

AGENDA

CITY OF GUADALUPE PLANNING COMMISSION

Tuesday, September 21, 2010

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 pm. 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, Kenneth Chamness, Vice-Chair Jesse Ramirez, and Chair Carl Kraemer.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL** Commissioners Monika Huntley, Alejandro Ahumada, Kenneth Chamness, Vice-Chair Jesse Ramirez, and Chair Carl Kraemer.

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 special meeting of April 20, 2010 to be ordered filed.

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. **REPORTS FROM CITY STAFF OTHER THAN PLANNING STAFF**

This item provides an opportunity for staff from other City Departments to provide updates to the Commission on activities of interest to the Commission. Items potentially to be discussed include Code Enforcement Efforts, City Parks activities, and Public Works activities.

7. **PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT FOR THE RUIZ STORM DRAIN PROJECT AT 848 OLIVERA STREET (PLANNING APPLICATION #2010-007-CUP).**

That the Planning Commission: 1). Receive a presentation from staff; 2) Provide an opportunity for the applicant to present the proposed project; 3) Conduct the Public Hearing to take any comments from the public, 4) Adopt RC Resolution No. 2010-01 approving Conditional Use Permit (Case #2010-007-CUP) for the for the Ruiz Storm Drain Project at 848 Olivera Street.

- a. Written Staff Report (Rob Mullane)
- b. Conduct Public Hearing;
- c. Planning Commission discussion and consideration.
- d. It is recommended that the Planning Commission 1). Receive a presentation from staff; 2) Provide an opportunity for the applicant to present the proposed project; 3) Conduct the Public Hearing to take any comments from the public, 4) Adopt RC Resolution No. 2010-01 approving Conditional Use Permit (Case #2010-007-CUP) for the for the Ruiz Storm Drain Project at 848 Olivera Street.

8. **PLANNING DIRECTOR'S REPORT**

9. **FUTURE AGENDA ITEMS**

- a. Virtual Tour of Recently Completed Planning Projects
- b. City Wastewater Treatment Plant Operational Improvements

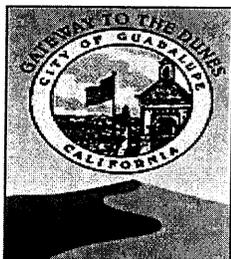
10. **ANNOUNCEMENTS**

11. **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 21st day of September 2010.

By:


Regan Candelario, City Administrator



Draft MINUTES

CITY OF GUADALUPE PLANNING COMMISSION

Tuesday, April 20, 2010

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, Kenneth Chamness, Vice-Chair Jesse Ramirez, and Chair Carl Kraemer.

Staff present: Rob Mullane, City Contract Planner; City Administrator, Regan Candelario

1. **CALL TO ORDER.** 6:08 p.m. by Chair Kraemer
2. **PLEDGE OF ALLEGIANCE.** Conducted.
3. **ROLL CALL.** Commissioners Kenneth Chamness, Alejandro Ahumada, Vice-Chair Jesse Ramirez, and Chair Carl Kraemer: present. Commissioner Monika Huntley: absent.
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 special meeting of February 17, 2010 to be ordered filed.

Commissioner Chamness asked to have the item pulled for discussion and noted that the issue of whether an elevator was required for Item #6 should be noted in the minutes.

Motion: Ramirez/Chamness moved to approve the consent agenda.

VOTE: **Ayes: 3**
 Noes: 0
 Abstention: 1 (Ahumada)
 Absent:1 (Huntley)

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. PLANNING COMMISSION WORKSHOP: ROLE AND PURVIEW OF THE COMMISSION IN CONSIDERING DISCRETIONARY APPLICATIONS. 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.

Mr. Mullane gave a staff report including an overview of the Planning Commission's purview and discretion and noted examples of permitting decisions that have been or are likely to be before the Commission. The Commission was adjourned by the Chair for a short break between 6:28 and 6:30 pm and then the staff presentation continued followed by discussion and questions by the Planning Commission.

Commissioner Chamness presented a photo of the Guadalupe Plaza sign that was considered by the Commission last year and noted concern that the For Lease sign had not be relocated as well as a proliferation of other election-related signs. Commissioner Chamness noted that the Commission was under the impression that the For Lease sign would be relocated by the applicant when the Design Review Permit of the sign was discussed and considered by the Commission. Staff noted that no condition of approval had been included in the Design Review Permit required relocation of the For Lease sign, but that staff would contact the applicant to request its relocation to a less visible area. Mr. Mullane noted that the City's zoning code has no prohibition on or standards for election signs, and that Free Speech rights would need to be considered in setting up such

standards or restrictions. In response to a question on whether any code enforcement issue was occurring because of the signage at the site, Mr. Candelario discussed the City's Code Enforcement process and requested that his office be contacted if a code enforcement matter is suspected.

In response to a question regarding which City staff is responsible for ensuring that projects are built as approved and that conditions of approval are met, Mr. Mullane noted that this is part of the Building Inspector's responsibility. The Commission requested an update from staff on projects that have gone through the Building permit process for confirmation that projects comply with approved plans and conditions.

The Commission also requested clarification on the Unreinforced Masonry Program (URM) projects, and to what extent architectural design and conformity was included in the approval of URM projects. Steel or aluminum window treatments were noted by Chair Kraemer in one of the URM projects, while brass would have been more compatible with the previous building design. Mr. Mullane noted that Design Review Permits were not required, as State law preempted such planning approvals for seismic retrofit projects. Mr. Candelario noted that these projects are receiving Redevelopment Agency funds and are reviewed by the City's Redevelopment Agency, and that because of RDA's participation, the City does have some say in design.

7. **PLANNING COMMISSION WORKSHOP: STATUS REPORT ON THE PLANNED RESIDENTIAL DEVELOPMENT OVERLAY PROCESS.** 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 and direct staff to return with a subsequent status report in approximately 18-24 months.

Mr. Mullane gave a staff report including a review of the Planned Development Ordinance and noted that no applicants have requested proceeding with the overlay yet.

