YEAR	THIS YEAR TO DATE	LAST YEAR TO DATE
TOTAL REPORTS TAKEN	97	92	605	770
TOTAL REQUEST FOR SERVICE	239	290	1,831	2,160
TOTAL ACTIVITY FOR THE MONTH	336	382	2,436	2,930
DOMESTIC VIOLENCE REPORTS	2	0	17	10
TOTAL PROPERTY STOLEN	\$6,897	\$21,075	\$26,768	\$30,682
TOTAL PROPERTY RECOVERED	\$833	\$3,600	\$24,578	\$3,670

PART III: ARREST SUMMARY

OFFENSES	THIS MONTH		THIS MONTH LAST YEAR		THIS YEAR TO DATE		LAST YEAR TO DATE	
	ADULTS	JUVENILES	ADULTS	JUVENILES	ADULTS	JUVENILES	ADULTS	JUVENILES
FELONY	7	5	7	0	48	9	27	7
MISDEMEANOR	10	3	12	1	75	29	101	7
TOTAL	17	8	19	1	123	38	128	14
23152(a&b) VC ARREST	2		9		21		37	
WARRANT ARREST	3		5		31		45	

NOTE: DUI AND WARRANT DATA ARE INCLUDED IN ABOVE ARREST TOTALS

GUADALUPE POLICE DEPARTMENT
MONTHLY ADMINISTRATIVE OPERATIONAL DATA SUMMARY
MONTH OF AUGUST 2019

PART IV: NARCOTICS ACTIVITY

TYPE OF NARCOTICS	THIS MONTH		THIS MONTH LAST YEAR		THIS YEAR TO DATE		LAST YEAR TO DATE	
	REPORTED	ARREST	REPORTED	ARREST	REPORTED	ARREST	REPORTED	ARREST
HEROIN	0	0	0	0	2	2	1	1
COCAINE	0	0	0	0	1	1	0	0
METHAMPHETAMINE	2	2	0	0	6	6	12	12
MARIJUANA	0	0	2	2	10	10	7	7
PARAPHERNALIA	1	1	2	2	1	1	12	12
TOTAL	3	3	4	4	20	20	32	32

PART V: SPECIAL DATA

	THIS MONTH	THIS MONTH LAST YEAR	THIS YEAR TO DATE	LAST YEAR TO DATE
OFFICERS ASSAULTED	0	0	1	0
INJURED ON DUTY	0	0	1	0

ADDITIONAL INFORMATION:

STAFFING:	1	POLICE CHIEF	
	2	POLICE SERGEANT	1 UNFILLED POSITION
	3	POLICE CORPORALS	1 UNFILLED POSITION
	9	POLICE OFFICERS	3 UNFILLED POSITIONS
	2	OFFICE STAFF PERSONNEL	
	5	RESERVE POLICE OFFICERS	3 UNFILLED POSITIONS
	1	COMMUNITY SERVICE TECHNICIAN	FULL TIME POSITION UNFILLED AS A PART-TIME POSITION
	0	EVIDENCE TECHNICIAN	UNFILLED POSITION
	2	POLICE VOLUNTEER(S)	

COMMENTS:



GUADALUPE FIRE DEPARTMENT

TO: PUBLIC SAFETY DIRECTOR, MICHAEL CASH
FROM: CAPTAIN PATRICK SCHMITZ
SUBJECT: MONTHLY SUMMARY OF CODE ENFORCEMENT CASES
 August 1, 2019 – August 31, 2019

DATE: 09/02/2019

CODE ENFORCEMENT CASES

INCIDENT TYPE	This Month	Last Month	Year to Date (2019-2020)	Year to date (2018-2019)
Business License (GMC 5.04.040)	0	0	0	11
Animal Nuisance (Odor, Noise) (GMC 6.04.100 (A,E))	2	0	2	0
Fowl, Livestock and Wild Animals (GMC 6.04.210)	2	0	2	1
Litter Accumulation (GMC 8.12.020)	1	1	2	20
Abatement of Weeds and Rubbish (GMC 8.16.010)	3	6	9	6
Unsafe Living Conditions (GMC 8.40.020)	0	0	0	1
Unlawful Property Nuisance (GMC 8.50.070)	4	1	5	7
Graffiti Abatement (GMC 9.07.060)	0	1	1	0
Abandoned Vehicles (GMC 10.36.010)	3	6	9	10
Unapproved Vehicle Covers (GMC 10.36.010)	0	0	0	0
Portable/fixed basketball goals (GMC 10.48.050)	1	3	4	0
Yard Sale Signs (GMC 12.13.010)	2	0	2	3
Tampering with Water Service (GMC 13.04.200)	0	0	0	0
Working Without Permits (GMC15.04.020)	0	1	1	3
Address Number (GMC 15.08.020 (505.1))	0	1	1	5
Illegal Garage Conversion (GMC 18.08.120, 18.08.160)	0	0	0	0
Damage Fence (GMC 18.52.125)	0	0	0	1
Parking on Front Yard Setback (GMC 18.60.035)	2	5	7	26
Landscape Maintenance Required (GMC 18.64.120)	1	1	2	7
Inspection/Complaints (No Violation Found)	3	0	3	2
Apartment Inspections	1	2	3	80
Yearly Business Inspections	12	8	20	17
Other	2	4	6	16
TOTAL	39	40	79	216

Miscellaneous	This Month	Last Month	Year to Date (2019-2020)	Year to date (2018-2019)
Visitors	116	82	198	217
Public Relations	0	1	1	1
School Visits	0	0	0	0

CALLS FOR SERVICE August, 2019

INCIDENT TYPE	This Month	Last Month	Year to Date (2019-2020)	Year to date (2018-2019)
Medical	26	33	59	54
Structure Fire	0	0	0	0
Cooking Fire	0	0	0	1
Trash or Rubbish Fire	0	0	0	0
Vehicle Fire	0	1	1	2
Grass/Vegetation Fire	1	1	2	0
Other Fire	0	1	1	0
Motor Vehicle Accidents with Injuries	3	4	7	2
Motor Vehicle Accidents No Injuries	1	1	2	6
Motor Vehicle/Pedestrian Accident	1	0	1	0
Hazardous Materials Spill/Release	0	1	1	0
Hazardous Condition Other	0	0	0	2
Water Problem/Leak	0	0	0	1
Animal Problem / Rescue	0	0	0	0
Search / Rescue	0	0	0	1
Public Assistance	1	2	3	8
Police Matter/Assistance	1	0	1	3
Illegal Burn	0	0	0	0
Smoke/CO Detector/Fire Alarm Activation	0	2	2	1
Dispatch and Canceled En-route	3	3	6	9
False Alarm	0	0	0	2
TOTAL	37	49	86	92

Additional Information

STAFFING: 1 Public Safety Director (Police/Fire Chief)
 3 Fire Captains
 1 Permit Tech/Firefighter
 8 Paid Call Firefighters 4 Positions Vacant
 3 Reserve Firefighters

Special Coverage:

Paid Call Firefighter Providing coverage on Holidays, Vacation, and Sick time due to Firefighter/Permit Technician being off.



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

Memorandum

To: Robert Perrault, Interim, Interim City Administrator
From: Anna Marie Santillan Michaud, City Treasurer
Subject: Treasurer's Report – August 2019
Date: September 10, 2019

This memo explains the changes in the monthly Treasurer's report for August 2019 compared to the prior month. August cash increased due primarily to:

- \$ 53,277 Pasadera Building permits
- \$ 87,400 State of California for AI's Union
- \$ 22,754 La Plaza Villa reimbursement Court fees
- \$ 71,976 State of California DOT

**Treasurer's Report
Investments and Cash as of August 31, 2019**

Local Agency Investment Fund ("LAIF") Account 98-42-346	6,498,081.56
Total Investments	\$ 6,498,081.56

Cash	
Checking Account 155-503815 ("Warrant Account")	237,874.55
Checking Account 155-003261 ("Payroll Account")	21,811.92
Total Cash	\$ 259,686.47 *

*Actual ending balances reconciled to Bank Statements

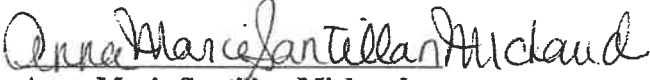
The following is a summary of the City's cash and investments as of March 31, 2019 compared with the prior month.

Investments and Cash	July 31, 2019	August 31, 2019
Investments	6,498,081.56	6,498,081.56
Cash	526,296.19	259,686.47
Total	\$ 7,024,377.75	\$ 6,757,768.03 **

** Total Cash and Investments agree to General Ledger.

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

Submitted: 9/10/2019


Anna Marie Santillan Michaud
 City Treasurer



Human Resources
918 Obispo Street
P.O. Box 908
Guadalupe, CA 93434
Ph: 805.356.3893
Fax: 805.343.5512

Email: villegas@ci.guadalupe.ca.us

HUMAN RESOURCES MONTHLY REPORT AUGUST 2019

RECRUITMENT

- Police Officer

One full-time hire, 8/26/19. Two candidates are currently in backgrounds: one full-time and the other reserve.

- Paid-Call Firefighters

Two hires, 8/13/19. One candidate's background is near completion and should be going through pre-employment physical/screen in mid-September.

- City Administrator

Final candidate recruitment process near completion.

- Finance Director

The recruitment process continues.

- Water Maintenance Operator I

The one candidate previously screened and interviewed was regretted. Two new candidates were phone screened with oral board scheduled in September.

- Fire Engineers (3)

An oral board was held on 8/06/19 to select three candidates from an internal pool of seven Paid-Call Firefighters. All seven were also interviewed by Chief Cash with three selected. All three will start 9/05/19.

- Finance – temporary employee

One 8/21/19 an interview was held for a temporary, part-time position in Finance. This position is only scheduled for two days a week, 6 hours per day. This position is training on and will be a backup for the Accounts Payables function and well as others in the department. The individual will start 9/10/19.

- Recreation Coordinator

Charlie Guzman was hired as the new Recreation Coordinator with a hire date of 8/26/19. In addition to handling recreation activities, he also has rental responsibilities for City facilities and parks.

- Human Resources Manager

Deadline for posting was 8/13/19. Twenty-two resumes received of which 18 were regretted. Four were phone screened with interviews scheduled in September.

OTHER:

- Training: No training sessions during month of August.

- Workers' Compensation

The employee with the injury reported in July (which occurred) in June was released to full duty with follow-up appointments at the City's health clinic. No lost time. The other new injury reported last month also had no lost time.

One of the two employees out for extended periods was expected to be released to full duty in late August. That date has now changed to early in September. The other employee remains out with no anticipated date of release at this point.

One other employee was seen by the City's health clinic. Problem deemed "not work related".

- Labor Negotiations

We received SEIU's initial demands on 8/02/19. At the second meeting with SEIU on 8/29/19, the City gave its counter proposal. SEIU countered with their proposal on 8/30/19. Third meeting scheduled in early September.

Second meeting scheduled with POA on 9/06/19.

Summary of Rentals/Usage for City Facilities & Parks

FACILITY	THIS MONTH	THIS MONTH LAST YEAR	THIS YEAR- TO-DATE (FY 19/20)	LAST YEAR- TO-DATE (FY 18/19)
Auditorium/Gym	9	9	26	15
O'Connell Park	2	2	2	3
LeRoy Park	0	1	1	1
Senior Center	6	2	12	3
City Parking Lot	0	0	4	3
Council Chambers	6	6	11	12

REPORT TO THE GUADALUPE CITY COUNCIL
City Council Agenda of September 24, 2019



Prepared by:
Larry Appel, Contract Planning Director



Approved by:
Robert Perrault, Interim City Administrator

SUBJECT: Public Hearing to consider 2019-127-CUP, a request of AGS Recycling, Inc. to approve a conditional use permit (CUP) for a CRV buyback center located at 770 Guadalupe Street, Guadalupe, CA, (Assessor's Parcel Numbers 115-140-001) per City Council determination of similar use of Section 18.36.030 of the Guadalupe Municipal Code (GMC),

EXECUTIVE SUMMARY:

The proposed project is a request to approve a CUP to allow a CRV buyback center to be reestablished in the parking lot of Roy's Liquor Market, located at 770 Guadalupe Street. On September 10, 2019, the City Council voted unanimously to consider the buyback business to be similar in use to those other uses listed in the CUP section of the General-Commercial zone district (Section 18.36.030). The previous recycling business has been closed for a number of years, but the large land/sea container has remained in the parking lot. The applicant has recently painted the container and applied new signage on it in anticipation of receiving his permits for this facility. All state permits have been obtained and if this CUP is approved, the facility could open on September 25, 2019. A Categorical Exemption (Class 1) was prepared for the CUP application in accordance with California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION:

It is recommended that the City Council:

- 1) Receive a presentation from staff; and
- 2) Conduct a public hearing, including: a) an opportunity for the applicant to present the proposed project, b) receive any comments from the public; and
- 3) Adopt Resolution No. 2019-58 approving a conditional use permit for the CRV buy back center (2019-127-CUP)

BACKGROUND:

A recycling facility was operated from the parking lot of this liquor store in past years. According to the Police Department, when the facility was operated in the past there were no special calls for service. The applicant has prepared a business plan that utilizes the existing land/sea container. The parking lot has been restriped to help with the flow of traffic as customers drop off their recycling. This property is located within the Central Business District which has separate Land Use Element Policies, described below. Mr. Arroyo received his authorization from the state to operate the business on August 5, 2019 and has been given a maximum of 60 days to begin operation. This recycling operation must begin no later than October 4th or the state permit will be voided and the application will need to be processed with new fees.

The Guadalupe Municipal Code (GMC) does not have a provision in the General- Commercial (G-C) zone district to allow recycling. The only mention of anything close is for a salvage yard within the Industrial-Commercial (M-C) zone district. Household recycling did not begin in earnest until 1986, well after the zoning ordinance went into effect. The City Council unanimously approved a “similar use determination” on September 10, 2019 which has allowed this CUP application to be processed within the General-Commercial zone district.

Surrounding uses include a vacant lot to the north, retail businesses to the west across Guadalupe Street, an apartment complex to the east and an industrial building to the south. Ingress and egress from the facility’s parking lot is off Olivera Street.

DISCUSSION:

Recycle Operation:

The AGS Recycling facility will be operated in the southwest corner of the liquor store parking lot. The operation is simple in that all the recycling equipment (scale, bins, and storage bags) all fit within the land/sea container when the operation is closed. The applicant proposes to operate Monday- Wednesday and Friday-Saturday 9 am – 5 pm. The facility will be closed on Thursdays for cleaning. The daily operating procedure includes a requirement for customers to exit the site upon conclusion of their transaction.

