



# City of San Juan Bautista

*The "City of History"*

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## AGENDA

### **SPECIAL CITY COUNCIL MEETING**

CITY HALL COUNCIL CHAMBERS  
311 Second Street  
San Juan Bautista, California

**JANUARY 22, 2019**

*In compliance with the American with Disabilities Act, if you need special assistance to attend or participate in the meeting, please call the City Clerk's Office at (831) 623-4661, extension 13 at least 48 hours prior to the meeting.*

*Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the meeting and in the City Clerk's office located at City Hall, 311 Second Street, San Juan Bautista, California during normal business hours.*

**1. Call to Order**

**Pledge of Allegiance  
Roll Call**

**6:00 PM**

**2. Public Comment – Only on items on the agenda**

**3. Consent Items**

All matters listed under the Consent Agenda may be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council, a staff member, or a citizen.

**A. Approve Affidavit of Posting Agenda**

**B. Approve Minutes for the December 18, 2018 Council Meeting**

**C. Adopt Ordinance 2019-01 Cannabis Business (Second Reading & Adoption)**

**D. Approve Resolution 2019-XX Authorizing Street Closures for Car Show and Fun Run**

**E. Waive Reading of Ordinances and Resolutions on Tonight's Agenda Beyond Title**

**4. Presentations, Informational Items and Reports**

**A. Presentation of Plaques Honoring Past Planning Commissioners and Historic Resources Board Members Ernest Franco and Darlene Boyd**

**B. Monthly Financial Statements**

**C. City Manager's Report**

**D. Monthly Construction Report**

**E. City Engineer's Report**

**F. Building and Planning Report**

**G. Reports from City Council Appointees to Regional Organizations and Committees**

**H. Strategic Plan Committee Report**

## **5. Action Items**

### **A. Authorize a Contract for Completion of the Housing Element with EMC Planning Group in the amount of \$44,000**

- i. Staff Report: City Manager LaForge
- ii. Discussion
- iii. Public Comment
- iv. Possible Action:

Approve Resolution 2019-XX approving a contract with EMC Planning Group to provide services to prepare a Housing Element and authorize the City Manager to sign

### **B. Declare a Nuisance at 107 Third Street, La Casa Rosa**

- i. Staff Report: Code Enforcement Officer Parshall
- ii. Discussion
- iii. Public Comment
- iv. Possible Action:

Approve Resolution 2019-XX Declaring a Nuisance at 107 Third Street, La Casa Rosa

## **6. Discussion Items**

### **A. Mid-year Budget Review**

### **B. Update on Fire Protection Contract with City of Hollister**

### **C. Workshop to Discuss Council's Mission Statement, Vision, and Core Values**

### **D. Review of Code of Ethics**

### **E. Weekly Old Town Block Party**

### **F. Update on Celebration of Life for Jim West in January 2019**

## **7. Comments**

### **A. City Council**

### **B. City Manager**

### **C. City Attorney**

## **8. Adjournment**

### AFFIDAVIT OF POSTING

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE DEPUTY CITY CLERK FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL MEETING AGENDA. I FURTHER DECLARE THAT I POSTED SAID AGENDA ON THE 16<sup>th</sup> DAY OF JANUARY 2019, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

1. ON THE BULLETIN BOARD AT CITY HALL, 311 SECOND STREET.
2. ON THE BULLETIN BOARD AT THE CITY LIBRARY, 801 SECOND STREET.
3. ON THE BULLETIN BOARD AT THE ENTRANCE TO THE UNITED STATES POST OFFICE, 301 THE ALAMEDA

SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA,  
ON THE 16<sup>th</sup> DAY OF JANUARY 2019.



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TRISH PAETZ, DEPUTY CITY CLERK

**CITY OF SAN JUAN BAUTISTA**  
**CITY COUNCIL REGULAR MEETING**  
**DECEMBER 18, 2018**  
**DRAFT MINUTES**

- 1. CALL TO ORDER** – Mayor Pro Tem John Freeman called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE** – Mayor Pro Tem Freeman led the pledge of allegiance.

**ROLL CALL Present:** Vice Mayor Freeman, Council Members Boch, Martorana and DeVries.

**Staff Present:** City Manager LaForge, City Attorney Mall, Deputy City Clerk Paetz, Associate Planner Kennedy, Sheriff Capt. Taylor

**A MOMENT OF SILENCE FOR JIM WEST** – Mayor Pro Tem Freeman requested a moment of silence for Jim West.

**2. CEREMONIAL ITEMS: Swearing In of Council Members**

**A. Approve Resolution 2018-64 Declaring Election Results**

Motion made by Council Member Boch, seconded by Council Member Martorana. Item passed unanimously, 4-0.

**B. Presentation of Plaques Honoring Outgoing City Council Members Martorana, Boch and West (posthumously).**

Supervisor Anthony Botelho will deliver Jim West's plaque to his daughter in Reno, NV. Council Member DeVries and Mayor Pro Tem Freeman each spoke regarding Jim West.

**C. Installation of New City Council Members César Flores, Leslie Jordan and Mary Edge and New City Clerk Laura Cent.**

Supervisor Anthony Botelho conducted the swearing in of new council members Jordan, Edge and Flores and City Clerk Cent.

**D. Selection of New Mayor**

Nomination of Council Member Flores as Mayor by Council Member Jordan, seconded by Council Member Edge. Item passed 3-2 with Council Members DeVries and Freeman voting no.

**E. Selection of New Vice Mayor**

Nomination of Council Member Edge as Vice Mayor by Mayor Flores and seconded by Council Member Jordan. Council Member Freeman nominated Council Member

DeVries as Vice Mayor, seconded by Dan DeVries. City Attorney Mall pointed out a motion was on the floor and needed to be completed. The motion to select Council Member Edge as Vice Mayor passed 3-2 with Council Members DeVries and Freeman voting no.

### **3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Tony Boch congratulated the new City Council Members and spoke in support of naming the new park in the Rancho Vista in memory of Jim West. Mirijana Tomas spoke regarding the selection of the new Mayor. Salvera Gonzales spoke regarding the Council, personal feelings and the town. Joline Cosio spoke in favor of the park in Rancho Vista being named in memory of Jim West. She also supported naming the undeveloped Lang Street Park after Jim West.

### **4. CONSENT ITEMS**

**A. Approve Affidavit of Posting Agenda**

**B. Approve Minutes for the October 16, 2018 Council Meeting**

**C. Approve Minutes for the November 20, 2018 Council Meeting**

**D. Adopt Ordinance 2018-08 Amending the City Purchasing Policies**

**E. Approve Resolution 2018-65 Amending the City Design Guidelines by Adding Guidelines for Streetscape Design**

**F. Waive Reading of Ordinances and Resolutions on Tonight's Agenda Beyond Title**

A motion was made by Council Member Jordan and seconded by Vice Mayor Edge to approve all items on the consent agenda. The motion passed unanimously, 5-0.

### **5. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS**

**A. Presentation of the Fiscal Year 2018 Audit – Ryan Jolley, CPA**

This item was delayed to later in the meeting when Mr. Jolley arrived.

**B. Monthly Financial Statements**

No report as City Treasurer Geiger was absent.

**C. City Manager's Report**

City Manager LaForge reviewed her report for Council. Regarding the Fire Contract City Administrative Services Manager Paetz reviewed her staff report. Bill Avera, the Hollister City Manager, spoke regarding the contract and the City's insurance requirements. There was no other public comment.

**D. Sheriff's Report – Captain E. Taylor**

Captain Taylor gave a PowerPoint presentation about the staffing plan for San Juan Bautista patrols. There was no public comment.

**E. Monthly Construction Report**

City Manager LaForge reviewed the report for Council as City Engineer Dobbins was absent. There was no public comment.

#### **F. City Engineer's Report**

City Manager LaForge reviewed the report for Council as City Engineer Dobbins was absent. There was no public comment.

#### **G. Building and Planning Report**

City Manager LaForge directed Council to the report in the packet. There was no public comment.

#### **H. Reports from City Council Appointees to Regional Organizations and Committees**

Council Members provided highlights from the meetings where they represent the City. There was no public comment.

#### **I. Strategic Plan Committee Report**

No report as the Committee did not meet in December. There were no public comments.

### **6. ACTION ITEMS**

#### **A. Consider Resolution 2018-66 Accepting the Fiscal Year 2018 Audit**

City Manager LaForge presented her report. There was no public comment. A motion was made by Council Member Freeman and seconded by Vice Mayor Edge to approve Resolution 2018-66 accepting the San Juan Bautista Municipal Audit for Fiscal Year 2017-18. The motion passed unanimously, 5-0.

#### **B. Consider Appointing Three New Members to the Historic Resources Board and Planning Commission**

Five applicants were given opportunity to speak and answer questions from Council Members. During public comment, Cara Vonk spoke on Historic Resources Board qualifications and in support of Luis Matchain, Darlene Boyd and David Medeiros. Paper ballots were distributed to make their three selections.

**The Council took a recess at 7:33 p.m.**

**The Council was called back to order at 7:44 p.m.**

Luis Matchain and David Medeiros were appointed after the first ballot was counted, with a tie for the third opening. After two more tie-breaking ballots, Yolanda Delgado was appointed.

Whereupon at this point in the meeting, Mr. Jolly arrived and gave highlights of the Fiscal Year 2018 Audit.

#### **C. Mayor's Council Appointments for Representative to Boards and Committees**

There was no public comment. Council Members volunteered to be City representatives.

**D. Approve Resolution 2018-67 Changing Signature Responsibilities on City Bank Accounts**

Administrative Services Manager Paetz reported the need for two new signers. Mayor Flores and Council Member Jordan volunteered. There was no public comment. Council Member Edge made a motion, second by Council Member Jordan, to approve Resolution 2018-67 Authorizing Changes to the Designated Signers on the City's Bank Accounts at Union Bank. The motion passed unanimously, 5-0.

**E. Reconsider Casa Rosa Structural Changes**

Associate Planner Kennedy handed out a revised staff report and reviewed it. There was discussion between members of the Council, City Attorney Mall and City Manager LaForge. Public comment had been received via email and was read by Mayor Flores: Cara Vonk wrote that changes to Casa Rosa needed Historic Resources Board review and Emily Renzel wrote in support of the repairs but thought the cost was excessive. No action was taken.

**F. Adopt Ordinance 2018-09 Approving a City-Initiated Rezoning of Three Parcels Situated At 11 Franklin Street (APN 002-340-006 and 002-340-007), 17 Franklin (APN 002-340-003), from Public Facility (PF) District to Mixed-Use (MU) District**

Associate Planner Kennedy reviewed his revised staff report. Public comment was received from the property owner, Robert Fernandez, explaining that merging of two of the three parcels was awaiting recording by the County. Vice Mayor Edge made a motion, second by Council Member Freeman, to adopt Ordinance 2018-09 Approving a City-Initiated Rezoning of Three Parcels Situated At 11 Franklin Street (APN 002-340-006 and 002-340-007), 17 Franklin (APN 002-340-003), from Public Facility (PF) District to Mixed-Use (MU) District. The motion passed unanimously, 5-0.

**G. Consider an Ordinance Adding Chapter 5-32 "Cannabis Business Activities Tax Ordinance of the City of San Juan Bautista" to Title 5 "Public Health, Safety and Welfare" of the San Juan Bautista Municipal Code and Approval of an Exemption Under the California Environmental Quality Act**

City Attorney Mall reviewed her staff report. Public comment was received from Darlene Boyd who spoke in support of a percentage of the cannabis tax revenues being used for programs for children and families. Council Member Jordan made a motion, second by Council Member Edge, to introduce an Ordinance Adding Chapter 5-32 "Cannabis Business Activities Tax to Title 5, Public Health, Safety and Welfare of the Municipal Code and Approval of an Exemption Under the California Environmental Quality Act. The motion passed unanimously, 5-0.

**7. DISCUSSION ITEMS**

**A. Cannabis Business License and Planning Processes Set up**

City Manager LaForge reviewed her staff report. During public comment, Rachel Ponce asked what recreational cannabis means.

**B. Consider Service Contract for Completion of the Housing Element**

City Manager LaForge reviewed the revised staff report. There was no public comment.

*City Council Meeting Minutes – December 18, 2018*

**C. Contract with City of Hollister for Fire Protection Services**

City Manager LaForge reviewed the staff report and referred to the information provided during her City Manager's Report earlier in the meeting. There was no public comment.

**D. Gas Station Update on Hwy 156 and The Alameda**

City Manager LaForge reviewed the staff report. There was no public comment.

**E. Celebration of Life for Jim West in January 2019**

City Manager LaForge reviewed her staff report regarding the event scheduled at the Library. Public comment was received from Heidi Balz that the Mission Run is the same date. Tony Boch spoke on the brass plaque and boulder, and was concerned if there was enough time before the event.

**8. COMMENTS**

**A. City Council**

Comments were made by Mayor Flores, Council Member Jordan and Council Member Edge.

**B. City Manager**

City Manager LaForge welcomed the new Council Members.

**C. City Attorney**

City Attorney Mall wished all Happy Holidays.

**9. ADJOURNMENT**

The meeting was adjourned at 8:55 p.m.



**CITY OF SAN JUAN BAUTISTA**  
**CITY COUNCIL STAFF REPORT**

To: The Honorable Mayor and Council Members

From: The City Attorney

**RE: ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ADDING CHAPTER 5-32 “CANNABIS BUSINESS ACTIVITIES TAX ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA” TO TITLE 5 “PUBLIC HEALTH, SAFETY AND WELFARE” OF THE SAN JUAN BAUTISTA MUNICIPAL CODE AND APPROVAL OF AN EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Date: December 11, 2018

REQUEST:

It is requested that the City Council:

1. Approve the environmental review; and
2. Review and approve by first and second reading the attached Ordinance to tax cannabis business activities.

BACKGROUND

The City Council placed a ballot measure on the ballot for the November General Election for the voters to approve a general tax on cannabis business activities. The November Election results were certified on November 28, 2018 and the measure passed by more than 50% of the vote. For purposes of Proposition 218, the measure has passed and an ordinance can now be adopted to implement the tax.

ENVIRONMENTAL REVIEW

The approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq. (“CEQA”) and 14 Cal. Code Reg. §§ 15000 et seq. (“CEQA Guidelines”), and would not be a project pursuant to 14 CCR 15378(3)(4),(5)

DISCUSSION

Pursuant to Section 5-31-290 of the City Code, the Cannabis Facilities Regulatory Permit Ordinance does not “become operative and applications for a regulatory permit ... shall not be accepted by the City Manager or designee, nor a regulatory permit issued unless both of the following occur:

- (1) The City Council submits a City tax on cannabis facilities to the voters, the voters approve the tax, and the tax is certified by the County pursuant to Section 15372 of the California Elections Code.

(2) Written implementing regulations have been approved by the City Council for the type of cannabis facility permit for which application is sought. The City Council may impose such conditions of approval as it deems appropriate.

The voters approved the City tax on cannabis activities and the election result was certified. The City Council previously reviewed the Ordinance to tax cannabis business activities, which is attached as Exhibit "A." The City was required to wait until the tax was approved by the majority of the voters at a General Election, as required by Proposition 218, until it formally adopted the Ordinance. Since that has occurred, enactment of the Ordinance is now required by a first reading at the December meeting and second reading in January.

It is noted that permits will not be issued until written implementing regulations are approved by the City Council. Such regulations have been drafted but there have been staff changes since the regulations were drafted. The City Manager will need to ensure that the regulations present a viable procedure for accepting, selecting and issuing permits and that there is adequate staffing. The City Council may want to appoint a new member to the ad hoc committee, to replace Council Member Martorana, for final review of the Regulations and other tasks as required by the City Manager. The final version of the Regulations will then be presented to the City Council for adoption by resolution, together with an Ordinance to repeal the current ban on all cannabis related activities. It will take two readings of the Ordinance and a wait of thirty days for it to be effective. The process for issuing permits can then commence.

#### CONCLUSION

It is recommended that the City Council approve the attached Ordinance and direct staff to return with the Regulations, for adoption by resolution.

**Exhibit “A”**

**ORDINANCE NO. 2019-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN  
BAUTISTA ADDING CHAPTER 5.32 “CANNABIS BUSINESS ACTIVITIES TAX  
ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA” TO TITLE 5 “PUBLIC  
HEALTH, SAFETY AND WELFARE” OF THE SAN JUAN BAUTISTA  
MUNICIPAL CODE**

**Section 1. EVIDENCE**

The City Council has considered all of the evidence submitted into the administrative record, which includes, but is not limited to, public comments, both written and oral, received and/or submitted at, or prior to the City Council’s consideration of this Ordinance.

**Section 2. ADDING CHAPTER 5.32 “CANNABIS BUSINESS ACTIVITIES TAX  
ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA” TO THE SAN JUAN  
BAUTISTA MUNICIPAL CODE**

Title 5 “PUBLIC HEALTH, SAFETY AND WELFARE” of the San Juan Bautista Municipal Code shall be amended to add in its entirety as follows:

**Chapter 5.32**

**CANNABIS BUSINESS ACTIVITIES TAX**

**Sections:**

5.32.010	Title
5.32.020	Authority and Purpose
5.32.030	Intent
5.32.040	General Tax
5.32.050	Definitions
5.32.060	Tax Imposed
5.32.070	Exemptions
5.32.080	Tax, Penalties, Interest, and Fees as a Debt
5.32.90	Administration
5.32.100	Registration; Change of Ownership
5.32.110	Reporting and Remittance of Tax
5.32.120	Deficiency
5.32.130	Delinquency; Notice Not Required By City
5.32.140	Penalties, Fees, and Interest
5.32.150	Waiver of Penalties
5.32.160	Refunds; Credits
5.32.170	Notice of Assessment

- 5.32.180 Assessment Hearing
- 5.32.190 Appeal From Assessment Hearing
- 5.32.200 Enforcement
- 5.32.210 Apportionment
- 5.32.220 Constitutionality and Legality
- 5.32.230 Recordkeeping; Audit
- 5.32.240 Other Licenses, Permits, Tax, Fees, or Charges
- 5.32.250 Payment of Tax Does Not Authorize Unlawful Activities
- 5.32.260 Manner of Giving Notice
- 5.32.270 Unlawful Activities Designated; Misdemeanor
- 5.32.280 Violation; Taxes Not Waived
- 5.32.290 Severability
- 5.32.300 Remedies Cumulative
- 5.32.310 Amendment or Repeal

**5.32.010- TITLE.**

This article shall be known as the “Cannabis Business Activities Tax Ordinance of the City of San Juan Bautista.”

**5.32.020- AUTHORITY AND PURPOSE.**

- (A) This article is adopted pursuant to the MAUCRSA, specifically California Revenue and Taxation Code Section 34021.5, as may be amended, California Government Code Section 53724, California Elections Code Section 9217, and upon approval by the electorate in accordance with Section 2 of Article XIII C of the Constitution of the State of California and Government Code Section 53723.
- (B) This article is adopted to achieve the following purposes, among others, and directs that the provisions herein be interpreted in order to accomplish those purposes:
  - a. To impose a tax upon cannabis businesses for the privilege of engaging in cannabis business activities, whether medicinal or non-medicinal, in the City of San Juan Bautista.
  - b. To specify the type of tax, the rate of tax to be levied, and the method of collection.
  - c. To comply with all requirements of imposition of a general tax, such tax to become operative only if submitted to the electorate and approved by a majority vote of the voters voting in the election on the issue.

**5.32.030 - INTENT.**

- (A) This article is enacted solely for the purpose of raising revenue for general City purposes, and is not intended to be regulatory.
- (B) Nothing in this article is intended, nor shall be construed, to exempt cannabis businesses from compliance with all applicable provisions of the San Juan Bautista Municipal Code and all other applicable State and federal laws.
- (C) The intent of this article is to levy a tax on all cannabis businesses that operate in the City, regardless of whether such business would have been legal at the time this article was enacted. Nothing in this article shall be interpreted to authorize or permit

any cannabis business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

- (D) The Cannabis Business Activities Tax is levied based upon gross receipts and/or square footage of cannabis plant canopy, depending on the type of cannabis business activity in which a cannabis business is engaged.
- (E) The Cannabis Business Activities Tax is an excise tax, i.e., it is not a sales and use tax, a transaction and use tax, a tax upon income, a tax upon real property, or any other type of tax.

#### **5.32.040 - GENERAL TAX.**

The Cannabis Business Activities Tax is a general tax enacted solely for general governmental purposes of the City and not for specific purposes. All of the proceeds from the tax imposed by this article shall be placed in the City's general fund and used for unrestricted general revenue purposes.

#### **5.32.050 - DEFINITIONS.**

- (A) "Cannabis" means all parts of the plant Cannabis Sativa Linnaeus, Cannabis Indica, or Cannabis Ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.
- (B) "Cannabis business," means any person engaged in any cannabis business activity, as those terms are defined in this article.
- (C) "Cannabis business activity" or "cannabis business operation" shall have the meaning set forth in California Business and Professions Code Section 26001, subdivision (k). Cannabis business activity does not include personal cultivation as defined by Health and Safety Code Section 11362.2, as may be amended.
- (D) "Cannabis Business Activities Tax" means the tax due under this article for engaging in cannabis business activities in the City.
- (E) "Cannabis products" shall have the same meaning set forth in Revenue and Taxation Code Section 34010, subdivision (g).
- (F) "Canopy," "canopy area," "plant canopy," "plants canopy area," or "cultivation area" means the cumulative total square footage of all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or non-contiguous, including the space between plants within the canopy area, on any one site as calculated by the City Manager, or their designee, but does not include aisles or other open areas outside the canopy area. The canopy includes, but is not limited to, the area occupied by cannabis plant seeds, seedlings, immature plants, mature plants, or any cannabis plant, or part thereof, in any stage of processing, including

- harvesting, drying, curing, trimming, etc.
- (G) “City” means the City of San Juan Bautista.
- (H) “Cultivation” means any activity involving the propagation, planting, growing, harvesting, or processing, as defined in this article, of one or more cannabis plants, or any part thereof, in any location, indoor or outdoor, including from within a fully enclosed and secure building or structure.
- (I) “Cultivator” means a person engaged in the cultivation of cannabis.
- (J) “Delivery” shall have the same meaning set forth in California Business and Professions Code Section 26001, subdivision (p).
- (K) “Distributor” means a person engaged in the distribution of cannabis and/or cannabis products between cannabis businesses.
- (L) “Distribution” means the procurement, sale, and transport of cannabis and cannabis products.
- (M) “Engaged in [cannabis business activities]” means the means the commencing, conducting, operating, managing or carrying on of a cannabis business and the exercise of corporate or franchise powers, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the City or coming into the City from an outside location to engage in such activities. A person shall be deemed engaged in cannabis business activities within the City if:
- (1) Such person or person's employee maintains a fixed place of business within the City for the benefit or partial benefit of such person;
  - (2) Such person or person's employee owns or leases real property within the City for business purposes;
  - (3) Such person or person's employee regularly maintains a stock of tangible personal property in the City for sale in the ordinary course of business;
  - (4) Such person or person's employee regularly conducts solicitation of business within the City;
  - (5) Such person or person's employee performs work or renders services in the City; and
  - (6) Such person or person's employee utilizes the streets within the City in connection with the operation of motor vehicles for business purposes.
- The foregoing specified activities shall not be a limitation on the meaning of “engaged in [cannabis business activities].”
- (N) “Gross Receipts” shall have the same meaning as set forth in California Revenue and Taxation Code Section 6012.
- (O) “Manufacture” means the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.
- (P) “Manufacturer” means a person engaged in the manufacture of cannabis and/or cannabis products.
- (Q) “MAUCRSA” means the Medicinal and Adult-Use Cannabis Regulation and Safety Act, California Business and Professions Code Section 26000 et seq.

- (R) “Microbusiness” shall have the meaning set forth in the California Business and Professions Code Section 26070, subdivision (a)(3)(A).
- (S) “Non-medicinal cannabis” means cannabis used for adult-use, recreational, or non-medicinal purposes.
- (T) “Nursery” means a cannabis business that engaged only in the production of cannabis clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.
- (U) “Person” means an individual, firm, partnership, joint venture, association, corporation, cooperative, company, collective, organization, business, and/or entity.
- (V) “Process” or “processing” means all cannabis business activities associated with drying, curing, grading, trimming, storing, packaging, and labeling of raw cannabis, or any part thereof, for transport.
- (W) “Propagate” or “propagation” means to cultivate immature plants from cannabis plant cuttings or seeds.
- (X) “Retail sale,” “sell,” and “to sell” include any transaction whereby, for any consideration, title to cannabis or cannabis products is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a cannabis permittee to the cannabis permittee from whom the cannabis or cannabis product was purchased.
- (Y) “Retailer” means a person engaged in the retail or sale of cannabis and/or cannabis products.
- (Z) “Testing laboratory” or “laboratory” means a laboratory, facility, or entity in California that offers or performs tests of cannabis or cannabis products and that is accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.
- (AA) “Transport” or “transportation” means the transfer of cannabis from the licensed cannabis business site of one MAUCRSA licensee to the licensed cannabis business site of another MAUCRSA licensee for the purposes of conducting cannabis business activities as authorized pursuant to California Business and Professions Code Section 26000 et seq. Cannabis may only be transported inside of a commercial vehicle or trailer and may not be visible or identifiable from outside of the commercial vehicle or trailer. Transportation by means of aircraft, watercraft, drones, rail, human powered vehicles, and unmanned vehicles is prohibited. The County shall not prevent the carriage of cannabis or cannabis products on public roads by a MAUCRSA licensee acting in compliance with State law to transport cannabis or cannabis products from the licensed cannabis business site of one MAUCRSA licensee to the licensed cannabis business site of another MAUCRSA licensee.
- (BB) “Transporter” means a person engaged in the transportation of cannabis and/or cannabis products between cannabis businesses.

