

## AGENDA

### CITY OF GUADALUPE PLANNING COMMISSION

Tuesday, October 21, 2008

Regular Meeting 6:00 p.m.

City Hall, Council Chambers  
918 Obispo Street, Guadalupe, CA 93434

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting or other services offered by this City, please contact the City Clerk's office, (805) 356-3891. Notification of at least 72 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.*

*If you wish to speak concerning any item on the agenda, please complete the Request to Speak form that is provided at the rear of the Council Chambers prior to the completion of the staff report and hand the form to the City Clerk. **Note:** Staff Reports for this agenda, as well as any materials related to items on this agenda submitted after distribution of the agenda packet, are available for inspection at the office of the City Administrator, City Hall, 918 Obispo Street, Guadalupe, California during regular business hours, 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., Monday through Friday; telephone (805) 356-3891.*

**MEMBERS OF THE PLANNING COMMISSION:** Commissioners Monika Huntley, Alejandro Ahumada, Jesse Ramirez, Vice-Chair Carl Kraemer, and Chair Frances Romero.

1. **CALL TO ORDER.**
2. **PLEDGE OF ALLEGIANCE.**
3. **ROLL CALL.** Commissioners Monika Huntley, Alejandro Ahumada, Jesse Ramirez, Vice-Chair Carl Kraemer and Chair Frances Romero.
4. **CONSENT CALENDAR.** The following routine items are presented for Planning Commission approval without discussion as a single agenda item in order to expedite the meeting. Should a Commissioner wish to discuss or disapprove an item, it must be dropped from the blanket motion of approval and considered as a separate item.

- a. Minutes of the Planning Commission meeting of September 16, 2008 to be ordered filed.
- b. Code Enforcement Monthly Summary.

**5. COMMUNITY PARTICIPATION FORUM.**

*Each person will be limited to a discussion of 3 minutes. Pursuant to provisions of the Brown Act, no action may be taken on these matters unless they are listed on the agenda, or unless certain emergency or special circumstances exist. The Planning Commission may direct Staff to investigate and/or schedule certain matters for consideration at a future Planning Commission meeting.*

**6. VARIANCE FOR THE GUADALUPE CULTURAL CENTER EXPANSION – PUBLIC HEARING.** That the Planning Commission conduct a Public Hearing and adopt PC Resolution No. 2008-04.

- a. Written Staff Report (Rob Mullane)
- b. Written Communications.
- c. Public Hearing.
  - 1. Those in favor to be heard.
  - 2. Those in opposition to be heard.
  - 3. Rebuttals to be heard.
  - 4. After all persons have been heard and all communications filed, the hearing will be ordered closed.
- d. Planning Commission discussion and consideration.
- e. It is recommended that the Planning Commission conduct a Public Hearing and adopt PC Resolution No. 2008-04.

**7. APIO LANDSCAPING REDUCTION REQUEST CONCEPTUAL REVIEW, 4595 MAIN STREET.** That the Planning Commission receive presentation from staff and provide direction to the applicant on the proposed project.

- a. Written Staff Report (Rob Mullane)
- b. Planning Commission discussion and consideration.
- c. It is recommended that the Planning Commission receive presentation from staff and provide direction to the applicant on the proposed project.

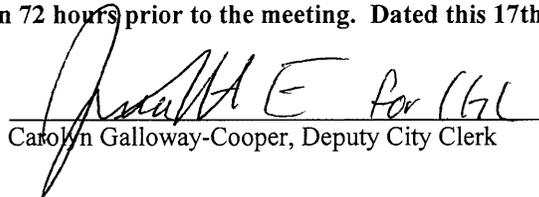
**8. DESIGN REVIEW OF SIGNAGE FOR CURVES, 879 GUADALUPE STREET.** That the Planning Commission receive a presentation from staff and take action on the request for a Design Review Permit.

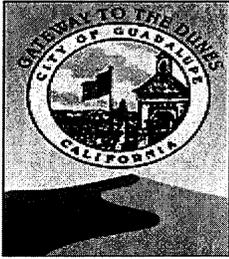
- a. Written Staff Report (Rob Mullane)
- b. Planning Commission discussion and consideration.
- c. It is recommended that the Planning Commission receive a presentation from staff and take action on the request for a Design Review Permit.

9. PLANNING DIRECTOR'S REPORT.
10. FUTURE AGENDA ITEMS.
  - a. Historical Building Regulations.
11. ANNOUNCEMENTS.
12. ADJOURNMENT.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing Agenda was posted at the City Hall display case, the Water Department, the City Clerk's office, and Rabobank not less than 72 hours prior to the meeting. Dated this 17th day of October 2008.

By:

 for (GL)  
Carolyn Galloway-Cooper, Deputy City Clerk



## MINUTES

### CITY OF GUADALUPE PLANNING COMMISSION

Tuesday, September 16, 2008

Regular Meeting 6:00 p.m.

City Hall, Council Chambers  
918 Obispo Street, Guadalupe, CA 93434

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**MEMBERS OF THE PLANNING COMMISSION:** Commissioners Monika Huntley, Alejandro Ahumada, Jesse Ramirez, Vice-Chair Carl Kraemer, and Chair Frances Romero.

1. **CALL TO ORDER.** 6:02 by Chair Romero
2. **PLEDGE OF ALLEGIANCE.**
3. **ROLL CALL.** Commissioners Monika Huntley, Alejandro Ahumada, Jesse Ramirez, Vice-Chair Carl Kraemer and Chair Frances Romero.  
All Present
4. **CONSENT CALENDAR.** The following routine items are presented for Planning Commission approval without discussion as a single agenda item in order to expedite the meeting. Should a Commissioner wish to discuss or disapprove an item, it must be dropped from the blanket motion of approval and considered as a separate item.

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- a. Minutes of the Planning Commission meeting of August 19, 2008 to be ordered filed.
- b. Minutes of the Planning Commission Special meeting of September 9, 2008 to be ordered filed.
- c. Code Enforcement Monthly Summary.

Item 4c. pulled from the agenda for discussion. Motion: Vice Chair Kramer moved to approve the balance of the consent calendar, noting that one typo needed to be fixed: change “Johnny C.” to “John Perry” as speaker #3 on Item 6 of minutes of September 2, 2008 meeting. Second by Commissioner Ahumada.

**VOTE:       Ayes: 5**  
**Noes: 0**  
**Motion passed**

The Commission then moved on to Items 5 and 7 before returning to Item 4c. Chief Jack Owen introduced himself and announced that he has agreed to serve as interim Fire Chief through June 2009. Chief Owen elaborated on the Code Enforcement Summary providing some examples and general numbers of the types of code compliance actions taken in the past month. He noted that Code Compliance is a priority for him and the Department, with Captain Fernando Garcia in a lead role. The Department will provide monthly written summaries on Code Compliance actions, and will be available to address the Commission on a periodic, as-needed basis.

The Commission thanked Chief Owen. Motion (Kraemer/Ahumada), to approve the Code Enforcement Monthly Summary.

**VOTE:       Ayes: 5**  
**Noes: 0**  
**Motion passed**

**5.       COMMUNITY PARTICIPATION FORUM.**

*Each person will be limited to a discussion of 3 minutes. Pursuant to provisions of the Brown Act, no action may be taken on these matters unless they are listed on the agenda, or unless certain emergency or special circumstances exist. The Planning Commission may direct Staff to investigate and/or schedule certain matters for consideration at a future Planning Commission meeting.*

No speakers.

**6.       DESIGN REVIEW OF SIGNS FOR LA FOGATA RESTAURANT, 253 GUADALUPE STREET.** That the Planning Commission receive a presentation from staff and take action on the request for a Design Review Permit.

- a. Written Staff Report (Rob Mullane)
- b. Planning Commission discussion and consideration.
- c. It is recommended that the Planning Commission receive a presentation from staff and take action on the request for a Design Review Permit.

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City Planner Rob Mullane gave a brief staff report and noted that the request is for two signs (Sign A and Sign B), rather than for 3 signs as originally submitted. The drive-thru sign is no longer part of the request.

Speaker #1: Jose Romo, applicant. Mr. Romo introduced himself and described his restaurant, their services, and the requested signs. He noted that a professional sign company has been retained and will conduct the work. He confirmed that the drive thru sign is not a part of his request and that the restaurant is considering the replacement of the drive thru area with something else, perhaps a patio.

Chair Romero asked staff if subsequent work on the monument sign structure's veneer or any future lighting would require additional Design Review by the Commission. Mr. Mullane responded that such minor changes would be exempt and reviewed by staff.

Commissioner Ahumada asked the applicant if the signs would be lit. Mr. Romo indicated that they would like to install downward directed lighting on the signs in the future. The Commission expressed their support for such lighting.

Commissioner Huntley asked what La Fogata meant. Mr. Romo responded that a fogata is a bonfire like oven that is used for cooking and family gathering. Commissioner Ramirez provided some additional context on the meaning.

Motion (Kraemer/Ahumada): move for Design Review Permit approval as submitted, noting that the Commission makes the findings required for approval in Section 18.73.100.

**VOTE:       Ayes: 5**  
**Noes: 0**  
**Motion passed**

7. **ADVISORY DESIGN REVIEW ASSOCIATED WITH THE NEW TANK AT CENTRAL PARK, 4550 TENTH STREET.** That the Planning Commission receive a presentation from staff and provide recommendations on tank lettering and tank structure lighting.

- a. Written Staff Report (Rob Mullane)
- b. Planning Commission discussion and consideration.
- c. It is recommended that the Planning Commission receive a presentation from staff and provide recommendations on tank letter and tank structure lighting.

City Planner Rob Mullane gave a brief staff report.

Speaker #1: Shirley Boydsen, indicated her support for north-south orientation of lettering, a preference for Palatino font or Times New Roman, and recommends that letters be in all capital letters.

Advisory direction from the Commission included the following:

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- Font Style: Times New Roman, with first line in all capital letters, and second line in Title Case. Second line subordinate in size to first, as currently shown in plans. (Sheet TP-02 in the RMA plan set).
- Orientation: maintain orientation of current lettering (centered on North and South—0 degrees and 180 degrees)
- Lighting: fine as proposed.

**8. PLANNING COMMISSION WORKSHOP # 8: COMMUNITY DESIGN & APPLICATION REVIEW.** That the Planning Commission receive the presentation from staff.

- a. Written Staff Report (Rob Mullane)
- b. Planning Commission discussion and consideration.
- c. It is recommended that the Planning Commission receive the presentation from staff.

City Planner Rob Mullane gave a brief staff report with an overview of the section's content.

Vice Chair Kraemer noted the importance of the Ahwanee Principles and encouraged the Commission to consider these when reviewing development proposals.

**9. PLANNING DIRECTOR'S REPORT.**

City Planner Mullane updated the Commission on zoning clearances issued in the last month (1), Planning Counter questions fielded by staff (4); and on the status of the DJ Farms project.

The Commission asked for an update on the Ruiz stockpile, and Mr. Mullane responded that the City received a pre-application that is proposed to address the stockpile.

**10. FUTURE AGENDA ITEMS.**

- a. Historical Building Regulations.

**11. ANNOUNCEMENTS.**

Commissioner Huntley reminded the audience to please spay and neuter their pets.

**12. ADJOURNMENT.**

Meeting adjourned by motion (Ahumada/Huntley) and vote (5-0) at 7:26 pm.

Submitted by:

Affirmed by:

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Robert A. Mullane, City Planner  
Planning Commission Secretary

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Frances Romero, Chair



46.

# GUADALUPE FIRE DEPARTMENT

TO: PLANNING COMMISSION

FROM: FIRE CHIEF JACK OWEN, JR.

SUBJECT: MONTHLY ACTIVITY REPORT – SEPTEMBER, 2008

DATE: OCTOBER 13, 2008

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## CALLS FOR SERVICE

INCIDENT TYPE	NUMBER	%
Medical	19	45.2%
Structure Fire	0	0%
Vehicle Fire	0	0%
Grass/Vegetation Fire	0	0%
Other Fire/Hazardous Condition	10	23.8%
Motor Vehicle Accidents	8	19%
Hazardous Materials Spill/Release	0	0%
Public Assistance	2	4.7%
False Alarm	3	7.1%
<b>TOTAL</b>	<b>42</b>	<b>100%</b>

## INSPECTIONS & CODE COMPLIANCE

VIOLATION TYPE	NUMBER	%
Weeds, Trash, Rubbish	1	16.6%
Business License	1	16.6%
Work Without Permit	4	66.6%
Unsafe Building	0	0%
General Fire Inspection	0	0%
<b>TOTAL</b>	<b>6</b>	<b>100%</b>



On September 9, 2008, the applicant submitted a Variance application packet, and included in this packet a letter from Mr. Mario Castellanos, the Executive Director of the neighboring Guadalupe-Nipomo Dunes Center, stating that the Dunes Center's parking lot could be used to provide overflow parking during special events. In addition, on October 2, 2008, the applicant provided a Title Report, which indicated that the project would not encroach upon any existing utility easements. The application was deemed complete for processing on October 9, 2008.

