



AGENDA
REGULAR CITY COUNCIL /
REDEVELOPMENT AGENCY MEETING
TUESDAY, JANUARY 26, 2010, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

COUNCIL:

Mayor Curtis W. Morris
Mayor Pro Tem Denis Bertone
Councilmember Emmett Badar
Councilmember John Ebner
Councilmember Jeff Templeman

1. CALL TO ORDER AND FLAG SALUTE

2. RECOGNITIONS

- Recognize San Dimas High School CIF Championship Football Team and Coaches

3. ANNOUNCEMENTS

- a. 50th Anniversary Flashbacks
- b. Pui-Ching Ho, Librarian, San Dimas Library

4. ORAL COMMUNICATIONS (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or asked to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

- a. Members of the Audience

5. CONSENT CALENDAR

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the City Council requests separate discussion.)

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **No. 10-03, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JANUARY AND FEBRUARY, 2010.**
- b. Approval of minutes for regular meeting of January 12, 2010.
- c. Approval of 11th Annual Pomona Valley Stage Bicycle Race, March 20-21, 2010, Restricted street closures of Puddingstone Drive (Cannon Avenue to east city limits) and Cannon Avenue and Walnut Avenue (off Puddingstone Drive) on Saturday, March 20, 2010 - 6:00 a.m. - 5:00 p.m.; Closure of certain streets within the downtown area on Sunday, March 21, 2010, 6:00 a.m. - 5:00 p.m.

- d. Approve 2010 Farmers Market proposal submitted by Advocates For Healthy Living, for Wednesdays, April 7, 2010 through September 29, 2010, with street closure on Bonita Avenue from 4:00 p.m. to 10:00 p.m..

END OF CONSENT CALENDAR

6. PUBLIC HEARING

(The following items have been advertised and/or posted. The meeting will be opened to receive public testimony.)

- a. Performance Report for FY 2008-09 and FY 2009-10 CDBG Program Years and Proposed FY 2010-11 Projected Use of funds.
- b. Consider Municipal Code Text Amendment 09-04 - A Request to amend the City's Municipal Code as required by Senate Bill No. 2, to allow by right Emergency and Year-Round Emergency Shelters, as well as Transitional and Supportive Housing as conditional uses.

ORDINANCE NO. 1193, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 09-04, TO ALLOW, AS REQUIRED BY SENATE BILL 2 (SB2) EMERGENCY AND YEAR-ROUND EMERGENCY SHELTERS BY RIGHT, AS WELL AS TRANSITIONAL AND SUPPORTIVE HOUSING AS CONDITIONAL USES.

- c. Consider Municipal Code Text Amendment 09-05 - A request to amend the City's Municipal Code as required by Senate Bill No. 1627, revising the Zoning Code pertaining to Collocation of Wireless Communication Facilities (18.150)

ORDINANCE NO. 1194, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 09-05, A REQUEST TO AMEND TITLE 18 CHAPTER 150 OF THE SAN DIMAS MUNICIPAL ZONING CODE.

7. PLANNING/DEVELOPMENT SERVICES

- a. Update on DOE Energy Strategy Development.
- b. Review of existing policy regarding Cargo Storage Containers.

8. OTHER MATTERS

- a. Award of contract to S & M Moving Systems for relocation services to move from City Hall to the Temporary City Hall.

9. SAN DIMAS REDEVELOPMENT AGENCY

- a. Oral Communications (This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.)
- b. Approval of minutes for meeting of January 12, 2010.
- c. Executive Director
- d. Members of the Agency

10. ORAL COMMUNICATIONS

- a. Members of the Audience (Speakers are limited to five (5) minutes or as may be determined by the Chair.)
- b. City Manager
- c. City Attorney
 - 1) Claim and Tolling Agreement in NRDC v. County of Los Angeles, Case No. 08-1467 AHM (PLAx); and subsequent claim against the City of San Dimas.
- d. Members of the City Council
 - 1) Councilmembers' report on meetings attended at the expense of the local agency.
 - 2) Individual Members' comments and updates.

11. CLOSED SESSION

Recess to a City/Redevelopment Agency closed session pursuant to Government Code Section 54957:

- a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION.**
Title: City Manager
- b. Report on closed session items.

12. ADJOURNMENT

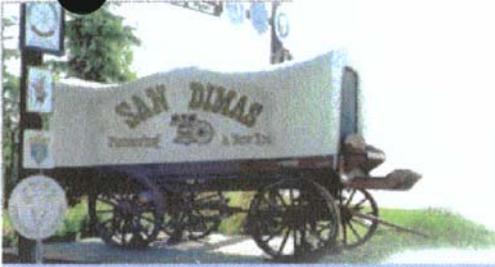
The next meeting is on Tuesday, February 9, 2010, at 5:00 p.m. for Preliminary Budget Meeting.
Regular meeting is at 7:00 p.m.