#### **5.32.06- TAX IMPOSED.**

- (A) There is established and imposed a Cannabis Business Activities Tax at the rates

set forth in this article.

- (B) Each person engaged in any cannabis business activity in the City, regardless if the cannabis business has been issued a permit to operate lawfully in the City or is operating unlawfully, shall pay an annual Cannabis Business Activities Tax. Said tax shall be imposed upon any and all cannabis business activities, regardless of whether the activity is undertaken individually, collectively, or cooperatively, and regardless of whether the activity is for compensation or gratuitous.

- (C) Tax on Cultivation Type Cannabis Business Activities.

1. Every person who is engaged in cultivation type cannabis business activities in the City shall pay an annual Cannabis Business Activities Tax, which shall be determined on a square footage basis, i.e., the “canopy” as that term is defined herein.
2. The minimum and maximum rates of the Cannabis Business Activities Tax for cultivation type cannabis business activities shall be as follows:

<b>Cannabis Business Activity Type: Cultivation</b>	<b>Minimum</b>	<b>Maximum</b>
Nursery	\$3.00	\$12.00
Outdoor (specialty cottage)	\$3.00	\$12.00
Outdoor (specialty)	\$3.00	\$12.00
Outdoor (small)	\$3.00	\$12.00
Outdoor (medium)	\$3.00	\$12.00
Outdoor (large)	\$3.00	\$12.00
Indoor (specialty cottage)	\$3.00	\$12.00
Indoor (specialty)	\$3.00	\$12.00
Indoor (small)	\$3.00	\$12.00
Indoor (medium)	\$3.00	\$12.00
Indoor (large)	\$3.00	\$12.00
Mixed-Light (specialty cottage)	\$3.00	\$12.00
Mixed-Light (specialty)	\$3.00	\$12.00
Mixed-Light (small)	\$3.00	\$12.00
Mixed Light (medium)	\$3.00	\$12.00
Mixed-Light (large)	\$3.00	\$12.00

3. Beginning on July 1, 2020, and on July 1 of each succeeding fiscal year thereafter, the Cannabis Business Activities Tax imposed by this Subdivision shall increase by the most recent change in the annual average of the Consumer Price Index (“CPI”) for all urban consumers in the San-Francisco-Oakland-San-Jose areas as published by the United States Government Bureau of Labor Statistics. However, no CPI adjustment



resulting in a decrease of any tax imposed by this subdivision shall be made.

4. The City Council may, in its discretion, at any time by resolution or ordinance, set the initial rate and/or adjust the tax rate for all persons engaged in any cannabis business activity in the City, or establish differing tax rates for different categories of cannabis businesses, including medicinal or non-medicinal cannabis businesses, subject to the minimum and maximum rates established in Subdivisions (C)(2) and (C)(3) above.

(D) Tax on Distribution Type Cannabis Business Activities.

1. Every person who is engaged in distribution type cannabis business activities in the City shall pay an annual Cannabis Business Activities Tax, which shall be determined on a gross receipts per fiscal year basis.
2. The minimum and maximum rates of the Cannabis Business Activities Tax for distribution type cannabis business activities shall be as follows:

<b>Cannabis Business Activity Type: Distribution</b>	<b>Minimum</b>	<b>Maximum</b>
Distributor	2%	8%
Distributor (Transportation-Only)	0.5%	8%

3. The City Council may, in its discretion, at any time by resolution or ordinance, set the initial rate and/or adjust the tax rate for all persons engaged in any cannabis business activity in the City, or establish differing tax rates for different categories of cannabis businesses, including medicinal or non-medicinal cannabis businesses, subject to the minimum and maximum rates established in Subdivision (D)(2) above.

(E) Tax on Manufacturing Type Cannabis Business Activities.

1. Every person who is engaged in manufacturing type cannabis business activities in the City shall pay an annual Cannabis Business Activities Tax, which shall be determined on a gross receipts per fiscal year basis.
2. The minimum and maximum rates of the Cannabis Business Activities Tax for manufacturing type cannabis business activities shall be as follows:

<b>Cannabis Business Activity Type: Manufacturing</b>	<b>Minimum</b>	<b>Maximum</b>
Manufacturing (Level 1)	2%	8%
Manufacturing (Level 2)	2%	8%

3. The City Council may, in its discretion, at any time by resolution or ordinance, set the initial rate and/or adjust the tax rate for all persons

engaged in any cannabis business activity in the City, or establish differing tax rates for different categories of cannabis businesses, including medicinal or non-medicinal cannabis businesses, subject to the minimum and maximum rates established in Subdivision (E)(2) above.

(F) Tax on Microbusiness Type Cannabis Business Activities.

1. Every person who is engaged in microbusiness type cannabis business activities in the City, which shall be determined on a gross receipts per fiscal year basis.
2. The minimum and maximum rates of the Cannabis Business Activities Tax for microbusiness type cannabis business activities shall be as follows:

<b>Cannabis Business Activity Type:</b> <b>Microbusiness</b>	<b>Minimum</b>	<b>Maximum</b>
Microbusiness (Retailer)	2%	8%
Microbusiness (Non-Retailer)	2%	8%

3. The City Council may, in its discretion, at any time by resolution or ordinance, set the initial rate and/or adjust the tax rate for all persons engaged in any cannabis business activity in the City, or establish differing tax rates for different categories of cannabis businesses, including medicinal or non-medicinal cannabis businesses, subject to the minimum and maximum rates established in Subdivision (F)(2) above.

(G) Tax on Retailer Type Cannabis Business Activities.

1. Every person who is engaged in retailer type cannabis business activities in the City shall pay an annual Cannabis Business Activities Tax, which shall be determined on a gross receipts per fiscal year basis.
2. The minimum and maximum rates of the Cannabis Business Activities Tax for retailer type cannabis business activities shall be as follows:

<b>Cannabis Business Activity Type:</b> <b>Retailer</b>	<b>Minimum</b>	<b>Maximum</b>
Retailer (Delivery-Only)	3%	10%
Retailer	3%	10%

3. The City Council may, in its discretion, at any time by resolution or ordinance, set the initial rate and/or adjust the tax rate for all persons engaged in any cannabis business activity in the City, or establish differing tax rates for different categories of cannabis businesses, including medicinal or non-medicinal cannabis businesses, subject to the minimum and maximum rates established in Subdivision (G)(2) above.

(H) Tax on Testing Laboratory Type Cannabis Business Activities.

1. Every person who is engaged in testing laboratory type cannabis business activities in the City shall pay an annual Cannabis Business Activities Tax, which shall be determined on a gross receipts per fiscal year basis.
2. The minimum and maximum rates of the Cannabis Business Activities Tax for testing laboratory type cannabis business activities shall be as follows:

<b>Cannabis Business Activity Type: Testing Laboratory</b>	<b>Minimum</b>	<b>Maximum</b>
Testing Laboratory	1%	5%

3. The City Council may, in its discretion, at any time by resolution or ordinance, set the initial rate and/or adjust the tax rate for all persons engaged in any cannabis business activity in the City establish differing tax rates for different categories of cannabis businesses, including medicinal or non-medicinal cannabis businesses, subject to the minimum and maximum rates established in Subdivision (H)(2) above.
  - (I) Notwithstanding the foregoing, the City Council, in its discretion, at any time by ordinance, exempt or except certain categories of cannabis business activities from the Cannabis Business Activities Tax.

**5.32.070 - EXEMPTIONS.**

- (A) The provisions of this article shall not apply to personal cannabis cultivation, as defined by Health and Safety Code Section 11362.2, as may be amended.
- (B) The provisions of this article shall not apply to personal use of cannabis that is expressly exempted from state licensing requirements, and for which the individual receives no compensation whatsoever related to that personal use, including, personal non-medicinal use, as defined by Health and Safety Code Section 11362.1, as may be amended, or personal medicinal use, as defined by Health and Safety Code Section 11362.7 et seq., as may be amended.

**5.32.080 - TAX, PENALTIES, INTEREST, AND FEES AS A DEBT.**

- (A) The amount of any tax imposed by this article shall be deemed a debt owed to the City.
- (B) Any penalties, interest and/or fees required to be paid under the provisions of this article shall also be deemed a debt owed to the City.
- (C) Any person owing any tax, penalties, interest and/or fees shall be liable in an action brought in the name of the City for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the City to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax imposed by this article or the failure to comply with any of the provisions hereof.

**5.32.090 - ADMINISTRATION.**

- (A) It shall be the duty of the City Manager, or his or her designee, to collect the taxes, penalties, fees, and perform the duties required by this article.
- (B) For purposes of administration and enforcement of this article generally, the City

Manager may from time to time promulgate such administrative rules and procedures consistent with the purpose, intent, and express terms of this article as they deem necessary to implement or clarify such provisions or aid in enforcement.

- (C) The City Manager may take such administrative actions as needed to administer the tax, including but not limited to;
1. Provide to all cannabis business activities taxpayers forms for the reporting of the tax;
  2. Provide information to any taxpayer concerning the provisions of this article;
  3. Receive and record all taxes remitted to the City as provided in this article;
  4. Maintain records of taxpayer reports and taxes collected pursuant to this article;
  5. Assess penalties and interest to taxpayers pursuant to this article; or waive such penalties and interest when there is demonstrated evidence of extenuating circumstances that were clearly beyond the control of the taxpayer; and
  6. Determine amounts owed and enforce collection pursuant to this article.

**5.32.100 - REGISTRATION; CHANGE OF OWNERSHIP.**

- (A) In order that the City will have an accurate record of persons liable for paying the Cannabis Business Activities Tax hereunder, prior to commencing cannabis business activities, each person engaged in any cannabis business activity shall register such cannabis business with the City Manager, submitting any information deemed necessary by the City Manager, including, but not limited to, the type(s) of cannabis business activities in which said person is engaged.
- (B) In the event that there is a change in ownership of any cannabis business:
1. The new owner is required to submit an updated registration form to the City Manager.
  2. The new owner is subject to an audit by the City Manager or his or her designee.
  3. Unless otherwise provided by law, it is the joint and several liability of both the seller and buyer to remit any tax due up until the date of sale; otherwise, a Certificate of Delinquent Cannabis Business Activities Tax Lien may be filed against both the seller and/or buyer in an amount determined by the City Manager.

**5.32.110 - REPORTING AND REMITTANCE OF TAX.**

- (A) The Cannabis Business Activities Tax imposed by this article shall be imposed on a fiscal year basis and shall be due and payable in quarterly installments as follows:
1. If the Cannabis Business Activities Tax is owed on cultivation type cannabis business activities, the tax due shall be based on the square footage of the cannabis business' canopy as determined by the City Manager and the quarterly rate shall be twenty-five percent (25%) of the applicable annual rate. The tax will not be prorated or adjusted for any canopy area authorized by the City Manager which was not utilized for cultivation. However, if the cultivation begins in the middle of a fiscal year, the City

Manager shall prorate, in monthly increments, the amount due for the fiscal year.

2. If the Cannabis Business Activities Tax is owed on cannabis business activities other than cultivation type cannabis business activities, the tax due shall be based on the gross receipts for the quarter.
- (B) The tax for each fiscal quarter shall be due and payable on that same date as the statement for the fiscal quarter is due. The tax due shall be no less than the quarterly installment due, but the taxpayer may at any time pay the entire amount due for the given fiscal year.
- (C) Each person owing a Cannabis Business Activities Tax shall, on or before the last day of the month following the close of each fiscal year quarter:
1. File with the City Manager a statement of the tax owed for that fiscal quarter and the basis for calculating that tax. The City Manager may require that the statement be submitted on a form prescribed by the City Manager.
  2. Remit to the City Manager the tax due.
- (D) The City Manager may, in his/her discretion, establish shorter report and payment periods for any taxpayer as the City Manager deems necessary to ensure collection of the Cannabis Business Activities Tax.
- (E) The City Manager may, in his/her discretion as part of administering the Cannabis Business Activities Tax, modify the form of payment and take such other administrative actions as needed to facilitate collection of the tax.
- (F) Upon cessation of a cannabis business for any reason, tax statements and payments for all outstanding taxes owed to the City shall be immediately due to the City. Tax statements and remittances will be deemed timely made if actually received by the City Manager within thirty (30) calendar days following cessation of the cannabis business activity; otherwise the taxes shall be deemed delinquent and subject to penalties hereunder.
- (G) Any person required to remit taxes in excess of one-hundred thousand dollars (\$100,000.00) in any given fiscal year shall be required to make remittances on a monthly basis in the succeeding fiscal year. Said remittances shall be due on or before the last day of the month following the last day of the preceding month.
- (H) The correctness of any tax return filed pursuant to this article shall be subject to audit and verification by the City Manager, or designee, who is authorized and empowered to inspect and audit the books and records of any cannabis business. No cannabis business shall refuse or fail to allow the City Manager, or designee, to inspect and audit such books and records, or shall refuse or fail to provide such additional information as requested by the City Manager, or designee.
- (I) For the purposes of this Section, "on or before" shall be interpreted as: (1) hand delivery; or (2) postal delivery of a properly stamped and addressed envelope containing the return and full amount of the tax to the United States Postal Service. Delivery to the Postal Service must be verified by cancellation by the Postal Service showing a postmark date no later than midnight on the date the tax is due. If the due date of the tax falls on a United States Post Office closure date, the tax due date shall be the next business day (excluding federal holidays). Private postal meter strips and dates shall not be considered evidence of delivery to the United States Postal Service.

- (J) Whenever any payment, statement, report, request or other communication is due, it must be received by the City Manager on or before the final due date. In accordance with Subdivision (I) of this Section, a postmark may be accepted as timely remittance. If the due date falls on Saturday, Sunday or a holiday, the due date shall be the next regular business day on which the City is open to the public.

**5.32.120 - DEFICIENCY.**

- (A) If the City Manager is not satisfied that any return filed as required under the provisions of this article is correct, or that the amount of tax is correctly computed, he/she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his/her possession or that may come into his/her possession within three (3) calendar years of the date the tax was originally due and payable.
- (B) One or more deficiency determinations of the amount of tax due for a period or periods may be made.
- (C) When a person discontinues engaging in a business, a deficiency determination may be made at any time within three (3) calendar years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is/was issued prior to the date the tax would otherwise be due, or issued after the discontinuation of the business.
- (D) Whenever a deficiency determination is made, a notice shall be given to the person concerned in accordance with Section 5.32.260.

**5.32.130 - DELINQUENCY; NOTICE NOT REQUIRED BY CITY.**

- (A) Unless otherwise specifically provided under other provisions of this article, the taxes required to be paid pursuant to this article shall be deemed delinquent if not received by the City Manager on or before the due date as specified in Section 5.32.110.
- (B) The City Manager is not required to send a delinquency or other notice or bill to any person subject to the provisions of this article. Failure to send such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this article.

**5.32.140 - PENALTIES, FEES, AND INTEREST.**

- (A) The Cannabis Business Activities Tax shall be that amount due and payable from the first day in which the person was engaged in cannabis business activities in the City, together with all applicable penalties, fees, and interest calculated in accordance with this Section.
- (B) Any person who fails or refuses to pay any Cannabis Business Activities Tax required to be paid pursuant to this article on or before the due date shall pay penalties, fees, and interest as follows:
  - 1. **Initial Delinquency.** A penalty equal to twelve and a half percent (12.5%) of the amount of the tax, in addition to the amount of the tax.
  - 2. **Continuing Delinquency.** If the tax remains unpaid for a period exceeding thirty (30) calendar days beyond the date on which the remittance first

became delinquent, an additional penalty equal to twelve and a half percent (12.5%) of the amount of the tax, shall be imposed.

3. **Bank Fees.** Whenever a check or electronic payment is submitted in payment of a Cannabis Business Activities Tax and the payment is subsequently returned unpaid by the bank for any reason, the taxpayer will be liable for the tax amount due plus any bank fees, penalties and interest as provided for in this Section, and any other amount allowed under State law.
  4. **Interest.** In addition to the penalties and/or fees amounts imposed, interest shall be applied at the rate of one and one-half percent (1.5%) per month on the first day of the month for the full month, and will continue to accrue monthly on the tax and penalty until the balance is paid in full.
- (C) In addition to the foregoing amounts, if the City determines that any remittance of the Cannabis Business Activities Tax due under this article is due to fraud or fraudulent, a penalty of twenty-five percent (25%) of the amount of the tax that should have been paid shall be added thereto in addition to penalties and interest otherwise stated in this article and any other penalties allowed by law.

#### **5.32.150 - WAIVER OF PENALTIES.**

The City Manager may waive the penalties imposed upon any person under Section 5.32/140, if:

- (A) The person engaged in cannabis business activities requests a waiver of penalties by submitting a Request for Waiver to the City Manager within ten (10) calendar days after issuance of a Notice of Assessment.
- (B) The person provides evidence satisfactory to the City Manager that failure to pay timely was due to circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, and the person paid the delinquent Cannabis Business Activities Tax and accrued interest owed the County prior to applying to the City Manager for a waiver.
- (C) Upon receipt of satisfactory evidence, the City Manager may waive penalties in an amount not to exceed five-thousand dollars (\$5,000.00).
- (D) If the Request for Waiver exceeds five-thousand dollars (\$5,000.00), such request shall be approved only by the City Council.
- (E) The amount determined to be owed to the City shall be due immediately. Remittances will be deemed timely made if actually received by the City Manager within ten (10) calendar days; otherwise the taxes shall be deemed delinquent and subject to penalties under Section 5.32.140.
- (F) The waiver provisions specified in this Section shall not apply to any interest accrued on the delinquent tax.
- (G) A waiver under this Section may only be granted once during any twenty-four (24) month period.

#### **5.32.160 - REFUNDS; CREDITS.**

- (A) No refund shall be made of any tax collected pursuant to this article, except as provided in this Section.

- (B) No refund of any tax collected pursuant to this article shall be made because of cessation of the cannabis business activity, discontinuation, dissolution, or other termination of the cannabis business.
- (C) Whenever the amount of any tax or penalty under this article has been overpaid, paid more than once, or has been erroneously or illegally collected or received by the City under this article, it may be refunded to the claimant who paid the tax; provided a written claim, stating under penalty of perjury under the laws of the State of California the specific grounds upon which the claim is founded, is filed with the City Manager within one (1) calendar year of the date of payment. The claim shall be on forms furnished by the City Manager.
- (D) Any person entitled to a refund of Cannabis Business Activities Taxes paid hereunder may elect, in writing, to have such refund applied as a credit against such person's taxes which will become due for the next fiscal year quarter.
- (E) In the event that the Cannabis Business Activities Tax was erroneously paid and the error is attributable to the City, the City shall refund the amount of tax paid up to one (1) calendar year from when the error was identified, provided in no case, shall a claim for payment be made more than three years from the date of the actual payment of the tax.
- (F) The City Manager, his or her designee or any other City officer charged with the administration of this article, shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the City Manager, his or her designee or any other City officer charged with the administration of this article, to do so.
- (G) The City Manager may collect a fee adopted by the City Council to pay for the cost of examination and audit should the books and records be provided in a form insufficient to allow the City Manager to make a determination on the claim for the refund.
- (H) No refund of any tax collected pursuant to this article shall be made because of the discontinuation, dissolution, or other termination of a cannabis business.

**5.32.170 - NOTICE OF ASSESSMENT.**

- (A) Under any of the following circumstances, the City Manager may issue a Notice of Assessment of the amount of tax owed by a person under this article at any time:
  - 1. If the person has not filed a complete statement required under the provisions of this article;
  - 2. If the person has not paid the tax due under the provisions of this article;
  - 3. If the person has not, after demand by the City Manager, filed a corrected statement, or furnished to the City Manager adequate substantiation of the information contained in a statement already filed, or paid any additional amount of tax due under the provisions of this article.
- (B) The Notice of Assessment shall be served in accordance with Section 5.32.260.
- (C) The Notice of Assessment shall separately set forth the amount of any tax due. The amount due shall include the amount of any penalties or interest accrued on each amount through the date of the Notice of Assessment.



- (D) If the amount of tax due is unknown, the City Manager may estimate the amount of tax due based on consideration of all information within their knowledge concerning the business and activities of the person assessed. For purposes of estimating the amount of tax due, there shall be a rebuttable presumption that the minimum amount of tax due is the same as the maximum amount of tax due during any quarter during the previous fiscal year.

**5.32.180 - ASSESSMENT HEARING.**

- (A) Within ten (10) calendar days after the date of service of the Notice of Assessment, the person may apply in writing to the City Manager for a hearing on the assessment.
- (B) If application for a hearing is not made within the time herein prescribed, the tax, penalties, fees, and/or interest determined by the City Manager shall become final and conclusive, and shall be immediately due and payable.
- (C) If such application is made, the City Manager shall, upon receipt of such application, cause the matter to be set for hearing. The hearing shall be held not fewer than ten (10) calendar days, and not more than forty-five (45) calendar days from receipt of the written request for hearing, unless a later date is agreed to by the City Manager and the person requesting the hearing.
- (D) Notice of the hearing shall be given by the City Manager to the person requesting such hearing not fewer than five (5) business days prior to such hearing. The notice shall set the date, time and place for hearing and shall order the person requesting the hearing to show cause why such amount specified in the Notice of Assessment should not be confirmed.
- (E) The person requesting the hearing may appear and offer evidence at the hearing why the assessment as determined by the City Manager should not be confirmed and fixed as the tax, penalties, fees, and/or interest due.
- (F) After such hearing the City Manager shall determine the proper tax to be charged and shall issue, in accordance with Section 5.32.260, a Notice of Determination of Tax Due to the person requesting the hearing stating the City Manager's determination and the amount of tax, penalties, fees, and interest.
- (G) The amount determined to be due shall be payable after fifteen (15) calendar days of written notice unless it is appealed to the City Council.

**5.32.190 - APPEAL FROM ASSESSMENT HEARING.**

Any person aggrieved by any decision of the City Manager with respect to the amount of tax, interest, penalties and fees, if any, due under this article may appeal to the City Council by filing a Notice of Appeal with the City Clerk within fifteen (15) days of service of the Notice of Determination of Tax Due. The City Clerk, or his or her designee, shall fix a time and place for hearing such appeal, and the City Clerk, or his or her designee, shall give notice in writing to such person at the last known address. The decision of the City Council shall be final and conclusive and shall be served upon the appellant in accordance with Section 5.32.260. Any amount found to be owed to the County shall be immediately due and payable upon the service of the decision.

**5.32.200 - ENFORCEMENT.**

- (A) In addition to any other remedies available under federal, state, or local law, if any

amount required to be paid to the City under this article is not paid when due, the City Manager may, within three (3) calendar years after the amount is due, record a certificate of lien specifying the amount of taxes, fees, interest and penalties due, and the name and address of the individual or business as it appears on the records of City Manager. The lien shall also specify that the City Manager has complied with all provisions of this article in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid, together with penalties, fees and interest thereon, constitutes a lien upon all real property in the City owned by the individual or business, or subsequently acquired by the individual or business before the lien expires. The lien has the force, effect, and priority of a judgment lien and shall continue for ten (10) calendar years from filing of the certificate unless sooner released or otherwise discharged.

- (B) At any time within three (3) calendar years after any individual or business is delinquent in the payment of any amount required to be paid under this article or within three (3) calendar years after the last recording of a certificate of lien under Subdivision (B) of this Section, the City Manager may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the City under this article. The warrant shall be directed to the Sheriff and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution. The City Manager may pay or advance to the Sheriff, the same fees, commissions and expenses for service provided by law for similar services pursuant to a writ of execution.
- (C) At any time within three (3) calendar years after recording a lien against any individual or business, if the lien is not discharged and released in full, the City Manager may forthwith seize any asset or property, real or personal (including bank account), of the operator and sell at public auction the asset or property, or a sufficient part of it to pay the amount due together with any penalties and interest imposed for the delinquency and any cost incurred on account of the seizure and sale. Assets or property of the business subject to seizure and sale subject to this article shall not include any assets or property which is exempt from execution under the provisions of Code of Civil Procedure.
- (D) Suspension or revocation of a cannabis permit. Revocation shall be subject to the procedures set forth in San Juan Bautista Municipal Code, as may be enacted in the future. The following shall constitute grounds for suspending or revoking a cannabis permit, in addition to any additional grounds identified in the San Juan Bautista Municipal Code:
  - 1. Failure to pay any cannabis business tax due under this article within thirty (30) calendar days of the due date.
  - 2. Failure to cooperate with the City Manager, or designee, as determined by City Manager, or designee, during an audit pursuant to this article.
  - 3. Underpaying any business tax due under this article in any period by fifty percent (50%) or more.
  - 4. If the City determines that the nonpayment of any Cannabis Business Activities Tax due under this article is due to fraud.