The Planning Commission concurred that discussion of the effectiveness of the Planned Development process be deferred another 2-3 years to allow for one or more projects requesting this overlay to go through the process.

8. **PLANNING DIRECTOR'S REPORT.**

Mr. Mullane provided an update on the DJ Farms project and staff's review of the revised Specific Plan.

Mr. Mullane updated the Planning Commission on the City's consideration of a location for a new skate park and noted that the Parks and Recreation Commission will meet on May 5th and will discuss this. Mr. Mullane summarized the content of a letter dated March 12, 2010 from the Guadalupe Cemetery District that was provided to Chair

Kraemer and noted that this letter would be forwarded on to Mr. Ron Estabillo, staff to the Parks and Recreation Commission, for transmittal to the Parks and Recreation Commission.

Mr. Candelario announced that the applicants for the Minami project have expressed interest in proceeding with that development and that D.R. Horton is no longer involved.

Mr. Mullane requested updated contact information from each of the Commissioners for administrative purposes.

9. FUTURE AGENDA ITEMS.

Commissioner Chamness requested that staff add a “review block” to the Planning Commission agenda to report on recently completed projects and to allow verification of compliance with approved plans and conditions. He suggested that staff take photographs to assist with the discussion of these projects.

Chair Kraemer recommended a new standing item on the agenda to allow reports from other City staff on various issues such as code enforcement. He recommended that this item be as Item #4, and be before the consent agenda, which would move to Item #5.

10. ANNOUNCEMENTS.

Chair Kraemer reminded the audience to please spay and neuter their pets.

11. ADJOURNMENT.

Chair Kraemer adjourned the meeting at 7:30 pm.

Submitted by:

Affirmed by:

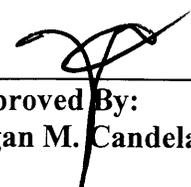
Robert A. Mullane, City Planner
Planning Commission Secretary

Carl Kraemer, Chair

REPORT TO THE PLANNING COMMISSION
September 21, 2010

161

Prepared By:
Rob Mullane, City Planner



Approved By:
Regan M. Candelario

SUBJECT: Public hearing to consider a Conditional Use Permit for Mr. Joe Ruiz to install an approximately 370 foot long 36” HDPE stormwater pipe within an existing drainage channel that crosses several parcels along Olivera Street (APNs 115-102-002, -015, -016, -017, and -018) and the use of an existing on-site soil stockpile for fill in the culverting of the channel (Planning Application #2010-007-CUP)

EXECUTIVE SUMMARY:

The City received an application for a Conditional Use Permit (CUP) for the culverting of an existing open drainage channel that crosses several parcels along Olivera Street (APNs 115-102-002, -015, -016, -017, and -018) and the use of an existing on-site soil stockpile for fill in the culverting of the drainage channel. An approximately 370 foot long 36” HDPE stormwater pipe would be installed. The project would connect two existing segments of drainpipe infrastructure and would address health and safety concerns. The existing channel is not a blue line creek, but conveys drainage from an existing 24” CMP installed under the Pacific Coast Railroad tracks, daylighting into the open channel. The drainage channel then conveys stormwater runoff into an existing 30” CMP inlet under Olivera Street, connecting into an existing 36” RCP pipe westward. Total earthwork generated would be 82 cubic yards (cy) of cut and 3,968 cy of fill. 3,880 cy of fill would originate from an existing soil stockpile on the project site and 88 cy would be imported. At tonight’s meeting, the Planning Commission can approve, conditionally approve, or continue the item.

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) Approve PC Resolution 2010-01 approving Conditional Use Permit (Case #2010-007-CUP) for the for the Ruiz Storm Drain Project at 848 Olivera Street

BACKGROUND:

On July 20, 2010, Mr. David Swenk of Urban Planning Concepts, representing Mr. Joe Ruiz (the “Applicant”), submitted a Conditional Use Permit (CUP) application (Planning Application 2010-007-CUP) to the City of Guadalupe for the culverting of an existing open drainage that crosses several parcels along Olivera Street (APNs 115-102-002, -015, -016, -017, and -018) and the use of an existing on-site soil stockpile for fill in the

culverting of the drainage channel, with the installation of an approximately 370 foot long 36" HDPE stormwater pipe. The project would connect two existing segments of drainpipe infrastructure and would address health and safety concerns. The soil stockpile is mostly on an Open Space zoned parcel (APN 115-102-002). Therefore, a CUP is necessary, in part to remedy an existing zoning violation related to the placement of a soil stockpile on an Open Space zoned parcel and to allow for grading of the soil stock pile in the portion of the drainage channel zoned Open Space.

On August 11, 2010, the project was reviewed at the City's Development Review Committee meeting. This project was reviewed at the City's August 11, 2010 Development Review Committee meeting. The planning application was deemed complete on September 8, 2010.

DISCUSSION:

Project Description

The proposed project involves the grading and use of an existing soil stockpile for fill in the culverting of an open drainage channel that crosses several parcels along Olivera Street (APNs 115-102-002, -015, -016, -017, and -018). An approximately 370 foot long 36" HDPE stormwater pipe would be installed. The existing manhole at Olivera Street would be replaced and two 48" manholes would be installed to access the connections to the existing pipes under the railroad and under Olivera Street. Total area of disturbance would be approximately 0.86 acres. Total earthwork generated would be 82 cubic yards (cy) of cut and 3,968 cy of fill. 3,880 cy of fill would originate from an existing on-site soil stockpile on the project site and 88 cy would be imported.

The existing drainage channel is not a blue line creek, but currently conveys drainage from an existing 24" CMP installed under the Pacific Coast Railroad tracks daylighting into the open channel. The channel then conveys stormwater runoff into an existing 30" CMP inlet under Olivera Street connecting into an existing 36" RCP pipe westward. The channel's primary function is stormwater conveyance and the installation of the drain pipe will incorporate the flow into the City's drainage system. Construction of the proposed project is expected to take 4 to 6 weeks.