**DISCUSSION:**

The project proposes a relatively small addition of 288 square feet. No changes to the existing uses at the Guadalupe Cultural Center are proposed. The Center has 3 existing parking spaces, which are used primarily by the owners of the Center. The applicant reports that the number of visitors to the Center is typically is no more than 5-10 per day on a busy day. Visitors to the Center typically use on-street parking in the vicinity of the Center. The project site is in the City's Central Business District, where pedestrian access is encouraged as is the use of the City parking lot, which is 2 blocks to the south. The Center currently conducts special events on an occasional basis, and the during these events, parking demand exceeds the provided on-site parking.

The Zoning Code requires that parking requirements are reassessed in the event that an addition is proposed, and that parking requirements are brought up to date. As such, parking demand for the Cultural Center's use for events was calculated based on the parking requirements table in Section 18.60.060.

With the proposed addition, the Center would have a maximum occupancy load of 213 people. Based on City parking standards, accommodation of the parking needs of visitors under theoretical maximum occupancy conditions would require 54 parking spaces. During special events, it is more likely that the attendees will move from room to room, such that all rooms would not be expected to be at maximum occupancy at the same time. The applicant notes in the September 9, 2008 memo that accompanied the Variance application that the area utilized for meetings has an occupancy of approximately 40 people. The proposed project would provide three on-site parking spaces, one of which is a handicapped space. The Variance would therefore allow the project to provide three spaces, substantially less than the Zoning Code requirement of 54 spaces under maximum occupancy conditions. In support of the Variance request, the applicant has secured a shared parking agreement with the Dunes Center, which would provide up to 40 spaces as needed with prior notice (see Attachment 2).

The Cultural Center would not require 54 spaces on a daily basis nor is it expected to require this many spaces under peak demand conditions. A realistic estimate of peak attendance at special events would be 115 people, which derives from maximum occupancy of the two largest rooms simultaneously. Parking requirements based on this reasonable best case peak demand would be 29 spaces, rather than the 54 spaces under theoretical maximum occupancy. In the reasonable best case estimate, the property

would have an overflow parking demand of 26 spaces during special events. This demand could be met by utilizing the nearby Dunes Center parking lot as proposed in the shared parking agreement. The three on-site spaces are expected to meet the normal, day to day needs of the Cultural Center. The project site information is discussed below.

**Site Information**

LOCATION	865 Guadalupe Street
APN	115-051-004
ZONING	G-C, General Commercial
LOT SIZE	~7,500 sq ft
PRESENT USE	Cultural Center
SURROUNDING USES AND ZONING	North: G-C (General Commercial) East: State Highway 1 and G-C (General Commercial) South: G-C (General Commercial) West: R-3 (High Density Residential)

The property consists of a 7,500 sq ft lot with an existing 1,460-square foot, single-story building that houses the Guadalupe Cultural Center. The building’s stated square footage is excluding the detached 156-sq ft gazebo to the back of the main house. The surrounding uses are noted in the above table, and a vicinity map/aerial photo is included as Attachment 3. The project plan set is included as Attachment 4.

**Zoning Conformity**

Staff has reviewed the request’s conformity to zoning requirements and standards and notes no other inconsistencies except inadequacy of proposed parking. The addition meets other zoning standards such as building setbacks, height limits, and landscaping requirements. A Variance is requested for the project’s reduction in required parking.

**CEQA Review**

The project is exempt from CEQA pursuant to CEQA Guidelines Section 15301(e)(1). This section notes as categorically exempt from CEQA:

*Additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less;*

The proposed project would result in the addition of 288 square feet. This would be an addition of approximately 18% of the existing building’s size. The lot is completely developed with the structure, driveway, parking, and landscaping, and the addition would be contained within the existing developed area. The proposed addition would match the color and architectural style of the existing building without substantial or inharmonious changes to the exterior of the structure. Design of the addition would be considered by the Planning Commission and City Council in their review of the Variance request to

ensure that significant aesthetic impacts do not result. While the project does not meet parking standards, a shared parking agreement has been secured which would allow for overflow parking during peak demand. The project will have a negligible effect on traffic. No other significant environmental impacts are expected to result from the addition or the associated Variance request..

### **Planning Commission Consideration**

The Variance process is set forth in Section 18.72 of the City's Zoning Code. The pertinent excerpt of Section 18.72 is attached as Attachment 5 to this staff report for the Commission's reference and use.

Variances from the term of the Zoning Code may be granted when the following circumstances are found to apply:

*A. That any variance granted shall be subject to such conditions as will assure the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and district in which the subject property is situated; and,*

*B. That because of special circumstances applicable to the subject property, including size, shape, topography location or surrounding, the strict application of the Zoning Code is found to deprive subject property privileges enjoyed by other properties in the vicinity and under identical zone classifications.*

Planning Commission's role in considering a Variance is set forth in Section 18.72.110, which states that after a public hearing, the Planning Commission shall recommend to the City Council that it grant or deny the Variance. The Planning Commission may recommend a change or modify the extent of the variance requested, and may recommend conditions of approval.

Public notice of the requested Variance was posted and mailed as required by Section 18.12.

Staff has included draft conditions of approval that would be included with any City Council resolution. The Commission may wish to modify, delete, or add to one or more of these conditions of approval. Given the nature of the request, it may be advisable to set a limit on the number of special events that can take place each year, the number of attendees at any one special event, or both. The draft conditions of approval also include an incremented approach that permits smaller attendances at a lesser number of events for the first two years, and an increase in such attendance or events after the second year following the completion of the addition as long as the City does not receive multiple complaints as a result of special events during the initial two year period. The draft conditions of approval also contain clarification on noticing that would be required in advance of special events.

## **Next Steps**

The Planning Commission would make a recommendation to the City Council to recommend, conditionally recommend or deny the requested variance.

## **Alternatives to the Recommended Action**

The Planning Commission may conclude that a Variance should not be granted. In this alternative, the Commission should note the rationale for this conclusion, including any specific findings for a Variance that cannot be made. Should the Commission select this alternative action, staff should be directed to prepare a Resolution recommending that the City Council deny the Variance Request.

The Planning Commission may wish to continue the item if there is other information that is needed before a recommendation on the request can be made. Staff recommends that the Public Hearing be left open or reopened and the item continued to a date-certain future Planning Commission meeting should this alternative be selected.

## **ATTACHMENTS:**

1. Resolution PC 2008-04
2. Shared Parking Agreement
3. Vicinity Map (Aerial Photomap)
4. Project Plan Set
5. Excerpt from the Section 18.72 of the City's Zoning Code: Variance
6. Resolution CC 2008-04 (with Exhibit 1: Conditions of Approval)

**AGENDA ITEM:**

# **ATTACHMENT 1**

## **Planning Commission Resolution**

## **RESOLUTION PC. NO. 2008-04**

### **A Resolution of the Planning Commission of the City of Guadalupe Recommending Approval of the Variance for the Guadalupe Cultural Center Expansion**

**WHEREAS**, Joe Talaugon (the "Applicant") has submitted a Variance application (Planning Application 2008-012-VAR) to the City of Guadalupe for reduced parking requirements for the expansion of the Guadalupe Cultural Center, located at 1065 Guadalupe Street (Assessors Parcel Number 115-051-004); and,

**WHEREAS**, the Planning Commission held a duly-noticed public meeting on October 21, 2008 at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, the Planning Commission has reviewed Planning Application 2008-012-VAR along with the findings required for approval; and,

**WHEREAS**, the Planning Commission finds that the project is exempt from review of the California Environmental Quality Act pursuant to Section 15301(e)(1) as a minor addition to an existing structure;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Guadalupe, California as follows:

The Planning Commission does hereby:

1. make the following **FINDINGS FOR APPROVAL OF THE VARIANCE**:
  - a. The Cultural Center Expansion Variance will be subject to conditions of approval which do not fully relieve the project from parking requirements so as to grant special privilege not held by other similar land uses;
  - b. Due to the circumstance that the expected number of visitors is substantially less than the total occupancy of the building, the project would require less parking than that required under Section 16.60.060;
  - c. The applicant has entered into a shared parking agreement with a neighboring property owner who has an abundance of parking, and this nearby parking will accommodate expected peak parking demands and ensure the project's parking needs are met;
  - d. The project is located in the Central Business District of Guadalupe, where there is an existing public parking lot to serve underparked areas, and where the City is seeking to develop new public parking lots.
2. Recommend that the City Council approve the Variance for the Guadalupe Cultural Center.

UPON MOTION of Commissioner \_\_\_\_\_ seconded by Commissioner \_\_\_\_\_ the foregoing Resolution is hereby approved and adopted the 21<sup>st</sup> day of October 2008, by the following roll call vote:

**AYES:**  
**NOES:**

**ABSTAIN:**  
**ABSENT:**

I, **Robert A. Mullane**, Planning Commission Secretary of the City of Guadalupe, **DO HEREBY CERTIFY** that the foregoing Resolution, being **P.C. Resolution No. 2008-04**, has been duly signed by the Planning Commission Chair at a meeting of the Planning Commission, held October 21, 2008, and that same was approved and adopted.

**ATTEST:**

\_\_\_\_\_  
Robert A. Mullane, Planning  
Commission Secretary

\_\_\_\_\_  
Frances Romero, Chair

## **ATTACHMENT 2**

### **Shared Parking Agreement**

RECEIVED

SEP 09 2008

City of Guadalupe  
Planning Dept.

P.O.Box 339  
Guadalupe, CA 93434  
Tel: 805.343.2455  
Fax: 805.343.0442  
www.dunescenter.org



September, 2<sup>nd</sup> 2008

To the Guadalupe City Council:

The Guadalupe-Nipomo Dunes Center is happy to be a partner for the Guadalupe Cultural Arts and Education Center in solving the need for additional parking for their special events. We have partnered with them in the past and we feel it is important to continue to do so. Our parking area will be available to them for such special events as long as prior notice is given.

Sincerely,

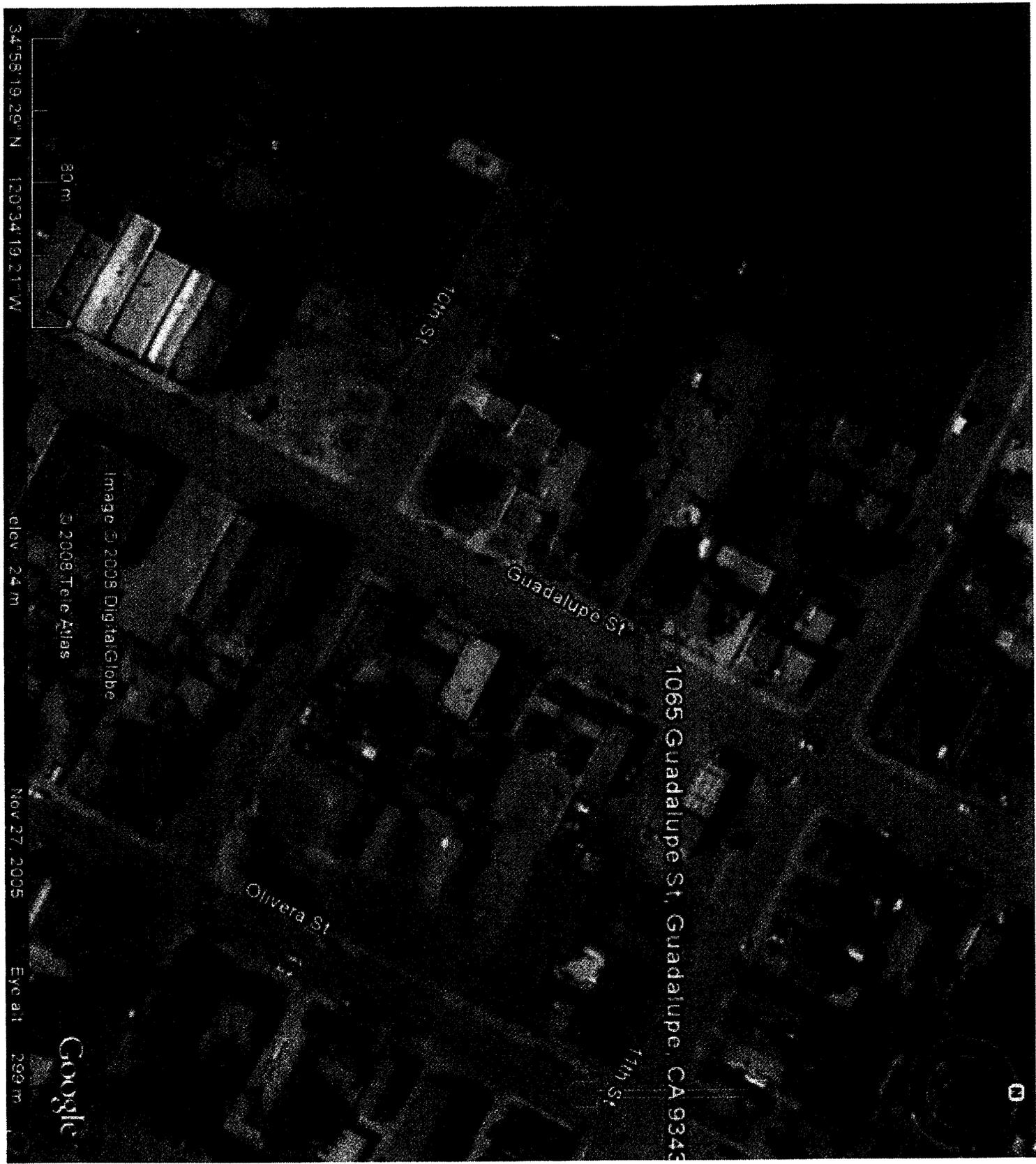
A handwritten signature in black ink, appearing to read "Mario Castellanos", with a long horizontal flourish extending to the right.