AGENDA STAFF REPORTS: COPIES OF STAFF REPORTS AND/OR OTHER WRITTEN DOCUMENTATION PERTAINING TO THE ITEMS ON THE AGENDA ARE ON FILE IN THE OFFICE OF THE CITY CLERK AND ARE AVAILABLE FOR PUBLIC INSPECTION DURING THE HOURS OF 8:00 A.M. TO 5:00 P.M. MONDAY THROUGH FRIDAY. INFORMATION MAY BE OBTAINED BY CALLING (909) 394-6216. CITY COUNCIL MINUTES AND AGENDAS ARE ALSO AVAILABLE ON THE CITY'S HOME PAGE ON THE INTERNET: <http://www.cityofsandimas.com>

SUPPLEMENTAL REPORTS: AGENDA RELATED WRITINGS OR DOCUMENTS PROVIDED TO A MAJORITY OF THE SUBJECT BODY AFTER DISTRIBUTION OF THE AGENDA PACKET SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE CITY CLERK'S OFFICE AT 245 EAST BONITA AVENUE DURING NORMAL BUSINESS HOURS. [PRIVILEGED AND CONFIDENTIAL DOCUMENTS EXEMPTED]

HEARING ASSISTANCE: THE CITY OF SAN DIMAS CITY COUNCIL CHAMBERS IS EQUIPPED WITH A HEARING ASSISTANCE SYSTEM. PLEASE CONTACT THE CITY CLERK (909) 394-6216 TO CHECK OUT A RECEIVER.

POSTING STATEMENT: ON JANUARY 22, 2010, A TRUE AND CORRECT COPY OF THIS AGENDA WAS POSTED ON THE BULLETIN BOARDS AT 245 EAST BONITA AVENUE (SAN DIMAS CITY HALL); 145 NORTH WALNUT AVENUE (LOS ANGELES COUNTY PUBLIC LIBRARY, SAN DIMAS BRANCH); AND 300 EAST BONITA AVENUE (UNITED STATES POST OFFICE) AND AS A CONVENIENCE, AT THE VONS SHOPPING CENTER (Puente/Via Verde) AND THE CITY'S WEBSITE AT www.cityofsandimas.com.



CITY OF
San
CALIFORNIA

Dim

Congratulations
Christian Morgan
San Dimas High School
2009 CIF Football Champions

Curtis W. Morris

MAYOR: Curtis W. Morris

Ja



RESOLUTION NO. 10-03

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN DIMAS, CALIFORNIA, APPROVING
CERTAIN DEMANDS FOR THE MONTH OF
JANUARY 2010

WHEREAS, the following listed demands have been audited by the Director of Finance;
and

WHEREAS, the Director of Finance has certified as to the availability of funds for
payment thereto; and

WHEREAS, the register of audited demands have been submitted to the City Council for
approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Dimas
does hereby approve Warrant Register: 01/29/2010; 129708 through 129872; in the amount of
\$1,031,802.40.

PASSED, APPROVED AND ADOPTED THIS 26th DAY OF JANUARY, 2010.

Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

Ina Rios, CMC, City Clerk

I HEREBY CERTIFY that the foregoing Resolution was adopted by vote of the City
Council of the City of San Dimas at its regular meeting of January 26, 2010, by the following
vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ina Rios, CMC, City Clerk.

52(1)



***THE WARRANT DISBURSEMENT
JOURNAL IS NOT AVAILABLE TO
VIEW THROUGH LASERFICHE***

***A PAPER COPY IS AVAILABLE IN THE
FINANCE DEPARTMENT***

SORRY FOR ANY INCONVENIENCES.

DOCUMENT IMAGING DEPT.



MINUTES
REGULAR CITY COUNCIL
TUESDAY, JANUARY 12, 2010, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Denis Bertone
Councilmember Emmett Badar
Councilmember John Ebner
Councilmember Jeff Templeman

City Manager Blaine Michaelis
City Attorney J. Kenneth Brown
City Clerk Ina Rios
Assistant City Manager of Community Development Larry Stevens
Assistant City Manager Ken Duran
Director of Development Services Dan Coleman
Director of Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the regular meeting to order at 7:00 p.m. and led the flag salute.