Project Issues

The project would improve health and safety conditions in the area by culverting the existing exposed drainage channel. The existing open drainage channel poses health and safety nuisance issues to the landowners and tenants of the Ruiz Apartments. Trash enters the open channel either by airborne transport or through the stormwater drain and odors are apparent. The steep bank in excess of 20 feet high also poses a potential safety hazard.

In addition, the appearance of the ditch detracts from the public viewshed from Olivera Street, is heavily eroded, and contributes to downstream sedimentation during storm events. Thus, the proposed project would improve the aesthetic viewshed of Olivera Street, minimize downstream sedimentation and non-point source pollutants, as well as improve stormwater runoff conveyance and reduce flooding impacts to surrounding areas.

The project is consistent with City General Plan policies. The existing drainage channel is not a blue line creek. It conveys stormwater runoff from an existing 24” CMP installed under the Pacific Coast Railroad into an existing 30” CMP inlet under Olivera Street, which connects to an existing 36” RCP pipe westward. The channel’s primary function is stormwater conveyance and the installation of the drain pipe will incorporate the flow into the City’s drainage system. The project would improve drainage and stormwater conveyance through the area, aiding in floodwater abatement as indicated by the Flood Control District. In addition, the Department of Fish and Game has stated that existing riparian vegetation, mostly willows, and sparse patches of native grasses are of “marginal quality” and determined that the project does not require a Streambed Alteration Agreement. In addition, the Department of the Army Corps of Engineers has determined that the project does not discharge dredge or fill material into a water of the United States or adjacent wetland and therefore does not require a Section 404 permit under the Clean Water Act.

Site Information

LOCATION	848 Olivera Street
APNs	115-102-002, -015, -016, -017, and -018
ZONING	115-102-002 O Open Space 115-102-015 R-3 Multiple Dwelling Residential 115-102-016 R-3 Multiple Dwelling Residential 115-102-017 R-3 Multiple Dwelling Residential 115-102-018 R-3 Multiple Dwelling Residential
SITE SIZE	Approximately 2.22 Acres
PRESENT USE	Drainage Channel
SURROUNDING USES AND ZONING	North: R-3 Multiple Dwelling Residential East: R-2 Multiple Dwelling Residential and Open Space West: G-C General Commercial South: R-1 Single Family Residential and G-I General Industrial

The property currently consists of vacant undeveloped land and an open drainage channel.

Zoning Conformity

The request is necessary in part to remedy an existing zoning violation related to the placement of a soil stockpile on an Open Space zoned parcel and to allow for grading of the soil stock pile in the portion of the drainage channel zoned Open Space. 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 15332. This section of the CEQA Guidelines states that a project characterized as infill development that meets the following conditions is exempt:

- a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*
- b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- c) *The project site has no value as habitat for endangered, rare or threatened species.*
- d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- e) *The site can be adequately served by all required utilities and public services.*

The drainage channel project site is located on infill parcels surrounded by urban uses. Total area of disturbance would be approximately 0.86 acres. The existing channel is not a blue line creek and its primary function is stormwater conveyance. The installation of the drain pipe will incorporate the flow into the City's drainage system.

No rare, threatened, or endangered wildlife is known to exist on-site or within the vicinity of the project site. The project site is highly disturbed and the Department of Fish and Game has determined that existing, sparse on-site vegetation, including non-specimen willows and sparse patches of native grasses, is of marginal quality and does not require a Streambed Alteration Agreement.

No significant environmental impacts are presented by the proposed project, including those related to noise, water quality, traffic, or air quality. As indicated on project plans, noise generating construction activities would be limited to the hours between 7:00am and 6:00pm, Monday through Friday and 8:00am to 5:00pm on Saturday. No work shall occur on Sunday or federal holidays.

The project is not expected to increase runoff, or degrade the water quality, and the culverting of the open drainage channel would thereby prevent litter from entering the drainage system. The Department of the Army Corps of Engineers has determined that the project does not discharge dredge or fill material into a water of the United States or adjacent wetland and therefore does not require a Section 404 permit under the Clean Water Act. It is anticipated that site preparation and construction will adhere to a schedule that takes place outside the rainy season (November 1 through April 15); however, should any site preparation or construction occur during this period, an effective erosion and sediment control plan would be prepared by the applicant, submitted to the City Building and Safety Department for review and approval, and implemented prior to start of the rainy season.

The project would conform to all applicable federal, state, and regional air pollution control regulations, both short- and long-term. In addition, the project would comply with dust control measures required by the Air Pollution Control District and City Building and Safety Department. The project does not include uses that would generate would not generate traffic and would not exceed level of service standards. Furthermore, the request is in conformity to applicable general plan designation, general plan policies, and zoning designation and regulations.

Therefore, the project complies with the findings listed above and may be considered exempt from the California Environmental Quality Act under Section 15332 of the CEQA Guidelines.

Planning Commission Consideration

A CUP is required by section 18.48.030 of the City's zoning code, which states that:

"Uses permitted subject to obtaining a conditional use permit in the open space district include...any change in the dimensions of the property, and grading, filling, excavation, paving, clearing, draining, farming or other alterations to the existing status of the property."

The CUP process is set forth in Chapter 18.72 of the City's Zoning Code.

In considering a CUP, 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.

Notices of the pending CUP and Planning Commission public hearing were published in the Santa Maria Times and mailed to all property owners within a 300 foot radius as required by Section 18.73.070.

Planning Commission Action and Next Steps

A resolution to approve the CUP has been prepared (Attachment 1), and staff recommends approval of this resolution. Should the Commission approve or conditionally approve the CUP, staff would issue the associated Zoning Clearance once any prior to issuance conditions have been met and once the 10-day appeal period has run.