**5.32.210 - APPORTIONMENT.**

If a person subject to the Cannabis Business Activities Tax is operating both within and outside the City, it is the intent of the City to apply Cannabis Business Activities Tax so that the measure of the tax fairly reflects the proportion of the taxed activity actually carried on in the unincorporated area of the City. To the extent federal or State law requires that any tax due from any taxpayer be apportioned, the taxpayer may indicate said apportionment on their tax return. The City Manager may promulgate administrative procedures for apportionment in accordance with state law.

**5.32.220 - CONSTITUTIONALITY AND LEGALITY.**

This tax is intended to be applied in a manner consistent with the United States and California Constitutions and State law. None of the tax provided for by this article shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection and due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution or state law.

**5.32.230 - RECORDKEEPING; AUDIT.**

- (A) It shall be the duty of every person liable for the collection and payment to the City of any tax imposed by this article to keep and preserve, for a period of at least seven (7) calendar years, all records as may be necessary to determine the amount of such tax as they may have been liable for the collection of and payment to the City, which records the City Manager or their designee shall have the right to inspect at all reasonable times, including, but not limited to, records containing information related to the amount of cannabis and/or cannabis products sold and/or transferred. Said records shall be full, true, and accurate.
- (B) The City Manager shall have the power to audit and examine all books and records of persons engaged in cannabis business activities, including both State and federal income tax returns, California sales tax returns, or other evidence documenting the square footage of canopy and/or gross receipts of persons engaged in cannabis business, and, where necessary, all equipment, of any person engaged in cannabis business activities in the City, for the purpose of ascertaining the amount of Cannabis Business Activities Tax, if any, required to be paid by the provisions of this article, and for the purpose of verifying any statements or any item thereof when filed by any person pursuant to this article.
- (C) Upon demand by the City Manager, each person liable for the collection and payment to the City of any tax imposed by this article shall make the records, together with any track and trace reports, shipping documents or sales invoices pertaining to such cannabis and/or cannabis products available for inspection by the City Manager at all reasonable times.
- (D) If any person refuses to make available for audit, examination, or verification such books, records or equipment as the City Manager requests, the City Manager may, after full consideration of all information within their knowledge concerning the cannabis business activities of the person so refusing, make an assessment in the manner provided in Section 5.32.170 of any taxes estimated to be due. The City Manager may collect a fee adopted by the City Council to pay for the cost of examination and audit should the books and records be provided in a form

insufficient to allow the City Manager to make a determination of tax due.

**5.32.240 - OTHER LICENSES, PERMITS, TAX, FEES, OR CHARGES.**

- (A) The tax imposed hereunder does not limit or prohibit the levy or collection of any other license, permit or service fee, tax, fee, or charge upon, or related to, any cannabis business activity.
- (B) Nothing contained in this article shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provision of any other title or chapter of this Code or any other ordinance or resolution of the City, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other title or chapter of this Code or any other ordinance or resolution of the City. Any references made or contained in any other title or chapter of this code to any licenses, license taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the licenses, license taxes, fees or charges, or schedule of license fees, provided for in other titles or chapters of this Code.

**5.32.250 - PAYMENT OF TAX DOES NOT AUTHORIZE UNLAWFUL ACTIVITIES.**

- (A) The payment of a Cannabis Business Activities Tax required by this article, and which is acceptance by the City, shall not entitle any person to carry on any cannabis business activity unless that person has complied with all of the requirements of this Code and all other applicable State laws.
- (B) No tax paid under the provisions of this article shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any local or State law.

**5.32.260 - MANNER OF GIVING NOTICE.**

- (A) Any notice required to be given hereunder by the City to any person shall be sufficiently given or served if it is served upon the person either by personal delivery, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as they shall register with the City Manager for the purpose of receiving notices provided under this article; or, should the person have no address registered with the City Manager for such purpose, then to such person's last known address. For the purposes of this article, a service by mail is complete at the time of deposit in the United States mail.
- (B) Failure of any person to receive any notice required by this article to be given shall not affect the validity of any proceedings taken thereto.

**5.32.270 - UNLAWFUL ACTIVITIES DESIGNATED; MISDEMEANOR.**

Any person violating any of the provision of this article shall be deemed guilty of a misdemeanor, punishable by a fine of not more than five-hundred dollars (\$500.00), or by imprisonment for a period of not more than six (6) months, or by both such fine and imprisonment.

**5.32.280 - VIOLATION; TAXES NOT WAIVED.**

The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this Chapter or of any state law requiring the payment of all taxes.

**5.32.290 - SEVERABILITY.**

If any provision of this article, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this article or the application of this article to any other person or circumstance and, to that end, the provisions hereof are severable.

**5.32.300 - REMEDIES CUMULATIVE.**

All remedies and penalties prescribed by this article or which are available under any other provision of the San Juan Bautista Municipal Code and any other provision of law or equity are cumulative. The use of one or more remedies by the article shall not bar the use of any other remedy for the purpose of enforcing the provisions of this article.

**5.32.310 - AMENDMENT OR REPEAL.**

Chapter 5.32 of the San Juan Bautista Municipal Code may be repealed or amended by the City Council without a vote of the people to the extent allowed by law. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would increase the maximum rate of any tax levied pursuant to this article, that would increase the maximum rate specified for each category of cannabis business activity or that otherwise constitute a tax increase for which voter approval is required by Article XIII C of the California Constitution.

The following actions shall not constitute an increase of the rate of a tax:

- (A) The setting of the rate of any tax authorized hereunder to a rate that is no higher than the maximum rate set by this article, including the authorized cost of living adjustment, or the restoration of the rate of the tax to a rate that is no higher than the maximum rate set by this article, including the cost of living adjustment, if the City Council has acted to reduce the rate of the tax; or
- (B) An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this article; or
- (C) The collection of the tax imposed by this article, even if the article had, for some period of time, failed to collect the tax; or
- (D) The establishment or discontinuation of a class of persons that is exempted or excepted from the tax hereunder.

**SECTION 2.** If any section, subdivision, sentence, clause, portion, or phrase of this Ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The City Council hereby declares that it would have passed this chapter and each section, subdivision, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

**SECTION 3.** The City Council hereby finds that this Ordinance is not subject to review under the California Environmental Quality Act (CEQA) because the Cannabis Business Activities Tax is a general tax that can be used for any legitimate government purpose and therefore it is not a “project” pursuant to CEQA Guidelines Section 15378, subdivision (b)(4) and is therefore exempt.

**SECTION 4. STATEMENT OF HOW THE TAX MAY BE SPENT.** All revenue from the taxes imposed by Chapter 5.32 of the San Juan Bautista Municipal Code for the privilege of engaging in cannabis business activities in the City are enacted solely for general governmental purposes for the City and not for specific purposes. The revenue from these taxes shall be placed in the City's general fund and can be spent for unrestricted general revenue purposes.

**SECTION 5. MAJORITY APPROVAL; EFFECTIVE DATE.** This ordinance shall only be effective if approved by a majority vote of the voters voting in the election on the issue. If approved by the voters, this ordinance shall become effective upon adoption and as soon thereafter as allowed by law.

**THE FOREGOING ORDINANCE** was first read at a regular meeting of the San Juan Bautista City Council on the 18<sup>th</sup> day of December 2018, and adopted at a regular meeting of the San Juan Bautista City Council on the 15<sup>th</sup> day of January, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Deborah Mall, City Attorney

## **RESOLUTION NO. 2019-XX**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING STREET CLOSURES**

**BE IT RESOLVED** that Gold Coast Rods, Inc. is authorized to close Third Street between Franklin and Muckelemi and Streets on Sunday, May 19, 2019 from 6:00 a.m. to 5:00 p.m. in the City of San Juan Bautista for a Canyon Country Car Show; and

**BE IT FURTHER RESOLVED** that the San Juan Home and School Club is authorized to close Third Street between Pearce and Monterey Streets, Second Street between Franklin and Monterey Streets, Monterey Street between First and Third Streets, and First Street between Monterey and the city limits from 6:00 a.m. until 12:00 noon on Saturday, May 18, 2019 in the City of San Juan Bautista for their Fiesta 5K, 10K and One Mile Family Fun Run.

**PASSED AND ADOPTED** this 22<sup>nd</sup> day of January 2019 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

**Mayor Cesar Flores**

**ATTEST:**

---

**Laura Cent, City Clerk**

# Special Event/Activities – Permit Application

Dear Event Organizer:

Thank you for your interest in holding a community event in San Juan Bautista. Special events can be important ways to build community and celebrate the City's diversity, heritage, and uniqueness. All events require a permit with approvals to ensure a well-planned and safe event. The City of San Juan Bautista has created a simplified process to help you determine what types of permits and approvals you will need. Simply fill out the enclosed community events application and submit it to the City at least 60 days before your event. Additionally, there will be fees associated your event. Your application fee is due when you submit this form. The fee schedule for applications is:

Non Profits <sup>1</sup> : No street blockage and less than 250 people	\$50.00
Non Profits: No street blockage or blockage of side streets, up to one block., and less than 1,000 people	\$100.00
Non Profits: Street blockage of Second, Third or Fourth Streets and side streets between Franklin & Muckelemi and more than 1,000 people <sup>2</sup>	\$150.00
Private Promoter Organizations <sup>3</sup> : No street blockage and less than 250 people	\$150.00
Private Promoter Organizations: No street blockage or blockage of side streets, up to one block., and less than 1,000 people	\$300.00
Private Promoter Organizations: Street blockage of Second, Third or Fourth Streets and side streets between Franklin & Muckelemi, and more than 1,000 people	\$600.00

Once we receive your application, one or more City representatives will contact you to let you know of any insurance, permits, approvals, or additional fees that apply. We appreciate your time and interest in planning a successful and safe event. A well-planned event translates to a successful activity that benefits everyone. If you need further assistance, call (831) 623-4661 or e-mail [citymanager@san-juan-bautista.ca.us](mailto:citymanager@san-juan-bautista.ca.us).

Please NOTE: You are required to have sanitary facilities. If you are serving or selling food you will be required to obtain a permit from the San Benito County Environment Health Department in Hollister. You are also required to coordinate all security arrangement with the San Benito County Sheriff's office.

## SECTION 1: CONTACT INFORMATION

Event Title: CRUISEING SAN JUAN BAUTISTA Today's Date: 7-3-2018  
 Applicant: GOLD COAST ROOS OTIS STEVENSON PRES.  
 Organization: GOLD COAST - ROOS  
 Phone: 831 601 2375 E-Mail: OTIS Auto SALES 6 MAIL . COM  
 Mailing Address: PO BOX 2672 Monterey CA 93940  
 Fax: 831 899 4430

Event Setup Date: 5-19-19 Time: 7AM Event Ends Date: 5-19-19 Time: 4PM  
 Event Starts Date: 5-19-19 Time: 7AM Dismantle Date: 5-19-19 Time: 5PM

ANTICIPATED ATTENDANCE: Total or the event: Total per Day:

LOCATION OF EVENT (please be specific):

MAIN STREET

<sup>1</sup> Requires proof of charitable non-profit status.

<sup>2</sup> All street closures and blockades require review and approval of the City Council.

<sup>3</sup> Additional fees for use of public facilities may apply.



## INSURANCE

The City will require that you co-insure the city ("additional insure"). Depending on your event, the minimum "coverage" will be dictated by the City's insurance carrier (PARSAC). After the application and fee is submitted the City Manager, or designee, will contact PARSAC with your proposal and the conditions of the insurance will be promptly conveyed to you.

## CITY FACILITIES

Do you plan to hold your event at a City building?

☐ Yes ☒ No

If yes, which facility?

Have you reserved the facility yet?

☐ Yes ☐ No

Will this event require any City streets to be closed? (Public Works charges will apply)

☒ Yes ☐ No

If yes, please be specific on which streets and cross streets need to be closed.

Does this event involve a parade?

☐ Yes ☒ No

If yes, attach a separate page with a map of the event.

If you wish to rent barricades, chairs, tables, or other City equipment, list the equipment and numbers (charges will apply for rentals)

if you do not wish to rent the City's equipment, you will be responsible for providing appropriate barriers if your event involves a street closure:

MAIN STREET BARRICADES BOY SCOUTS WILL  
PLACE BARRICADES / will get from Public Work Dept.

**PRIVATE PROPERTY** (Private Property needs to fill out an event application only if the event's attendance will exceed 250)

Do you plan to hold your event on private property?

☐ Yes ☒ No

If yes, describe the location:

## VENDORS

Will this event have vendors selling items or promoting their causes/services/products?

☐ Yes ☒ No

If yes, please note a Board of Equalization form will be required for each vendor proving that they are appropriately registered with the State of California. This link to this form is available on the City of San Juan Bautista website. Additionally, fees will be assessed on the basis of \$15/day/10 feet of vendor space for vendors on the street and \$15/day/vendor for events not on the streets. Other charges may apply. Allocations are made for local not for profit booths to be exempt from these charges. Each event is allowed a minimum of 5 local non-profit 10 ft. spaces for free up to a maximum of 5% of the total number of booth feet for an event.

Will this event feature any hands-on attractions such as climbing walls, bounce-houses, or petting zoos?

☐ Yes ☒ No

If yes, please describe: (insurance coverage will be required)

**FOOD AND ALCOHOL** (all food preparation is subject to state regulations; provide insurance if appropriate)

If you are serving or selling food, you must obtain a permit from the San Benito County Environment Health Department.

Does your event include food concessions and/or preparation areas?

☐ Yes ☒ No

If yes, please provide a copy of your San Benito County Environmental Health Permit.

If you plan to sell or furnish alcoholic beverages at your event, you are required to obtain a permit from the State Department of Alcoholic Beverage Control. The public consumption of alcohol is illegal in some parts of the City. If your event includes the use of alcohol on City property, you will need to provide Liquor Liability Coverage on your certificate of insurance.

Does your event involve the use of alcoholic beverages?

☐ Yes ☒ No

**PORTABLE REST ROOMS** (These permits are handled through the San Benito County Environmental Health Department)

Unless you can substantiate the sufficient availability of both Americans with Disabilities Act and non-ADA accessible facilities in the immediate area of the event site and you have written permission to use this facility, you may be required to provide portable rest room facilities at your event, which will be available to the public during your event. Please note that State Parks toilets do not qualify as event facilities unless you obtain written permission from the local State Parks office to allow use of these State owned toilets and included as part of this application.

Do you plan to provide portable rest room facilities at your event?

Please provide a copy of your San Benito County Environmental Health Permit. Please note that if you state "no", City staff will inquire as to what plans you have made to accommodate the public including written permission from the State if applicable.

☒ Yes ☐ No

**LIGHTING AND SOUND**

Will you be using any amplified sound (i.e. public address system)?

☒ Yes ☐ No

Will this event use any lighting?

☐ Yes ☒ No

Will you be using any type of generator?

☐ Yes ☒ No

If yes, please describe (type/location/period/noise levels, etc. Preference is given to "silent" generators):

If no, do you need electricity? (Fees will apply for use of City electricity):

**Solid Waste Diversion Plan:**

In accordance with State law (Public Resource Code 42648-42648.7), as a large venue, a waste reduction and recycling plan shall be developed. This plan shall estimate the amount and types of waste anticipated from the event, proposed actions to reduce the amount of waste generation related to the event, and arrangements for separation, collection and diversion from landfill of reusable and recyclable materials, as well as a tracking system that validates the final destination of the materials. The Solid Waste Diversion Plan shall be approved by the San Benito County Integrated Waste Management Regional Agency. The City has trash and recycling receptacles available for rent: Trash can and recycling rental can rates are set annually by the City Council and posted on the City's website under Forms and Fees in a document that contains all the City Service Fees. Deposits are refundable, daily rental rates are not.

As the venue contractor, you are responsible for a waste prevention strategy for all waste material generated by all venue operations and all subcontractors. Food vendors must use compostable serving products. No Styrofoam is allowed. You are encouraged to include a requirement for a "Solid Waste Diversion Plan" in your subcontract agreements.

The City of San Juan Bautista is mandated by the State of California to report annually specified information regarding large venue waste diversion programs. You are therefore required to report and provide verification of the quantity of waste disposed and recycled by this event. There is a \$150/event fine for non-reporting. Reporting is due 30 days after the event. The waste hauler can provide this information for you.

1. Please describe your plan for cleanup and removal of recyclable goods and garbage during and after your event.

TRASH BAGS OUR members will  
Clean

2. Please provide a description of your event, including activities, timeline, sequence of events, road closures, etc. Please note: road closures require Public Works time and the event will be billed for the actual time used.

(If additional space is required, please attach it to this application).

CLASSIC CAR Show From 8 AM UNTIL 3 PM  
3RD ST BLOCK MCKELEM ST. POLK ST.  
MARIPOSA ST. WASHINGTON ST. FRANKLIN ST

3. Please describe your security plan, including crowd control.

our members will control

4. In order to comply with the American Disabilities Act, describe how your event will be accessible to people with disabilities.

we only use city streets

5. Please describe your emergency/medical plan, including your communications procedures.

our club members will  
be in contact with Sheriff Dept

*City Benches is for public use only. It is the responsibility of the promoter to make sure all vendors are aware that public benches are NOT for vendor use at any times. Thank you.*

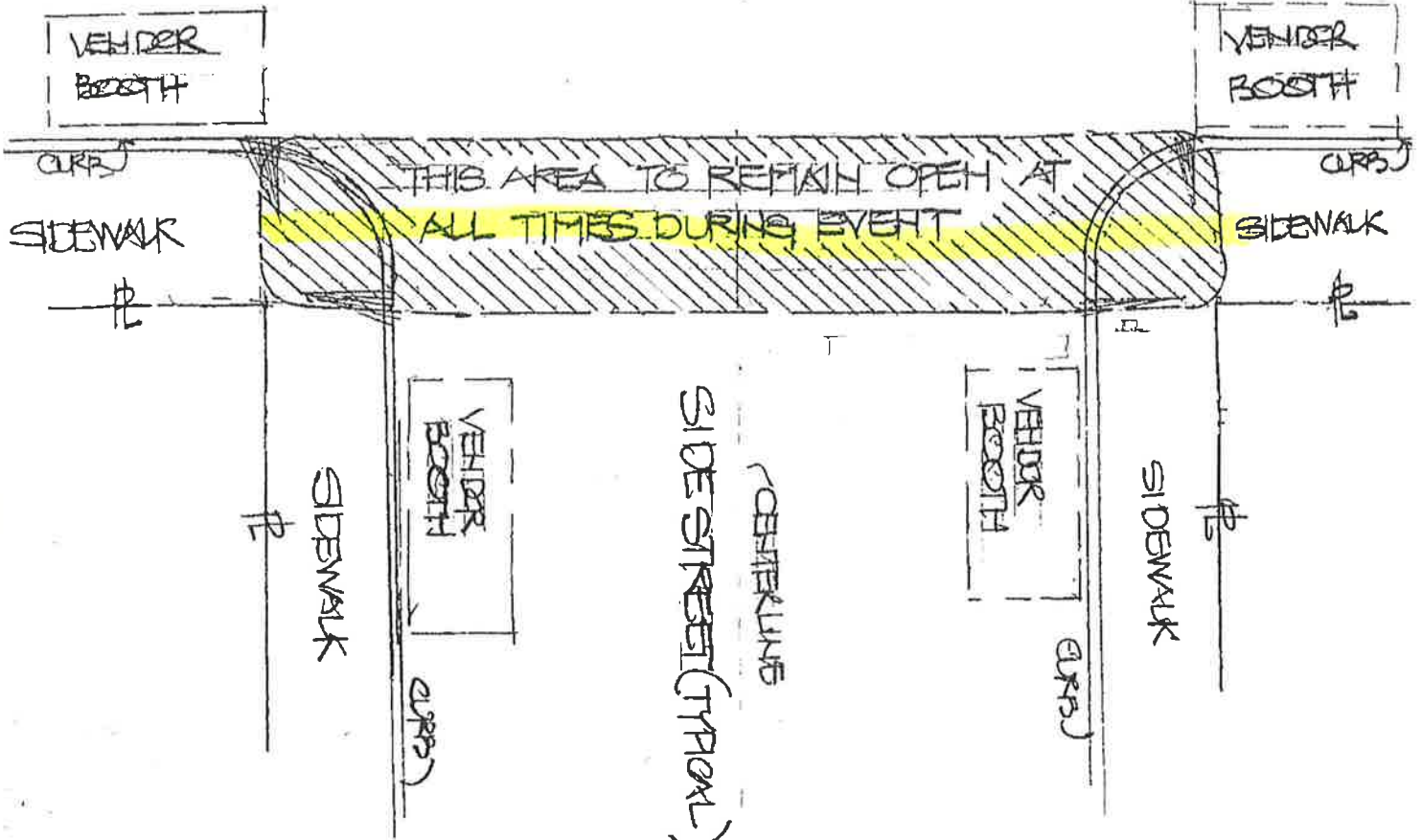
02 Initial

Please provide a site plan/route map for your event. Attach additional sheets as necessary. The map should include:

- An outline of the event site including the names of streets or areas that are part of the venue and the surrounding area. If the event involves a moving route of any kind (such as a parade), indicate the direction of travel, including starting location and ending destination.
- Any street or lane closures and parking tow zones.
- The locations of fencing, barriers, or barricades. Include any removable fencing for emergency access.
- The location of first-aid facilities.
- The locations of all stalls, platforms booths, cooking areas, trash containers, etc.
- Food booth and cooking area configuration including all vendors cooking with flammable gases or barbecue grills.
- Generator locations and/or source of electricity.
- Placement of vehicles or trailers used for the event.
- Anticipated parking locations.
- Placement of promotional signs or banners.
- Placement of portable toilets/restroom facilities.
- Exit locations for outdoor events that are fenced.
- Locations of all other event activities

THIRD STREET

CENTERLINE





# Special Event/Activities – Permit Application

Dear Event Organizer:

Thank you for your interest in holding a community event in San Juan Bautista. Special events can be important ways to build community and celebrate the City's diversity, heritage, and uniqueness. All events require a permit with approvals to ensure a well-planned and safe event. The City of San Juan Bautista has created a simplified process to help you determine what types of permits and approvals you will need. Simply fill out the enclosed community events application and submit it to the City at least 60 days before your event. Additionally, there will be fees associated your event. Your application fee is due when you submit this form. The fee schedule for applications is:

Non Profits <sup>1</sup> : No street blockage and less than 250 people	\$50.00
Non Profits: No street blockage or blockage of side streets, up to one block., and less than 1,000 people	\$100.00
Non Profits: Street blockage of Second, Third or Fourth Streets and side streets between Franklin & Muckelemei and more than 1,000 people <sup>2</sup>	\$150.00
Private Promoter Organizations <sup>3</sup> : No street blockage and less than 250 people	\$150.00
Private Promoter Organizations: No street blockage or blockage of side streets, up to one block., and less than 1,000 people	\$300.00
Private Promoter Organizations: Street blockage of Second, Third or Fourth Streets and side streets between Franklin & Muckelemei, and more than 1,000 people	\$600.00

Once we receive your application, one or more City representatives will contact you to let you know of any insurance, permits, approvals, or additional fees that apply. We appreciate your time and interest in planning a successful and safe event. A well-planned event translates to a successful activity that benefits everyone. If you need further assistance, call (831) 623-4661 or e-mail [citymanager@san-juan-bautista.ca.us](mailto:citymanager@san-juan-bautista.ca.us).

Please NOTE: You are required to have sanitary facilities. If you are serving or selling food you will be required to obtain a permit from the San Benito County Environment Health Department in Hollister. You are also required to coordinate all security arrangement with the San Benito County Sheriff's office.

## SECTION 1: CONTACT INFORMATION

Event Title: Fiesta Fun Run Today's Date: 5/18/18  
Applicant: Julie Hicks  
Organization: San Juan Home & School Club  
Phone: (831) 623-4538 E-Mail: jhicks@sbcoe.org  
Mailing Address: 100 Nyland Drive, SJB, CA 95045  
Fax: \_\_\_\_\_

Event Setup Date: 5/18/19 Time: 6:00 a.m Event Ends Date: 5/18/19 Time: 12:00 p.m  
Event Starts Date: 5/18/19 Time: 7:00 a.m Dismantle Date: 5/18/19 Time: 12:00 p.m

ANTICIPATED ATTENDANCE: Total or the event: 400 Total per Day: 400

LOCATION OF EVENT (please be specific): The Alameda, 3rd St., 2nd St., 1st St., Franklin St., San Jose St., San Juan Highway

<sup>1</sup> Requires proof of charitable non-profit status.

<sup>2</sup> All street closures and blockades require review and approval of the City Council.

<sup>3</sup> Additional fees for use of public facilities may apply.

## INSURANCE

The City will require that you co-insure the city ("additional insure"). Depending on your event, the minimum "coverage" will be dictated by the City's insurance carrier (PARSAC). After the application and fee is submitted the City Manager, or designee, will contact PARSAC with your proposal and the conditions of the insurance will be promptly conveyed to you.

## CITY FACILITIES

Do you plan to hold your event at a City building?

☐ Yes ☒ No

If yes, which facility?

Have you reserved the facility yet?

