



AGENDA

**Regular Meeting of the Calipatria City Council
City Council Chambers
125 North Park Avenue
Calipatria California 92233**

**Tuesday, January 28, 2025
Open Session at 6:00 pm**

Michael Luellen, Mayor
Javier Amezcua, Mayor Pro-Tem
Sylvia Chavez, Council Member
Fred Beltran, Council Member
Jesse Rivas, Council Member

Laura Gutierrez, City Manager
Gilbert G. Otero, City Attorney
Jane Hurtado, City Clerk

Jesse Llanas, Fire Chief
Cheryl Fowler, Police Chief
Edgar Self, Public Work Director

CALL TO ORDER:

ROLL CALL:

PLEDGE OF ALLEGIANCE & INVOCATION:

ADJUSTMENTS TO THE AGENDA: The City Council will discuss the order of the agenda, may amend the order, add urgent items and or remove items from the consent calendar prior to that portion of the agenda. For the purpose of the official city record, the City Council may take care of these issues by entertaining a formal motion.

MOTION: SECOND: ROLL CALL VOTE: FB- JR-ML-SC-JA

CONSENT AGENDA: The items appearing under the Consent Agenda will be acted upon by the City Council in one motion without discussion. Should any Council member or other person wish to discuss any item, they may request that the item be removed from the Consent Agenda and placed on the REGULAR BUSINESS Agenda.

1. Continued Delta Street Lift Station Emergency
2. 2nd reading of Ordinance 01-25- Zoning Ord.

MOTION: SECOND: ROLL CALL VOTE: FB- JR-ML-SC-JA

DISCUSSION/DIRECTION

1. Appointment of Planning Commission-L Gutierrez-City Manager
2. Appointment of Traffic Advisory-L Gutierrez-City Manager
3. Approval of Professional Services Agreement for Splashpad Park & Community Center/Gafcon-L Gutierrez-City Manager
4. Fiscal Year 2024-2028 LTA Measure D Improvement Plan-L Gutierrez-City Manager
5. Approval of the lease Agreement Extension with Best S.T.E.P. Forward 201 N Railroad 286 E Alexandria-L Gutierrez-City Manager
6. City Monthly Cleanup Date-E. Self- Public Works Director

REGULAR BUSINESS:

- 1) Approve/ Disapprove -RESOLUTION 25-08- L. Gutierrez City Manager

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA
RE-ORANIZING THE CALIPATRIA PLANNING COMMISSION**

WHEREAS, the City of Calipatria Planning Commission has been a voluntary position; and

WHEREAS, effective January 2025 there was a fifty dollar per meeting stipend approved;

THEREFORE BE IT RESOLVED that the City Council of the City of Calipatria appoint the following commissioners for the following terms:

THREE COMMISSIONERS FOR A TWO-YEAR TERM ENDING 2026:

- 1.
- 2.
- 3.

TWO COMMISSIONERS FOR A FOUR YEAR TERM ENDING 2028:

- 1.
- 2.

MOTION:

SECOND:

ROLL CALL VOTE: FB- JR-ML-SC-JA

2) Approve/Disapprove RESOLUTION 25-09- L. Gutierrez City Manager

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA
APPROVING THE APPOINTMENT OF CITY OF CALIPATRIA TRAFFIC
ADVISORY

WHEREAS, the City of Calipatria Traffic Advisory is a voluntary position; and
THEREFORE BE IT RESOLVED that the City Council of the City of Calipatria
appoint the following Traffic Advisory Members for the following terms:

TWO TRAFFIC ADVISORY MEMBERS

- 1.
- 2.

MOTION: SECOND: ROLL CALL VOTE: FB- JR-ML-SC-JA

STAFF REPORTS:

I, JANE HURTADO, City Clerk of the City of Calipatria, California, DO HEREBY
CERTIFY that the agenda was duly posted at Calipatria City Hall, 125 N Park Avenue,
Calipatria, California and on the City of Calipatria's website not less than 72 hours prior
to the meeting per Government Code 54954-2.

Dated: *January 25, 2025*



CALIPATRIA CITY COUNCIL AGENDA ITEM

Date Submitted: January 23, 2025
Submitted By: Edgar Self, Public Works Director
Council Meeting Date: January 28, 2025

CONSENT~ DELTA PUMP STATION EMERGENCY

Subject: Delta Pump Station Emergency

The Delta Pump Station continues to operate under emergency resolution until repairs are completed.

With the City Council approval of the NADBank Grant Execution on 04.09.2024, NADBank has authorized the City to proceed with ordering the new pump (\$65,008.00 plus tax) and to proceed with the rebuild of the two existing pumps (\$45,000 estimated plus tax). The lead time per the manufacture for the new pump is 30-34 working weeks. The cost for the pump and rebuilds will be reimbursed by the \$250,000 grant funding. As a reminder, the City will have a matching of 10% to the cost of the Delta Pump Station Project.

The pump has been ordered from Barrett Engineering Pumps in the amount of \$70,046.12.

Piping and valves have arrived. The city staff has isolated the wet well, and the well is being vacuumed out. Piping repairs will commence after the well has been pumped out and cleaned.

NO EXPENSE UPDATE SINCE LAST MEETING

To date expenses are as follows:

Pump	\$70,046.12
Staircase Replacement:	\$26,845.03
Electrical:	\$83,146.81
<u>Piping and valves:</u>	<u>\$46,549.30</u>

Total expenses paid to date: **\$226,587.26 (Use of ARPA funding)**



City Council Staff Report

To: City of Calipatria City Council
Laura Gutierrez, City Manager

From: George Galvan, AICP, City Planner

Prepared by: Francisco Barba, Associate Planner

Date: January 28, 2025

Project: Second reading by title only and adoption of an ordinance amending the City of Calipatria Zoning Ordinance as it relates to density bonus provisions, Accessory Dwelling Units and Junior Accessory Dwelling Units, and alleviating constraints for the production of a variety of housing types

Summary:

Subject of Report:	Second reading by title only and adoption of an ordinance amending the City of Calipatria Zoning Ordinance as it relates to density bonus provisions, Accessory Dwelling Units and Junior Accessory Dwelling Units, and alleviating constraints for the production of a variety of housing types
Project Location:	R-1 (Low Density Residential Zone), R-2 (Medium Density Multi-Family Residential Zone), R-3 (High Density Multi-Family Residential Zone), MHP (Mobile Home Park Zone), CP (Commercial Professional Zone), CP-T (Commercial Professional Transitional Zone), and DC (Downtown Core)
Recommended Action:	Conduct a second reading by title only and motion to adopt an ordinance amending the City of Calipatria Zoning Ordinance pursuant to Section 36934 of the California Government Code.
Zoning:	R-1 (Low Density Residential), R-2 (Medium Density Multi-Family Residential), R-3 (High Density Multi-Family Residential), MHP (Mobile Home Park), CP (Commercial Professional), CP-T (Commercial Professional Transitional), and DC (Downtown Core)
General Plan:	LD-R (Low Density Residential), MD-R (Medium Density Residential), HD-R (High Density Residential), GC (General Commercial), DD (Downtown District)
Environmental:	Exempt – 15061(b)(3) Common Sense Exemption

INTRODUCTION AND BACKGROUND

On February 8, 2022, the City Council of the City of Calipatria adopted the final revisions to its 2021-2029 Housing Element in compliance with the State Housing Element law (Government Code Sections 65580 through 65589.11). Upon approval, the adopted Housing Element was submitted to the Department of Housing and Community Development (HCD) where a communication confirming the City's compliance with the Housing Element law was sent to City on September 30, 2022. While the communication confirms the City's compliance with state law, HCD further stipulates that the City of Calipatria must proceed with the timely implementation of the 2021-2029 Housing Element programs. In furtherance of the established Housing Element programs, textual amendments consisting of the establishment of an Accessory Dwelling Unit (ADU) ordinance, updating the City's density bonus ordinance, and alleviating constraints for the development of multi-family developments, emergency shelters, permanent supportive housing, residential care homes, and low barrier navigation centers in the zones listed on Exhibit A below and illustrated in **Attachments A – Affected Zoning Designations** and **Attachment B – Affected Land Use Designations**.

Exhibit A – Affected Zones and Land Use Designations

Zoning Designations	
R-1	Low Density Residential
R-2	Medium Density Multi-Family Residential
R-3	High Density Multi-Family Residential
MHP	Mobile Home Park
CP	Commercial Professional
CP-T	Commercial Professional Transitional
DC	Downtown Core
Land Use Designations	
LD-R	Low Density Residential
MD-R	Medium Density Residential
HD-R	High Density Residential
GC	General Commercial
DD	Downtown District

The item was presented to the Planning Commission during a public hearing held on December 17, 2024, where upon opening the floor for public comments and reviewing all pertinent documentation the Planning Commission motioned to adopt Resolution No. 24-03 PC recommending approval of the proposed textual amendments to the City Council.

The item was presented to the City Council during a duly noticed public hearing held on January 14, 2025, where the City Council conducted an introduction and first reading by title only. Upon reviewing all relevant documentation and considering public comments for and against the project, the City Council motioned to proceed with a second reading scheduled for the next City Council meeting.

The purpose of this item is to present the ordinance to the City Council so that they may conduct a second reading of the proposed amendments and motion to adopt or not adopt the proposed ordinance pursuant to California Government Code Section 36934.

ISSUES FOR DISCUSSION

Housing Element. The Housing Element is one of seven required Elements of the General Plan which serve as the City's "road map" for future growth and development. The Housing Element sets forth goals, objectives, and policies to adequately meet the housing needs of everyone in the community. State Law requires Housing Elements to be updated and all goals and objectives to be achieved every eight years to coincide with the Southern California Association of Governments' (SCAG's) adoption of the Regional Housing Needs Assessment (RHNA). To comply with HCD's approval, the following Housing Element programs were proposed for implementation:

- Program No. 2 Density Bonus and Incentives Program - The City will update its Zoning Ordinance to include amendments to the Density Bonus Law including but not limited to Assembly Bill (AB) 728.
- Program No. 7 Zoning Ordinance Review and Update - The City will update its Zoning Ordinance to establish an ADU ordinance, update the density bonus ordinance, and alleviate constraints for the production of a variety of housing types which includes emergency shelters, permanent supportive housing, residential care homes of seven or more people, low barrier navigation centers, farmworker housing, and single room occupancies.
- Program No. 21 Accessory Dwelling Units - The City will update its Zoning Ordinance to develop a new program to incentivize and promote ADUs or second dwellings for lower- to moderate-income households.

Density Bonus Ordinance. Originally enacted in 1979, California's Density Bonus Law (Government Code 65915 - 65918) allows a developer to increase density on a property above the maximum set under a jurisdiction's General Plan Land Use Element. In exchange for the increased density, a certain number of the new affordable dwelling units must be reserved at below market rate (BMR) rents. Qualifying applicants can also receive reductions in the required development standards while greater benefits are available for projects that reach higher percentages of affordability. Besides granting rights to housing and mixed-used developments to increase density, the law provides three provisions that require local governments to grant qualifying projects: 1) incentives (or concessions) that provide cost reductions; 2) waivers of development standards that would physically preclude the development of a project at the density permitted and with the incentives granted, and 3) reductions in parking requirements.

In September of 2013, the City of Calipatria adopted its Zoning Ordinance which included Chapter 3.14 (Density Bonus). Since the adoption of the Zoning Ordinance, the California Legislature has approved, and the Governor has signed several new bills further amending the Density Bonus Law. Thus, the current iteration of the City of Calipatria density bonus chapter is not in compliance with California Government Code Sections 65915 through 65918. Therefore, the proposed amendments to Chapter 3.14 of the City of Calipatria Zoning Ordinance are intended to implement Programs No. 2 and No. 7 of the 2021-2029 Housing Element and

comply with changes to the State Density Bonus Law by implementing the following updates:

1. **Purpose and Applicability.** This section describes the intent of the chapter which is to implement the statutory requirements set forth in Government Code Sections 65915 - 65918 also known as state density bonus law. The density bonuses and incentives contained in this chapter shall apply to housing developments eligible for a density bonus and other regulatory incentives provided under the State Density Bonus Law.
2. **Density Bonus Application.** In addition to any other review required for proposed housing developments, applications for a density bonus shall be filed with the Planning Department on a form approved by the City of Calipatria. The application shall be filed concurrently with an application for a site plan review or administrative approval and shall include the following documentation:
 - A. A concise written description of the project, including location, number and type of housing units, including affordable units and bonus units, and the planning approval(s) required.
 - B. A site map showing the location and general layout of the proposed housing development and surrounding land uses and roadways.
 - C. A written request for the specific incentive(s), waiver(s), concession(s), or reduction(s) in development standards sought, accompanied by a description of the rationale and accurate supporting information sufficient to demonstrate that the request is necessary to make the affordable units economically feasible and set rents at qualifying levels. If applicable, the applicant shall identify the proposed use of any housing subventions or programs for the housing development, such as Community Development Block Grants (CDBG) or other sources of funding.
 - D. Information demonstrating the feasibility of the project as proposed.
 - E. All application fees as set by the City Council by resolution.
 - F. Such other materials as the Planning Department may determine are necessary to review the request in accordance with this code.
3. **Determination of Application Completeness**
 - A. **Application Completeness.** The formal processing of an application shall begin on the date the application is deemed complete. The statutory period of thirty days, established by state law for determining completeness, shall begin the day the application is accepted by the Planning Department.
 - B. **Initial Determination.** Within thirty days of application acceptance, the Planning Department shall determine whether the application is complete. The Department shall notify the applicant in writing that the application has been determined as complete or incomplete.
 - C. **Determination on Resubmittal.** Within thirty days of acceptance of information submitted in response to a determination of incomplete application, the Planning Department shall determine whether the application is complete. The Planning Department shall notify the applicant in writing whether the application has been determined as complete or incomplete.

- D. Adjustments to Determination. Any determination made by the Planning Department shall be based on the development project at the time the application is complete. The amount of density bonus and parking ratios awarded shall be adjusted based on any changes to the project during the course of development.
- E. Right to Appeal. The applicant may appeal the determination in accordance with California Government Code Section 65493. A final written determination on the appeal shall be rendered not later than sixty days after receipt of the application's written appeal.

4. Processing of Density Bonus Application

- A. Site Plan Review Application. City staff shall process the density bonus application in the same manner as, and concurrently with, the application for a site plan review or administrative approval that is required by the zoning ordinance. Applications for density bonuses, incentives or concessions, waivers or reductions of development standards, and/or parking ratios, pursuant to this density bonus chapter and the State Density Bonus Law, shall comply with the following procedures for processing:
 - a. Planning Applications. Applicants for density bonuses, incentives or concessions, waivers or reductions of development standards, and/or parking ratios shall complete and file the Density Bonus Program Application and an application form(s) for the standard permit(s) (e.g., Site Plan Review, Conditional Use Permit, and/or Land Use Permit) required for the project, which includes site information, number of units, requested density bonus units, proposed number of affordable units, requested incentives, financial information, site plan, and any other documentation required by the zoning ordinance, government code, and Planning Department.
 - b. Preparation, Filing, and Initial Processing of Site Plan Review Applications. Both the City and applicants shall follow the procedures and requirements of the City of Calipatria Zoning Ordinance and Government Code Sections 65915(a)(2), 65915(a)(3), and 65943 for the preparation, filing, and initial processing of site plan review applications. Once a submitted application is deemed complete, the City shall provide the applicant with a determination as to the amount of density bonus for which the applicant is eligible.
 - c. Permit Review and Decisions. The City shall follow the procedures in the City of Calipatria Zoning Ordinance for the review, approval, conditional approval, or denial of housing developments or a project to convert apartments to a condominium under this chapter and the State Density Bonus Law.

5. Eligibility

- A. Eligible Projects. The following projects shall be eligible for density bonuses, incentives or concessions, waivers or reductions of development standards, and/or parking ratios pursuant to the amount, type, and other applicable criteria in this chapter and the State Density Bonus Law:

- a. Housing developments, including shared housing developments, where ten percent of the total units are for rent or sale to lower income households.
 - b. Housing developments, including shared housing developments, where five percent of the total units are for rent or sale to very low-income households.
 - c. A senior citizen housing development pursuant to Government Code Section 65915(b)(1)(C).
 - d. A mobile home park that limits residency based on age requirements for housing for older persons pursuant to Government Code Section 65915(b)(1)(C).
 - e. Ten percent of the total units for transitional foster youth, disabled veterans, or homeless persons pursuant to Government Code Section 65915(b)(1)(E).
 - f. Twenty percent of the total units for lower-income students in an eligible student housing development pursuant to Government Code Section 65915(b)(1)(F).
 - g. Housing developments where one hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households.
 - h. Condominium Projects. A project to convert apartments to a condominium that will provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income, or at least 15 percent of the total units of the proposed condominium project to lower-income households.
- B. Ineligible Projects. The following projects shall be ineligible for density bonuses or other incentives or concessions:
- a. Ineligible Housing Development Projects. An applicant shall be ineligible for a density bonus or any other incentives or concessions if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower- or very low-income households, unless the proposed housing development replaces those units, and otherwise complies with the terms in Government Code Section 65915(c)(3) or successor statute.
 - b. Ineligible Condominium Projects. The following projects to convert apartments to a condominium shall be ineligible for a density bonus or other incentives:
 - i. The apartments proposed for conversion constitute a housing

development for which a density bonus or other incentives were provided.

- ii. The condominium project is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through the County's valid exercise of its police power; or occupied by lower- or very low-income households.

6. Density Bonus for Housing Developments

- A. Applicability. The City shall grant density bonuses in accordance with Government Code Sections 65915(b) and 65915(v) to housing developments that meet the criteria of this density bonus chapter and Government Code Section 65915(b) or successor statute.
- B. Amount/Percentage. The amount of density increase for eligible housing developments shall be calculated pursuant to the percentages, conditions, and other provisions in Government Code Section 65915(f).
- C. Optional Increase in Amount/Percentage. The City may grant a density bonus greater than what is described in Government Code Section 65915(f) for housing developments that meet the requirements of this density bonus chapter.
- D. Density Bonus Location. Eligible housing developments and density bonuses shall be located in areas as defined in Government Code Section 65915(i).
- E. Continued Affordability and Affordable Housing Agreement - Rental Units. An applicant shall agree to, and the City shall ensure, the continued affordability of all very low-, low-, and moderate-income rental units that qualified the applicant for a density bonus for a minimum duration as follows:
 - a. Projects that are funded without low-income housing tax credits shall ensure affordability for a minimum period of 90 years.
 - b. Projects that are funded with low-income housing tax credits shall ensure affordability for a minimum period of 55 years.
- F. Continued Affordability - For-Sale Units. An applicant shall agree to, and the City shall ensure that the qualified applicant for the density bonus award meets either of the following:
 - a. The initial occupants of all for-sale units that qualified the applicant for the density bonus are persons and families of very low, low, or moderate income, the units are offered at an affordable housing cost, and are subject to an equity sharing agreement, unless this is in conflict with the requirements of another public funding source.
 - b. If the unit is not purchased by an income-qualified person or family within 180 days after the issuance of the certificate of occupancy, the unit is

purchased by a qualified nonprofit housing corporation pursuant to a recorded contract that satisfies the requirements in the California Revenue & Tax Code §402.1(a)(10).