Mario Castellanos  
Executive Director  
The Dunes Center  
805.343.2455

Cc: Karen Evangelista  
Guadalupe Cultural Arts and Education Center

## **ATTACHMENT 3**

### **Vicinity Map (Aerial Photo)**



1065 Guadalupe St, Guadalupe, CA 93438

10th St

Guadalupe St

Olivera St

17th St

80 m

34°58'19.29" N 120°34'10.21" W

Image © 2008 DigitalGlobe

© 2008 Tele Atlas

elev 24 m

Nov 27, 2005

Eye alt 259 m

Google

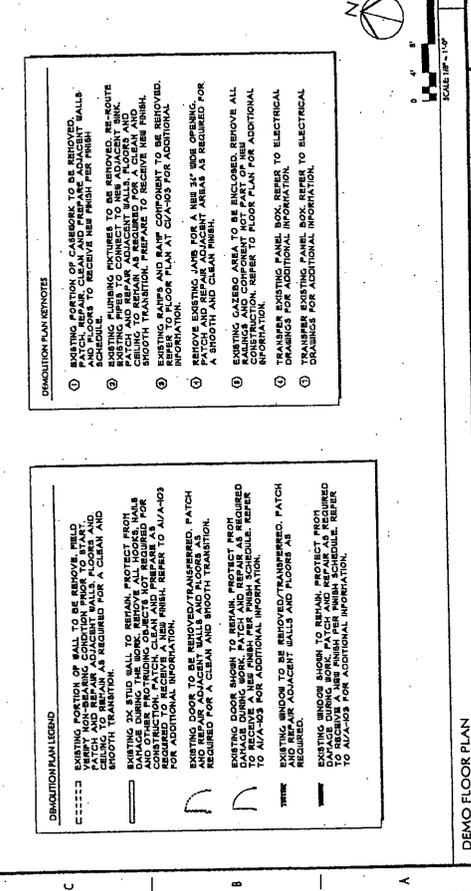
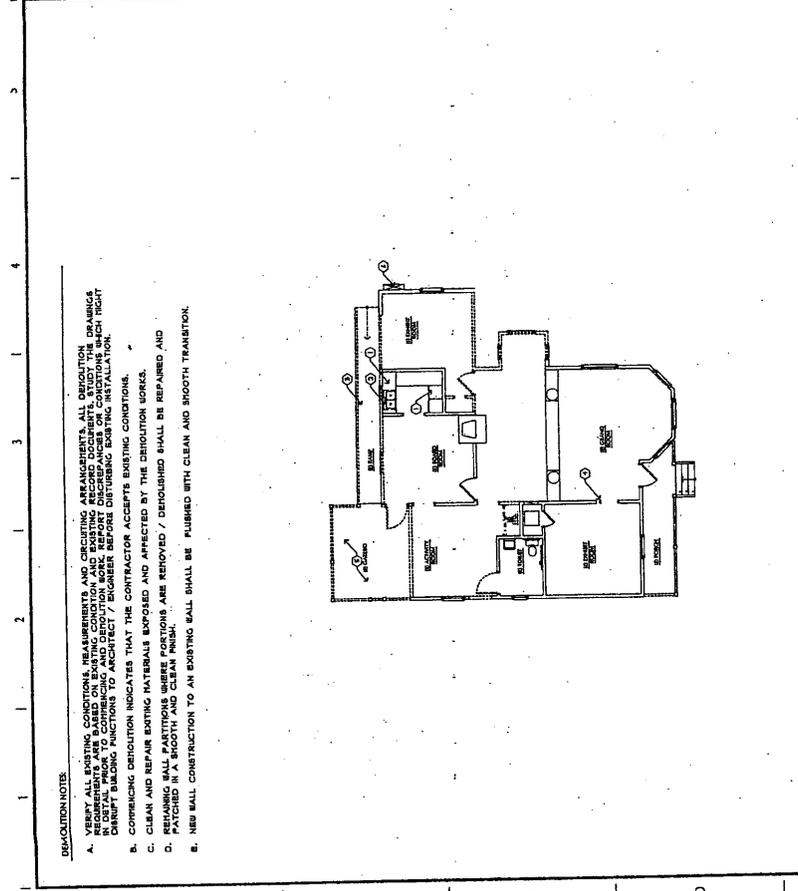
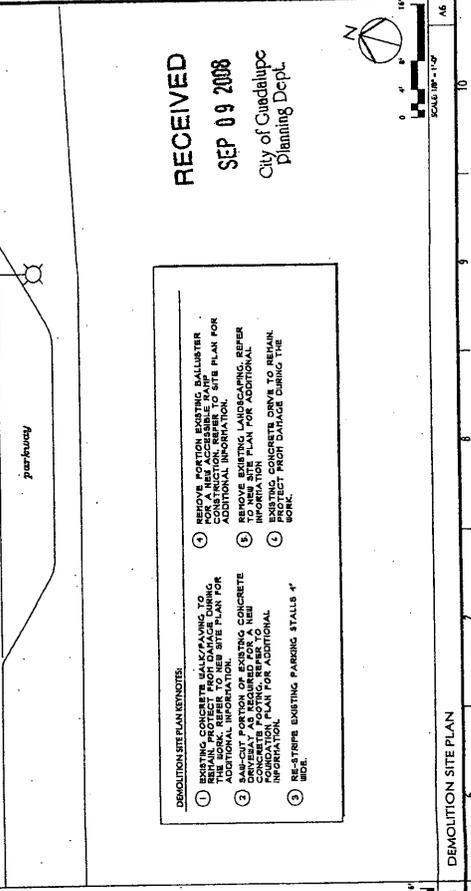
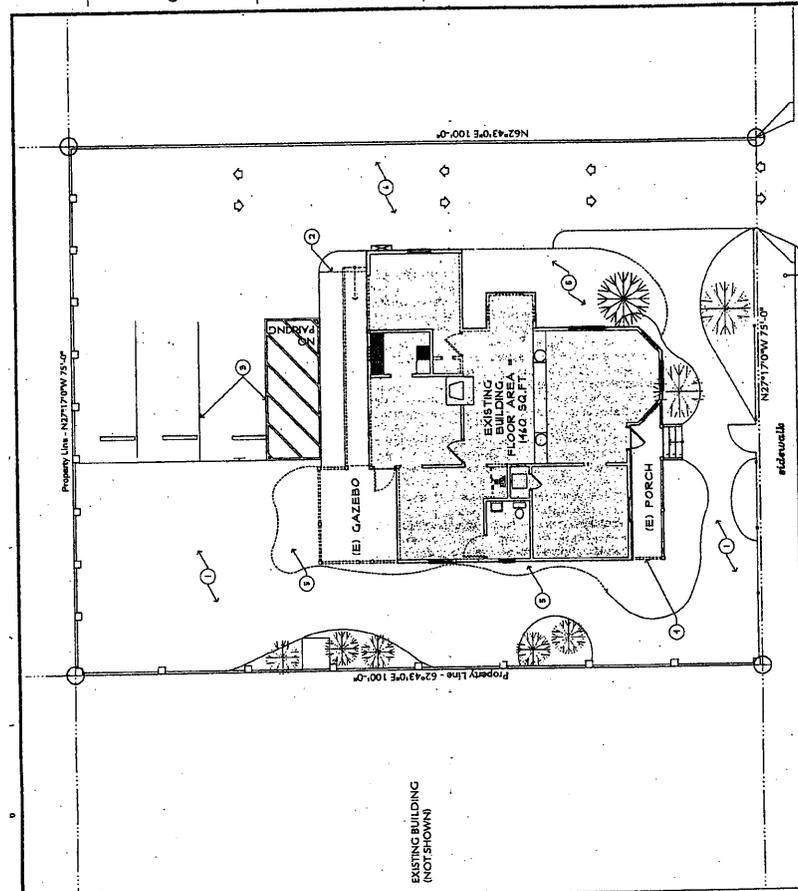


# **ATTACHMENT 4**

## **Project Plan Set**







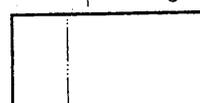
- DEMOLITION NOTES**
- VERIFY ALL EXISTING CONDITIONS, MEASUREMENTS, AND DIMENSIONS. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. RECORD DIMENSIONS AND LOCATIONS OF ALL EXISTING CONDITIONS. VERIFY ALL DIMENSIONS IN ORIGINAL PLANS TO CORRECTING AND DEMOLITION WORK BEFORE COMMENCING DEMOLITION. VERIFY ALL DIMENSIONS IN ORIGINAL PLANS TO CORRECTING AND DEMOLITION WORK BEFORE COMMENCING DEMOLITION.
  - CORRECTING DIMENSION INDICATES THAT THE CONTRACTOR ACCEPTS EXISTING CONDITIONS.
  - CLEAN AND REPAIR EXISTING MATERIALS EXPOSED AND AFFECTED BY THE DEMOLITION WORKS.
  - REPAIRING WALL PARTITIONS ARE REMOVED / DEMOLISHED SHALL BE REPAIRED AND FINISHED WITH CLEAN FINISH.
  - NEW WALL CONSTRUCTION TO AN EXISTING WALL SHALL BE FINISHED WITH CLEAN AND SMOOTH TRANSITION.

- DEMOLITION LEGEND**
- EXISTING PORTION OF WALL TO BE REMOVED, FIELD TO BE REPAIRED, PATCH AND FLOORS TO BE REPAIRED, REPAIR TO RECEIVE A NEW FINISH PER FRESH SCHEDULE. REFER TO A/A-03 FOR ADDITIONAL INFORMATION.
  - EXISTING PORTION OF WALL TO BE REMOVED, FIELD TO BE REPAIRED, PATCH AND FLOORS TO BE REPAIRED, REPAIR TO RECEIVE A NEW FINISH PER FRESH SCHEDULE. REFER TO A/A-03 FOR ADDITIONAL INFORMATION.
  - EXISTING PORTION OF WALL TO BE REMOVED, FIELD TO BE REPAIRED, PATCH AND FLOORS TO BE REPAIRED, REPAIR TO RECEIVE A NEW FINISH PER FRESH SCHEDULE. REFER TO A/A-03 FOR ADDITIONAL INFORMATION.
  - EXISTING PORTION OF WALL TO BE REMOVED, FIELD TO BE REPAIRED, PATCH AND FLOORS TO BE REPAIRED, REPAIR TO RECEIVE A NEW FINISH PER FRESH SCHEDULE. REFER TO A/A-03 FOR ADDITIONAL INFORMATION.
  - EXISTING PORTION OF WALL TO BE REMOVED, FIELD TO BE REPAIRED, PATCH AND FLOORS TO BE REPAIRED, REPAIR TO RECEIVE A NEW FINISH PER FRESH SCHEDULE. REFER TO A/A-03 FOR ADDITIONAL INFORMATION.