☐ Yes ☒ No

Will this event require any City streets to be closed? (Public Works charges will apply)

☒ Yes ☐ No

If yes, please be specific on which streets and cross streets need to be closed.

Does this event involve a parade?

☐ Yes ☒ No

If yes, attach a separate page with a map of the event.

If you wish to rent barricades, chairs, tables, or other City equipment, list the equipment and numbers (charges will apply for rentals) if you do not wish to rent the City's equipment, you will be responsible for providing appropriate barriers if your event involves a street closure:

## PRIVATE PROPERTY (Private Property needs to fill out an event application only if the event's attendance will exceed 250)

Do you plan to hold your event on private property?

☐ Yes ☒ No

If yes, describe the location:

## VENDORS

Will this event have vendors selling items or promoting their causes/services/products?

☐ Yes ☒ No

If yes, please note a Board of Equalization form will be required for each vendor proving that they are appropriately registered with the State of California. This link to this form is available on the City of San Juan Bautista website. Additionally, fees will be assessed on the basis of \$15/day/10 feet of vendor space for vendors on the street and \$15/day/vendor for events not on the streets. Other charges may apply. Allocations are made for local not for profit booths to be exempt from these charges. Each event is allowed a minimum of 5 local non-profit 10 ft. spaces for free up to a maximum of 5% of the total number of booth feet for an event.

Will this event feature any hands-on attractions such as climbing walls, bounce-houses, or petting zoos?

☐ Yes ☒ No

If yes, please describe: (insurance coverage will be required)

**FOOD AND ALCOHOL** (all food preparation is subject to state regulations; provide insurance if appropriate)  
If you are serving or selling food, you must obtain a permit from the San Benito County Environment Health Department.

Does your event include food concessions and/or preparation areas?

☐ Yes ☒ No

If yes, please provide a copy of your San Benito County Environmental Health Permit.

If you plan to sell or furnish alcoholic beverages at your event, you are required to obtain a permit from the State Department of Alcoholic Beverage Control. The public consumption of alcohol is illegal in some parts of the City. If your event includes the use of alcohol on City property, you will need to provide Liquor Liability Coverage on your certificate of insurance.

Does your event involve the use of alcoholic beverages?

☐ Yes ☒ No

**PORTABLE REST ROOMS** (These permits are handled through the San Benito County Environmental Health Department)  
Unless you can substantiate the sufficient availability of both Americans with Disabilities Act and non-ADA accessible facilities in the immediate area of the event site and you have written permission to use this facility, you may be required to provide portable rest room facilities at your event, which will be available to the public during your event. Please note that State Parks toilets do not qualify as event facilities unless you obtain written permission from the local State Parks office to allow use of these State owned toilets and included as part of this application.

Do you plan to provide portable rest room facilities at your event?

☐ Yes ☒ No

Please provide a copy of your San Benito County Environmental Health Permit. Please note that if you state "no", City staff will inquire as to what plans you have made to accommodate the public including written permission from the State if applicable.

### LIGHTING AND SOUND

Will you be using any amplified sound (i.e. public address system)?

☒ Yes ☐ No

Will this event use any lighting?

☐ Yes ☒ No

Will you be using any type of generator?

☒ Yes ☐ No

If yes, please describe (type/location/period/noise levels, etc. Preference is given to "silent" generators):

If no, do you need electricity? (Fees will apply for use of City electricity):

### Solid Waste Diversion Plan:

In accordance with State law (Public Resource Code 42648-42648.7), as a large venue, a waste reduction and recycling plan shall be developed. This plan shall estimate the amount and types of waste anticipated from the event, proposed actions to reduce the amount of waste generation related to the event, and arrangements for separation, collection and diversion from landfill of reusable and recyclable materials, as well as a tracking system that validates the final destination of the materials. The Solid Waste Diversion Plan shall be approved by the San Benito County Integrated Waste Management Regional Agency. The City has trash and recycling receptacles available for rent: Trash can and recycling rental can rates are set annually by the City Council and posted on the City's website under Forms and Fees in a document that contains all the City Service Fees. Deposits are refundable, daily rental rates are not.

As the venue contractor, you are responsible for a waste prevention strategy for all waste material generated by all venue operations and all subcontractors. Food vendors must use compostable serving products. No Styrofoam is allowed. You are encouraged to include a requirement for a "Solid Waste Diversion Plan" in your subcontract agreements.

The City of San Juan Bautista is mandated by the State of California to report annually specified information regarding large venue waste diversion programs. You are therefore required to report and provide verification of the quantity of waste disposed and recycled by this event. There is a \$150/event fine for non-reporting. Reporting is due 30 days after the event. The waste hauler can provide this information for you.

1. Please describe your plan for cleanup and removal of recyclable goods and garbage during and after your event.

Recycling and garbage bins will be placed at start/finish line and at water stations. Volunteer will be distributed among the recycling/garbage bins.

2. Please provide a description of your event, including activities, timeline, sequence of events, road closures, etc. Please note: road closures require Public Works time and the event will be billed for the actual time used.  
(If additional space is required, please attach it to this application).

See attached.

3. Please describe your security plan, including crowd control.

Security will be provided by volunteers, who will be placed along the route.

4. In order to comply with the American Disabilities Act, describe how your event will be accessible to people with disabilities.

The road is accessible to people with disabilities.

5. Please describe your emergency/medical plan, including your communications procedures.

Local fire department and ambulance will be on stand-by.

**City Benches is for public use only. It is the responsibility of the promoter to make sure all vendors are aware that public benches are NOT for vendor use at any times. Thank you.**

 Initial

**Please provide a site plan/route map for your event. Attach additional sheets as necessary. The map should include:**

- An outline of the event site including the names of streets or areas that are part of the venue and the surrounding area. If the event involves a moving route of any kind (such as a parade), indicate the direction of travel, including starting location and ending destination.
- Any street or lane closures and parking tow zones.
- The locations of fencing, barriers, or barricades. Include any removable fencing for emergency access.
- The location of first-aid facilities.
- The locations of all stalls, platform booths, cooking areas, trash containers, etc.
- Food booth and cooking area configuration including all vendors cooking with flammable gases or barbecue grills.
- Generator locations and/or source of electricity.
- Placement of vehicles or trailers used for the event.
- Anticipated parking locations.
- Placement of promotional signs or banners.
- Placement of portable toilets/restroom facilities.
- Exit locations for outdoor events that are fenced.
- Locations of all other event activities



# Fiesta 5K, 10K & 1 Mile Family Fun Run

18  
Saturday, May 4, 2019

## Route and Road Closures

Begin on The Alameda in front of the San Juan School Soccer Field

Cross: Pearce Street and Pearce Lane

Turn right on Franklin Street

Turn left on Second Street

Cross: Washington Street, Mariposa Street, Polk Street, Muckelemi Street, San Jose Street

Turn right on San Jose Street

Turn left on First Street

Cross: Via Padre, Church Street, North Street, Via Serra, Donner, Road B, Ahwahnee

Continue on San Juan Highway to Anzar High School

Turn around and return to San Juan Bautista via the reverse route until Second Street

Continue until Third Street

Turn left on Third Street

Cross: Tualami Street, Jefferson Street, San Jose Street, Muckelemi Street, Polk Street, Mariposa Street, Washington Street, Franklin Street, Pearce Lane, and Pearce Street

\*See attached map

# Fiesta 5K, 10K, & 1 Mile Family Fun Run

(8)  
Saturday, May 4, 2019

Presented by the San Juan Home & School Club

5:30 a.m. - 8:00 a.m.      Set-up begins

- Set up tables for bib pick-up
- Set up tables for T-Shirt distribution
- Set up tables for "same day registration"
- Set up water stations at 5K & 10K turn around
- Set up "Start/Finish" line
- Set out recycling/garbage cans

7:30 a.m.      Same Day Registration Begins

8:45 a.m.      1 Mile Family Fun Run Start Time

9:15 a.m.      5K & 10K Run Start Time

11:30 a.m.      Award Ceremony Begins

12:00 p.m.      Clean-up Begins

## Fiesta Fun Run 5 km, San Juan Bautista, California

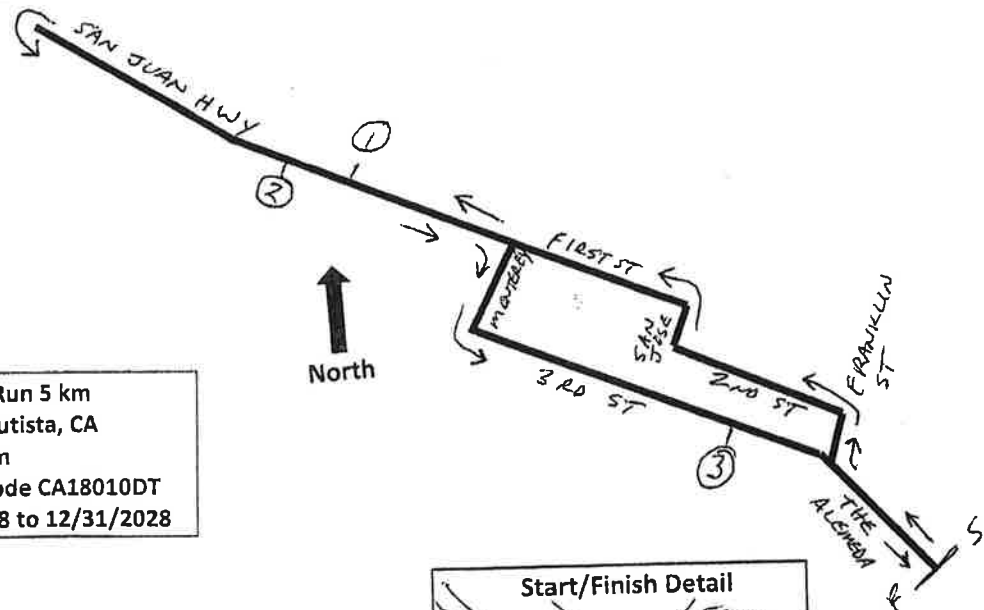
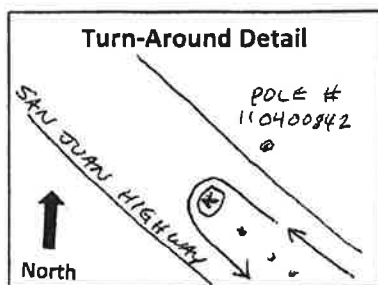
CA18010DT

Measured in March, 2018, by Doug Thurston, IAAF/AIMS Level A Measurer and Megan O'Neill

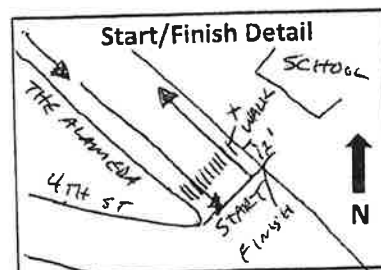
### 5 km Course Locations

- Start:** On The Alameda/3<sup>rd</sup> Street 12-feet east of east edge of east painted cross walk in front of pre-school portable building on north side of street (and north of intersection with 4<sup>th</sup> Street).
- Mile 1:** On 1<sup>st</sup> Street/San Juan Highway 50-feet west of telephone pole 110072849 on north side of road by chain link fence.
- Turn-Around:** On 1<sup>st</sup> Street/San Juan Highway at telephone pole no. 110400842 on north side of road.
- Mile 2:** On 1<sup>st</sup> Street/San Juan Highway 50-feet east of west edge of new housing lot/development on south side of street.
- Mile 3:** On 3<sup>rd</sup> Street at west edge of white picket fence for home No. 103, just east of Thrift Store.
- Finish:** On The Alameda/3<sup>rd</sup> Street 12-feet east of east edge of east painted cross walk in front of pre-school portable building on north side of street (and north of intersection with 4<sup>th</sup> Street)—same as Start.

*Runners restricted to right (with traffic) side of all roads and should not cross center yellow line.*



Fiesta Fun Run 5 km  
San Juan Bautista, CA  
5 km  
USATF Certifier Code CA18010DT  
Effective 4/21/2018 to 12/31/2028



## **WAIVER OF READING OF ORDINANCES**

State law requires that an ordinance be read in its entirety prior to adoption unless the City Council waives reading beyond the title. Reading an entire ordinance at the meeting is extremely time-consuming; reading of the title alone usually gives the audience sufficient understanding of what the Council is considering.

To ensure that this waiver is consistently approved by the Council, Council should make the waiver at each meeting, thus, you should do it at this point on the Consent Agenda. The Council then does not have to worry about making this motion when each ordinance comes up on the agenda.

GC36934

**City of San Juan Bautista**  
**Revenues ~ Budget Vs. Actual**  
**For the Five Month Period Ended November 30, 2018**

Item #4B  
City Council Meeting  
January 22, 2019

<b>REVENUES</b>	<b>FY18</b>	<b>FY19</b>	<b>Annual</b>		<b>YTD</b>	
<b><u>Fund</u></b>	<b><u>Actuals</u></b>	<b><u>Actuals</u></b>	<b><u>Budget</u></b>	<b><u>Difference</u></b>	<b><u>42%</u></b>	<b><u>Notes</u></b>
<b>General Fund</b>	249,758	298,838	2,442,564	2,143,726	12%	<b>A</b>
<b>Special Revenue Funds:</b>						
Community Developmen	15,080	56,830	566,817	509,987	10%	<b>B</b>
COPS	81,761	54,936	100,000	45,064	55%	
Rest. & Roads Fund	11,906	14,021	25,600	11,579	55%	
Valle Vista LLD	-	-	27,884	27,884	0%	<b>C</b>
Gas Tax Fund	20,670	20,043	360,750	340,707	6%	<b>D</b>
<b>Enterprise Funds:</b>						
Water						
Operations	358,166	392,578	768,000	375,422	51%	
Capital	17,496	287,704	1,154,090	866,386	25%	<b>E</b>
Sewer						
Operations	380,244	395,088	832,000	436,912	47%	
Capital	5,000	70,130	594,114	523,984	12%	<b>E</b>
<b>TOTAL Funds</b>	<b>890,323</b>	<b>1,291,330</b>	<b>6,871,819</b>	<b>5,580,489</b>	<b>19%</b>	

**A** ~ General Fund revenues are typically received later in the year, as a large revenue stream, property taxes are not generally received until mid-year.

**B** ~ Community development revenue is higher than last year due to the increase in development activity in the current year. Revenue is periodic and will not always align with budget.

**C** ~ As explained in note A, the Valle Vista Lighting District revenue is received near the middle of the fiscal year.

**D** ~ Gas tax revenue is below budget due to a budgeted line item fund a significant road project. Those budgeted funds of \$316k have not yet been received.

**E** ~ Capital projects occur at various times during the year, as such the percent will not always match the same as the percentage of year completed.

**City of San Juan Bautista**  
**Expenditures ~ Budget Vs. Actual**  
**For the Five Month Period Ended November 30, 2018**

Item #4B  
City Council Meeting  
January 22, 2019

<b>EXPENDITURES</b>	<b>FY18</b>	<b>FY19</b>	<b>Annual</b>		<b>YTD</b>	
<u>Fund</u>	<u>Actuals</u>	<u>Actuals</u>	<u>Budget</u>	<u>Variance</u>	<u>42%</u>	<u>Note</u>
<b>General Fund:</b>						
City Council	7,027	8,037	34,769	26,732	23%	
City Attorney	33,808	21,050	50,000	28,950	42%	
City Manager	14,215	10,482	42,612	32,130	25%	
City Clerk	38,532	48,131	122,124	73,993	39%	
City Treasurer	280	256	340	84	75%	
Finance and Accounting	47,395	46,253	141,747	95,494	33%	
City Library	18,847	30,253	110,541	80,288	27%	
Fire Department	96,051	93,958	241,865	147,907	39%	
Law Enforcement	41,538	107,914	279,950	172,036	39%	<b>A</b>
Animal Control	1,500	3,598	10,000	6,402	36%	
PW - Streets (Operations)	48,835	65,848	182,590	116,742	36%	
PW - Streets (Capital)	1,750	-	795,500	795,500	0%	<b>B</b>
PW - Parks & Grounds (Operations)	52,831	81,421	182,715	101,294	45%	
PW - Parks and Grounds (Capital)	16,200	13,302	131,500	118,198	10%	<b>B</b>
General Government	21,917	18,344	50,500	32,156	36%	
<b>Total General Fund Expenditures</b>	<b>440,726</b>	<b>548,847</b>	<b>2,376,753</b>	<b>1,827,906</b>	<b>23%</b>	
<b>Special Revenue Funds:</b>						
Community Development:						
Engineering	17,643	61,407	150,497	89,090	41%	
Building	25,621	95,670	139,966	44,296	68%	<b>C</b>
Planning	67,675	75,456	207,731	132,275	36%	
COPS	49,877	41,665	100,000	58,335	42%	
Rest. & Roads Fund	-	-	75,000	75,000	0%	<b>D</b>
Valle Vista LLD	7,693	8,172	27,884	19,712	29%	
Gas Tax Fund	7,782	7,298	409,803	402,505	2%	<b>E</b>
<b>Enterprise Funds:</b>						
Water:						
Operations	266,823	363,234	894,222	530,988	41%	
Capital	116,883	445,961	630,861	184,900	71%	<b>F</b>
Sewer						
Operations	214,226	397,594	961,407	563,813	41%	
Capital	194,437	38,243	514,213	475,970	7%	<b>F</b>
<b>TOTAL Funds</b>	<b>1,409,386</b>	<b>2,083,547</b>	<b>6,488,337</b>	<b>4,404,790</b>	<b>32%</b>	

**City of San Juan Bautista**  
**Expenditures ~ Budget Vs. Actual**  
**For the Five Month Period Ended November 30, 2018**

Item #4B  
City Council Meeting  
January 22, 2019

**Footnotes:**

- A** ~ Law enforcement expenditures are higher than last year due to a larger service contract in the current year. Expenditures are in line with budget.
- B** ~ Capital projects occur at various times during the year, as such the percent will not always match the same as the percentage of year completed.
- C** ~ Engineering and building costs are periodic, based on the level of services needed. This line item will not always match the same percentage as the percentage for the year completed.
- D** ~ A large part of the Restroom and Road Fund budget is slated for projects that will occur sporadically during the year.
- E** ~ A large part of the Gas Tax Fund budget is slated for street projects that will occur sporadically during the year.
- F** ~ The expenses in this fund are capital in nature and will be incurred sporadically throughout the year.

**Additional note** ~ Many department expenditures are below budget due to a position for a Community Development Director has not yet been filled. That position's costs would have been allocated among many departments.

**City of San Juan Bautista  
Warrant Listing**

**Item #4B  
City Council Meeting  
January 22, 2019**

<b>Date</b>	<b>Num</b>	<b>As of December 31, 2018 Name</b>	<b>Amount</b>
<b>101.000 - Union Bank</b>			
<b>101.001 - Operating Acct. 1948</b>			
12/04/2018	212178	Bracewell Engineering, Inc.	-18,471.50
12/04/2018	212179	Bracewell Engineering, Inc.	-43,288.41
12/04/2018	212180	4Leaf, Inc.	-14,235.43
12/04/2018	212181	A Tool Shed, Inc.	-117.47
12/04/2018	212182	Abbott's Pro Power	-87.83
12/04/2018	212183	ACWA Health Benefits Authority	-6,953.37
12/04/2018	212184	All Clear Water Services	-7,003.14
12/04/2018	212185	at&t	-270.26
12/04/2018	212186	AVAYA	-210.98
12/04/2018	212187	CalPERS 457 Plan	-1,171.46
12/04/2018	212188	Charter Communications	-368.38
12/04/2018	212189	Core & Main	-10,255.13
12/04/2018	212190	Darlene Boyd	-1,605.60
12/04/2018	212191	Design Line & Granger	-337.74
12/04/2018	212192	Extreme Air Inc.	-150.00
12/04/2018	212193	FedEx	-30.04
12/04/2018	212194	Fehr Engineering Company, Inc.	-482.00
12/04/2018	212195	Gerald Lynch	-40.55
12/04/2018	212196	Graniterock	-436.55
12/04/2018	212197	Hollister Auto Parts, Inc.	-609.80
12/04/2018	212198	Hollister Fire Department	-520.80
12/04/2018	212199	Irma Leticia Vasquez	-700.00
12/04/2018	212200	Judy's Gifts & Awards	-247.75
12/04/2018	212201	Justin Sanders	-300.00
12/04/2018	212202	Laura Barreras	-270.00
12/04/2018	212203	Laura Cent.	-15.00
12/04/2018	212204	Maria Cabrera.	-700.00
12/04/2018	212205	Mc Kinnon Lumber Co., Inc.	-599.83
12/04/2018	212206	Michael LaForge	-349.38
12/04/2018	212207	Mission Linen Service	-257.04
12/04/2018	212208	Moises Gonzalez.	-700.00
12/04/2018	212209	Monterey Bay Analytical Services	-474.90
12/04/2018	212210	P G & E	-575.26
12/04/2018	212211	Pet Waste Co	-410.36
12/04/2018	212212	R & B Company	-176.71
12/04/2018	212213	Ready Refresh	-418.46
12/04/2018	212214	Rossi Bros Tire & Auto	-150.36
12/04/2018	212215	Rx-Tek	-435.00
12/04/2018	212216	Security Shoring & Steel Plates, Inc.	-504.00
12/04/2018	212217	Smith & Enright Landscaping	-1,104.00
12/04/2018	212218	Staples	-175.51
12/04/2018	212219	State Compensation Insurance Fund	-1,889.92
12/04/2018	212220	SWRCB	-2,268.00



**City of San Juan Bautista  
Warrant Listing**

<b>Date</b>	<b>Num</b>	<b>As of December 31, 2018 Name</b>	<b>Amount</b>
12/04/2018	212221	Thomas Moran	-160.00
12/04/2018	212222	Todd Kennedy	-50.00
12/04/2018	212223	True Value Hardware	-24.36
12/04/2018	212224	Uline	-415.53
12/04/2018	212225	United Site Services of California, Inc.	-318.85
12/04/2018	212226	Univar USA Inc.	-1,130.84
12/04/2018	212227	US Bank Equipment Finance	-247.32
12/04/2018	212228	Valero Marketing & Supply	-716.13
12/04/2018	212229	Wendy L. Cumming, CPA	-6,126.25
12/04/2018	212230	Western Exterminator Company	-6,207.39
12/10/2018	212231	Accent Clean & Sweep, Inc.	-1,886.50
12/10/2018	212232	Aurelia Canales.	-700.00
12/10/2018	212233	Bernadine Beleski-McGee	-300.00
12/10/2018	212234	Bracewell Engineering, Inc.	-2,878.00
12/10/2018	212235	Chalmer Raymer.	-52.59
12/10/2018	212236	Charter Communications	-114.97
12/10/2018	212237	Core & Main	-1,768.74
12/10/2018	212238	Freitas + Freitas	-2,381.60
12/10/2018	212239	Hollister Auto Parts, Inc.	-189.29
12/10/2018	212240	Home Depot Credit Services	-480.00
12/10/2018	212241	HydroScience Engineers Inc	-13,455.00
12/10/2018	212242	KBA Docusys	-208.56
12/10/2018	212243	Kevin Kelly	-171.42
12/10/2018	212244	Maggiora Bros. Drilling Inc.	-2,800.00
12/10/2018	212245	MailFinance	-569.23
12/10/2018	212246	Michaele LaForge	-15.24
12/10/2018	212247	Noble Pride Roofing Company Inc.	-90,239.30
12/10/2018	212248	P G & E	-667.66
12/10/2018	212249	Pet Waste Co	-172.79
12/10/2018	212250	SWRCB	-2,286.00
12/10/2018	212251	Uline	-216.92
12/10/2018	212252	US Bank	-6,930.09
12/10/2018	212253	Wells Fargo	-5,000.00
12/19/2018	212254	Abbott's Pro Power	-88.52
12/19/2018	212255	AFLAC	-150.57
12/19/2018	212256	Association of California Water Agencies	-5,420.00
12/19/2018	212257	at&t	-70.08
12/19/2018	212258	CalPERS 457 Plan	-1,177.73
12/19/2018	212259	Cypress Water Services	-10,825.00
12/19/2018	212260	Filomeno Garza.	-12.97
12/19/2018	212261	Harris & Associates	-13,073.75
12/19/2018	212262	Hollister Auto Parts, Inc.	-28.70
12/19/2018	212263	J.V. Orta's Rent A Fence	-225.00
12/19/2018	212264	JNM Automation	-4,950.00
12/19/2018	212265	Judy's Gifts & Awards	-21.45

**City of San Juan Bautista  
Warrant Listing**

**As of December 31, 2018**

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
12/19/2018	212266	KS State Bank	-5,818.30
12/19/2018	212267	Laura Cent.	-100.00
12/19/2018	212268	Laura Rangel.	-700.00
12/19/2018	212269	Level 1 Private Security.	-6,960.00
12/19/2018	212270	Maggiora Bros. Drilling Inc.	-40,786.00
12/19/2018	212271	Michael LaForge	-500.00
12/19/2018	212272	P G & E	-8,116.23
12/19/2018	212273	Paul Champion	-42.00
12/19/2018	212274	Pinnacle Healthcare Medical Group	-125.00
12/19/2018	212275	Ready Refresh	-79.88
12/19/2018	212276	San Benito County Chamber of Commerce	-245.00
12/19/2018	212277	San Juan Bautista Committee.	-700.00
12/19/2018	212278	Sentry Alarm System	-577.61
12/19/2018	212279	Sprint	-111.73
12/19/2018	212280	Signs By Van	-1,425.47
Total 101.001 - Operating Acct. 1948			<u>-370,579.48</u>
Total 101.000 - Union Bank			<u>-370,579.48</u>
<b>TOTAL</b>			<u><b>-370,579.48</b></u>

**AGENDA TITLE:** City Manager Project Progress and General State of Affairs Update

**MEETING DATE:** January 15, 2019

**DEPARTMENT HEAD:** Michael LaForge, City Manager

**Safety:**

- No issues

**HR:**

- Conducted comprehensive new planning commissioner training
- Nicholas Bryan has been officially promoted to Public Works Supervisor

**Fire:**

- Nothing to report

**Police and Code enforcement:**

- Nothing new to report

**Community Development:**

- Planning and Building – see staff report

**Parks and Recreation:**

- 2<sup>nd</sup> Pickleball Tournament occurred 1/15 & 1/16

**Buildings and Parks:**

**Sewer:**

- Ahwahnee lift station had an electrical panel failure. New WWTP operator was able to resolve the issue.

