

City of Santa Paula

City Council

MAYOR MARTIN F. HERNANDEZ
VICE MAYOR JENNY CROSSWHITE
COUNCILMEMBER JAMES A. TOVIAS
COUNCILMEMBER GINGER GHERARDI
COUNCILMEMBER JOHN PROCTER



REGULAR MEETING OF THE
SANTA PAULA CITY COUNCIL

MONDAY, FEBRUARY 1, 2016

6:30 P.M – REGULAR MATTERS

SANTA PAULA CITY HALL
970 VENTURA STREET
SANTA PAULA, CA 93060

JUDY RICE, CITY CLERK
JAIME M. FONTES, CITY MANAGER
JOHN C. COTTI, CITY ATTORNEY

Spare Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are on file in the Office of the City Clerk and are available for public inspection. If you have any questions regarding any agenda item, contact the City Clerk at (805) 933-4208.

CITY COUNCIL MEETING

You are invited to attend all City Council, commission, and board meetings. Agendas are posted in the front of City Hall in advance of the scheduled meetings. Information for commission and board meetings may be obtained by contacting the City Clerk's Office. The Santa Paula City Council's regular meetings start at 6:30 p.m. the first and third Monday of each month in the City Hall Council Chambers located at 970 Ventura Street in Santa Paula.

BRINGING ITEMS BEFORE THE CITY COUNCIL

If you wish to speak at a City Council meeting, please fill out a yellow **Public Comment Form** noting your name and address and submit the form to the City Clerk. Include the Agenda item number, when appropriate.

1. **Items Not on the Agenda:** If you wish to discuss an item which is not scheduled on the Agenda, you may address the City Council during *Public Comment*. Please realize that due to the limitations placed on the City Council by provisions of the *California Government Code*, the City Council ordinarily cannot take action on any item that is not on the agenda. Because of these restrictions, expect that matters that you identify during public comment will be referred to staff or considered on a future agenda.
2. **Agenda Items:** Items being considered by the City Council may appear on the Consent Calendar, as an Order of Business, or as a Public Hearing. Public comments on each type of item are handled differently, as explained below:
 - a. For items appearing on the Consent Calendar, please submit a Public Comment Form before the Council takes action on the Consent Calendar. Items that receive a Public Comment Form may be pulled from the Consent Calendar by the Mayor and discussed separately by the City Council.
 - b. For items appearing as an Order of Business, the Mayor will announce the Agenda item and request the staff report, the staff member responsible will give a brief summary of the report; the City Council will have an opportunity to ask questions of staff; members of the public will be given an opportunity to comment on the item and ask additional questions (all members of the public should speak directly into the microphone at the speaker's platform); and the City Council will discuss the item and then take appropriate action.
 - c. For items on which a Public Hearing is scheduled, the Mayor will open the public hearing and receive the staff report; members of the public will be given an opportunity to comment on the item and ask additional questions (all members of the public should speak directly into the microphone at the speaker's platform); the City Council will discuss the item; and the Mayor will close the public hearing after City Council action.

Your Participation in this meeting is in the public domain; meetings are cablecast; minutes of this meeting will reflect your participation in this meeting and are posted on the city's website.

PLEASE NOTE: *Be advised that if you bring a legal challenge to an action, you may be limited to raising only those issues you or someone else raised at the meeting described in this Agenda, or in written correspondence delivered to the City Council at or before the meeting. Any action is subject to the ninety-day time period set forth in Code of Civil Procedure § 1094.6.*

In compliance with the **Americans with Disabilities Act**, if you need special assistance to participate in this meeting, please contact the City Clerk at (805) 933-4208. Notification 48 hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35, 102-35.104 ADA Title II). Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office



CITY OF SANTA PAULA

CITY COUNCIL

AGENDA • FEBRUARY 1, 2016

I. REGULAR MATTERS - COUNCIL CHAMBERS

1. CALL TO ORDER

2. INVOCATION

3. FLAG SALUTE

4. ROLL CALL

5. PRESENTATIONS

A. **Santa Paula Oil Museum Transition Concept Presentation by Jeanne Orcutt.**

B. **Presentation of the Fourth of July Fireworks Show by Rotary Club.**

6. PUBLIC COMMENT



REMINDER: in order to minimize distractions during public meetings, all personal communication devices should be turned off or put in a non-audible mode.

At this time, members of the public may comment on any item not appearing on the agenda that is within the subject-matter jurisdiction of the City Council. A Public Comment Form must be submitted to the City Clerk prior to the beginning of the Public Comment period in order to be recognized to speak. Individuals submitting Public Comment Forms after the beginning of the Public Comment period will not be allowed to speak at this time, but may be recognized to speak by the Mayor at the conclusion of the meeting. Individual Councilmembers may briefly respond to Public Comments or ask questions for clarification. The City Council may direct staff to report to the City Council on the item at a later meeting. For items appearing on the Agenda, the public will be invited to make comments at the time the item comes up for City Council consideration. If a member of the public wishes to address a Consent Calendar item, please submit a Public Comment Form for that item. It may then be discussed separately by the Council, and the public will be invited to make comments at that time. At all times, please use the microphone and write your name and address on the Public Comment Form provided.

7. CITY COUNCIL, STAFF COMMUNICATIONS

- A. **Use of Citizen's Group for Beautification of the City - Fire Chief Araiza.**
- B. **Status Update of Wastewater Recycling Facility Sewage Spill - Interim Public Works Director Brian Yanez.**

8. APPROVAL OF FINAL AGENDA

9. CONSENT CALENDAR

Background information has been provided to the City Council on all matters listed under the Consent Calendar and these items are considered to be routine by the City Council and are normally approved by one motion. If discussion is requested by a Councilmember on any item, or a member of the public wishes to comment on an item, that item may be removed from the Consent Calendar for separate action.

- A. **Ventura County Area Agency on Aging Advisory Council –**
Recommendation: It is recommended that the City Council appoint Walt Adair as the representative to the Ventura County Area Agency on Aging Advisory Council.

Report by: Interim Community Services Director Ed Mount

- B. **Second Reading and Adoption of Spay and Neuter Ordinance No. 1260 –**
Recommendation: It is recommended that the City Council: (1) waive the second reading and adopt Ordinance No. 1260; and (2) take such additional, related action that may be desirable.

Report by: City Attorney, John C. Cotti

- C. **Authorize the Filing of a Notice of Completion for the Seventh Street Sewer Main Replacement Project –**
Recommendation: It is recommended that the City Council: (1) Accept the work performed by Toro Enterprises, Inc.; (2) Authorize City staff to file the Notice of Completion with the County Recorder; (3) Authorize the City Manager to execute a contract change order to Toro Enterprises, Inc. for additional replacement of existing poor-conditioned sewer pipeline in the amount of \$42,280.00 in a form approved by the City Attorney; and (4) take such additional, related action that may be desirable.

Report by: Brian J. Yanez, Interim Public Works Director

10. ORDER OF BUSINESS

- A. **Wastewater Revenue Rebates – Recommendation:** It is recommended that the City Council: (1) receive and file the attached report and presentation by Terry Maas, the City's Financial Advisor, regarding future Wastewater revenue rebates; (2) direct City staff to prepare a formal wastewater rebate policy; and (3) take such additional, related, action that may be required.

Report by: Sandra K. Easley, Finance Director

- B. **DIF/General Plan Study Session – Recommendation:** It is recommended that the City Council: (1) receive and file the attached report and presentation by Dino Serafini regarding the status of the Developer Impact Fee/General Plan Maintenance Fee Study; and (2) take such additional, related, action that may be required.

Report by: Sandra K. Easley, Finance Director and Janna Minsk, Planning Director

- C. **Adoption of Urgency Ordinance No. 1262 U and Second Reading and Adoption of Ordinance No. 1262 – Recommendation:** It is recommended that the City Council: (1) Adopt Urgency Ordinance No. 1262 U, (2) Waive the second reading and adopt Ordinance No. 1262; and (3) Take such additional, related action that may be desirable.

Report by: Janna Minsk, Planning Director

11. REQUEST FOR FUTURE AGENDA ITEMS

Any Councilmember may propose items for placement on a future agenda. Members may discuss whether or not the item should be placed on a future agenda and the description of the agenda item. Any direction to the City Manager to place an item on a future Council Agenda, do research, or a staff report must be accompanied with a majority vote of the City Council. The City Manager has discretion as to when the item will come back on the Agenda, unless the City Council identifies a specific meeting for the item's return.

12. ADJOURNMENT

State of California)-
County of Ventura)- ss
City of Santa Paula)-

I declare under penalty of perjury that I posted this City Council Agenda on the bulletin board near the front door of City Hall, 970 Ventura Street, Santa Paula, California.

On _____ at _____ Signed: _____
Lucy Blanco, Deputy City Clerk

For the City Council Regular Meeting of February 1, 2016

Agenda Item # 1.9.A

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Ed Mount,

Subject: Appointment of Ventura County Area on Aging Advisory Council
Representative

Date: February 1, 2016

Recommendation: It is recommended that the City Council appoint Walt Adair as the representative to the Ventura County Area Agency on Aging Advisory Council.

Report by: Interim Community Services Director Ed Mount

Fiscal Impacts: None

Personnel Impacts: None

General Discussion: The County of Ventura Area Agency on Aging has approached the Community Services Department in having a representative from the City of Santa Paula serve on their Advisory Council on Aging. The representative needs to be 60 years or older and would serve a two year term. Each of the ten cities in the county is eligible to have two representatives on the Council.

In the past, The Santa Paula Commission on Aging has made the recommendation to City Council for two senior citizens to serve on the Ventura Area Agency on Aging Advisory Council. Through attrition the Santa Paula Commission on Aging has not been able to meet since May of 2010. Staff has made an effort to recruit for board members by advertising through the newspaper, cable and reaching out to the senior community. However, there has been very minimal interest in applying for the Commission.

Therefore, Community Services staff would like to recommend the appointment of Walt Adair, (Former Santa Paula Police Chief) to serve the City of Santa Paula as a representative for the Ventura County of Aging Advisory Board.

Alternatives:

For the City Council Regular Meeting of February 1, 2016

Agenda Item # 1.9.A

- A. Appoint a Representative to the Ventura Area Agency on Aging Advisory Council.
- B. Provide alternate direction to staff.

For the City Council Regular Meeting of February 1, 2016

Agenda Item # 1.9.B

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council
From: Lucy Blanco, Deputy City Clerk
Subject: Second Reading and Adoption of Spay and Neuter Ordinance No. 1260
Date: February 1, 2016

Recommendation: It is recommended that the City Council: (1) waive the second reading and adopt Ordinance No. 1260; and (2) take such additional, related action that may be desirable.

Report by: (City Attorney, John C. Cotti)

Fiscal Impacts: None.