7. Incentives or Concessions for Housing Developments

- A. Applicability. An applicant for a density bonus may submit a proposal for the specific incentives or concessions that the applicant requests.
- B. Number of Incentives or Concessions. Except as provided in this section and Government Code Section 65915(d)(1), the applicant shall receive from one to five incentives or concessions.
- C. Types of Incentives or Concessions. For the purposes of the density bonus chapter incentive or concession means any of the following:
 - a. Modification of Development Standards. A reduction in site development standards or a modification of zoning requirements or architectural design requirements that exceed the minimum building standards in City of Calipatria that would otherwise be required, that results in identifiable and actual cost reductions.
 - b. Approval of Mixed-Use Zoning. Approval of mixed-use zoning in conjunction with the housing development if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing development and the existing or planned development in the area where the housing development will be located.
 - c. Other Regulatory Incentives or Concessions. Other regulatory incentives or concessions proposed by the applicant or the City that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c) or successor statute.
 - d. Direct Financial Incentives. This section does not limit or require the provision of direct financial incentives for a housing development, including the provision of publicly owned land by the City or the waiver of fees or dedication requirements.
- D. Approval and Findings for Denial. The City shall grant the incentives or concessions requested by the applicant unless it makes a written finding, based on substantial evidence, of any of the following:
 - a. The concession or incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs or for rents for the targeted units.
 - b. The concession or incentive would have a specific, adverse impact upon public health and safety, or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse

impact without rendering the development unaffordable to low- and moderate-income households.

- c. The concession or incentive would be contrary to State or Federal Law.

8. Additional Density Bonus or Incentive or Concession for Land Donations or Childcare Facilities

- A. Applicability and Type of Density Bonus. The City shall grant an additional density bonus or incentive, or concession as follows:

- a. Land Donations. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the City for the development of very low-income housing units, the applicant shall be entitled to an increase above the otherwise maximum allowable density mandated by the Government Code pursuant to the amount and conditions specified in the Government Code and any other applicable provisions.
- b. Childcare Facilities. A housing development that conforms to the Government Code Sections 65915(b) and (h), and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project shall receive an additional density bonus that is an amount of square feet of residential space or an additional incentive or concession pursuant to the amount and conditions of this section and Government Code Sections 65915(h) and (k).

9. Condominium Projects

- A. Applicability. The City shall grant a density bonus or provide other incentives of equivalent financial value to an eligible project to convert apartments to a condominium pursuant to the amount and criteria in this chapter and Government Code Section 65915.5 or successor statute.

- a. Density Bonus. For purposes of this section and Government Code Section 65915.5 or successor statute, "density bonus" means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.
- b. Other Incentives. For purposes of this section and Government Code Section 65915.5 or successor statute, "other incentives of equivalent financial value" shall not be construed to require the City to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the City might otherwise apply as conditions of conversion approval.

- B. General Requirements. The following provisions and all applicable provisions in Government Code Section 65915.5 or successor statute shall apply to a project to convert apartments to a condominium:

- a. Administrative Costs. The applicant shall pay for the reasonably necessary administrative costs incurred by the City pursuant to this section and Government Code Section 65915.5 or successor statute.

- b. Conditions of Approval. The City may place reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which ensure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower-income households.
- c. Authority to Deny. Nothing in this Section or Government Code Section 65915.5 or successor statute shall be construed to require the City to approve a proposal to convert apartments to condominiums.

10. Commercial Projects. This section outlines the requirements and incentives associated with a commercial development bonus granted by the City in partnership with developers constructing commercial projects. This bonus is designed to incentivize the inclusion of affordable housing within or near commercial developments. These requirements and incentives consist of the following:

- A. The housing development shall be located either on the site of the commercial development or on a site within the city that is within one-half mile of a major transit stop and is located in close proximity to public amenities, including schools and employment centers.
- B. At least 30 percent of the total units in the housing development shall be made available at affordable ownership cost or affordable rent for low-income households, or at least 15 percent of the total units in the housing development shall be made available at affordable ownership cost or affordable rent for very low-income households.
- C. The commercial developer must agree to either directly build the target units; donate a site consistent with subsection A above for the target units; or make a cash payment to the housing developer for the target units.
- D. Any approved partnered housing agreement shall be described in the City's housing element annual report as required by California Government Code Section 65915.7(k).

11. Waivers or Reductions in Development Standards

- A. This subsection clarifies that applicants seeking density bonuses can request waivers or reductions in development standards that might otherwise obstruct the construction of housing projects incorporating those bonuses. Said waivers or reductions are contingent upon the applicant demonstrating that they are physically necessary to build the housing development with the added density permitted by the density bonus and any associated incentives.
- B. Limitations and Standards for Waivers and Reductions. The subsection outlines specific limitations and standards governing these waivers and reductions which include the following:
 - a. Preclusion of Housing Development. The City is prohibited from enforcing development standards that would effectively prevent the construction of housing developments meeting specific criteria, including those outlined in Government Code Section 65915(b), and those utilizing the densities,

concessions, or incentives allowed by the Density Bonus Chapter.

- b. Impact on Health or Safety. The City is not required to grant waivers or reductions that would negatively affect health or safety, particularly if there's no practical way to mitigate or avoid such adverse impacts.
- c. Impact on Historical Resources. Waivers or reductions that would harm properties listed in the California Register of Historical Resources are not mandatory.
- d. Compliance with State and Federal Law. The City is not obligated to grant waivers or reductions that conflict with state or federal laws.
- e. No Effect on Incentives or Concessions. A proposal for a waiver or reduction in development standards should not alter the number of incentives or concessions an applicant is entitled to under Government Code Section 65915(d).
- f. Limitations for Housing Developments Near Major Transit Stops. Housing developments near major transit stops receiving density bonus waivers are subject to more specific regulations regarding waivers and reductions, as outlined in Government Code Sections 65915(d)(2)(D) and 65915(f)(3)(D)(ii).

12. Parking Ratios for Housing Developments.

- A. Maximum Parking Ratios: The subsection establishes maximum parking ratios that the City can require for the following dwelling unit sizes:
 - a. 0-1 bedrooms: 1 parking space.
 - b. 2-3 bedrooms: 1.5 parking spaces.
 - c. 4+ bedrooms: 2.5 parking spaces.
- B. Limited or No Parking Ratios: This subsection outlines situations where the City must impose lower or no parking minimums. These situations include:
 - a. Developments with a significant percentage of low- or very low-income units meeting specific criteria outlined in Government Code Section 65915(p)(2)(A).
 - b. Developments consisting entirely of rental units (excluding manager's units) that are affordable to lower-income families and meet the criteria in Government Code Section 65915(p)(3).
 - c. Special needs housing developments and supportive housing developments meeting specific criteria related to affordability and access to public transit, as defined in Government Code Section 65915(p)(4).
- C. General Requirements: This subsection specifies some general requirements for applying reduced parking ratios including:
 - a. Rounding up non-whole number parking space requirements to the next whole number.

- b. Permitting tandem or uncovered parking but not on-street parking to meet onsite parking requirements.
 - c. Allowing applicants to request additional parking incentives or concessions beyond those outlined in the document.
 - d. Permitting the City to impose higher parking ratios than the maximums, but not exceeding them, if a parking study provides substantial evidence for doing so.
 - e. Clarifying that requests for reduced parking ratios do not affect other incentives or concessions that an applicant may be entitled to.
13. **Agreement to Ensure Continued Affordability.** Prior to the issuance of any planning permit for a project receiving a density bonus or other incentive, the applicant shall record an affordable housing agreement for a project with rental units along with a resale restrictive covenant for projects with for-sale units. The agreements and covenants shall ensure the continued availability of the units for persons and households of the types and incomes pursuant to the costs, periods, and other requirements in Government Code Sections 65915(c)(1), 65915(c)(2), and 65916 or successor statutes.
14. **Construction of Affordable Housing Units.** Any development project that is granted a density bonus or other benefit, the affordable units that qualify the project as eligible for a density bonus must be constructed concurrently with or prior to the construction of any market rate units. The affordable units must also be integrated with the market rate unit so that there is a mix of affordable and market rate units, if any, in each building of the development project.
15. **Fulfillment of Government Code Section 65915.** This section is implemented to clearly outline the chapter's goal of fulfilling Government Code Section 656115 and to declare that the Government Code shall supersede any conflicting provisions in the density bonus chapter.

ADU Ordinance. Over the past decades, California policymakers have implemented proactive measures and reforms to simplify the development of both ADUs and JADUs, aiming to create more affordable housing options throughout the state. To further this goal, the state enacted Senate Bill (SB) 1160 in 1982 which encouraged localities to allow the construction of ADUs on single-family lots. Following SB 1160, Assembly Bill (AB) 1866 was enacted in 2002 which required cities and counties to adopt a more straightforward approach to the ADU approval process and eliminate the need for special permits and extensive reviews. To further address low ADU development rates and combat the housing crisis throughout the state, policymakers introduced a series of new ADU laws in 2016 to streamline the permitting process and establish workable statewide standards. In recent years, the California Legislature has approved, and the Governor has signed into law several bills that, among other things, amended various sections of the Government Code to impose new limits on local authorities to regulate ADUs and JADUs. The most recent bills were adopted on September of 2024 via AB 2533 and SB 1211 that further amend the state ADU law.

The current iteration of the City of Calipatria Zoning Ordinance does not have an established

ADU ordinance in compliance with the State ADU Law (California Government Code sections 66310 through 66342). Therefore, the proposed amendments to Chapter 2.26 of the City of Calipatria Zoning Ordinance are intended to implement Program No. 7 and No. 21 of the 2021-2029 Housing Element to comply with the requirements of the State ADU Law. The proposed ADU ordinance consists of the following:

1. **Definitions.** This section outlines various definitions related to housing regulations, particularly focusing on ADUs and JADUs. The intent of this section is to clarify the meanings of specific terms and phrases used throughout the ADU ordinance to ensure a common understanding of key concepts and reduce ambiguity and potential misinterpretations. The following terms are defined in this section:

- Accessory dwelling unit or ADU
- Accessory structure
- Complete independent living facilities
- Efficiency kitchen
- Junior accessory dwelling unit or JADU
- Livable space
- Living area
- Nonconforming zoning condition
- Passageway
- Proposed dwelling
- Public transit
- Tandem parking

2. **Permit Requirements.** This section outlines the approval process for ADUs and JADUs which consists of the following:

- A. Building Permit Only. Certain ADUs and JADUs only require a building permit for approval. This includes:

- a. One ADU and one JADU on a single-family lot if the ADU or JADU meets specific requirements like being located within the existing space of the main dwelling or accessory structure, having independent exterior access, and meeting fire and safety setbacks.
- b. One detached ADU on a single-family lot, in addition to a JADU permitted under the previous category, as long as the ADU meets specific limitations such as setbacks, floor area, and height limits.
- c. ADUs converted from non-livable spaces in multifamily dwellings, limited to 25% of the existing multifamily units.
- d. Up to two detached ADUs on a multifamily lot with a proposed dwelling or up to eight detached ADUs on a lot with an existing multifamily dwelling, as long as they meet setback, height, and quantity requirements.

- B. ADU Permit. In scenarios other than those listed above, an ADU requires both a building permit and a separate ADU permit. The City may charge a processing fee for these permits.

- C. Process and Timing.

- a. The approval process for an ADU permit is ministerial, meaning it does not require discretionary review or a hearing.

- b. The city has 60 days to approve or deny an ADU or JADU application.
 - c. Applications are deemed approved if the City does not take action within the 60-day timeframe, unless the applicant requests a delay, or the ADU/JADU application is submitted with a new dwelling permit application.
 - d. If an application is denied, the City must provide the applicant with a list of deficiencies and instructions on how to remedy them within the 60-day period.
 - e. Applications for ADUs replacing detached garages are reviewed and issued concurrently with the demolition permit for the garage.
3. **General ADU and JADU Requirements.** This section outlines general requirements for ADUs and JADUs consisting of the following:
- A. Zoning Requirements
 - a. ADUs requiring only a building permit can be built in residential or residential mixed-use zones.
 - b. ADUs requiring an ADU permit are allowed on lots zoned for single-family or multifamily dwellings.
 - c. JADUs can only be built on lots zoned for single-family residences.
 - B. Height Restrictions
 - a. Detached ADUs on lots with single-family or multifamily dwellings are limited to 16 feet in height, unless otherwise specified.
 - b. Detached ADUs near major transit stops or high-quality transit corridors can reach 18 feet, with a potential increase to 20 feet to align with the primary dwelling's roof pitch.
 - c. Detached ADUs on lots with multifamily dwellings exceeding one story above grade can be up to 18 feet tall.
 - d. Attached ADUs cannot exceed 25 feet or the height limit for the primary dwelling, whichever is lower. They are also limited to two stories.
 - e. Height is measured from existing legal grade or the lowest floor to the structure's peak. Note that ADUs cannot exceed one story in height.
 - C. Other Requirements
 - a. Fire Sprinklers. ADUs require fire sprinklers only if they are also required in the primary residence. ADU construction does not necessitate sprinkler installation in the existing primary dwelling.
 - b. Rental Term. ADUs and JADUs cannot be rented for less than 30 days.
 - c. Separate Conveyance. ADUs and JADUs can be rented, but generally cannot be sold or conveyed separately from the primary dwelling and lot.
 - d. Septic System. ADU/JADU applications requiring connection to an onsite wastewater system need a percolation test conducted within the last five years, or ten years if recertified. This is not applicable to the City of Calipatria as

septic systems are not permitted, but state law requires this language to be included.

- e. Owner Occupancy. ADUs built on or after January 1, 2020, do not have owner-occupancy requirements. All JADUs require a person with legal or equitable title to the property to reside in either the primary dwelling or JADU. This requirement is waived if the property is fully owned by a government agency, land trust, or housing organization.
- f. Deed Restriction. Before a building permit for an ADU or JADU is issued, a deed restriction must be recorded and filed. This restriction outlines:
 - i. The inability to sell the ADU or JADU separately from the primary dwelling, except as permitted by Government Code Section 66341.
 - ii. Limitations on size and attributes of the ADU/JADU.
 - iii. The restriction applies to all future owners.
 - iv. Removal of the restriction is possible by eliminating the ADU/JADU, which can involve removing the kitchen facilities.
 - v. Enforcement of the restriction lies with the Planning Department, and failure to comply can lead to legal action and potential remedies like injunction or abatement.

D. Building and Safety

- a. Building Code Compliance. ADUs and JADUs must adhere to local building codes, with a potential exception outlined further in the proposed ADU ordinance.
- b. Occupancy Change. ADU construction does not automatically constitute an occupancy change under the building code unless the building official determines a specific, adverse impact on public health and safety. The City retains the right to change the occupancy code for spaces converted from uninhabitable or non-residential use to residential use.

4. Specific ADU Requirements. This section outlines the specific requirements for ADUs that require an ADU permit which consists of the following:

A. Size Limitations

- a. The maximum size for a detached or attached ADU is 850 square feet for studios or one-bedroom units and 1,000 square feet for units with two or more bedrooms.
- b. For attached ADUs built on lots with existing primary dwellings, the size is further limited to 50% of the existing primary dwelling's floor area.
- c. However, the application of other development standards, such as lot coverage, cannot require the ADU to be smaller than 800 square feet, even if it means exceeding the percentage-based size limit or setback requirements.

B. Setback Requirements

- a. ADUs generally must comply with 4-foot side and rear setbacks and a 20-foot front setback. No setback is required for an ADU built in the same location and with the same dimensions as an existing structure.

C. Lot Coverage and Open Space

- a. An ADU cannot increase the total lot coverage beyond 50%.
- b. Similarly, the ADU cannot reduce the total open space on the lot to below 50%.
- c. These lot coverage and open space limitations are subject to the minimum size requirement of 800 square feet mentioned earlier.

D. Parking Requirements

- a. One off-street parking space is generally required for each ADU, which can be located in setback areas or as tandem parking which is defined as two or more automobiles parked on a driveway or in any other location on a lot, lined up behind one another.
- b. However, parking is not required in several specific situations:
 - i. The ADU is within a half-mile walking distance of public transit. The City of Calipatria has two existing bus stops serviced by the Imperial Valley Transit. Please refer to **Attachment C – Public Transit Location** for a visual of the half mile radius beginning from the two transit stops located within the City of Calipatria.
 - ii. The ADU is located in an architecturally and historically significant district. Note that there are no such districts in the City of Calipatria, but state law requires the language to be included.
 - iii. The ADU is integrated into the existing primary residence or an accessory structure.
 - iv. On-street parking permits are required but not offered to the ADU occupant.
 - v. A car share vehicle stop is located within one block of the ADU. For the purposes of this subsection, a car share vehicle stop is a designated parking space for vehicles that are part of a car sharing program. The City of Calipatria has no such locations, but state law requires the language to be included.
 - vi. The ADU permit application is submitted along with an application for a new single-family or multifamily dwelling on the same lot, as long as the ADU or lot meets other parking exemption criteria.
- c. If a garage, carport, or covered parking structure is demolished or converted into an ADU, the existing parking spaces do not have to be replaced. However, replacement parking is still required if an existing integral garage is converted into a JADU. For the purposes of this subsection an integral garage is a garage that is built into the main structure of a house, with special attention to the aesthetics of the entire home. While the State ADU law

restricts cities from requiring replacement for ADUs, such restrictions do not extend to JADUs and are left at the discretion of local governments.