**Water:**

- Telemetry working for tank level signal. Digital read out in CM office. Well 1 and Well 6 telemetry will be on line within the next 4 weeks. This will enable remote control and visibility to static levels, flows and daily output.
- Meters being installed for all municipal water use (CH, Library, parks, etc.). Between the ability to track all water consumption and the ability to capture daily output from wells, we will have a very good handle on supply/demand. In addition, excursions/leaks will become very apparent in the data and will be addressed much more quickly.

**Streets:**

- Fixing pot holes
- Going out to bid for road work in capital plan; bid award targeted for Feb Council meeting.

## Memorandum

To: Michaela LaForge, City of San Juan Bautista

From: Patrick M. Dobbins, City Engineer

Date: January 9, 2019

Subject: **City Engineer Development Construction Report  
Rancho Vista and Copper Leaf Projects**

---

Construction activities during December included the following:

### **RANCHO VISTA**

#### **December 3 through December 14**

- 1- XL Landscape Development continued placing irrigation conduit and planting trees near the detention basin and Lavagnino Dr.
- 2- Tier Fencing Inc. continued placing the wooden fence at Third Street/Lavagnino Drive as well as other areas as required per plans. City PW Inspector inspected the poles and wood post installation and all met the specifications.
- 3- SWPPP and BMP's are in place and in good working condition

**Photos: Fencing at Third St. & Lavagnino Dr.**



**XL Landscape Development**



**COPPER LEAF SUBDIVISION**

**December 3 through December 7**

- 1- The paving subcontractor O'Grady Paving Inc. started paving the Alameda and Old San Juan Hollister Rd intersection. In addition, paving continued at old San Juan Hollister Rd until just about the first entrance of the Copperleaf house development. The paving method was done in accordance to the Caltrans Specifications. Compaction met the requirements.
- 2- Subcontractor Galante Bros. continued grading and setting final grade for the rest of Old San Juan Hollister Road. Compaction tests were taken and met the requirements.
- 3- No work on December 5 & 6 due to rain and wet conditions.

**December 10 through December 14**

- 1- Subcontractor Sansei Gardens Inc. started installation of irrigation conduit as well as planting shrubs and trees at the entrance of the Copperleaf model home. PW Inspector reviewed the plans with the foreman and everything matched the project plans and is acceptable.
- 2- Subcontractor Galante Bros. imported dirt to the new playground area. PW Inspector observed that this activity was acceptable.
- 3- Subcontractor Chrisp Company completed striping layout. PW Inspector asked that the new centerline stripe be adjusted so it will conform to the existing centerline. Foreman was informed about the situation.
- 4- SWPPP and BMP's are in place and good working condition.





**Photos:**

**Sansei Gardens Inc. Placing Irrigation Conduit and Plants**



**Galante Bros. Importing Dirt for the New Playground Area**



**Paving operation at San Juan Hollister Road and The Alameda**





**Chrisp Company striping San Juan Hollister Road**





City of San Juan Bautista City Engineering Projects (1/09/2019)							
CIP No.	Project Name	Description	Status	Tasks / Issues / Notes	Start Date	End Date	Likelihood of Completion (Red or Green)
	WASTEWATER						
CIP 33	Sludge Removal	Remove 435 tons of sludge from Pond 2 and haul to landfill for disposal	Synagro-WWT was awarded \$370,000 contract at 9/18/18 City Council meeting. At the 10/16/18 City Council Meeting, City staff received authorization for an additional \$100,000 in project funding. First day of operation was 10/25/18.  <b>Contract work was completed on 12/5/18 with disposal of 439 dried tons. Contractor has demobilized.</b>	Coordinated with staff at San Benito County on a lower disposal fee at John Smith Landfill.  City PW Staff prepared the staging site (cut/clear weeds and grading work)	Concept Plan/Cost: April/May 2018 Prep Bid Document: July 2018 Bid Period: August 2018 Contract Award: Sept 2018 Construct: Oct/Nov/Dec 2018		
	Contract Operation of Wastewater Treatment Plant	Issued Request for Proposal for WWTP Contract Plant Operator (CPO)	Cypress Water Service took over 11/1/18 and in addition to operating the WWTP, they have been assistin with sludge removal efforts and capital planning efforts. CPO and City Engineer met with specialty contractor on 12/7/18 regarding potential upgrade for improving sludge removal. Contractor is planning on performing no-cost pilot test at the WWTP		Prep RFP: August 2018 RFP Period: Sept 2018 Contract Award: Oct 2018 Begin Services: Nov 1, 2018		
CIP 36	WWTP Capital Planning	Determine repairs and upgrades to ensure plant operation and compliance with RWQCB Permit	At 8/21/18 meeting, City Council approved contract with Dudek Consulting for Risk Analysis/Capital Planning Study. Draft Risk Analysis/Capital Planning Study was received from Dudek on 9/28/18.  Capital Planning Meeting focused on electrical service, stand-by generator and related electrical items was held on 11/29/18		Contract Award: August 2018 Prepare CIP Study: Sept - Oct 2018		
CIP 36	Sewer Master Plan	Have Consultant prepare Sewer Master Plan	This is in FY 2019/20 Budget	Per 6/28/18 meeting with City Manager, will include preparation of Sewer Master Plan as optional item in Request for Proposals for Water Master Plan			
	WATER						
CIP 27	Water Master Plan	Select Consultant through RFP process to prepare Water Master Plan	Draft a RFP for city staff's review				
	Well 5	Complete Well Project	Worked with electrical engineer and well contractor to install PGE meter in advance of PGE installing permanent power. PG&E meter was set on 12/6/18 allowing for electrical service. Generator was removed from the site				
	ROADS / PARKING / SIDEWALKS / TRAILS						
CIP 9	3rd between Tahualmemi and Muckelemi	Repave street	Preparing Concept Layout in order to prepare Cost Estimate	On 9/07/18 Project Engineer visited the site to observe pavement conditions and note wet utilities - Obtain Geotechnical Report for new pavement section	Concept Plan/Cost: Dec 2018 Prep Bid Document: Jan 2019 Bid Period: Feb 2019 Contract Award: April 2019 Construct: May/June2019	4/30/2019	

City of San Juan Bautista City Engineering Projects (1/09/2019)							
CIP No.	Project Name	Description	Status	Tasks / Issues / Notes	Start Date	End Date	Likelihood of Completion (Red or Green)
CIP 11	Muckelemi Street between 4th and Monterey	Reconstruct half-street	Preparing Concept Layout in order to prepare Cost Estimate	- On 9/07/18 Project Engineer visited the site to observe pavement conditions and note wet utilities - Obtain Geotechnical Report for new pavement section	Concept Plan/Cost: Dec 2018 Prep Bid Document: Jan 2019 Bid Period: Feb 2019 Contract Award: April 2019 Construct: May/June2019	4/30/2019	
CIP 12	5th Street between Franklin to Mission	Reconstruct street	Preparing Concept Layout in order to prepare Cost Estimate	- On 9/07/18 Project Engineer visited the site to observe pavement conditions and note wet utilities - Need to obtain Geotechnical Report for new pavement section	Concept Plan/Cost: Dec 2018 Prep Bid Document: Jan 2019 Bid Period: Feb 2019 Contract Award: April 2019 Construct: May/June2019	4/30/2019	
	Traffic Calming measures along Fourth Street	Install Traffic Calming measures (edge stripe to narrow through lanes, 25 MPH speed signs, etc)	Working on City PW staff to stripe the roadway	- City PW staff to use in-house striping machine or borrow striping machine from City of Hollister			
	BUILDINGS AND PARKS						
Carry-over	City Hall ReRoof	ReRoof City Hall	10/18/18 was first day of work. Extensive damage to the roof was found after the contractor removed the tiles. This resulted in a \$26,300 Change Order.  Contractor to arrange for final inspection and then project can be closed out.	At 8/21/18 meeting City Council authorized negotiating contract with Noble Pride Roofing.	Prep Bid Document: done ReBid: July 2018 Contract Award: At August 2018 City Council Mtg Field Work: Oct/Nov 2018		
	Verutti Park Restrooms	Replace porta-potty with permanent restroom building	On 11/27/18 City Engineer received old incomplete plans from city staff and visited the site. City Engineer staff updated the plans and met with City PW staff to review draft plans. <b>Revised plans were provided to City PW staff on 12/11/18 for review and comment</b>	<b>Project was presented to City Planning Commission at 1/08/19 meeting. City PW staff will construct new restroom when plans are complete.</b>	Prepare Plans/Specifications: Dec 2018 Planning Commission Approval: January 2019 Site Work: February/March 2019		
	SPECIAL PROJECTS						
	City GIS Map		on 4/13/18 Rene Anchieta of SB County completed an initial mapping effort	City PW Staff should review GIS map to confirm water, sewer and storm drain facilities			
	Seventh Street Sewer/Storm Drain Repair	On 9/20/18 city PW staff asked for help determining options for addressing deficiencies in the storm and sewer lines near the intersection of Seventh Street/Polk Street	City PW Staff removed and replace the failed concrete sewer line with new HDPE pipe. Temporary pavement on trench should be replaced with permanent pavement	On 9/24/18 Harris Assoc met at the site with City PW Staff, reviewed the city plans, prepared a plan sheet of the existing wet utilities and developed replacement approach			
	SINGLE LOT DEVELOPMENT PROJECTS						

City of San Juan Bautista City Engineering Projects (1/09/2019)

CIP No.	Project Name	Description	Status	Tasks / Issues / Notes	Start Date	End Date	Likelihood of Completion (Red or Green)
	Midnight Express	Construct 5,000 SF building for ag-produce transfer operation	On 10/9/18 we returned review comments on first submittal of site plan to City staff. <b>On 11/1/18 Permit Technician and City Engineer met with the applicant and their consultants and discussed their interest in adjusting the project conditions to allow for phasing the project due to their financing</b>				
	Harveys Lockup	Frontage improvements along Church Street related to building permit	Met with builder owner rep several times to discuss sidewalk and driveway work on Church Street. Gave approval to place concrete after inspecting forms				
	609 Third Street (Vonk/Fegley)	Add Accessory Dwelling Unit in rear yard	On 9/18/18 we returned review comments on first submittal of site plan to City staff				
	1112 Third Street (Lopez)	Build Duplex on vacant lot	<b>on 1/4/19 we returned review comments on first submittal of site plan to City staff</b>				
	507 Third Street (Dante Bains)	Street frontage improvements related to building permit	On 9/18/18 we returned review comments on first submittal of site plan to City staff				
	Casa Rosa (107 Third Street)	Structural Assessment of Building	Assisted City Planner with review of submitted qualification letters from several structural engineers to provide a structural assessment				
	Laursen Street (McGovert)	Site improvements related to building permit for new residential unit	On 11/13/18 we returned review comments on first submittal of site plan to City staff. <b>We are reviewing resubmittal</b>				

	Project Name - Current City/Development Projects - Upgrades, Changes, Fixes	Issues/Notes/general info	Status	Permit Issuance	Violations	Comments/Complaints Questions	Likelihood of Completion (Red or Green)
	Building/Planning						
1	Casa Rosa	Casa Rosa was approved by City Council in April of 2017. Building Permits were never issued and demolition began before aprval was given. The property has since been left in a state of disrepair to the current date. The city hired a structural engineer to make recommendation on fixes to the building. The city then reached out to the owner to make required fixes, and the owner could not meet that request in a reasonable amount of time. City staff will be presenting a staff report to begin nuisance abatement. (1/15/19)	Project was approved by HRB as minor alteration (4/4/17). Scope of work indicates major alteration. Work took place without building permits.	Site Design and Review performed by HRB and Planning Commission approved in April of 2017. No building permits applied for or approved. Evidence suggests the City Staff was aware of the work being done at the time. (1/15/19)	Building has been tagged as an unsafe structure. Violations of the Municipal Code include Section 5-8-110 and Section 5-8-190. (1/15/19)	Staff has been reporting as developments have continued, including meeting with the owner and hiring a Structural Engineer consultant. Results of the Structural Engineer report address 3 issues present that must be addressed in order to reopen the public right-of-way. City is beginning the abatement process with a forthcoming presentation to City Council. (1/15/19)	Abatement process to being shortly. After repairs are completed, the right-of-way will eb reopened. Estimated ETA is 3 months till repairs are completed.
2	Fault Line Restaurant	Garage was damaged by a tree fall in 2/17. Project was approved by Commission on 10/2/18 with conditions. Council Approved the zone change for Faultline site and residence at 17 Franklin on 12/18/18. <b>Awaiting documents from property owner for county recording to complete lot merge.</b>	<b>Council has approved the zone change at 11 and 17 Franklin Street. 30-day appeal period and statute of limitations per CEQA expire on 1/22/19.</b>	Permits are required for the garage reconstruction. Permits have been filed, but need more information per building, engineering, and planning before issuance can take place.	demolition was done without permit issuance	Staff is working with the applicant to finish the accessory building and ultimately reopen the restaurant. <b>Awaiting documents for lot merge for recording. Zone change appeal period and CEQA Statute of Limitations expire on 1/22/19. Permit review can take place after that date. (1/15/19)</b>	12/18 second Council Reading
3	10 Franklin existing construction, alteration, and demolition	approved per permit issuance by Permit Number 2017149 in 2015. Construction has been ongoing. Building Official reviewed the plans and permit material was sent to the City Attorney. <b>Meeting was held on 1/9/19 with building, fire, planning, engineering, city manager and the property owner and his legal counsel. Determined the permit is valid. The Zone change is still pending. Awaiting response from discussion with legal counsel and city attorney on CEQA review.</b>	phase 1 for the multi-unit building construction is currently underway.	yes	none	It is anticipated to demolish at least one of the other buildings onsite. Addresses have been assigned. The property is included in the rezoning proposal with 11 and 17 Franklin. The property owner has given the ok to include his property in that change. <b>The second reading of the zone change did not happen because the Native American Tribes need to be included. They expressed concern about burials in or around the site. This property was not included in the second reading of the Zone Change. Building Official reviewed the permit file. Determined the permit is valid. Property owner's legal counsel and City Attorney to discuss CEQA review. (1/15/19)</b>	Property owner is still working on the site. He wants to finish, but a time frame is still undetermined.
4	Harvey's Lockup	progress is being made on the frontage & right-of-way improvements. <b>Interior sprinklers have been installed in one area of the building, but need to cover the entire building per Fire Code. Fire Alarm and smoke dectectors have been installed.</b>	Frontage work is in progress. Fire sprinkler work and prevention system to be completed in all phases. Applicant is ahead of schedule.	No active building permits. Encroachment permit to be pulled as needed.	n/a	Requirments of conditions of approval are in progress. <b>Commission reviewed the case 11/13/18. Staff presented the findings and the applicants provided testimoney. Commission supports to continue working with the business owner to take the necessary steps to resolve the matter and meet the requirements as indicated in the signed agreement. No action was taken. After checking in, they are ahead of schedule in implementing their systems and are moving right along. Staff gave an update to Council and Commission members of the status. Responses were postive. (1/15/19)</b>	Owner is working with his contractor to install heat and smoke detection systems.
5	Rancho Vista Subdivision	42 active permits. 1 application is on hold because of design.	Under Construction	42 active permits. 1 application is on hold because of design.	none	<b>Construction on issued permits is slowly wrapping up. It is expected that we will see more permit applications toward the end of the rainy season. (1/15/19)</b>	To be Determined - Estimate of Early 2019

	Project Name - Current City/Development Projects - Upgrades, Changes, Fixes	Issues/Notes/general info	Status	Permit Issuance	Violations	Comments/Complaints Questions	Likelihood of Completion (Red or Green)
6	Copperleaf Subdivision	20 permits issued as of 6-15-18	Under Construction	Permits have been issued	n/a	Applicant has been granted the deffering of two Impact fees pending agreement with city. Traffic and Park development fee held until approved agreement or Final Inspection on each project. <b>No Occupancies have been issued at this time, temporary occupancies are issued on their sales office.</b> (1/15/19)	To be Determined - Estimate of Winter 2019
7	Building Department activity.	Work continues on both subdivisions while smaller projects take place inside the city. Notable Projects include Midnight Express Warehouse undergoing plan check and Hillside Vista (D'Ambrosia) Model homes are undergoing plan check. (10/26/2018)	n/a	n/a	none	Code Enforcement is making regular rounds to check for work being done without permits and violations of the Municipal Code.	n/a
8	Well 3 and 6 exchange/Minor subdivision on Mission Vineyard and Old San Juan Road	NOE has been recorded and sent to the State for Minor Subdivision.	Well 6 work is moving forward	no permits issued	none	NOE and CEQA worksheet for the Waterboard has been completed and filed at the County Clerk's Office.	August of 2018 for the the completion of the exchange process that includes map recording
9	70 Muckelemi	Applicant wishes to the Chalmers House onsite that is in bad condition. He wishes to develop the site with a mix of uses and housing units.	Staff is reviewing previous documents that have been turned in about the property. Applicatn is preparing for 2/5/19 hearing with informal project review.	no	No violations. There was a notice of nusiance because of the condition of the old chalmers house.	Staff did a field inspection at the site on Monday, July 9, 2018. Discovered the structure is in exceedingly poor condition. <b>Staff met with the property owner on 12/6/18. Staff followed up with the property owner with an overview of the necessary applications to be turned in. Staff discovered a previous Historic Architecture Report and other documents on file done by previous owner. Staff is reviewing it to discover if any of that is still valid (1/15/19).</b>	No-ETA yet.
10	Brewery	Project is showing activity towards deed to perfect and continuation of project towards to completion. Staff met with them and provided a follow up letter to them in December 2018.	no applications yet, working with owner for submittal.	No permits issued	none	<b>Staff is working with the property owner. Met with the property owner on 12/5/18. Went through the case and a revised set of plans. Working on restarting the process. Staff followed up with them and provided an overview of the applications turned in and the items that can be used. Staff left a phone message asking when resubmittal to be turned in. (1/15/19)</b>	no-ETA yet
11	Building Department activity.	Larger Projects: D'Ambrosia Project has it's first 3 Models approved by the Building Plan Check. No permits issued for project. Rancho Vista Subdivision has been Issued multiple Occupancies since the Water Moratorium was lifted. Copperleaf has recied Temporary Occupancy on their Sales office. (1/15/19)	n/a	n/a	none	None at this time. (1/15/19)	n/a
12	Code Enforcement Activity	Code Enforcement is making regular rounds of the city, looking for work taking place without permits, parking violations, and other nuisances. (1/15/19)	n/a	n/a	none	None at this time. (1/15/19)	n/a

	Project Name - Current City/Development Projects - Upgrades, Changes, Fixes	Issues/Notes/general info	Status	Permit Issuance	Violations	Comments/Complaints Questions	Likelihood of Completion (Red or Green)
13	General Plan Timeline	General Plan was updated and adopted in 2/16. The housing element is being reviewed. We need to do so per State requirement. <b>Staff is working towards executing a contract with EMC Planning Group to assist with Housing element Update.</b>	n/a	n/a	n/a	Staff is working on getting the Housing Element squared away for the State. <b>Staff is working towards executing a contract with EMC Planning Group to assist with Housing element Update to meet State Requirements (1/15/19).</b>	n/a
	New Development						
1	Hillside Vistas	First Phase Approved for first 8 lots. Master set is under review for design. No construction has started. Phase 2 for the next 19 lots is expected to come in.	Phase 1 completed and anticipated to be built out. Phase 2 to come.	No permits have been issued.	none	<b>Staff has received revised master plan set on 10/26/18. That has been reviewed. No ther activity has taken place. Staff has followed up with them. Plan revisions are taking place. Master set has been reviewed by Building and Planning Staff. (1/15/19)</b>	The developer has met with staff. Eager to continue with the project
2	Loazza (957 First Street - 4 Parcel Minor Subdivision)	Review has started. Waiting for application payment.	CEQA review completed. Staff is starting review.	No permits issued	none	Awating the \$5,000 payment at this time. Roundabout adjacent to Rancho Vista was discussed. More land from Loayza would be needed in order to accommodate Roundabout. Loayza property owners do not support that. Further review is needed.	unknown
3	Gas Station to be located along The Alameda and Hwy 156	staff is working with the applicant to help move the project forward.	can move forward.	no permits have been issued	none	<b>Staff is awaiting project submittal. 40-day appeal period has expired (1/15/19)</b>	Court ruled in favor of the project
6	404 and 406 Third Street - Proposed Vietnamese Bistro and residential unit expansion	The property owners wish to open a new Bistro inside an existing building downtown. They also wish to relocate permanently to town and expand an existing residential unit in the rear of 406 third Street	Minor Alteration approved by Commission	A health permit has been issued previously. Awaiting plan updates to accommodate fire and building requirments.	n/a	<b>Staff met with the applicants and went through the requirments. Fire requirments are currently being worked out between City Staff, applicants, and the fire marshall (1/15/19)</b>	Case was approved by Planning Commission
7	Midnight Express	Approved by Commission Resolution. <b>Plan set has been submitted for permit review. Applicant reduced the size of their project and would like to do it in phases.</b>	Awaiting applicant response.	<b>No permits have been issued.</b>	n/a	Discussion about the development took place and phasing in parts of the development were discussed. <b>The applicant submitted a letter asking for changes to the project. They would like to reduce the intensity of the project scope by reducring the size of the building. City Staff is agreeable with that and are awaiting revised plans and response from applicant.</b>	staff has issued first round of comments after review.
	Infrastructure						
	Traffic Circle	Roundabout is under review. Latest engineering review shows the current roundabout is too small in diamter. Further revie and/or alternatives are necessary.	under review	n/a	n/a	Staff reviewed the roundabout status with Planning Commission on 1/14/19. More information is needed. Community members stated traffic calming and speed humps would be useful.	progress can continue, but final product needs to be determined
	Parking						
	Signage	Monument signs have been discussed. There is an interest in putting in monument signs in gateway locations.	further consideration is needed	n/a	n/a	Presentation was made to Planning Commission during the summer of 2018. More information was asked for. Staff is interested in pursuring this idea as other mission towns in the state have similar features. Also, there is one already existing along US 101 and Hwy 156.	No ETA at this time

**CITY OF SAN JUAN BAUTISTA**

**CITY COUNCIL**

**STAFF MEMO**

**DATE:** January 8, 2019

**Item:** Update the Housing Element to 5<sup>th</sup> Cycle Standards

**BACKGROUND INFORMATION:**

Since 1969, California has required that all local governments (cities and counties) adequately plan to meet the housing needs of everyone in the community. California's local governments meet this requirement by adopting housing plans as part of their "general plan" (also required by the state). General plans serve as the local government's "blueprint" for how the city and/or county will grow and develop and include seven elements: land use, transportation, conservation, noise, open space, safety, and housing. The law mandating that housing be included as an element of each jurisdiction's general plan is known as "housing-element law."

California's housing-element law acknowledges that, in order for the private market to adequately address the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain), housing development. As a result, housing policy in California rests largely on the effective implementation of local general plans and, in particular, local housing elements.

Regional housing needs assessments are updated per cycle periods, due dates are determined by California Department of Housing and Community Development. All California jurisdictions are supposed to be updated per the 5<sup>th</sup> cycle criteria.

**Current Status:**

San Juan Bautista is noncompliant at this time and because the city has not turned in the 5<sup>th</sup> cycle update which was due for review in 2014 (6 months prior to the period it covers 2015-2023). Because San Juan Bautista has been out of compliance, it is now on a schedule to update the housing element in 4 year periods 2015-2019: 1<sup>st</sup> half of 5<sup>th</sup> Cycle Update and 2020-2023: 2<sup>nd</sup> half of 5<sup>th</sup>

Cycle Update. SJB owns the HCD 2015-2019 update by 5/15/19 and the 2020-2024 update by 12/15/19.