ATTACHMENTS:

1. PC Resolution # 2010-01

ATTACHMENT 1

PC Resolution # 2010-01

PLANNING COMMISSION RESOLUTION NO. 2010-01

A Resolution of the Planning Commission of the City of Guadalupe Approving a Conditional Use Permit (Planning Application 2010-007-CUP) for the Ruiz Storm Drain Project at 848 Olivera Street

WHEREAS, on July 20, 2010, Mr. David Swenk of Urban Planning Concepts, representing Mr. Joe Ruiz (the "Applicant"), submitted a Conditional Use Permit (CUP) application (Planning Application 2010-007-CUP) to the City of Guadalupe for the culverting of an existing open drainage that crosses several parcels along Olivera Street (APNs 115-102-002, -015, -016, -017, and -018) and the use of an existing soil stockpile for fill in the culverting of the drainage channel, with the installation of an approximately 370 foot long 36" HDPE stormwater pipe; and

WHEREAS, Planning staff reviewed the application, as well as supplemental application materials provided on August 23, 2010, and deemed the application complete for processing on September 9, 2010; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on September 21, 2010, at which all interested persons were given the opportunity to be heard; and

WHEREAS, the Planning Commission has reviewed Planning Application 2010-007-CUP 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 15332 as an infill development project; and

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

The Planning Commission does hereby find and determine as follows:

- Section 1. The Findings set forth in Exhibit 1 to this Resolution are hereby adopted and incorporated herein by this reference.
- Section 2. The CEQA Exemption for Planning Application 2010-007-CUP is accepted.
- Section 3. Planning Application 2010-007-CUP is approved, subject to the Conditions of Approval set forth in Exhibit 2 to this Resolution.

Section 4. The Planning Commission Secretary shall certify as to the adoption of this Resolution.

UPON MOTION of Commissioner ___ seconded by Commissioner ___ the foregoing Resolution is hereby approved and adopted the 21st day of September 2010, 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 **PC Resolution No. 2010-01**, has been duly signed by the Planning Commission Chair at a meeting of the Planning Commission, held September 21, 2010, and that same was approved and adopted.

ATTEST:

Robert A. Mullane, Planning
Commission Secretary

Carl Kraemer, Chair

**EXHIBIT 1
FINDINGS
RUIZ STORM DRAIN CONDITIONAL USE PERMIT
848 OLIVERA STREET
PLANNING APPLICATION 2010-007-CUP**

1.0 CEQA Findings

The project is classified as a categorical exemption from the California Environmental Quality Act (CEQA) under Class 32, Section 15332 (Infill Development Projects) of the State CEQA Guidelines. This section states that an infill project that is less than 5 acres in size, is consistent with the General Plan and zoning, has no value as habitat for endangered species, and will not result in any significant effects relating to noise, traffic, air, quality, or water quality, and can be served by all required utilities and public services shall be exempt from the provisions of CEQA.

The drainage channel project site is located on infill parcels surrounded by urban uses. Total area of disturbance would be approximately 0.86 acres. The existing channel is not a blue line creek, but conveys drainage from an existing 24" CMP installed under the Pacific Coast Railroad tracks, daylighting into the open drainage channel. The channel then conveys stormwater runoff into an existing 30" CMP inlet under Olivera Street, connecting into an existing 36" RCP pipe westward. Since the drainage channel's primary function is stormwater conveyance, the installation of the drain pipe will incorporate the flow into the City's drainage system.

No rare, threatened, or endangered wildlife is known to exist on-site or within the vicinity of the project site. The project site is highly disturbed and the California Department of Fish and Game has determined that existing, sparse on-site vegetation, including non-specimen willows and sparse patches of native grasses, is of marginal quality and does not require a Streambed Alteration Agreement.

No significant environmental impacts are presented by the proposed project, including those related to noise, water quality, traffic, or air quality. As indicated on project plans, noise generating construction activities would be limited to the hours between 7:00am and 6:00pm, Monday through Friday and 8:00am to 5:00pm on Saturday. No work shall occur on Sunday or federal holidays.

The project is not expected to increase runoff, or degrade the water quality, and the culverting of the open drainage channel would thereby prevent litter from entering the drainage system. The Department of the Army Corps of Engineers has determined that the project does not discharge dredge or fill material into a water of the United States or adjacent wetland and therefore does not require a Section 404 permit under the Clean Water Act. It is anticipated that site preparation and construction will adhere to a schedule that takes place outside the rainy season (November 1 through April 15); however, should any site preparation or construction occur during this period, an effective erosion and sediment control plan would be prepared by the applicant, submitted to the City Building and Safety Department for review and approval, and implemented prior to start of work.

The project would conform to all applicable federal, state, and regional air pollution control regulations, both short- and long-term. In addition, the project would comply with dust control measures required by the Air Pollution Control District and City Building and Safety Department. The project does not include uses that would generate traffic and therefore would not exceed level of service standards. Furthermore, the request is in conformity to applicable general plan designation, general plan policies, and zoning designation and regulations.

Therefore, the project complies with the findings listed above and may be considered exempt from the California Environmental Quality Act under Section 15332 of the CEQA Guidelines.

2.0 Administrative Findings

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

- A. That the use will *be consistent with the General Plan*.

The proposed project involves the grading and use of an existing soil stockpile for fill in the culverting of an open drainage channel. The project would connect two existing segments of drainpipe infrastructure and would address health and safety concerns. The soil stockpile is mostly on an Open Space zoned parcel (APN 115-102-002). Therefore, a CUP is necessary, in part to remedy an existing zoning violation related to the placement of a soil stockpile on an Open Space zoned parcel and to allow for grading of the soil stock pile in the portion of the drainage channel zoned Open Space.

The existing drainage channel is not a blue line creek, but currently conveys drainage from an existing 24" CMP installed under the Pacific Coast Railroad tracks daylighting into the open channel. The channel then conveys stormwater runoff into an existing 30" CMP inlet under Olivera Street connecting into an existing 36" RCP pipe westward. The channel's primary function is stormwater conveyance and the installation of the drain pipe will incorporate the flow into the City's drainage system.

The drainage channel is located on an infill site surrounded by urban uses. The channel is heavily polluted, degraded, and lacks little natural habitat. The site has no value as habitat for endangered, rare or threatened species. The Department of Fish and Game has determined that existing, sparse on-site vegetation, including a few non-specimen willows and sparse patches of native grasses, is of "marginal quality" and not of significance. In addition, the existing drainage channel results in ponding that can degrade drainage under the railroad tracks. Installation of the drainage pipe would improve drainage conveyance through the area aiding in floodwater abatement. For these reasons, the use is determined to be consistent with the General Plan.