- DEMOLITION PLAN REMARKS**
- EXISTING PORTION OF CASEWORK TO BE REMOVED, REPAIR TO RECEIVE A NEW FINISH PER FRESH SCHEDULE. REFER TO A/A-03 FOR ADDITIONAL INFORMATION.
  - EXISTING PORTION OF CASEWORK TO BE REMOVED, REPAIR TO RECEIVE A NEW FINISH PER FRESH SCHEDULE. REFER TO A/A-03 FOR ADDITIONAL INFORMATION.
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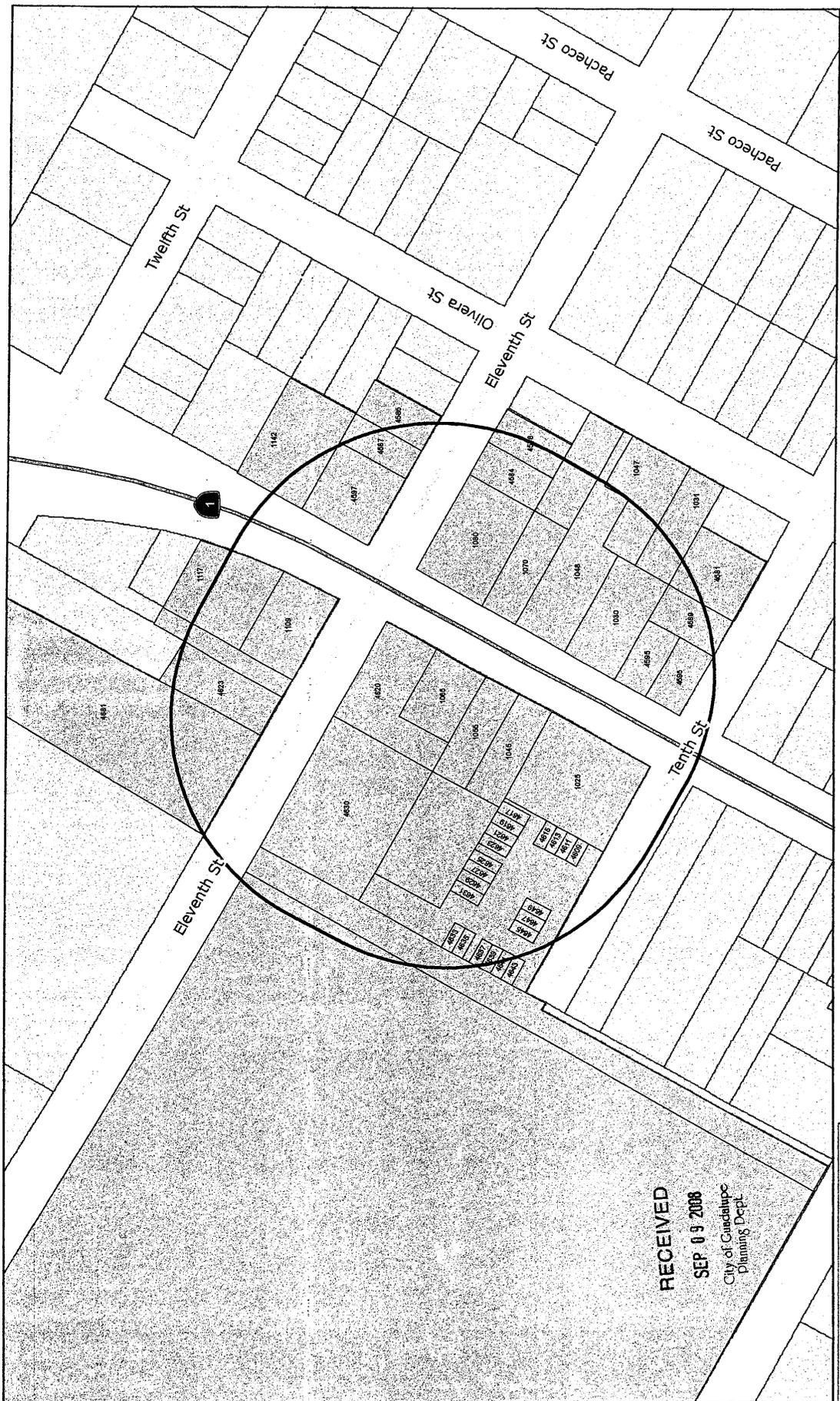
- DEMOLITION SITE PLAN REMARKS**
- REMOVE PORTION EXISTING GULLY/UTER AND REPAIR TO RECEIVE A NEW FINISH PER FRESH SCHEDULE. REFER TO A/A-03 FOR ADDITIONAL INFORMATION.
  - REMOVE PORTION EXISTING GULLY/UTER AND REPAIR TO RECEIVE A NEW FINISH PER FRESH SCHEDULE. REFER TO A/A-03 FOR ADDITIONAL INFORMATION.
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  - REMOVE PORTION EXISTING GULLY/UTER AND REPAIR TO RECEIVE A NEW FINISH PER FRESH SCHEDULE. REFER TO A/A-03 FOR ADDITIONAL INFORMATION.

RECEIVED  
SEP 09 2008  
City of Guadalupe  
Planning Dept.









**Legend**

	Freeway
	Highway
	Ramp
	Street
	Alley
	300 ft Buffer
	Parcels
	Parcels w/in 300 ft



Scale: 1 inch = 100 feet  
 0 100 200 300 400 500 Feet

# 300' Radius Map

APN 115-051-004

**RECEIVED**  
 SEP 09 2008  
 City of Guadalupe  
 Planning Dept

Joseph E. Holland  
 Clerk - Recorder - Assessor  
 Source: Assessor's Base Map  
 Compiled: August 27, 2008  
 Prepared by: Greg Shelling  
 Assessor's Mapping Section



## **ATTACHMENT 5**

Excerpt from the City's Zoning Code: Chapter 18.72,  
Variance

## **ATTACHMENT 6**

City Council Resolution with Conditions of Approval

18.72.040 Application--Public hearing date set. Upon receipt of the application for a conditional use permit, the secretary of the planning commission shall set a date for public hearing on the application; notice of such hearing shall be given as provided in Chapter 18.12 of this title. (Ord. 189 Art. 5 §2(part), 1980)

18.72.050 Public hearing--Planning commission determination. A. After the conclusion of the public hearing, the planning commission shall determine whether or not the establishment, maintenance or operation of the use which is applied for will, under the circumstances of the particular case:

1. Be consistent with the General Plan;
2. 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.

B. If the commission finds that the conditions mentioned in subsection A2 above will not result from the particular use applied for, it may grant the conditional use permit. (Ord. 189 Art. 5 §2(part), 1980)

## ARTICLE II. VARIANCES

18.72.060 Application--Grant conditions. Applications for variances from the strict application of the terms of this title may be made, and variances granted, when the following circumstances are found to apply:

A. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated;

B. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. (Ord. 189 Art. 5 §3(part), 1980)

18.72.070 Certain uses not allowed. The use of lands or buildings not in conformity with the regulations specified for the district in which such lands or buildings are located may not be allowed by the granting of a variance from the strict application of the terms of this title. (Ord. 189 Art. 5 §3(part), 1980)

18.72.080 Application--Contents and fee. A. Applications for a variance shall be made in writing by a property owner, lessee, purchaser in escrow, or optionee with the consent of the owners on a form provided by the planning commission. The application shall include a plot plan drawn to scale, showing property involved and improvements, dimensions, the details of the variance requested, and evidence showing that:

1. The granting of the variance will not be contrary to the intent of this title or to the public safety, health and welfare; and

2. Due to special conditions or exceptional characteristics of the property, or its location, the strict application of this title would result in difficulties and unnecessary hardship.

B. A fee as set by resolution shall accompany the application. (Ord. 189 Art. 5 §3(part), 1980)

18.72.090 Application--Public hearing date set. Upon receipt of an application for a variance, the secretary of the planning commission shall set a date for a public hearing on the application. The hearing shall be held within forty-five days after the filing of the application. Notice of such hearing shall be given as set forth in Chapter 18.12 of this title. (Ord. 189 Art. 5 §3(part), 1980)

18.72.100 Public hearing--Planning commission recommendations. After the conclusion of the public hearing, the planning commission shall recommend to the city council that it grant or deny a permit to modify the application of the restrictions established by this title. The commission may recommend a change or modify the extent of the variance requested, and may recommend conditions of approval of variance. (Ord. 189 Art. 5 §3(part), 1980)

18.72.110 City council hearing and modification authority. A. Within five days after the action of the planning commission, the application, along with the planning commission's recommendations, shall be transmitted to the city council. The city clerk shall set a date for a public hearing on the application. Such hearing shall be held within forty-five days after the action of the planning commission. Notice of the hearing shall be given as set forth in Chapter 18.12 of this title.

B. After conclusion of the public hearing, the city council shall grant or deny a permit to modify the application of the restrictions established by this title. (Ord. 189 Art. 5 §3(part), 1980)

### ARTICLE III. USE RESTRICTIONS

18.72.120 Time of issuance--Effective date. No conditional use permit or granting of a variance shall have any force or effect until the applicant thereof actually receives such permit designating the conditions of its issue thereon, and signed by the secretary of the planning commission or city clerk. No permit shall be issued until the time for filing an appeal from the decisions of the planning commission has expired, or, in event of such appeal, after the final determination thereof by the city council. (Ord. 189 Art. 5 §4(part), 1980)

18.72.130 Expiration date. Any conditional use permit or variance granted in accordance with the terms of this title shall be null and void if not used within one year from the date of the approval thereof, or within any shorter or longer period of time if so designated by the planning commission or city council. (Ord. 189 Art. 5 §4(part), 1980)

## **RESOLUTION CC. NO. 2008-\_\_**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE APPROVING A VARIANCE FOR THE GUADALUPE CULTURAL CENTER EXPANSION (PLANNING APPLICATION #2008-012-VAR)**

**WHEREAS**, Joe Talaugon (the “Applicant”) has submitted a Variance application (Planning Application 2008-012-VAR) to the City of Guadalupe for reduced parking requirements for the expansion of the Guadalupe Cultural Center, located at 1065 Guadalupe Street (Assessors Parcel Number 115-051-004); and,

**WHEREAS**, the Planning Commission held a duly-noticed public meeting on October 21, 2008, at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, the Planning Commission has reviewed the request and recommends approval of Planning Application 2008-012-VAR; and,

**WHEREAS**, the Planning Commission’s recommendation has been documented through the adoption of Resolution #PC 2008-\_\_ passed on October 21, 2008; and

**WHEREAS**, the City Council held a duly-noticed public meeting on \_\_\_\_\_, 2008, at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, the City Council finds that the project is exempt from the California Environmental Quality Act pursuant to Section 15301(e)(1) of the State CEQA Guidelines as a minor addition to an existing structure;

**WHEREAS**, the City Council finds that:

1. The request meets the grant conditions set forth in Section 18.72.060 of the City’s Municipal Code by requiring that the Variance be subject to conditions of approval which do not fully relieve the project from parking requirements so as to grant special privilege not held by other similar land uses and that the small size of the property and the existing use for a cultural center constitute special circumstances applicable to the subject property whereby a strict application of the Zoning Ordinance would deprive the property of the privileges enjoyed by other properties in the vicinity and under the same zoning district classification;
2. The application provides evidence required in Item 1 of Section 18.72.080 of the City’s Municipal Code, namely that the granting of the variance will not be contrary to the intent of the Zoning Code nor to the public safety, health and welfare due to the provision of a shared parking agreement to accommodate parking overflow for special events and the application of restrictions on the number of special events and number of attendees at any one time for these events established in the conditions of approval for the project;
3. The application provides evidence required in Item 2 of Section 18.72.080 of the City’s Municipal Code, namely that due to special conditions or exceptional characteristics of the property, or its location, the strict application of the Zoning Code standards would result in difficulties and unnecessary hardship due to the properties small size and existing use as a cultural center with a periodic draw from special events that cannot be accommodated onsite, but that can be accommodated with the shared parking agreement that the applicant has secured;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Guadalupe, to approve the proposed Variance for the Guadalupe Cultural Center Expansion, at a meeting on \_\_\_\_\_, 2008 by the following vote: **Motion:**

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

I, **Carolyn Galloway-Cooper**, Deputy City Clerk of the City of Guadalupe, **DO HEREBY CERTIFY** that the foregoing Resolution, being **C.C. Resolution No. 2008-\_\_**, has been duly signed by the Mayor and attested by the Deputy City Clerk, all at a meeting of the City Council, held \_\_\_\_\_2008, and that same was approved and adopted.

**ATTEST:**

\_\_\_\_\_  
C. Galloway-Cooper

\_\_\_\_\_  
Lupe Alvarez - Mayor

**EXHIBIT 1 TO RESOLUTION #CC 2008-\_\_\_\_**  
**CONDITIONS OF APPROVAL**

GENERAL

1. Approval of this Variance is not valid until the Applicant and property owner signs this Resolution agreeing to the terms and Conditions of Approval.
2. The Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicants expense, City and City's agents, officers, and employees from and against any claim, action or proceeding commenced within the time period provided in Government Code Section 66.499.37 to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attach hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and city will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall relieve Applicant of the obligation of this condition. Applicant's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions contained in this resolution.
3. Prior to Zoning Clearance, the applicant shall pay any as yet unpaid staff costs for processing the Variance request.