E. Architectural Requirements

- a. The ADU's exterior walls, roof, windows, and doors must match the primary dwelling's materials and colors.
- b. The ADU's roof slope must match the dominant roof slope of the primary dwelling.
- c. Exterior lighting must be limited to down-lights or as required by building or fire codes.
- d. The ADU must have a separate exterior entrance from the primary dwelling.
- e. The ADU's interior dimensions must be at least 10 feet wide in all directions and have a minimum interior wall height of 7 feet.
- f. No windows or doors in the ADU can have a direct line of sight into an adjacent residential property. This can be achieved through strategic placement or the use of fencing, landscaping, or privacy glass.
- g. For windows and doors less than 30 feet from a property line that is not a public right-of-way, windows must be clerestory (with the bottom of the glass at least 6 feet above the floor) or use frosted or obscure glass.

F. Historical Protections

- a. ADUs located on or within 600 feet of a property listed in the California Register of Historic Resources must not be visible from any public right-of-way. Note that there are no such districts in the City of Calipatria, but state law requires the language to be included.

G. Allowed Stories

- a. ADUs cannot have more than one story, except for attached ADUs, which can have the number of stories allowed for the primary dwelling.

5. Fees. This section outlines the fees associated with ADUs which consist of the following:

A. Impact Fees

- a. ADUs under 750 square feet are exempt from impact fees.
- b. Impact fees include fees under the Mitigation Fee Act and the Quimby Act, but do not include connection fees or capacity charges for water or sewer service.
- c. ADUs 750 square feet or larger are subject to impact fees, calculated proportionally to the size of the primary dwelling unit.
 - i. The fee is determined by dividing the ADU's floor area by the primary dwelling's floor area and then multiplying that by the typical fee for a new dwelling.

B. Utility Fees

- a. ADUs built with a new single-family home require a separate utility connection and payment of standard connection and capacity charges.
 - b. Converted ADUs created from existing space within a single-family home do not require a new or separate utility connection or any related fees.
 - c. All other ADUs require a new, separate utility connection for any city-provided utility, with connection fees or capacity charges based on floor area or drainage-fixture units (DFU) values.
 - i. Utilities not provided by the City are subject to the connection and fee requirements of the specific utility provider.
 - d. The portion of the connection fee or capacity charge charged by the City cannot exceed the reasonable cost of providing the service.
6. **Nonconforming ADUs and JADUs** - This section outlines the City's approach to handling nonconforming zoning conditions, building code violations, and unpermitted structures when reviewing applications for ADUs and JADUs. The City will not deny an ADU or JADU application solely based on existing nonconforming zoning conditions, building code violations, or unpermitted structures on the lot if these issues do not pose a threat to public health and safety and are not directly affected by the ADU or JADU construction. Furthermore, the City is prohibited from denying a permit to legalize an unpermitted ADU and JADU constructed before January 1, 2020, subject to the following exceptions:
- A. The City can deny a permit to legalize an unpermitted ADU or JADU constructed before January 1, 2020, if it determines that correcting a violation is necessary to meet the standards outlined in California Health and Safety Code Section 17920.3. This section of the California Health and Safety Code pertains to substandard buildings.
 - B. The City can deny a permit to legalize an unpermitted ADU or JADU if the building is deemed substandard according to California Health and Safety Code section 17920.3.

Additional Ordinance Updates. State law requires that the City's Zoning Ordinance give certain considerations to a variety of housing types including emergency shelters, permanent supportive housing, residential care homes of seven or more persons, and low barrier navigation centers, single room occupancies, and farmworker housing. To meet the requirements set forth by State law, the City implemented Program No. 7 in its 2021-2029 Housing Element which proposed the following updates:

1. **Emergency Shelters.** As stated in Section 5.10.020(E) of the City of Calipatria Zoning Ordinance, emergency shelters are defined as a facility for the temporary overnight shelter of indigents operated by a public or non-profit agency.

In 2013, the City of Calipatria City Council adopted its current Zoning Ordinance which lists emergency shelters as a permitted use in all residential zones and established special objective standards for the development of emergency shelters in the city. Since the adoption of the Zoning Ordinance, the California Legislature has enacted numerous

bills with the intent to facilitate the development of emergency shelters throughout the state. As part of their review of the 2021-2029 Housing Element, HCD requires the City of Calipatria to amend its Zoning Ordinance to comply with the new standards for emergency shelters established via AB 139.

To comply with the requirements of AB 139, the proposed amendment to Section 2.26.050 of the Zoning Ordinance will remove the restrictions placed on the maximum number of beds for emergency shelters, remove the distance requirement between emergency shelters, and remove the requirement for emergency shelters to ensure continuous good standing with the city and state.

2. **Supportive Housing.** As stated in Section 5.10.020(T) of the City of Calipatria Zoning Ordinance, Supportive housing is defined in Section 50675.14 of the Health and Safety Code and has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in the Health and Safety Code.

In 2013, the City of Calipatria City Council adopted its current Zoning Ordinance which lists supportive housing as a permitted use in all residential zones. Since the initial adoption of the Zoning Ordinance by the City, the California Legislature enacted AB 1584 which amended Section 65651 of the California Government Code to establish procedures and requirements for the development of supportive housing projects throughout the state. As part of their review of the 2021-2029 Housing Element, HCD requires the City of Calipatria to amend its Zoning Ordinance to establish the following standards, in compliance with Section 65651 of the California Government Code, to Section 2.26.140 of the Zoning Ordinance:

- a. Units within the development are subject to a recorded affordability restriction for 55 years.
- b. One hundred percent of the units, excluding managers' units, within the development are restricted to lower income households and are or will be receiving public funding to ensure the affordability of the housing to lower income Californians. The rents in the development shall be set at an amount consistent with the rent limits stipulated by the public program providing financing for the development.
- c. At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.
- d. The developer provides the City of Calipatria with a plan for providing supportive services, with documentation demonstrating that supportive services will be provided onsite to residents in the project, and describing those services, which shall include all of the following:
 - i. The name of the proposed entity or entities that will provide supportive services.
 - ii. The proposed funding source or sources for the provided onsite supportive services.

- iii. Proposed staffing levels.
- e. Nonresidential floor area shall be used for onsite supportive services in the following amounts:
 - i. For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.
 - ii. For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
- f. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in Chapter 3.14.
- g. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.

The proposed amendment will further update Section 2.14.020 of the Zoning Ordinance to establish transitional and supportive housing as a permitted use in CP-T and DC zones as required by AB 1584.

3. **Residential Care Facilities.** Residential care facilities include facilities for the elderly, adult residential facilities, and group homes, including small family homes for children. They are licensed as community care facilities by the state Department of Social Services and provide 24-hour care, meals, support, and maintenance services to children, the elderly, and adults with intellectual and physical disabilities.

The current iteration of the City of Calipatria Zoning Ordinance lists residential care facilities serving up to six clients as a permitted use in R-1, R-2, R-3, and all commercial zones while residential care homes serving greater than six clients are only permitted in R-2 and R-3 zones via a Conditional Use Permit (CUP). As part of their review of the 2021-2029 Housing Element, HCD requires the City of Calipatria to amend its Zoning Ordinance to list residential care homes as a permitted use in all residential and commercial zones. Therefore, the proposed amendment will update Chapters 2.12 and 2.14 of the Zoning Ordinance to list residential care homes as a permitted use in all residential and commercial zones.

4. **Low Barrier Navigation Centers.** Low barrier navigation centers are defined as a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

Section 65662 of the California Government Code requires all cities to allow low barrier navigation centers by right in all zones permitting multifamily and mixed-use developments. The current iteration of the City of Calipatria Zoning Ordinance does not provide any standards for low barrier navigation centers and is therefore not in compliance with Section 65662 of the California Government Code. Thus, the proposed

amendment will update Sections 2.12.020, 2.14.020, and implement 2.26.130 to list low barrier navigation centers as a permitted use and establish the following standards stated in Section 65662 of the California Government Code:

- a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
 - b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who colocate in the facility may conduct assessments and provide services to connect people to permanent housing.
 - c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
 - d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
5. **Farmworker Housing.** As stated in Section 5.10.020(F) of the City of Calipatria Zoning Ordinance, farmworker housing is defined as any attached or detached dwelling unit used to house farm/agricultural workers and their family members, including temporary mobile homes.

The current iteration of the City of Calipatria Zoning Ordinance does not make mention of farmworker housing apart from the definition in Section 5.10.020(F). As part of their review of the 2021-2029 Housing Element, HCD requires the City of Calipatria to amend its Zoning Ordinance to list farmworker housing as a permitted use in all residential zones. Therefore, the proposed amendment will update Section 2.12.040 to list farmworker housing as a permitted use in all residential zones.

6. **Single Room Occupancy.** Single room occupancies (SRO), also referred to as a residential hotel unit, means an efficiency unit that: (A) is occupied as a primary residence, and (B) is subject to state landlord-tenant law pursuant to Chapter 2 of the Civil Code. The term also includes a unit in an "SRO project" as described in the California Code of Regulations.

The current iteration of the City of Calipatria Zoning Ordinance does not make mention of SROs apart from listing them as a conditional use in Section 2.12.020. As part of their review of the 2021-2029 Housing Element, HCD requires the City of Calipatria to amend its Zoning Ordinance to establish provisions for the allowance of SROs in the City. Thus, the proposed amendment will update Sections 2.12.020 and implement Section 2.26.150 to list SROs as a permitted use in all residential zones and establish the following development standards:

- a. **Single Room Occupancy Units (SRO)**
 - i. The minimum size of a unit shall be one hundred fifty (150) square feet and the maximum size shall be four hundred (400) square feet.
 - ii. An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink, and bathtub, shower, or

bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with California Building Code for congregate residences with at least one full bathroom per every three units on a floor.

- iii. An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator, and a stove, range top, or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.
- iv. Each SRO shall have a separate closet.
- v. All SRO units shall comply with all requirements of the California Building Code.

b. Single Room Occupancy Facilities.

- i. A single room occupancy facility is not required to meet density standards of the general plan.
- ii. Four square feet of interior common space per unit shall be provided, with at least two hundred (200) square feet in area of interior common space, excluding janitorial storage, laundry facilities, and common hallways. All common areas shall comply with all applicable ADA accessibility and adaptability requirements.
- iii. If private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided in accordance with the most recent edition of the California Building Code for congregate residences with at least one full bathroom (including toilets, sinks, and bathing facilities) per every three units on a floor. The shared shower or bathtub facility shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.
- iv. Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every ten (10) units, with at least one washer and dryer per floor.
- v. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.
- vi. A management plan shall be submitted with the development application for an SRO facility and shall be approved by the City of Calipatria Planning Department. The management plan must address management and operation of the facility, rental procedures, safety and security of the residents and building maintenance.
- vii. An SRO facility with ten (10) or more units shall have an on-site manager. An SRO facility with less than ten (10) units shall provide a management office on-site.
- viii. Parking shall be provided for an SRO facility at a rate of one parking

space per unit plus an additional space for the on-site manager. Different parking standards apply in the form-based code area. See Section 3.10.070, Table 3-4: Required Parking Spaces.

- ix. All SRO facilities shall comply with all applicable ADA accessibility and adaptability requirements.
- x. An existing structure may be converted to an SRO facility, consistent with the provisions of this section.

ENVIRONMENTAL

The textual amendments are exempt from the California Environmental Quality Act (CEQA). Pursuant to CEQA requirements a Notice of Exemption will be filed with the Office of Planning and Research citing an exemption via Section 15061(b)(3) of the California Code of Regulations. Under this section, projects that can be seen with certainty to have no potential for causing a significant effect on the environment are not subject to CEQA.

PUBLIC NOTICING

Pursuant to Chapter 4.22 of the Zoning Ordinance, the City Council may adopt an ordinance approving a textual amendment subject to a public hearing. A public hearing was held on January 14, 2025, where the item was presented to the City Council and an introduction and first reading, by title only, of the ordinance was conducted.

PENDING ACTION

Pursuant to Section 36934 of the California Government Code, the City Council must conduct a second reading, by title only, of the proposed amendment. Once the second reading has been completed, and all public comments have been considered, the City Council must motion one of the following actions:

- Adopt Ordinance 0125 amending the City of Calipatria Zoning Ordinance as shown on Exhibit A pursuant to Section 36934 of the California Government Code.

Or

- Not adopt Ordinance 0125 rejecting the textual amendments shown on Exhibit A.

Attachments: Attachment A – Affected Zoning Designations
Attachment B – Affected Land Use Designations
Attachment C – Public Transit Radius
Attachment D – Public Hearing Notice
Attachment E – City Council Ordinance 0125
Exhibit A – Zoning Text Amendment

Attachment A – Affected Zoning Designations

CITY OF CALIPATRIA ZONING MAP

LEGEND

- R-1: Low Density Residential
- R-2: Medium Density Multi-Family Residential
- R-3: High Density Multi-Family Residential
- MHP: Mobile Home Park
- CP: Commercial Professional
- CP-T: Commercial Professional Transitional
- DC: Downtown Core

--- City Limits

Last Updated October 20, 2020
per Resolution No. PC 20-002

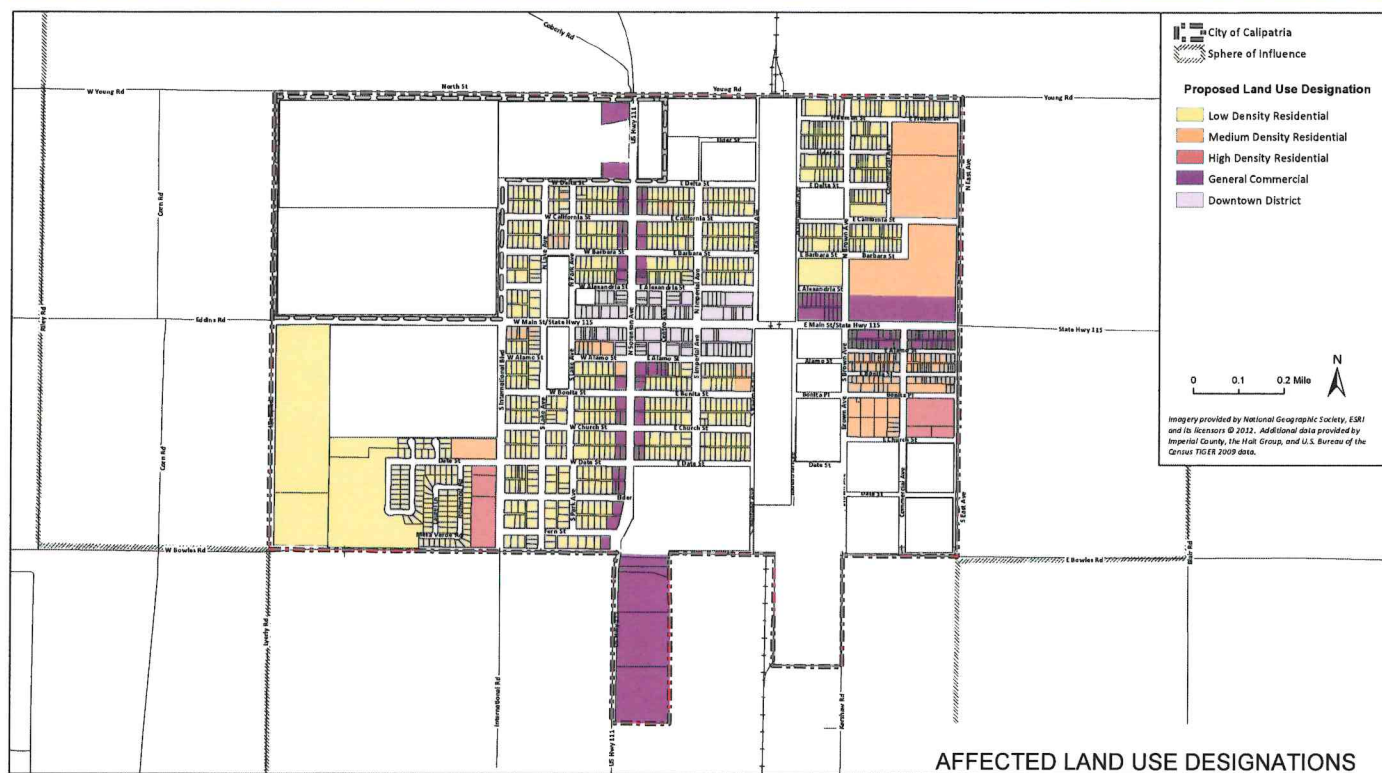


AFFECTED ZONING DESIGNATIONS



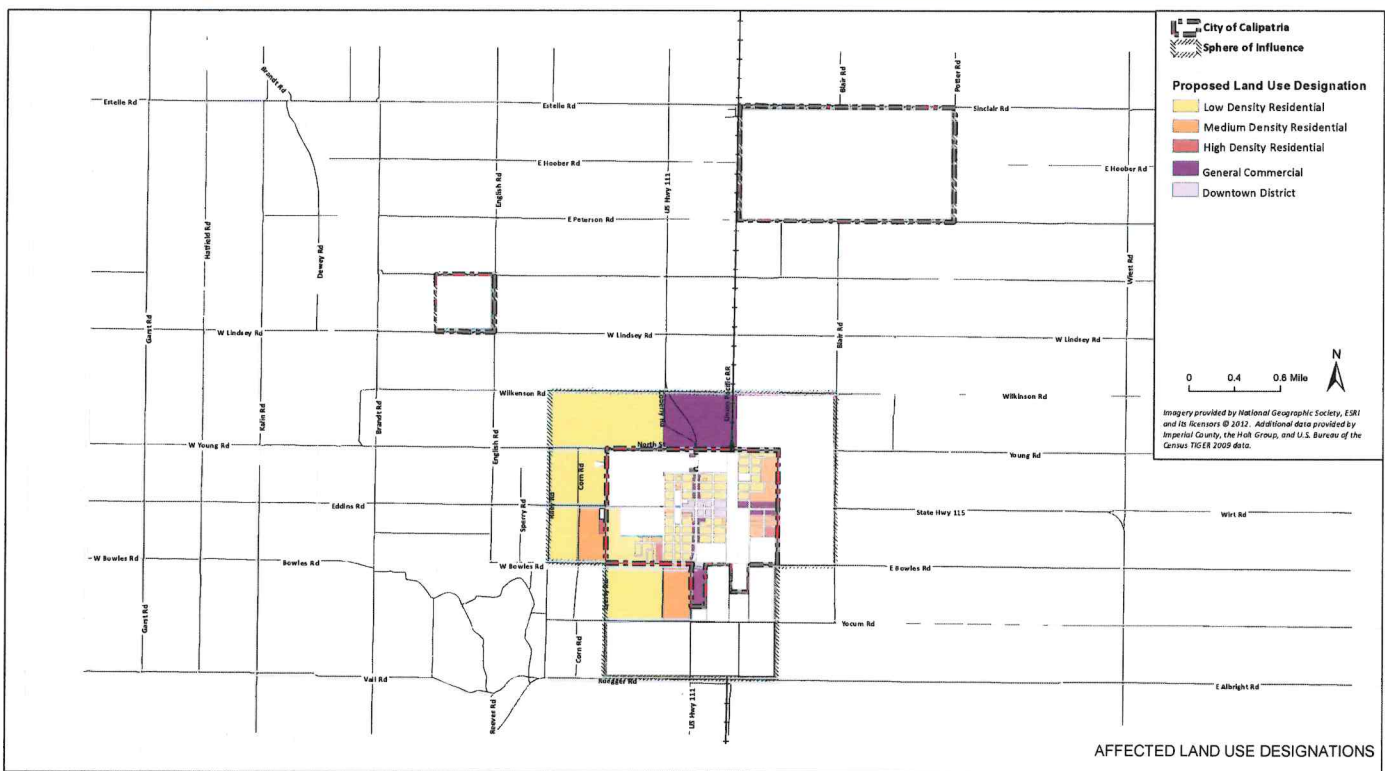
Attachment B – Affected Land Use Designations