2. ANNOUNCEMENTS/PRESENTATIONS

- a. 50th Anniversary Flashbacks - "This date in 1960"

Susan Davis, Archivist, San Dimas Historical Society, recited a brief flashback on how community leaders banded together to initiate the incorporation of the City, starting in January 1960 with a petition calling for a vote, months of boundary hearings realized in April, 1960, the passing of the incorporation vote on June 28, 1960, followed by a city-wide sale from local merchants. Ms. Davis cited sale prices: 1/2 gallon of ice cream for 69 cents at Bob's Market; a first grade Atlas tire for \$20.45 at Carruthers Chevron Station, with budget terms for 12 months; and only \$2,097 for a 1960 Ford Tudor sedan at Belknap Ford. In July, 1960, the City recruited Commission members and office personnel, final certification took place in July 14, 1960 and the newly elected City Council made their first public appearance at a Flag pole dedication at San Dimas Little League Field. Ms. Davis said the first city hall was located at 157 North Monte Vista Avenue with offices in two store buildings, and City Council meetings took place at San Dimas Elementary Auditorium; Stanley Plummer was elected first Mayor; and the official recognition took place on August 4, 1960. After being officially sworn in, the five member City Council members voted to borrow \$10,000 from Bank of America to operate the city until anticipated revenues came in. Mayor Plummer reported a rough estimate of city expenses for five months was \$8,125. (Information was compiled from the San Dimas Press, 1960)

- b. Pui-Ching Ho, Manager, San Dimas Library

Pui-Ching Ho, Library Manager, San Dimas Library, announced the following activities offered at the Library: Teen Book Club meets at 4:00 p.m. on January 19, at Student Union; inviting input from innovative and energetic teens grades 6-12; the first Exchange Program for gently used DVDs and CDs will be conducted on January 23, at 2:00 p.m.; exchange guidelines available at the San Dimas Library; free English conversation practice program for adults on January 16, 11:00 a.m.-12:00 p.m.; and the Book

slb

Party Discussion group meets February 1, 10:30 a.m. - the book of the month is "*The Story of Edgar Sawtelle*". For more information, call the Library at (909) 599-6738 or access their website www.co.la.publib.org.

3. ORAL COMMUNICATIONS (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or asked to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

a. Members of the Audience

1) **Breanna Celaya**, ASB President, San Dimas High School, reported on sports and academic activities and proudly announced that on December 12, 2009 the Football Team won the CIF Championship for Southern Section with a score of 12-7. The team will be recognized by the City Council on January 26, 2010.

2) **Ted Powl**, President/CEO, Chamber of Commerce, welcomed members of the community to participate in the various events throughout the year.

- Wednesday, January 13, 2010, state of the City dinner, at San Dimas Canyon Clubhouse, is the first event of a year long celebration of incorporation for the city. He said reservations are now closed but the fun event will be taped and aired on Public TV Channel 3.

- Wednesday, January 20, workshops begin for businesses. Topics covered are customer service, customer retention, and how to boost customer base during this difficult time. Workshops are free to San Dimas Businesses and Chamber members, and \$10 for others.

- Thursday, January 21, 5:30 p.m. Chamber Mixer at Saffron, open to the general public.

- Thursday, January 28 - Citizen of the Year dinner, San Dimas Canyon Clubhouse, to honor Mark Nelson, 36 year volunteer with the Sheriff's Department and Mountain Rescue. Dinner is \$35.

Reservations available through the Chamber.

- Thursday, February 25, Toast of the Town, tickets will be available for \$25 at the Chamber office.

- Civic Academy starts March through May, with participation from the City. The educational opportunity for citizens costs \$98 and meets each Wednesday during that period of time. The Event kicks off with a day of leadership training, history of the community, and concludes with a Barbecue and bus tour. Supporting agencies include the Sheriff's Department, Fire Department, School and City. Sessions are limited to 20 persons.

4. CONSENT CALENDAR

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the City Council requests separate discussion.)

It was moved by Councilmember Badar, seconded by Councilmember Ebner, and carried unanimously to accept, approve and act upon the consent calendar, as follows.

a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:

- (1) **RESOLUTION NO. 2010-01**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF DECEMBER 2009 AND JANUARY, 2010.

(2) **RESOLUTION NO. 2010-02**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS PROHIBITING PARKING OR STOPPING OF VEHICLES ON CERTAIN STREETS.

- b. Approval of minutes for regular meeting of December 8, 2009.
- c. Approval of Stop Sign Installation at the following Intersections:
 - (1) 4-way stop sign at 2nd Street/Iglesia Street
 - (2) One-way stop sign at Exchange Place/Alley

END OF CONSENT CALENDAR

5. PUBLIC HEARING

(The following items have been advertised and/or posted. The meeting will be opened to receive public testimony.)