COMMUNITY DEVELOPMENT DEPARTMENT

4. The Variance is valid for the period of twelve (12) months following approval, with the possible allowance for a single extension of six (6) months for good cause. Zoning Clearance and building permits must be secured within this period, or the Variance expires and is null and void.
5. Prior to Zoning Clearance, the applicant shall submit a complete application for permit compliance, including the required application fee.
6. For the first two (2) years following the completion of the expansion project, the number of special events that can take place onsite each year shall be limited to four (4), and the maximum number of attendees at any one special event shall be limited to sixty (60).
7. After the first two (2) years following the completion of the expansion project, the number of special events that can take place each year may be increased to ten (10), and the maximum number of attendees at any one special event may be increased to one hundred twenty (120), assuming that the City does not receive multiple complaints from different individuals related to parking inadequacies during these special events.
8. Should the City receive frequent, independently derived complaints related to parking shortages and other problems during special events held at the subject project, the Variance and the associated conditions of approval be reconsidered by the Planning Commission and City Council shall be reconsidered following the procedures set forth in Section 18.72 of the City Municipal Code.
9. The applicant shall provide written notice to the City and to the entity providing the shared parking agreement at least two (2) weeks in advance of any special event.

FIRE DEPARTMENT

10. Provide a minimum of one fire extinguisher with a 2A10BC rating. The extinguisher is to be mounted in a clearly accessible location (preferably at or near an exit door) and installed so the top of the extinguisher is between 48 and 60 inches above the finished floor.
11. Travel distance from any point in the building to a fire extinguisher shall not exceed seventy-five (75) feet. This may require more than one extinguisher.
12. Provide address numbers on the front of the building. Minimum number height shall be six (6) inches and the numbers shall contrast with the background.

ENGINEERING DEPARTMENT

13. The following revisions to the plans are required prior to approval of any building permit:

***PLANS***

- Include sheet within plans showing offsite and onsite utilities.
- Include sheet within plans showing onsite drainage
- Include profile view of existing parking detail
- Include profile view of existing structure
- Include a signature blocks for department heads (Building, City Engineer, etc.)
- Distinguish between proposed and existing materials used like concrete and asphalt.

***STREET IMPROVEMENTS***

- Replace existing driveway with ADA compliant driveway (timing: prior to occupancy)

***STORM***

- See PLANS above
- Install on-site storm drainage system and tie-in to City system (timing: prior to occupancy)

***SEWER***

- See PLANS above.
- Install on-site water system and tie-in to City system if existing system is undersized for proposed use (timing: prior to occupancy)
- Retrofit existing restroom to be ADA compliant (timing: prior to occupancy)

***WATER***

- See PLANS above.
- Install on-site water system and tie-in to City system if existing system is undersized for proposed use (timing: prior to occupancy)

PUBLIC WORKS DEPARTMENT

No Conditions of approval.

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
date

---

Printed Name, Title

**REPORT TO THE PLANNING COMMISSION**  
**October 21, 2008**

\_\_\_\_\_  
 151  
**Prepared By:**  
**Rob Mullane, City Planner**

\_\_\_\_\_  
 151  
**Approved By:**  
**Carolyn Galloway-Cooper**

**SUBJECT:** Apio Landscaping Reduction Request Conceptual Review,  
 4595 Main Street

**EXECUTIVE SUMMARY**

The applicant for the Apio Cooling Expansion project, in consultation with Planning Staff, has requested conceptual review by the Planning Commission of a reduced amount of landscaping for the proposed project. Pursuant to Section 18.64.090, if staff finds that exceptional conditions apply, which require increasing or decreasing the landscape standards, the plan shall be referred to the Planning Commission. Due primarily to pest control related issues as well as the low amount of coverage under existing conditions, the applicant has requested reduced landscaping coverage requirements that are not in compliance with the 10% coverage requirement set forth in Section 18.64.040 of the City's Zoning Code. This item is scheduled for conceptual review only. The Planning Commission is not asked to take formal action on the request at this time; rather, the purpose of this conceptual review is to provide applicant a feel for whether there is general support or not for the requested landscape reduction, and to allow the Commission to provide comments and suggestions on the proposed landscape plan.

**RECOMMENDATION**

- 1) Receive a presentation from staff
- 2) Provide an opportunity for the applicant to present the proposed project
- 3) Take any comments from the public
- 4) Provide direction to the applicant on the proposed project

**BACKGROUND**

On May 7, 2008, the City received an application for the expansion of the existing Apio Cooling facility located at 4595 Main Street. The expansion would increase the square footage of the facility by 49,506 square feet, bringing the total building size to 202,574 square feet. Zoning Code requires that landscape requirements are reassessed in the event that any addition is proposed, and that landscape requirements are evaluated against Zoning Code standards. Zoning Code standards for landscape coverage require that a

minimum of 10% of the property's area be covered by landscaping. This standard applies across the board for all zone districts and for all properties regardless of size.

As such, the Apio project would include landscaping on 10% of the total site's area. Given the parcel's size of 17.87 acres, 77,842 square feet of landscaping is required by the 10% coverage requirement. Based on the most recent plan set, submitted to the City on August 22, 2008, the project site currently provides 19,739 square feet of landscaping (for approximately 3% coverage of the 17.87 acre site). The applicant was notified by staff of the landscaping coverage deficiency, in addition to other issues, in the September 3, 2008 review memo of the as yet incomplete application. The applicant consulted with staff regarding this issue, and based on Section 18.64.090, staff recommended that the item be referred to the Planning Commission for a determination on whether the reduced landscaping coverage would be acceptable.

The proposed project requires a Design Review Permit. A lot line adjustment is also requested by the applicant. As the applications have not yet been deemed complete for processing, this item is being considered for conceptual review only by the Planning Commission.

## **DISCUSSION**

The Applicant, Apio Inc., is requesting reduced landscape requirements for the proposed expansion of the Apio Cooling facility. The Applicant has prepared a landscape plan (included as Attachment 1), which proposes to provide 3% landscaping coverage, while 10% is the standard coverage requirement.

Staff notes that the Apio property is one of the City's largest properties, and that it is more difficult for larger parcels to meet the 10% coverage requirement, particularly for an industrial use which generally would have landscaping concentrated around the property's perimeter. Staff also notes that the applicant has stated that adding landscaping nearer the processing facilities presents an attractive nuisance for rodents and other pests and presents health and safety issues. Because food products are handled in the existing and proposed processing facilities buildings, additional landscaping near these areas may contribute to health code violations. As such, the applicant has proposed a reduced amount of landscaping coverage: 3% of the property, rather than the standard 10% requirement. (The most recent plan set submitted to the City shows that the Applicant proposed 4,928 additional square feet of landscaping, which would bring total landscaping to 24,667 square feet, or 3% of the 17.87 acre parcel.)

The Applicant recently provided an updated conceptual landscape plan (dated October 15, 2008, and included as Attachment 1). Based on this more recent landscape plan, the Applicant is proposing 3,990 additional square feet of landscaping. The new landscaping would occur along Obispo Street, between Elm Street and Cedar Street. Existing landscape along Obispo Street can be seen in photos provided in Attachment 2. The new landscaping would be located to the west of the existing landscaping. In

addition, portions of the existing landscaping along Obispo Street are proposed to be restored.

### **Planning Commission Conceptual Review**

As stated in Section 18.64.090 of the Zoning Code (refer to Attachment 3), if staff finds exceptional conditions apply which require increasing or decreasing the amount of landscaping required, the plan shall be referred to the Planning Commission. Since the proposed project applications have not been deemed complete yet, no final action on the request is requested at this time. The purpose of this evening's meeting is for the Planning Commission to conduct conceptual review of the proposed reduced landscaping request. Requests for modifications to landscaping coverage requirements are considered on a case by case basis in unusual circumstances such as this case. As such, the Planning Commission should also consider the adequacy of the proposed landscape plan to meet the intent of the landscaping requirement. Landscaping is typically required for screening and for increasing the aesthetics of a given site.

Commission comments during this conceptual review are not binding. The Commission is free to render a new opinion or determination during formal review of the request. Nonetheless, the applicant is seeking a feel for whether there is general support or not for the requested landscaping reduction, as well as whether any landscape plan changes should be considered by the applicant. Any major concerns for staff or the applicant to look into in more detail should also be identified.

### **Next Steps**

The applicant will consider the Commission's input on the landscape plan and return to the Commission for a formal determination on the request at a future meeting. The formal determination would be part of the Commission's consideration of the Design Review Permit for the expansion project.

### **ATTACHMENTS:**

1. Site and Landscape Plan
2. Site Photos
3. Excerpt from Section 18.64 of the City's Zoning Code

**AGENDA ITEM:**

# **ATTACHMENT 1**

## **SITE AND LANDSCAPE PLAN**

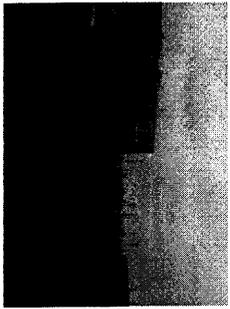


## **ATTACHMENT 2**

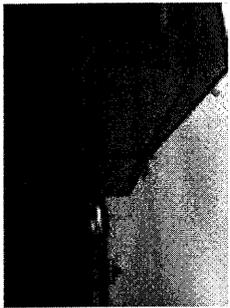
### **SITE PHOTOS**



1 - APO COOLING BUILDING



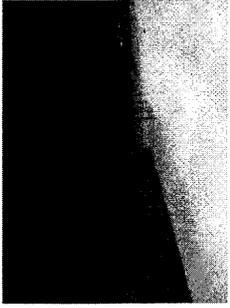
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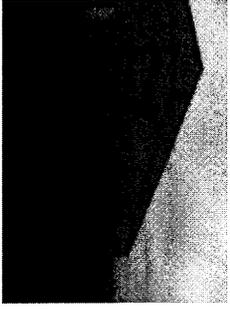
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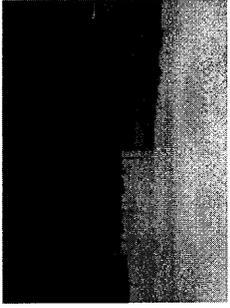
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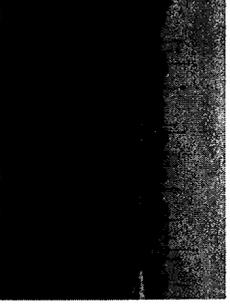
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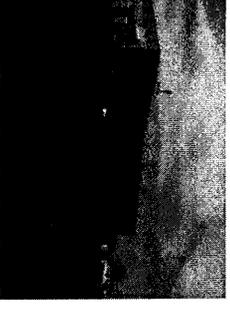
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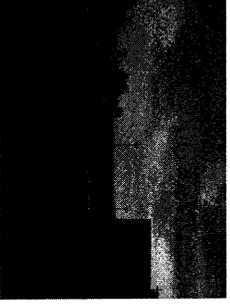
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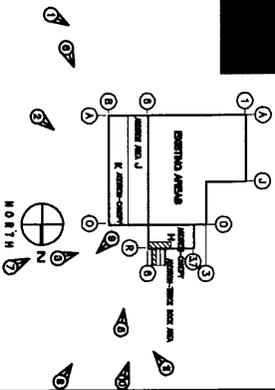


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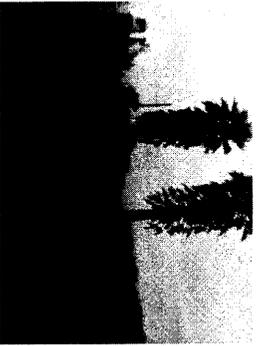


11 -

PHOTO KEY PLAN



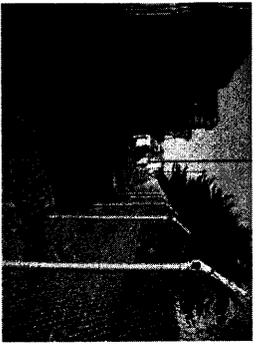
SCALE BAR 1:1



TYPICAL - EXISTING LANDSCAPE SCREENING AT OSBORNE STREET  
EXISTING SITE PHOTOGRAPHS - APO COOLING INC.



TYPICAL - EXISTING 7'-0" WIDE PROPOSED LANDSCAPE AREA



SCALE BAR 1:1



RAI ASSOCIATES INC.  
ARCHITECTURAL SERVICES

PROJECT:  
APCO COOLING BUILDING  
10000 WILSON AVENUE  
DUBLIN, CA 94568  
DATE: 08/11/11  
SCALE: 1/8" = 1'-0"

REVISIONS

SCALE



PROJECT:  
APCO Cooling Expansion  
and Total Plant Ground  
Construction, CA 94568

SHEET TITLE:  
SITE PHOTOGRAPHS



DATE: 8/11/11  
DESIGNER:  
DRAWN BY:  
CHECKED BY:  
DATE: 8/11/11

**ATTACHMENT 3**

**ZONING CODE EXCERPT  
SECTION 18.64**

Chapter 18.64

LANDSCAPING

Sections:

- 18.64.010 Title for citation.
- 18.64.020 Purpose of landscaping.
- 18.64.030 Landscaping required when.
- 18.64.040 Specifications and minimum standards.
- 18.64.050 Landscape plan--Procedures generally.
- 18.64.060 Landscape plan--Preparation and certification.
- 18.64.070 Landscape plan--Contents
- 18.64.080 Landscape plan--Submittal--Number of copies.
- 18.64.090 Landscape plan--Review for approval.
- 18.64.100 Landscape plan--Appeal from disapproval.
- 18.64.110 Landscape plan--Installation prerequisite to building approval and occupancy--Delays.
- 18.64.120 Maintenance requirements.