Personnel Impacts: None.

General Discussion: At the City Meeting of January 19, 2016, the City Council waived the first reading and introduced Ordinance No. 1260

Alternatives:

- A. Approve
- B. Deny

Attachments:

Ord 1260 Spay and Neuter 2nd reading

ORDINANCE NO. 1260

AN ORDINANCE OF THE CITY OF SANTA PAULA AMENDING CHAPTER 91 OF THE SANTA PAULA MUNICIPAL CODE RELATING TO THE MANDATORY SPAYING OR NEUTERING AND MICROCHIPPING OF DOGS AND CATS

The City Council of the city of Santa Paula does ordain as follows:

SECTION 1: The City Council finds and declares that:

- A. The City Council finds that there is a serious overpopulation problem within the City in the number of unaltered dogs and cats found at large;
- B. The City desires to promote responsible pet ownership as a means of promoting the public health, safety and welfare of humans and pets in the City;
- C. The Council finds that mandatory spaying or neutering of dogs and cats is appropriate to prevent overpopulation and prevent animals from running at large.

SECTION 2: Section 91.32 is added to Chapter 91 of the Santa Paula Municipal Code to read as follows:

“91.32 Mandatory Spaying and Neutering of Dogs and Cats.

- A. No person may own, keep or harbor a dog or cat over the age of four months that has not been spayed or neutered. A guardian/custodian of an unaltered dog or cat must have the animal spayed or neutered or obtain an unaltered dog or cat license in accordance with Section 91.33.
- B. The guardian/custodian of a dog or cat that is unable to be spayed or neutered without a serious risk of bodily harm or death due to age or infirmity, must obtain written confirmation of that fact from a licensed veterinarian. The writing must also state the date by which the dog or cat may be safely spayed or neutered.
- C. If a cat is unable to be safely spayed or neutered within 30 days, the guardian/custodian of the cat must obtain an unaltered cat license and pay the required fee as set by resolution of the City Council.

D. If a dog is unable to be safely spayed or neutered within 30 days, the guardian/custodian must apply for an unaltered dog license. If the unaltered dog license is granted, the guardian/custodian must pay the required fee as set by resolution of the City Council.”

SECTION 3: Section 91.33 is added to Chapter 91 of the Santa Paula Municipal Code to read as follows:

“91.33 Unaltered dog and cat licenses--Requirements.

A. A guardian/custodian of an unaltered dog over the age of four months must obtain an annual unaltered dog license for the dog. The license shall be issued by the City if it determines that the following conditions are met:

1. The guardian/custodian provides written confirmation from a licensed veterinarian that the dog is unable to be safely spayed or neutered without a serious risk of bodily harm or death; or
2. Competition dogs used to show or breed that are of a breed recognized by and registered with approved breed registries such as the American Kennel Club or United Kennel Club; or
3. The guardian/custodian is a member of an approved purebred dog breed club which enforces a code of ethics for dog breeding; or
4. The dog is used by a law enforcement agency for law enforcement purposes; or
5. The dog is a qualified service or assistance dog;
6. Working dog developed or trained to do useful work, such as herding animals, pulling wagons or sleds, or guarding property; and
7. The owner or custodian has submitted the required application and has paid the fee established by resolution of the City Council.

B. A guardian/custodian of an unaltered cat over the age of four months must obtain an annual unaltered cat license for the cat. The license shall be issued if the City determines that the following conditions are met:

1. The guardian/custodian provides written confirmation from a licensed veterinarian that the cat is unable to be safely spayed or neutered without a serious risk of bodily harm or death; or

2. The cat is used to show, to compete or to breed, which is of a breed recognized by the Cat Fancier's Association or other valid registry approved by the City and meets one of the following requirements:
 - a. The cat has competed in at least one cat show or sporting competition sanctioned by the Cat Fancier's Association or other national registry approved by the City, within the last 365 days; or
 - b. The cat has earned a conformation, obedience, agility, rally, sporting, working or other title from the Cat Fancier's Association or other registry or cat sport association approved by the City; or
 - c. The guardian/custodian of the cat is a member of a purebred cat breed club, approved by the City, which maintains and enforces a code of ethics for cat breeding that includes restrictions from breeding cats with genetic defects and life threatening health problems that commonly threaten the breed; and
3. The guardian/custodian has submitted the required application and has paid the fee established by resolution of the City Council."

SECTION 4: Section 91.34 is added to Chapter 91 of the Santa Paula Municipal Code to read as follows:

"91.34 Transfer, Sale and Breeding of Unaltered Dog or Cat

- A. Offer for sale or transfer of an unaltered dog or cat: A guardian/custodian who offers any unaltered dog or cat for sale, trade or adoption must include a valid unaltered dog or cat license number with the offer of sale, trade or adoption or otherwise state and establish compliance with Section 91.32. The offer for sale or transfer of an unaltered dog must also include the microchip number as required in Section 91.36. The license and/or microchip numbers must appear on a document transferring the animal to the new guardian/custodian.
- B. Transfer of unaltered dog or cat: The guardian/custodian of an unaltered dog over the age of four months, which is not a competition dog, must demonstrate compliance with Sections 91.32 prior to the transfer, and must notify the City of the name and address of the transferee within ten days after the transfer.
- C. Notification of litter and sale or transfer of puppies or kittens: Within thirty days after a litter is born to a female dog or cat, the guardian/custodian of the female animal shall advise the City in writing of the number of live born puppies or kittens. When a puppy or kitten under

the age of four months is sold or otherwise transferred to another person, the guardian/custodian shall advise the Department of the name and address of the new guardian/custodian, and the microchip number of the puppy or kitten, if applicable, within ten days after the transfer. “

SECTION 5: Section 91.35 is added to Chapter 91 of the Santa Paula Municipal Code to read as follows

“91.35 Dog and Cat Breeding - Permit Required - Fees.

A. Any person, except for a person possessing a valid kennel license, who causes the breeding of a dog or cat, shall obtain a breeding permit from the City and shall pay the fee for such permit. Breeding permits shall be valid for a term of one year from the date of issuance.

B. Each permit shall authorize the whelping of no more than one (1) litter per female dog or cat in any twelve (12) month period and no more than one (1) litter per domestic household in any twelve (12) month period, or the offering of a male dog or cat for stud once in any twelve (12) month period.

C. Breeding permits must be obtained in person at the animal control authority (or specially designated satellite offices) where the Director shall keep a register wherein shall be entered the name and address of each person to whom any breeding permit is issued, the date of issuance thereof, the date or approximate date the person obtained the dog or cat, the age or approximate age of the dog or cat, and, if a first-time breeding permit, the number of past litters produced.

D. The person applying for the breeding permit shall demonstrate a basic understanding of humane breeding practices, administered in the form of a test, designed and administered by the Director. Should the applicant fail to pass the humane practices breeding test, he or she shall be denied the breeding permit and may not reapply for such a permit for a minimum period of 30 days.

E. Should the applicant provide any false information or fail to provide any required information, the breeding permit shall be denied.”

SECTION 6: Section 91.36 is added to Chapter 91 of the Santa Paula Municipal Code to read as follows:

“91.36 Microchipping of dogs and cats required.

All dogs and cats over the age of four months must be implanted with an identifying microchip. The guardian/custodian is required to provide the microchip number to the City, and shall notify the City and the national registry applicable to the implanted chip, of a change of ownership of the dog or cat, or a change of address or telephone number.

SECTION 7: *Grace Period.* The City Council wants to encourage voluntary compliance with Sections 91.32 and 91.36. Upon the effective date of this ordinance, guardians/custodians of cats and dogs will have a one-year grace period to comply with the mandatory spaying, neutering and microchipping requirements. During this time, no penalties shall be imposed for failure to comply with Sections 91.33 and 91.36, providing that after this time expires, violations of these Sections will be punishable pursuant to Santa Paula Municipal Code Section 13.03.

SECTION 8: *Administrative Regulations.* The City is authorized to promulgate any administrative rules, regulations and procedures necessary to ensure the effective implementation of this Ordinance.

SECTION 9: *Environmental Assessment.* The California Environmental Quality Act (CEQA) requires that the environmental impacts of the action be assessed. The proposed amendment will not in itself result in any environmental impacts nor will the amendment result in any changes in the physical conditions that exist in the City. Staff has determined the project to be Exempt from the California Environmental Quality Act (CEQA) Guidelines per § 15061 (b)(3).

SECTION 10: *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 11: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications, and to this end the provisions of this Ordinance are severable.

SECTION 12: *Notice.* The City Clerk is directed to certify the passage and adoption of the Ordinance, make a note of the passage and adoption in the records of this meeting, and within fifteen days after the passage and adoption of this Ordinance cause it to be published and posted in accordance with California law.

SECTION 13: *Effectiveness.* This Ordinance will become effective on the 31st day following its passage and adoption.

PASSED AND ADOPTED this ____ day of _____, 2016.

Martin F. Hernandez, Mayor

ATTEST:

By: _____
Judy Rice, City Clerk

APPROVED AS TO FORM:

By: _____
John C. Cotti, City Attorney

APPROVED AS TO CONENT

By: _____
Jaime M. Fontes, City Manager

Attachment: Ord 1260 Spay and Neuter 2nd reading (1059 : Second Reading and Adoption of Spay and Neuter Ordinance No. 1260)

For the City Council Regular Meeting of February 1, 2016

Agenda Item # 1.9.C

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Brian Yanez, Interim Public Works Director
John Ilasin, Capital Projects Engineer

Subject: Authorize the Filing of a Notice of Completion for the Seventh Street
Sewer Main Replacement Project

Date: February 1, 2016

Recommendation: It is recommended that the City Council: (1) Accept the work performed by Toro Enterprises, Inc.; (2) Authorize City staff to file the Notice of Completion with the County Recorder; (3) Authorize the City Manager to execute a contract change order to Toro Enterprises, Inc. for additional replacement of existing poor-conditioned sewer pipeline in the amount of \$42,280.00 in a form approved by the City Attorney; and (4) take such additional, related action that may be desirable.

Report by: Brian J. Yanez, Interim Public Works Director

Fiscal Impacts: The contract change order will be funded from the Sewer Pipeline Rehabilitation Program Account 610.5.9215.660 in the amount of \$42,280.00 (Wastewater Funds). The process of filing the Notice of Completion has no fiscal impact on the City.

Personnel Impacts: There are no personnel impacts associated with this item.

General Discussion: The City Council awarded the Seventh Street Sewer Main Replacement Project to Toro Enterprises, Inc. on August 17, 2015, in an amount of \$381,003.00. In addition, the Council approved a contract change order in the amount of \$49,950.00 for additional polymer manholes, and allocated \$419,103.00 for the project budget. City staff issued the Notice of Award on August 19, 2015, and authorized Toro Enterprises to proceed with the Project on October 12, 2015.