- B. That the use 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.

The project would improve health and safety conditions in the area by culverting the existing exposed drainage channel. It would improve the aesthetic viewshed of Olivera Street. The project would also minimize downstream sedimentation and Non-Point Source pollutants, as well as improve stormwater runoff conveyance and reduce flooding impacts to surrounding areas. Such a project would not be injurious or detrimental to property or the neighborhood or general welfare of the City.

EXHIBIT 2
CONDITIONS OF APPROVAL
RUIZ STORM DRAIN CONDITIONAL USE PERMIT
848 OLIVERA STREET
PLANNING APPLICATION 2010-007-CUP

GENERAL CONDITIONS

1. Subject to the conditions set forth below, this permit authorizes the improvements and uses requested by Planning Application No. 2010-007-CUP and shown in the approved project plans on file with the City of Guadalupe. Any deviations from the project description in the staff report, exhibits or conditions must be reviewed and approved by the City of Guadalupe for conformity with this approval. Deviations may require changes to the permit to be approved and/or further environmental review. Deviations without the above-described approval will constitute a violation of the permit approval.

The request involves installing a 370 foot long 36" HDPE pipe within an existing drainage channel that crosses several parcels along Olivera Street (APNs 115-102-002, -015, -016, -017, and -018). Total area of disturbance would be approximately 0.86 acres. Total earthwork generated would be approximately 82 cubic yards (cy) of cut and 3,968 cy of fill. Approximately 3,880 cy of fill would originate from an existing soil stockpile on the project site and approximately 88 cy would be imported, if needed to meet final grading plan elevations. The existing manhole at Olivera Street would be replaced and two 48" manholes would be installed to access the connections to the existing pipes under the railroad and under Olivera Street.

2. Approval of this Conditional Use Permit is not valid until the property owner or authorized agent signs this list of conditions agreeing to the terms and Conditions of Approval.
3. The Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicant's expense, City and City's agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of this permit or to determine the reasonableness, legality or validity of any condition attach hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and city will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligation of this condition. Applicant's acceptance of this permit approval or commencement of construction or operations under the approval shall be deemed to be acceptance of all conditions of approval.

4. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threaten to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.
5. In accordance with Section 18.72.130 of the City Municipal Code, this Conditional Use Permit approval shall expire one (1) year from the date of approval, unless a grading permit for the proposed improvements has been obtained, or an extension has been granted as provided for in Section 18.72.130.
6. Prior to Zoning Clearance, the applicant shall pay all applicable permit processing fees in full.

PLANNING DEPARTMENT CONDITIONS

7. Prior to Zoning Clearance, the Applicant shall provide Planning staff with written evidence of a permit or approval, or a determination that a permit is not needed, from the Regional Water Quality Control Board.
8. The proposed removal of on-site trees shall be conducted between August 16 and January 31 (outside of the bird breeding season). Should tree removal activities be proposed during nesting bird season, no more than two weeks prior to the start of vegetation removal and ground disturbance, a nesting bird pre-construction survey shall be conducted by a qualified biologist within the development envelope and a 300-foot buffer. If nests are found, a buffer ranging in size from 75 to 500 feet, depending on the species found, shall be determined and demarcated by the biologist with construction fencing, and no work within this buffer shall be allowed until the biologist has confirmed that breeding/nesting is completed and that the young have fledged the nest. The pre-construction survey report, if required, shall be submitted to City Planning staff and reviewed and approved by staff, prior to commencement of work.
9. The applicant shall notify City Planning Department and City Building Department staff of the start date for construction at least 5 working days in advance of the start of work. This notification shall also include an estimated construction schedule. The applicant shall also notify such City staff of the completion of construction work no more than one working day upon completion.
10. Construction activities shall be limited to the hours between 7:00am and 6:00pm, Monday through Friday and 8:00am to 5:00pm on Saturday. No work shall occur on Sunday or holidays.
11. Site preparation and construction activities should adhere to a schedule that takes place outside the rainy season (November 1 through April 15). However, should it be

necessary to conduct site preparation or construction activities during the rainy season, an effective erosion and sediment control plan must be prepared by the applicant, submitted to the City Building and Safety Department for review and approval, and implemented prior to start of work.

- 12. The grading permit holder and the operator shall comply with standard dust control measures required by the Air Pollution Control District and City Building and Safety Department.
- 13. Prior to issuance of the Zoning Clearance, all conditions of approval shall be printed in their entirety on applicable pages of final construction plans submitted to the City.

FIRE DEPARTMENT CONDITIONS

None.

CITY ENGINEER CONDITIONS

- 14. The Applicant shall provide the City Engineer with the proposed storm drain design along with the hydrology and hydraulic calculations, which shall be checked and approved by the City prior to Zoning Clearance. Assistance from the County Flood Control District staff may be sought for this requirement.
- 15. The proposed public drainage easement shall be reviewed and approved by the City Engineer and City Attorney. The easement shall be recorded prior to issuance of grading permits. The width of the drainage easement shall be a minimum of 15 feet wide, and provide access for maintenance and operation. No structures shall be allowed within the easement.

BUILDING AND SAFETY DIVISION CONDITIONS

- 16. The applicant shall submit a geotechnical report prepared by a licensed geotechnical engineer, prior to Zoning Clearance. The report shall include, at a minimum, an evaluation of the suitability of the stockpile material for use as backfill, an evaluation of depth to water table and liquefaction risk, and whether any additional measures are needed to maintain the integrity of the new drain pipe and prevent failure or settling of the pipe. The recommendations of the geotechnical report shall be implemented and included as notes on the final construction plans. Such measures shall be documented during construction, with a final report submitted to City Building and Safety staff.