18.64.010 Title for citation. The ordinance codified in this chapter shall be known as the "Landscaping Requirements of the Guadalupe Zoning Ordinance." (Ord. 190 §1, 1980)

18.64.020 Purpose of landscaping. Landscaping shall be used to provide screening of parking areas, usable open space, privacy screening, noise barriers and visual accents to the development. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.3, 1980)

18.64.030 Landscaping required when. In all zones, excepting single-family residential uses, with all construction of new buildings, moving in of buildings, and expansion in floor area of existing buildings, and expansion in floor area of existing buildings by more than ten percent, landscaping shall be installed in accordance with the provisions of this chapter. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.1, 1980)

18.64.040 Specifications and minimum standards. A. Not less than ten percent of a parcel shall be covered with dense landscaping that consists of trees, plants and shrubs and may include fencing, fence panels, masonry and other structural decorative items. No more than seventy-five percent of the required landscaping shall consist of lawns and/or ground cover, including no or only sparse planting of plants, shrubs or trees. Screening shall be at least five feet in height, except that no landscaping shall exceed three feet in height within five feet of a property line that is within thirty-five feet of a street corner.

B. In meeting the screening height requirements, landscaping materials that would grow to five feet may be two feet shorter at the time of installation. Not more than two feet of an earthen berm or mound may count

toward height requirements. All height shall be measured from the normal finish grade of the parcel.

C. A sprinkler or other irrigation system shall be installed as part of the landscaping.

D. All shrubs and plants shall be of a minimum size of one gallon, or equivalent, at the time of installation, and all trees shall be of a minimum size of five gallons, or equivalent, at the time of installation. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.4, 1980)

18.64.050 Landscape plan--Procedures generally. Whenever any plan is filed with the city for a zoning or building permit after the effective date of the ordinance codified in this chapter, for where landscaping is required, the procedures set out in Sections 18.64.060 through 18.64.110 shall apply. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.5(part), 1980)

18.64.060 Landscape plan--Preparation and certification. A landscaping plan shall be filed with the other plans. It shall be prepared by a person licensed by the state to prepare landscape plans and shall be certified by the preparer as being appropriate for the climate and soils of the parcel, and shall include a list of the number and sizes of plant material included. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.5(A), 1980)

18.64.070 Landscape plan--Contents. A. The landscaping plan shall be drawn accurately to scale, and contain the following information:

1. The boundary of the applicant's property;
2. The location of all existing and proposed buildings or structures;
3. The location of all paved areas, existing and proposed;
4. The location and nature of all areas presently landscaped which are to remain;
5. The location and specific designation of all proposed landscaping, drawn at a scale and in sufficient detail to clearly indicate the specific plant materials and landscape structures or facilities.

B. The zoning administrator shall reject any plans that are inadequate, for the purpose of enforcing this chapter. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.5(B), 1980)

18.64.080 Landscape plan--Submittal--Number of copies. The plan shall be submitted in three copies, together with a processing fee as set by resolution. However, should the plan be referred to the planning commission, the applicant shall provide five more copies. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.5(C), 1980)

18.64.090 Landscape plan--Review for approval. The city administrator shall review the plan and approve it if found in accord with the standards and intent of this chapter. If the plan is disapproved, the administrator shall report to the applicant the reasons therefor. If the administrator finds that exceptional conditions apply which require increasing or decreasing the standards set in this chapter, the plan shall be referred to the planning commission. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.5(D), 1980)

18.64.100 Landscape plan--Appeal from disapproval. In the event that the applicant disagrees with a disapproval of a plan by the administrator, the applicant may appeal the matter to the planning commission by filing a written notice of appeal which specifically states what action by the planning commission the applicant desires. (Ord. 189 §2(part), 1980: Ord. 189 Art. 4 §10.5(E), 1980)

18.64.110 Landscape plan--Installation prerequisite to building approval and occupancy--Delays. After plan approval, the installation of the plan shall be completed before final approval and occupancy of the building or expansion related to the landscaping, except that a thirty-day delay may be granted on application and the filing with the city of a cash bond in the amount of one hundred fifty percent of the work to be completed as mutually agreed, which bond shall be forfeited at the end of the thirty-day period and may be used by the city to complete the landscaping work. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.5(F), 1980)

18.64.120 Maintenance requirements. All required landscaping shall be maintained in good condition. Such maintenance shall include, where appropriate, pruning, moving, weeding, cleaning, fertilizing and watering. Whenever necessary, plant materials shall be replaced, and any structural materials included in the basic landscaping design shall be repaired or replaced. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.2, 1980)

## Chapter 18.68

### NONCONFORMING USES

#### Sections:

- 18.68.010 Continuation of nonconforming uses permitted when.
- 18.68.020 Maintenance and repair limitations.
- 18.68.030 Enlargement or reconstruction--Conditional use permit required.
- 18.68.040 Restoration after damage--Conditional use permit required.

18.68.010 Continuation of nonconforming uses permitted when. Except as otherwise provided in this title, uses of land, buildings or structures existing at the time of the adoption of the ordinance codified herein (February 25, 1980), amendments to said ordinance, or the revision of district boundaries, may be continued, although the particular use, or the building or structure, does not conform to the regulations specified by this title for the district in which the particular building or structure is located or use is made, provided, however:

A. No nonconforming structure or use of land may be extended to occupy a greater area of land upon which the building is situated than is owned by

**REPORT TO THE PLANNING COMMISSION  
October, 21 2008**

151  
**Prepared By:**  
**Rob Mullane, City Planner**

151  
**Approved By:**  
**Carolyn Galloway-Cooper**

**SUBJECT:** Design Review of Sign for Curves, 879 Guadalupe Street  
(Planning Application #2008-003-DR, -SGN)

**EXECUTIVE SUMMARY:**

The City received an application for a new sign at Curves, located at 879 Guadalupe Street. The new sign is 26 inches in height and 98 inches in length, and totals 17.7 square feet. At tonight’s meeting, the Planning Commission can approve, conditionally approve, or continue the item. Any approval or conditional approval would be done by motion and majority vote of the Commission.

**RECOMMENDATION:**

- 1) Receive a presentation from staff
- 2) Provide an opportunity for the applicant to present the proposed project
- 3) Take any comments from the public
- 4) Take action on the request for a Design Review Permit

**BACKGROUND:**

The City received an application for a minor Design Review Permit (DRP) on September 5, 2008. The applicant is Anita G. Narvarro and the owners are Brad Vernon and Damien Mavis. The associated sign permit application was received on May 15, 2008. The May 2008 sign application did not provide staff the required information and was deemed incomplete pending receipt of additional information. In the review memo for the sign permit application, staff also noted that a minor DRP was also required. A more-detailed application was received on September 8, 2007. The September 2008 DRP application was deemed complete for processing on September 17, 2008.

**DISCUSSION:**

The request is for one new sign for Curves, which is a women’s health club. The request includes one illuminated channel-letter sign 26 inches in height and 98 inches in width, and totals 17.7 square (see Exhibits A, C and D of Attachment 1). The sign’s main colors are purple (letters) and tan (background). The sign would be located on the eastern elevation of the building and mounted to the existing masonry surface, above the building’s main entrance. The electrical connection would be located behind the sign and

out of sight (see Exhibit B of Attachment 1). Project information is contained in the following table.

**Site Information**

LOCATION	879 Guadalupe Street
APN	115-092-012
ZONING	G-C, General Commercial
LOT SIZE	~7,200 sq ft
PRESENT USE	Lantern Hotel with Curves Fitness Center on First Floor
SURROUNDING USES AND ZONING	Various General-Commercial Uses within the City's Central Business District Guadalupe Street (State Highway 1) to the east

The property consists of a 7,200 sq ft lot that contains the Lantern Hotel. The surrounding uses are noted in the above table, and a vicinity map/aerial photo is included as Attachment 2.

**Zoning Conformity**

Staff has reviewed the request's conformity to zoning requirements and standards and notes no inconsistencies with zoning requirements.

**CEQA Review**

The project is exempt from CEQA pursuant to Section 15061(b)(3). This section of the CEQA Guidelines states:

*...CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.*

The request is for design review of one proposed sign. The request is in conformity to zoning requirements, and the scope of the Planning Commission's review is aesthetic considerations, with such review ensuring that significant aesthetic impacts do not result.

## **Planning Commission Consideration**

The Design Review Permit process is set forth in Chapter 18.73 of the City's Zoning Code. The requirement for design review of signs is included in Section 18.73.010. Item 1 of the list in Section 18.73.010, part (b) requires a DRP for:

*All new structures fronting a public street visible from a public street on properties zoned General Commercial, Service Commercial, Neighborhood Commercial, or similar commercial zoning.*

Signs are also specifically noted as requiring a minor, rather than a regular, Design Review Permit in the City's Planning Application fee schedule.

In considering a DRP, the Planning Commission may approve as submitted, approve with conditions of approval, or provide direction to the applicant on recommended changes and continue the item to a future meeting of the Commission.

For this specific request, staff does not note any inconsistencies with zoning nor any project components that conflict with the findings for approval, but many of these findings involve aesthetic considerations that are subjective and should be evaluated by the Commission. The applicant was instructed on the requirement to post notice of the pending DRP on-site as required by Section 18.73.070.

## **Next Steps**

Should the Commission approve or conditionally approve the DRP, staff would issue the associated sign permit once any prior to issuance conditions—if any—have been met and once the 10-day appeal period has run.

## **ATTACHMENTS:**

1. Project Site Plan and Elevations (Exhibits A through E)
2. Vicinity Map (Aerial Photomap)
3. Excerpt from the City's Zoning Code: Chapter 18.73, Design Review

**AGENDA ITEM:**

# **ATTACHMENT 1**

Project Site Plan and Elevations (Exhibits A through E)

Site Plan

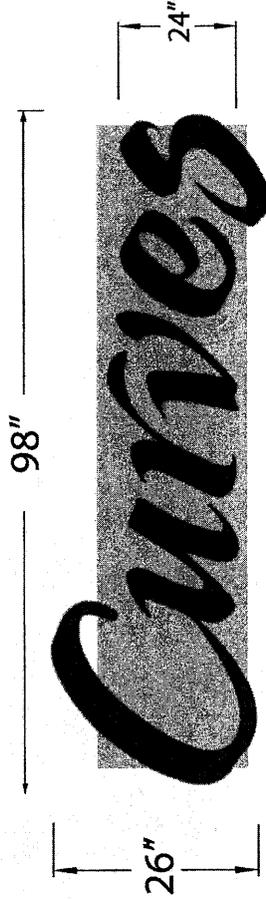


**S** **E** **R** **M** **A** **R** **I** **A** **C** **I** **T** **I**  
**C** **I** **T** **I**  
**O** **F**  
**G** **U** **A** **D** **A** **L** **A** **L** **O** **P** **E**

2350 Skyway Drive #10  
 Santa Maria, CA 93455  
 Phone: 805. 925.7545  
 Fax: 805. 925.8181  
 www.signsofsuccess.net

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Colors:  
 Purple Faces  
 Shiny Golden Trim Cap  
 Black Sign Can  
 Tan Raceway

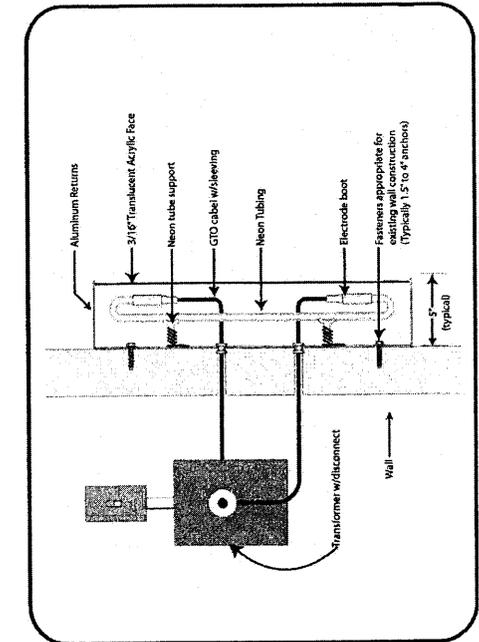
Contractor: Signs of Success;	Location: 879 Guadalupe St.	Type of Signage: Illuminated Channel Letters
Contact: Stephen; Ph. 925-7545 Lic. 781521	City: Guadalupe, CA	Size of Signage: 26"x98"
Client: Curves	Tenant Space width: 20 Ft.	Total Square ft. of Signage: 17.70 sf

**Installation**

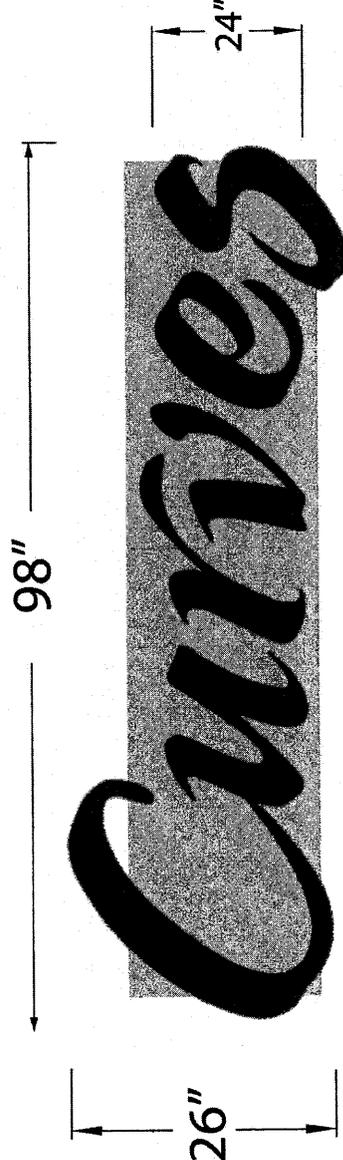


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Neon Raceway



**CERTIFICATE OF COMPLIANCE**

Re: Title 24 parts 1 and 6 of the California Code of Regulations. This certificate applies to sign lighting requirements only.