The Project involved the removal and replacement of a sanitary sewer main and sewer maintenance holes (manholes) from Santa Barbara Street to Virginia Terrace, as identified in the Wastewater System Master Plan. During construction, extra work beyond the contract was determined necessary by the Capital Projects Engineer and approved by the Interim Public Works Director to correct existing site conditions. This

For the City Council Regular Meeting of February 1, 2016

Agenda Item # 1.9.C

extra work involved additional removal and replacement of poorly conditioned sewer pipeline that was not originally proposed for replacement in the project plans. The following contract change orders (CCO) describe the various extra work performed by the Contactor:

CCO No.	Description	Reason for Change	Amount
1	This contract change order provides for additional removal of existing sewer manholes pursuant to Contractor's proposal dated July 29, 2015	The reason for change is to remove existing poor-conditioned sewer manholes.	\$49,950.00 (City council approved on August 17, 2015.)
	This contract change order also provides for additional installation of polymer manholes pursuant to Contractor's proposal dated July 29, 2015	The reason for change is to replace existing poor-conditioned sewer manholes.	
	This contract change order also provides for the extension to the Contract Time.	The Contract Time is adjusted to 50 working days.	
2	This contract change order provides for emergency response extra work to clean existing sewer lateral located at 413 and 415 Seventh Street due to sewage backup incident on November 7, 2015	The reason for this change is an emergency response. The source of the sewage backup was determined to be excess baby wipes that clogged the sewer lateral at the connection point to the sewer main.	\$2,244.08
3	This contract change order provides for increasing the quantity for the work performed under Bid Item No. 5, "Remove Sewer Main," and Bid Item No. 7, "8" PVC SDR 35 Sewer Main."	The reason for change is to remove existing poor-conditioned sewer pipeline not originally proposed in the project plans and replace with new sewer pipeline.	\$42,280.00
Total Contract Change Orders			\$94,474.08

The following table summarizes the total cost of construction:

Total Construction Cost

a.	Allocated Project Budget	\$ 419,103.00
b.	Original Contract Price	\$ 381,003.00
c.	Contract Change Order Nos. 1, 2, and 3	\$ 94,474.08
d.	Adjusted Contract Price	\$ 475,477.08
e.	Allocated Project Budget Increase	\$ 56,374.08
f.	Percent (%) Allocated Project Budget Increase	13.5

City staff recommends allocating an additional \$42,280.00 to Contract Change Order No. 3 for the removal and replacement of existing poorly-conditioned sewer pipeline that was discovered and not originally proposed in the project plans, and to complete the construction. The Project was constructed in accordance with the contract documents.

Alternatives:

For the City Council Regular Meeting of February 1, 2016**Agenda Item # 1.9.C**

- A. Approve City staff's recommendation as presented.
- B. Deny City staff's recommendation as presented.
- C. Provide staff with additional direction.

Attachments:

20160119_Notice of Completion Form_Seventh St Sewer Main Replacement Proj

Recording Requested by
and When Recorded Mail To:
City Clerk, City Hall
P. O. Box 569
Santa Paula, CA 93061

NOTICE OF COMPLETION OF CONSTRUCTION PROJECT

Project Name: Seventh Street Sewer Main Replacement Project
Project No.: 575.00

Notice is hereby given pursuant to State of California Civil Code Section 3093 et seq that:

1. The undersigned is an agent of the owner of the interest stated below in the property hereinafter described.
2. The full name of the owner is: City of Santa Paula.
3. The full address of the owner is: City Hall, 970 Ventura Street, Santa Paula, CA 93060.
4. The nature of the interest of the owner is: Public utility facility.
5. A Work of improvement on the property hereinafter described was field reviewed by the Engineer on December 21, 2015. The Work done was: Wastewater Pipeline Replacement.
6. On January 19, 2015, the City of Santa Paula accepted the Work on of this contract as being complete and directed the recording of this Notice of Completion in the Office of the County Recorder.
7. The name of the Contractor for such Work of improvement was: Toro Enterprises, Inc.
8. The property on which said Work of improvement was completed is in the City of Santa Paula, County of Ventura, State of California, and is described as follows: Seventh Street from Santa Barbara Street to Virginia Terrace, Santa Paula, CA 93060.
9. The street address of said property is: Seventh Street from Santa Barbara Street to Virginia Terrace, Santa Paula, CA 93060.

Dated: _____
Brian J. Yanez
Interim Public Works Director

VERIFICATION

I, the undersigned, say: I am the Interim Public Works Director of the City of Santa Paula, the declarant of the foregoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury the foregoing is true and correct.

Executed on _____, 2016 at Santa Paula, California.

Brian J. Yanez
Interim Public Works Director

Attachment: 20160119_Notice of Completion Form_Seventh St Sewer Main Replacement Proj (1043 : Notice of Completion for the Seventh

For the City Council Regular Meeting of February 1, 2016

Agenda Item # 1.10.A

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Sandra Easley,
Brian Yanez, Interim Public Works Director

Subject: Wastewater Revenue Rebates

Date: February 1, 2016

Recommendation: It is recommended that the City Council: 1) receive and file the attached report and presentation by Terry Maas, the City's Financial Advisor, regarding future Wastewater revenue rebates; 2) direct City staff to prepare a formal wastewater rebate policy; and 3) take such additional, related, action that may be required.

Report by: Sandra K. Easley, Finance Director

Fiscal Impacts: Rebates will be determined on a quarterly basis. Currently the City has approximately 6,600 wastewater accounts.

Personnel Impacts: Minimal staff time to calculate bond coverage and process rebate amounts.

General Discussion: Upon the successful completion of the purchase of the Water Recycling Facility from Santa Paula Water, LLC on April 30, 2015, the Council recommended that a mechanism be created to rebate a portion of the wastewater base rate on an ongoing basis. These rebates would be given from annual savings accruing from both debt service and the rebidding of the Operations and Maintenance contract. The Council also determined that the existing Ad Hoc Utility Committee consisting of two current Councilmembers would oversee the Rebate Program.

On a Quarterly basis, the Committee would review the Wastewater Enterprise cash flows, upcoming capital needs and debt service requirements to determine the amount of the monthly rebate that could prudently be passed on to the rate payers. The amount of the rebate

For the City Council Regular Meeting of February 1, 2016**Agenda Item # 1.10.A**

available in each quarterly period will be determined by evaluating existing funds on hand, determining whether any net revenues from the system in excess of 1.50x debt service coverage exist, plus an estimation of current capital needs and any extraordinary maintenance items which may need to be addressed from time to time. Rebates would be calculated as a monthly rebate; however, the credit would come quarterly on the utility billing to conserve administrative expenses on said rebates.

We further recommend that the beginning of the Rebate Program be retroactive from January 1, 2016. Currently, there are adequate funds available from the wastewater enterprise funds to carry the Rebate Program into FY2017. However, the exact amount of the first cumulative quarterly rebate will be determined at a March 2016 Ad Hoc Utility Committee meeting and submitted to the Council for approval at the last meeting in March. The rebate (credit) will then appear on the April bill and be credited equally across all rate classes.

The action required tonight, should the Council decide to proceed, would be to instruct staff to prepare a formal policy and procedure to implement the program for approval by the Council at its next meeting.

Alternatives:

- A. Receive and file the attached report and presentation by Terry Maas, the City's Financial Advisor, regarding future Wastewater revenue rebates; direct staff to prepare a formal wastewater rebate policy and take such additional, related, action that may be required.
- B. Provide staff with further direction

For the City Council Regular Meeting of February 1, 2016

Agenda Item # 1.10.B

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Sandra Easley,
Janna Minsk, Planning Director

Subject: DIF/General Plan Study Session

Date: February 1, 2016

Recommendation: It is recommended that the City Council 1) receive and file the attached report and presentation by Dino Serafini regarding the status of the Developer Impact Fee/General Plan Maintenance Fee Study; and 2) take such additional, related, action that may be required.

Report by: Sandra K. Easley, Finance Director and Janna Minsk, Planning Director

Fiscal Impacts: To be determined.

Personnel Impacts: Minimal staff time to implement and train and new fee structure will be required.

General Discussion: On February 2, 2015, Pacific Municipal Consultants (PMC) was awarded the contract to conduct the development impact fee update, provide the five-year report and update the general plan maintenance fee study. Dino Serafini is the project manager.

A five-year report is required by Government Code Section 66000 et seq. These laws require the identification of the purpose of the fee, identify the use of fee revenues, determine a reasonable relationship between the fee's use and the type of development paying the fee, and determine a reasonable relationship between the amount of the fee and the cost of the facility attributable to development paying the fee. The attached Report addresses these issues relative to all of the City's impact fees.¹

¹ Recently, Pacific Municipal Consultants (PMC) merged with Michael Baker International and consequently the reports refer to Michael Baker International and not Pacific Municipal Consultants.

For the City Council Regular Meeting of February 1, 2016**Agenda Item # 1.10.B**

All City departments have been working with PMC/Michael Baker International to compile the needs associated with future development in regards to the developer impact fees. Further detail will be included in the final report.

In addition, the Planning Department is required to update the City's General Plan every 20-25 years. As the Council knows the process to update the City's general plan is currently underway. State law authorizes that a local jurisdiction to impose a fee to recoup costs associated with the preparation and revision to its general plan.

Mr. Serafini prepared a PowerPoint presentation to update the Council and staff on the status of the Developer Impact Fee/General Plan Maintenance Fee Study. The purpose of this item is for the Council to provide its input on the information contained in the draft study. There is otherwise no action required of the Council at this time. Further action will be required at a later date which would include a Public Hearing to adopt any increase/decrease in related fees.

Alternatives:

- A. Receive and file the presentation by Dino Serafini regarding status of the Developer Impact Fee/General Plan Maintenance Fee Study and take such additional, related, action that may be required.
- B. Provide staff with further direction.

For the City Council Regular Meeting of February 1, 2016

Agenda Item # 1.10.C

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Janna Minsk, Planning Director
John Cotti, City Attorney

Subject: Adoption of Urgency Ordinance No. 1262 U and Second Reading and
Adoption of Ordinance No. 1262

Date: February 1, 2016

Recommendation: It is recommended that the City Council: (1) Adopt Urgency Ordinance No. 1262 U, (2) Waive the second reading and adopt Ordinance No. 1262; and (3) Take such additional, related action that may be desirable.

Report by: Janna Minsk, Planning Director

Fiscal Impacts: None.

Personnel Impacts: None.

General Discussion: At the Santa Paula City Council Meeting of January 19, 2016, the City Council waived the first reading and introduced Ordinance No. 1262 proposing to amend Chapter 16.79 of the Development Code to regulate the cultivation, delivery and dispensing of Medical Marijuana.