During the similar use hearing several people spoke, including a couple that live in town and operate a business in the City of San Luis Obispo. Their personal observations were that not all recycling facilities were a benefit to the surrounding area due to people that loiter after concluding their transactions or before the site opens for business. While there is no way to discriminate between customers, staff has provided conditions of approval that should ensure that the business can operate and be compatible with the surrounding area. This will be discussed further in the Resolution Findings.

Economic Development / General-Commercial Land Use Goals and Policies:

The existing 2002 Guadalupe General Plan has a limited number of policies to help direct or define uses in the city. Below are policies from the Economic Development Element as well as the Land Use Element.

Econ Goal #1, (pg. 65) - *Expand employment opportunities to offer stable means of income...*

Econ Policy #6, (pg. 66) – *Encourage and promote new types of commercial and industrial uses in order to diversify the City’s economic base.*

LUE, Central Business Dist. (CBD) Policy #11 (pg. 56) – *The City will reserve the CBD for uses which primarily provide retail and service businesses which serve the entire community and visitors.*

LUE, General Commercial, Policy #12 (pg.56) – *Commercial areas shall be served by public utility infrastructure without detriment to the existing systems.*

Goals and Policies Consistency: The project, as proposed, would be consistent with the above-mentioned policy statements and goals taken from the 2002 General Plan. The business will provide income for the applicant and will provide a local site for recycling. Since the closure of the previous business, residents are forced to travel to Santa Maria or the Five Cities area to cash in their recycling. This location will have a positive impact on local air quality as residents no longer need to drive distances for recycling services. This business has the opportunity to serve the entire community. In summary, the proposed project would be consistent with applicable policies of the General Plan.

CEQA Review

The project consists of a single land/sea container with all equipment and recycled materials being contained within the container. Based on the limited size of operation, the project has been found to be exempt from CEQA based on the Categorical Exemption Class 1 (Existing Facilities), CEQA Guidelines Section 15301.

PUBLIC NOTICE:

Staff duly published the required Public Hearing Notice on September 14, 2019. Copies of the Public Hearing Notice were also mailed to property owners and occupants within a 300-foot radius of the subject property.

CONCLUSION:

The AGS Recycling business has receive all necessary permits from the state and is required to begin operation no later than October 4, 2019. Staff believes that adequate conditions are proposed to ensure that this business can operate and be compatible with the surrounding area. The location of the proposed business is within the City’s Central Business District where, *“uses primarily provide retail and service businesses which serve the entire community and*

visitors” (LUE, CBD Policy #11 (pg. 56). Based on these facts, the required approval findings can be made in support of approving the proposed CUP. Further, the required findings of fact are supported by substantial evidence in the record.

The staff recommendation is provided below.

1. Adopt City Council Resolution No. 2019-58, approving 2019-127-CUP, AGS Recycling, Inc., in accordance with the requisite Findings set forth in Exhibit 2 and subject to the project’s Conditions of Approval set forth in Exhibit 3.

ATTACHMENTS:

- 1) Resolution No. 2019-58, including CEQA Class 1 Categorical Exemption (Exhibit 1), Approval Findings (Exhibit 2), and Conditions of Approval (Exhibit 3)
- 2) Site Plan

RESOLUTION NO. 2019-58

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE,
CALIFORNIA, APPROVING THE CONDITIONAL USE PERMIT FOR AGS
RECYCLING, INC. 2019-127-CUP**

WHEREAS, AGS Recycling, Inc. (the “Applicant”) has submitted an application to the City of Guadalupe for a conditional use permit (recycling facility) for an approximately 0.3-acre site at 770 Guadalupe Street within the City of Guadalupe (APN 115-140-001); and

WHEREAS, the recycling use was reviewed by City Council on September 10, 2019, and on a 5-0 vote, determined that a recycling facility was a similar use to other uses within the General-Commercial zone district; and

WHEREAS, Staff duly published notice of a September 24, 2019 public hearing regarding 2019-127-CUP, and mailed copies of the notice to all property owners and occupants within a 300-foot radius of the AGS Recycling facility; and

WHEREAS, after taking public testimony and hearing evidence from City staff, the City Council finds, pursuant to the Findings attached to this resolution as Exhibit 2 and subject to the project’s Conditions of Approval attached to this resolution as Exhibit 3, that the approval of the Conditional Use Permit and revised project description, is consistent with the City’s General Plan and applicable Chapters of the City’s Municipal Code; and

WHEREAS, the City Council has considered the entire administrative record, including application materials, staff report, the California Environmental Quality Act determination, and oral and written testimony from interested persons; and

WHEREAS, the City Council finds that after completely reviewing this conditional use permit, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore the activity is not subject to CEQA per CEQA Guidelines Section 15301, Existing Facilities, Exhibit 1; and

WHEREAS, the City Council finds that approval of the Conditional Use Permit would be consistent with the City’s General Plan, the provisions of Title 18 (Zoning Code) of the Guadalupe Municipal Code; and the Council therefore has the ability to make the required findings, including findings pursuant to the California Environmental Quality Act; and

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

- Section 1. The Findings set forth in Exhibit 2 to this Resolution are true and correct in regards to Conditional Use Permit and the Design Review Permit, which are hereby adopted and incorporated herein by this reference.
- Section 2. After reviewing the revised project description and this conditional use permit completely, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore the activity is not subject to CEQA per CEQA Guidelines Section 15301, Existing Facilities.
- Section 3. The Conditional Use Permit (2019-127-CUP) is approved, subject to the Conditions of Approval set forth in Exhibit 3 of this Resolution.
- Section 4. The City Clerk shall certify as to the adoption of this Resolution.
- Section 5. The Planning Director shall file Exhibit 1, Notice of Exemption, with the Santa Barbara County Clerk.

PASSED, APPROVED, AND ADOPTED this 24th day of September 2019 on motion of Councilmember xxx, seconded by Councilmember xxx, and on the following roll call vote, to wit:

AYES:	0	Councilmembers:
NOES:	0	
ABSENT:	0	Councilmembers:
ABSTAIN:	0	

CITY OF GUADALUPE

BY: _____
Ariston Julian, Mayor

ATTEST:

AS TO FORM:

Joice E. Raguz, City Clerk

Philip F. Sinco, City Attorney

Exhibits:

- Exhibit 1 - CEQA Categorical Exemption
- Exhibit 2 - Findings
- Exhibit 3 - Conditions of Approval

To: County Clerk
County of Santa Barbara
123 E. Anapamu Street
Santa Barbara, CA 93101

From: City of Guadalupe
819 Obispo Street
Guadalupe, CA 93434

Project Title: AGS Recycling, Inc.

Project Applicant: Edgar Arroyo

Project Location-Specific: 770 Guadalupe Street

Project Location-City: Guadalupe

Project Location-County: Santa Barbara County

Description of Nature, Purpose, and Beneficiaries of Project:

The Conditional Use Permit allows the operation of a CRV buyback center, located in the parking lot of an existing retail business. Adequate parking and internal circulation is provided. No bottle or can crushing is permitted at the facility and all buyback materials will be stored inside an existing land/sea container until removed from the site each week, or more frequently, as needed.

Name of Public Agency Approving Project: Guadalupe City Council

Name of Person or Agency Carrying Out Project: Larry Appel, Contract Planning Director

Exempt Status: (check one)

- Ministerial (Sec. 15268);
- Declared Emergency (Sec. 15269(a));
- Emergency Project (Sec. 15269(b)(c));
- Categorical Exemption. State type and section number: Class 1 (15301) for Existing Facilities**
- General Exemption (Section 15061(b)(3))

Reasons why project is exempt:

The project uses an existing land/sea container to provide the means of operating a CRV buyback center. No noise will impact neighboring properties as this center is not permitted to operate a glass or can crusher. The business is operated Monday, Tuesday, Wednesday, Friday and Saturday from 9 a.m. to 5 p.m. and is closed on Thursdays for staff to pressure wash the entire site. After reviewing this CUP for its business operating plan, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore the activity is not subject to CEQA.

Contact Person: Lawrence W. Appel (Area Code) Phone Number/Ext: (805) 598-8385

Signature: _____ Title: Contract Planning Director

Date received for filing at County Clerk's Office: _____

(Form prepared March 2018)

EXHIBIT 2, FINDINGS FOR APPROVAL

AGS RECYCLING, INC. 2019-127-CUP

1.0 CEQA Findings

1.1 CONSIDERATION OF THE CATEGORICAL EXEMPTION AND FULL DISCLOSURE

The City Council has considered the Categorical Exemption (Class 1) together with the comments received and considered during the public review process for the project. The Categorical Exemption has been completed in compliance with CEQA, and is adequate for this proposal.

1.2 FINDING OF NO SIGNIFICANT EFFECT

On the basis of the whole record, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore the activity is not subject to CEQA.

1.3 LOCATION OF DOCUMENTS

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

2.0 Administrative Findings

2.1 CONDITIONAL USE PERMIT FINDINGS

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

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

The proposed recycle facility will be located in the parking lot of a local retail business. The zoning is appropriate based on a "similar use determination" approved unanimously by the City Council. The project is consistent with applicable goals and policies of the General Plan, as enumerated earlier in the staff report. Therefore, the proposed project is consistent with the General Plan.

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

A recycling facility has operated in the past at this same location with no apparent concerns from the surrounding properties or businesses, based on City Council testimony from the Guadalupe Police Department (Sgt. Limon, 9-10-19). The proposed operation will not have a noise impact on surrounding property as there will be no glass or can crushing on site. The operator will simply weigh and bag the recycling materials for transport to a larger collection facility in Santa Maria. The storage unit, also used for the buyback office is located approximately 45 feet back from the road and at least 50 feet from the closest apartment unit. There is a six foot masonry wall separating the parking lot from the adjacent apartment parking lot. Conditions will be put on this project to ensure that the recycling business will be compatible with the surrounding area. This includes a condition to bring the business back to City Council for a change in conditions or a revocation of the entire permit if it is shown that the business is not compatible with the surrounding neighborhood. For these reasons, staff believes the project can make the findings necessary for approval of the CUP.

**EXHIBIT 3
AGS RECYCLING, INC.
2019-127-CUP
CONDITIONS OF APPROVAL**

1. Project Description. The permittee shall comply with the project description, and site plan (Attachment 2), dated September 24, 2019. Any changes from the project description, or conditions may require a permit amendment, as determined by the Planning Director. Contact the Planning Department prior to changing anything onsite. The property shall be sold, leased or financed in compliance with this project description, site plan and conditions of approval. **The Project Description consists of the following: Operation of a recycling CRV buyback center in the General-Commercial zone district, operated in the southeast corner of a retail business parking lot. The property is located at 770 Guadalupe Street (APN 115-140-001). Hours of operation are Monday-Wednesday and Friday-Saturday 9:00 a.m. to 5:00 p.m., with Thursday used for power washing the parking lot adjacent to the land/sea container that serves as the storage unit and buyback office. No glass or can crushing shall be permitted onsite. No loitering shall be permitted after completing the transaction.**
2. "No Loitering" signs shall be prominently displayed on the site and staff shall be responsible for enforcement during regular business hours.
3. The site shall be kept clean with regular pick up of any trash accumulating on the property and to avoid odor and rodent problems. Added containers shall be provided for customers to dispose of plastic bags and any other non-recyclable materials. Water used for power washing the land/sea container and/or parking lot shall remain on site and not be discharged into the City's storm water drainage system.
4. No recycled materials or containers shall be stored in the open parking lot after regular business hours. The land/sea container shall be locked when not in use.
5. All stored recycling materials (aluminum, glass, plastic, bimetal) shall be removed from the site no less than once per week and taken to a recycling distribution center.
6. All weeds shall be removed from the site and decorative planters shall be utilized to landscape the operation. Plans shall be approved by the Planning Department within 30 days of CUP approval.
7. Any public nuisances determined to be significant can result in a public hearing before the City Council. The Council, after receiving staff input and public comment will determine if the facility is operating within the approved conditions of approval. If the operation is not compliant with conditions, a

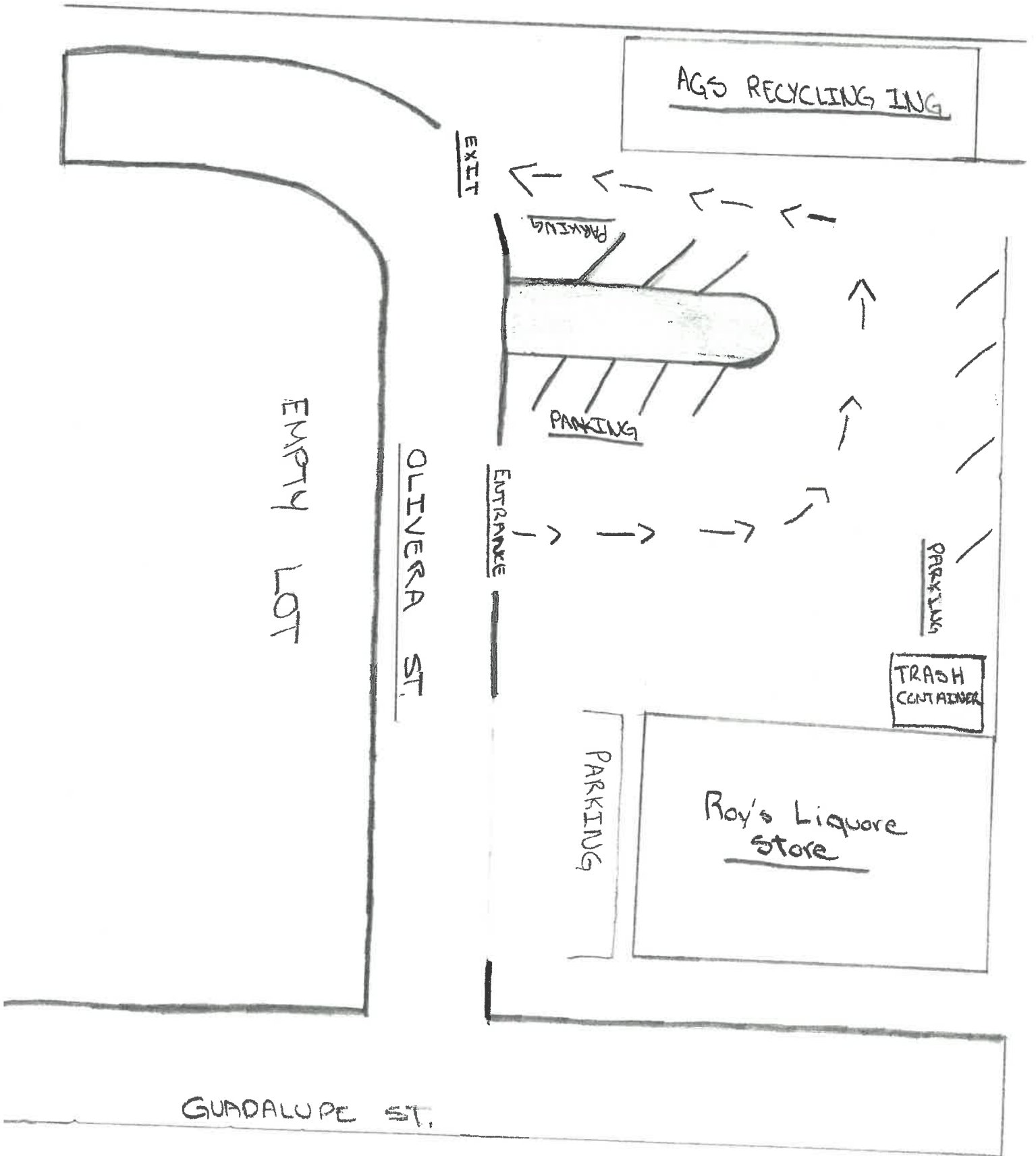
decision could be made to amend or add conditions, or revoke the permit altogether. The operator is responsible for City fees to process the nuisance hearing.