The Principal Lighting Designer hereby certifies that the proposed outdoor sign design represented in this set of permit documents is consistent with the other compliance forms and worksheets, with the specifications, and with any other calculations submitted with this permit application. The proposed signage has been designed to meet lighting requirements contained in applicable parts of Sections 130 (c) of Title 24, Part 6. The Principal Lighting Designer is eligible under the provisions of Division 3 of the Business and Professions Code by Section 5537.2 or 6737.3 to sign this document as the person responsible for its preparation, and is a licensed contractor performing this work.

- Quantity of Signs: \_\_\_\_\_
- LIGHTING TYPE:
- Neon/Cold Cathode (C)
  - LED (P)
  - HO Fluorescent (R)
  - Metal Halide
  - Electronic ballasts w/ 2/20kHz+ output
- Control Location: Electric Service Panel
- Control Identification: Label at Panel
- Control Timer:  Photocell  Other \_\_\_\_\_
- Principal lighting & design documentation author: Stephen Sheppard

Signature: *[Signature]*

Date: 4-2-08

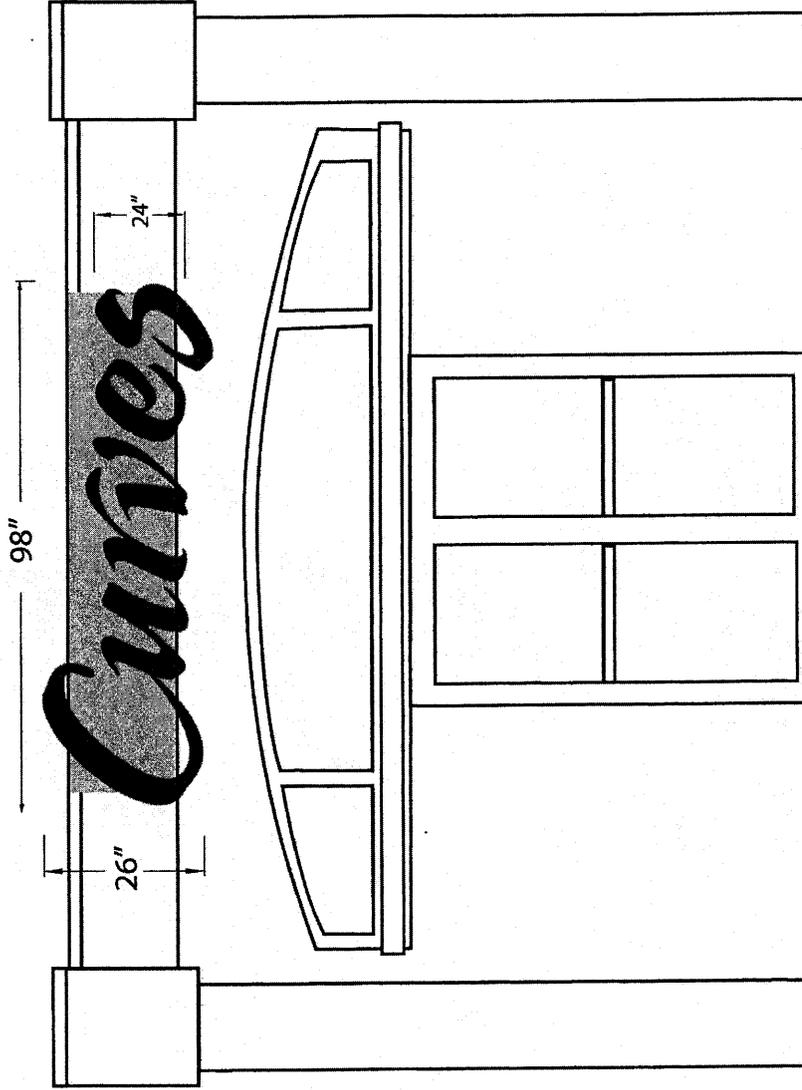
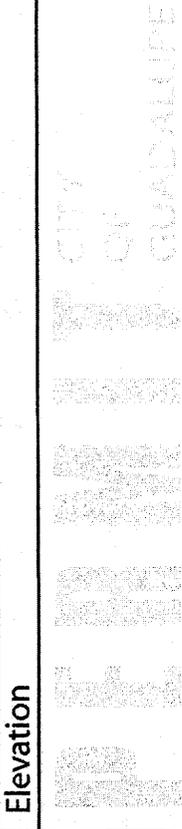
Colors:  
 Purple Faces  
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Elevation

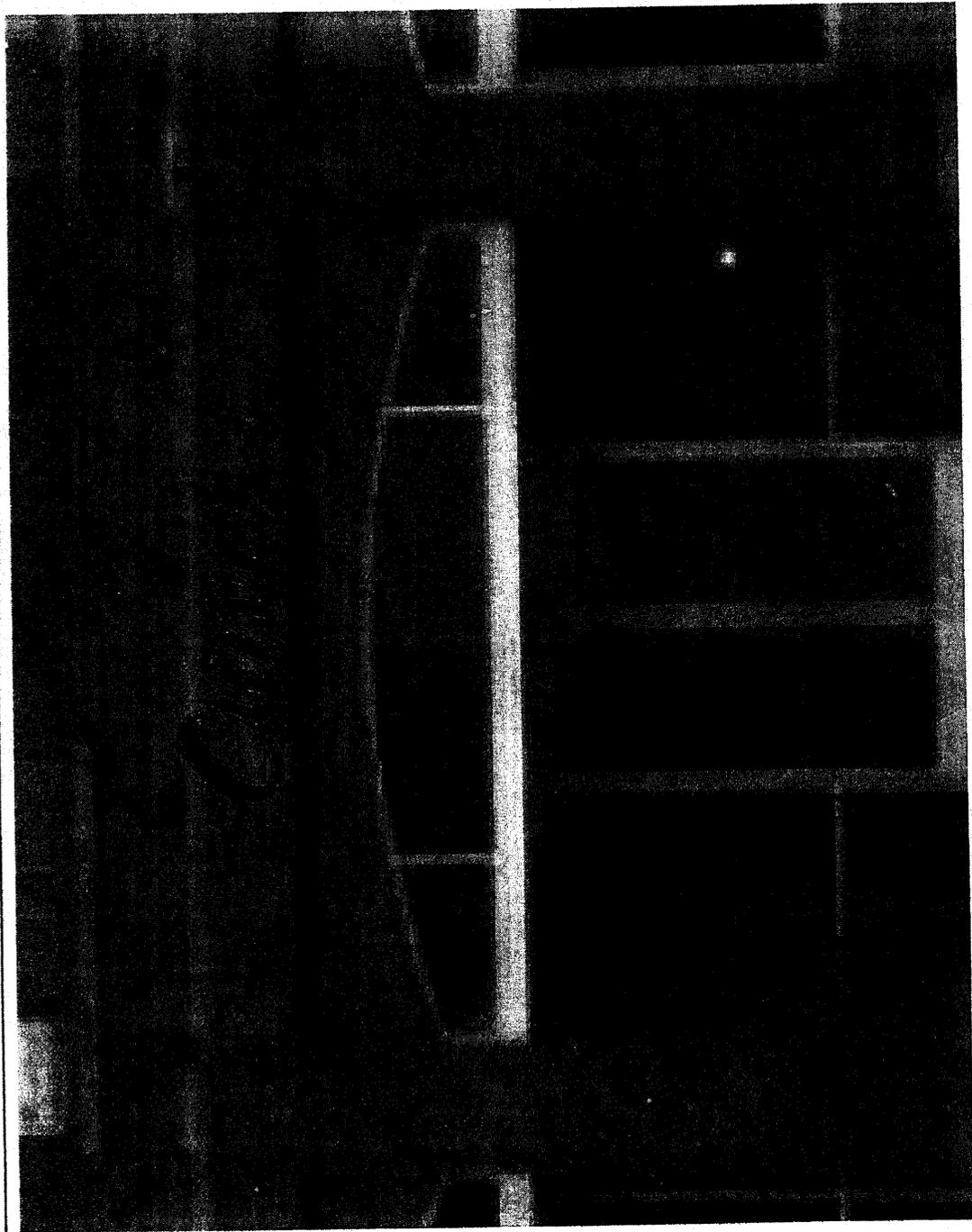
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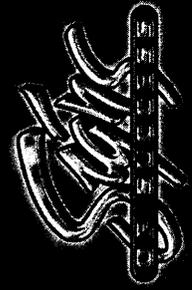
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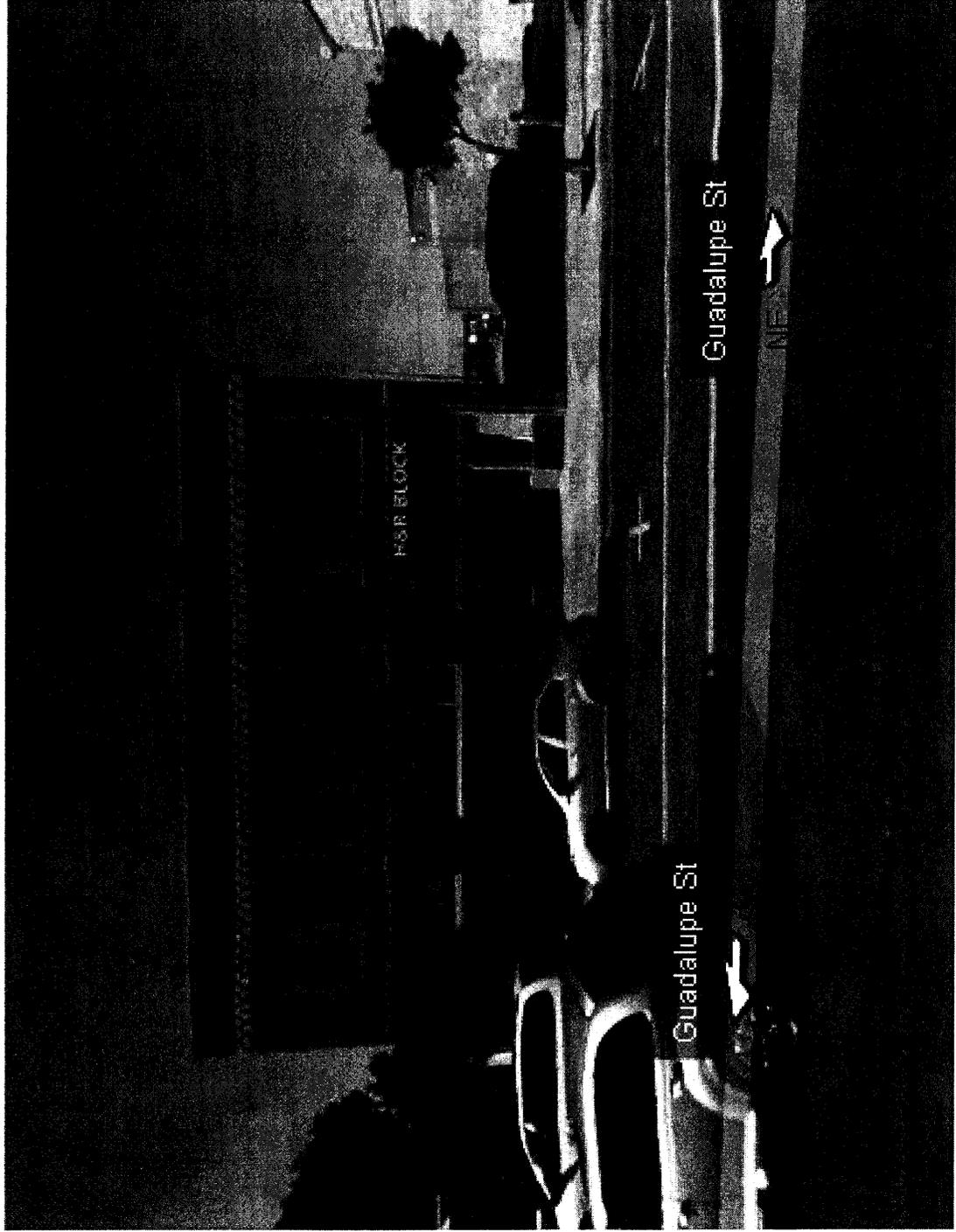


Elevation

# PERMIT CITY OF GUADALUPE

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## **ATTACHMENT 2**

Vicinity Map (Aerial Photomap)

Pioneer St

879 Guadalupe St, Guadalupe, CA 93434

5th St

66 m

Image © 2009 DigitalGlobe

© 2008 TerraMetrics

31°59'11.99" N 120°34'25.41" W

1 elev 22 m

Nov 27, 2005

Eye at 255 m

Google



## **ATTACHMENT 3**

Excerpt from the City's Zoning Code: Chapter 18.73,  
Design Review

ORDINANCE NO. 2008-393

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE  
ESTABLISHING A DESIGN REVIEW PROCESS FOR CERTAIN  
DEVELOPMENT PROJECTS

THE CITY COUNCIL OF THE CITY OF GUADALUPE DOES ORDAIN AS  
FOLLOWS:

Section 1. A new chapter 18.73 is hereby added to Chapter 18 of the Guadalupe Municipal Code to read as follows.