II. Land Use Element



Land Use Map - City Focus

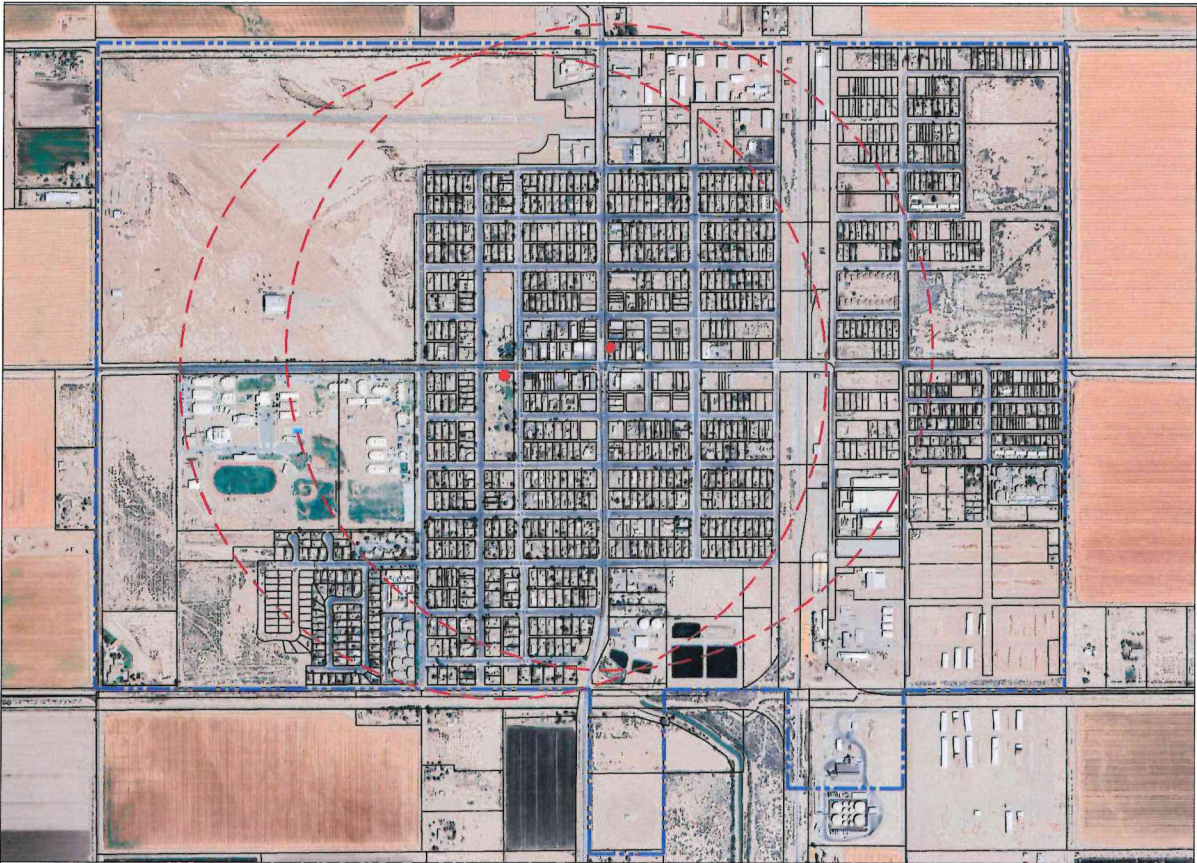
Figure II-2



Land Use Map

Figure II-1

Attachment C – Public Transit Radius



City of Calipatria



LEGEND:

- City Limits
- Parcel Line
- Transit Stop
- 2,640ft Radius



Not to Scale

PUBLIC TRANSIT RADIUS

Attachment D – Public Hearing Notice



Notice of Public Hearing

City of Calipatria

Notice is hereby given that a public hearing will be held by the City of Calipatria City Council at the date, time, and place indicated below. The purpose of the public hearing will be to hear comments from the public regarding the following subject:

Project: Introduction and first reading by title only of an ordinance amending the City of Calipatria Zoning Ordinance as it relates to density bonus provisions, accessory dwelling units and junior accessory dwelling units, and alleviating constraints for the production of a variety of housing types	Location: All Residential, and Commercial Zones
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In furtherance of Programs Number 3, 7, and 21 of the 2021-2029 City of Calipatria Housing Element, the City Council will conduct an introduction and first reading by title only of an ordinance amending the City of Calipatria Zoning Ordinance. The goal of the amendments is to reduce development constraints for emergency shelters, supportive housing, residential care homes, low barrier navigation centers, farmworker housing, and single room occupancies in conformance with state law. Additional updates consist of updating the City's Density Bonus Ordinance and implementing an Accessory Dwelling Unit Ordinance to comply with recent changes to state law. The proposed amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) via Section 15061(b)(3) of the California Code of Regulations. The proposed amendment was presented to the City of Calipatria Planning Commission during a duly noticed public hearing on December 17, 2024, where a motion was made to recommend approval of the textual amendments to the City Council. The purpose of this public hearing is to present the proposed amendments to the City Council so that they may consider public comments for and against the proposed amendments and conduct an introduction and first reading.

City Council Hearing Date: January 14, 2025

Hearing Time: 6:00 PM

Hearing Location: City Hall
125 North Park Avenue
Calipatria, CA 92233

Copies of pertinent information are available for review at the City Hall during regular business hours. If you would like to know more about the proposed project prior to the public hearing, please contact Francisco Barba, Associate Planner, at (760) 337-3883 or via email at fbarba@theholtgroup.net.

Any person desiring to comment on the above project may do so in writing or may appear in person at the public hearing. Written comments should be directed to the Calipatria City Clerk, 125 North Park Avenue, Calipatria, CA 92233 and be delivered prior to the Public Hearing date. Please reference the project name in all written correspondence.

Posted: *Gene Surlado*

Date: 1-3-25

Attachment E – City Council Ordinance 0125

Exhibit A – Zoning Text Amendment

ORDINANCE NO. 0125

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA
AMENDING TEXT IN THE CITY OF CALIPATRIA ZONING ORDINANCE AS IT
RELATES TO DENSITY BONUS PROVISIONS, ACCESSORY DWELLING UNITS
AND JUNIOR ACCESSORY DWELLING UNITS, AND ALLEVIATING
CONSTRAINTS FOR THE PRODUCTION OF A VARIETY OF HOUSING TYPES**

WHEREAS, the City Council of the City of Calipatria adopted its 2021-2029 Housing Element in compliance with the State Housing Element law (Government Code Sections 65580 through 65589.11); and

WHEREAS, the 2021-2029 Housing Element incorporated policies and respective action programs that necessitate amendments to the City of Calipatria Zoning Ordinance and the establishment of an Accessory Dwelling Unit (ADU) Ordinance for compliance with State Law; and

WHEREAS, a duly noticed public hearing was held on December 17, 2024 by the Planning Commission pursuant to Chapter 4.22 of the Zoning Ordinance where they adopted Resolution 24-03 PC recommending that the City Council adopt the Zoning Text Amendment; and

WHEREAS, the City Council held a duly noticed public hearing on January 14, 2025 where they conducted an introduction and first reading by title only and considered all comments for and against the ordinance; and

WHEREAS, the City Council held a second reading by title only on January 28, 2025, where upon considering all comments and documentation for the Zoning Text Amendment, the City Council took action.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

SECTION 1: The City Council hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Ordinance.

SECTION 2: The City of Calipatria Zoning Ordinance shall be regulated and restrict land use changes and standards noted under **Exhibit A – Zoning Text Amendments**, incorporated hereto as referenced.

SECTION 3: The City Council finds and determines that the text amendment is exempt from further review from the California Environmental Quality Act (CEQA) via Section 15061(b)(3) of the CEQA Guidelines for Implementation of the California Code of Regulations.

SECTION 4: If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

SECTION 5: This ordinance shall take effect and shall be in force thirty (30) days after the date of adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the City of

Calipatria, together with the names of the members of the City Council voting for and against the same.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Calipatria at a regularly scheduled meeting held on this 28th day of January 2025, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Michael Luellen, Mayor

Attest: _____

Jane Hurtado, City Clerk

Exhibit A – Zoning Text Amendment

DRAFT – ZONING TEXT AMENDMENT

CITY OF CALIPATRIA – ZONING ORDINANCE TEXTUAL AMENDMENT FOR HOUSING ELEMENT COMPLIANCE

- Underline is proposed new language
- ~~Strike through~~ is existing language to be deleted
- Standard type is existing language to be retained

CHAPTER 2.12 RESIDENTIAL ZONES

Sections:

2.12.020 Residential Zones Allowable Land Uses and Permit Requirements.

2.12.020 Residential Zones Allowable Land Uses and Permit Requirements.

Table 2-1. Residential Zones Allowable Land Uses and Permit Requirements					
Land Use	R-1	R-2	R-3	MHP	Specific Use Regulations
Agriculture					
Agriculture, Light	P	--	--	--	
Recreation, Education, and Public Assembly					
Commercial Recreation Facility, Indoor ≤ 3,000 sf	--	P	P	P ¹	
Commercial Recreation Facility, Indoor > 3,000 sf	--	MUP	MUP	--	
Commercial Recreation Facility, Outdoor ≤ 3,000 sf	CUP	MUP	MUP	-	
Commercial Recreation Facility, Outdoor > 3,000 sf	--	CUP	CUP	--	
Meeting Facility, Public or Private ≤ 3,000 sf	MUP	MUP	--	--	
Meeting Facility, Public or Private > 3,000 sf	--	CUP	--	--	
Park and Playground	P	P	P	--	
Public or Quasi-public Facility	CUP	CUP	CUP	--	
Recreational Vehicle Park	--	--	--	P	
Riding and Hiking Trail	P	P	P	P	
School, Specialized Education/Training <3,000 sf	CUP	CUP	P	--	
Residential					
Accessory Structure	--	CUP	P	P	Section 2.26.020
Dwelling, Duplex	MUP	P	P	--	
Dwelling, Multi-family	--	P	P	--	
Dwelling, Single-family	P	P	P	P	
Emergency Shelter	P	P	P	P	Section 2.26.060
<u>Farmworker Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Home Occupation	HOP	HOP	HOP	--	Section 4.14.030
<u>Low Barrier Navigation Center</u>	--	<u>P</u>	<u>P</u>	--	<u>Section 2.26.130</u>
Mobile Home Parks	--	--	--	P	Section 2.26.080

Residential Care Facility, 1-6 clients	P	P	P	-- P	
Residential Care Facility, 7 or more clients	-- P	CUP P	CUP P	-- P	
Rooming and Boarding House	--	CUP	P	--	
Second Dwelling	P	P	P	--	Section 2.26.100
Single Room Occupancy	-- P	-- P	CUP P	-- P	<u>Section 2.26.150</u>
Transitional & Supporting Housing	P	P	P	P	<u>Section 2.26.140</u>
Service					
Bed and Breakfast Inn	--	--	CUP	--	
Child Day Care – Family Day Care Center	--	CUP	CUP	--	Section 2.26.030
Child Day Care – Large Family Home	MUP	CUP	CUP	--	Section 2.26.030
Child Day Care – Small Family Home	P	P	P	P	Section 2.26.030
Hotel, Motel	--	--	CUP	--	
Medical Service - Hospital	--	CUP	CUP	--	
Transportation & Infrastructure					
Telecommunication Facility	CUP	CUP	CUP	CUP	Section 2.26.110
End Note					
1. For use by residents					
Legend					
P Permitted Use					
MUP Minor Use Permit					
CUP Conditional Use Permit Required					
HOP Home Occupation Permit					
-- Use Not Allowed					

CHAPTER 2.14 COMMERCIAL ZONES

Sections:

2.14.020 Commercial Zones Allowable Land Uses and Permit Requirements.

2.14.020 Commercial Zones Allowable Land Uses and Permit Requirements.

Table 2-4. Commercial Zones Allowable Land Uses and Permit Requirements				
Land Use	CP	CP-T	DC	Specific Use Regulations
Recreation, Education & Public Assembly				
Commercial Recreation Facility, Indoor ≤ 3,000 sf	MUP	MUP	P	
Commercial Recreation Facility, Indoor > 3,000 sf	--	CUP	CUP	
Commercial Recreation Facility, Outdoor	CUP	MUP	--	
Health/Fitness Facility	P	P	P	
Meeting facility, public or private < 3,000 sf	P	P	P	
Meeting facility, public or private > 3,000 sf	--	MUP	P	
Park and Playground	P	P	P	
Public or Quasi-public Facility	P	P	P	
Riding and Hiking Trail	MUP	MUP	--	
School, Specialty, ≤ 3,000 sf	P	P	P	
School, Specialty, > 3,000 sf	--	CUP	--	
Specialized Education/Training	MUP	MUP	P	
Theater and Auditorium	MUP	MUP	P	
Studio – Art, Dance, Martial Arts	P	P	P	
Residential				
Accessory Structure	P	P	P	Section 2.26.020
Child Day Care – Family Day Care Center	P	P	MUP	Section 2.26.030
Mixed Use Project	--	--	CUP ¹	Section 2.26.070
Residential Care Facility <u>serving up to six clients</u>	P	P	P	
Residential Care Facility <u>serving greater than six clients</u>	P	P	P	
Rooming and Boarding House	--	--	CUP	
Homeless Shelter	--	--	P	
Dwelling, Multi-family	--	CUP	--	
Low Barrier Navigation Center	--	P	P	Section 2.26.130
Transitional or Supportive Housing	--	P	P	Section 2.26.140
Retail				
Accessory Retail/Service Use	P	P	P	
Bar/Tavern/Night Club	--	--	CUP	
Building/Landscape Materials, Indoor	--	CUP	MUP	
Building/Landscape Materials, Outdoor	--	CUP	CUP	

General Retail, except the following:	P	P	P	
Alcohol Beverage Sales	CUP	CUP	CUP	
Drive-through Sales	P	P	--	
Single tenant over 5,000 sf	CUP	CUP	MUP	
Operating between 10:00 p.m. and 7:00 a.m.	--	--	CUP	
Plant Nursery	MUP	MUP	MUP	
Restaurant	P	P	P	
Sidewalk Seating	MUP	CUP	MUP	
Live Entertainment	--	--	CUP	
Drive Thru	CUP	CUP	CUP	
Vehicle Sales, ≤ 5,000 sf of sales area	CUP	CUP	P ²	
Vehicle Sales, > 5,000 sf of sales area	CUP	CUP	--	
Services				
Automated Teller Machine (ATM)	P	P	P	
Business Support Services	P	P	P	
Car Wash	CUP	MUP	--	
Equipment Rental	CUP	MUP	MUP	
Financial Institutions	P	P	P	
Lodging	MUP	MUP	MUP	
Laundry or dry cleaning pick-up/drop-off service	MUP	MUP	P	
Medical Services – Clinic /Urgent Care	P	P	P	
Medical Services – Doctor’s Office	P	P	P	
Medical Service – Hospital	CUP	CUP	--	
Mortuary/Funeral Home	MUP	MUP	P	
Office – Business/Service	P	P	P	
Office – Professional	P	P	P	
Personal Services	P	P	P	
Repair Services – Small Equipment	P	P	P	
Recycling – Reverse Vending Machines	P	P	--	
Recycling – Small Collection Facility	P	P	--	
Vehicle Rental	--	--	P ²	
Vehicle Repair & Services	CUP	CUP	P ³	
Vehicle Service Station	CUP	CUP	CUP	
Transportation & Infrastructure				
Electric Distribution Substation	CUP	CUP	CUP	
Parking Facility	--	--	MUP	
Telecommunication Facility	CUP	CUP	CUP	Section 2.26.110
Transit Center	CUP	CUP	MUP	
End Note				
1. Residential located above or behind nonresidential.				

2. Does not include the sale or rental of campers or trucks.
3. Excluding fender and body work, within an enclosed building

Legend

P	Permitted Use
MUP	Minor Use Permit Required
CUP	Conditional Use Permit Required
--	Use Not Allowed

CHAPTER 2.26 SPECIFIC USE STANDARDS

Sections:

2.26.050 Emergency Shelter

2.26.100 ~~Second Dwellings~~ Accessory Dwelling Units.

2.26.130 Low Barrier Navigation Centers.

2.26.140 Supportive Housing.

2.26.150 Single Room Occupancy

2.26.050 Emergency Shelter.

- A. **Applicability.** An emergency shelter shall meet the development and performance standards of this Section.
- B. On-site management and on-site security shall be provided during hours when the emergency shelter is in operation.
- C. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed downward and shielded so as not to produce off-site glare.
- D. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
 - 1. Central cooking and dining room(s);
 - 2. Recreation room;
 - 3. Counseling center;
 - 4. Child day care facilities; and
 - 5. Other support services.
- E. Parking and outdoor facilities shall be designed to provide security for residents, visitors, employees and the surrounding area.
- F. ~~Parking shall be based on demonstrated need, however required parking shall not exceed parking requirements for residential or commercial zone in which the facility is located~~ Each facility shall include sufficient parking to accommodate all staff working in the shelter.
- G. The agency or organization operating the shelter shall comply with the following requirements:
 - 1. Temporary shelter shall be available to residents for no more than six months.
 - 2. Staff and services shall be provided to assist residents in obtaining permanent shelter and income.
 - 3. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
- ~~H. No emergency shelter shall be located within 300 feet of another emergency shelter site.~~
- ~~I. The facility shall be in, and shall maintain at all times, good standing with City and/or State licenses, if required by these agencies for the owner(s), operator(s), and/or staff of the proposed facility.~~
- J. In residential zones, the maximum number of residents of the facility shall not exceed six persons for each 1,600 square feet of lot area on the site; with the exception of those homeless shelters developed in an individual dwelling unit format, in which case the underlying zone's maximum

unit density standard shall apply.