Approval of an ordinance requires a first and second reading, with at least five days between same, except in the case of urgency ordinances. With few exceptions, ordinances take effect 30 days after final passage (G.C. 36937).

The second reading and adoption of Ordinance No. 1262 is recommended to maintain local control and authority regarding medical marijuana and meet the Governor's March 1, 2016 deadline to enact such local control per the "Medical Marijuana Regulation and Safety Act ("MMRSA").

Additionally, the council is asked to adopt an urgency ordinance to meet the Governor's March 1, 2016 deadline. The Urgency Ordinance No. 1262 U takes effect immediately if approved. Ordinance No. 1262 will not become effective until 31 days following passage and adoption. In essence, the urgency ordinance will cover the period from March 1, 2016 to March 3, 2016 so that the City has regulations in place on March 1, 2016.

The urgency ordinance (Urgency Ordinance No. 1262 U), will go into effect immediately and will essentially be replaced with Ordinance No. 1262, once Ordinance No. 1262 goes into effect after the second reading and 31 day waiting period. The two ordinances are substantively identical.

For the City Council Regular Meeting of February 1, 2016**Agenda Item # 1.10.C**

The urgency ordinance pursuant to Government Code Section 36937 are for the immediate preservation of the public peace, health or safety take effect immediately subject to a fourth-fifths (4/5ths) vote of approval by the City Council.

RECOMMENDATION: That the City Council: (1) Adopt Urgency Ordinance No. 1262 U, (2) Waive the second reading and adopt Ordinance No. 1262; and (3) Take such additional, related action that may be desirable

Alternatives:

- A. Approve
- B. Deny

Attachment(s):

- A. Urgency Ordinance No. 1262 U
- B. Ordinance No. 1262

Attachments:

- A - Ordinance No. 1262 U
- B - Ordinance No. 1262

ORDINANCE NO. 1262 U

AN URGENCY ORDINANCE ADDING CHAPTER 16.79 TO TITLE 16 OF THE SANTA PAULA MUNICIPAL CODE REGULATING AND PROHIBITING THE CULTIVATION, DELIVERY AND MOBILE DISPENSING OF MEDICAL MARIJUANA; AND AMENDING SECTIONS 16.13.020, 16.15.020, AND 16.21.020 TO EXPRESSLY PROHIBIT MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION IN THE CITY'S RESIDENTIAL, COMMERCIAL AND INDUSTRIAL ZONES.

The Council of the City of Santa Paula does ordain as follows:

SECTION 1: Section 16.79 is added to Chapter 16 of the Santa Paula Municipal Code to read as follows:

“16.79 - Regulation of Medical Marijuana Establishments”

This section sets forth requirements for the regulation of medical marijuana establishments.

16.79.010	Definitions
16.79.020	Prohibition
16.79.030	Violations
16.79.040	Public Nuisance

16.79.010 Definitions

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. “Cannabis” or “marijuana” shall have the same definition as Health and Safety Code section 11018.
- B. “Commercial Cannabis Activity” means cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis product, except as set forth in Business and Professions Code section 19139, related to qualifying patients and primary caregivers.
- C. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- D. “Delivery” shall include the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed by the State under the Medical Marijuana Regulation and Safety Act, which enables Persons, Qualified Patients, and/or Primary Caregivers to arrange for or facilitate the commercial transfer of Medical Cannabis or Medical Cannabis products.

- E. “Dispensary” means a facility where Medical Cannabis, Medical Cannabis products, or devices for the use of Medical Cannabis or Medical Cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that Delivers Medical Cannabis and Medical Cannabis products as part of a retail sale.
- F. “Medical Cannabis” means a product containing Cannabis, including, but not limited to, concentrates and extractions, intended to be sold by Medical Cannabis patients in California pursuant to Health and Safety Code sections 11362.5 and 11362.7.
- G. “Medical Marijuana Regulation and Safety Act” shall refer to Chapter 3.5 of the California Business and Professions Code, commencing with section 19300, et seq.
- H. “Mobile Marijuana Dispensaries” means any Dispensary, clinic, cooperative, association, club, business, or group which transports or Delivers, or arranges the transportation or Delivery, of Medical Cannabis to a Person.
- I. “Person” means any individual, firm, corporation, association, club, society, or other organization. The term Person shall include any owner, manager, proprietor, employee, volunteer or salesperson.
- J. “Primary Caregiver” shall have the same definition as Health and Safety Code section 11362.7, as may be amended.
- K. “Qualified Patient” shall have the same definition as Health and Safety Code section 3362.7, as may be amended, and which means a Person who is entitled to the protections of Health and Safety Code section 11362.5. For the purposes of this subchapter, Qualified Patient shall include a Person with an identification card, as that term is defined by Health and Safety Code section 11362.7, et seq.

16.79.020 Prohibition

- A. Commercial cannabis activities of all types are expressly prohibited in all zones and all specific plan areas in the City. No person shall establish, operate, conduct, or allow, a commercial cannabis activity anywhere in the City.
- B. Mobile marijuana dispensaries are prohibited within the City. No person shall:
 - 1) Locate, operate, own, suffer, allow to be operated or abide, abet or assist in the operation of any mobile marijuana dispensary within the City;
 - 2) Deliver marijuana to any location within the City from a mobile marijuana dispensary, regardless of where the mobile marijuana dispensary is located, or engage in any operation for this purpose; or

- 3) Deliver any medical cannabis product, including, but not limited to: tinctures, baked goods, or other consumable products, to any location within the City from a mobile marijuana dispensary, regardless of where the mobile marijuana dispensary is located, or engage in any operation for this purpose.
- C. This section is meant to prohibit all activities for which a State license is required. Accordingly, the City shall not issue any permit, license, or other entitlement for any activity for which a State license is required under the Medical Marijuana Regulation and Safety Act.
- D. Cultivation of cannabis for non-commercial purposes, including cultivation by a qualified patient or primary caregiver, is expressly prohibited in all zones and specific plan areas in the City. No person, including a qualified caregiver, shall cultivate any amount of cannabis in the City, even for medicinal purposes, except where the City is preempted by federal or state law from enacting a prohibition on such activity.

16.79.030 Violations

In addition to any other remedy available under law, violations of this subchapter are subject to the administrative citations and penalties provisions in title 1, chapter 14, of this Code.

16.79.040 Public Nuisance

Any use or condition caused, or permitted to exist, in violation of any provisions of this subchapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure Section 731 or any other remedy available to the City.

SECTION 2: Table 13-1 of section 16.13.020 of the Santa Paula Municipal Code is hereby amended to read as follows:

Table 13-1 Permitted and Conditional Uses - Residential Zones									
Use	HR-PD1	HR-PD2	R-A	R-1	R-1(a)	R-2	R-3	R-4	MHP
Accessory Buildings (See Section 16.13.040)	A	A	A	A	A	A	A	A	A
Agricultural Use	A*	A*	A	X	X	X	X	X	X
Aviaries	C	C	C	C	C	X	X	X	X
Batting Cage, Driving Range, or Similar Outdoor Sporting facility	X	X	X	X	X	X	X	X	X

<u>Cannabis Delivery</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Commercial Cannabis Activities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cultivation of Cannabis or Medical Marijuana</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Cemeteries	C	C	C	X	X	X	X	X	X
Club or Lodge	X	X	X	X	X	X	C	C	C
Community Care Facilities	X	X	X	X	X*	C*	C*	C*	X
Day Care, Large Family (See Chapter 16.60)	A*	A*	A*	A*	A*	A*	A*	A*	A*
Day Care, Small Family (See Chapter 16.60)	A	A	A	A	A	A	A	A	A
Day Care Center (See Chapter 16.60)	C*	C*	C*	C*	C*	C*	C*	C*	C*
Dwelling, Duplex	X	X	X	X	X	P	P	P	X
Dwelling, Multi-Family	X	X	X	X	X	P	P	P	X
Dwelling, Single-Family	P	P	P	P	P	P	P	P	P
Emergency Shelters (See Table 21-1, Conditional Uses in Industrial Zone.)	X	X	X	X	X	X	X	X	X
Group Quarters, Dormitories, Single-Room Occupancy	X	X	X	X	X	X	X	C	X
Home Occupation (See Chapter 16.230)	A*	A*	A*	A*	A*	A*	A*	A*	A*
Hospital or Sanitarium	C	C	C	X	X	X	C	C	X
Kennel	X	X	C	X	X	X	X	X	X
Migrant Farmworker Group Quarters (Also see Table 21-1, conditional uses in Industrial Zone.)	X	X	X	X	X	X	X	C	X
Mobile or Manufactured Home (See Chapter 16.13, Division 6)	P	P	P	P	P	P	P	P	P
Parking Lot, associated with nonresidential use	X	X	X	X	X	X	X	C	X
Pet (up to 4 adult dogs/cats)	A	A	A	A	A	A	A	A	A
Pets, other than dog/cat (See Section 16.05.020 for	P*	C*	P*	C*	X	X	X	X	X

"Animal, Pet")									
Radio and Television Transmitter (See Chapter 16.50)	C*	C*	C*	C*	C*	C*	C*	C*	C*
Assembly Halls (includes Church, Temple, or Other Religious Institutions) (See Chapter 16.62)	C*	C*	C*	C*	C*	C*	C*	C*	C*
School or Education Facility, Private	C	C	C	C	C	C	C	C	C
Second Dwelling Unit ("Granny Flat") (See Chapter 16.13, Division 4)	A*	A*	A*	A*	A*	X	X	X	X

Key: P = Permitted Use
 A = Permitted as an Accessory Use
 C = Conditional Use Permit Required
 T = Temporary Use Only, Permit Required (See Chapter 16.218)
 * = Special use conditions and/or development standards apply
 X = Not Permitted
 --- = Not Applicable. See comment in "use" field.