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

Signature Date

Printed Name, Title

ATTACHMENT 2

Project Plans

SCOPE OF WORK
A NEW DRAINAGE PIPE SHALL BE INSTALLED THAT EXTENDS FROM THE EXISTING CHANNELED PIPE AT OLIVERA STREET TO THE EXISTING CHANNELED PIPE AT QUADRA STREET. THE EXISTING CHANNELED PIPE AT QUADRA STREET SHALL BE REPLACED WITH 12" DIA. 30" RCP PIPE. THE EXISTING CHANNELED PIPE AT OLIVERA STREET SHALL BE REPLACED WITH 12" DIA. 30" RCP PIPE. THE EXISTING CHANNELED PIPE AT OLIVERA STREET SHALL BE REPLACED WITH 12" DIA. 30" RCP PIPE. THE EXISTING CHANNELED PIPE AT OLIVERA STREET SHALL BE REPLACED WITH 12" DIA. 30" RCP PIPE.

SITE INFORMATION

ZONE	APPLICABLE PERMITS
115-102-014	APR115-102-014
115-102-016	R-3
115-102-018	R-3
115-102-019	R-3
115-102-020	R-3
115-102-022	OPEN SPACE

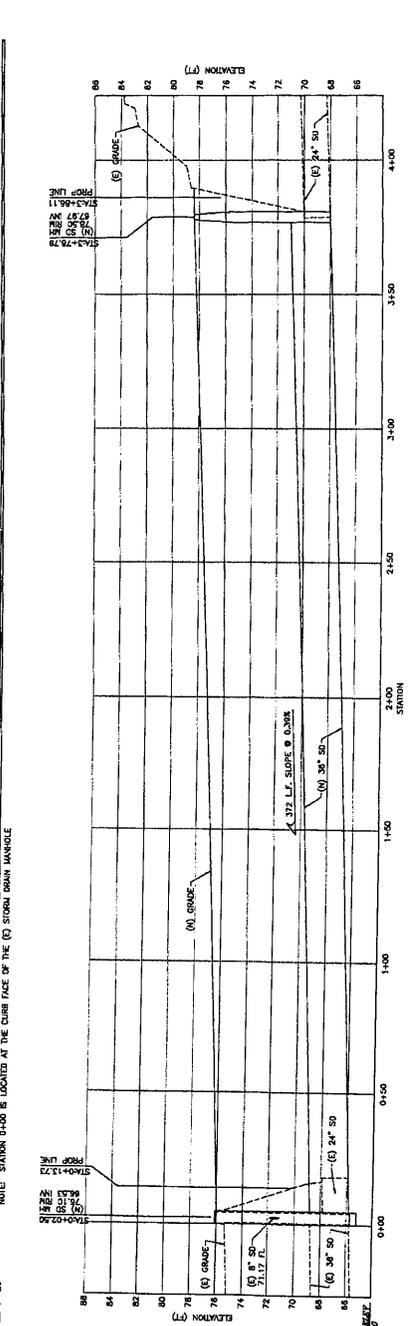
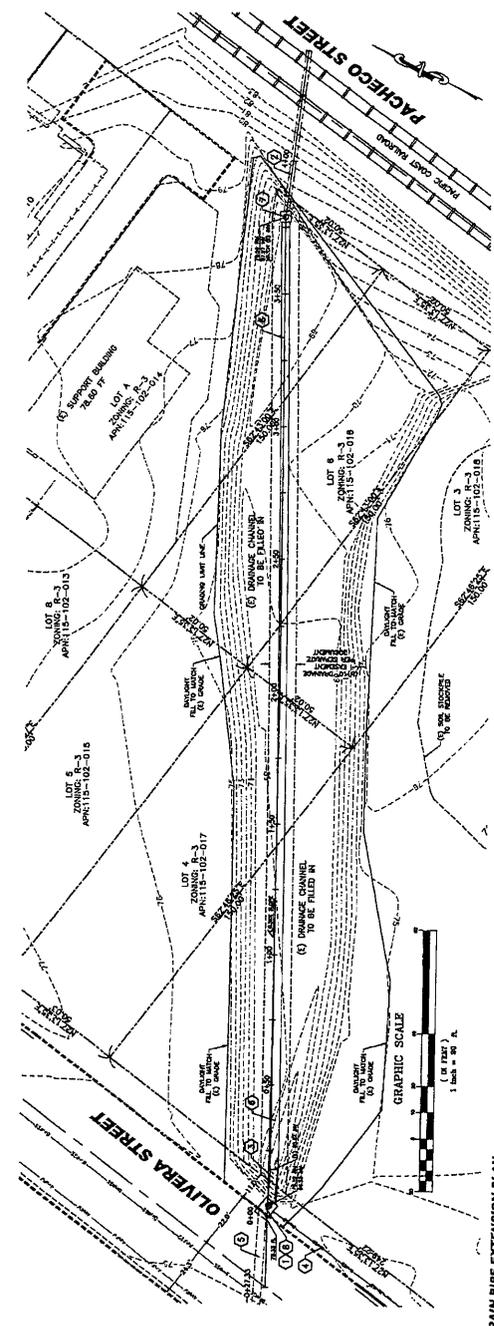
- CALLOUT NOTES**
- (1) EXISTING STORM DRAIN MANHOLE/CHURN INLET TO BE REPLACED
 - (2) 24" CP PIPE TO REMAIN
 - (3) 30" RCP PIPE TO BE REPLACED
 - (4) 30" RCP DRAIN PIPE TO BE RECONNECTED
 - (5) 30" RCP PIPE TO BE RECONNECTED
 - (6) 30" RCP PIPE TO BE RECONNECTED
 - (7) 30" RCP PIPE TO BE RECONNECTED
 - (8) 30" RCP PIPE TO BE RECONNECTED
 - (9) 30" RCP PIPE TO BE RECONNECTED
 - (10) 30" RCP PIPE TO BE RECONNECTED
 - (11) 30" RCP PIPE TO BE RECONNECTED
 - (12) 30" RCP PIPE TO BE RECONNECTED
 - (13) 30" RCP PIPE TO BE RECONNECTED
 - (14) 30" RCP PIPE TO BE RECONNECTED
 - (15) 30" RCP PIPE TO BE RECONNECTED
 - (16) 30" RCP PIPE TO BE RECONNECTED
 - (17) 30" RCP PIPE TO BE RECONNECTED
 - (18) 30" RCP PIPE TO BE RECONNECTED
 - (19) 30" RCP PIPE TO BE RECONNECTED
 - (20) 30" RCP PIPE TO BE RECONNECTED

EARTHWORK CALCULATIONS

DRAINAGE CHANNEL INLET
 OUT = 82.02' ±
 FILL = 3.048' ±
 BALANCE = 88 C.Y. IMPORT
 TOTAL AREA OF DISTURBANCE = 0.88 ACRES

NOTE: EARTHWORK QUANTITIES ARE BANK FINISHED GRADE.