2.26.100 Second Dwellings Accessory Dwelling Units.

- A. ~~Limitation on use Intent.~~ There shall be no more than one second dwelling per lot. The intent of this chapter is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code Sections 65852.2 and 65852.22.
- B. ~~Timing of construction Effect of Conforming.~~ A second dwelling may be constructed simultaneously with, or after the primary residence. An existing residence that complies with the standards for a second dwelling in this Section may be considered a second dwelling, and a new primary residence constructed. An ADU or JADU that conforms with the standards in this section will not be:
1. Deemed to be inconsistent with the City's General Plan and zoning designation for the lot on which the ADU or JADU is located.
 2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
 3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
 4. Required to correct a nonconforming zoning condition, as defined in Subsection 2.26.100(C)(8) below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.
- C. ~~Owner-occupied Definitions.~~ Prior to building permit issuance, the property owner shall either sign a covenant to be recorded that requires the owner to occupy either the primary or second dwelling, or enter into an affordable housing agreement requiring that one of the dwellings be rented at the lower income household. The restricted rental rate of one of the dwellings shall be for a period of 30 years. The Affordable Housing Agreement may be rescinded if the owner agrees to record a covenant that one of the dwellings shall be owner-occupied. As used in this section, terms are defined as follows:
1. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - a. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
 - b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
 2. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
 3. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
 4. "Efficiency kitchen" means a kitchen that includes all of the following:
 - a. A cooking facility with appliances.
 - b. A food preparation counter and storage cabinets that are of a reasonable size in

relation to the size of the JADU.

5. “Junior accessory dwelling unit” or “JADU” means a residential unit that satisfies all of the following:
 - a. It is no more than 500 square feet in size.
 - b. It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
 - c. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
 - d. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
 - e. It includes an efficiency kitchen, as defined in subsection 2.26.100(C)(4) above.
6. “Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
7. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
8. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
9. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
10. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
11. “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
12. “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

D. ~~Development standards Approvals.~~ A second dwelling shall comply with all development standards of the zone, except for density and as provided in this Section. The following approvals apply to ADUs and JADUs under this section:

1. ~~Maximum size Building Permit Only.~~ The maximum area for a detached second dwelling shall not exceed 1,200 square feet. The maximum area for a second dwelling attached to the primary residence shall not exceed 30 percent of the existing living area. If an ADU or JADU complies with each of the general requirements in Subsection 2.26.100(E), it is allowed with only a building permit in the following scenarios:
 - a. **Converted on Single-family Lot:** One ADU as described in this subsection and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 1. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to

150 additional square feet if the expansion is limited to accommodating ingress and egress; and

2. Has exterior access that is independent of that for the single-family dwelling; and
 3. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 4. The JADU complies with the requirements of Government Code Section 66333 through 66339.
- b. **Limited Detached on Single-family Lot:** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under Subsection 2.26.100 (D)(1)(a), if the detached ADU satisfies each of the following limitations:
1. The side- and rear-yard setbacks are at least four feet.
 2. The total floor area is 800 square feet or smaller.
 3. The peak height above grade does not exceed the applicable height limit in Subsection 2.26.100(E)(2).
- c. **Converted on Multifamily Lot:** One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection, at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.
- d. **Limited Detached on Multifamily Lot:** No more than two detached ADUs on a lot with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, if each detached ADU satisfies all of the following:
1. The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.
 2. The peak height above grade does not exceed the applicable height limit provided in Subsection 2.26.100(E)(2).
 3. If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

2. Utilities ADU Permit.

- a. Water and sewer services shall be adequate to serve the second dwelling. Except as allowed under Subsection 2.26.100(D)(1), no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in Subsections 2.26.100(E) and 2.26.100(F).
- b. Independent water, sewer, and power connections must be established. The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance. The

ADU-permit processing fee is determined by the City of Calipatria Planning Department and approved by the City Council by resolution.

3. **Off-street parking Process and Timing.** ~~All parking shall be in compliance with Section 3.10.070 (Parking and Loading Requirements).~~

- a. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
- b. The City must approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a completed application. If the City has not approved or denied the completed application within 60 days, the application is deemed approved unless either:
 1. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 2. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
- c. If the City denies an application to create an ADU or JADU, the City must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by Subsection 2.26.100(D)(3)(b).
- d. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

E. **Design standards General ADU and JADU Requirements.** ~~The second dwellings shall be subordinate in size and appearance to the primary residence. The architectural design, materials, and color shall be compatible with the existing primary residence or a superior design. The following requirements apply to all ADUs and JADUs that are approved under Subsections 2.26.100(D)(1) or 2.26.100(D)(2):~~

1. **Zoning.**

- a. An ADU subject only to a building permit under Subsection 2.26.100(D)(1) may be created on a lot in a residential or residential mixed-use zone.
- b. An ADU subject to an ADU permit under Subsection 2.26.100(D)(2) may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
- c. In accordance with Government Code Section 66333(a), a JADU may only be created on a lot zoned for single-family residences.

2. **Height.**

- a. Except as otherwise provided by Subsections 2.26.100(E)(2)(b) and 2.26.100(E)(2)(c), a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.

- b. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
 - c. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.
 - d. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection may not exceed two stories.
 - e. For purposes of this subsection, height is measured from existing legal grade or the level of the lowest floor, whichever is lower, to the peak of the structure.
- 3. **Fire Sprinklers.**
 - a. Fire sprinklers are required in an ADU if sprinklers are required in the primary residential structure.
 - b. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- 4. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.
- 5. **No Separate Conveyance.** An ADU or JADU may be rented, but, except as otherwise provided in Government Code Section 65852.26, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).
- 6. **Septic System.** If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
- 7. **Owner Occupancy.**
 - a. ADUs created under this section on or after January 1, 2020, are not subject to an owner-occupancy requirement.
 - b. As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this subsection does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
- 8. **Deed Restriction.** Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's Office and a copy filed with the Planning Department. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:

- a. Except as otherwise provided in Government Code Section 66341, the ADU or JADU may not be sold separately from the primary dwelling.
- b. The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.
- c. The deed restriction runs with the land and may be enforced against future property owners.
- d. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request to the Planning Department, providing evidence that the ADU or JADU has in fact been eliminated. The Planning Department may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Planning Department's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this code.
- e. The deed restriction is enforceable by the Planning Department for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

9. **Building & Safety.**

- a. **Must comply with building code.** Subject to Subsection 2.26.100(E)(9)(b), all ADUs and JADUs must comply with all local building code requirements.
- b. **No change of occupancy.** Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

F. **Fees Specific ADU Requirements.** All development impact fees shall be paid prior to construction of the second dwelling. The following requirements apply only to ADUs that require an ADU permit under Subsection 2.26.100(D)(2):

1. **Maximum Size.**

- a. The maximum size of a detached or attached ADU subject to this subsection is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.
- b. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
- c. Application of other development standards in this subsection, such as lot

coverage, might further limit the size of the ADU, but no application of the percent-based size limit in Subsection 2.26.100(F)(1)(b) or front setback, lot coverage limit, or open-space requirement may require the ADU to be less than 800 square feet.

2. **Setbacks.**

- a. ADUs that are subject to this subsection must conform to 4-foot side and rear setbacks, and a 20-foot front setback, subject to Subsection 2.26.100(F)(1)(c).
- b. No setback is required for an ADU that is subject to this subsection if the ADU is constructed in the same location and to the same dimensions as an existing structure.

3. **Lot Coverage.** No ADU subject to this subsection may cause the total lot coverage of the lot to exceed 50 percent, subject to Subsection 2.26.100(F)(1)(c).

4. **Minimum Open Space.** No ADU subject to this subsection may cause the total percentage of open space of the lot to fall below 50 percent, subject to Subsection 2.26.100(F)(1)(c).

5. **Passageway.** No passageway, as defined by Subsection 2.26.100(C)(9), is required for an ADU.

6. **Parking.**

- a. **General.** One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by Subsection 2.26.100(C)(12) and per the parking standards listed on Section 3.10.070.
- b. **Exceptions.** No parking under Subsection 2.26.100(F)(6)(a) is required in the following situations:
 - 1. The ADU is located within one-half mile walking distance of public transit, as defined in Subsection 2.26.100(C)(11).
 - 2. The ADU is located within an architecturally and historically significant historic district.
 - 3. The ADU is part of the proposed or existing primary residence or an accessory structure under Subsection 2.26.100(D)(1)(a).
 - 4. When on-street parking permits are required but not offered to the occupant of the ADU.
 - 5. When there is an established car share vehicle stop located within one block of the ADU.
 - 6. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in Subsections 2.26.100(F)(6)(B)(1) through 2.26.100(F)(6)(B)(5).
- c. **Replacement Parking.** When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced. Replacement parking is still required for an attached garage structure that is converted into a JADU.

7. **Architectural Requirements.**

- a. The materials and colors of the exterior walls, roof, and windows and doors must match the appearance of those of the primary dwelling.
- b. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
- c. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
- d. The ADU must have an independent exterior entrance, apart from that of the primary dwelling.
- e. The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.
- f. No window or door of the ADU may have a direct line of sight to an adjoining residential property. Each window and door must either be located where there is no direct line of sight or screened using fencing, landscaping, or privacy glass to prevent a direct line of sight.
- g. All windows and doors in an ADU are less than 30 feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

8. **Historical Protections.** An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.

9. **Allowed Stories.** No ADU subject to this subsection may have more than one story, except that an ADU that is attached to the primary dwelling may have the stories allowed under Subsection 2.26.100(E)(2)(d) of this section.

G. **Fees.** The following requirements apply to all ADUs that are approved under Subsections 2.26.100(D)(1) or 2.26.100(D)(2):

1. **Impact Fees.**

- a. No impact fee is required for an ADU that is less than 750 square feet in size. For purposes of this subsection, "impact fee" means a "fee" under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477). "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.
- b. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

2. **Utility Fees.**

- a. If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.

- b. Except as described in Subsection 2.26.100(G)(2)(a), converted ADUs on a single-family lot that are created under Subsection 2.26.100(D)(1)(a) are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.
- c. Except as described in Subsection 2.26.100(G)(2)(a), all ADUs that are not covered by Subsection 2.26.100(G)(2)(b) require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the City. All utilities that are not provided by the City are subject to the connection and fee requirements of the utility provider.
 - 1. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
 - 2. The portion of the fee or charge that is charged by the City may not exceed the reasonable cost of providing this service.

H. Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.

- 1. **Generally.** The City will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.
- 2. **Unpermitted ADUs and JADUs constructed before 2020.**
 - a. **Permit to Legalize.** As required by the state law, the city may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:
 - 1. The ADU or JADU violates applicable building standards, or
 - 2. The ADU or JADU does not comply with the state ADU or JADU law or this ADU ordinance (Chapter 2.26).
 - b. **Exceptions:**
 - 1. Notwithstanding Subsection 2.26.100(H)(2)(a) above, the City may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2018, January 1, 2020, if the City makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code section 17920.3.
 - 2. Subsection 2.26.100(H)(2)(a) does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

2.26.130 Low Barrier Navigation Centers.

All low barrier navigation centers shall meet all the applicable development standards listed in the applicable zone, and in addition meet the following requirements:

- A. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
- B. It is linked to a coordinated entry system, so that staff in the interim facility or staff who colocate

in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

- C. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- D. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

2.26.140 Supportive Housing.

All supportive housing developments shall meet all the applicable development standards listed in the applicable zone, and in addition meet the following requirements:

- A. Units within the development are subject to a recorded affordability restriction for 55 years.
- B. One hundred percent of the units, excluding managers' units, within the development are restricted to lower income households and are or will be receiving public funding to ensure affordability of the housing to lower income Californians. The rents in the development shall be set at an amount consistent with the rent limits stipulated by the public program providing financing for the development.
- C. At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.
- D. The developer provides the City of Calipatria with a plan for providing supportive services, with documentation demonstrating that supportive services will be provided onsite to residents in the project, and describing those services, which shall include all of the following:
 - 1. The name of the proposed entity or entities that will provide supportive services.
 - 2. The proposed funding source or sources for the provided onsite supportive services.
 - 3. Proposed staffing levels.
- E. Nonresidential floor area shall be used for onsite supportive services in the following amounts:
 - 1. For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.
 - 2. For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
- F. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in Chapter 3.14.
- G. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.

2.26.150 Single Room Occupancy.

- A. Single Room Occupancy Units. The following standards apply to single room occupancy units. In

the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.

1. Unit Size. The minimum size of a unit shall be one hundred fifty (150) square feet and the maximum size shall be four hundred (400) square feet.
 2. Bathroom Facilities. An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with California Building Code for congregate residences with at least one full bathroom per every three units on a floor.
 3. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator, and a stove, range top, or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.
 4. Closet. Each SRO shall have a separate closet.
 5. Code Compliance. All SRO units shall comply with all requirements of the California Building Code.
- B. Single Room Occupancy Facilities. In addition to the development standards in the underlying zoning district, the following standards apply to single room occupancy facilities. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.
1. Density. A single room occupancy facility is not required to meet density standards of the General Plan.
 2. Common Area. Four square feet of interior common space per unit shall be provided, with at least two hundred (200) square feet in area of interior common space, excluding janitorial storage, laundry facilities, and common hallways. All common areas shall comply with all applicable Americans with Disabilities Act (ADA) accessibility and adaptability requirements.
 3. Bathroom Facilities. If private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided in accordance with the most recent edition of the California Building Code for congregate residences with at least one full bathroom (including toilets, sinks, and bathing facilities) per every three units on a floor. The shared shower or bathtub facility shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.
 4. Laundry Facilities. Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every ten (10) units, with at least one washer and dryer per floor.
 5. Cleaning Supply Room. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.
 6. Management Plan. A management plan shall be submitted with the development application for an SRO facility and shall be approved by the City of Calipatria Planning Department. The management plan must address management and operation of the facility, rental procedures, safety and security of the residents and building maintenance.
 7. Facility Management. An SRO facility with ten (10) or more units shall have an on-site manager. An SRO facility with less than ten (10) units shall provide a management office on-site.

8. Parking. Parking shall be provided for an SRO facility at a rate of one parking space per unit plus an additional space for the on-site manager. Different parking standards apply in the form-based code area. See Section 3.10.070, Table 3-4: Required Parking Spaces.
9. Accessibility. All SRO facilities shall comply with all applicable ADA accessibility and adaptability requirements.
10. Existing Structures. An existing structure may be converted to an SRO facility, consistent with the provisions of this section.

CHAPTER 3.14 DENSITY BONUS

Sections:

- 3.14.010 Purpose and Applicability
- 3.14.020 ~~General Affordable Housing Provision~~ Density Bonus Application
- 3.14.030 ~~Affordable Housing Density Bonuses and Concessions/Incentives~~ Determination of Application Completeness
- 3.14.040 Processing of Density Bonus Application
- 3.14.050 Eligibility
- 3.14.060 Density Bonus for Housing Developments
- 3.14.070 Incentives or Concessions for Housing Developments
- 3.14.080 Additional Density Bonus or Incentive or Concession for Land Donations or Childcare Facilities
- 3.14.090 Condominium Projects
- 3.14.100 Commercial Projects
- 3.14.110 Waivers or Reductions in Development Standards
- 3.14.120 Parking Ratios for Housing Developments
- 3.14.130 Agreement to Ensure Continued Affordability
- 3.14.140 Construction of Affordable Housing Units
- 3.14.150 Fulfillment of Government Code Section 65915

3.14.010 Purpose and Applicability.

This chapter implements the statutory requirements set forth in Government Code § 65915 et seq. (known as the State Density Bonus Law). To the extent practicable, the citation to the governing statutory provision is included next to the implementing ordinance section. If any provision of this chapter conflicts with state law, the latter shall control. Applicable statutes should be consulted for amendments prior to applying the ordinance provision.

The density bonuses and incentives contained in this chapter shall apply to housing developments eligible for a density bonus and other regulatory incentives provided under state density bonus law. When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the City's jurisdiction that meets the requirements set out in California Government Code § 65915, the actions and procedures set out in this chapter shall apply. The burden is on the applicant to show that the housing development meets such requirements. The density bonus provisions of California Government Code §§ 65915–65918 (State Density Bonus Law), as may be amended from time to time, are incorporated by reference into this chapter. The City reserves the right to review applications for a density bonus in accordance with California Government Code §§ 65915–65918.

- ~~A. Implement the policies of the Housing Element for developing affordable housing for households with very low, low and moderate incomes.~~
- ~~B. Encourage affordable housing units to be provided throughout the community and designed to be consistent with the surrounding neighborhood.~~
- ~~C. Implement the provisions of State Government Code Section 65915.~~
- ~~D. Increase affordable housing opportunities by offering incentives for smaller proposed housing projects that are less than the State's threshold of five residential units as set forth in State Government Code Section 65915.~~

3.14.020 General Affordable Housing Provision Density Bonus Application.

In addition to any other review required for a proposed housing development, applications for a density

bonus shall be filed with the Planning Department on a form approved by the City of Calipatria. The application shall be filed concurrently with an application for a site plan review or administrative approval.