- a. Consider proposed code amendments for Sanitary Sewers and Industrial Wastes, waive further reading, passage and adoption recommended as follows:

ORDINANCE NO. 1192, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING BY REFERENCE PURSUANT TO THE PROVISIONS OF SECTION 50022.2 OF THE CALIFORNIA GOVERNMENT CODE, LOS ANGELES COUNTY SANITARY SEWERS AND INDUSTRIAL WASTES ORDINANCE AS EFFECTIVE THROUGH JUNE 30, 2009 AND AMENDING THE SAN DIMAS MUNICIPAL CODE. **SECOND READING AND ADOPTION**

Public Works Director Patel reported that Ordinance No. 1192 was introduced at the December 8, 2009 meeting to add new sections regarding fees to the San Dimas Municipal Code and to bring the ordinance up to date with the County's 2002 amendments. Staff recommended adoption of Ordinance No. 1192.

In response to Mayor Morris, Director Patel replied that the City is not paying into the Liability Trust Fund for this type of service. He indicated that in San Dimas 95% of the lines are maintained by the County as part of the District, and to date, no lawsuits have been filed. He said the proposed ordinance amendment covers the recovery of current County maintenance fees, City administrative fees, and includes annual adjustments based on the Consumer Price Index.

Councilmember Ebner expressed concern about charging 15% across the board.

Councilmember Templeman inquired if staff utilized the use of a consulting engineer to review plans.

Director Patel said all industrial waste plans are sent to the County, however, consultants assist as well and he believes 15% is a fair fee.

Mayor Morris opened the public hearing and invited comments from the audience. There being no one wishing to speak, Mayor Morris closed the public hearing.

After the title was read, it was moved by Mayor Pro Tem Bertone, seconded by Councilmember Badar, to waive further reading and adopt **ORDINANCE NO. 1192**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING BY REFERENCE PURSUANT TO THE PROVISIONS OF SECTION 50022.2 OF THE CALIFORNIA GOVERNMENT CODE, LOS ANGELES COUNTY SANITARY SEWERS AND INDUSTRIAL WASTE ORDINANCE AS EFFECTIVE THROUGH JUNE 30, 2009 AND AMENDING THE SAN DIMAS MUNICIPAL CODE. The motion carried unanimously.

6. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 7:31 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 7:32 p.m..

7. ORAL COMMUNICATIONS

- a. Members of the Audience (Speakers are limited to five (5) minutes or as may be determined by the Chair.)

No one spoke.

- b. City Manager

City Manager Michaelis proudly announced that the San Dimas Parks and Recreation Department is a recipient of an Award of Excellence from the California Parks and Recreation Society, in the category of Facilities Design and Cultural Facilities for the restoration of the Walker House. He extended congratulations and appreciation for the recognition and said staff will accept the award at the annual Spring Training Conference in Palm Springs on March 12, 2010.

- c. City Attorney

- 1) Waiver of City Attorney Conflict of Interest regarding Foothill Boulevard Improvement Project.

City Attorney Brown reported that the City had retained the law firm of Gibbs, Giden, Locher, Turner & Senet LLP to assist the City with construction of the Walker House, which has been completed. He explained that the City is in discussion with contractor Silvia and asphalt supplier Vulcan regarding open issues on the Foothill Boulevard improvement project and was informed by Steve Cuneo of Gibbs, Giden, Locher, Turner & Senet LLP that his law firm represents Vulcan. Mr. Brown indicated that the Walker House is separate and distinct from any issues involved in the Foothill Boulevard project and he does not see a conflict of interest in Attorney Locher of that law firm continuing to represent Vulcan in its discussion with the City. City Attorney Brown recommended that the City Council authorize Mr. Michaelis to execute a conflict of interest waiver letter permitting the law firm of Gibbs, Giden, Locher, Turner & Senet LLP to represent Vulcan and participate in discussions regarding a resolution of the Foothill Boulevard construction improvement project.

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Badar, to authorize City Manager Michaelis to execute a conflict of interest waiver letter permitting Attorney Bill Locher of Gibbs, Giden, Locher, Turner & Senet LLP to represent Vulcan and participate in discussions to resolve the Foothill Boulevard construction improvement project. The motion carried unanimously.

- d. Members of the City Council

- 1) Councilmembers' report on meetings attended at the expense of the local agency.

1) Councilmember Badar reported that he attended the California Contract Cities 43rd Annual Sacramento Legislative Orientation Tour held on January 11-13, 2010 that provided the opportunity to meet face-to-face with Legislators to speak out against the State's raiding of local funds. He said they were not complimentary about the voters implementing legislation issues. Councilmember Badar stated that local government is once again moving forward with a campaign to protect local funds and

mentioned that last year the courts ruled in favor of local governments and the same judge will hear the appeal in February.