8. The CUP shall be null and void if at any time the operator/owner fails to comply with state requirements for recycling under Certification Number RC292150.001. Upon notice of non-compliance, the City will give the operator thirty (30) days to resolve conflicts with the state such that the permit is reinstated or reissued. A hearing for revocation will be scheduled if the state permit is not reinstated or reissued.
9. All proposed signs shall comply with the sign ordinance (Municipal Code Section 18.52.150). A zoning clearance shall be processed for all requested signs.
10. The operator and property owner shall sign the ACKNOWLEDGMENT OF CONSENT TO PERMIT CONDITONS before the business can open to the public.
11. All processing fees shall be paid prior to issuance of a Zoning Clearance for operation of the buyback center.
12. A business license shall be applied for and issued to the operator prior to opening to the public.
13. The applicant or owner shall remove all structures and equipment if the permit is revoked or use is discontinued for over six (6) months. The area shall be cleaned and restriped to return it to a parking lot within 30 days of equipment removal.
14. This permit shall be in full compliance with all administrative provisions of Section 18.72.

SITE PLAN

ATTACHMENT 2

AGS Recycling Inc.



REPORT TO THE GUADALUPE CITY COUNCIL
September 24, 2019



Prepared by:
Larry Appel, Contract Planning Director



Approved by:
Robert Perrault, Interim City Administrator

SUBJECT: PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE ACCESSORY DWELLING UNIT (ADU) ORDINANCE (CHAPTER 18.53).

EXECUTIVE SUMMARY:

Last year, staff updated the accessory dwelling unit (ADU) chapter of the Guadalupe Municipal Code (Chapter 18.53). Since that time there have been further amendments to the State regulations requiring additional revisions to the City's local ordinance. Also, there has been direction from City Council to relax the regulations regarding the owner-occupied provision of the ADU ordinance. Utilizing the new Administrative Use Permit process, Council made findings that a requested ADU could be constructed and occupied without the landowner living on the property. One of the proposed revisions of this local ordinance is that staff will be allowed to evaluate, on an individual basis, requests for non-owner-occupied properties that desire to construct an ADU. If this proposed revision is approved, there would be no need to deny the initial request for an ADU nor consider an appeal through the AUP process, which is what is currently required to establish a nonowner-occupied ADU. This revision is consistent with proposed revisions to State law where local agencies will no longer be allowed to deny nonowner-occupied ADUs, but even if state law does not change, state law permits nonowner-occupied ADU's already. The other major change deals with parking. The State has now mandated that local agencies allow parking displaced by garage conversions to be located within setback areas. This amendment will address those parking issues.

RECOMMENDATION:

It is recommended that the City Council:

- 1) Receive a presentation from staff; and
- 2) Conduct a public hearing and introduce by title only and waive the first reading of Ordinance No. 2019-480 amending Chapter 18.53 of the Municipal Code; and
- 3) Continue to October 8, 2019 for second reading and adoption.

FISCAL IMPACT:

Minor reduction in revenues due to the state's ordinance preventing a local agency from assessing discretionary processing fees and the collection of connection fees for utilities.

BACKGROUND:

The first and second readings of Ordinance No. 2018-473 (the original ADU ordinance) and Ordinance No. 2018-475 (which made amendments to the original ADU ordinance) have occurred and the amended ADU sections have been in effect since October 2018. Several applications have been received since the ordinance became effective.

DISCUSSION:

Two issues have come up with the processing of ADUs that are being addressed with this requested amendment to the ordinance. First, staff is recommending that a provision be considered for absentee owners so that under certain circumstances an owner would not be required to live on the property. The City Council recently approved an Administrative Use Permit (AUP#2018-143-ZC) that allowed a local owner to construct an ADU and not physically live at the project site. Findings were made that assured the City Council that the property would not be neglected and would be maintained as if an owner resided on the property. There were several options considered to ensure the property was properly maintained including: 1) other family member residing in one of the homes, 2) owner residing within the City of Guadalupe, or 3) owners outside of Guadalupe could contract with a local property management firm. In this case, the City Council agreed that because the owner lives in the City, plus the fact that the owner managed multiple properties, the property was unlikely to be neglected. A Covenant Agreement was also required to be recorded prior to occupancy per Section 18.53.050.B.2.

Under the amended text, there would be no need to deny the ADU and process an AUP to address owners that live offsite. Instead, findings could be made to ensure the property would be properly maintained through one of the options discussed above. It would be handled by staff utilizing the findings provision of the ADU ordinance and enforced through the recorded Covenant Agreement. This would comply with provisions of the State's mandate to simplify the permitting process and shorten the review time.

Another issue raised by staff has to do with parking on a property when the garage is being converted to an ADU. The ordinance currently requires the project to provide one new space for the ADU, but still provide two spaces for the single family home as required by the City's parking standards (Chapter 18.60). The City requires two parking spaces (one covered) for each single family home, and then one space for the ADU. In order to be compliant with the City's parking regulations, the two primary parking spaces cannot be located within the front yard setback. This would include the driveway leading up to a garage or carport. The ADU parking space is allowed to be a tandem space, which does allow for parking on the driveway, but not so for the two vehicle spaces for the primary unit.

After the initial adoption and amendment of the City's ADU ordinance in October 2018, the

State revised its regulations concerning a local jurisdiction's ability to regulate parking standards for ADU's. California Government Code Section 65852.2(D)(x)(II) states, "***Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.***" (*Emphasis added*). This provision was not known at the time of the City's last update, so by addressing this parking standard, it is possible to allow parking for the primary dwelling to relocate their vehicles from the garage, which is being converted to the ADU, to the driveway or other areas of the front yard setback.

On July 11, 2019, revisions to the offstreet parking ordinance (Chapter 18.60) went into effect. One of the provisions is that all single family and multi-family parking will require at least one covered parking space. This provision must be addressed in the ADU ordinance since the State is requiring local agencies to provide parking within setback areas with no provisions for covered parking. The ADU parking regulations will specifically supersede the provisions in Section 18.060.050.A.1.b for covered parking. The new parking provisions are found in Section 18.53.050.G.4.

ENVIRONMENTAL REVIEW:

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

PUBLIC NOTICE:

Staff published the required display ad in a newspaper of general circulation on or before September 14, 2019.

ATTACHMENT:

1. Ordinance No. 2019-480 with amended text

ORDINANCE NO. 2019-480

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE,
CALIFORNIA, AMENDING CHAPTER 18.53 OF THE CITY OF GUADALUPE
MUNICIPAL CODE REGARDING SECONDARY HOUSING UNITS**

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

WHEREAS, the State Planning and Zoning Law authorizes the legislative body of a city or county to regulate, among other things, the intensity of land use, and also authorizes a local agency to provide by ordinance for the creation of accessory dwelling units in single-family and multi-family residential zones, as specified. That law makes findings and declarations with respect to the value of accessory dwelling units to California's housing supply; and

WHEREAS, California faces a severe housing crisis and accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods; and

WHEREAS, accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character; and

WHEREAS, Government Code Section 65852.2 (a)(1)(D)(xi)(4) states that a local agency's ordinance, if not in compliance with the State's provisions shall be deemed null and void. As such, the City's previously enacted Second Units Ordinance is no longer in effect; and

WHEREAS, the City's previously enacted Secondary Housing Units Ordinance required the property owner to reside on the property where a second unit was established; and because the City's Secondary Housing Units Ordinance is no longer in effect because of preemptive state law, this ordinance is necessary to maintain the stated intention of the City Council as reflected in the previously enacted Secondary Housing Units Ordinance; and

WHEREAS, the City Council adopted Ordinance No. 2018-473 on July 10, 2018, concerning regulation of Accessory Dwelling Units (ADU's), which ordinance became effective on August 9, 2018; and

WHEREAS, the City Council adopted Ordinance No. 2018-475 on September 11, 2018, making certain amendments to the City's ADU ordinance; and

WHEREAS, after the adoption of the City's ADU ordinance and amendments thereto, state law concerning ADU's changed with respect to the permitting of required parking for ADU's in setback areas, which was prohibited by the City's ADU ordinance, thus requiring that the City's ordinance be amended; and

WHEREAS, in connection with an appeal to the City Council of an application for an ADU where the owner would not be residing in either the primary or accessory dwelling unit, the

City Council gave direction to staff to be liberal in permitting exceptions to the owner-occupancy requirement, and City staff has determined that amending the City's ADU ordinance to permit such decisions to be made at staff level rather than require the applicant to appeal a staff level denial to the City Council is more efficient and consistent with the City Council's direction.

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

SECTION 1. Section 18.53.010 of Chapter 18.53 of the Guadalupe Municipal Code is hereby amended 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 accessory dwelling units (ADU) so as to increase the supply of smaller and affordable housing while ensuring that they remain compatible with the existing neighborhood. Accessory dwelling units are considered to be a residential use, consistent with the General Plan objectives and zoning regulations, and enhance housing opportunities, including near transit on single family lots residential lots zoned to allow single family homes. 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), by allowing accessory dwelling units through ministerial review in all Residential Districts, subject to meeting the standards prescribed below.

SECTION 2. Section 18.53.040 of Chapter 18.53 of the Guadalupe Municipal Code regarding Accessory Dwelling Units is hereby amended to read as follows:

18.53.040 Application requirements

A. Application. Requests for an accessory 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 accessory dwelling 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 accessory dwelling 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, and shall not exceed the fixed fees for Planning to review a new single family residence.

6. Copies. One original and five (5) copies of the application package shall be submitted for each ADU request.

SECTION 3. Section 18.53.050 of Chapter 18.53 of the Guadalupe Municipal Code regarding Accessory Dwelling Units is hereby amended to read as follows:

Section 18.53.050 Design and development standards.

A. Accessory structures within existing space. An accessory dwelling unit within an existing structure (e.g. the primary dwelling unit, attached or detached garage or other accessory structure) shall be permitted ministerially with a zoning clearance and building permit if it:

1. Complies with building and safety codes;
2. Provides independent exterior access from the existing residence;
3. Provides sufficient side and rear setbacks for fire safety.

B. Accessory structures (attached and detached).

1. General.

a. Sale of Unit. The unit may not be sold separate from the primary dwelling unit. All conditions of the use permit, restrictive covenants, and other contractual agreements with the City apply to the property.

b. Rental of Unit. Rental of the accessory dwelling unit is allowed.

c. Owner-Occupancy. For properties in the R-1 zoning district, either the primary dwelling unit or the Accessory Dwelling Unit ~~shall~~ should be owner-occupied as a primary dwelling unit and permanent residence by the property owner(s). Exceptions to the owner-occupied requirement ~~may~~ shall be considered on a case-by-case basis by the Zoning Administrator or designee ~~after an administrative hearing as part of the ADU review and approval process.~~ Upon making written findings that the purpose of the owner-occupancy requirement is met even though the property owner does not reside in either the primary residence or the Accessory Dwelling Unit, the Zoning Administrator ~~or designee~~ may issue a Zoning ~~Permit Clearance~~ pursuant to Guadalupe Municipal Code section 18.12.010.A. Findings that the purpose of the owner-occupancy requirement can be met without owner-occupancy include, but are not limited to: (1) family member(s) of owner residing in the primary or accessory dwelling unit; (2) owner(s) residing within the City of Guadalupe, or (3) owner(s) residing outside of Guadalupe but who contract with a local property management company.

(i) If the Planning Director or designee determines that neither of the units are occupied by the property owner, and no exception has been granted in (c) above, the ministerial approval of the accessory dwelling unit shall terminate immediately and the unit shall not be rented, leased, or occupied as a separate dwelling, unless the owner requests that the accessory dwelling unit be reviewed again by staff at the request of the owner, including new fees, and that the findings in (c) be considered to determine if the owner is no longer required to live on the property.

(ii). For the purposes of this Chapter, the property owner is the majority owner of the property as shown in the most recent Santa Barbara County Assessor's roll. If no majority exists, any property owner of record holding an equal share interest in the property may be deemed the majority property owner.

2. Covenant Agreement. A **recorded** covenant agreement is required prior to issuance of a building permit. The covenant agreement shall state that

a. The accessory dwelling unit shall not be sold separately.

(i) The unit is restricted to the approved size.

(ii) Notwithstanding (b)(1)(c.) above, the property owner is required to reside in the primary dwelling unit or the accessory dwelling unit.

(iii) The use of the accessory dwelling unit shall be in effect only so long as the property is in compliance with the provisions of this chapter.

(iv) The above declarations are binding upon any successor in ownership of the property; lack of compliance shall be cause for zoning enforcement.

(v) The covenant agreement shall terminate upon removal of the accessory dwelling unit.

(vi) The covenant agreement shall be recorded by the County Recorder for the County of Santa Barbara at the expense of the property owner.

C. Zoning District. Accessory dwelling units are only allowed on lots that are zoned for residential uses with an existing legal single-family dwelling, or in connection with a proposed single-family dwelling for a vacant lot.

1. Number of Accessory Dwelling Units. Only one accessory dwelling unit shall be allowed for each lot.

2. Unit Types. The accessory dwelling unit may be within the living area of the existing dwelling, attached to the existing dwelling, or detached from the existing dwelling and shall be located on the same lot as the existing dwelling.