The application shall include the following documentation:

- A. **Availability.** All designated affordable housing units shall be made available to qualified occupants at the same time as the market rate housing units are made available within the same project. A concise written description of the project, including location, number and type of housing units, including affordable units and bonus units, and the planning approval(s) required.
- B. **Median Income Levels.** For the purpose of determining the income levels for Households under this Section, the City shall use the Imperial County income limits found in Title 25, Section 6932 of the California Code of Regulations, and regularly updated and published by the State Department of Housing and Community Development, or other income limits adopted by the City Council. A site map showing the location and general layout of the proposed housing development and surrounding land uses and roadways.
- C. **Density Bonus.** The granting of a density bonus shall not, in and of itself, be interpreted to require an Amendment to the General Plan or Zoning Ordinance, or other discretionary approval. A written request for the specific incentive(s), waiver(s), concession(s), or reductions in development standards sought, accompanied by a description of the rationale and accurate supporting information sufficient to demonstrate that the request is necessary to make the affordable units economically feasible and set rents at qualifying levels. If applicable, the applicant shall identify the proposed use of any housing subventions or programs for the housing development, such as Community Development Block Grants or other sources of funding.
- D. **Affordable Housing Agreement.** The owner of the affordable unit shall sign an Affordable Housing Agreement with the City, agreeing to the term, affordability, resale and any other topic deemed appropriate by the City. Information demonstrating the feasibility of the project as proposed including the following:
 - 1. A development pro forma with the capital costs, operating expenses, return on investment, revenues, loan-to-value ratio and the debt-coverage ratio, including the contribution provided by any applicable subsidy programs, and the economic effect created by the thirty-year use and income restrictions of the affordable housing units.
 - 2. An appraisal report indicating the value of the density bonus and of the incentive(s) and of the value of any other incentives.
 - 3. Sources and use of funds statement identifying the projected financing gap of the project with the affordable housing units that are the basis for granting the density bonus and incentive(s). The applicant shall establish how much of the gap would be covered by the density bonus, leaving a remainder figure to be covered by an additional incentive.
- E. **Applicability.** This ordinance is applicable to mixed use development projects that include a housing component. The concessions/incentives available herein apply to the entire project and are not limited to the residential component. All application fees as set by the City Council by resolution.
- F. Such other materials as the Planning Department may determine are necessary to review the request in accordance with this code.

3.14.030 ~~Affordable Housing Density Bonuses and Concessions/Incentives~~ Determination of Application Completeness.

- A. ~~In application for projects meeting the State minimum threshold of five units or more, the provisions dealing with State Government Code Section 65915, as amended from time to time, shall apply, pursuant to State Government Code Section 65915.~~ Application Completeness. The formal processing of an application shall begin on the date the application is deemed complete. The statutory period of thirty days established by state law for determining completeness (California Government Code Section 65943 [Permit Streamlining Act]), shall begin the day the application is accepted by the Planning Department.
- B. ~~In application for projects not meeting the State minimum threshold of five units, the applicant may request specific incentives and/or concessions that would contribute significantly to the economic feasibility of providing affordable units as set forth below:~~ Initial Determination. Within thirty days of application acceptance, the Planning Department shall determine whether the application is complete. The Department shall notify the applicant in writing that one of the determinations has been made:
1. ~~One or more units for Moderate Income. One incentive may be requested from the following:~~ Complete Application. All submittal requirements have been satisfied and the application has been deemed complete. A description of the amount of density bonus and parking ratios, if requested, the applicant is eligible for will be provided. The letter will further specify whether the applicant has provided adequate information to make a determination on any incentives, concessions, waivers, or reduction of development standards requested by the applicant.
 - a. ~~Reduce minimum outdoor and/or private usable open space requirements in total square feet. (Up to 20 percent reduction).~~
 - b. ~~Reduced minimum outdoor and/or private usable open space requirements in dimension. (Up to 20 percent reduction).~~
 2. ~~One or more units for Low Income. Two incentives may be requested from the following:~~ Incomplete Application. Specific information is still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted application is not in compliance with the City Development Standards and application requirements.
 - a. ~~Any incentive listed under "Moderate Income" Subsection B.1.~~
 - b. ~~Increased maximum lot coverage. (Up to percentage allowed in the applicable zone).~~
 - c. ~~Increased in the allowable first to second floor square footage ratio from 80 to 100 percent.~~
 - d. ~~Allowance for required guest parking requirement to be located in tandem to the garage or in a required setback.~~
 3. ~~One or more units for Very Low Income. Three incentives may be requested from the following:~~
 - a. ~~Any incentive listed under "moderate income" and "low income" Subsections B.1 and B.2.~~

- b. ~~Reduce minimum building setbacks from property lines and building separation requirements that exceed minimum building code and fire code standards.~~
 - c. ~~Reduce minimum lot sizes and/or dimensions.~~
- C. ~~Parking may be reduced from the City required parking standards in compliance with Subsection 3.10.070.K (Parking Reductions) on a case by case basis and shall not be considered as a development incentive. Granting of such reductions shall be by the Review Authority. A parking/traffic study may be required to ensure the parking reduction will not be detrimental to the surrounding area.~~ Determination on Resubmittal. Within thirty days of acceptance of information submitted in response to a determination of incomplete application, the Planning Department shall determine whether the application is complete. The Planning Department shall notify the applicant in writing that one of the determinations has been made:
 - 1. Complete Application. All submittal requirements have been satisfied and the application has been deemed complete. A description of the amount of density bonus and parking ratios, if requested, the applicant is eligible for will be provided. The letter will further specify whether the applicant has provided adequate information to make a determination on any incentives, concessions, waivers, or reduction of development standards requested by the applicant.
 - 2. Incomplete Application. Specific information is still necessary to complete the application. The letter shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application.
- D. ~~It is the intent of this Section to insure that all projects applying for the concessions and incentives of this Section provide for affordable housing units that are comparable in size, design and quality to the market units in the same project. The City Manager shall have the discretion and authority to enforce this provision during the application process.~~ Adjustments to Determination. Any determination made by the Planning Department shall be based on the development project at the time the application is complete. The amount of density bonus and parking ratios awarded shall be adjusted based on any changes to the project during the course of development.
- E. Right to Appeal. The applicant may appeal the determination in accordance with the California Government Code Section 65493 (Permit Streamlining Act). A final written determination on the appeal shall be rendered not later than sixty days after receipt of the application's written appeal.

3.14.040 Processing of Density Bonus Application.

- A. **Site Plan Review Application.** City staff shall process the density bonus application in the same manner as, and concurrently with, the application for a site plan review or administrative approval that is required by this zoning ordinance. Applications for density bonuses, incentives or concessions, waivers or reductions of development standards, and/or parking ratios pursuant to this chapter and State Density Bonus Law, shall comply with the following procedures for processing:
 - 1. **Planning Applications.** Applicants for density bonuses, incentives or concessions, waivers or reductions of development standards, and/or parking ratios pursuant to this chapter and State Density Bonus Law, shall complete and file the Density Bonus Program Application and an application form(s) for the standard permit(s) (e.g., Site Plan

Review, Conditional Use Permit, and/or Land Use Permit) required for the project, which includes site information, number of units, requested density bonus units, proposed number of affordable units, requested incentives, financial information, site plan, and any other documentation required by the Zoning Ordinance, Government Code, and Planning Department.

2. **Preparation, Filing, and Initial Processing of Site Plan Review Applications.** Both the City and applicants shall follow the procedures and requirements in Article 4 (Administration and Procedures) of the City of Calipatria Zoning Ordinance and Government Code Sections 65915(a)(2), 65915(a)(3), and 65943, or successor statutes, for the preparation, filing, and initial processing of site plan review applications.

Once an application submitted pursuant to this Chapter is deemed complete, the City shall provide the applicant with a determination as to the amount of density bonus for which the applicant is eligible; and, if requested by the applicant, the parking ratio for which the applicant is eligible; and, if requested by the applicant, whether the applicant has provided adequate information for the City to make a determination as to incentives, concessions, or waivers or reductions of development standards requested by the applicant; and/or the amount of additional density bonus or incentive or concession for which the applicant is eligible.

3. **Permit Review and Decisions.** The Planning Department shall follow the procedures in the City of Calipatria Zoning Ordinance for the review, and approval, conditional approval, or denial of housing developments or a project to convert apartments to a condominium under this chapter and State Density Bonus Law.

- a. **Land Use and Development Standards.** All housing developments or projects to convert apartments to condominiums shall comply with all applicable requirements of the primary zone in addition to the requirements of this chapter and State Density Bonus Law. If a requirement of this chapter or State Density Bonus Law conflicts with a requirement of the primary zone, the requirements of this chapter and State Density Bonus Law shall control.
- b. **Amendments or Other Discretionary Approval.** The granting of density bonuses, incentives or concessions, waivers or reductions of development standards, and/or parking ratios shall not be interpreted, in and of itself, to require a Comprehensive Plan amendment, Development Code text amendment, zoning map amendment, or other discretionary approval separate from the discretionary approval otherwise required for the project.
- c. **Affordable Housing Agreement.** Prior to the issuance of any planning permit for a project receiving a density bonus or other incentive under this chapter, the applicant shall record an affordable housing agreement for a project with rental units along with a resale restrictive covenant for projects with for-sale units. The agreements and covenants shall ensure the continued availability of the units for persons and households of the types and incomes included in Section 3.14.050(A) (Eligible Projects), below, pursuant to the costs, periods, and other requirements in Government Code Sections 65915(c)(1), 65915(c)(2), and 65916 or successor statutes. All units shall be restricted for the maximum period allowed by this chapter, and Government Code Sections

65915(c)(1), 65915(c)(2), and 65916, or successor statutes.

3.14.050 Eligibility.

A. **Eligible Projects.** Except as provided in Section 3.14.050(B) (Ineligible Projects) below, the following projects shall be eligible for density bonuses, incentives or concessions, waivers or reductions of development standards, and/or parking ratios pursuant to the amount, type, and other applicable criteria in this chapter and the State Density Bonus Law:

1. Housing developments, including shared housing developments, where ten percent of the total units are for rent or sale to lower income households, as defined in Section 50079.5 of the Health and Safety Code.
2. Housing developments, including shared housing developments, where five percent of the total units are for rent or sale to very low-income households, as defined in Section 50105 of the Health and Safety Code.
3. A senior citizen housing development pursuant to Government Code Section 65915(b)(1)(C) or successor statute.
4. A mobile home park that limits residency based on age requirements for housing for older persons pursuant to Government Code Section 65915(b)(1)(C) or successor statute.
5. Ten percent of the total units for transitional foster youth, disabled veterans, or homeless persons pursuant to Government Code Section 65915(b)(1)(E) or successor statute.
6. Twenty percent of the total units for lower-income students in an eligible student housing development pursuant to Government Code Section 65915(b)(1)(F) or successor statute.
7. Housing developments where one hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code.
8. **Condominium Projects.** A project to convert apartments to a condominium that will provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income, or at least 15 percent of the total units of the proposed condominium project to lower-income households pursuant to Government Code Section 65915.5 or successor statute. See Section 3.14.090 (Condominium Projects) for information on qualified projects and applicable density bonuses and incentives.

B. **Ineligible Projects.** The following projects shall be ineligible for density bonuses or other incentives or concessions:

1. **Ineligible Housing Development Projects.** An applicant shall be ineligible for a density bonus or any other incentives or concessions under this chapter and Government Code Section 65915 if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower- or very

low-income households, unless the proposed housing development replaces those units, and otherwise complies with the terms in Government Code Section 65915(c)(3) or successor statute.

2. **Ineligible Condominium Projects.** The following projects to convert apartments to a condominium shall be ineligible for a density bonus or other incentives:
 - a. Pursuant to Government Code Section 65915.5(f) or successor statute, the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under this chapter or Government Code Section 65915.
 - b. Pursuant to Government Code Section 65919.5(g) and (h) or successor statutes, the condominium project is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through the County's valid exercise of its police power; or occupied by lower- or very low-income households.

3.14.060 Density Bonus for Housing Developments.

- A. **Applicability.** The City shall grant density bonuses in accordance with Government Code Sections 65915(b) and 65915(v) or successor statute to housing developments that meet the criteria in Section 3.14.050 (Eligibility) above, and Government Code Section 65915(b) or successor statute.
- B. **Amount/Percentage.** The amount of density increase for eligible housing developments shall be calculated pursuant to the percentages, conditions, and other provisions in Government Code Section 65915(f) or successor statute.
- C. **Optional Increase in Amount/Percentage.** The Planning Department may grant a density bonus greater than what is described in Government Code Section 65915(f) or successor statute for housing developments that meet the requirements of this chapter.
- D. **Density Bonus Location.** Eligible housing developments and density bonuses shall be located in areas as defined in Government Code Section 65915(i) or successor statute.
- E. **Continued Affordability and Affordable Housing Agreement - Rental Units.** An applicant shall agree to, and the City shall ensure, the continued affordability of all very low-, low-, and moderate-income rental units that qualified the applicant for a density bonus for a minimum duration as follows:
 1. Projects that are funded without low-income housing tax credits shall ensure affordability for a minimum period of 90 years.
 2. Projects that are funded with low-income housing tax credits shall ensure affordability for a minimum period of 55 years.

In addition, the City shall enforce an affordable housing agreement, pursuant to the terms in Government Code Section 65915(c)(1) or successor statute.

- F. **Continued Affordability – For – Sale Units.** An applicant shall agree to, and the City shall

ensure that the qualified applicant for the density bonus award meets either of the following pursuant to Government Code Section 65915(c)(2) or successor statute:

1. The initial occupants of all for-sale units that qualified the applicant for the density bonus are persons and families of very low, low, or moderate income, the units are offered at an affordable housing cost, and are subject to an equity sharing agreement, unless this is in conflict with the requirements of another public funding source.
2. If the unit is not purchased by an income-qualified person or family within 180 days after the issuance of the certificate of occupancy, the unit is purchased by a qualified nonprofit housing corporation pursuant to a recorded contract that satisfies the requirements in the California Revenue & Tax Code §402.1(a)(10) and includes all of the following:
 - a. The nonprofit corporation has a determination letter from the Internal Revenue Service affirming its tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code and is not a private foundation as that term is defined in Section 509 of the Internal Revenue Code; and
 - b. The nonprofit corporation is based in California; and
 - c. All of the board members of the nonprofit corporation have their primary residence in California; and
 - d. The nonprofit corporation incorporates within their contracts for initial purchase a repurchase option that requires a subsequent purchaser of the property to offer the nonprofit corporation the right to repurchase the property prior to selling or conveying that property to any other purchaser pursuant to an equity sharing agreement, unless this is in conflict with the requirements of another public funding source; or affordability restrictions requiring the property to be sold or resold only to very low-, low-, or moderate-income households and preserved for lower-income housing for at least 45 years if the project is funded with low-income housing tax credits or at least 90 years if the project is funded without low-income housing tax credits.

For the purposes of this chapter, a qualified nonprofit housing corporation shall mean a nonprofit housing corporation organized pursuant to Internal Revenue Code §501(c)(3) that has received a welfare exemption under the California Tax and Revenue Code §214.15 for properties intended to be sold to low-income families who participate in a special no-interest loan program.

3.14.070 Incentives or Concessions for Housing Developments.

- A. **Applicability.** An applicant for a density bonus pursuant to Section 3.14.060 (Density Bonus for Housing Developments) above, and Government Code Section 65915(b) or successor statute, may submit to the City a proposal for the specific incentives or concessions that the applicant requests pursuant to Section 3.14.070 (Incentives or Concessions for Housing Developments) and Government Code Section 65915(d) or successor statute.
- B. **Number of Incentives or Concessions.** Except as provided in Section 3.14.070(D) (Approval and Findings for Denial) below, and Government Code Section 65915(d)(1) or successor statute, the applicant shall receive from one to five incentives or concessions pursuant to Government Code Section 65915(d)(2) and Government Code Section 65915(v) or successor statutes.

C. **Types of Incentives or Concessions.** For the purposes of this chapter and in accordance with Government Code Section 65915(k), incentive or concession means any of the following.

1. **Modification of Development Standards.** A reduction in site development standards or a modification of zoning requirements or architectural design requirements of this chapter that exceed the minimum building standards in City of Calipatria that would otherwise be required, that results in identifiable and actual cost reductions.
2. **Approval of Mixed-Use Zoning.** Approval of mixed-use zoning in conjunction with the housing development if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing development and the existing or planned development in the area where the housing development will be located.
3. **Other Regulatory Incentives or Concessions.** Other regulatory incentives or concessions proposed by the applicant or the City that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c) or successor statute.
4. **Direct Financial Incentives.** This Section 3.14.070 (Incentives or Concessions for Housing Developments) does not limit or require the provision of direct financial incentives for a housing development, including the provision of publicly owned land by the City or the waiver of fees or dedication requirements.

D. **Approval and Findings for Denial.** The City shall grant the incentives or concessions requested by the applicant unless the City makes a written finding, based on substantial evidence, of any of the following:

1. The concession or incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs or for rents for the targeted units pursuant to Government Code Section 65915(d)(1)(A) or successor statute;
2. The concession or incentive would have a specific, adverse impact upon public health and safety, or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low- and moderate-income households pursuant to Government Code Section 65915(d)(1)(B) or successor statute; or
3. The concession or incentive would be contrary to state or federal law, pursuant to Government Code Section 65915(d)(1)(C) or successor statute.

For purposes of this Chapter “Housing development,” shall mean a development project for five or more residential units, including mixed-use developments. It also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units.

3.14.080 Additional Density Bonus or Incentive or Concession for Land Donations or Childcare Facilities.

A. **Applicability and Type of Density Bonus.** The City shall grant an additional density bonus or incentive, or concession as follows:

1. **Land Donations.** When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the City for the development of very low-income housing units, the applicant shall be entitled to an increase above the otherwise maximum allowable density mandated by Government Code Section 65915(b) or successor statute pursuant to the amount and conditions specified in Government Code Section 65915(g) or successor statute and any other applicable provisions in Government Code Section 65915.
2. **Childcare Facilities.** A housing development that conforms to Government Code Sections 65915(b) and (h), or successor statutes, and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project shall receive an additional density bonus that is an amount of square feet of residential space or an additional incentive or concession pursuant to the amount and conditions of Section 3.14.070 (Incentives or Concessions for Housing Developments) and Government Code Sections 65915(h) and (k) or successor statutes.

For purposes of this Chapter, "childcare facility" shall mean a day care center for children.

3.14.090 Condominium Projects.

A. **Applicability.** The City shall grant a density bonus or provide other incentives of equivalent financial value to an eligible project to convert apartments to a condominium pursuant to the amount and criteria in this Section 3.14.090 (Condominium Projects), Section 3.14.050(A) (Eligible Projects) and Section 3.14.050(B)(2) (Ineligible Condominium Projects) above, and Government Code Section 65915.5 or successor statute.

1. **Density Bonus.** For purposes of this Section 3.14.090 (Condominium Projects) and Government Code Section 65915.5 or successor statute, "density bonus" means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.
2. **Other Incentives.** For purposes this Section 3.14.090 (Condominium Projects) and Government Code Section 65915.5 or successor statute, "other incentives of equivalent financial value" shall not be construed to require the City to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the City might otherwise apply as conditions of conversion approval.