Furthermore, an updated housing element is a prerequisite for jurisdictions to be eligible for Community Development Block Grants. As you know, SJB is wishing to apply for a CDBG in partnership with the Aromas San Juan School District to build a Parks and Rec/Community Health Headquarters. The timeline for the grant submission is August 2019. If SJB gets the 2015-2019 period update into HCD by 5/15/19 it will allow enough time for HCD to review draft and for city and HCD to iterate until final draft is approved by HCD. In other words, we are now on critical path to complete the 2015-2019 update. It is not something we can take our time and learn as we go. A seasoned Housing Element Planner will have a difficult time meeting the timeline, especially since this is a major update since it is so late.

The Planning Commission recommends to City Council the hiring of EMC Planning Group to assist the City with the updating of the Housing Element as required by state law and that safeguards be put in place to eliminate the Housing Element and other state mandated documents from getting overlooked again.

**Action and Fiscal Impact:**

- 1) Staff recommends that the City Council fund up to \$43,877 to complete both updates due this year and to expedite the 2015-2019 5<sup>th</sup> Cycle Update. This is not in the current budget; however, there are funds to cover this expense in the General Fund.
- 2) Staff to create a tickler calendar that will highlight mandatory updates to County, State and Federal required updates.

**ATTACHMENTS:**

- California Dept of Housing and Community Development Housing Element Update Schedules for Cycles 5 and 6.
- EMC Planning Group Housing element Update



## **RESOLUTION NO. 2019-XX**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING A CONTRACT WITH EMC PLANNING GROUP TO PROVIDE SERVICES TO PREPARE A HOUSING ELEMENT**

#### **RECITAL**

A. The City Council of the City of San Juan Bautista has reviewed the EMC Planning Group proposal to provide services to update the City's Housing Element.

#### **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA, CALIFORNIA, DOES RESOLVE AS FOLLOWS:**

SECTION 1. The proposal is hereby approved and the City Manager is authorized to execute a Contract on behalf of the City.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting of the City Council held on January 22, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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César Flores, Mayor

ATTEST:

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Laura Cent, City Clerk

**California Department of Housing and Community Development**  
**Housing Element Update Schedule for Regional Housing Need Assessment (RHNA)**

The jurisdiction that will report new housing units to Department of Finance (annual Housing Unit Survey) can take RHNA credit (1 time) for units approved (entitled or permitted) or built since the start date of the RHNA Projection Period.

Last updated: February 25, 2016

Number of Jurisdictions (539)	Council of Governments/Jurisdictions 5 <sup>th</sup> RHNA Cycle	Fifth Housing Element (HE) Revision Due Date <i>Estimated/Actual</i> <sup>1/2/</sup>
19	<a href="#"><u>San Diego Association of Governments (SANDAG)</u></a> San Diego County (1) and all cities [18] within the County <a href="#"><u>5<sup>th</sup> RHNA Determination Letter, November 23, 2010</u></a> 5 <sup>th</sup> RHNA Projection Period (11 years): January 1, 2010 – December 31, 2020	<b>April 30, 2013<sup>*</sup></b> <i>Actual</i>  HE Planning Period (8 years): April 30, 2013 – April 30, 2021
197	<a href="#"><u>Southern California Association of Governments (SCAG)</u></a> Counties (6) and cities [191] within each county: Imperial [7], Los Angeles [88], Orange [34], Riverside [28], San Bernardino [24], and Ventura [10] <a href="#"><u>5<sup>th</sup> RHNA Determination Letter, August 17, 2011</u></a> 5 <sup>th</sup> RHNA Projection Period (7.8 years): January 1, 2014 – October 31, 2021	<b>October 15, 2013<sup>*</sup></b> <i>Actual</i>  HE Planning Period (8 Years): October 15, 2013 – October 15, 2021
28	<a href="#"><u>Sacramento Area Council of Governments (SACOG)</u></a> Counties (6) and cities [22] within each county: El Dorado [1], Placer [6], Sacramento [7], Sutter [2], Yolo [4], and Yuba [2] <a href="#"><u>5<sup>th</sup> RHNA Determination Letter, September 26, 2011</u></a> 5 <sup>th</sup> RHNA Projection Period (8.8 years): January 1, 2013 – October 31, 2021	<b>October 31, 2013<sup>*</sup></b> <i>Actual</i>  HE Planning Period (8 years): October 31, 2013 – October 31, 2021
1	<a href="#"><u>Tahoe Regional Planning Agency (TRPA)</u></a> City of South Lake Tahoe [1] <a href="#"><u>5<sup>th</sup> RHNA Determination Letter, September 26, 2011</u></a> 5 <sup>th</sup> RHNA Projection Period (8.8 years): January 1, 2013 – October 31, 2021	<b>June 15, 2014<sup>*</sup></b> <i>Actual</i>  HE Planning Period (8 years): June 15, 2014 – June 15, 2022
6	<a href="#"><u>Butte County Association of Governments (BCAG)</u></a> Butte County (1) and all cities [5] within the County <a href="#"><u>5<sup>th</sup> RHNA Determination Letter, June 14, 2012</u></a> RHNA Projection Period (8.4 years): January 1, 2014 – June 15, 2022	<b>June 15, 2014<sup>*</sup></b> <i>Actual</i>  HE Planning Period (8 years): June 15, 2014 – June 15, 2022

<sup>\*</sup> Consequence of late element adoption: SB 375 (2008, Chapter 728). GC 65588(e)(4). Jurisdictions on a 8-year planning period that do not adopt their element within 120 calendar days from the start date of the planning period must revise and adopt the housing element every four years until timely adopting at least two consecutive revisions by the applicable due date.

**California Department of Housing and Community Development**  
**Housing Element Update Schedule for Regional Housing Need Assessment (RHNA)**

The jurisdiction that will report new housing units to Department of Finance (annual Housing Unit Survey) can take RHNA credit (1 time) for units approved (entitled or permitted) or built since the start date of the RHNA Projection Period.

Last updated: February 25, 2016

Number of Jurisdictions (539)	Council of Governments/Jurisdictions 5 <sup>th</sup> RHNA Cycle	Fifth Housing Element (HE) Revision Due Date <i>Estimated/Actual</i> <sup>1/2/</sup>
6	<a href="#"><u>Sierra Planning Organization (SPO)</u></a> Counties (2) and cities [4] within: Nevada County [3] and Sierra County [1] <a href="#"><u>5<sup>th</sup> RHNA Determination Letter, June 30, 2012</u></a>	<p style="text-align: center;"><b>June 30, 2014</b> <b>Actual</b></p> <p>HE Planning Period (5 years): June 30, 2014 – June 30, 2019</p>
8	<a href="#"><u>Humboldt County Association of Governments (HCAOG)</u></a> Humboldt County and all cities[7] within the County <a href="#"><u>5<sup>th</sup> RHNA Determination Letter, June 30, 2012</u></a>	
3	<a href="#"><u>Lake County City Areawide Planning Council</u></a> Lake County and all cities [2] within the County <a href="#"><u>5<sup>th</sup> RHNA Determination Letter, June 27, 2012</u></a>	
5	<a href="#"><u>Mendocino Council of Governments (MCOG)</u></a> Mendocino County and all cities [4] within the County <a href="#"><u>5<sup>th</sup> RHNA Determination Letter, June 27, 2012</u></a>	
8	<a href="#"><u>San Luis Obispo Council of Governments (SLOCOG)</u></a> San Luis Obispo County and all cities [7] within the County <a href="#"><u>5<sup>th</sup> RHNA Determination Letter, June 28, 2012</u></a>  5 <sup>th</sup> RHNA Projection Period (5.5 years): January 1, 2014 – June 30, 2019	
49	<b>Other Regions (non-COG):</b> Counties (17) and cities [32] within each county: Alpine [0], Amador [5], Calaveras [1], Colusa [2], Del Norte [1], Glenn [2], Inyo [1], Lassen [1], Mariposa [0], Modoc [1], Mono [1], Plumas [1], Shasta [3], Siskiyou [9], Tehama [3], Trinity [0], and Tuolumne [1] <a href="#"><u>5<sup>th</sup> RHNA Determination Letters and Plans, June-July 2012</u></a>  5 <sup>th</sup> RHNA Projection Period (5.5 years): January 1, 2014 – June 30, 2019	<p style="text-align: center;"><b>June 30, 2014</b> <b>Actual</b></p> <p>HE Planning Period (5 years):<sup>3/</sup> June 30, 2014 – June 30, 2019</p>
109	<a href="#"><u>Association of Bay Area Governments (ABAG)</u></a> The counties (9) and all cities [100] within each county: Alameda [14], Contra Costa [19], Marin [11], Napa [5], San Francisco [0], San Mateo [20], Santa Clara [15], Solano [7], and Sonoma [9] <a href="#"><u>5<sup>th</sup> RHNA Determination Letter, February 24, 2012</u></a>  5 <sup>th</sup> RHNA Projection Period (8.8 years): January 1, 2014 – October 31, 2022	<p style="text-align: center;"><b>January 31, 2015 *</b> <b>Actual</b></p> <p>HE Planning Period (8 years): January 31, 2015 – January 31, 2023</p>

**See Note 3!**

**See Note 3!**

\* Consequence of late element adoption: SB 375 (2008, Chapter 728). GC 65588(e)(4). Jurisdictions on a 8-year planning period that do not adopt their element within 120 calendar days from the start date of the planning period must revise and adopt the housing element every four years until timely adopting at least two consecutive revisions by the applicable due date.

**California Department of Housing and Community Development**  
**Housing Element Update Schedule for Regional Housing Need Assessment (RHNA)**

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*Last updated: February 25, 2016*

Number of Jurisdictions (539)	Council of Governments/Jurisdictions 5 <sup>th</sup> RHNA Cycle	Fifth Housing Element (HE) Revision Due Date <i>Estimated/Actual</i> <sup>1/2/</sup>
9	<p><b><u>Santa Barbara County Association of Governments (SBCAG)</u></b>            Santa Barbara County (1) and all cities [8] within the County  <u>5<sup>th</sup> RHNA Determination Letter, April 27, 2012</u></p> <p>5<sup>th</sup> RHNA Projection Period (8.75 years):            January 1, 2014 – September 30, 2022</p>	<p><b>February 15, 2015 *</b>  <b>Actual</b></p> <p><u>HE Planning Period (8 years):</u>            February 15, 2015 – February 15, 2023</p>
18	<p><b><u>Association of Monterey Bay Area Governments (AMBAG):</u></b>            The counties (2) and all cities [16] within each county:            Monterey County [12] and Santa Cruz County [4]  <u>5<sup>th</sup> RHNA Determination Letter, October 30, 2013</u></p>	<p><b>December 15, 2015 *</b>  <b>Actual</b></p>
3	<p><b><u>San Benito County Council of Governments (San Benito COG)</u></b>            San Benito County [1] and all cities [2] within the County  <u>5<sup>th</sup> RHNA Determination Letter, November 19, 2013</u></p> <p>5<sup>th</sup> RHNA Projection Period (10 years):            January 1, 2014 – December 31, 2023</p>	<p><u>HE Planning Period (8 years):</u>            December 15, 2015 – December 15, 2023</p>
16	<p><b><u>Fresno Council of Governments (FCOG)</u></b>            Fresno County (1) and all cities [15] within the County  <u>5<sup>th</sup> RHNA Determination Letter, December 30, 2013</u></p>	<p><b>December 31, 2015 *</b>  <b>Actual</b></p>
12	<p><b><u>Kern Council of Governments (KCOG)</u></b>            Kern County (1) and all cities [11] within the County  <u>5<sup>th</sup> RHNA Determination Letter, December 30, 2013</u></p> <p>5<sup>th</sup> RHNA Projection Period (11 years):            January 1, 2013 – December 31, 2023</p>	<p><u>HE Planning Period (8 years):</u>            December 31, 2015 – December 31, 2023</p>
10	<p><b><u>Stanislaus County Council of Governments (Stan COG)</u></b>            Stanislaus county (1) and all cities [9] within the County  <u>5<sup>th</sup> RHNA Determination Letter, December 30, 2013</u></p>	
9	<p><b><u>Tulare County Association of Governments (TCAG)</u></b>            Tulare County (1) and all cities [8] within the County  <u>5<sup>th</sup> RHNA Determination Letter, January 10, 2014</u></p> <p>5<sup>th</sup> RHNA Projection Period (9.75 years):            January 1, 2014 – September 30, 2023</p>	

*\* Consequence of late element adoption: SB 375 (2008, Chapter 728). GC 65588(e)(4). Jurisdictions on a 8-year planning period that do not adopt their element within 120 calendar days from the start date of the planning period must revise and adopt the housing element every four years until timely adopting at least two consecutive revisions by the applicable due date.*

## California Department of Housing and Community Development

### Housing Element Update Schedule for Regional Housing Need Assessment (RHNA)

The jurisdiction that will report new housing units to Department of Finance (annual Housing Unit Survey) can take RHNA credit (1 time) for units approved (entitled or permitted) or built since the start date of the RHNA Projection Period.

Last updated: February 25, 2016

Number of Jurisdictions (539)	Council of Governments/Jurisdictions  5 <sup>th</sup> RHNA Cycle	Fifth Housing Element (HE) Revision Due Date <i>Estimated/Actual</i> <sup>1/2/</sup>
8	<a href="#"><u>San Joaquin County Council of Governments (SJCOG)</u></a> San Joaquin County (1) and all cities [7] within the Co <a href="#"><u>5th RHNA Determination Letter, December 30, 2013</u></a>  5 <sup>th</sup> RHNA Projection Period (10 years): January 1, 2014 – December 31, 2023	December 31, 2015 <sup>*</sup> <i>Actual</i>  HE Planning Period (8 years): December 31, 2015 – December 31, 2023
5   3	<a href="#"><u>Kings County Association of Governments (KCAG)</u></a> Kings County (1) and all cities [4] within the County <a href="#"><u>5th RHNA Determination Letter, January 22, 2014</u></a>  <a href="#"><u>Madera County Transportation Commission (MCTC)</u></a> Madera County (1) and all cities [2] within the County <a href="#"><u>5th RHNA Determination Letter, December 30, 2013</u></a>  5 <sup>th</sup> RHNA Projection Period (10.08 years): January 1, 2014 – December 31, 2023	January 31, 2016 <sup>*</sup> <i>Actual</i>  HE Planning Period (8 years): January 31, 2016 – January 31, 2024
7	<a href="#"><u>Merced County Association of Governments (MCAG)</u></a> Merced County (1) and all cities [6] within the County <a href="#"><u>5th RHNA Determination Letter, December 30, 2013</u></a>  5 <sup>th</sup> RHNA Projection Period (10 years): January 1, 2014 – December 31, 2023	March 31, 2016 <sup>*</sup> <i>Actual</i>  HE Planning Period (8 years): <sup>1/</sup> March 31, 2016 – March 31, 2024

#### NOTES:

1. Until actual RTP adoption date is known, housing element due date is marked “*Estimated.*”
  - a. “***Estimated***” date is based on required COG 12-month notice to HCD and any subsequent required notices from changes to the estimated RTP adoption date.
  - b. “***Actual***” date is based on official RTP adoption date (date of Resolution). An adoption date different than the estimated date HCD relied on in determining the RHNA projection period will change the actual housing element due date and the corresponding planning period but will not change the RHNA projection period (GC 65588(e)(5)).
2. HCD rounds up the housing element due date falling in a month to the 15<sup>th</sup> or last day of the month.
3. For local governments wanting to change from a 5-year to a 8-year housing element planning period for the next cycle, the MPO/RTPA must elect to adopt the RTP on a 4-year schedule instead of a 5-year schedule. For the next 6<sup>th</sup> cycle, the required election must have been made by December 31, 2014 (54 months before the next due date to adopt the housing element). The Department must be promptly notified of the election and the next RTP must be completed within three (3) years of the notice. Upon election by the regional transportation planning agency, all local governments within the region change to a 8-year housing element planning period. Refer to GC Sections 65080(b)(2)(M) and 65588(e)(3)(c).

Important Note!

<sup>\*</sup> Consequence of late element adoption: SB 375 (2008, Chapter 728). GC 65588(e)(4). Jurisdictions on a 8-year planning period that do not adopt their element within 120 calendar days from the start date of the planning period must revise and adopt the housing element every four years until timely adopting at least two consecutive revisions by the applicable due date.

**California Department of Housing and Community Development**  
**Housing Element Update Schedule for Regional Housing Need Assessment (RHNA)**

The jurisdiction that will report new housing units to Department of Finance (annual Housing Unit Survey) can take RHNA credit (1 time) for units approved (entitled or permitted) or built since the start date of the RHNA Projection Period.

Last updated: December 7, 2018

Number of Jurisdictions (539)	Council of Governments/Jurisdictions  6 <sup>th</sup> RHNA Cycle	Sixth Housing Element (HE) Revision Due Date <i>Estimated/Actual</i> <sup>1/2/</sup>
2	<u><b>Calaveras County (HCD acts as COG):</b></u> Calaveras County (1) and all cities [1]  <u>6<sup>th</sup> Cycle RHNA Projection Period (8.5 years)</u> December 31, 2018 – June 15, 2027	<b>June 15, 2019*</b> <b>Actual</b>  <u>HE Planning Period (8 years): <sup>4</sup></u> <u>June 15, 2019 – June 15, 2027</u>
4	<u><b>Nevada County (HCD acts as COG):</b></u> Nevada County (1) and all cities [3]	<b>August 15, 2019*</b> <b>Actual</b>  <u>HE Planning Period (8 years): <sup>4</sup></u> <u>August 15, 2019 – August 15, 2027</u>
2	<u><b>Mono County (HCD acts as COG):</b></u> Mono County (1) and all cities [1]	
5	<u><b>Mendocino Council of Governments (MCOG):</b></u> Mendocino County (1) and all cities [4]	
3	<u><b>Lake County City Area-wide Planning Council:</b></u> Lake County (1) and all cities [2]  <u>6<sup>th</sup> RHNA Projection Period (8.7 years):</u> December 31, 2018 – August 15, 2027	
8	<u><b>Humboldt County Association of Governments (HCAOG):</b></u> Humboldt County (1) and all cities [7]  <u>6<sup>th</sup> RHNA Projection Period (8.7 years):</u> December 31, 2018 – August 31, 2027	<b>August 31, 2019*</b> <b>Actual</b>  <u>HE Planning Period (8 years): <sup>4</sup></u> <u>August 31, 2019 – August 31, 2027</u>
17	<u><b>Other Regions (non-COG) (HCD acts as COG):</b></u> Counties (total 9). Cities [total 8]. Alpine [0], Lassen [1], Mariposa [0], Modoc [1], Plumas [1], Sierra [1], Tehama [3], Trinity [0], and Tuolumne [1]  <u>6<sup>th</sup> RHNA Projection Period (5.7 years):</u> December 31, 2018 – August 31, 2024	<b>August 31, 2019</b> <b>Actual</b>  <u>HE Planning Period (5 years): <sup>3</sup></u> <u>August 31, 2019 – August 31, 2024</u>
4	<u><b>Shasta County (HCD acts as COG):</b></u> Shasta County (1) and all cities [3]  <u>6<sup>th</sup> Cycle RHNA Projection Period (9.4 years)</u> December 31, 2018 – April 15, 2028	<b>April 15, 2020*</b> <b>Actual</b>  <u>HE Planning Period (8 years): <sup>4</sup></u> <u>April 15, 2020 – April 15, 2028</u>
3	<u><b>Colusa County (HCD acts as COG):</b></u> Colusa County (1) and all cities [2]  <u>6<sup>th</sup> Cycle RHNA Projection Period (9.5 years)</u> December 31, 2018 – June 15, 2028	<b>October 15, 2020*</b> <b>Estimate</b>  <u>HE Planning Period (8 years): <sup>4</sup></u> <u>June 15, 2020 – June 15, 2028</u>

\* Consequence of late element adoption: SB 375 (2008, Chapter 728). GC 65588(e)(4). Jurisdictions on an 8-year planning period that do not adopt their element within 120 calendar days from the start date of the planning period must revise and adopt the housing element every four years until timely adopting at least two consecutive revisions by the applicable due date.



**California Department of Housing and Community Development**  
**Housing Element Update Schedule for Regional Housing Need Assessment (RHNA)**

The jurisdiction that will report new housing units to Department of Finance (annual Housing Unit Survey) can take RHNA credit (1 time) for units approved (entitled or permitted) or built since the start date of the RHNA Projection Period.

Last updated: December 7, 2018

<b>Number of Jurisdictions (539)</b>	<b>Council of Governments/Jurisdictions</b>  <b>6<sup>th</sup> RHNA Cycle</b>	<b>Sixth Housing Element (HE) Revision Due Date</b> <b><i>Estimated/Actual <sup>1/2/</sup></i></b>
8	<b><u>San Luis Obispo Council of Governments (SLOCOG):</u></b> San Luis Obispo County (1) and all cities [7]  <b><u>6<sup>th</sup> Cycle RHNA Projection Period (10 years)</u></b> December 31, 2018 – December 31, 2028	<b>December 31, 2020*</b> <b><i>Actual</i></b> HE Planning Period (8 years): December 31, 2020 – December 31, 2028
6	<b><u>Amador County (HCD acts as COG):</u></b> Amador County (1) and all cities [5]  <b><u>6<sup>th</sup> Cycle RHNA Projection Period (10.1 years)</u></b> December 31, 2018 – January 31, 2029	<b>January 31, 2021*</b> <b><i>Estimated</i></b> HE Planning Period (8 years): <sup>4</sup> January 31, 2021 – January 31, 2029
2	<b><u>Inyo County (HCD acts as COG):</u></b> Inyo County (1) and all cities (1)  <b><u>6<sup>th</sup> Cycle RHNA Projection Period (10.1 years)</u></b> December 31, 2018 – February 15, 2029	<b>February 15, 2021*</b> <b><i>Estimate</i></b> HE Planning Period (8 years): <sup>4</sup> February 15, 2021 – February 15, 2029
19	<b><u>San Diego Association of Governments (SANDAG):</u></b> San Diego County (1) and all cities [18]  <b><u>6<sup>th</sup> RHNA Projection Period (8.8 years):</u></b> June 30, 2020 – April 15, 2029	<b>April 15, 2021*</b> <b><i>Actual</i></b> HE Planning Period (8 years): April 15, 2021 – April 15, 2029
3	<b><u>Glenn County (HCD acts as COG):</u></b> Glenn County (1) and all cities [2]  <b><u>6<sup>th</sup> Cycle RHNA Projection Period (10.4 years)</u></b> December 31, 2018 – April 15, 2029	<b>April 15, 2021*</b> <b><i>Estimate</i></b> HE Planning Period (8 years): <sup>4</sup> April 15, 2021 – April 15, 2029
29	<b><u>Sacramento Area Council of Governments (SACOG):</u></b> Counties (6) and cities [23] within each county: El Dorado [2], Placer [6], Sacramento [7], Sutter [2], Yolo [4], and Yuba [2]  <b><u>Tahoe Regional Planning Agency (TRPA)</u></b> City of South Lake Tahoe (included in SACOG count)  <b><u>5<sup>th</sup> RHNA Projection Period (8.1 years):</u></b> June 30, 2021 – August 31, 2029	<b>August 31, 2021</b> <b><i>Estimate</i></b>  HE Planning Period (8 years): August 31, 2021 – August 31, 2029
197	<b><u>Southern California Association of Governments (SCAG):</u></b> Counties (6) and cities [191] within each county: Imperial [7], Los Angeles [88], Orange [34], Riverside [28], San Bernardino [24], and Ventura [10]  <b><u>6<sup>th</sup> RHNA Projection Period (8.3 years):</u></b> June 30, 2021 – October 15, 2029	<b>October 15, 2021*</b> <b><i>Estimate</i></b>  HE Planning Period (8 Years): October 15, 2021 – October 15, 2029

\* Consequence of late element adoption: SB 375 (2008, Chapter 728). GC 65588(e)(4). Jurisdictions on an 8-year planning period that do not adopt their element within 120 calendar days from the start date of the planning period must revise and adopt the housing element every four years until timely adopting at least two consecutive revisions by the applicable due date.

**California Department of Housing and Community Development**  
**Housing Element Update Schedule for Regional Housing Need Assessment (RHNA)**

The jurisdiction that will report new housing units to Department of Finance (annual Housing Unit Survey) can take RHNA credit (1 time) for units approved (entitled or permitted) or built since the start date of the RHNA Projection Period.