3. Junior accessory dwelling units as defined by Government Code Section 62582.22 are not permitted.

4. Building Codes. Local building code requirements apply to attached and detached accessory dwelling units, as appropriate.

5. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

6. Fire Sprinklers. Fire sprinklers are not required unless the existing residence is equipped with fire sprinklers, or unless the Fire Marshall determines that due to special circumstances sprinklers are necessary for life and safety. Fire sprinklers may be considered as mitigation for sub-standard Fire Department access or water supply.

7. Utility Meters. Accessory dwelling units shall not be considered new residential uses for the purpose of calculating utility connection fees or capacity charges, including water and sewer service. Accessory dwelling units contained within an existing residence or an existing accessory structure are not required to install new or separate utility connections, or pay a related connection fee or capacity charge. For new attached and detached accessory dwelling units, the connection fee and/or capacity charge must be proportionate to the burden of the unit on the water or sewer system based on the size or the number of plumbing fixtures.

8. Growth mitigation fees: Accessory dwelling units are required to pay any applicable growth mitigation fees in effect at the time a zoning clearance and building permit are requested.

9. Access. Two-story detached accessory dwelling units shall limit the major access to stairs, decks, entry doors, and windows to the interior of the lot or an alley, and comply with all development standards. Only one (1) curb cut shall be permitted per parcel and no additional driveways or access points shall be created to accommodate the accessory or main dwelling unit.

10. Openings. If located outside the standard side and rear yard setbacks for the district, windows which face an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fencing or landscaping shall be required to provide screening.

11. Private Open Space. The main dwelling unit and the additional dwelling unit shall each be provided with a minimum of fifteen (15) feet by fifteen (15) feet of usable private open yard area.

12. Home Occupations. Home occupations are permitted within an accessory dwelling unit or primary dwelling unit, or both.

D. Building site.

1. Lot Size. The underlying zoning district requirements for the minimum lot size on which an accessory dwelling unit is allowed shall apply.

2. Unit Size.

a. Floor Area. The floor area of an attached accessory dwelling unit shall not exceed 50% of the existing primary dwelling unit's living area.

b. Notwithstanding (2)(a) above, no ADU shall be larger than 1,200 square feet.

c. Minimum size. The minimum total square footage of the accessory dwelling unit shall be 150 square feet.

3. Site Planning. Accessory dwelling units should be located behind or above the existing dwelling on the site, whenever possible. Designs that significantly alter the street appearance of the existing residence shall be discouraged.

4. Lot Coverage. In no case may any combination of buildings occupy more than 50% of the required rear yard for the district in which it is located, except for units which face an alley.

E. Height. A detached accessory dwelling unit shall meet the height requirements of its underlying zoning district. An attached accessory dwelling unit may occupy any level of the primary dwelling unit if it is designed as an integral part of the primary dwelling unit.

F. Setbacks.

1. Setbacks. No setback shall be required for an existing garage that is converted to an accessory dwelling unit

a. An ADU that is constructed above a garage shall be setback a minimum of five (5) feet from the side and rear lot lines.

b. Detached ADU: The side yard and rear yard setbacks for construction of detached single-story structures containing an accessory dwelling unit shall be according to the underlying zoning district.

c. Attached ADU: Attached accessory dwelling units that increase the square footage of the existing single-family dwelling shall meet the same setbacks as the primary dwelling unit in the zoning district.

2. Space between Buildings. The space required between buildings shall be what is required in the underlying zoning district.

G. Parking.

1. Parking for accessory dwelling units shall be provided at a rate of one parking space per ADU. These spaces shall be provided in conformance with Section 18.60.020.I, except that tandem parking is allowed for ADUs as stated in Government Code Section 65852.2(a)(1)(D)(x) unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions. Notwithstanding the foregoing, tandem parking shall be permitted only if the length of the driveway is sufficient for a vehicle to be parked on the driveway without any encroachment on a sidewalk or street.

2. Parking requirements for an accessory dwelling unit are in addition to the required parking for the primary dwelling unit.

3. ADU parking is not required in the following instances:

a. The accessory dwelling unit is located within one-half mile of public transit with headways of 20 minutes or less

b. The accessory dwelling unit is located within any Historic Overlay District that may be in existence at the time a zoning clearance or building permit for an ADU is requested.

c. The accessory dwelling unit is part of the existing single family residence, or an existing accessory structure (except as provided in (4) below).

4. Replacement Parking. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking ~~shall be provided in conformance with this Chapter and Chapter 18.60 (Off Street Parking).~~ may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical vehicle parking lifts. Parking may not encroach into the sidewalk. Parking for the ADU and replacement parking for the primary residence is not required to provide covered parking, as normally required per Section 18.060.050.A.1.b. This clause shall not apply to a unit that is described in subdivision G.3. Covered parking is not required.

5. Covered Parking Design. Any newly constructed covered parking shall conform to architectural and aesthetic standards of the underlying zone.

H. Architectural and aesthetic standards and compatibility. The accessory dwelling unit's scale, appearance, and character shall be similar to and compatible in design with the primary dwelling unit (e.g. compatible exterior wall materials, window types, door and window trims, roofing materials and roof pitch). Additionally, it shall be visually subordinate to the primary single-family dwelling on the parcel. The exterior entry to the ADU shall clearly appear as a secondary entry when compared to the entry for the primary single-family dwelling.

I. Outside stairways. Any stairways leading to a second story ADU 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 or ADA accessible ramp may be permitted in the front of the primary dwelling.

SECTION 4. This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), and the CEQA guidelines, and has been found to be exempt pursuant to §15306 of the CEQA Guidelines (Information Collection) because it does not have the potential to create a physical environmental effect.

SECTION 5. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance is held invalid, the City Council declares it would have adopted the remaining provisions of this Ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this Ordinance should remain in effect after the invalid portion has been eliminated.

SECTION 5. The City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

INTRODUCED at a regular meeting of the City Council on the 24th day of September, by the following roll call vote:

MOTION:

AYES: **Councilmembers:**
NOES:
ABSENT:
ABSTAINED:

ATTEST:

Joice Earleen Raguz, City Clerk

John Lizalde, Mayor

APPROVED AS TO FORM:

Philip F. Sinco, City Attorney

**REPORT TO THE GUADALUPE CITY COUNCIL
City Council Agenda of September 24, 2019**



Prepared by:
Robert Perrault, Interim City Administrator

SUBJECT: Public Hearing to Consider Amendments to the City's Fire Code Contained in Chapter 15.08 Sections 903.2.2.1, 903.2.7, and 903.2.21

RECOMMENDATION: It is recommended that the City Council introduce and conduct the first reading of Ordinance No. 2019-481 for amending the Municipal Code as it relates to the Fire Code, and continue the hearing to the regular City Council meeting on October 8, 2019 for the second reading and adoption.

BACKGROUND:

In 2016, the Council adopted Municipal Code Chapter 15.08 which incorporated the State's Fire Code with amendments. This legislation was effective January 2017. Local jurisdictions have the option of including amendments to the State Fire Code provided local conditions are identified that lend themselves to amendments of the State Code. In 2016, the City's full-time fire staff consisted of three firefighters. This reason coupled with the fact that backup response time was a minimum of ten minutes away led to the adoption of fire sprinkler requirements are much more restrictive than those contained in state law

Recently, it was brought to the City's attention that current sprinkler requirements contained in the City's current code may be inhibiting the ability to redevelop or alter existing buildings. This is particularly true of Business (B) or Retail, Mercantile (M) occupancies. In reviewing the fire sprinkler requirements, it became clear that additional clarification of code language as it pertains to alterations was also needed. The City Council reviewed the proposed changes during the meeting held on September 10th and, by motion, directed to staff to proceed with the drafting of an ordinance to change the code sections identified.

As noted in the September 10th staff report, automatic sprinkler system requirements are contained in Section 903 of Municipal Code Chapter 15.08. Staff is recommending that the current system requirement thresholds for changes in occupancy for Group B (professional office) and Group M (general retail) be increased. This change would increase the threshold from **2500 sq. ft. to 5000 sq. ft.** Similarly, staff is looking to change the threshold requirements for alterations to buildings with Group B or M occupancies from **1500 sq. ft. to 3000 sq. ft.**

Additionally, staff is recommending that language be revised for Additions and Alterations Section 9.03.2.21 for Group R (residential occupancies) when a fire sprinkler system is required as follows: **Alterations to Group R encompass more than 50% of the existing square footage of the structure or is in excess of 2,000 (two thousand) square feet or there is a change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief.** This change will increase the current use of a requirement threshold of 1500 sq. ft. to 2,000 sq. ft.

Finally, staff is recommending minor wording changes to the Additions and Alterations sections that will simplify interpretation for both staff and interested parties. All of the recommended changes are noted in the attached copy of the attached Public Hearing Notice.

Each increase to the thresholds for requiring automatic systems that staff is recommending is based on the fact that the full time Fire Department staff has increased thus improving the capacity to respond to a fire and that there has been a significant improvement in fire resistant building materials. It should be noted the revisions as recommended continue to be much more restrictive than the State Fire Code.

FISCAL IMPACT:

There would be no or a limited financial impact on the City resulting from the modification of these codes.

ATTACHMENTS

1. Ordinance No. 2019-481
2. Public Hearing Notice

ORDINANCE NO. 2019-481

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, AMENDING CHAPTER 15.08 SECTIONS 903.2.2.1, 903.2.7, AND 903.2.21 OF THE MUNICIPAL CODE AS RELATED TO FIRE SPRINKLER REQUIREMENTS

WHEREAS, the Guadalupe City Council did adopt the State of California 2016 Fire Code with amendments that became effective on January 1, 2017; and,

WHEREAS, it is the desire and intent of the City Council of the City of Guadalupe to provide citizens with the necessary degree of fire, life and structural safety in buildings in the most cost effective manner; and,

WHEREAS, facts and circumstances have changed which lend themselves to modifying the existing rules as it relates to Fire Sprinkler requirements; and;

WHEREAS, the revised sections contained within this ordinance do not compromise or conflict with the purpose of the adopted Fire Codes; and

WHEREAS, the revised sections contained within this ordinance will promote quality development within the community; and,

WHEREAS, these revised requirements are sufficiently protective of the City's obligation to provide citizens with the degree of fire, life and structural safety that is necessary;

WHEREAS, state law requires that certain findings must be made available as a public record and a copy thereof with such modification or change shall be filed with the State of California Building Standards Commission

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

SECTION 1. Findings: Pursuant to Health and Safety Code Section 17958.7, the City Council finds the following conditions exist locally which enable the modifications of the existing fire sprinkler requirements:

Changed Conditions: the City has recently doubled the number of full-time on duty personnel from three to six professional firefighters, thus improving the ability of the Fire Department to respond to any structure fire within the City. Building materials used in common construction have improved and are largely resistant to the threat of fire.

SECTION 2. As a result of the foregoing findings the following Sections of Chapter 15.08 of the Municipal Code are changed:

903.2.2.1 Group B. All Group B occupancies other than those described in Section 903.2.2 shall be equipped with an automatic fire sprinkler system throughout the building when the gross floor area is more than 2,500-5,000 square feet (~~233-m²~~).

903.2.7 Group M. All Group M occupancies shall be equipped with an automatic fire sprinkler system

throughout the building when the gross floor area is more than ~~2,500~~5,000 square feet (~~233~~m²).

903.2.21 Additions or Alterations. Automatic fire sprinkler system throughout the building shall be provided when:

- a. Additions to existing buildings adds more than 50% of the existing square footage to the structure and results in a total square footage in excess of 1,500 (one thousand five hundred) square feet;
- b. Alterations to Group A, B as described in section 903.2.2, E, F, and S encompass more than 50% of the existing square footage of the structure ~~AND~~ or is in excess of 1,500 (one thousand five hundred) square feet ~~OR~~ or where there is a change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief;
- c. Alterations to Group B other than those described in Section 903.2.2 and M encompass more than 50 % of the existing square footage of the structure or is in excess of 3,000 (three thousand) square feet or where there is change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief;
- d. Alterations to Group R encompass more than 50% of the existing square footage of the structure or is in excess of 2,000 (two thousand) square feet or where there is a change of occupancy to a more hazardous use as determined by the Building Official or the Fire Chief;
- e. These requirements will be applicable to the combined square footage of all building permit issued for the address or site within the last five years. Buildings or structures separated by less than ten (10) feet shall be considered as a single building or structure.

SECTION 3. The City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

SECTION 4. This Ordinance shall be in full force and effect thirty (30) days after its passage. Within fifteen days following its passage, the City Clerk shall cause this Ordinance to be published in a newspaper of general circulation in accordance with State Law; or when deemed necessary due to the length or complexity of the Ordinance, cause a summary of the Ordinance to be prepared and published at least five days prior to the City Council meeting at which the proposed Ordinance is to be adopted. If summary is published at least five days prior to the City Council meeting at which the proposed Ordinance is to be adopted, then within 15 days after adoption of the Ordinance the City Clerk shall publish a summary of the Ordinance with the names of those City Council Members voting for and against the Ordinance and shall post a certified copy of the full text of such adopted Ordinance along with the names of those City Council Members voting for and against the Ordinance.

INTRODUCED at a regular meeting of the City Council held on the 24th day of September 2019, on motion of Councilmember _____, seconded by Councilmember _____ and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

APPROVED AS TO FORM:

Philip F. Sinco, City Attorney

^

CITY OF GUADALUPE
CITY COUNCIL

Notice of a Public Hearing
To Consider Amendments to the City's Fire Code Contained
In Chapter 15.08 Sections 903.2.2.1, Section 903.2.7, and
Section 903.2.21 of the Municipal Code

NOTICE IS HEREBY GIVEN that the City Council of the City of Guadalupe will hold a public hearing to receive public input on recommended changes to the Chapter and Sections of the Fire Code contained within the Municipal Code. The public hearing will take place on **Tuesday, September 24, 2019** at 6:00 pm or immediately thereafter and will be held in the Guadalupe Council Chambers located at 918 Obispo Street, Guadalupe CA.