SECTION 3: Table 15-1 of section 16.15.020 of the Santa Paula Municipal Code is hereby amended to read as follows:

TABLE 15-1 Permitted and Conditional Uses - Commercial Zones					
Use	C-N	C-O	CBD	C-G	C-H
Agricultural-Related Uses					
Agricultural Production	X	X	X	C	P
Fruit/Agriculture Stands	T	T	T	T	T
Agricultural Equipment and Supplies Sales and Repair	X	X	X	C	C
Auction, Livestock	X	X	X	X	C
Automotive/Vehicle-Related Uses					
Automobile Service Stations (fuel sales; see Chapter 16.72)	C*	C*	C*	C*	C*
Automotive Parts Sales, without Installation	X	X	C	P	P
Automotive Parts Sales, with Installation	X	X	X	C	C

Attachment: A - Ordinance No. 1262 U (1057 : Medical Marijuana Urgency Ordinance)

Automotive Repair (Major) - bodywork/painting, engine repair	X	X	X	C	C
Automotive Repair (Minor) - lube/tune, window tinting, mufflers (not to include tractor, semi-trailer, or the like)	C	C	C	P	P
Automotive Sales (New/Used) - Car, RV, Truck	X	C	X	C	C
Automotive Wrecking	X	X	X	X	X
Car Washes, Full Service and Self Service	X	X	X	C	C
Truck Stop & Repair	X	X	X	X	C
Vehicle Impound or Storage Yard	X	X	X	X	X
Vehicle Leasing/Rental	X	C	X	C	C
Vehicle Storage Facility, including RVs and Boats	C	X	X	C	C
Boarding and Lodging Facilities					
Bed and Breakfast Inn	C	C	C	C	C
Boardinghouse/Roominghouse	X	X	X	C	X
Congregate Care Housing Facility	X	C	C	C	X
Hotels/Motels	X	X	C	C	C
Conference Facility	X	C	C	C	C
Eating/Drinking Establishments					
Coffee, Juice Café	P	P	P	P	P
Delicatessen/Sandwich Shop (no alcoholic beverage sales)	P	P	P	P	P
Restaurant with no drive-through (a)	C	C	P	P	P
Restaurant with drive-through (See Chapter 16.66) (a)	X	X	X	C*	C*
Restaurant, Fast-food (a)	X	X	C	C	C
Restaurant (outdoor dining on private property) (a)	C	C	P*	P	P
Restaurant (outdoor dining on public right-of-way) (See Chapter 124) (a)	C	C	P*	C	C
Night Club/Bar/Lounge (a)	X	X	C	C	C
Entertainment/Recreation Uses					
Adult Business/Entertainment Enterprise	X	X	X	X	C*

(See Chapter 16.54)					
Amusement Park	X	X	X	C	C
Amusement Arcade or Center (See Chapter 16.56)	X	X	C*	C*	C*
Auditorium, Convention Halls, and Theaters	X	X	X	C	C
Batting Cage, Driving Range, or Similar Outdoor Sporting facility	C	C	X	P	C
Billiard/Pool Hall (a)	X	X	C	C	C
Bowling Alley	X	X	C	C	C
Café Entertainment (See Chapter 124)	X	X	D	X	X
Cultural Center	P	P	P	P	P
Health/Athletic Club	X	C	P	C	C
Indoor Recreation Center	C	C	C	C	C
Library or Museum	P	P	P	P	P
Massage Establishment (See Chapter 119 of Title 11)	X	X	C	C	C
Miniature Golf	X	X	X	C	C
Rodeo Arena	X	X	X	X	X
Skate Park or Rink	X	X	X	C	C
Slot Car Racing	X	X	X	C	C
Theater, Cinema (Movie)	X	X	C	C	P
Theater, Stage	C	X	C	C	C
Financial Institutions					
Banks, Savings and Loans, and Credit Unions	P	P	P	P	P
Medical/Care Facilities					
Blood Bank	X	C	C	C	C
Day Care Home, Large Family - Adult or Child (See Chapter 16.60)	C*	A*	C*	C*	X
Day Care Home, Small Family - Adult or Child (See Chapter 16.60)	C*	A*	C*	C*	X
Child Day Care Center (See Chapter 16.60)	C*	C*	C*	P*	C*
Clinic, Outpatient	X	C	C	C	X

Community Care Facility (See Chapter 16.64)	X	C*	C*	C*	X
Drug and Alcohol Clinic/Rehabilitation (See Community Care Facility)	---	---	---	---	---
Convalescent Home or Hospital	C	C	C	C	C
Emergency Shelter	X	C	X	C	C
Hospital/Surgery (See Civic/Institutional Zone)	X	X	X	X	X
Medical Laboratory	X	X	X	C	C
Medical Office (See Professional & Administrative Offices)	---	---	---	---	---
Urgent Care Facility	X	C	C	C	C
Personal Service					
Barber/Beauty/Nail Shop	P	P	P	P	C
Dance/Music Schools/Martial Arts Studio	C	X	C	P	X
Dry Cleaner without on-site cleaning facilities	P	P	P	P	X
Dry Cleaner with on-site cleaning facilities	X	X	X	C	C
Laundromat	P	X	X	P	X
Leather, Luggage and Shoe Repair	P	P	P	P	X
Professional and Administrative Offices					
Office - Medical, Dental, Optometry, Chiropractic and the like	P	P	P	P	P
Office - Business or Professional	P	P	P	P	P
Veterinary Office	C	C	C	P	X
Residential Uses					
Live/work studio	C	C	C	C	X
Dwelling, Multi-Family (Constructed to R-4 Standards)(b)	X	C	C	C	X
Dwelling, Single-Family	X	X	X	X	X
Mixed Use Residential and Commercial Development (See Subsection 16.15.030(D)) (b)	X	P*	C*	C*	X
Home Occupations	A	A	A	A	X
Retail Commercial					

Antique Store (See also "Thrift Store")	P	P	P	P	X
Art Galleries and Studios	P	P	P	P	X
Auction businesses conducted within a building, excluding livestock sales	X	X	X	C	C
Automotive (See Automotive/Vehicle- Related Uses above)	---	---	---	---	---
Bakery, Retail (with or without on-premises baking)	P	P	P	P	P
Book Store	P	P	P	P	P
Clothing/Apparel Sales	P	P	P	P	P
Confectionary Store, Candy Sales	P	P	P	P	C
Convenience Store or Mini-market (a)	C	C	C	C	C
Department Store	X	X	C	P	P
Discount Store	P	X	C	P	C
Fabric & Craft Store	P	P	P	P	P
Flower/Gift Shop	P	P	P	P	P
Furniture, Furnishings and Appliances (Sales)	P	P	P	P	P
Grocery Store or Market	C	C	C	C	C
Hardware Store	P	X	P	P	C
Home Improvement Store with Outdoor Display of Lumber/Garden	X	X	X	C	C
Jewelry Store	P	P	P	P	C
Liquor Store (See Chapter 16.58) (a)	C*	X	C*	C*	C*
Mobile Home Sales	X	X	X	C	C
Music Store	P	P	P	P	C
Nurseries/Garden Supplies	X	X	X	P	P
Office Supplies/Equipment	X	P	P	P	P
Pet Shop/Store	X	X	C	P	P
Pharmacy	C	P	P	P	P
Plumbing Supplies	X	X	X	P	P
Shopping Center A (less than 50,000 gross square feet of leasable area)	C	X	C	C	C
Shopping Center B (from 50,000 gross square feet	X	X	X	C	C

up to 150,000 square feet of leasable area)					
Shopping Center C (from 150,000 gross square feet up to 400,000 square feet of leasable area)	X	X	X	C	C
Shopping Center D (over 400,000 gross square feet of leasable area)	X	X	X	X	C
Thrift Store, Secondhand Store or Sales (see also "Antique Store")	X	X	C	C	X
Warehouse Retail Store	X	X	X	C	C
Service Commercial					
Catering Service	C	C	C	P	P
Cleaning/Janitorial	X	P	X	P	P
Copy Center/Postal Center	P	P	P	P	X
Equipment Rental/Sales/Service Yard	X	X	X	C	C
Interior Design Shop	P	P	P	P	X
Laboratories (film, medical/dental)	X	C	X	C	C
Photography Shop/Studio/Film Processing	P	P	P	P	X
Printing/Publishing Facilities	X	P	C	P	P
Recycling Center (See Industrial Zones for Recycling Facility)	X	X	X	C*	C*
Travel Agency	P	P	P	P	P
Welding/Repair and Related Uses	X	X	X	C	C
Other					
Alcoholic Sales (See Chapter 16.58)	C	C	C	C	C
Antenna, Satellite or Dish (See Section 16.50.020)	A*	A*	A*	A*	A*
Antenna, Wireless Communications (See Chapter 16.50)	C*	C*	C*	C*	C*
Assembly Halls (includes Church, Temple, or Other Religious Institutions) (See Chapter 16.62)	C*	C*	C*	C*	C*
<u>Cannabis Delivery</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Commercial Cannabis Activities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cultivation of Cannabis or Medical Marijuana</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Carnival	X	T	T	T	T
Cemetery	X	X	X	C	C

Check Cashing Business	C	X	C	P	C
Club, Lodge, and Meeting Hall (See Assembly Hall above)	---	---	---	---	---
Educational Institutions (Public or Private)	C	P	C	P	P
Drive-Thru Establishment, Non-Restaurant (See Chapter 16.66)	X	C*	X	C*	C*
Funeral Parlor/Mortuary	X	C	X	C	C
Media Broadcasting Station	C	C	C	C	C
Newsrack (See Chapter 16.68)	A*	A*	A*	A*	A*
Parking Lot for off-site use	C	C	C	C	C
Pawn Shop	X	X	C	P	X
Utility Substation	C	C	C	C	C
Swap Meet/Flea Market	X	X	T	T	T
Tattoo Studio	X	X	C	C	X
Trade/Technical School	X	P	C	P	P
Wedding Chapel	C	C	C	C	X

Key: P = Permitted Use
A = Permitted as an Accessory Use
C = Conditional Use Permit Required
T = Temporary Use Only, Permit Required (See Chapter 16.218)
* = Special use conditions and/or development standards apply
X = Not Permitted
--- = Not Applicable. See comment in "use" field.