2) Councilmember Templeman said he and a few others had the opportunity to meet with Assemblyman Adams who complimented San Dimas City Council on managing funds and governing well.

2) Individual Members' comments and updates.

1) Councilmember Templeman reported that the Sheriff's Department responded to several complaints regarding unlawful fireworks display on San Dimas Avenue. Councilmember Templeman would appreciate a status report at the next City Council meeting.

2) Councilmember Badar praised Parks and Recreation staff on the various activities in December.

8. CLOSED SESSION

Recess to a City/Redevelopment Agency closed session pursuant to Government Code Section 54957:

a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION.**

Title: City Manager

b. Report on closed session items.

This item was continued to the January 26, 2010 meeting.

9. ADJOURNMENT

Mayor Morris adjourned the meeting at 7:46 p.m. The next meeting is January 26, 2010, 6:00 p.m. for a study session on the City Hall, Stanley Plummer Community Building, and Civic Center Plaza budget and finance recommendations.

Respectfully submitted,

Ina Rios, CMC, City Clerk



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of January 26, 2010

From: Krishna Patel, Director of Public Works *kr*

Initiated By: Public Works Department

Subject: **11th Annual San Dimas Stage Bicycle Race, March 20-21, 2010- 6 am to 5 pm**

- **Restricted Street Closures of Puddingstone Drive (Cannon Avenue to East City Limits) and Cannon Avenue and Walnut Avenue (off Puddingstone Drive) on *Saturday, March 20, 2010***
- **Closure of certain streets in the Downtown Area on *Sunday, March 21, 2010***

SUMMARY

Southern California Velo Bicycle Club is requesting to hold the Eleventh Annual Stage Bicycle Race from 6:00 AM-5:00 PM through Bonelli Park/McKinley/Puddingstone Drive/Cannon Avenue/Walnut Avenue on Saturday, March 20, 2010 (Stage II), and the Town Core area on Sunday, March 21, 2010 (Stage III).

BACKGROUND

On November 19, 2009, Southern California Velo Bicycle Club (SC Velo) requested to host the Eleventh Annual San Dimas Stage Bicycle Race. The race is again scheduled for the third weekend in March, and will follow the same routes and schedule as last year with Stage II on Saturday, March 20st around Puddingstone Lake and Stage III on Sunday, March 21 in the downtown Core with the Old Town San Dimas Criterion race (see Attachment A, Race Maps).

Street closures approved for the event are as follows:

- Bonita Avenue between San Dimas Avenue and Walnut Avenue
- San Dimas Avenue between Bonita Avenue and First Street
- First Street between San Dimas Avenue and Iglesia Street
- Iglesia Street between Bonita Avenue and Fifth Street
- Fifth Street between Iglesia Street and Walnut Avenue
- Walnut Avenue between Fifth Street and Bonita Avenue

DISCUSSION

The Traffic Safety Committee reviewed and approved SC Velo's request for street closures for the race events at its December 2009 meeting. While conducted within the City since 2002, the route has remained essentially unchanged since 2005. Historically, this event has resulted in minimal issues with residents and businesses and is a unique draw to the City. As part of the event's conditions of approval, SC Velo is required to mail out a notice seven (7) days prior to the race and make appropriate arrangements with the Sheriff's department for any staffing needs. Signage will be posted prior to the event to inform citizens of road closures and times. Conditions of Approval developed by Staff allow for this stage race to be conducted safely.

5C

RECOMMENDATION

Staff recommends that City Council consider the Traffic Safety Committee's recommendations and SC Velo's request for approval of partial and full closures of certain streets to allow for the Stage II Race (Saturday, March 20, 2010) and Stage III Race (the grand finale of the race on Sunday, March 21, 2010), subject to the following City Council approvals and conditions.

1. Authorize SC Velo to commence traffic control set-up/street closures at 6:00 AM, thereby allowing the race to be completed earlier for both Stage II and Stage III of the road race.
2. Approve the signal lights on Bonita Avenue at Walnut Avenue; San Dimas Avenue; and Iglesia Street to be set at flashing red to allow for safer and controlled traffic flow during Stage III.
3. That SC Velo is subject to all conditions of approval as outlined in Attachment B.