- NOTES**
- ALL EARTHWORK SHALL BE MAINTAINED WITHIN THE BOUNDARIES OF THE SITE FOR WHICH THE DRAINAGE PERMIT IS ISSUED.
 - THE CONTRACTOR SHALL VERIFY ALL SITE CONDITIONS.
 - ANY DISCREPANCY BETWEEN ON-SITE CONDITIONS AND THE SHOWN INFORMATION SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER IMMEDIATELY.
 - COORDINATION AND PROVISION FOR THE CONTIGUOUS DRAINAGE OPERATIONS AT ADJACENT BUSINESSES SHALL BE PROVIDED.
 - GRADE CHANGES MUST BE APPROVED IN WRITING BY THE ENGINEER.
 - LOCATIONS & DEPTH OF (1) UTILITIES HAVE NOT BEEN VERIFIED AND SHALL BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION.
 - CONCRETE COVER 8"-12" PIPE IS 2" COVER, 14" AND LARGER PIPE IS 4" COVER.
 - REVISION BENCHMARK IS PROVIDED BY BENCHMARK 451.5 OF THE SANTA BARBARA VALLEY BENCHMARK CONTROL SYSTEM WITH AN ELEVATION OF 68.59 FEET MVD 06.



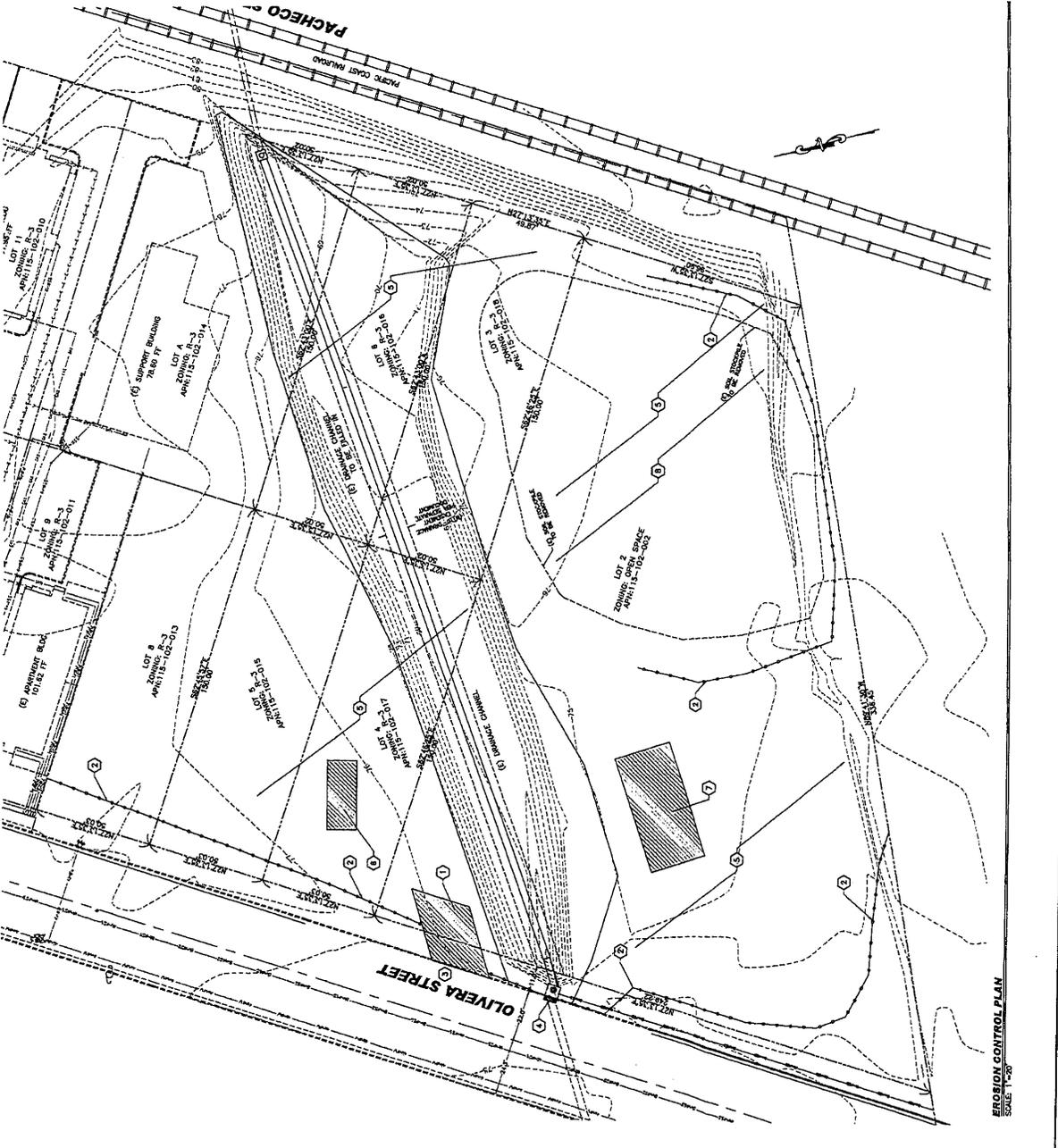
PA# 2010-006-CUP
 RECEIVED
 JUL 20 2010
 City of Guadalupe
 Planning Dept.