SECTION 4: Table 21-1 of section 16.21.020 of the Santa Paula Municipal Code is hereby amended to read as follows:

TABLE 21-1 Permitted and Conditional Uses - Industrial Zones				
Use	C/LI	LI	I	M-1
Accessory buildings necessary to use located on same lot or parcel	P	P	P	P
Adult Entertainment Establishment (See Chapter 16.54)	X	X	C*	X
Alcohol and Alcoholic Beverages Manufacturing	X	X	C	C
Animal Hospitals, Kennels & Veterinary Clinic	P	P	C	P

Automobile Service Station (fuel sales; See Chapter 16.72)	C*	C*	C*	C
Automotive Repair and/or Tune-up Shop	P	C	C	P1
Automobile dismantling	X	X	X	C
Assembly (small scale, see definition)	P	P	P	P
Assembly (large scale, see definition)	C	C	P	P
<u>Cannabis Delivery</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Commercial Cannabis Activities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cultivation of Cannabis or Medical Marijuana</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Catering establishment and box lunch preparation	X	X	X	P
Commercial Retail Businesses - 30,000 sf or smaller, and not listed otherwise in Table 21-1	P	C	X	X
Commercial Retail Businesses - Over 30,000 sf, and not listed otherwise in Table 21-1	C	C	C	X
Commercial Service Businesses - 10,000 sf or smaller, and not listed otherwise in Table 21-1	P	C	C	X
Commercial Service Businesses - Over 10,000 sf, and not listed otherwise in Table 21-1	C	X	X	X
Day Care Center (See Chapter 16.60)	C*	C*	X	X
Day Care Center, Employer-Sponsored Child (See Chapter 16.60)	C*	C*	C*	C*
Distribution (low intensity, e.g. local distribution)	C	P	P	P
Distribution (high intensity, e.g. regional distribution, freight terminal)	C	X	P	P
Distribution - wholesale alcohol	X	C	C	X
Drive-through Facilities (See Chapter 16.66)	C*	C*	C*	X*
Dwelling - Farmworker Housing, Migrant Farmworker Housing	C	C	X	X
Dwelling - Live/work studio	C	C	X	X
Dwelling – Caretaker	C	C	C	C
Emergency shelters (See Chapter 16.78)	P	X	X	X
Equipment Rental	C	C	P	P
Farm vehicle sales, storage, repair, and auction (b)	C	X	P	X
Food Processing	X	X	C	P
Furniture Sales, Rentals, or Repairs	P	P	P	P

Health Clubs	C	C	X	X
Laboratories	C	C	C	P
Libraries, museums and private clubs	X	X	X	C
Lumberyards	X	X	X	P
Manufacturing (small scale) See Definition	P	P	P	P
Manufacturing (large scale) See Definitions	X	X	P	P
Manufacturing - chemicals, alcohol, asphalt, batteries, rubber fabrication	X	C	C	C
Motion Picture Studio	C	C	C	P
Nurseries	C	C	C	P
Office - Business or Professional - As primary use	P	P	X	X
Office - Business or Professional - As accessory to primary commercial or industrial use	A	A	A	A
Processing (small scale - see definition) (a)	X	P	X	P
Processing (large scale - see definition) (a)	X	X	C	C
Public Facilities for governmental purposes	X	X	X	C
Public Storage Facility/Mini-warehouse	C	C	C	C
Public Utility Yards	C	C	C	C
Recreational enterprises and facilities	X	X	X	C
Recycling Facility (see Chapter 16.70)	X	C*	C*	P*
Research and Development Businesses	P	P	P	P
Restaurants, including fast-food	C	C	X	X
Slaughtering	X	X	C	C
Storage (large scale, e.g. construction equipment, building material, operating motor vehicles, transit and transportation equipment (b))	C	C	P	P
Storage - non-operating motor vehicles, even when in conjunction with another use on the same lot or parcel	X	X	X	C
Surface Mining and Reclamation (See Chapter 16.100 et seq.)	X	X	C*	C*
Telecommunications Facilities (see Chapter 16.50)	C*	C*	C*	C*
Trade School	P	P	C	P
Truck Repair and Overhauling	X	X	X	P
Trucking, freighting or draying yards or terminals	X	X	X	C

Utility Distribution and Transmission Stations	C	C	C	X
Vehicle impound yards (b)	X	C	P	P
Vehicle parts and equipment stores	X	X	X	P
Vehicle sales - wholesale (b)	C	X	C	X
Vehicle sales - retail	C	C	C	X
Vehicle rental agency	C	C	C	X
Warehouse (other than Distribution)	C	C	C	X
Wholesaling	P	P	P	X

Key: P = Permitted Use
A = Permitted as an Accessory Use
C = Conditional Use Permit Required
T = Temporary Use Only, Permit Required (See Chapter 16.218)
* = Special use conditions and/or development standards apply
X = Not Permitted
--- = Not Applicable. See comment in "use" field.

SECTION 5: Urgency Findings. On October 9, 2015, the Governor of California signed into law the Medical Marijuana Regulation and Safety Act (MMRSA) which became effective on January 1, 2016. Pursuant to the MMRSA, the City must have land use regulations in effect by March 1, 2016, to regulate or prohibit the cultivation of medical marijuana otherwise this use will be authorized and regulated solely by the State. Existing City law prohibits medical marijuana dispensaries and is silent as to cultivation and mobile dispensaries.

Commercial medical marijuana activities, as well as cultivation for personal medical use, as contemplated under the Compassionate Use Act and the Medical Marijuana Program, can adversely affect the peace and safety of City residents and have the potential to adversely and significantly impact the City.

The exact number of delivery services operating in California is unclear, since the state does not keep a registry of mobile medical marijuana distributors. Mobile dispensaries have been the targets of armed robbers seeking cash and drugs. As a result, many drivers reportedly carry weapons or have armed guards as protection.

The cultivation and processing of medical cannabis has resulted in damages to buildings containing indoor medical cannabis cultivation facilities; such damages include improper and dangerous electrical alternations and use, inadequate ventilation leading to mold and mildew, as well as an increase in the frequency of home-invasion robberies and similar crimes.

Unlike indoor cultivation, exterior cultivation activities require large amounts of space and, if operated by a number of primary caregivers, collectives and cooperatives, may result in a large quantity of plants being cultivated on a single parcel of land. As these "crops" begin to flower, they produce a strong odor that is detectable far beyond the property

boundaries. Not only is the odor of flowering marijuana plants offensive, it also alerts persons to the location of the valuable plants and creates an increased risk of nuisance activity, including crime.

As noted, dispensaries and collectives are already prohibited under existing law due to their negative secondary effects and this ordinance clarifies that prohibition. There exists a current and immediate threat to public peace and safety in the absence of the City adopting an ordinance expressly prohibiting establishment, operation or use of Commercial medical marijuana activities, delivery and cultivation of medical marijuana. The failure to prohibit mobile marijuana dispensaries and cultivation will expose the City to costs related to regulation, enforcement, and the negative secondary effects of mobile dispensaries and cultivation including an increase in violent crime.

It is the purpose and intent of this Ordinance prohibiting all commercial medical marijuana activities and cultivation to protect the peace and safety of the residents and businesses within the City. Absent immediate effectiveness, cultivation will be authorized and regulated by the state during the time this Ordinance would otherwise be required to take effect.

Additionally, mobile dispensaries could begin operating without a clear statement of prohibition in the Municipal Code. State law also requires that processing of medical marijuana, delivery of medical marijuana and cultivation be expressly regulated or banned in a local ordinance.

This ordinance must be adopted immediately to comply with state law and clarify that none of these uses are permitted in the City and prevent the negative and dangerous secondary effects associated with these uses. This is an urgency ordinance adopted pursuant to Government Code Section 36937 and shall take effect immediately upon adoption.

SECTION 6: Environmental Assessment. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

SECTION 7: Notice. The City Clerk is directed to certify the passage and adoption of the Ordinance, make a note of the passage and adoption in the records of this meeting, and within fifteen days after the passage and adoption of this Ordinance cause it to be published and posted in accordance with California law.

PASSED AND ADOPTED this _____ day of _____, 2016.

Martin F. Hernandez, Mayor

ATTEST:

Judy Rice, City Clerk

APPROVED AS TO FORM:

By: _____
John C. Cotti, City Attorney

APPROVED AS TO CONTENT:

By: _____
Jaime M. Fontes, City Manager

Attachment: A - Ordinance No. 1262 U (1057 : Medical Marijuana Urgency Ordinance)

ORDINANCE NO. 1262

AN ORDINANCE ADDING CHAPTER 16.79 TO TITLE 16 OF THE SANTA PAULA MUNICIPAL CODE REGULATING AND PROHIBITING THE CULTIVATION, DELIVERY AND MOBILE DISPENSING OF MEDICAL MARIJUANA; AND AMENDING SECTIONS 16.13.020, 16.15.020, AND 16.21.020 TO EXPRESSLY PROHIBIT MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION IN THE CITY'S RESIDENTIAL, COMMERCIAL AND INDUSTRIAL ZONES.

The Council of the City of Santa Paula does ordain as follows:

SECTION 1: The City Council finds and declares that:

- A. In October 2015, the Governor signed three bills into law, AB 243, AB 266, and SB 643, collectively known as the Medical Marijuana Regulation and Safety Act ("MMRSA"). The MMRSA establishes a State licensing scheme for commercial medical marijuana activities while protecting local control by requiring both a local license/permit in addition to a State license prior to the commencement of such activities.
- B. Local jurisdictions have until March 1, 2016 to adopt their own regulations with regard to the cultivation of medical marijuana otherwise the State will become the sole licensing authority regarding such use.
- C. The City does not expressly address the cultivation, processing, delivery, and distribution of medical marijuana, rather, the City prohibits the use of any building or real property for a purpose prohibited by federal law. In order to regulate and otherwise prohibit the cultivation and delivery of medical marijuana, State law currently requires that the City adopt language that expressly prohibits such uses.
- D. The Development Code text amendment is consistent with the goals, policies, and objectives of the General Plan because the project is in the public interest and there are community benefits resulting from the regulation of medical marijuana.
- E. The Development Code text amendment promotes the health, safety, and welfare of Santa Paula residents and serves the goals and purposes of SPMC Title 16 by ensuring compliance with the Medical Marijuana Regulation and Safety Act.

SECTION 2: Section 16.79 is added to Chapter 16 of the Santa Paula Municipal Code to read as follows:

“16.79 - Regulation of Medical Marijuana Establishments”

This section sets forth requirements for the regulation of medical marijuana establishments.

- 16.79.010 Definitions
- 16.79.020 Prohibition
- 16.79.030 Violations
- 16.79.040 Public Nuisance

16.79.010 Definitions

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. “Cannabis” or “marijuana” shall have the same definition as Health and Safety Code section 11018.
- B. “Commercial Cannabis Activity” means cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis product, except as set forth in Business and Professions Code section 19139, related to qualifying patients and primary caregivers.
- C. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- D. “Delivery” shall include the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed by the State under the Medical Marijuana Regulation and Safety Act, which enables Persons, Qualified Patients, and/or Primary Caregivers to arrange for or facilitate the commercial transfer of Medical Cannabis or Medical Cannabis products.
- E. “Dispensary” means a facility where Medical Cannabis, Medical Cannabis products, or devices for the use of Medical Cannabis or Medical Cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that Delivers Medical Cannabis and Medical Cannabis products as part of a retail sale.
- F. “Medical Cannabis” means a product containing Cannabis, including, but not limited to, concentrates and extractions, intended to be sold by Medical Cannabis patients in California pursuant to Health and Safety Code sections 11362.5 and 11362.7.
- G. “Medical Marijuana Regulation and Safety Act” shall refer to Chapter 3.5 of the California Business and Professions Code, commencing with section 19300, et seq.

- H. “Mobile Marijuana Dispensaries” means any Dispensary, clinic, cooperative, association, club, business, or group which transports or Delivers, or arranges the transportation or Delivery, of Medical Cannabis to a Person.
- I. “Person” means any individual, firm, corporation, association, club, society, or other organization. The term Person shall include any owner, manager, proprietor, employee, volunteer or salesperson.
- J. “Primary Caregiver” shall have the same definition as Health and Safety Code section 11362.7, as may be amended.
- K. “Qualified Patient” shall have the same definition as Health and Safety Code section 3362.7, as may be amended, and which means a Person who is entitled to the protections of Health and Safety Code section 11362.5. For the purposes of this subchapter, Qualified Patient shall include a Person with an identification card, as that term is defined by Health and Safety Code section 11362.7, et seq.