Respectfully submitted,

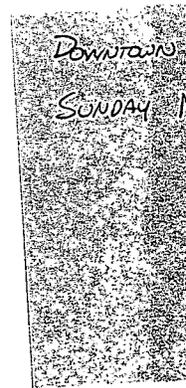
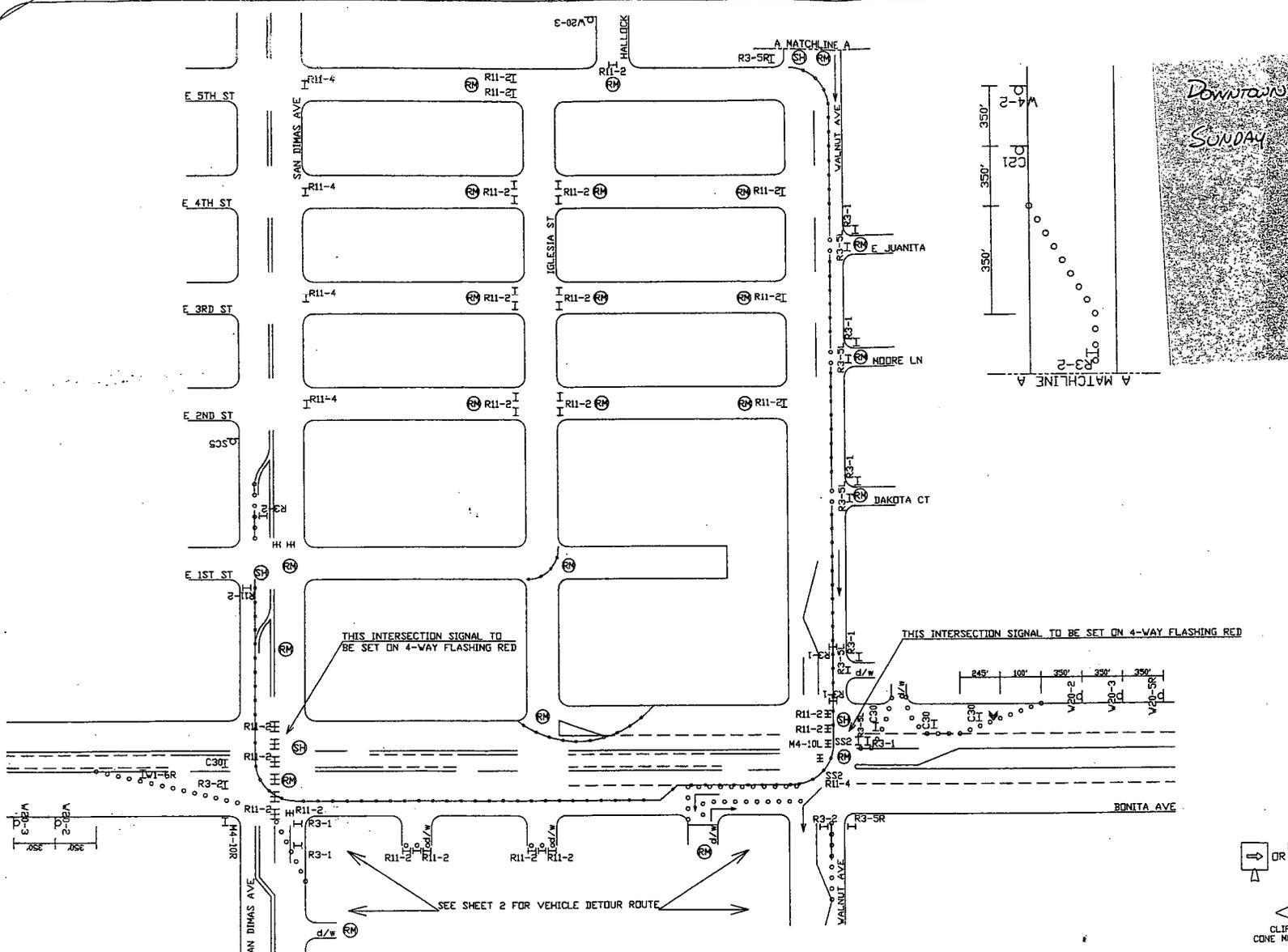


Krishna Patel
Director of Public Works

Attachment:

- Attachment A: Race Maps
- Attachment B: Conditions of Approval

kp/lm/01-10-04



S.C. VELO
 CONTACT: ED MACKENZIE
 PHONE: 909-260-2066
 EVENT: BIKE RACE
 DURATION: 1 DAY

DRAWN BY: KATIE HARLOW
 REVISED: 02-04-09
 START DATE: 03-22-09
 PAGE 1 OF 2
 SCALE: NONE

- LEGEND**
- DELINEATORS OR CONES
 - FLASHING ARROWBOARD
 - SD SHERIFF DEPUTY
 - SAFETY FENCE
 - PORTABLE SIGN STAND
 - RM RACE MONITOR

ATTACHMENT A

ATTACHMENT B

Conditions of Approval

For holding Stages II and III of the San Dimas Stage Race on Saturday, March 20 and Sunday, March 21, 2010.