B. **General Requirements.** The following provisions and all applicable provisions in Government Code Section 65915.5 or successor statute shall apply to a project to convert apartments to a condominium:

1. **Administrative costs.** The applicant shall pay for the reasonably necessary administrative costs incurred by the City pursuant to Section 3.14.090 (Condominium Projects) and Government Code Section 65915.5 or successor statute.
2. **Conditions of Approval.** The City may place reasonable conditions on the granting of a

density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which ensure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower-income households.

3. **Authority to Deny.** Nothing in this Section 3.14.090 (Condominium Projects) or Government Code Section 65915.5 or successor statute shall be construed to require the City to approve a proposal to convert apartments to condominiums.

3.14.100 Commercial Projects.

When a developer proposes to construct a commercial development and has entered into a partnered housing agreement approved by the City, the City shall grant a commercial development bonus mutually agreed upon by the developer and the City. The commercial development bonus shall be pursuant to Government Code Section 65915.7(b) or successor statute and shall not include a reduction or waiver of fees imposed on the commercial development to provide for affordable housing. The partnered housing agreement shall include all of the following provisions:

- A. The housing development shall be located either on the site of the commercial development or on a site within the City that is within one-half mile of a major transit stop and is located in close proximity to public amenities, including schools and employment centers.
- B. At least 30 percent of the total units in the housing development shall be made available at affordable ownership cost or affordable rent for low-income households, or at least 15 percent of the total units in the housing development shall be made available at affordable ownership cost or affordable rent for very low-income households.
- C. The commercial developer must agree either to directly build the target units; donate a site consistent with Section 3.14.100(A) (Commercial Projects) for the target units; or make a cash payment to the housing developer for the target units.
- D. Any approved partnered housing agreement shall be described in the City's housing element annual report as required by California Government Code § 65915.7(k).

3.14.110 Waivers or Reductions in Development Standards.

- A. Except as restricted by Government Code Section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. Unless otherwise stated in Section 3.14.110(B) (Limitations and Standards for a Waiver or Reduction in Development Standards), the City shall approve a waiver or reduction of a development standard.
- B. **Limitations and Standards for a Waiver or Reduction in Development Standards.** The City shall apply the following limitations and standards when considering an applicant's request for a waiver or reduction of development standards:
 1. **Limitation on Development Standards.** The City shall not apply any development standard that will have the effect of physically precluding the construction of a housing

development meeting the criteria in Section 3.14.050(A) (Eligible Projects) above, and Government Code Section 65915(b) or successor statute at the densities or with the concessions or incentives permitted by this chapter.

2. **Impact on Health or Safety.** Nothing in this subdivision shall be interpreted to require the City to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2) or successor statute, upon health or safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
3. **Impact on Historical Resources.** Nothing in this subdivision shall be interpreted to require the City to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
4. **No Effect on State and Federal Law.** Nothing in this subdivision shall be interpreted to require the City to grant any waiver or reduction that would be contrary to state or federal law.
5. **No Effect on Incentives or Concessions.** A proposal for the waiver or reduction of development standards pursuant to Section 3.14.110 (Waivers or Reductions in Development Standards) shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 3.14.070 (Incentives or Concessions for Housing Developments) and Government Code Section 65915(d) or successor statute.
6. **Limitation for a Housing Development Near a Major Transit Stop.** A housing development that receives a waiver from any maximum controls on density because it is located within one-half mile of a major transit stop shall only be eligible for a waiver or reduction of development standards as provided in Government Code Sections 65915(d)(2)(D) and 65915(f)(3)(D)(ii) or successor statutes, unless the City agrees to additional waivers or reductions of development standards.
 - a. For purposes of this chapter, "major transit stop" shall have the same meaning as defined in Public Resources Code Section 21155.
 - b. For purposes of this chapter, "located within one-half mile of a major transit stop" shall have the same meaning as defined in Government Code Section 65915(o)(3) or successor statute.

3.14.120 Parking Ratios for Housing Developments.

- A. **Maximum Parking Ratios.** Upon the request of the applicant, except as provided in Section 3.14.120(B) (Limited or No Parking Ratio for Certain Housing Developments) below, and Government Code Sections 65915(p)(2), (3), and (4), or successor statutes, the City shall not require a vehicular parking ratio for a housing development meeting the criteria of this chapter that exceeds the following:
 1. Zero to one bedroom: one onsite parking space.
 2. Two to three bedrooms: one and one-half onsite parking spaces.
 3. Four and more bedrooms: two and one-half onsite parking spaces.

B. **Limited or no Parking Ratio for Certain Housing Developments.** Notwithstanding Section 3.14.120(A) (Maximum Parking Ratios) above, and Government Code Section 65915(p)(1) or successor statute, and upon the request of the applicant, the City shall impose a limited vehicular parking ratio or no vehicular parking ratio, inclusive of parking for persons with a disability and guests, for the following housing developments:

1. The parking ratio shall not exceed 0.5 spaces per unit for a housing development that includes at least 20 percent low-income units or at least 11 percent very low-income units and meets the remaining criteria in Government Code Section 65915(p)(2)(A) or successor statute.
2. The parking ratio shall not exceed 0.5 spaces per bedroom for a housing development that includes at least 40 percent moderate-income units and meets the remaining criteria in Government Code Section 65915(p)(2)(A) or successor statute.
3. No parking ratio or standards for a housing development that consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families shall be imposed if it meets the criteria in Government Code Section 65915(p)(3) or successor statute.
4. Pursuant to the criteria in Government Code Section 65915(p)(4) or successor statute, and notwithstanding Government Code Sections 65915(p)(1) and (8), no minimum parking requirement shall be imposed for a housing development that consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families and is a special needs housing development with either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day, or a supportive housing development.

C. **General Requirements.** The City shall apply the following requirements when processing an applicant's request for a reduced vehicular parking ratio in accordance with Government Code Section 65915(p) or successor statute:

1. If the total number of parking spaces required for a housing development is not a whole number, the number shall be rounded up to the next whole number.
2. For purposes of this chapter, a housing development may provide onsite parking through tandem parking or uncovered parking, but not through onstreet parking.
3. An applicant may request parking incentives or concessions beyond those provided in Section 3.14.120 (Parking Ratios for Housing Developments), pursuant to Government Code Section 65915(d), or successor statute.
4. Notwithstanding Section 3.14.120(B) (Limited or No Parking Ratio for Certain Housing Developments), above, and Government Code Sections 65915(p)(2) and (3), or successor statutes, the City may impose a higher vehicular parking ratio not to exceed the ratio described in Section 3.14.120(A) (Maximum Parking Ratios), above, based upon substantial evidence found in a parking study.
5. A request pursuant to Section 3.14.120 (Parking Ratios for Housing Developments) shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 3.14.070 (Incentives or Concessions for Housing Developments), above, and Government Code Section 65915(d) or successor statute.

Except as otherwise provided in this section, all other parking provisions of Section 3.10.070 (Parking and Loading Requirements) applicable to residential developments apply.

3.14.130 Agreement to Ensure Continued Affordability.

Prior to the issuance of any planning permit for a project receiving a density bonus or other incentive under this chapter, the applicant shall record an affordable housing agreement for a project with rental units along with a resale restrictive covenant for projects with for-sale units. The agreements and covenants shall ensure the continued availability of the units for persons and households of the types and incomes included in Section 3.14.050(A) (Eligible Projects), below, pursuant to the costs, periods, and other requirements in Government Code Sections 65915(c)(1), 65915(c)(2), and 65916 or successor statutes. All units shall be restricted for the maximum period allowed by this chapter, and Government Code Sections 65915(c)(1), 65915(c)(2), and 65916, or successor statutes.

3.14.140 Construction of Affordable Housing Units.

For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus must be constructed concurrently with or prior to the construction of any market rate units. In addition, the affordable units must be integrated with the market rate unit so that there is a mix of affordable and market rate units, if any, in each building of the development project.

3.14.150 Fulfillment of Government Code Section 65915.

The provisions of article XXI shall be interpreted to fulfill the requirements of Government Code Section 65915. Any changes to that Government Code Section 65915 shall be deemed to supersede and govern any conflicting provisions contained herein.

CHAPTER 5.17 DEFINITIONS

Sections:

5.10.020 Definitions of Terms and Phrases.

5.10.020 Definitions of Terms and Phrases.

L. Definitions

Low Barrier Navigation Centers. A housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

S. Definitions

Single Room Occupancy, also referred to as a residential hotel unit, means an efficiency unit that: (A) is occupied as a primary residence, and (B) is subject to state landlord-tenant law pursuant to Chapter 2 of the Civil Code. The term also includes a unit in an "SRO project" as described in the California Code of Regulations.



RESOLUTION

25-08

CALIPATRIA CITY COUNCIL AGENDA ITEM

Date Submitted: January 24, 2025

Submitted By: Laura Gutierrez, City Manager/CFO

Council Meeting Date: January 28, 2025

Discussion / Action

Subject: Planning Commissioner Appointments

Background:

The City Council gave directions to seek Letters of Interest for Planning Commissioner appointments. On January 7, 2025, the city advertised by posting on the City Website, social media, and on Calipatria Connects! with a closing date of January 17, 2025. The City received eight (8) Letters of Interest from City Residents. The following submitted a Letter of Interest:

- Emma Barros (incumbent)
- Grace Castaneda
- William Cooper (incumbent)
- Anna Garcia (incumbent)
- Catherine Hoff
- Ernest Pacheco (incumbent)
- Brandon Pimentel
- Elisa (Bonnie) Zendejas (incumbent)

There are only five (5) Planning Commissioner seats for appointments. Two (2) of the Commissioner seats will be appointed for a four (4) year term, and three (3) of the Commissioner seats will be appointed to a two (2) year term. This will coincide with current Council seats. The City's goal moving forward is to establish a transparent method of seating Planning Commissioners every two years, allowing community members to provide input and partake in local government decision making. Incumbents can also resubmit a Letter of Interest at the end of their term. The existing method did not have any term limits, therefore allowing seated Planning Commissioners an unlimited term.

Effective January 1, 2025, the Planning Commissioners will receive a fifty-dollar stipend per meeting attended. Meetings are typically scheduled monthly; however, they are scheduled as needed.

Recommendation:

Staff recommendation is for the appointment of five (5) Planning Commissioners from the Letters of Interest received.

Fiscal Impact:

\$1,500 (if a monthly meeting is held from February – June 2025, and all 5 PC's are present)

Laura Gutierrez

From: Emma Barros <emmabarrosorozco@gmail.com>
Sent: Friday, January 17, 2025 2:42 PM
To: Laura Gutierrez

CAUTION: This email originated from outside of the organization. Please take care when clicking links or opening attachments.

Dear City Council Members,

It is with great respect and dedication that I submit my request for re-appointment to the board for city planning commission. It is an honor to continue to serve and represent the citizens of Calipatria.

I look forward to continue my civic duty as a representative of my community.

I am hopeful that you will approve my re-appointment to the board. If there are any questions that you may have please contact me at 760-550-0556.

Respectfully,

Emma Barros Orozco

January 17, 2025

City Council
City of Calipatria
125 North Park Avenue
Calipatria, CA 92233

Dear City Council Members,

I am writing to express my interest in the position of Planning Commissioner for the City of Calipatria. As a lifelong resident of Calipatria, I have a deep commitment to our community and a strong desire to contribute to its future.

As a business owner in Calipatria, I am fully dedicated to the economic growth and development of our town. I understand the importance of balancing progress with the preservation of our community's unique character.

As a parent raising my daughters in Calipatria, I am particularly invested in ensuring that our town remains a vibrant and welcoming place for future generations. I believe that my involvement in the Planning Commission would allow me to advocate for projects and initiatives that positively impact our community and enhance the quality of life for all residents.

Additionally, my extensive volunteer work with the school site school, 4H program, special education programs and the Calipatria Chamber of Commerce has provided me with valuable insights into the needs and aspirations of our community.

I am eager to bring my passion for community service, local knowledge and business insight to the Planning Commission. I believe that my experience and dedication can contribute to thoughtful planning and decision-making that benefits all residents of Calipatria.

Thank you for consideration. I look forward to the opportunity to serve our community in this important capacity.

Sincerely,

Grace Castaneda

Grace Castaneda
547 South International Boulevard
Calipatria, California 92233
760-675-2946
gracecastaneda091@gmail.com

Laura Gutierrez

From: William Cooper <williamanthonycooper.esq@gmail.com>
Sent: Friday, January 17, 2025 3:11 PM
To: Laura Gutierrez
Subject: Planning Commission Letter Intrest

CAUTION: This email originated from outside of the organization. Please take care when clicking links or opening attachments.

This missive is my formal letter of interest in being reappointed to the Calipatria Planning Commission. I'm excited about the direction of the city is headed in and would love to continue to be A part of Calipatria's growth. Thank you in advance for your Consideration. -William Cooper, Resident, City of Calipatria

January 16, 2025

Letter of Interest

My name is Anna Garcia and I am submitting my letter of interest for the position of Calipatria City Planning Commissioner. I currently serve on the planning commission.

I have been a resident of Calipatria for 45 plus years, raising my children and grandchildren in our community. I have been actively involved in many school, church and community groups and organizations. Such groups as the school site committees, 4H, Little League, Booster club, Girls Scouts, Between Women, NBCC and the American Cancer Society. I am currently the president of the St. Patrick's Ladies Society. I sit on the Northend Action Council under our County Supervisor Ryan Kelley and am a commissioner for the Imperial Valley Housing Authority.

I am the treasurer and cofounder of NorthEnd Alliance 111. We are a small volunteer nonprofit community based organization focusing on seniors, homeless, agriculture workers and anyone in need. We bring services, resources and host special events. We serve our Niland community with the distribution of monthly food commodities. Our nonprofit serves the communities of Calipatria, Niland and Bombay Beach. We recently collaborated with the City of Calipatria to kick off a successful Senior Day Event.

After 33 years in 2021, I retired as the Calipatria Postmaster. I was previously the Niland Postmaster, Officer in Charge Holtville and Imperial Postmaster.

I appreciate your time and consideration for my letter of interest.

Thank you,
Anna Garcia

January 16, 2025

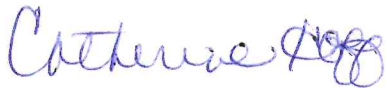
To Whom it may concern;

Re: Planning Commission

I would like to submit this letter of interest to the Calipatria City Council. I have lived in the city since 1992 and have been the city clerk since April of 2000. I would like to see the city to continue to grow and I would like to be a part of that process. I have worked with the Holt Group on all the projects concerning the city and I feel I would be an asset in planning for future growth.

Thank you for your consideration,

Catherine Hoff

A handwritten signature in blue ink that reads "Catherine Hoff". The signature is written in a cursive style with a large initial "C" and a stylized "H".

263 E. BARBARAS
P.O. BOX 316
CALIPATRIA, CA. 92231

ERNEST T. PACHECO

MY INTEREST IN THE PLANNING
COMMISSIONER, IS TO HELP THE CITY
WITH ANY LEGAL MATTERS, THAT
PERTAIN TO PLANNING ETC.

Ernest T. Pacheco

P.S. ~~I~~ HAVE TAKEN SOME BUSINESS
CLASS AT I.V.C.

Brandon Pimentel

Brandon Luis Pimentel
602-499-9046
bpimentel2255@gmail.com

13 Jan 2025

To whom it may concern,

My name is Brandon Luis Pimentel, a lifelong resident of the charming city of Calipatria. I am deeply committed to serving as a Planning Commissioner to address the challenges and untapped potential of our community. Having grown up here, I have experienced firsthand the struggles caused by a lack of resources, activities, and employment opportunities for both adults and youth.

I believe every community thrives when its people—especially the younger generation—have access to opportunities that foster growth, collaboration, and ambition. Reflecting on my childhood, I recall limited recreational facilities and an environment that left many youth disengaged. Our parks, while meaningful spaces, lacked safe equipment, adequate shade for our scorching summers, and proper maintenance. Similarly, I have witnessed the broader effects of limited employment opportunities, which can push individuals, particularly young people, toward less productive paths. Early job opportunities could teach responsibility, teamwork, and financial independence, strengthening both individuals and the community at large.

As Planning Commissioner, I would advocate for initiatives that invest in infrastructure, create accessible employment opportunities, and foster a more connected, thriving community. Together, we can build a Calipatria that encourages growth, pride, and opportunity for all its residents.

Sincerely,

Brandon Pimentel

City of Calipatria
125 North Park
Calipatria, Ca. 92233

Elisa (Bonnie) Zendejas
321 W. Alamo
P.O Box 1446
Calipatria, Cal.

Dear Laura Gutierrez, City Manager,

My name is Elisa (Bonnie) Zendejas, and I am a lifelong resident of Calipatria. I graduated from Calipatria High School and am writing this letter of interest for the position of Planning Commissioner. I have served in this role since December 11, 2018. I believe in our city and its new direction, and I welcome the opportunity to continue serving on the city council and other agencies. I am dedicated to the growth of our community and to the guidelines for the Housing Element.


During my six years of service on the Planning Commission, I have gained valuable practical experience. I understand the importance of reading and interpreting plans; as well as conducting physical site visits.

My professional background includes working as a Correctional Officer for the Department of Corrections at Centinela Prison and as a Corrections Clerk at the Imperial County Sheriff's Office, where I was transferred to the Jail Division.

Additionally, I am actively involved in several community organizations. I currently serve as the Secretary for the American Legion Auxiliary Post 135, and I have previously held the position of Secretary for the Guadalupanas at St. Patrick's Catholic Church. I am also a member of the Lions Club and the Cursillo movement and have served as a catechism teacher for the youth in our community. My past involvement includes membership in the Chamber of Commerce, where I participated in the Centennial celebration.

I am confident that I would be a valuable asset to the team and would welcome the opportunity to contribute to our city's new vision and growth.

Sincerely,


Elisa (Bonnie) Zendejas

I am confident I will be an asset and welcome being part of its team, its new vision and growth.



RESOLUTION

#2509

CALIPATRIA CITY COUNCIL AGENDA ITEM

Date Submitted: January 24, 2025

Submitted By: Laura Gutierrez, City Manager/CFO

Council Meeting Date: January 28, 2025

Discussion / Action

Subject: Traffic Advisory Resident Appointment

Background:

The Traffic Advisory Committee currently has a vacancy for the Traffic Advisory Resident seat. The Traffic Advisory Commission is a volunteer committee. On January 7, 2025, the city advertised by posting on the City Website, social media, and on Calipatria Connects! with a closing date of January 17, 2025. The City received two (2) Letters of Interest from City Residents. The following submitted a Letter of Interest:

- Beneranda Cooper
- Judi Vista

There is only one (1) Traffic Advisory Resident seat available for appointment. The Traffic Advisory Committee at their next scheduled meeting will discuss terms for the Resident seat and will bring back a recommendation to the City Council for ratification.