16.79.020 Prohibition

- A. Commercial cannabis activities of all types are expressly prohibited in all zones and all specific plan areas in the City. No person shall establish, operate, conduct, or allow, a commercial cannabis activity anywhere in the City.
- B. Mobile marijuana dispensaries are prohibited within the City. No person shall:
 1. Locate, operate, own, suffer, allow to be operated or abide, abet or assist in the operation of any mobile marijuana dispensary within the City;
 2. Deliver marijuana to any location within the City from a mobile marijuana dispensary, regardless of where the mobile marijuana dispensary is located, or engage in any operation for this purpose; or;
 3. Deliver any medical cannabis product, including, but not limited to: tinctures, baked goods, or other consumable products, to any location within the City from a mobile marijuana dispensary, regardless of where the mobile marijuana dispensary is located, or engage in any operation for this purpose.
- C. This section is meant to prohibit all activities for which a State license is required. Accordingly, the City shall not issue any permit, license, or other entitlement for any activity for which a State license is required under the Medical Marijuana Regulation and Safety Act.
- D. Cultivation of cannabis for non-commercial purposes, including cultivation by a qualified patient or primary caregiver, is expressly prohibited in all zones

and specific plan areas in the City. No person, including a qualified caregiver, shall cultivate any amount of cannabis in the City, even for medicinal purposes, except where the City is preempted by federal or state law from enacting a prohibition on such activity.

16.79.030 Violations

In addition to any other remedy available under law, violations of this subchapter are subject to the administrative citations and penalties provisions in title 1, chapter 14, of this Code.

16.79.040 Public Nuisance

Any use or condition caused, or permitted to exist, in violation of any provisions of this subchapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure Section 731 or any other remedy available to the City.

SECTION 3: Table 13-1 of section 16.13.020 of the Santa Paula Municipal Code is hereby amended to read as follows:

Table 13-1 Permitted and Conditional Uses - Residential Zones									
Use	HR-PD1	HR-PD2	R-A	R-1	R-1(a)	R-2	R-3	R-4	MHP
Accessory Buildings (See Section 16.13.040)	A	A	A	A	A	A	A	A	A
Agricultural Use	A*	A*	A	X	X	X	X	X	X
Aviaries	C	C	C	C	C	X	X	X	X
Batting Cage, Driving Range, or Similar Outdoor Sporting facility	X	X	X	X	X	X	X	X	X
<u>Cannabis Delivery</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Commercial Cannabis Activities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cultivation of Cannabis or Medical Marijuana</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Cemeteries	C	C	C	X	X	X	X	X	X
Club or Lodge	X	X	X	X	X	X	C	C	C
Community Care Facilities	X	X	X	X	X*	C*	C*	C*	X
Day Care, Large Family (See Chapter 16.60)	A*	A*	A*	A*	A*	A*	A*	A*	A*

Day Care, Small Family (See Chapter 16.60)	A	A	A	A	A	A	A	A	A
Day Care Center (See Chapter 16.60)	C*	C*	C*	C*	C*	C*	C*	C*	C*
Dwelling, Duplex	X	X	X	X	X	P	P	P	X
Dwelling, Multi-Family	X	X	X	X	X	P	P	P	X
Dwelling, Single-Family	P	P	P	P	P	P	P	P	P
Emergency Shelters (See Table 21-1, Conditional Uses in Industrial Zone.)	X	X	X	X	X	X	X	X	X
Group Quarters, Dormitories, Single-Room Occupancy	X	X	X	X	X	X	X	C	X
Home Occupation (See Chapter 16.230)	A*	A*	A*	A*	A*	A*	A*	A*	A*
Hospital or Sanitarium	C	C	C	X	X	X	C	C	X
Kennel	X	X	C	X	X	X	X	X	X
Migrant Farmworker Group Quarters (Also see Table 21-1, conditional uses in Industrial Zone.)	X	X	X	X	X	X	X	C	X
Mobile or Manufactured Home (See Chapter 16.13, Division 6)	P	P	P	P	P	P	P	P	P
Parking Lot, associated with nonresidential use	X	X	X	X	X	X	X	C	X
Pet (up to 4 adult dogs/cats)	A	A	A	A	A	A	A	A	A
Pets, other than dog/cat (See Section 16.05.020 for "Animal, Pet")	P*	C*	P*	C*	X	X	X	X	X
Radio and Television Transmitter (See Chapter 16.50)	C*	C*	C*	C*	C*	C*	C*	C*	C*
Assembly Halls (includes Church, Temple, or Other Religious Institutions) (See Chapter 16.62)	C*	C*	C*	C*	C*	C*	C*	C*	C*
School or Education Facility, Private	C	C	C	C	C	C	C	C	C

Second Dwelling Unit ("Granny Flat") (See Chapter 16.13, Division 4)	A*	A*	A*	A*	A*	X	X	X	X
--	----	----	----	----	----	---	---	---	---

Key: P = Permitted Use
 A = Permitted as an Accessory Use
 C = Conditional Use Permit Required
 T = Temporary Use Only, Permit Required (See Chapter 16.218)
 * = Special use conditions and/or development standards apply
 X = Not Permitted
 --- = Not Applicable. See comment in "use" field.

SECTION 4: Table 15-1 of section 16.15.020 of the Santa Paula Municipal Code is hereby amended to read as follows:

TABLE 15-1 Permitted and Conditional Uses - Commercial Zones					
Use	C-N	C-O	CBD	C-G	C-H
Agricultural-Related Uses					
Agricultural Production	X	X	X	C	P
Fruit/Agriculture Stands	T	T	T	T	T
Agricultural Equipment and Supplies Sales and Repair	X	X	X	C	C
Auction, Livestock	X	X	X	X	C
Automotive/Vehicle-Related Uses					
Automobile Service Stations (fuel sales; see Chapter 16.72)	C*	C*	C*	C*	C*
Automotive Parts Sales, without Installation	X	X	C	P	P
Automotive Parts Sales, with Installation	X	X	X	C	C
Automotive Repair (Major) - bodywork/painting, engine repair	X	X	X	C	C
Automotive Repair (Minor) - lube/tune, window tinting, mufflers (not to include tractor, semi-trailer, or the like)	C	C	C	P	P
Automotive Sales (New/Used) - Car, RV, Truck	X	C	X	C	C
Automotive Wrecking	X	X	X	X	X
Car Washes, Full Service and Self Service	X	X	X	C	C

Attachment: B - Ordinance No. 1262 (1057 : Medical Marijuana Urgency Ordinance)

Truck Stop & Repair	X	X	X	X	C
Vehicle Impound or Storage Yard	X	X	X	X	X
Vehicle Leasing/Rental	X	C	X	C	C
Vehicle Storage Facility, including RVs and Boats	C	X	X	C	C
Boarding and Lodging Facilities					
Bed and Breakfast Inn	C	C	C	C	C
Boardinghouse/Roominghouse	X	X	X	C	X
Congregate Care Housing Facility	X	C	C	C	X
Hotels/Motels	X	X	C	C	C
Conference Facility	X	C	C	C	C
Eating/Drinking Establishments					
Coffee, Juice Café	P	P	P	P	P
Delicatessen/Sandwich Shop (no alcoholic beverage sales)	P	P	P	P	P
Restaurant with no drive-through (a)	C	C	P	P	P
Restaurant with drive-through (See Chapter 16.66) (a)	X	X	X	C*	C*
Restaurant, Fast-food (a)	X	X	C	C	C
Restaurant (outdoor dining on private property) (a)	C	C	P*	P	P
Restaurant (outdoor dining on public right-of-way) (See Chapter 124) (a)	C	C	P*	C	C
Night Club/Bar/Lounge (a)	X	X	C	C	C
Entertainment/Recreation Uses					
Adult Business/Entertainment Enterprise (See Chapter 16.54)	X	X	X	X	C*
Amusement Park	X	X	X	C	C
Amusement Arcade or Center (See Chapter 16.56)	X	X	C*	C*	C*
Auditorium, Convention Halls, and Theaters	X	X	X	C	C
Batting Cage, Driving Range, or Similar Outdoor Sporting facility	C	C	X	P	C
Billiard/Pool Hall (a)	X	X	C	C	C

Bowling Alley	X	X	C	C	C
Café Entertainment (See Chapter 124)	X	X	D	X	X
Cultural Center	P	P	P	P	P
Health/Athletic Club	X	C	P	C	C
Indoor Recreation Center	C	C	C	C	C
Library or Museum	P	P	P	P	P
Massage Establishment (See Chapter 119 of Title 11)	X	X	C	C	C
Miniature Golf	X	X	X	C	C
Rodeo Arena	X	X	X	X	X
Skate Park or Rink	X	X	X	C	C
Slot Car Racing	X	X	X	C	C
Theater, Cinema (Movie)	X	X	C	C	P
Theater, Stage	C	X	C	C	C
Financial Institutions					
Banks, Savings and Loans, and Credit Unions	P	P	P	P	P
Medical/Care Facilities					
Blood Bank	X	C	C	C	C
Day Care Home, Large Family - Adult or Child (See Chapter 16.60)	C*	A*	C*	C*	X
Day Care Home, Small Family - Adult or Child (See Chapter 16.60)	C*	A*	C*	C*	X
Child Day Care Center (See Chapter 16.60)	C*	C*	C*	P*	C*
Clinic, Outpatient	X	C	C	C	X
Community Care Facility (See Chapter 16.64)	X	C*	C*	C*	X
Drug and Alcohol Clinic/Rehabilitation (See Community Care Facility)	---	---	---	---	---
Convalescent Home or Hospital	C	C	C	C	C
Emergency Shelter	X	C	X	C	C
Hospital/Surgery (See Civic/Institutional Zone)	X	X	X	X	X
Medical Laboratory	X	X	X	C	C