General conditions applicable to both stages of the race:

1. Post General Liability Insurance for \$1,000,000 naming the city of San Dimas as "Additional Insured", showing the City of San Dimas as "Certificate Holder".
2. Obtain Special Event Permit in compliance with San Dimas Municipal Code Chapter 12.16, sec 12.16.010-30.
3. SC Velo shall notify all impacted residents and business owners at least 7 days prior to the event with a plan to maintain local access during the event.
4. SC Velo shall provide and maintain emergency access at all times.
5. SC Velo shall provide traffic control plans and subsequent installation shall be coordinated with a respectable traffic control and signage company. All temporary traffic control shall be provided in accordance with the Stage of California Standard Specifications and California Department of Transportation "Manual of Uniform Traffic Control Devices" (2003 Edition with Revisions 1 and 2).
6. SC Velo shall have additional marshals available to shepherd residents to and from their homes. Residents within and along the route shall be issued a colored pass to place inside their vehicles to ensure easier access to their homes.
7. After both races on March 20th and March 21st, SC Velo shall be responsible for immediately removing all temporary signs and traffic control on all closed streets.
8. SC Velo shall have race volunteers and course marshalling at San Dimas Stage Races in other cities and in the City of San Dimas.
9. SC Velo shall obtain the necessary permit for any membrane structures (such as "EZ-up") erected in the street or any public parking areas as per the Building Code requirement.
10. SC Velo shall obtain a Temporary Use Permit from the City Development Services at least 7 days prior to the event.

Specific conditions applicable to Stage II Race:

1. Restricted street closures of the following streets will be in effect on Saturday, March 20, 2010:
 - a) Puddingstone Drive – from Cannon Avenue to the easterly city limits between the hours of 6:00 A.M. and 5:00 P.M.
 - b) Cannon and Walnut Avenues from Puddingstone Drive between the hours of 6:00 A.M. and 5:00 P.M.
2. Temporary signage indicating race times shall be placed at San Dimas Avenue and Via Verde. Sign shall be installed at least 4 days prior to event.

Specific conditions applicable to Stage III Race:

1. The street closure of streets per Attachment A will be in effect on Sunday, March 21, 2010 between the hours of 6:00 A.M. and 5:00 P.M.
2. SC Velo shall reimburse the City for the costs associated with providing any City staff during the duration of the race on March 21, 2010.
3. SC Velo shall coordinate with Foothill Transit for Bus detour arrangements during times of street closure on Bonita Avenue and San Dimas Avenue.
4. SC Velo shall post "Tow Away, No Parking Between the hours of 6:00 A.M. and 5:00 P.M." signs for Sunday's race on Thursday, March 18, 2010.
5. SC Velo shall place at several locations additional notification signs that read, "Access to Albertsons and other Downtown Businesses Open". These signs will be posted:
 - At the intersection of San Dimas Avenue and Walnut Avenue
 - Northbound on San Dimas Avenue at Arrow Highway
 - Southbound on San Dimas Avenue at Bonita Avenue
6. SC Velo shall ensure that existing municipal parking areas between Monte Vista Avenue, First Street and Iglesia Street, north and south of Bonita Avenue quadrant, would be especially reserved for church members, customers, employees and residents. SC Velo shall provide volunteers to deter any race participants or spectators from parking in these areas.
7. SC Velo shall provide portable toilets and dumpsters to accommodate visitors.



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of January 26, 2010

From: Blaine Michaelis, City Manager

Initiated By: Theresa Bruns, Director of Parks and Recreation *tb*

Subject: Farmers' Market

Summary

Advocates for Healthy Living have requested approval to operate a 2010 Farmers' Market event on Bonita Avenue on Wednesday evenings beginning April 7, 2010 and concluding on September 29, 2010, with a street closure scheduled from 4:00 p.m. to 10:00 p.m.

BACKGROUND

Advocates for Healthy Living, led by Maurice Cuellar, have operated the San Dimas Farmers' Market for the past three summers, 2007 - 2009, on Bonita Avenue from Walnut Avenue to Iglesia Street from 5:00-9:00 p.m. The 2010 event is proposed for 26 Wednesdays from April 7 through September 29, 2010. The Farmers' Market includes certified agricultural producers, prepared food producers, commercial food vendors, arts and crafts vendors, nonprofit organizations, health and beauty vendors, youth oriented vendors, performing artists and sponsor booths.