- CALLOUT NOTES**
1. PROVIDE GRAVEL STABILIZED CONSTRUCTION ENTRANCE PER DETAIL 31, SHEET C4
 2. INST. ALL SLOPES WITH THIS C4
 3. REMOVE ALL DEBRIS AND DIRT FROM ROADWAYS AT THE END OF EACH DAY AND REPLACE ON SITE.
 4. PROVIDE DIRT PROTECTION PER DETAIL 32, SHEET C4
 5. AREA TO BE INTRODUCED TOP, AS CONSTRUCTION AND DIRT TRUCKS ARE ALLOWED
 6. EQUIPMENT STORAGE AREA
 7. MATERIAL STORAGE AREA
 8. SOIL STOCKPILE AREA

DUST CONTROL MEASURES

1. THE GRADING PERMIT HOLDER AND THE OCCUPANT/OPERATOR SHALL NOTIFY THE COUNTY OF SAN DIEGO (CSD) AND THE CITY OF SAN DIEGO (CSD) OF ANY DUST CONTROL MEASURES TO BE TAKEN AT THE PROJECT SITE.
2. THE GRADING PERMIT HOLDER AND THE OCCUPANT/OPERATOR SHALL MAINTAIN DUST CONTROL MEASURES THROUGHOUT THE CONSTRUCTION PHASE OF THE PROJECT.
3. DURING THE CLEARING, EARTH MOVING AND GRADING PHASES, THE GRADING PERMIT HOLDER AND THE OCCUPANT/OPERATOR SHALL BE RESPONSIBLE FOR THE CONTROL OF DUST AND DIRT FROM THE PROJECT SITE. THE GRADING PERMIT HOLDER AND THE OCCUPANT/OPERATOR SHALL MAINTAIN DUST CONTROL MEASURES THROUGHOUT THE CONSTRUCTION PHASE OF THE PROJECT.
4. ALL TRUCKS Hauling SOIL MATERIALS TO AND FROM THE SITE SHALL BE EQUIPPED WITH A TAMP TO PREVENT DIRT FROM BLOWING OFF THE TRUCK.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR DAMAGE CAUSED BY DIRT FROM THE GRADING OR CONSTRUCTION OPERATIONS.
6. ALL TRUCKS SHALL BE EQUIPPED WITH TAMPING DEVICES BETWEEN 7:00 AM AND 5:00 PM, INCLUDING THROUGH FRONT AND REAR WHEELS.
7. DURING THE CONSTRUCTION PHASE OF THE PROJECT, WATER TRUCKS SHALL BE USED TO MOISTEN DIRT TO PREVENT DIRT FROM BLOWING OFF THE TRUCKS. WATER TRUCKS SHALL BE USED TO MOISTEN DIRT TO PREVENT DIRT FROM BLOWING OFF THE TRUCKS. WATER TRUCKS SHALL BE USED TO MOISTEN DIRT TO PREVENT DIRT FROM BLOWING OFF THE TRUCKS.
8. ALL ALLEYS, DRIVEWAYS, SIDEWALKS, AND STREETS SHALL BE MAINTAINED IN A MANNER ACCEPTABLE TO THE CITY OF SAN DIEGO AND THE COUNTY OF SAN DIEGO.
9. THE GRADING PERMIT HOLDER AND THE OCCUPANT/OPERATOR SHALL MAINTAIN DUST CONTROL MEASURES THROUGHOUT THE CONSTRUCTION PHASE OF THE PROJECT.
10. THE GRADING PERMIT HOLDER AND THE OCCUPANT/OPERATOR SHALL MAINTAIN DUST CONTROL MEASURES THROUGHOUT THE CONSTRUCTION PHASE OF THE PROJECT.

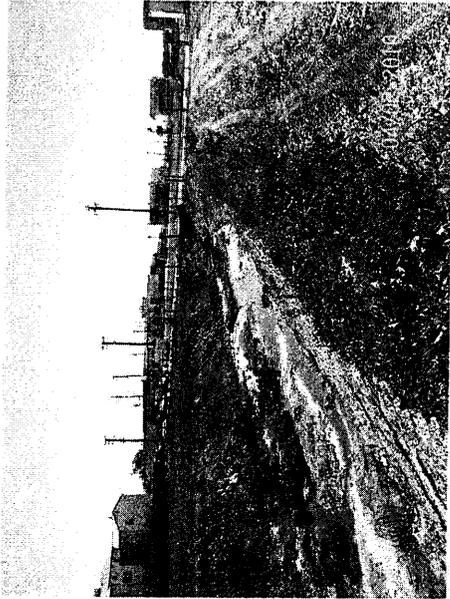
EROSION CONTROL PLAN
 SCALE: 1" = 20'
 GRAPHIC SCALE
 1" = 20'



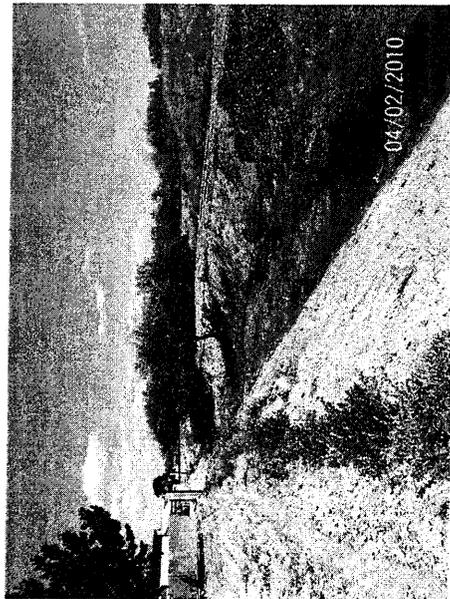
ATTACHMENT 3

Site Photographs

SITE PHOTOGRAPHS



Drainage Channel Viewing West



Drainage Channel Viewing East - Note Stockpile



Drainage Outlet Under Railroad



Drainage Unlet Under Olivera Street