Meetings are typically held monthly; however, they are scheduled as needed.

Recommendation:

Staff recommendation is for the appointment of one (1) Traffic Advisory Resident from the Letters of Interest received.

Fiscal Impact:

None

To: City of Calipatria, (City Manager)

From: Beneranda Cooper

Hello,

I am a resident of Calipatria, and I am submitting my letter of interest to be part of Calipatria's Traffic Commissioner. I graduated from Calipatria class of 94. I am very involved within my community especially when it comes to the safety and wellbeing of others. I feel I would be a great asset to the team when it comes to educating, road safety and awareness as well as other duties that come with it. Please feel free to email me @bva1994@gmail.com or call me @ (619) 484-4473.

Thank you for your time.

Sincerely,

Beneranda Cooper

Laura Gutierrez

From: Judi Vista <chulav06@gmail.com>
Sent: Friday, January 17, 2025 3:00 PM
To: Laura Gutierrez; Natasha Saucedo
Subject: Letter of Interest for Traffic Commissioner Advisory Team

CAUTION: This email originated from outside of the organization. Please take care when clicking links or opening attachments.

My name is Judi Vista. I have been a resident of Calipatria for about 55 yrs. I am submitting this letter of Interest in hopes of offering my time and input into the safety and well-being of this community. I have and family members have been involved in vehicle accidents one or two blocks away from my home due to no signs being posted, I have seen many close calls of accidents also. I hope to be be able to contribute to this advisory team and help make Calipatria a safer place for my family and our Community. Thank you for your time.

Respectfully,
Judi Vista
Calipatria Resident



CALIPATRIA CITY COUNCIL AGENDA ITEM

Date Submitted: January 24, 2025
Submitted By: Laura Gutierrez, City Manager/CFO
Council Meeting Date: January 28, 2025

Discussion / Direction

Subject: Approval of Professional Services Agreement for Splashpad Park & Community Center – Standup Project & Procure Architect, Design Phase, and Procure Contractor between the City of Calipatria and Gafcon PM-CM, LLC

Background:

The City through the State of California Department of Parks and Recreation ~ Statewide Park Development and Community Revitalization was awarded at \$7M grant for a new Community Center and Splashpad Park. To the move the project forward, we are requesting authorization for Gafcon to proceed under their Professional Services Agreement with the City. The activity timeline is included in the agreement.

Recommendation:

Staff recommends the City Council approve the attached Professional Agreement as presented and authorize the City Manager to execute the agreement.

Fiscal Impact:

\$111,225 – Grant Administration Fees.



January 15, 2025

Ms. Laura Gutierrez
City Manager
125 North Park Avenue
Calipatria, CA 92233

Dear Ms. Gutierrez,

We are pleased to submit our proposal for providing comprehensive project management services for the Seed Park development. Gafcon PM-CM LLC (Gafcon) has a proven track record of successfully managing complex construction projects, and we are confident in our ability to deliver Seed Park on time and within budget.

General Scope of Work - PHASE I

1. Project Initiation and Planning

- **Project Charter and Kick-off Meeting:** Organize and facilitate the initial project meeting to align all stakeholders with the project objectives, scope, and timeline.
- **Project Planning:** Develop a detailed project plan, including scope definition and resource allocation.
- Establish a baseline budget for the total project and define the construction cost with a "Not to Exceed" design path forward.

2. Design Management, Consultant Management, and Stakeholder Engagement

- **Design Management:** Gafcon will prepare the Request for Proposal and solicit design architects for the project. Gafcon will assist in selection, contract negotiation, and the management of the architect, including all phases of the park design.
- **Design Budget Validation:** Gafcon will validate the cost of construction during the construction document development to ensure the design does not exceed the total established baseline budget.
- **Consultant Management:** Gafcon will identify all necessary consultants for the completion of the park (environmental, geotechnical, etc.) with prepare Requests for Proposals and will assist in final selections and contract negotiations. Gafcon will act as the sole contact on behalf of these Owner, guiding and managing their scope of work and deliverables for project success.
- **Stakeholder Engagement:** Gafcon will schedule and lead all design meetings with the various stakeholders involved with this project to ensure all necessary voices are accounted for and heard and to ensure all design elements sought by the Owner are captured in the



design. Gafcon will maintain a design evolution log, capturing required design elements to ensure all desired elements are captured and nothing is overlooked.

3. Budgeting and Cost Management

- **Budgeting:** Prepare detailed project budget, track all project commitments, expenditures and invoicing. Prepare regular cash flows for and projections for the project and track sources and uses as required. Prepare regular reports for key stakeholders. Identify opportunities for cost savings without compromising quality or functionality as needed.
- **Cost Management:** Track all expenditures against commitments and ensure invoices include contractual requirements, work billed is complete and conforming, expenditures do not exceed commitments, and commitments do not exceed budget. Ensure costs are incurred and tracked and reported in conformance with City requirements,

4. Procurement Management

- **Bidding/Procurement:** Gafcon will prepare bidding documents and lead the public procurement effort for the selection of the construction contractor. Gafcon will receive all bids, review for conformance and completion, and assist the City in contractor selection. Gafcon will also manage this procurement process in compliance with the City of Calipatria procurement requirements. Gafcon will manage the negotiation and the execution of the construction contract and assist in issuance of the Notice to Proceed.

Phase I Fee Proposal:

The below shows an estimated level of effort needed to complete the work described above as well as a proposed schedule. Gafcon presents this proposal as Time and Material and will only bill those hours required to complete the described tasks:

Design and Procurement				
Team Member	Position	Rate	Hours	Total
Paul Najar	Principal	No Charge	0	0
Heather Skaife	Project Executive	\$ 225.00	60	\$ 13,500.00
TBD	Project Manager	\$ 185.00	485	\$ 89,725.00
Hennie Degenaar	Chief Estimator	\$ 200.00	40	\$ 8,000.00
Total				\$ 111,225.00



Activity	Month 1 -3			Month 4 - 10							Month 11-13		
Standup Project & Procure Architect													
Design Phase													
Procure Contractor													

- 1) Proposed fees are based on the dates and schedules detailed above, assumes this proposed start date and completion
- 2) Changes to the project sequencing, schedules, or durations may require additional fees
- 3) Reimbursables, if any, will be billed with a 10% markup (none anticipated)
- 4) Mileage to the project will be reimbursed at the IRS standard reimbursement rate, drive time from San Diego office to site is billable

General Scope of Work - PHASE II

1. Construction Management

- **Site Supervision:** Provide on-site supervision and oversight to ensure that construction activities are executed according to the project plan, schedule, specifications, and safety standards.
- **Quality Control:** Implement a robust quality control program to ensure that all work meets the required standards and specifications.
- **Change Management:** Manage and document all change orders, ensuring that any changes are assessed, approved, and integrated into the project plan.

2. Scheduling and Time Management

- **Project Scheduling:** Review and approve the baseline project schedule and track scheduling progress through regular monthly updates. Ensure key milestones, critical paths, and deadlines are tracked and met.
- **Progress Monitoring:** Track project progress against the schedule. Direct corrective actions to address any delays or deviations.

3. Risk Management



- **Risk Assessment:** Conduct a thorough risk assessment to identify potential project risks and develop mitigation strategies.
- **Issue Resolution:** Monitor and address project issues promptly to minimize their impact on the project timeline and budget.

4. Stakeholder Communication

- **Regular Updates:** Provide regular project updates to all stakeholders, including progress reports, budget updates, meeting minutes, potential risks, and open action items.
- **Stakeholder Engagement:** Facilitate stakeholder meetings and ensure effective communication throughout the project lifecycle.

5. Project Closeout

- **Final Closeout:** Conduct a final project punch list in coordination with the design team to ensure that all work is completed to the required standards and specifications.
- **Closeout Documentation:** Prepare and hand over all project closeout documents, including as-built drawings, warranties, and operation manuals and oversee all required Owner trainings.

Phase II Fee Proposal:

Phase I work defines the scope of the project and the required level of effort for the Gafcon scope defined for Phase II. Once Phase I concludes, Gafcon will prepare the proposed fee for Phase II services in conformance with industry standards, reflecting the required level of effort and duration for the final project scope.

Thank you for considering Gafcon for this opportunity. We look forward to partnering with you on the success of this park project.

Sincerely,

Heather L. Skaife, M.S., DBIA, CCM
Vice President, Corporate Operations



CALIPATRIA CITY COUNCIL AGENDA ITEM

Date Submitted: January 24, 2025

Submitted By: Laura Gutierrez, City Manager/CFO

Council Meeting Date: January 28, 2025

Discussion / Action

Subject: Fiscal Year 2024 – 2028 LTA Measure D Improvement Plan

Background:

The Imperial County Local Transportation Authority's Measure D Sales Tax includes provisions requiring each agency to annually develop/update a five-year list of projects to be funded with Measure D revenues. The five-year list of projects is required to be approved by each agency's council.

The 5 year LTA Measure D Improvement Plan is intended to preserve the capital assets of the city. The street list plan is grouped into the following three (3) categories: Construction, Rehabilitation, and Maintenance. The list of projects will be funded with available revenues through LTA Measure D funds.

Recommendation:

Staff recommends the City Council approval the attached 5 year project list and approve submittal to ICTC.

Fiscal Impact:

None

CITY OF CALIPATRIA
LTA MEASURE D IMPROVEMENT PLAN
5 YEAR PROGRAM OF PROJECT
2024 – 2028

STREET	FROM	TO	PROJECT
Alamo Street	International Blvd	East Avenue	Maintenance/Construction
Alexandria Street	International Blvd	Brown Avenue	Maintenance/Reconstruction
Barbara Street	International Blvd	Commercial Avenue	Maintenance/Reconstruction
*Blair Road	Sinclair Road	Peterson Road	Maintenance/Reconstruction
Bonita Place	Brown Avenue	East Avenue	Maintenance/Reconstruction
Bonita Street	International Blvd	East Avenue	Maintenance/Construction
Brown Avenue	Young Road	Bowles Road	Maintenance/Reconstruction
California Street	International Blvd	East Avenue	Maintenance/Reconstruction
Centro Avenue	Alexandria Street	Alamo Street	Maintenance/Reconstruction
Church Street	International Blvd	East Avenue	Maintenance/Reconstruction
Commercial Avenue	Freeman Street	Church Street	Maintenance/Reconstruction
Date Street	W. Terminus	Railroad Avenue	Maintenance/Reconstruction
Delta Street	International Blvd	Commercial Avenue	Maintenance/Reconstruction
Desert Lane	Date Street	Terminus	Maintenance/Construction
Desert Springs Lane	Date Street	Bowles Road	Maintenance/Reconstruction
East Avenue	Young Road	Bowles Road	Maintenance/Reconstruction
E Elder Street	Industrial Avenue	Commercial Avenue	Reconstruction
Elder Street	International Blvd	SR111	Maintenance/Reconstruction
Fan Palm Court	Ironwood Street	Laurel Lane	Maintenance/Reconstruction
Fern Street	International Blvd	SR111	Maintenance/Reconstruction
Freeman Street	Brown Avenue	East Avenue	Maintenance/Reconstruction
Hacienda Court	Desert Lane	Arroyo Seco Lane	Maintenance/Construction
Imperial Avenue	Delta Street	Date Street	Maintenance/Reconstruction
International Blvd	Delta Street	C. Lateral	Maintenance/Reconstruction
Industrial Avenue	Young Road	Elder Street	Maintenance/Reconstruction
Ironwood Street	Date Street	Mesa Verde Road	Maintenance/Reconstruction
Lake Avenue	Delta Street	C. Lateral	Maintenance/Reconstruction
Laurel Lane	Fan Palm	Mesa Verde Road	Maintenance/Reconstruction
Lyerly Rd (E ½)**	Bowles Road	Young Road	Maintenance/Reconstruction
Main Street	Lyerly Road	SR111	Maintenance/Reconstruction
Mesa Verde Road	Ironwood Street	Terminus	Maintenance/Reconstruction
Park Avenue	Delta Street	Fern Street	Maintenance/Reconstruction
Railroad Avenue	Young Road	Bowles Road	Maintenance/Reconstruction
Sycamore Court	Date Street	Terminus	Maintenance/Reconstruction

*Portion of Blair Road within City Limits

**East half of road



CALIPATRIA CITY COUNCIL AGENDA ITEM

Date Submitted: January 24, 2025

Submitted By: Laura Gutierrez, City Manager/ CFO

Council Meeting Date: January 28, 2025

Discussion / Action

Subject: Approval of the Lease Agreement Extension with Best S.T.E.P. Forward
201 N Railroad/286 E Alexandria

Background:

Ms. Riddell, CEO-Founder of Best S.T.E.P. Forward has requested Lease Agreement Extension for the period of January 1, 2025 – December 31, 2025. As of the 2024 Lease Agreement, Lessee became responsible for the cost of all utilities. The building currently in use is approximately 1,000 sf.

In recognition of the value of services offered to the youth of the community by Best S.T.E.P. Forward, the monthly rental fee will remain at -0-. However, Lessee will continue to be responsible for all the costs of utilities, i.e. electricity, sewer, and trash.

Maintenance and repairs are at the sole cost of the Lessee. The cost of major repairs is to be covered by the city as identified in the Lease Agreement.

Recommendation:

Staff is recommending the City Council approve the Lease Agreement Extension with Best S.T.E.P. Forward for the period of January 1 – December 31, 2025.

Fiscal Impact:

No Fiscal Impact.

RENTAL LEASE AGREEMENT EXTENSION

In consideration of the terms and conditions contained herein, the City of Calipatria, Lessor, does hereby lease to Best S.T.E.P Forward, a California non-profit, public benefit corporation, Lessee, and Lessee does hereby lease from the Lessor, that certain premises commonly known as 210 N. Railroad, and the premises commonly known as 286 E. Alexandria, both located in the City of Calipatria, California (collectively referred to as "the premises" hereinafter).

1. TERM: The term of this Lease shall be for 2025 year, commencing January 1, and terminating on December 31, 2025.

2. RENTAL: In recognition of the value of Lessee's services to the youth of the City of Calipatria, and Lessor's desire to support Lessee's endeavors on behalf of the youth of the City of Calipatria, Lessee shall not be required to pay rent.

3. UTILITIES: The Lessee shall be responsible for the utilities provided to the premises: water; electricity; gas; sewer; and trash.

4. ACCEPTANCE AND SURRENDER OF PREMISES: Lessee has been in possession of the premises pursuant to the previous lease and knows the condition of the premises. Lessee hereby accepts the premises as is and further agrees to surrender and deliver up to Lessor the premises in the same condition and order as when received, ordinary and reasonable use and wear thereof excepted.

5. FREE OF LIENS: Lessee shall keep the premises free from any lien's arising out of any work performed, material furnished, or obligations incurred by Lessee.

6. MAINTENANCE AND REPAIR: Lessee shall, at its sole cost and expense, maintain the interior of the premises, in good and sanitary order, condition and repair.

In the event the premises require major repair, such as air conditioning, roof repair, etc., as opposed to maintenance, the Lessor shall be responsible.

7. WASTE: Lessee shall not commit or suffer to be committed any waste or forms of nuisance upon the premises.

8. ASSIGNMENT AND SUBLETTING: Lessee may not assign this lease or enter into a sublease of the premises or any part thereof to any person or entity without the express written consent of the Lessor.

9. INDEMNITY: Lessee agrees to indemnify and save harmless the Lessor from any and all liability, claim or causes for damages by reason of any injury to any person and persons, including the Lessee, or the property of any kind whatsoever and to whomsoever it belongs, including the Lessee, arising from any cause or causes occurring in or upon or in any way connected with the premises.

10. INSURANCE: Lessee shall, at its sole expense, cause to be maintained during the term of this Lease general liability insurance in an amount not less than One Million Dollars per occurrence. Lessee shall furnish Lessor a certificate of insurance evidencing issuance of said liability policy within ten days of the execution of this Lease.

11. USE: The premises are to be used for Lessee's Programs only, which include, but are not limited to: soccer, flag football, cheer, dance, baseball, community health and wellness opportunities, and a community garden program.

12. REMEDIES UPON DEFAULT: In the event of any breach or default of this Lease by Lessee, Lessor, besides and in addition to any other rights and remedies that Lessor may legally have, shall have the immediate right of re-entry, option to declare the lease terminated, remove all persons or property from the premises.

IN WITNESS WHEREOF, the parties hereto have executed this lease on this 28th day of
January 2025.

CITY OF CALIPATRIA:

BEST S.T.E.P. FORWARD:

By: Michael Luellen, Mayor

By: Jaqueline B. Riddell, Lessee

By: Laura Gutierrez, City Manager

ATTEST:

By: Jane Hurtado, City Clerk

APPROVED AS TO FORM:

By: Gilbert G. Otero, City Attorney



CALIPATRIA CITY COUNCIL AGENDA ITEM

Date Submitted: January 24, 2025
Submitted By: Edgar Self, Public Works Director
Council Meeting Date: January 28, 2025

Discussion / Action

Subject: CITY MONTHLY CLEANUP DATE

Background:

The Council has requested staff review the possibility of opening the Public Works Yard at least one day per month to allow for a monthly cleanup day for City residents. After further review of available times for Public Works, the second Saturday of each month from 8:00 am – 12:00 pm works best. We would like to begin on February 8, 2025, and will run from 8am-12pm.

Residents will be required to register at City Hall for each Clean Up Event. The City will require a City Utility Bill (trash included), copy of vehicle registration, vehicle insurance (all must be current), and a signed city waiver. The requirement is to reduce any City liability. Additionally, staff will not assist with unloading items, shrubs, trash, etc. from vehicles into the dumpster. The resident must bring someone that can assist them with unloading items if needed. City Hall will issue a Clean-Up Pass that will allow the residents on-site access to the Public Works yard. The Clean-Up Pass would only be for residential cleanup and not for any commercial or for hire companies.

Recommendation:

Staff recommends City Council approval to allow for beautification of our community.

Fiscal Impact:

\$600 (\$150 per event).

February 8

March 8

April 12

May 10 (CR&R hosted)

June 14