Last updated: December 7, 2018

Number of Jurisdictions (539)	Council of Governments/Jurisdictions  6 <sup>th</sup> RHNA Cycle	Sixth Housing Element (HE) Revision Due Date <i>Estimated/Actual</i> <sup>1/2/</sup>
10	<u><b>Siskiyou (HCD acts as COG):</b></u> Siskiyou County (1) and all cities [9]  <u>6<sup>th</sup> Cycle RHNA Projection Period (9 years)</u> December 31, 2018 – December 15, 2029	<b>December 15, 2021*</b> <i>Estimate</i> <u>HE Planning Period (8 years):</u> <sup>4</sup> December 15, 2021 – December 15, 2029
2	<u><b>Del Norte County (HCD acts as COG):</b></u> Del Norte County (1) and all cities [1]  <u>6<sup>th</sup> Cycle RHNA Projection Period (11.4 years)</u> December 31, 2018 – May 15, 2030	<b>May 15, 2022*</b> <i>Estimate</i> <u>HE Planning Period (8 years):</u> <sup>4</sup> May 15, 2022 – May 15, 2030
6	<u><b>Butte County Association of Governments (BCAG):</b></u> Butte County (1) and all cities [5]  <u>RHNA Projection Period XX years):</u> December 31, 2021 – May 15, 2029	<b>June 15, 2022*</b> <i>Estimate</i> <u>HE Planning Period (8 years):</u> June 15, 2022 – June 15, 2030
109	<u><b>Association of Bay Area Governments (ABAG):</b></u> Counties (9) and all cities [100] within each county: Alameda [14], Contra Costa [19], Marin [11], Napa [5], San Francisco [0], San Mateo [20], Santa Clara [15], Solano [7], and Sonoma [9]  <u>6<sup>th</sup> RHNA Projection Period (8.5 years):</u> June 30, 2022 – January 15, 2031	<b>January 15, 2023*</b> <i>Estimate</i>  <u>HE Planning Period (8 years):</u> January 15, 2023 – January 15, 2031
9	<u><b>Santa Barbara County Assn of Governments (SBCAG):</b></u> Santa Barbara County (1) and all cities [8]  <u>6<sup>th</sup> RHNA Projection Period (8.7 years):</u> June 30, 2022 – February 15, 2031	<b>February 15, 2023*</b> <i>Estimate</i>  <u>HE Planning Period (8 years):</u> February 15, 2023 – February 15, 2031
18	<u><b>Association of Monterey Bay Area Governments (AMBAG):</b></u> The counties (2) and all cities [16] within each county: Monterey County [12] and Santa Cruz County [4]	<b>December 15, 2023*</b> <i>Estimate</i>  <u>HE Planning Period (8 years):</u> December 15, 2023 – December 15, 2031
3	<u><b>San Benito County Council of Governments (San Benito COG):</b></u> San Benito County [1] and all cities [2]	
8	<u><b>San Joaquin County Council of Governments (SJCOG):</b></u> San Joaquin County (1) and all cities [7]	
10	<u><b>Stanislaus County Council of Governments (Stan COG):</b></u> Stanislaus County (1) and all cities [9] <u>6<sup>th</sup> RHNA Projection Period (8.5 years):</u> June 30, 2023 – December 15, 2031	

\* Consequence of late element adoption: SB 375 (2008, Chapter 728). GC 65588(e)(4). Jurisdictions on an 8-year planning period that do not adopt their element within 120 calendar days from the start date of the planning period must revise and adopt the housing element every four years until timely adopting at least two consecutive revisions by the applicable due date.



## California Department of Housing and Community Development

### Housing Element Update Schedule for Regional Housing Need Assessment (RHNA)

The jurisdiction that will report new housing units to Department of Finance (annual Housing Unit Survey) can take RHNA credit (1 time) for units approved (entitled or permitted) or built since the start date of the RHNA Projection Period.

Last updated: December 7, 2018

Number of Jurisdictions (539)	Council of Governments/Jurisdictions  6 <sup>th</sup> RHNA Cycle	Sixth Housing Element (HE) Revision Due Date <i>Estimated/Actual 1/2/</i>
16	<a href="#"><u>Fresno Council of Governments (FCOG):</u></a> Fresno County (1) and all cities [15]	<b>January 15, 2024*</b> <i>Estimate</i>
12	<a href="#"><u>Kern Council of Governments (KCOG):</u></a> Kern County (1) and all cities [11]	
5	<a href="#"><u>Kings County Association of Governments (KCAG):</u></a> Kings County (1) and all cities [4]	
3	<a href="#"><u>Madera County Transportation Commission (MCTC)</u></a> <a href="#"><u>(HCD acts as COG):</u></a> Madera County (1) and all cities [2]	
9	<a href="#"><u>Tulare County Association of Governments (TCAG):</u></a> Tulare County (1) and all cities [8]	
	<u>6th RHNA Projection Period (8.6 years):</u> June 30, 2023 – January 15, 2032	<u>HE Planning Period (8 years):</u> January 15, 2024 – January 15, 2032
7	<a href="#"><u>Merced County Association of Governments (MCAG):</u></a> Merced County (1) and all cities [6]	<b>March 15, 2024*</b> <i>Estimate</i>
	<u>6th RHNA Projection Period (8.8 years):</u> June 30, 2023 – March 15, 2032	<u>HE Planning Period (8 years):</u> March 15, 2024 – March 15, 2032

#### **NOTES:**

1. Until actual RTP adoption date is known, housing element due date is marked “*Estimated.*”
  - a. “***Estimated***” date is based on required MPO/RTPA 12-month notice to HCD and any subsequent required notices from changes to the estimated RTP adoption date.
  - b. “***Actual***” date is based on official RTP adoption date. An adoption date past the estimated date used by HCD to determine the RHNA period will change the actual housing element due date and period past the RHNA period (GC 65588(e)(5)).
2. HCD rounds up the housing element due date falling in a month to the 15th or last day of the month.
3. To change from a 5-year to a 8-year housing element period, an MPO/RTPA must elect to adopt the RTP on a 4-year schedule. After making an election, all local governments within a county in the region change the next housing element period to 8-years. For the next 7<sup>th</sup> housing element cycle (starting after August 31, 2024), the election must have been made by **March 1, 2020** (54 months before the next housing element due date) and the next RTP adopted within three (3) years of the election date. For HCD to determine RHNA and housing element periods, GC 65588(e)(5) requires MPOs and RTPAs on a 4-year RTP update schedule to notify HCD in writing of the estimated RTP adoption date at least 12 months prior to the estimated adoption date.
4. Elected to change from 5-year to 8-year housing element planning period.

\* *Consequence of late element adoption: SB 375 (2008, Chapter 728). GC 65588(e)(4). Jurisdictions on an 8-year planning period that do not adopt their element within 120 calendar days from the start date of the planning period must revise and adopt the housing element every four years until timely adopting at least two consecutive revisions by the applicable due date.*

**Proposal**

# **San Juan Bautista Housing Element Update**

**5<sup>th</sup> Housing Element Cycle**

**January 3, 2019**

**Prepared by**

**EMC Planning Group**

PROPOSAL

# SAN JUAN BAUTISTA HOUSING ELEMENT UPDATE

5<sup>th</sup> Housing Element Cycle

PREPARED FOR

**City of San Juan Bautista**

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PREPARED BY JANUARY 3, 2019

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January 3, 2019

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## TABLE OF CONTENTS

1.0	PROJECT UNDERSTANDING .....	1
2.0	SCOPE OF WORK .....	1
	First Four-year Housing Element .....	1
	Task 1       Communications and Administration .....	1
	Task 2       Public Outreach and Input .....	1
	Task 3       Community Profile Data Updates.....	2
	Task 4       Policy and Program Updates .....	3
	Task 5       HCD Draft First Four-year Housing Element .....	4
	Task 6       Public Draft Housing Element.....	4
	Task 7       CEQA Documentation .....	4
	Task 8       Housing Element Certification .....	5
	Second Four-year Housing Element .....	5
	Task 9       Communications and Administration.....	5
	Task 10      Public Outreach and Input .....	6
	Task 11      Sites Inventory and Permits Update .....	6
	Task 12      Assessment of First Four-year Housing Element.....	6
	Task 13      Second Four-year Housing Element Drafts .....	6
	Task 14      CEQA Documentation .....	7
	Task 15.     Housing Element Certification .....	7
3.0	PROJECT SCHEDULE.....	1
4.0	BUDGET.....	1

# 1.0

## Project Understanding

EMC Planning Group will evaluate the current Housing Element and prepare an updated Housing Element in compliance with all of the statutory requirements for Housing Elements, including public participation and adequate environmental review. The update process will consist of a community outreach program; consultation with the Department of Housing and Community Development (HCD), obtaining data from appropriate sources; mapping and quantifying appropriate housing sites; and establishing policies and programs and quantified objectives to guide the City's housing development. The Housing Element update will accommodate the Regional Housing Needs Allocation (RHNA) established by the San Benito Council of Governments in the context of the general plan land use designations and the City's growth management ordinance. HCD will review the draft housing element and our team will make the recommended revisions prior to the City's adoption. The Housing Element will be submitted to HCD for certification after City adoption.

The City's 4<sup>th</sup> Cycle Housing Element was in compliance, but the City has not adopted a housing element yet for the 5<sup>th</sup> Cycle, which was due on December 15, 2015. Because the City has missed the deadline for adoption of the 5<sup>th</sup> Cycle Housing Element, it will be required to adopt two consecutive four-year housing elements to return to the standard eight-year cycle. EMC Planning Group will endeavor to complete the first four-year housing element for City adoption as early as possible (with a target of June, 2019), and the second four-year housing element for City adoption by December 2019.

EMC Planning Group proposes to make the minimum number of changes and updates necessary to meet current housing element law and attain HCD certification. Data tables will be updated as expediently as possible. New policies or programs will only be added if specifically required by current housing law. The update will focus on demonstrating adequate sites within the city for the provision of lower income housing and on facilitation of emergency shelters in at least one zone. For the second four-year housing element, additional public outreach and review of the just-completed housing element will be conducted. The sites inventory and permit data will be updated.

## 2.0

# Scope of Work

The scope of work for the Housing Element is presented on the following pages. The scope of work is preliminary and EMC Planning Group is open to modification of the scope of work as necessary to meet the city's needs.

## FIRST FOUR-YEAR HOUSING ELEMENT

### Task 1 Communications and Administration

**1.1 Project Kick-off Call.** Discuss project goals, issues, availability of reference materials, work product expectations, communications protocols, public outreach program, site inventory, and emergency shelter locations. To expedite the update process, this meeting will be conducted by telephone conference.

**1.3 Progress Teleconferences.** Once a month, participate in a check-in call to discuss current project issues. Each call will conclude with a re-cap of resulting action items. Each call is estimated to last one hour, with an additional hour of preparation and summary time for each. The budget assumes four calls during preparation of the First Four-year Housing Element.

**1.4 HCD Liaison.** Consult with State Housing and Community Development (HCD) to confirm Housing Element analysis, approach, timelines, requirements, and HCD comments on drafts.

**1.5 General Administration.** This task includes opening project files, background research, invoicing, and similar tasks.

### Task 2 Public Outreach and Input

**2.1 Outreach.** EMC Planning Group will work with the city to develop a list of organizations to invite to the workshop, and will prepare a flyer advertising the workshop. It is assumed the city will advertise the workshop and handle logistics for the venue.

**2.2 Workshop.** Attend a workshop to present the housing element update, solicit public input, and obtain input and direction on the Housing Element update. The workshop may be held as part of a Planning Commission or City Council meeting, or could be a joint workshop with both bodies. This workshop will be scheduled as early as possible in the update process.

## Task 3 Community Profile Data Updates

**3.1 Demographic Background Data.** Data from the pre-approved housing element data set for San Benito County and/or San Juan Bautista will be used to the extent available.

Additional updates to background data included in the current Housing Element will be made to match the timeframe in the pre-approved data set. Data included in the current Housing Element, but not included in the pre-approved data set and not readily available, will be requested from the city, and may be eliminated from the update if determined non-essential to obtaining HCD certification.

**3.2 RHNA and Needs Assessment.** The update will incorporate San Benito County RHNA numbers for the 2016-2013 planning period.

**3.3 Sites Inventory.** Review existing Housing Element sites inventory and preliminarily confirm status via online aerial mapping and site reconnaissance. Determine development status of potential housing sites. Summarize land suitable for residential development, including sites that are vacant or have redevelopment potential, based on inventory data from the city, the general plan land use map, and field reconnaissance information.

**3.4 Housing Condition Survey.** Establish visual assessment criteria and update Housing Condition Survey and document representative housing conditions. This task will focus on exterior conditions visible from public property for houses built prior to 2000.

**3.5 Housing Needs.** Quantify existing and projected housing needs for all income levels based on the city's RHNA. In accordance with Section 65584 of the Government Code, analyze special housing needs for the disabled, elderly, large families, farm workers, families with female heads of household, and families and persons in need of emergency shelter, including homeless persons.

**3.6 Conservation of Existing Affordable Housing.** Update analysis of potential loss of existing assisted housing developments during the next 10 years due to expiration of subsidy contracts or use restrictions, or mortgage pre-payments; list each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low income use, and the total number of elderly and non-elderly units that could be lost from the city's low-income housing stock in each year during the 10-year period.

**3.7 Current and Past Housing Programs.** Identify current and past housing programs in the city based on data from the current Housing Element, the County, the City, and non-profit organizations; develop information on County housing programs; analyze programs and implementation record of the previous housing element.

**3.8 Opportunities for Energy Conservation.** Update potential residential energy conservation opportunities; summarize types and proportions of fuels used for residential

heating and a general characterization of neighborhood design, use of street trees, and other livable community design elements, and analysis of local policies affecting the use of alternative energy sources.

**3.9 Permitting Data.** Obtain permit data from the city, including date of permit issuance and sign-off, parcel number, associated demolition information if applicable, and affordable housing restrictions if applicable. Permit data will be requested from 2009 through 2018. Growth Management Ordinance reports will be obtained from 2009 through 2018.

## **Task 4 Policy and Program Updates**

**4.1 Assessment of Fourth Cycle Housing Element.** Review current Housing Element and progress toward implementation of programs. Assess effectiveness of programs with a focus on identifying beneficial modifications. Prepare summary table of findings.

**4.2 Housing Goals and Policies.** Prepare new and/or revised goals and policies for housing based on consultation with city staff, policy makers, and community members, and workshop input; develop goals and policies to address adequate sites for new construction, affordable housing development incentives or programs, conservation of existing affordable housing, regulatory relief, rental and homeowner assistance, equal access, utility prioritization, shelters, energy conservation, and sustainable communities strategy. To the extent feasible, the existing policies and programs will be carried over from the current Housing Element.

**4.3 Quantified Objectives.** Develop a consolidated set of quantified objectives based on the city's RHNA and consultation with city staff, policy makers, and community members; develop objectives that account for units produced since adoption of the RHNA, future housing units through housing programs, and future private market housing units.

**4.4 Implementation Program.** Prepare a concise implementation program that sets forth a five-year schedule of actions the city intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element.

**4.5 Prepare Ordinances.** EMC Planning Group will prepare ordinances to re-zone land, if necessary, to R-3, High Density Residential, to accommodate the city's RHNA requirements for low and very low income housing. EMC Planning Group will also prepare an ordinance to allow emergency housing in at least one of the city's existing zones. EMC Planning Group will prepare a brief update to the city's growth management ordinance to establish a means of setting allocation amounts for future years. These ordinances will be prepared in draft form for finalization by city staff.



## **Task 5 HCD Draft First Four-year Housing Element**

**5.1 Administrative Draft Housing Element.** Consolidate work from Tasks 2 – 3 into an administrative draft Housing Element update (First Four-year Housing Element of the Fifth Cycle). Prepare covers, inside title, and table of contents for stand-alone version of Housing Element. Provide an electronic copy and two (2) printed copies to city for review and comment.

**5.2 Proof Draft Housing Element.** Based on city electronic or written comments, make final changes to the Housing Element and provide an electronic copy to city by email for city review and approval.

**5.3 HCD Review Draft Housing Element and Submittal.** Upon city approval, submit an electronic copy of the HCD Draft Housing Element, along with a Housing Element Review Worksheet to HCD for review. HCD requests a 60-day period for this review. Provide an electronic copy and one (1) printed copy to the city.

## **Task 6 Public Draft Housing Element**

**6.1 HCD Comments.** Obtain HCD written or verbal comments and work with HCD and the city to resolve issues. This dialogue will be carried out by telephone, email, and written correspondence. Resolve HCD concerns to the extent feasible; for some more complicated or potentially controversial items, EMC Planning Group will consult with city staff before completing changes.

**6.2 Second Administrative Draft Housing Element.** Revise Housing Element as appropriate based on HCD review and discussions with city, and provide two (2) electronic copies to city for review and comment. This draft will be provided in tracked changes and clean versions.

**6.3 Public Draft Housing Element.** Upon city approval, make final revisions and provide twenty (20) printed copies and twenty (20) CDs of the Public Draft Housing Element (First Four-year Housing Element of the Fifth Cycle). Submit printed copies and CDs to City for public availability and use by Planning Commission and City Council.

## **Task 7 CEQA Documentation**

**7.1 Draft Initial Study.** Prepare a draft California Environmental Quality Act checklist initial study assessing any new or substantially revised policies or programs in the Housing Element update.

**7.2 Revised Initial Study.** Revise initial study per city comments.

**7.3 Addendum.** Prepare an addendum to the certified General Plan EIR, using the initial study as an attachment.

## **Task 8 Housing Element Certification**

**8.1 Staff Reports, Resolutions, Findings.** Prepare staff reports for one Planning Commission hearing and one City Council hearing, and resolutions for each to recommend/approve the Housing Element. The resolution will include the CEQA and project findings to support recommendation/ approval. EMC Planning Group recommends that implementing zoning amendments be considered at the same meeting as necessary for compliance with low income housing and emergency shelter site needs. EMC Planning Group can incorporate these in the staff reports prepared for these hearings, but the scope of work assumes city staff will finalize the zoning ordinances that were prepared in draft form in Task 3.5.

**8.2 Public Hearings Attendance.** Attend one Planning Commission hearing and one City Council hearing. Present the Housing Element, highlighting modifications from the prior Housing Element, and answer questions regarding the Housing Element. The City Council must approve the Housing Element as early as possible, with a target of approval at a June meeting.

**8.3 Final Draft Housing Element.** Prepare the Final Draft Housing Element per direction for revisions (if any) from the City Council.

**8.4 Certification Submittal.** Submit one electronic copy of the Final Draft Housing Element with a copy of the City's signed adoption resolution to HCD for certification. Also to be provided to HCD at this time are the zoning ordinances for low income housing sites and emergency shelter sites, along with a cover letter to be provide to the city for printing on city letterhead. HCD advises that the City should anticipate 90 days for completion of this review and certification of the Housing Element. The cover letter will request expedited review.

**8.5 Certified Housing Element.** If further changes are requested, revise the Final Draft Housing Element (First Four-year Housing Element of the Fifth Cycle) and re-submit to HCD. The scope of work does not include other than very minor adjustments for this task. Following certification by the HCD, prepare Certified Housing Element that includes a copy of the City adoption resolution and evidence of HCD certification. Print three (3) copies and create three (3) CDs of the Certified Housing Element and provide to the City.

## **SECOND FOUR-YEAR HOUSING ELEMENT**

### **Task 9 Communications and Administration**

**9.1 Progress Teleconferences.** Once a month, participate in a check-in call to discuss current project issues. Each call will conclude with a re-cap of resulting action items. Each call is estimated to last one hour, with an additional hour of preparation and summary time

for each. The budget assumes three calls during preparation of the Second Four-year Housing Element.

**9.2 HCD Liaison.** Consult with State Housing and Community Development (HCD) to confirm Housing Element analysis, approach, timelines, requirements, and HCD comments on drafts.

**9.3 General Administration.** This task includes invoicing, closing project files, and similar tasks.

## **Task 10 Public Outreach and Input**

**10.1 Outreach.** EMC Planning Group will use the list developed in Task 1.2, and will update the flyer advertising the workshop. It is assumed the city will advertise the workshop and handle logistics for the venue.

**10.2 Workshop.** Attend a workshop to present the housing element update, solicit public input, and obtain input and direction on the Housing Element update. The workshop may be held as part of a Planning Commission or City Council meeting, or could be a joint workshop with both bodies. This workshop will be scheduled as early as possible in the update process.

## **Task 11 Sites Inventory and Permits Update**

**11.1 Sites Inventory.** The site inventory will be updated with the most current data.

**11.2 Permitting Data.** The permitting data will be updated with the most current data available, probably the first six to eight months of 2019.

Other data will remain unchanged from the first four-year housing element.

## **Task 12 Assessment of First Four-year Housing Element**

**12.1 Assessment of First Four-year Fifth Cycle Housing Element.** Review the recently adopted four-year Housing Element for the Fifth Cycle, and progress toward implementation of programs. Assess effectiveness of programs with a focus on identifying beneficial refinements. Prepare summary table of findings.

## **Task 13 Second Four-year Housing Element Drafts**

**13.1 Proof Draft Housing Element.** Prepare the draft Second Four-year Housing Element of the Fifth Cycle by making changes to the First Four-year Housing Element. This draft will be completed in tracked changes and provided to city by email for city review and approval of changes.

**13.2 HCD Review Draft Housing Element and Submittal.** Upon city approval, submit an electronic copy of the HCD Draft Housing Element, along with a Housing Element Review

Worksheet to HCD for review. HCD requests a 60-day period for this review. Provide an electronic copy and one (1) printed copy to the city.

**13.3 HCD Comments.** Obtain HCD written or verbal comments and work with HCD and the city to resolve issues. This dialogue will be carried out by telephone, email, and written correspondence. Resolve HCD concerns to the extent feasible; for some more complicated or potentially controversial items, EMC Planning Group will consult with city staff before completing changes.

**13.4 Second Administrative Draft Housing Element.** Revise Housing Element as appropriate based on HCD review and discussions with city, and provide two (2) electronic copies to city for review and comment. This draft will be provided in tracked changes and clean versions.

**13.5 Public Draft Housing Element.** Upon city approval, make final revisions and provide twenty (20) printed copies and twenty (20) CDs of the Public Draft Housing Element (Second Four-year Housing Element of the Fifth Cycle). Submit printed copies and CDs to City for public availability and use by Planning Commission and City Council.

## **Task 14 CEQA Documentation**

**14.1 Initial Study and Addendum.** The CEQA documentation from the First Four-year Housing Element will be updated and used for the Second Four-year Housing Element.

## **Task 15. Housing Element Certification**

**15.1 Staff Reports, Resolutions, Findings.** Prepare staff reports for one Planning Commission hearing and one City Council hearing, and resolutions for each to recommend/approve the Housing Element. The resolution will include the CEQA and project findings to support recommendation/ approval.

**15.2 Public Hearings Attendance.** Attend one Planning Commission hearing and one City Council hearing. Present the Housing Element, highlighting modifications from the prior Housing Element, and answer questions regarding the Housing Element. The City Council must approve the Housing Element as early as possible, with a target of approval at a December meeting to meet HCD deadlines.

**15.3 Final Draft Housing Element.** Prepare the Final Draft Housing Element per direction for revisions (if any) from the City Council.

**15.4 Certification Submittal.** Submit one electronic copy of the Final Draft Housing Element with a copy of the City's signed adoption resolution to HCD for certification. EMC Planning Group will provide a cover letter to the city for printing on city letterhead. HCD advises that the City should anticipate 90 days for completion of this review and certification

of the Housing Element. The cover letter will request expedited review, although compliance with deadlines will be based on the City Council adoption date.

**15.5 Certified Housing Element.** If further changes are requested, revise the Final Draft Housing Element (Second Four-year Housing Element of the Fifth Cycle) and re-submit to HCD. The scope of work does not include other than very minor adjustments for this task. Following certification by the HCD, prepare Certified Housing Element that includes a copy of the City adoption resolution and evidence of HCD certification. Print ten (10) copies and create ten (10) CDs of the Certified Housing Element and provide to the City.

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## 3.0 Project Schedule

EMC Planning Group proposes to commence work on the Housing Element immediately upon execution of a contract, as the housing element due date has passed and the earlier the First Four-year Housing Element can be adopted the better. Likewise, the Second Four-year Housing Element should be expedited for December adoption by the City Council.

The proposed schedule follows:

Task	Target Date
Task 1 Communications and Administration	Ongoing through completion of First Four-year Housing Element
Task 2 Public Outreach and Input	Early to mid-February
Task 3 Community Profile Data Updates	End of February
Task 4 Policy and Program Updates	End of February
Task 5 HCD Draft First Four-year Housing Element	Mid-March for 60-day HCD review
Task 6 Public Draft Housing Element	End of May
Task 7 CEQA Documentation	End of May
Task 8 Housing Element Certification	Mid-June
Task 9 Communications and Administration	Ongoing through completion of Second Four-year Housing Element
Task 10 Public Outreach and Input	End of July
Task 11 Sites Inventory and Permits Update	Mid-August
Task 12 Assessment of First Four-year Housing Element	Mid August
Task 13 Second Four-year Housing Element Drafts	End of August for 60-day HCD review; Public review mid-October
Task 14 CEQA Documentation	Mid-October
Task 15 Housing Element Certification	Target date is City Council adoption no later than Dec. 15

## **4.0 Budget**

The budget spreadsheet is provided on the following page.

The total proposed budget is \$43,877. The proposed budget for completion of the First Four-year Housing Element is \$28,561 and the proposed budget for the Second Four-year Housing Element is \$15,316.