Chapter 18.73

DESIGN REVIEW

Sections:

- 18.73.010 Applicability.
- 18.73.020 Minor Design Review Permits for Certain Small Projects.
- 18.73.030 Exceptions and Exemptions.
- 18.73.040 Application -- Information required.
- 18.73.050 Application -- Fee.
- 18.73.060 Decision Maker.
- 18.73.070 Notice to Adjacent Properties.
- 18.73.080 Procedure.
- 18.73.090 Components of Review.
- 18.73.100 Findings Required for Approval.
- 18.73.110 Appeals of Planning Commission Decision.
- 18.73.120 Expiration and Extension.

18.73.010 Applicability.

- (a) A Design Review Permit is required for any development, including either or both structural development and grading, on properties in the City's Central Business District (as defined in the General Plan) or on properties with frontage along Guadalupe Street or Main Street, unless the proposed development would not be visible from these streets, for example, if blocked by a sound wall or other intervening structure.
- (b) Regardless of location, the following types of development projects shall require a Design Review Permit:

1. All new structures fronting a public street or visible from a public street properties zoned General Commercial, Service Commercial, Neighborhood Commercial, or similar commercial zoning.
2. All new structures fronting a public street or visible from a public street on properties zoned General Industrial, Industrial Commercial, Light Industrial, or similar industrial zoning.
3. Additions to non-residential structures in any Commercial, Industrial, or Mixed Use zoning district that involve any exterior alterations to second and/or third stories.
4. Additions to non-residential structures in any Commercial, Industrial, or Mixed Use zoning district that would be visible from a public street or view point and that exceed 120 square feet in size.
5. All new wireless communications facilities.
6. New multi-family residential developments exceeding three (3) units or additions to existing multi-family developments where the addition would result in a total of three or more units on a given property.
7. All garage conversions.
8. Any development or remodeling of structures that have been officially designated historical landmarks by the City or the State.
9. Remodeling projects of the types and locations specified in this list, if the remodeling involves exterior alterations that would be visible from any public street or other public area.
10. Any other project not otherwise on this list that, in the opinion of the Planning Director or City Planner, would benefit from design review because of its visibility, scope, or historic merit, or potential for deprivation of private property rights of other landowners.

In addition, City-sponsored capital improvement projects may be referred to the Planning Commission for design review in an advisory capacity. Projects eligible for advisory review would include development within any City-owned park or open space. The decision on whether to refer a City-sponsored project for advisory Design Review would be made by the Planning Director or City Planner after consideration of the project's potential for aesthetic impacts and the potential benefit of input on project design.

18.73.020 Minor Design Review Permits for Certain Small Projects. A Minor Design Review Permit is required for any small project. A small project is defined as any new structure of less than 300 square feet, or an addition to an existing structure that adds less than 500 square feet of development or adds less than 10% of the size of the main structure, whichever is greater. Other projects that are at a similarly small scale, as determined by the Planning Director or City Planner, may be processed with a Minor Design Review permit.

18.73.030 Exceptions and Exemptions.

(a) A separate Design Review Permit is not required for those projects that require approval(s) under the jurisdiction of the Planning Commission (for example Conditional Use Permits) where the design of the project or development would be a part of the Planning Commission's consideration of the request.

(b) Notwithstanding the requirements set forth in Sections 18.73.010 and 18.73.020, the following projects do not require a Design Review Permit:

1. Interior alterations of structures other than historical landmarks, as long as such alterations do not result in any changes to the exterior of the building.
2. Structures or additions to existing structures on lots zoned single-family residential in areas outside of the Central Business District or which are located on streets other than Guadalupe Street or Main Street.
3. New structures in any Commercial, Industrial, or Mixed Use zoning district less than 200 square feet in size, unless such structure(s) because of the visual sensitivity of the site combined with its proposed location, architectural style, or would, in the opinion of the Planning Director or City Planner, result in a potential visual impact.

18.73.040 Application -- Information required. The applicant shall submit an application that meets the requirements of the City's Planning Application packet, but at a minimum, consisting of the following:

1. A completed Planning Application form, including a written project description discussing all existing and proposed structures and uses
2. The required application fee
3. Eight (8) plan sets, including a site plan, floor plans, a roof plan, and complete set of elevations
4. Landscape plans, if applicable and deemed necessary by Planning staff
5. Site photos including photos from any street frontage.
6. Two (2) sets of mailing labels with the addresses of property owners within a 300 feet radius of the subject property, and adequate first-class postage for two mailings to these recipients. A third or fourth review would require additional mailing labels and postage.

18.73.050 Application -- Fee. A fee set by City Council resolution shall accompany the application. This fee shall permit up to two rounds of review by the Planning Commission, and a separate fee set by City Council resolution shall be charged for any third or fourth round of review by the Planning Commission. Separate fees may be established by City Council Resolution for small projects as defined in Section 18.73.020.

18.73.060 Decision Maker. Design Review Permits will be considered by the Planning Commission. The Commission may approve, conditionally approve, or deny a Design Review Permit.

18.73.070 Notice to Adjacent Properties. For all regular Design Review Permits, notice of a pending Design Review Permit application shall be mailed to adjacent property owners within a 300-foot radius of the proposed development. Notices shall be mailed out at least 10 calendar days in advance of the meeting at which the Planning Commission will consider the Design Review Permit. Minor Design Review Permit applications shall not require mailed notices to be sent.

For both regular Design Review Permits and Minor Design Review Permits, at least 10 calendar days prior to the meeting at which the Planning Commission will consider the Design Review Permit, at least one notice of the pending Design Review Permit application shall be posted in a publicly-accessible location on the site, with such notice maintained on site until the day after the Planning Commission meeting.

18.73.080 Procedure. The procedure for requesting and obtaining a Design Review Permit is as follows:

1. An applicant requesting a zoning clearance is notified by City staff, after reviewing the project's location and description, that a Design Review Permit is required prior to consideration of the zoning clearance.
2. The applicant fills out a permit application for Design Review and submits the required application fee.
3. Staff reviews the application materials, conducts a preliminary review of the project's compliance with Zoning Code requirements, and determines if the application is complete or if additional materials are needed.
4. Once application is complete, the request is placed on the agenda for the next available Planning Commission meeting. Plans associated with the request would be included in each Commissioner's packet for review prior to the meeting.
5. During the Planning Commission's consideration of the request, the applicant and their architect or agent would present the project and field any questions from the Commission. If the design is acceptable as proposed or with minor changes or revisions that are of the nature that they could be verified by staff without the need for returning to the Commission, the Design Review Permit may be approved or conditionally approved. If more substantive revisions are deemed necessary, the Commission's comments at the meeting shall be conveyed to the applicant, who would then have the responsibility for addressing these comments through the preparation of revised plans.
6. If on a fourth review of the project by the Planning Commission, the applicant's design is still not acceptable or conditionally acceptable to a majority of the Commission, the Design Review Permit shall be denied, and the applicant shall not be permitted to resubmit a Design Review Permit for the same project for a period of twelve (12) months from the date of denial.

7. Upon any approval of a Design Review Permit, the applicant may then proceed with a request for a zoning clearance for the proposed development. The approved set of plans would be maintained with the file for verification of compliance once construction drawings are submitted to the Building Dept.

18.73.90 Components of Review. The Planning Commission shall consider the following design components when considering an application for a Design Review Permit:

1. Overall design of new or enlarged structures and the architectural style.
2. Physical and design relation with existing and proposed structures on the same site and in the immediately affected surrounding area.
3. Site layout, orientation, and location of buildings, and relationship with open areas and topography.
4. Colors, types, and variation of building materials.
5. Height, bulk, scale and area coverage of buildings and structures and other site improvements.
6. Potential interference with existing scenic views.
7. Height, materials, colors, and variations in boundary walls, fences, or screen planting.
8. Location and type of existing and proposed landscaping.

18.73.100 Findings Required for Approval. Prior to approval of a Design Review Permit, the Planning Commission shall make all of the following findings:

1. The buildings, structures, and landscaping are appropriate and of good design in relation to other buildings, structures, and landscaping, on-site or in the immediate vicinity of the project.
2. The development will be compatible with the neighborhood, and its size, bulk and scale will be appropriate to the site and the neighborhood.
3. There is harmony of material, color, and composition of all sides of a structure or buildings as well as consistency and unity of composition and treatment of exterior elevation.
4. Any mechanical or electrical equipment is well integrated in the total design concept and screened from public view to the maximum extent practicable.
5. All visible onsite utility services are appropriate in size and location.
6. The grading will be appropriate to the site.
7. Adequate landscaping is provided in proportion to the project and the site with due regard to the preservation of existing trees, and existing native vegetation, and adequate provision will be made for the long-term maintenance of such landscaping.
8. The development will not adversely affect significant public scenic views.
9. All exterior site, structure and building lighting is well-designed and appropriate in size and location.

10. The proposed development is consistent with any additional design standards as expressly adopted by the City Council.
11. The project architecture will respect the privacy of neighbors and is considerate of solar access.
12. The project will provide for adequate street design and sufficient parking for residents and guests in a safe and aesthetically pleasing way.
13. The proposed development as shown on the project plans is in conformance with all applicable policies of the General Plan and the requirements of this title.

18.73.110 Appeals of Planning Commission Decision. Appeals of any Planning Commission final decision under this chapter shall conform to the requirements of Chapter 18.80.

18.73.120 Expiration and Extension.

(a) A Design Review Permit shall expire two (2) years after final approval, if a building permit for the project has not been obtained by the applicant or the successor in interest.

(b) The Planning Commission may grant up to two (2) one-year extensions for good cause. A request for an extension shall be made in writing and filed sufficiently in advance of the expiration date to allow the request to be considered at a regular meeting of the Planning Commission.

**Section 2. Savings and Interpretation Clause.** This ordinance shall not be interpreted in any manner to conflict with controlling provisions of state law, including, without limitation, the Government Code of the State of California. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. If this ordinance, or any section, subsection or clause of this ordinance shall be deemed unconstitutional or invalid as applied to a particular appeal, the validity of this ordinance and its sections, subsections and clauses in regards to other contracts, shall not be affected.

**Section 3. Publication and Effective Date.** Within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be posted in three publicly accessible locations in the City. The ordinance shall take effect thirty (30) days after adoption.

INTRODUCED at a regular meeting of the City Council held this 8th day of April, 2008 on motion of Councilmember Julian, seconded by Councilmember, Ponce and on the following roll call vote, to wit:

AYES: 5  
NOES: 0  
ABSENT: 0  
ABSTAIN:

**PASSED AND ADOPTED** at a regular meeting of the City Council held this 22<sup>nd</sup> day of April, 2008 on motion of Councilmember **Julian**, seconded by Councilmember **Lizalde**, and on the following roll call vote, to wit:

AYES: 4 Julian, Lizalde, Ponce, Sabedra  
NOES: 0  
ABSENT: 1 Alvarez  
ABSTAIN: 0

CITY OF GUADALUPE

BY: Virginia Ponce  
Mayor Pro Tem, Virginia Ponce

ATTEST:

Brenda Hoff  
City Clerk