Medical Office (See Professional & Administrative Offices)	---	---	---	---	---
Urgent Care Facility	X	C	C	C	C
Personal Service					
Barber/Beauty/Nail Shop	P	P	P	P	C
Dance/Music Schools/Martial Arts Studio	C	X	C	P	X
Dry Cleaner without on-site cleaning facilities	P	P	P	P	X
Dry Cleaner with on-site cleaning facilities	X	X	X	C	C
Laundromat	P	X	X	P	X
Leather, Luggage and Shoe Repair	P	P	P	P	X
Professional and Administrative Offices					
Office - Medical, Dental, Optometry, Chiropractic and the like	P	P	P	P	P
Office - Business or Professional	P	P	P	P	P
Veterinary Office	C	C	C	P	X
Residential Uses					
Live/work studio	C	C	C	C	X
Dwelling, Multi-Family (Constructed to R-4 Standards)(b)	X	C	C	C	X
Dwelling, Single-Family	X	X	X	X	X
Mixed Use Residential and Commercial Development (See Subsection 16.15.030(D)) (b)	X	P*	C*	C*	X
Home Occupations	A	A	A	A	X
Retail Commercial					
Antique Store (See also "Thrift Store")	P	P	P	P	X
Art Galleries and Studios	P	P	P	P	X
Auction businesses conducted within a building, excluding livestock sales	X	X	X	C	C
Automotive (See Automotive/Vehicle- Related Uses above)	---	---	---	---	---
Bakery, Retail (with or without on-premises baking)	P	P	P	P	P

Book Store	P	P	P	P	P
Clothing/Apparel Sales	P	P	P	P	P
Confectionary Store, Candy Sales	P	P	P	P	C
Convenience Store or Mini-market (a)	C	C	C	C	C
Department Store	X	X	C	P	P
Discount Store	P	X	C	P	C
Fabric & Craft Store	P	P	P	P	P
Flower/Gift Shop	P	P	P	P	P
Furniture, Furnishings and Appliances (Sales)	P	P	P	P	P
Grocery Store or Market	C	C	C	C	C
Hardware Store	P	X	P	P	C
Home Improvement Store with Outdoor Display of Lumber/Garden	X	X	X	C	C
Jewelry Store	P	P	P	P	C
Liquor Store (See Chapter 16.58) (a)	C*	X	C*	C*	C*
Mobile Home Sales	X	X	X	C	C
Music Store	P	P	P	P	C
Nurseries/Garden Supplies	X	X	X	P	P
Office Supplies/Equipment	X	P	P	P	P
Pet Shop/Store	X	X	C	P	P
Pharmacy	C	P	P	P	P
Plumbing Supplies	X	X	X	P	P
Shopping Center A (less than 50,000 gross square feet of leasable area)	C	X	C	C	C
Shopping Center B (from 50,000 gross square feet up to 150,000 square feet of leasable area)	X	X	X	C	C
Shopping Center C (from 150,000 gross square feet up to 400,000 square feet of leasable area)	X	X	X	C	C
Shopping Center D (over 400,000 gross square feet of leasable area)	X	X	X	X	C
Thrift Store, Secondhand Store or Sales (see also "Antique Store")	X	X	C	C	X

Warehouse Retail Store	X	X	X	C	C
Service Commercial					
Catering Service	C	C	C	P	P
Cleaning/Janitorial	X	P	X	P	P
Copy Center/Postal Center	P	P	P	P	X
Equipment Rental/Sales/Service Yard	X	X	X	C	C
Interior Design Shop	P	P	P	P	X
Laboratories (film, medical/dental)	X	C	X	C	C
Photography Shop/Studio/Film Processing	P	P	P	P	X
Printing/Publishing Facilities	X	P	C	P	P
Recycling Center (See Industrial Zones for Recycling Facility)	X	X	X	C*	C*
Travel Agency	P	P	P	P	P
Welding/Repair and Related Uses	X	X	X	C	C
Other					
Alcoholic Sales (See Chapter 16.58)	C	C	C	C	C
Antenna, Satellite or Dish (See Section 16.50.020)	A*	A*	A*	A*	A*
Antenna, Wireless Communications (See Chapter 16.50)	C*	C*	C*	C*	C*
Assembly Halls (includes Church, Temple, or Other Religious Institutions) (See Chapter 16.62)	C*	C*	C*	C*	C*
<u>Cannabis Delivery</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Commercial Cannabis Activities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cultivation of Cannabis or Medical Marijuana</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Carnival	X	T	T	T	T
Cemetery	X	X	X	C	C
Check Cashing Business	C	X	C	P	C
Club, Lodge, and Meeting Hall (See Assembly Hall above)	---	---	---	---	---
Educational Institutions (Public or Private)	C	P	C	P	P
Drive-Thru Establishment, Non-Restaurant (See Chapter 16.66)	X	C*	X	C*	C*

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Funeral Parlor/Mortuary	X	C	X	C	C
Media Broadcasting Station	C	C	C	C	C
Newsrack (See Chapter 16.68)	A*	A *	A*	A*	A*
Parking Lot for off-site use	C	C	C	C	C
Pawn Shop	X	X	C	P	X
Utility Substation	C	C	C	C	C
Swap Meet/Flea Market	X	X	T	T	T
Tattoo Studio	X	X	C	C	X
Trade/Technical School	X	P	C	P	P
Wedding Chapel	C	C	C	C	X

Key: P = Permitted Use
 A = Permitted as an Accessory Use
 C = Conditional Use Permit Required
 T = Temporary Use Only, Permit Required (See Chapter 16.218)
 * = Special use conditions and/or development standards apply
 X = Not Permitted
 --- = Not Applicable. See comment in "use" field.

SECTION 5: Table 21-1 of section 16.21.020 of the Santa Paula Municipal Code is hereby amended to read as follows:

TABLE 21-1 Permitted and Conditional Uses - Industrial Zones				
Use	C/LI	LI	I	M-1
Accessory buildings necessary to use located on same lot or parcel	P	P	P	P
Adult Entertainment Establishment (See Chapter 16.54)	X	X	C*	X
Alcohol and Alcoholic Beverages Manufacturing	X	X	C	C
Animal Hospitals, Kennels & Veterinary Clinic	P	P	C	P
Automobile Service Station (fuel sales; See Chapter 16.72)	C*	C*	C*	C
Automotive Repair and/or Tune-up Shop	P	C	C	P1
Automobile dismantling	X	X	X	C
Assembly (small scale, see definition)	P	P	P	P
Assembly (large scale, see definition)	C	C	P	P

<u>Cannabis Delivery</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Commercial Cannabis Activities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cultivation of Cannabis or Medical Marijuana</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Catering establishment and box lunch preparation	X	X	X	P
Commercial Retail Businesses - 30,000 sf or smaller, and not listed otherwise in Table 21-1	P	C	X	X
Commercial Retail Businesses - Over 30,000 sf, and not listed otherwise in Table 21-1	C	C	C	X
Commercial Service Businesses - 10,000 sf or smaller, and not listed otherwise in Table 21-1	P	C	C	X
Commercial Service Businesses - Over 10,000 sf, and not listed otherwise in Table 21-1	C	X	X	X
Day Care Center (See Chapter 16.60)	C*	C*	X	X
Day Care Center, Employer-Sponsored Child (See Chapter 16.60)	C*	C*	C*	C*
Distribution (low intensity, e.g. local distribution)	C	P	P	P
Distribution (high intensity, e.g. regional distribution, freight terminal)	C	X	P	P
Distribution - wholesale alcohol	X	C	C	X
Drive-through Facilities (See Chapter 16.66)	C*	C*	C*	X*
Dwelling - Farmworker Housing, Migrant Farmworker Housing	C	C	X	X
Dwelling - Live/work studio	C	C	X	X
Dwelling – Caretaker	C	C	C	C
Emergency shelters (See Chapter 16.78)	P	X	X	X
Equipment Rental	C	C	P	P
Farm vehicle sales, storage, repair, and auction (b)	C	X	P	X
Food Processing	X	X	C	P
Furniture Sales, Rentals, or Repairs	P	P	P	P
Health Clubs	C	C	X	X
Laboratories	C	C	C	P
Libraries, museums and private clubs	X	X	X	C
Lumberyards	X	X	X	P
Manufacturing (small scale) See Definition	P	P	P	P

Manufacturing (large scale) See Definitions	X	X	P	P
Manufacturing - chemicals, alcohol, asphalt, batteries, rubber fabrication	X	C	C	C
Motion Picture Studio	C	C	C	P
Nurseries	C	C	C	P
Office - Business or Professional - As primary use	P	P	X	X
Office - Business or Professional - As accessory to primary commercial or industrial use	A	A	A	A
Processing (small scale - see definition) (a)	X	P	X	P
Processing (large scale - see definition) (a)	X	X	C	C
Public Facilities for governmental purposes	X	X	X	C
Public Storage Facility/Mini-warehouse	C	C	C	C
Public Utility Yards	C	C	C	C
Recreational enterprises and facilities	X	X	X	C
Recycling Facility (see Chapter 16.70)	X	C*	C*	P*
Research and Development Businesses	P	P	P	P
Restaurants, including fast-food	C	C	X	X
Slaughtering	X	X	C	C
Storage (large scale, e.g. construction equipment, building material, operating motor vehicles, transit and transportation equipment (b))	C	C	P	P
Storage - non-operating motor vehicles, even when in conjunction with another use on the same lot or parcel	X	X	X	C
Surface Mining and Reclamation (See Chapter 16.100 et seq.)	X	X	C*	C*
Telecommunications Facilities (see Chapter 16.50)	C*	C*	C*	C*
Trade School	P	P	C	P
Truck Repair and Overhauling	X	X	X	P
Trucking, freighting or draying yards or terminals	X	X	X	C
Utility Distribution and Transmission Stations	C	C	C	X
Vehicle impound yards (b)	X	C	P	P
Vehicle parts and equipment stores	X	X	X	P
Vehicle sales - wholesale (b)	C	X	C	X
Vehicle sales - retail	C	C	C	X

Vehicle rental agency	C	C	C	X
Warehouse (other than Distribution)	C	C	C	X
Wholesaling	P	P	P	X

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SECTION 6: *Environmental Assessment.* The California Environmental Quality Act (CEQA) requires that the environmental impacts of the action be assessed. The proposed amendment will not in itself result in any environmental impacts nor will the amendment result in any changes in the physical conditions that exist in the City. Staff has determined the project to be Exempt from the California Environmental Quality Act (CEQA) Guidelines per § 15061 (b)(3).

SECTION 7: *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 8: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications, and to this end the provisions of this Ordinance are severable.

SECTION 9: *Notice.* The City Clerk is directed to certify the passage and adoption of the Ordinance, make a note of the passage and adoption in the records of this meeting, and within fifteen days after the passage and adoption of this Ordinance cause it to be published and posted in accordance with California law.

SECTION 10: *Effectiveness.* This Ordinance will become effective on the 31st day following its passage and adoption.

PASSED AND ADOPTED this ____ day of _____, 2016.

, Mayor

ATTEST:

Judy Rice, City Clerk

APPROVED AS TO FORM:

By: _____
John C. Cotti, City Attorney

APPROVED AS TO CONTENT:

By: _____
Jaime M. Fontes, City Manager

Attachment: B - Ordinance No. 1262 (1057 : Medical Marijuana Urgency Ordinance)