## San Juan Bautista Housing Element Fifth Cycle Update Budget

Task		EMC Planning Group Inc.					
Staff		Sr. Principal	Principal	Assistant Planner	Admin/Production	Total Hours	Total Cost
Billing Rate (Per Hour)		\$250.00	\$225.00	\$115.00	\$95.00		
Task 1: Communications and Administration		2.0	10.0	0.0	2.0	14.0	\$2,940.00
Task 2: Public Outreach and Input		0.0	8.0	3.0	0.0	11.0	\$2,145.00
Task 3: Community Profile Data Updates		0.0	6.0	32.0	1.0	39.0	\$5,125.00
Task 4: Policy and Program Updates		1.0	6.0	2.0	1.0	10.0	\$1,925.00
Task 5: HCD Draft First Four-year Housing Element		1.0	5.0	16.0	4.0	26.0	\$3,595.00
Task 6: Public Draft Housing Element		0.0	5.0	15.0	2.0	22.0	\$3,040.00
Task 7: CEQA Documentation		0.0	2.0	20.0	1.0	23.0	\$2,845.00
Task 8: Housing Element Certification		0.0	15.0	25.0	2.0	42.0	\$6,440.00
Task 9: Communications and Administration		1.0	12.0	0.0	2.0	15.0	\$3,140.00
Task 10: Public Outreach and Input		0.0	8.0	2.0	0.0	10.0	\$2,030.00
Task 11: Sites Inventory and Permits Update		0.0	1.0	8.0	3.0	12.0	\$1,430.00
Task 12 Assessment of First Four-year Housing Element		0.0	2.0	8.0	0.0	10.0	\$1,370.00
Task 13: Second Four-year Housing Element Drafts		0.0	2.0	10.0	3.0	15.0	\$1,885.00
Task 14: CEQA Documentation		0.0	1.0	4.0	1.0	6.0	\$780.00
Task 15: Housing Element Certification		0.0	12.0	12.0	1.0	25.0	\$4,175.00
<b>Subtotal (Hours)</b>		5.0	95.0	157.0	23.0	<b>Total Hours</b>	<b>Total Cost</b>
<b>Subtotal (Cost)</b>		\$1,250.00	\$21,375.00	\$18,055.00	\$2,185.00	<b>280.0</b>	<b>\$42,865.00</b>

Additional Costs		
Production Costs		\$700.00
Travel Costs		\$220.00
Administrative Overhead 10%		\$92.00
<b>Total</b>		<b>\$1,012.00</b>
<b>Total Costs</b>		<b>\$43,877.00</b>



## **CITY COUNCIL STAFF REPORT**

**DATE:** January 15<sup>th</sup>, 2019

**SUBJECT:** 107 Third Street – La Casa Rosa – Declaration of Nuisance

**FROM:** Tim Parshall, Code Enforcement Officer

### **Objective:**

Declare 107 Third Street ‘La Casa Rosa’ a Public Nuisance.

### **Background:**

107 Third Street, also known as La Casa Rosa, has been left in a state of partial disrepair since the end of 2016. Evidence of this is shown as early as December of 2016, and photographic evidence via Satellite mapping shows proof of demolition beginning as early as March 13<sup>th</sup> of 2017. On April 4<sup>th</sup> of 2017, a resolution was passed, allowing for the remodel of Casa Rosa to become the proposed ‘Richters’ bar and restaurant. Following the approval, building permits were to be pulled after approval, but never happened and communication with the city became nonexistent.

When investigated by code enforcement, the building was found in its current state. Efforts were made to mitigate the danger presented in the balcony by blocking the sidewalk and staff has made effort into finding a structural engineer to verify the condition of the building.

On November 20<sup>th</sup>, 2018 City Council received a report regarding the disposition and possible actions regarding La Casa Rosa. On the same date, an inspection was performed by Duquette Engineering to determine the state of the building. On December 10<sup>th</sup>, Duquette Engineering developed a scope of work to be completed to preserve the structural integrity of the building.

On December 21<sup>st</sup> a compliance order was sent to Greg Burda along with the Engineer’s report with a timeline given to the owner to address the repairs required. The timeline given required action before the end of January and confirmation of action or inaction of the owner declared by the end of December. On the 7<sup>th</sup> of January, we received an email that the owner would not be taking action to initiate repairs.

The current site and building conditions are an existing detriment to the downtown area due to the state of the building. The building currently violates Sections 5-8-110, Buildings in a state of partial construction, and 5-8-190, Unsafe building. The building was left partially deconstructed by the owner and the deterioration in that state has contributed to making the frontage of the building unsafe, causing the city to take mitigating measures in closing the sidewalk. The public right of way closure effects foot traffic and significantly increases the danger of pedestrians crossing the street to avoid the closure.

San Juan Bautista Municipal Code Section 13-1-400, which accounts the Noticed Nuisance Abatement Procedure dictates that the hearing process is to take place once the property has been declared a nuisance. City Staff asks that City Council consider a resolution declaring 107 Third Street a nuisance.

Per the Engineer's Report, City Staff's intention is to address the items detailed in the scope of work to preserve the historic value and restore the use of the public right-of-way in front of the building. City Staff will present more detail at the following hearing required as part of the abatement process.

**Conclusion:**

La Casa Rosa has been left derelict in an abandoned state. The City Staff asks for the property to be declared a Nuisance on the grounds that Municipal Code Sections 5-8-110 and 5-8-190 were violated. An abatement hearing will be announced following the resolution being declared.

**RESOLUTION 2019-XX**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA  
DECLARING A PUBLIC NUISANCE TO EXIST ON ASSESSOR PARCEL No. 002-021-004  
COMMONLY KNOWN AS 107 THIRD STREET, AND DIRECTING THE CITY MANAGER  
TO POST, PUBLISH, AND MAIL NOTICE OF HEARING TO CONSIDER  
ABATEMENT OF SAID PUBLIC NUISANCE**

WHEREAS, this City Council is informed by the City staff that property situated at 107 Third Street in the City of San Juan Bautista is in violation of Chapter 5-8, Sections 5-8-110 and 5-8-190, and

WHEREAS, the property owner, lessee, occupant or person in charge of the property within the City is to maintain such premises in such a manner that any one or more of the conditions or activities described in Chapter 5-8, Sections 5-8-110 and 5-8-190 exist or found to exist constitutes a public nuisance, and

WHEREAS, the city staff has conducted a site inspection of the premises and find that one or more blighted conditions exist on the property that are a violation of Chapter 5-8, Sections 5-8-110 and 5-8-190.

NOW, THEREFORE BE IT RESLOVED, that the City Council of the City of San Juan Bautista upon examining the staff report and supporting photographs, declare there exist a public nuisance on the property and direct the City Manager to post, publish and mail a notice for a hearing to consider abatement of the violations and blighted conditions on said property.

THE FOREGOING RESOLUTION was adopted at a regular meeting of the City Council of the City of San Juan Bautista on the 22<sup>nd</sup> day of January, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Mayor César Flores

ATTEST:

---

Laura Cent, City Clerk

December 10, 2018

City of San Juan Bautista  
Planning Department  
311 Second Street  
PO Box 1420  
San Juan Bautista, CA 95045

Attention: Todd Kennedy

Subject: 107 3<sup>rd</sup> Street, San Juan Bautista, California



**Duquette Engineering** made a site visit to the subject property on November 20, 2018. We were able to gain access to both the exterior and interior of the structure. Our observations are as follows;

### **General Conditions**

- Construction on the project was started and then has stopped.
- The large additions in the rear of the property have all been demolished, leaving the rear wall and foundation of the historic portion of the building open, loose plywood has been placed over the opening in the wall.
- The interior finishes in the historic portion of the building have all been removed.
- A large area of the first floor has been removed and a foundation strengthening has been poured along the front wall. No details for this work were provided.

### **Safety Risks**

In general there are three areas of risk;

- 1) Life safety risk to the occupants. Since the building is unoccupied at this time and conceivably will remain so until construction is completed there is no life safety risk to occupants. The condition of the building is what would be industry standard for any construction project of this type.
- 2) Life safety risk to the public or neighboring properties. The overall structure should not be considered dangerous. The existing siding provides sufficient lateral bracing to make the structure stable. There are two areas of concern;
  - a. The existing unreinforced chimney is unbraced. The risk to the public is low but in a seismic event it will most likely collapse into the side yard.
  - b. The front porch cover/second floor balcony is not showing any sign of distress but there are areas of significant rot on the outer edge. This edge is where the diagonal braces attach. The concern is that the deterioration might cause a failure. Since this front porch cover/second floor balcony is over the public R/W it would seem prudent to provide a secondary support until repairs and an engineered solution that allow the structure to remain as it was originally constructed. This is a condition that exists in the front of many of the buildings on Third Street. Most have already provided this type of support. Please see the attached sketches.

4340 Stevens Creek Blvd.  
Suite 200  
San Jose, CA 95129

Phone: (408) 615-9200  
Fax: (408) 615-9900

- 3) Risk to the historic resource. This structure is a part of the historic downtown and steps should be taken to insure that this historic building will remain a part of the downtown well into the future. There are several conditions that pose a risk to the structure itself. These conditions are often tolerated for a short time during the construction process but in this case construction has stopped and it does not appear that it will begin again for some time. Steps should be taken to mitigate further damage to the building in the following areas, some of which have already been mentioned above;
- a. The unbraced unreinforced chimney.
  - b. The rot in the front porch cover/second floor balcony.
  - c. The lack of interior finish. The existing walls are only braced by the existing straight siding. Siding is sufficient to prevent collapse however it is not sufficient to prevent raking of the structure during a seismic event. Steps should be taken to add at least one 4 foot full height panel on each exterior wall and also on the interior wall the runs down the middle of the building. The plywood should be nailed with 10d @ 4" o.c. edges and 12" o.c. in the field.
  - d. The structure is open to the elements in several locations. This condition allows the wind and rain into the building. It also allows animals to occupy the building. Allowing these conditions to continue, will add to the deterioration of the structure.

If you have any question, please do not hesitate to contact me at (408) 615-9200 or via email at [spd@duquette-eng.com](mailto:spd@duquette-eng.com).

Very Truly Yours,  
**DUQUETTE ENGINEERING**  
Steven P. Duquette SE  
President





Front Elevation



Rear Elevation



New foundation strengthening at front exterior wall. Note the demolished floor framing.





Unbraced unreinforced chimney at exterior.

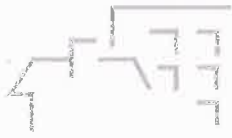


Unbraced unreinforced chimney at interior.





Front Porch Cover/Second Floor Balcony



**DUQUETTE**  
ENGINEERING

4340 Stevens Creek Blvd.  
Suite 200  
San Jose, CA 95129

Phone: (408) 615-9200  
Fax: (408) 625-9900

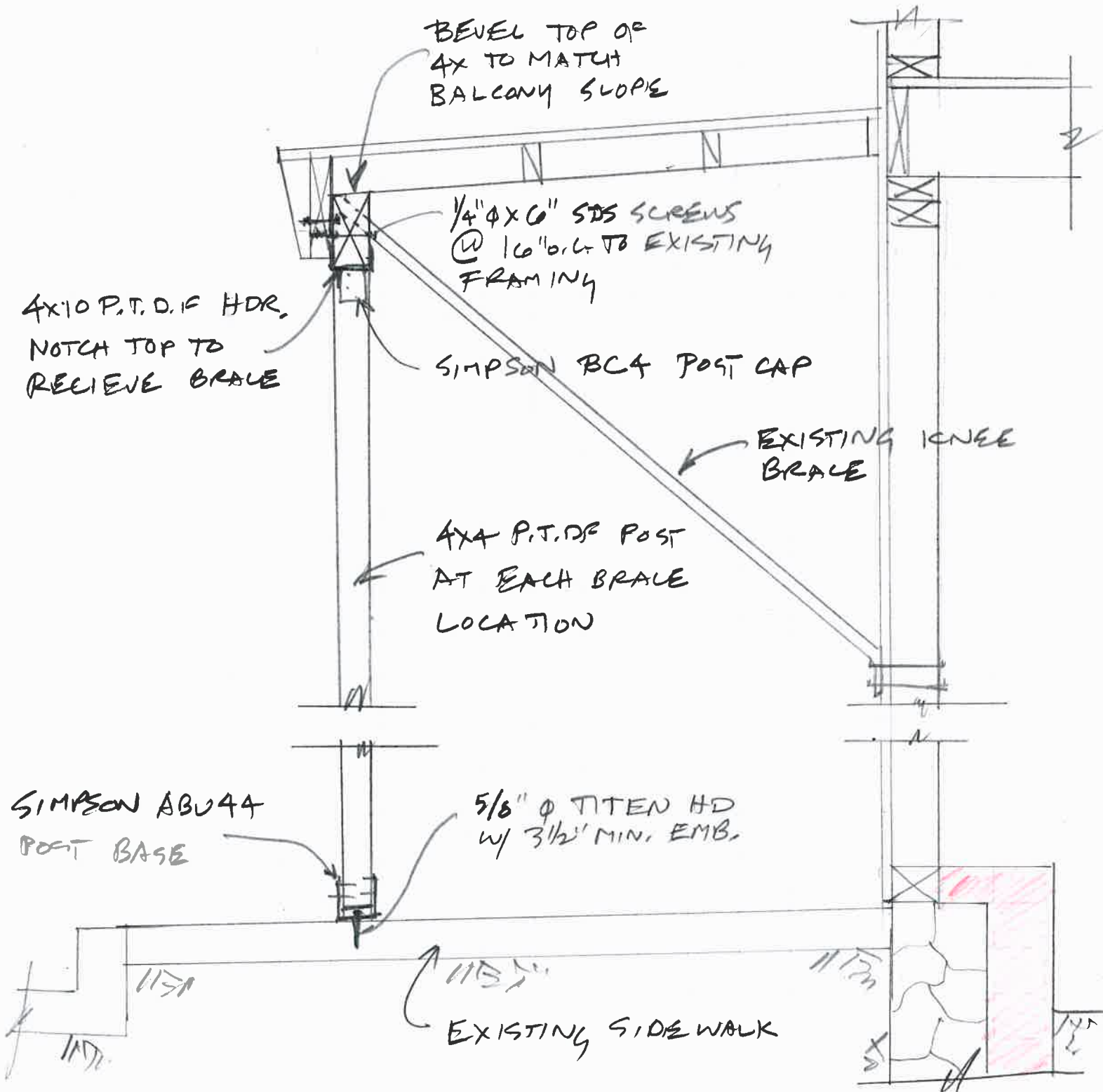
Sheet: 7 OF 7

Date: 12/10/2018

Job #: 17-0055.1

Project: 107 Third Street, San Juan Bautista -  
Consultation

By: SPD





# 107 Third Street

La Casa Rosa - 11/2/2016

1 Month After The Burda's First Meeting at Planning Commission  
on October 4th

## Legend

 Feature 1

Google Earth

100 ft





# 107 Third Street

La Casa Rosa - 3/13/2017

Within the Month of The Burdas going to Planning Commission for their Project Review. Meeting on March 7th.

Clear Removal of a portion of the rear structure roof.

## Legend

 Feature 1

Google Earth

100 ft





# 107 Third Street

La Casa Rosa - 9/1/2017

5~ Months after Approval of Site and Design Review by Planning Commission in April.

No Building Permits Pulled, Rear structure completely demolished.

## Legend

 Feature 1

Google Earth

100 ft





# 107 Third Street

La Casa Rosa - 3/28/2018

1 Year after Approval of Site and Design Review by  
Planning Commission in April 2017.

No Building Permits Pulled, Rear structure completely  
demolished and Tree Removed.

## Legend

 Feature 1

Google Earth

100 ft















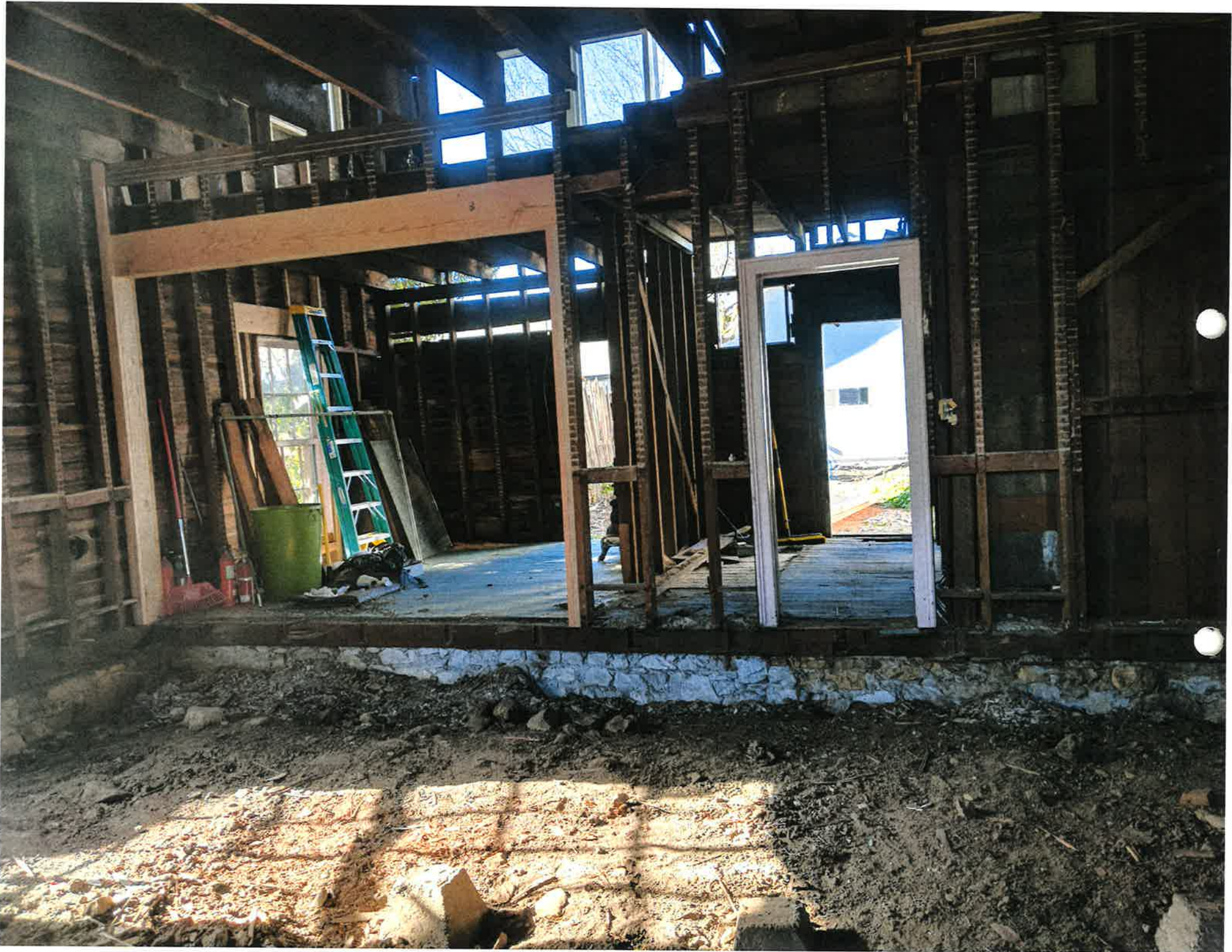












## CITY OF SAN JUAN BAUTISTA

### CITY COUNCIL

#### STAFF REPORT

**DATE:** January 16, 2019

**SUBJECT:** UPDATE ON FIRE PROTECTION CONTRACT WITH CITY OF HOLLISTER

**FROM:** Trish Paetz, Administrative Services Manager

Staff is working with City of Hollister and PARSAC to come to an agreement on the insurance levels. There are several other areas that need attention, specifically, designating Hollister as an independent contractor, the 'location' section needs more information relevant to San Juan, and a separate rental agreement needs to be developed as the contract now requires Hollister to pay rent for the use of the fire station.

The existing contract will stay in effect until the new contract is finalized and signed by our mayor.

## **Preamble**

The citizens and businesses of San Juan Bautista are entitled to have fair, ethical and transparent local government which has earned the public's full confidence for integrity. In keeping with the City of San Juan Bautista's commitment to excellence, the effective functioning of democratic government therefore requires that:

- Public officials both elected and appointed will comply with both the letter and spirit of the laws and policies affecting the operations of government.
- Public officials shall be independent, impartial, fair and transparent in their judgment and actions.
- Public office shall be used for public good and not for personal gain.
- Public deliberations and processes shall be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

This Code of Ethics as adopted by the San Juan Bautista City Council applies to members of the City Council and of the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation:

### **1. Acts in the Public Interest**

Members will work for the public interest of San Juan Bautista and not for any private or personal interest and the members will assure fair and equal treatment of all persons, claims and transactions coming before the San Juan Bautista City Council, boards and commissions.

### **2. Comply with the Law**

Members shall comply with the laws of the Federal government, State of California and the City of San Juan Bautista in the performance of their public duties. These laws include but are not limited to the United States and California Constitutions, Fair Political Practices laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of government. Members must disclose any potential conflicts and/or recuse themselves if a conflict of interest is presented.

### **3. Conduct of Members**

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety in all public situations, regarding City business. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council, boards, commissions, the public and staff of San Juan Bautista.

### **4. Respect for Process**

Members shall perform their duties in accordance with the processes and rules of order established by the City council, boards and commissions governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions of the City Council by staff.

## **5. Conduct of Public Meetings**

Members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body or otherwise interfering with the orderly conduct of meetings.

## **6. Decisions Based on Merit**

Members shall base their decisions on the merits and substance of the matter at hand rather than on unrelated considerations.

## **7. Communication**

Members shall publicly share substantive information that is relevant to a matter under consideration, which they may have received from sources outside of the public decision-making process. They must disclose any relevant information that was given or requested by them about the matter under consideration.

## **8. Conflict of Interest**

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship which may give the **appearance of a conflict of interest**. In accordance with the law, members shall disclose investment interests in real property, sources of income and they shall abstain from participating in deliberations and decision making where conflicts may exist.

## **9. Gifts and Favors**

Members shall refrain from accepting any gifts, favors or promises of future benefits, which might compromise their independence of judgment, or action, or give the appearance of being compromised.

## **10. Confidential Information**

Members shall respect the confidentiality of information concerning property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal financial or private interests.

## **11. Use of Public Resources**

Members shall not use public resources unavailable to the public, in general, such as City staff time, equipment, supplies or facilities for private gain or personal purposes.

## **12. Representation of Public Interests**

In keeping with their role as stewards of the public interest, members shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City, nor shall members of boards and commissions appear before the body or before the Council on behalf of the private interests of third parties on matters related to the areas of service of the body.



### **13. Advocacy**

Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent the body or the City of San Juan Bautista, nor will they allow inference that they do.

### **14. Policy Role of Members**

Members shall respect and adhere to the council – manager structure of San Juan Bautista City government as outlined by the San Juan Bautista Municipal Code. In this structure the City Council determines the policies of the City with the advice information and analysis provided by the public boards and commissions and City staff. Except as provided by the City Municipal Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff nor shall they impair the ability of staff to implement Council policy decisions.

### **15. Independence of Boards and Commissions**

Because of the value of the independent advice of boards and commissions to the public decision-making process members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

### **16. Positive Workplace Environment**

Members shall support the maintenance of a positive and constructive work place for the City employees and for the citizens and businesses dealing with the City.

### **17. Implementation**

The San Juan Bautista Code of Ethics is intended to be self-enforcing and is an expression of standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for City Council, applicants to boards and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understand the City of San Juan Bautista Code of Ethics. The Code of Ethics shall be reviewed annually by the City Council, boards and commissions, and the City Council shall consider recommendations from boards and commissions and update as necessary.

### **18. Compliance and Enforcement**

The Boards Chairs, Commission Chairs and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are brought to their attention. The City Council may impose sanctions on members whose conduct does not comply with the City's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment or budget restriction. Under the City's Municipal Code, the City Council may also remove members of boards and commissions from office. A violation of this Code of Ethics shall not be considered as a basis for challenging the validity of a council board or commission decision.



**RESOLUTION NO. 2018-17**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA  
ADOPTING A CODE OF ETHICS FOR CITY COUNCIL, BOARDS AND  
COMMISSIONS**

**WHEREAS**, the Citizens of San Juan Bautista are entitled to have fair, ethical and accountable local government, and

**WHEREAS**, San Juan Bautista maintains a commitment to excellence and effective functioning of democratic government, and

**WHEREAS**, integrity of officials of local government is key to effective and fair operation of government.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of San Juan Bautista hereby adopts a Code of Ethics which pertains to members of the City Council and all members of the City's Boards and Commissions.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista at a regular meeting duly held on the 17<sup>th</sup> day of April, 2018 by the following vote:

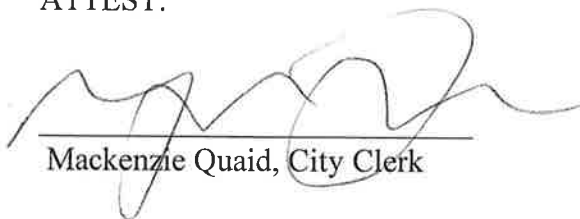
AYES: West, Martorana, Boch, Freeman

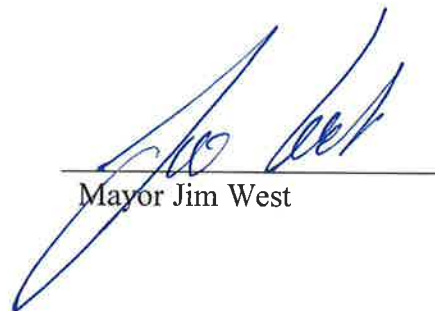
NOES: None

ABSENT: DeVries

ABSTAIN: None

ATTEST:

  
Mackenzie Quaid, City Clerk

  
Mayor Jim West