The State of California regularly updates the State's Fire Code and the City will adopt the State's Fire Code by reference but may also adopt its own amendments when the amendments are more restrictive than the State Code. The State Fire Code was last adopted with amendments by the City of Guadalupe in 2016. During the public hearing the City Council will consider the following code changes/ amendments:

903.2.2.1 Group B. All Group B occupancies other than those described in Section 903.2.2 shall be equipped with an automatic fire sprinkler system throughout the building when the gross floor area is more than ~~2,500~~**5,000 sq. ft.**

903.2.7 Group M. All Group M occupancies shall be equipped with an automatic fire sprinkler system throughout the building when the gross floor area is more than ~~2,500~~**5,000 sq. ft.**

903.2.21 Additions or Alterations. Automatic fire sprinkler system throughout the building shall be provided when:

- a. Additions to existing buildings adds more than 50% of the existing square footage to the structure ~~AND Or~~ results in a total square footage in excess of 1,500 (one thousand five hundred) square feet;
- b. Alterations to **Group A, B as described in section 903.2.2 E, F, and S** encompass more than 50% of the existing square footage of the structure ~~AND Or~~ in excess of 1,500 (one thousand five hundred) square feet ~~OR~~ where there is a change in occupancy to a more hazardous use as determined by the Building Official or Fire Chief;
- c. Alterations to **Group B other than those described in Section 903.2.2 and M** encompasses more than 50% of the existing square footage of the structure ~~And OR~~ is in excess of ~~1,500-3,000 (one three thousand five hundred)~~ square feet ~~OR~~ where there is a change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief;
- d. Alterations to **Group R** encompass more than 50% of the existing square footage of the structure or is in excess of **2,000 (two thousand)** square feet ~~Or~~ where there is a change of occupancy to a more hazardous use as determined by the Building Official or the Fire Chief;

Copies of the staff report will be available for review at the City Administrator's office, 918 Obispo Street, Guadalupe CA on or after Friday, September 20, 2019.

Public Involvement. You are invited to attend the Public Hearing and provide input. Written and/or oral comments provided at the public hearing are welcome and will be entered into the public record. Written information should be transmitted prior to the meeting if at all possible. Comments can be submitted by mail to the City of Guadalupe Planning Department, 918 Obispo Street, Guadalupe, CA 93434, and Attention City Administrator or comments may also be e-mailed to Mr. Robert Perrault, Interim City Administrator at rperrault@ci.guadalupe.ca.us

If you require special accommodations to participate in the public hearing, please contact the Administration Department at (805) 356.3891.

**REPORT TO THE GUADALUPE CITY COUNCIL
City Council Agenda of September 24, 2019**



Prepared by:
Robert Perrault, Interim City Administrator

SUBJECT:

Approval of the Completion of the Design Development Phase for LeRoy Park and Authorization to Proceed with the Development of Construction and Bid Documents.

RECOMMENDATION:

It is recommended the Council by motion approve the completion of the Design Development Phase for LeRoy Park and authorize staff and the consultants to proceed with the development of construction and bid documents.

BACKGROUND:

The City, with the assistance of the Rural Community Development Corporation of California (RCDCC) applied for and received a Community Development Block Grant for the renovation and rehabilitation of LeRoy Park. In the grant a total of \$4,093,023 is available for both Design and construction. In March Andrew Goodwin Designs (AGD) was retained by the City to complete the Design of the project and prepare the construction and bid documents for the City. The Design contract with AGD amounted to a total of \$423,590 leaving a balance of \$3,669,433 for construction. In addition to the \$3,669,433 available for construction in this grant there is an additional \$150,000 in CDBG Program Income funds that could be made available for the project.

Since their retention AGD has been working with the Amigos del LeRoy Park Committee through the Design phase of the work. The Amigos Committee consists of two members of the Council, Mayor Julian and Council member Cardenas, members of the community, RCDCC staff, and city staff. The purpose of the Committee was to provide input and review the elements of the project design and resulting cost estimates. AGD has completed the Design Phase of the work and has submitted the following for Council review:

- 1 Site Plan
- 2 Cost Summary
3. Building Elevations

As a part of the Design phase, AGD completed a value cost estimate of the project. This cost estimate is more accurate and refined than the concept cost estimate provided at the time of the original grant application. The value cost estimate indicates that the project as presently conceived would significantly exceed the \$3,669,433 available. Working with the Amigos Committee AGD has developed an approach to move this project forward given the financial constraints. This approach would include the completion of construction documents for the entire project and developing a phasing plan for the project that would permit its construction as funding becomes available.

The proposed project phasing is illustrated on the attached site plan. Phase 1 is designated with the darker shading of the plan. Included in this phase is the rehabilitation of the existing community Center, the "front porch" landscaping including grass areas, playground, front picnic area, and parking on both sides of the park, playground and restrooms. As noted in the cost summary, all of Phase 1 can be constructed with the CDBG grant dollars available. Phase 2 of the plan will include the expansion of the Community Center to the west (wrestling room), completion of landscaping for the entire project per the site plan, additional BBQ and picnic area, enhanced landscaping throughout, enhanced children's play area and walkways.

As the Council is aware the City has applied for Proposition 68 Grant Funding from the State Department of Parks and Recreation that could provide additional funding for this project. Notification regarding the funding is planned for early next year. The benefit of completing the construction and bid documents for the entire project at this time is that the improvements noted in Phase 2 can be identified as alternates in the bid package and could be constructed according to available funds. At a minimum following this approach will ensure the basic project identified in Phase I can be built with the CDBG funds available.

Also included in the attachments for this report are the building elevations and floor plans.

Staff is recommending the Council approve the completion of the Design Phase for the project and authorize staff and consultants to proceed with the development of construction and bid documents

FISCAL IMPACT:

The Council is being asked to approve the completion of the Design Development Phase of the project and authorize the next phase which includes construction and bid document development. There is sufficient funding available through the CDBG Grant to complete the next phase of the project. Following the phasing approach as outlined in this staff report will ensure the base project is completed within available funds.

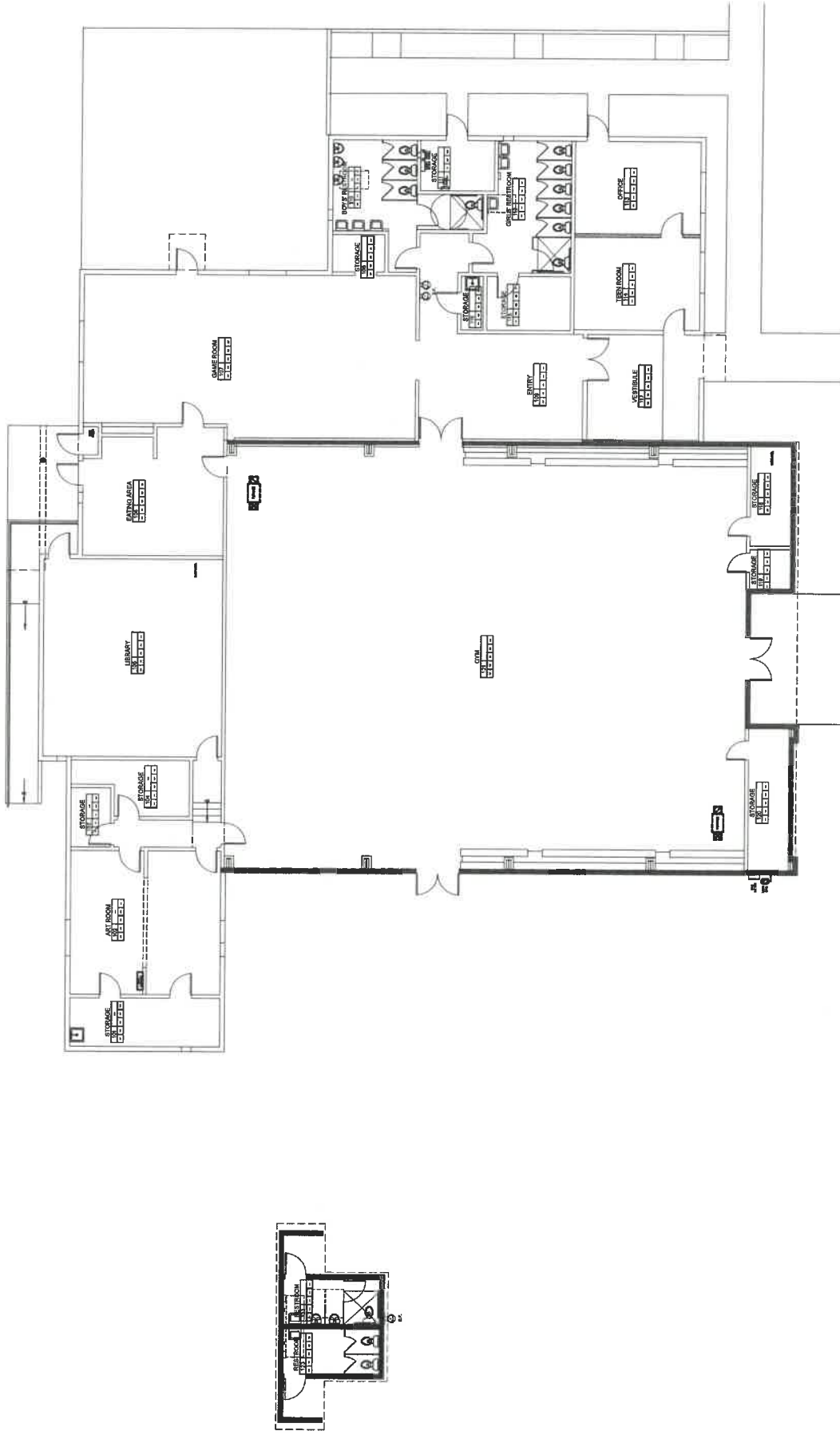
ATTACHMENTS

1. AGD/ Design Development City Council Presentation



AGD | DESIGN DEVELOPMENT CITY COUNCIL MEETING PRESENTATION
LEROY PARK COMMUNITY CENTER | CITY OF GUADALUPE

Existing Floor Plan



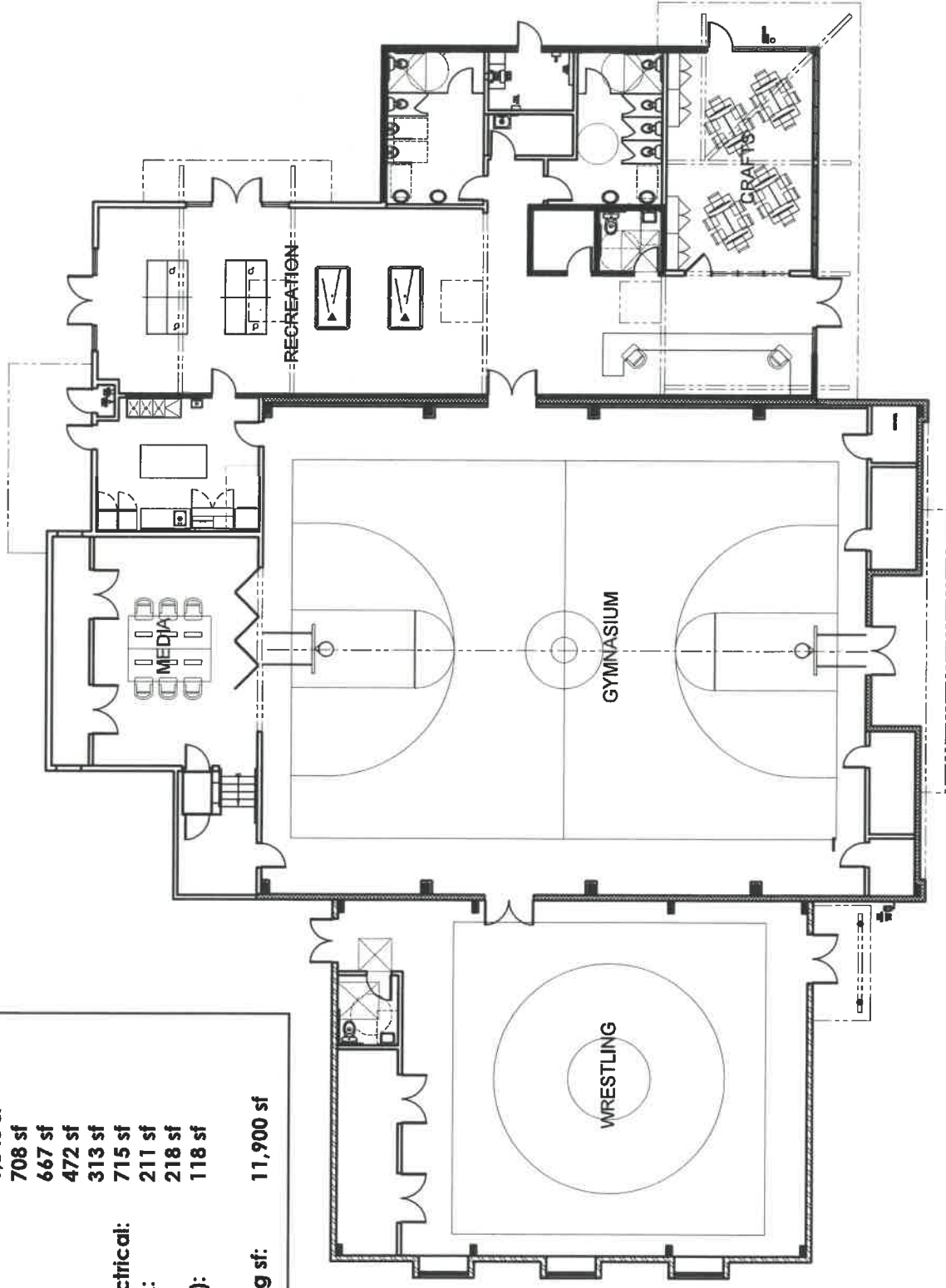


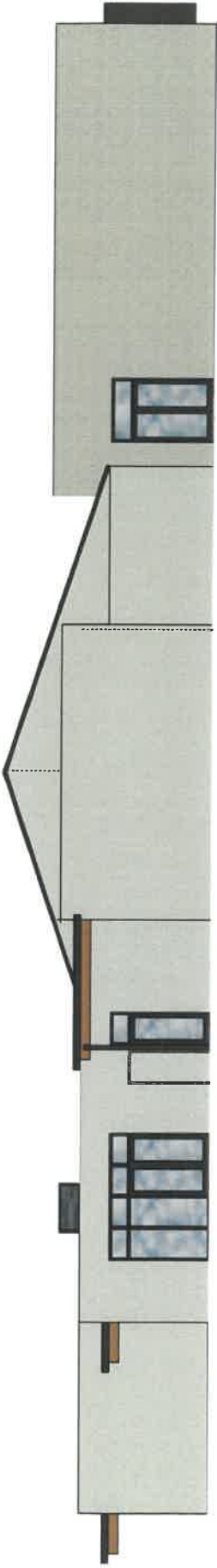
Existing Site



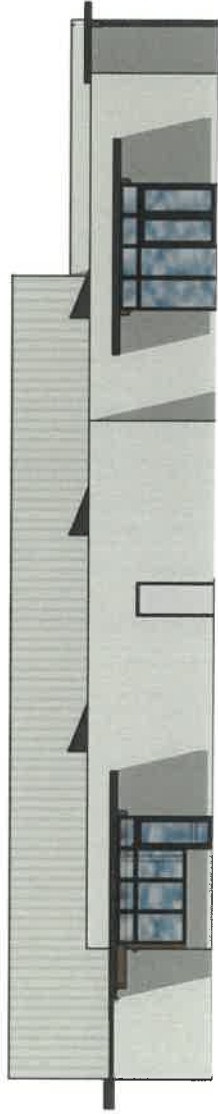
Proposed Floor Plan

Gymnasium:	4,343 sf
Wrestling Gym:	2,198 sf
Recreation:	1,046 sf
Media:	708 sf
Entry:	667 sf
Crafts:	472 sf
Kitchen:	313 sf
Storage/Electrical:	715 sf
Women's RR:	211 sf
Men's RR:	218 sf
Restroom (2):	118 sf
Total building sf:	11,900 sf





NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

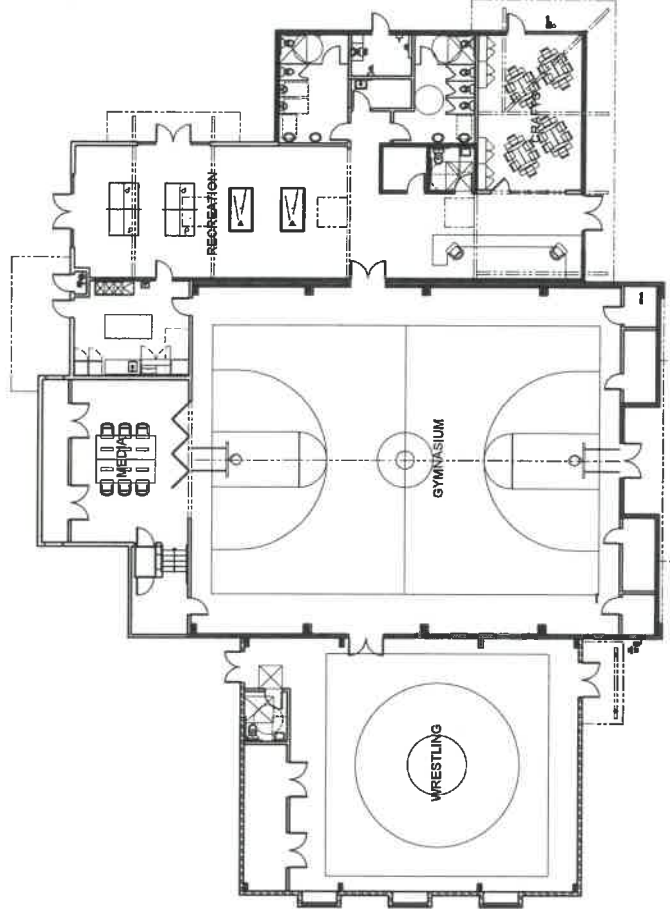
DESIGN DEVELOPMENT CITY COUNCIL MEETING PRESENTATION
ANDREW GOODWIN DESIGNS | TUESDAY, SEPTEMBER 24, 2019



AGD

0.00 General Conditions		\$526,700.00
2.00 Demolition-Park Restroom		\$10,589.00
2.10 Demolition-Art Bldg		\$30,432.00
2.15 Demolition @ E Building		\$175,785.70
2.20 Demolition @ E Gym		\$54,716.67
3.10 Renovation of E Building		\$1,301,906.73
2.0 Site Work / Demolition	\$17,728.56	
3.0 Concrete	\$17,418.21	
5.0 Metals	\$11,667.41	
6.0 Carpentry	\$99,654.47	
7.0 Moisture Protection	\$72,026.12	
8.0 Doors / Windows / Glass	\$93,798.55	
9.0 Finishes	\$150,378.78	
10.0 Specialties	\$37,212.34	
11.0 Equipment	\$4,291.97	
12.0 Furnishings	\$40,181.66	
15.0 Plumbing / Mechanical	\$468,911.12	
16.0 Electrical / Low Voltage	\$288,637.54	
3.20 Renovation of gym		\$314,909.85
2.0 Site Work / Demolition	\$16,615.44	
6.0 Carpentry	\$859.08	
7.0 Moisture Protection	\$21,922.04	
8.0 Doors / Windows / Glass	\$12,807.87	
9.0 Finishes	\$90,316.20	
10.0 Specialties	\$9,864.40	
15.0 Plumbing / Mechanical	\$69,118.62	
16.0 Electrical / Low Voltage	\$93,406.20	
4.10 Wrestling Gym		\$442,625.02
2.0 Site Work / Demolition	\$3,536.19	
3.0 Concrete	\$126,289.00	
5.0 Metals	\$130,321.00	
6.0 Carpentry	\$5,886.00	
7.0 Moisture Protection	\$21,935.00	
8.0 Doors / Windows / Glass	\$6,523.00	
10.0 Specialties	\$699.19	
15.0 Plumbing / Mechanical	\$36,807.00	
16.0 Electrical / Low Voltage	\$110,628.64	
4.20 Foyer Addition		\$10,500.00
3.0 Concrete	\$1,500.00	
6.0 Carpentry	\$5,000.00	
7.0 Moisture Protection	\$4,000.00	
Total Project Cost	Building	\$2,868,164.97

Alternate Bidding Scenario:		
Alternate 1: Wrestling Room Interior Finishes		-\$58,502.00
Alternate 2: Wrestling Gym Addition Building Shell		-\$384,123.00
Adjusted General Conditions		-\$66,393.00
Potential Savings to Project Cost:		(\$509,018.00)
Projected Base Bid:		\$2,359,146.97



Proposed Floor Plan





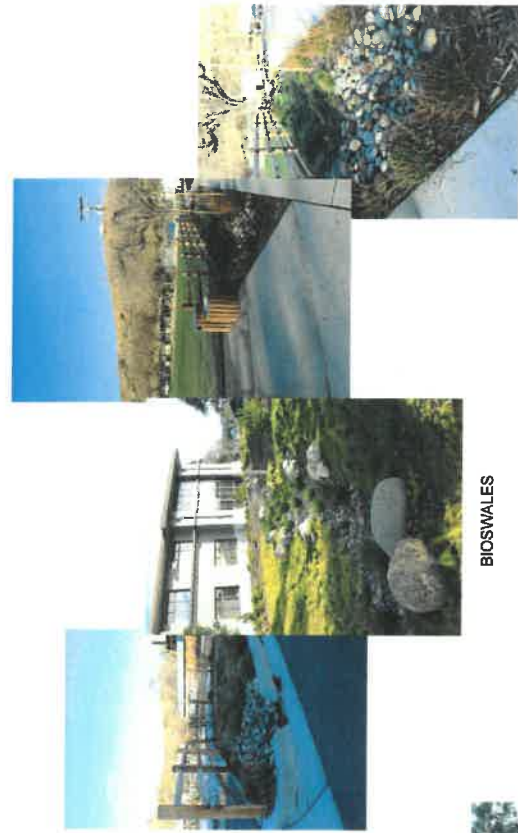
Proposed Site Plan

DESIGN DEVELOPMENT CITY COUNCIL MEETING PRESENTATION
 ANDREW GOODWIN DESIGNS | TUESDAY, SEPTEMBER 24, 2019





GROUP PICNIC



BIOSWALES



EARTHEN AMPHITHEATER



PLAYGROUND STYLES

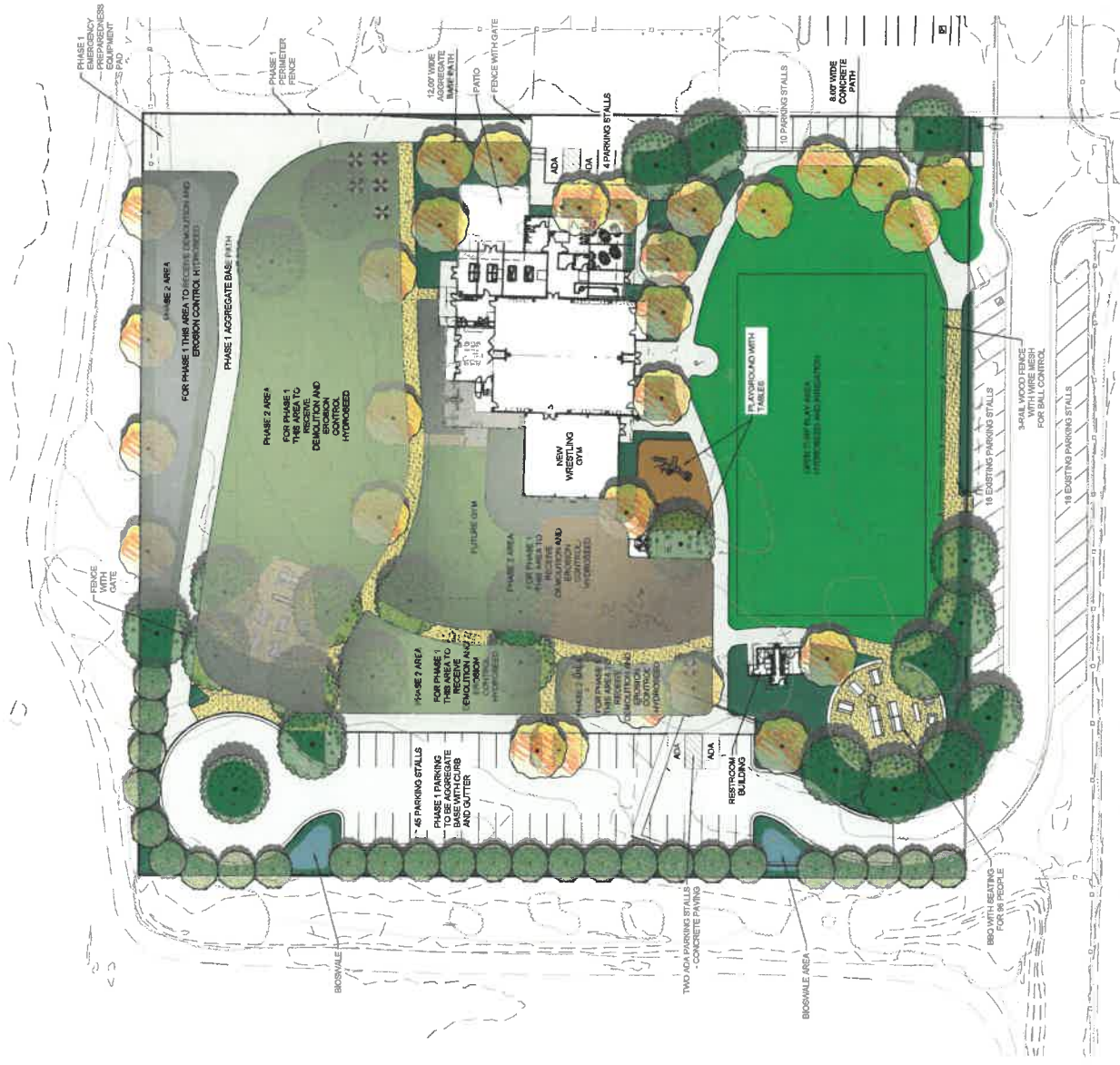


EXERCISE EQUIPMENT



DESIGN DEVELOPMENT CITY COUNCIL MEETING PRESENTATION
 ANDREW GOODWIN DESIGNS | TUESDAY, SEPTEMBER 24, 2019





Phased Site Plan

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AGD

Guadalupe Community Center Park
Site Cost Summary

September 18, 2019

0.00 General Conditions		\$222,849.00
1.00 Electrical Power		\$76,995.16
2.0 Site Work / Demolition	\$1,995.16	
16.0 Electrical / Low Voltage	\$75,000.00	
1.10 Site Work		\$326,939.92
2.0 Site Work / Demolition	\$240,516.00	
15.0 Plumbing / Mechanical	\$17,710.64	
16.0 Electrical / Low Voltage	\$68,713.28	
1.20 Hardscape / Landscape		\$353,278.87
2.0 Site Work / Demolition	\$168,580.00	
Add DG walkways	\$7,126.00	
3.0 Concrete	\$113,304.00	
4.0 Masonry	\$19,611.17	
5.0 Metals	\$97.70	
11.0 Equipment	\$44,560.00	
2.00 Park Restroom		\$156,915.81
2.0 Site Work / Demolition	\$4,456.08	
3.0 Concrete	\$42,843.81	
4.0 Masonry	\$27,270.30	
6.0 Carpentry	\$13,323.81	
7.0 Moisture Protection	\$13,882.77	
8.0 Doors / Windows / Glass	\$4,830.36	
9.0 Finishes	\$3,247.00	
10.0 Specialties	\$10,849.68	
12.0 Furnishings	\$2,000.00	
15.0 Plumbing / Mechanical	\$31,170.00	
16.0 Electrical / Low Voltage	\$3,042.00	

Total Project Cost **Park** **\$1,136,978.76**

- Alternate Bidding Scenario:
- Alternate 1: Convert front concrete paths to DG
 - Alternate 2: Donate play structure
 - Alternate 3: Donate picnic tables
 - Alternate 4: City pays for trees and planting
- Adjusted General Conditions:

Potential Savings to Project Cost: (\$141,647)
 Projected Base Bid: \$995,332



Proposed Site Plan



Available Funds (hard and soft costs)	\$4,093,023.00
Additional Program Income (Park Improvements)	\$150,000.00
Design Fees	(\$223,590.00)
TOTAL CONSTRUCTION BUDGET	\$3,819,433.00
Design Development Building Base Bid	\$2,359,146.00
Design Development Park Base Bid	\$995,332.00
TOTAL DESIGN DEVELOPMENT ESTIMATE	\$3,354,478.00
PROJECT BUDGET SURPLUS	\$464,955.00
ADD Alternate 2: Wrestling Gym Addition Building Shell Adjusted General Conditions:	-\$384,123.00 -\$57,617.00
PROJECT BUDGET SURPLUS	\$23,215.00



Proposed Site Plan

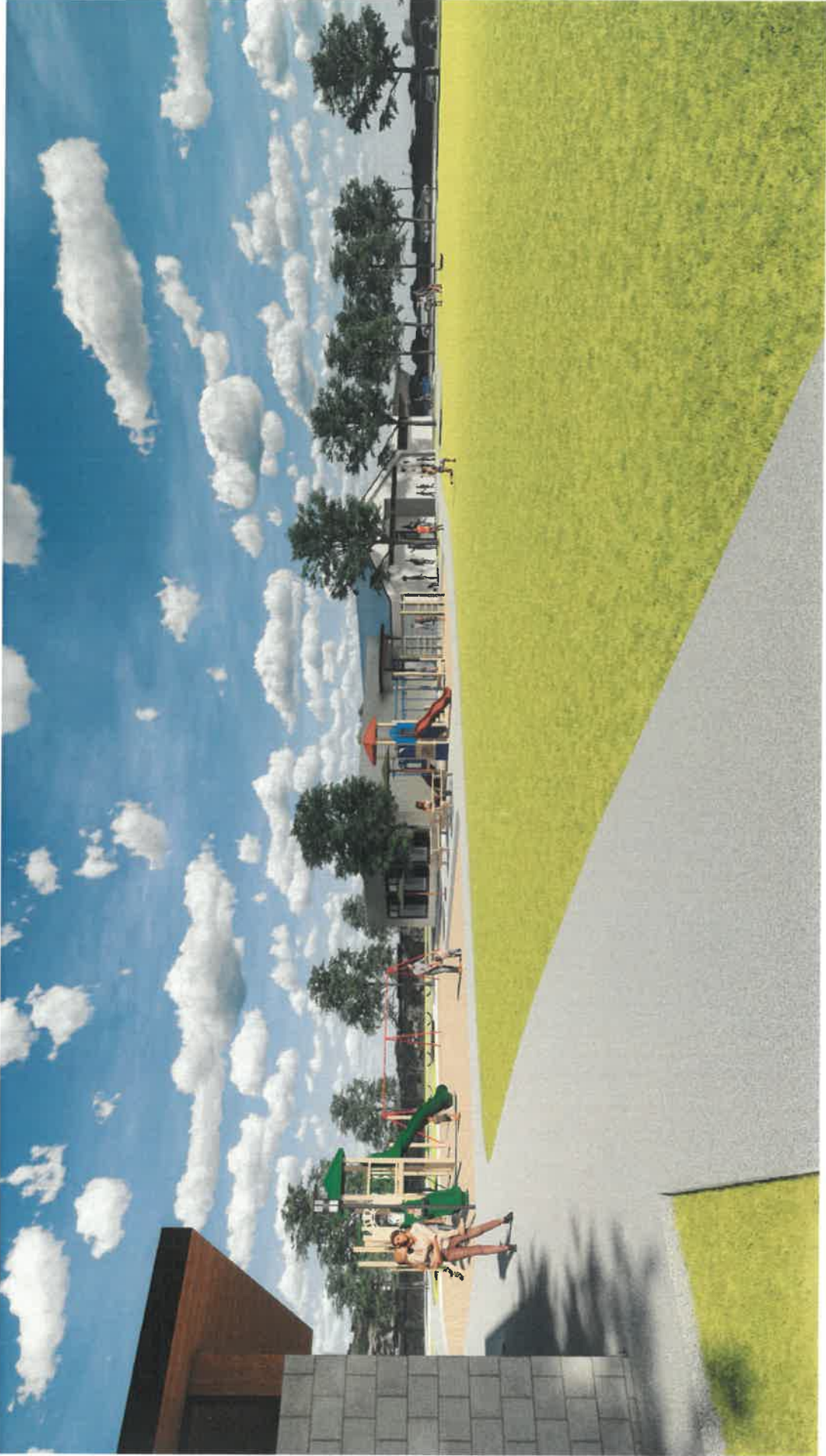


Front Entry Elevation

DESIGN DEVELOPMENT CITY COUNCIL MEETING PRESENTATION
ANDREW GOODWIN DESIGNS | TUESDAY, SEPTEMBER 24, 2019



AGD



View from Park Restroom

DESIGN DEVELOPMENT CITY COUNCIL MEETING PRESENTATION
ANDREW GOODWIN DESIGNS | TUESDAY, SEPTEMBER 24, 2019



AGD

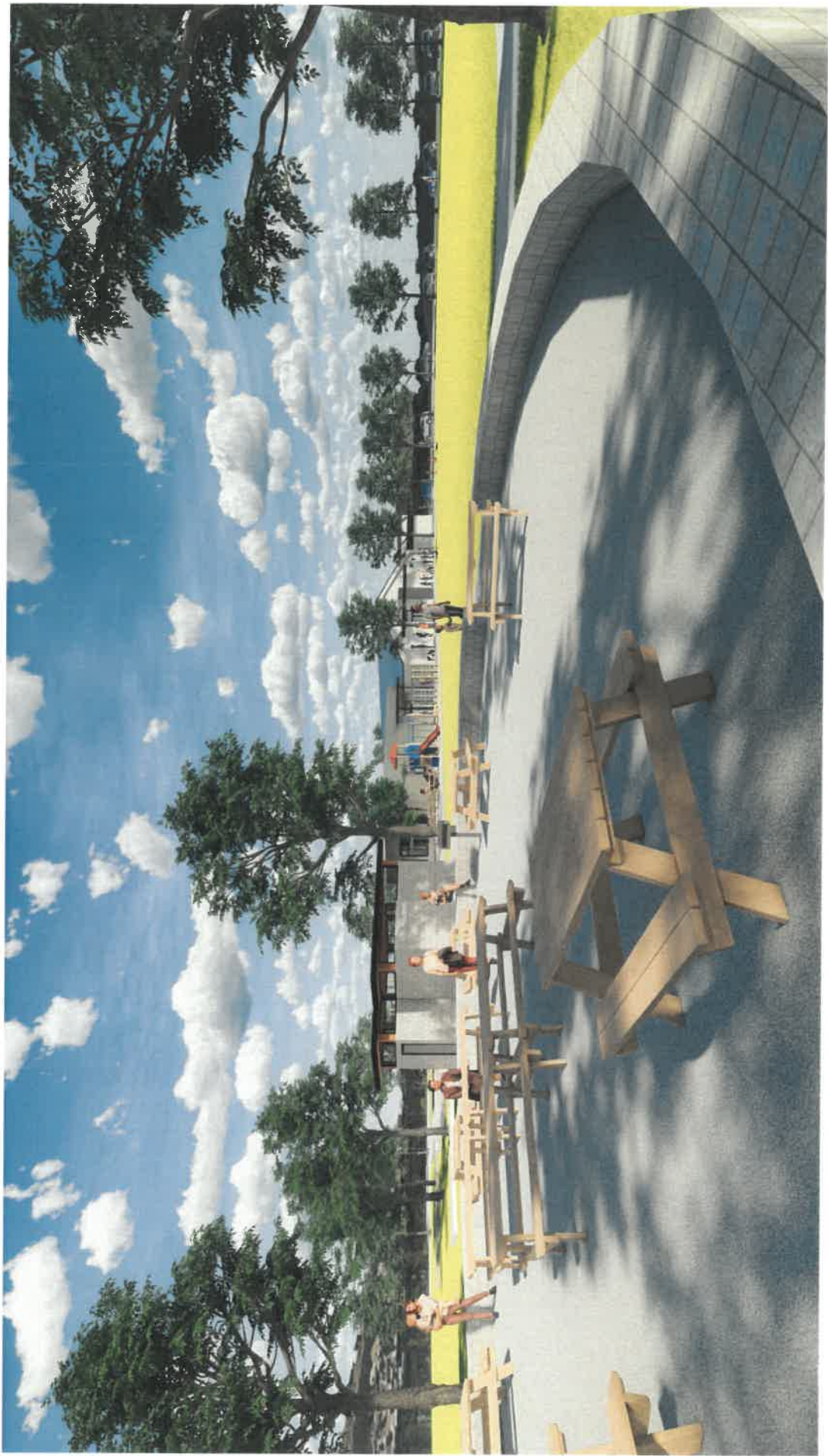


Front Entry Elevation

DESIGN DEVELOPMENT CITY COUNCIL MEETING PRESENTATION
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AGD



View from BBQ Picnic Area

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View from Boys & Girls Club Entry

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AGD



View from Park Restroom

DESIGN DEVELOPMENT CITY COUNCIL MEETING PRESENTATION
ANDREW GOODWIN DESIGNS | TUESDAY, SEPTEMBER 24, 2019



AGD

**REPORT TO THE GUADALUPE CITY COUNCIL
City Council Agenda of September 24, 2019**



Prepared by:
Robert Perrault, Interim City Administrator

SUBJECT: Nomination and Appointment of Recreation and Parks Commission Members

RECOMMENDATION:

It is recommended the Council nominate and appoint members to the Recreation and Parks Commission.

BACKGROUND:

In August the Council adopted Resolution No. 2019-49 establishing the Recreation and Parks Commission. Included in the resolution was the following points regarding eligibility and process:

- A. In order to be eligible to serve as a member of the Commission the member must be a resident of the City of Guadalupe.
- B. Council members shall nominate candidates to serve as Commission members and the Council shall appoint Commission members from the list of candidates.
- C. Of the five (5) Initial Commission members two shall be appointed for two- year terms, and three shall be appointed for four- year terms. Upon the expiration of the initial terms, Commissioners shall be appointed for four- year terms.

During discussion on this item, the Council provided staff with direction to recruit applicants to fill the Commission positions. On August 14th Staff issued a press release inviting applicants for the Commission seats to complete and submit a letter of interest to the Administrator's Office. The deadline to receive letters of interest was set as the Close of business on Friday, September 6, 2019. At the end of the recruitment period the City had received two letters of interest: one from Mr. Tommy Solis Jr. and the second from Mr. Joseph Harris. Both are residents of the City and had previously served on previous Commission.

The Council has the following options to consider:

- Consider the letters received, complete the list of candidates by nomination and then by motion appoint the members to the Commission assigning term length as noted in the resolution.
- The council could continue the item to a date certain in order to recruit additional applicants; or
- The Council could provide staff with additional direction.

Staff is recommending the Council complete the nomination process and then by motion appoint members to the Recreation and Parks Commission.

FISCAL IMPACT:

There is no new or unanticipated impact to the City's Budget resulting from completing the appointment process to the Recreation and Parks Commission.

ATTACHMENTS

- A. Letter from Mr. Tommy Solis Jr.
- B. Letter from Mr. Joseph Harris.

RECEIVED

AUG 28 2019

CITY OF GUADALUPE
City Clerk or Deputy Clerk

Tommy Solis, Jr.

Guadalupe, CA 93434

August 25, 2019

City of Guadalupe / Administrative Offices
918 Obispo Street / PO Box 908
Guadalupe, CA 93434

Re: Recreation Commission – Letter of Interest

Dear Mayor Julian and City Council Members

My name is Tommy Solis, Jr., and I have been a proud community member of the City of Guadalupe my entire life, which is now 45 years.

I have worked for the Guadalupe Union School District for the last 7 years as their Maintenance Specialist I, and I have had my own handyman business for the last 15 years or more.

I am a Guadalupe Kiwanis member, and have been very active in the last many years as a volunteer for the City of Guadalupe, which included assistance with building and renovation projects around town and in our parks, as well as at the City Hall, the Police Department, the Fire Department, the Senior Center, and the Vet's Building. I have also served as a coach and have been involved in sports most of my life, in some form or another, whether that be as a young person or with my own children.

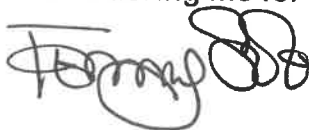
I am also currently serving on the Amigos del Leroy Park Committee and have put a lot of time into the Guadalupe Kids Come First Foundation, along with my wife and children. Serving my community is a high priority in my life and will continue to be for the long term.

Most importantly, I was one of the members remaining on the City of Guadalupe Recreation Commission when it disbanded many years ago. Although I was not happy about its demise (and would have willingly served without a monthly check), I was not discouraged, and have found plenty of other ways since that time to better my community.

I am happy to see the City of Guadalupe and its community members again stepping up to the plate to do what is right by our children in terms of Recreation. I would be happy to serve again on the new Recreation Commission, to lend my hands, my ideas, and my experience to the City of Guadalupe.

Thank you for considering me for this position.

Sincerely,



Tommy Solis, Jr.

RECEIVED

SEP 04 2019

CITY OF GUADALUPE
City Clerk or Deputy Clerk

My name is Joseph ~~Alvarez~~

I am very interested in being on the recreation committee of the city of Guadalupe, I have been involved in recreation of Guadalupe most of my life.

I have the feeling that people in Guadalupe shouldn't have to leave town for recreation and I would like to see that happen, for all ages. I've been on the committee when we've had it in the past and I'd like very much to continue, Thanks

Joseph Alvarez

**REPORT TO THE GUADALUPE CITY COUNCIL
City Council Agenda of September 24, 2019**

Shanna for Shannon S. /S/

Prepared by:
Shannon Sweeney, Public Works Director/City Engineer

Shanna for Robert Perrault.

Approved by:
Robert Perrault, Interim City Administrator

SUBJECT: STATE WATER SUSPENDED TABLE A EVALUATION

RECOMMENDATION:

It is recommended that the City Council not participate in the reacquisition of suspended Table A state water.

EXECUTIVE SUMMARY:

Central Coast Water Authority (CCWA) has an opportunity to reacquire suspended Table A water on behalf of its project participants. CCWA is requesting that those project participants that wish to participate in this reacquisition submit their intent to do so by the CCWA September 26, 2019 board meeting. This staff report serves to describe the value and costs of this water. The cost of reacquiring suspended Table A water is more than the cost of Twitchell Yield groundwater pumping rights which, in addition to existing state water, will be available in sufficient quantities to meet the City’s future water rights without the need to reacquire suspended Table A water.

BACKGROUND:

In the 1960s, the State began building the State Water Project (SWP). At that time, Santa Barbara County requested 57,700 acre-feet (AF) of water. The facilities that provide state water from Northern California to the Central Coast Branch of the SWP at Polonio Pass, just outside Shandon, were built to accommodate this original request.

In the 1980s, when Santa Barbara County considered extending the SWP to its area, local agencies were asked how much state water they wanted. Local agencies requested 45,486 AF. *As a result, the Central Coast Branch pipeline past the water treatment plant at Polonio Pass was built to accommodate only this requested amount. 12,214 AF of state water was left unrequested, or suspended, and that is the amount of available state water referred to as “suspended Table A state water.”*

Starting in 2006, CCWA has worked towards reacquiring this water, and is requesting that project participants indicate their intent to participate in reacquiring this water by the September 26, 2019, CCWA board meeting. The City of Guadalupe originally requested 600 AF of this suspended Table A water, and has paid \$13,439 to date for administrative costs associated with reacquiring this water.

Currently, actual delivery of state water is estimated at 62%, over the long term. Therefore, SWP participants can expect to get an average of about 62% of their Table A amount. With future challenges to the State Water Project, including biological opinions for endangered species, climate change, and other delta stressors, the anticipated future long-term reliability of state water deliveries is estimated at 48% of Table A.

DISCUSSION:

Because the State Water infrastructure downstream of the Polonio Pass Water Treatment Plant (PPWTP) does not have capacity for more than the original 45,486 AF of water, reacquiring the suspended Table A water does not add to supply, only reliability. The suspended Table A water will be additional drought buffer that, when added to an agency’s initial Table A amount plus drought buffer, will be multiplied by the Department of Water Resources (DWR) annual allocation to determine the annual water availability, up to the agency’s original project allotment, which for the City of Guadalupe is 550 AF. The City already has a drought buffer of 55 AF above its original allotment of 550 AF. For illustrative purposes, the following table shows how drought buffer works.

Table 1: Impacts of Drought Buffer on State Water Availability

Allocation	Currently available (550 AF+55 AF DB)	With additional 30 AF DB	With additional 600 AF DB
100%	550	550	550
90%	545	550	550
80%	484	508	550
70%	424	444	550
62%*	375	394	550
48%**	290	305	550
40%	242	254	482
30%	182	190	362
20%	121	127	241

*Current long-term reliability of SWP

**Future long-term reliability of SWP

Need

The 2015 City of Guadalupe Water Master Plan supplement showed future buildout demand of 1,612 AF per year. Through the groundwater adjudication stipulation, the City received an initial Twitchell yield (local groundwater pumping rights) of 1,300 AF per year. Additional Twitchell yield will be transferred to the City as Pasadera develops. To date, this amounts to 14.65 AF, and ultimately approximately 52 AF, leaving a future difference of 260 AF per year. This difference can be met using state water, even considering both current (375 AF) and anticipated long-term (290 AF) reliability of State Water.

FISCAL IMPACT:


Securing additional water supply reliability by acquiring suspended Table A water will have costs. These costs are significantly less than those anticipated by securing State Water reliability through the Delta Conveyance project, but these costs are still significant. There will be a one-time cost as well as annual costs to pay for the infrastructure previously built to accommodate the original request of 57,700 AF. The one-time cost to pay for past DWR infrastructure costs up to Polonio Pass Water Treatment Plant is estimated at \$3,233 per AF (and continuing to increase as time goes on). Santa Barbara County has also indicated that there will be a one-time cost to them, but this amount has not been determined yet. CCWA believes that this cost may be waived if enough project participants participate in this reacquisition. The ongoing DWR infrastructure costs for the water are estimated at \$138 per AF per year.

Table 2: Costs for Suspended Table A Water

Costs	Per AF	30 AF	600 AF
Admin costs to date	\$51.05	\$1,532	\$30,632
One-time DWR cost	\$3,233	\$96,990	\$1,939,800
One-time County cost	Unknown	Unknown	Unknown
Annual cost	\$138	\$4,140	\$82,800

In contrast, Twitchell yield costs \$20.31/AF annually. A Water and Wastewater Rate Analysis study by Bartle Wells Associates in 2015 includes a line item for water purchase of \$98,650, starting in FY 2017 and extending through the end of the study in FY 2021. If the Council were to choose to participate in the reacquisition of suspended Table A water, the water fund has sufficient funding to acquire only approximately 30 AF of suspended Table A water.

**REPORT TO THE GUADALUPE CITY COUNCIL
City Council Agenda of September, 24 2019**


Prepared by:
Robert Perrault, Interim City Administrator

SUBJECT: Receipt of Status Report Regarding the 2014 Tax Measures and Request for Direction Regarding Preparing Future Tax Measures.

RECOMMENDATION:

It is recommended the Council review and receive the Status Report and provide Staff with direction to begin the staff work necessary to prepare ballot measures for voter consideration in 2020.

BACKGROUND:

Currently the combined revenues from the Utility Users Tax, Business License Tax and Transaction Use Tax (sales tax) contribute more than 27% of the City's \$4.7 million dollar General Fund revenue. In November of 2014 the voters approved adjustments to these three revenue sources. The revenues realized by the approved tax measure adjustments have assisted the City in moving toward financial stability within its General Fund. As the Council is aware, the deficit in the City's General Fund has been reduced from approximately (-\$700,000) a few years ago to an anticipated (-\$45,000) at the beginning of this fiscal year.

Recently, the Council requested a status report on each of the 2014 measures. Outlined below is an analysis of each of the tax measures and its impact on the General Fund. Additionally, staff is using the opportunity to seek direction regarding potential future tax measures that could further augment the General Fund Budget.

Utility User Tax

The City Utility Users Tax (UUT) was adopted by the City in 1985. The tax was imposed on telephone, water gas and electric usage within the City. The tax rate was set at five percent of the charges made for the use of that particular service within the City. In addition to the tax rate, a maximum annual tax liability cap was set at \$2,250. The 2014 measure eliminated this cap. Since this measure was a general tax measure, the proceeds were not designated for a specific use and all resulting funds are deposited in the General Fund. The elimination of the cap impacted only large utility users. Prior to the passage, the total contribution from UUT

revenues was \$228,274. In FY 18-19, the total contribution was \$382,226. Since the elimination of the cap, the revenues from the UUT have averaged an additional added contribution of \$162,290 each year. The increase in this revenue line item can be in part attributed to the measure and the result of recent construction. There was no sunset clause associated with this measure.

Business Tax (License) Certificate

Prior to 2014 the City had a very old and outdated Municipal Code Section imposing business license taxes on businesses operating within the City. Taxes were imposed according to type of business and ranged from \$60.00 to a maximum \$120.00 per year. In FY 13-14 the total revenues the City received from Business Licensees was barely \$20,000. The measure approved in 2014 modified the methodology for calculating business licenses tax to a tax based on gross receipts. The tax rate established was \$0.50 for every \$1,000 in gross receipts earned by the business. A minimum tax rate was established for home occupation business or businesses located out of town of \$100.00 and a minimum tax rate for businesses located within town at \$200.00 per year. Once approved by the voters, revenue resulting from the change in calculation was significant. In FY 15-16 the revenues increased to \$287,066 and in FY 18-19 business license revenue amounted to \$304,869. All of the revenues associated with this measure were placed in the General Fund.

Local Sales Tax

Before November 2014 the Transaction and Use Tax for the City of Guadalupe was set at 7.75%. This amount was distributed amongst a number of taxing entities and the City only received a fraction for its use (approximately \$.13 on every sales tax dollar collected). State law does provide that local cities can submit to the voters a local ordinance increasing the rate within certain parameters. The revenue generated by the increase which is considered a local sales tax remains entirely with the City. In 2014, the City submitted a measure to the voters that increased the Transaction and Use Tax (Sales Tax) by .25% to 8% of each taxable transaction. The measure passed having received 77.24% of the votes cast. Contained within the measure is a sunset clause requiring the .25% to expire 8 ½ years after the operative date noted in the ordinance or October 1, 2023. Since its passage this measure has also contributed significantly to the City's General Fund. During the last four years local sales tax revenue has averaged \$127,450 per year with the revenues received in FY 18-19 totaling \$137,601. The additional 25% generates between \$140,000 and \$150,000 per year to the General Fund.

As the Council can see from the attached table the passage of the tax measures has contributed to the recovering financial health of the City. The total amount of revenue collected from the three tax sources outlined above in FY18-19 was \$824,696. This is an increase of \$564,988 over the amount collected from these same sources in FY 12-13. While not all of the increase can be attributed to the adjustments authorized in the 2014 tax measures, the majority of it certainly is.

Future Outlook

As noted, the passage of the 2014 tax measures played a significant role in the improvement in the City's financial condition. Just as important has been the contribution of Building and Planning revenue to the General Fund. Building Permit revenue alone has increased from \$187,310 in FY 16-17 to an estimated \$265,000 in the current fiscal year for an increase of 41%. To keep this in perspective, Building permit revenue in FY 12-13 totaled \$28,320. While costs associated with processing new development has increased. The revenues derived from development have benefited the General Fund.

The revenues derived from the passage of the 2014 tax measures are considered recurring and can be relied upon subject to some fluctuation in the economy, except for the revenue derived from the local sales tax measure. As noted, the local sales tax authorization will expire in 2023. This will mean a loss to the General Fund of about \$150,000 annually.

On the other hand, the Building related revenue should be considered one-time revenue and new construction is very dependent on the economy. A downturn in the economy could have substantial impact on the City's current financial condition. As noted in the Audit and the City's Budget discussion, the City has an existing deficit of (-\$45,000).

There are also significant financial challenges the City will need to continue to deal with in the future. For example, the City will need to continue to make payments on the enterprise loans. The balances for the enterprise loans totaled \$811,998 at the beginning of the fiscal year and the debt service annually for these loans is \$113,884. The cost of doing business is also expected to increase. In FY 19-20 the cost of providing public safety is \$2,713,927 which equates to nearly 60% of the City's General Fund expenditures. At some point the City will also need to deal in a more aggressive manner with the retirement liability. In the FY 18-19 Audit this liability was identified as \$3,000,000. Once the City has returned to financial health it will need to identify a strategy for taking down this liability similar the strategy used to pay down the existing enterprise loans.

In looking toward the future it is important to continue to control budget costs and to look at options for augmenting and supporting General Fund revenue until the budget reaches a point of sustainability. Staff is recommending the Council begin the conversation and planning for two ballot measures that could be placed on the November 2020 Ballot. The first is the replacement of the local sales tax authority that would include an increase in the local sales tax from .25% to a full percent and eliminate the sunset clause. The second would be to increase the current Transient Occupancy Rate from the current 6% to 12%.

As noted, the local sales tax authorization will sunset in October 2023. The current tax rate .25% and generates between \$140,000 and \$150,000 per year to the General Fund. It is prudent to consider replacing this authorization well before its expiration date in order to avoid a loss of significant revenue. Additionally, increasing the rate from .25% to a full percent would triple the contribution to the General Fund to an estimated \$450,000. This would

increase the current tax rate from 8.00% to 8.75%. As noted in the attachment this overall rate is in line with rates charged in other Santa Barbara County jurisdictions. The City's adjustment will lessen the City's dependency on the one time revenue currently derived from development and will assist the City in dealing with some of the issues outlined above.

The current Transient Occupancy Tax is 6% of the total room rent charged by an operator for a lodging lasting less than 30 days. The tax is charged to the room renter and then passed along on a quarterly basis to the City. Today, the City does not receive TOT revenue since there is no traditional transient lodging facilities within the City. The City is aware that there are some vacation home rentals occurring in the City. The City needs to take a strong look at implementing a program to ensure these uses are being properly permitted and taxed. The collection of Transient Occupancy Tax could provide additional revenue to the City. The amount is unknown at this time but most likely is a developing source that needs to be tapped. Long-term it would make sense to adjust the Transient Occupancy Rate in line with rates charged by other cities throughout the region. The rate of 12% would seem to be appropriate. In the future it is likely that a modest lodging industry will grow and having an appropriate revenue source in place will assure the City it has the opportunity to financially benefit from this industry's growth.

Should the Council wish to move forward to place these tax measures on the 20120 ballot the City would need to complete the local process by the end of June 2020.

FISCAL IMPACT:

There is no immediate financial impact from the acceptance of this report and providing the staff with direction.

ATTACHMENTS

1. 2014 Tax Measure Impacts
2. Tax Rates for Santa Barbara and San Luis Obispo County

2014 Tax Measure Revenue Impact

	FY 12-13	FY 18-19	\$ Increase
Local Sales Tax	0	137,601	137,601
Utility Users Tax	234,127	382,226	148,099
Business License Tax	25,581	304,869	279,288
Total	\$259,708	\$824,696	\$564,988

Copy of Sales Tax Comparison 2019.xlsx

SALES TAX BREAKDOWN*

<u>CA</u>	<u>SB County</u>	<u>City</u>	<u>Special</u>
6%	0.25%	0.25%	1.5%
6%	0.25%	0%	1.5%
6%	0.25%	1.25%	1.5%
6%	0.25%	0%	1.5%
6%	0.25%	0%	1.5%
6%	0.25%	1.00%	1.5%
6%	0.25%	1.00%	1.5%
6%	0.25%	0%	1.5%
6%	0.25%	0%	1.5%

<u>SB County</u>	<u>Sales Tax Rate**</u>
Guadalupe	8.00%
Buellton	7.75%
Carpinteria	9.00%
Goleta	7.75%
Lompoc	7.75%
Santa Barbara	8.75%
Santa Maria	8.75%
Solvang	7.75%
Unincorporated Cities	7.75%

<u>SB County</u>	<u>Transient Occupancy Tax***</u>
Guadalupe	6%
Buellton	12%
Carpinteria	12%
Goleta	12%
Lompoc	10%
Santa Barbara	12%
Santa Maria	10%
Solvang	12%

SALES TAX BREAKDOWN

<u>CA</u>	<u>SLO County</u>	<u>City</u>	<u>Special</u>
6%	0.25%	0.50%	1%
6%	0.25%	0.50%	1%
6%	0.25%	0.50%	1%
6%	0.25%	0.50%	1%
6%	0.25%	0.50%	1%
6%	0.25%	0.50%	1%
6%	0.25%	0.50%	1%
6%	0.25%	0%	1%

<u>SLO County</u>	<u>Sales Tax Rate</u>
Arroyo Grande	7.75%
Atascadero	7.75%
Grover Beach	7.75%
Morro Bay	7.75%
Paso Robles	7.75%
Pismo Beach	7.75%
San Luis Obispo	7.75%
Unincorporated Cities	7.25%

<u>SLO County</u>	<u>Transient Occupancy Tax</u>
Arroyo Grande	10%
Atascadero	13%
Grover Beach	10%
Morro Bay	10%
Paso Robles	13%
Pismo Beach	10%
San Luis Obispo	13%

*Avalara Tax Rates

<https://www.avalara.com/taxrates/en/state-rates/california/cities/buellton/>

**CA City Sales & Use Tax Rates (effective July 1, 2019)

<http://www.cdtfa.ca.gov/taxes-and-fees/rates.aspx>

***California Cities

Transient Occupancy Tax Revenue, Tax Rate, and Effective Date FY 16-17

<https://sco.ca.gov/Files-ARD-Local/LocRep/2016-17%20Cities%20TOT.pdf>

County of Santa Barbara

Annual Transient Occupancy Tax Report Fiscal Year Ended June 30, 2014

https://www.countyofsb.org/uploadedFiles/auditor/Documents/TransientOccupancyTax2013_14.pdf