The 2010 event is scheduled to be identical to the 2009 event. Advocates for Healthy Living are requesting use of restrooms, trash bins, and electricity as provided with the previous events.

ANALYSIS

City support for the previous events has included:

- Traffic Control set-up during regular staff hours
- Use of City Hall lobby restrooms
- Use of City Hall trash dumpsters
- Use of electrical
- Purchase and installation of No Parking signs on Bonita Avenue
- Additional street sweeping and pressure washing as necessary
- Promotion on website, use of banner poles, and inclusion in Frontier Newsletter

City support for the 2010 will include all of the above listed, with the exception of use of restrooms. Advocates for Healthy Living will be required to provide at least two portable restrooms, one of which must be handicap accessible, at a location to be determined by staff.

Advocates for Healthy Living are required to submit a temporary use permit application to organize and operate the San Dimas Farmers' Market for 2010. They are requesting an identical event to their 2009 operation, with a Bonita Avenue street closure from 4:00 p.m. to 10:00 p.m., every Wednesday beginning April 7 through September 29, 2010.

Renewal of Advocates for Healthy Living Temporary Use Permit for operation of a 2010 Farmers Market will be subjected to all conditions defined in that permit. Required submittals include: an updated site plan; current Certificates of Insurance; current operating permits; request for traffic detour plan approval; letter of notice of route change from Foothill Transit; security plan approved by Sheriff's Department; and proof of California non-profit status.

Should the event be approved and the permit be renewed, Advocates for Healthy Living will be responsible for, each week of the event, including but not limited to: complete traffic control set up and tear down; compliance with all NPDES fluid discharge standards; all appropriate accessible route signage; complete event clean up with trash to be disposed of in the dumpsters located in the City Hall public parking lot; delivery and removal each week of at least two portable restrooms, one of which must be handicap accessible; communication and cooperation with City staff; and resolution of any public safety incident. Staff will work with Advocates for Healthy Living for oversight of traffic control set up, but request the organization provide the required number of staff to complete the set up.

RECOMMENDATION

Staff recommends that City Council authorize staff to renew the temporary use permit for Advocates for Healthy Living to operate a 2010 Farmers' Market event in the public right of way, including approval of Bonita Avenue street closure from Walnut Avenue to Iglesia Street from 4:00 p.m. to 10:00 p.m. each Wednesday evening from April 7, 2010 through September 29, 2010, subject to standards and conditions.

Attachments:

1. Advocates for Healthy Living letter of intent

Advocates for Healthy Living, Inc.
142 E. Bonita Ave., #136
San Dimas, CA 91773
909-581-4744 Tel
909-568-2474 Fax

January 7, 2010

City of San Dimas
Attn: Theresa Bruns
245 E. Bonita Ave.
San Dimas, CA 91773

Dear Theresa:

On behalf of Advocates for Healthy Living, Inc., I would like to submit this letter of intent to organize and operate the San Dimas Farmers Market on Bonita Ave for 2010.

We intend to re-start the seasonal farmers market on April 7, 2010 with a mix of vendors including California fruits and vegetables, plants, flowers, prepared foods, prepackaged foods, youth vendors, crafters and sponsors. Live entertainment would also be featured. The market would run every Wednesday through September 29, 2010.

Based on success, it is anticipated to be a yearly event held from April through September.

The event will be identical to the 2008/2009 events, we would request the use of the restrooms and trash bins at city hall and/or senior center, electricity at the pedestal and at the arbor.

I would also like to inform the City that as originally proposed in 2007, proceeds have helped to fund the creation of a Farmers Market Salad Bar Program in the City of San Dimas. These schools are Shull Elementary and Gladstone Elementary. We have donated all the equipment to start the program as well as continued logistical support to keep the program going. This program will bring access to fresh fruit and vegetables to our local schools by local farmers.

Sincerely,

Maurice Cuellar
President, Advocates for Healthy Living, Inc.



AGENDA ITEM STAFF REPORT

TO: Honorable Mayor and Members of the City Council
For the Meeting of January 26, 2010

FROM: Blaine Michaelis, City Manager *BM*

INITIATED BY: Administration Department

SUBJECT: Performance Report for FY 2008-09 and FY 2009-10 CDBG Program Years
and Proposed FY 2010-11 Projected Use of Funds

SUMMARY

The Housing Division is in the process of planning activities for FY 2010-11 Community Development Block Grant Program (CDBG) Year.

The proposed FY 2010-11 programs is greatly influenced by the City's limited allocation of CDBG funds and the success of implementing good viable CDBG projects for FY 2008-09 and FY 2009-10.

BACKGROUND

Each year, Community Development Block Grant (CDBG) funds are allocated to cities by the Department of Housing and Development (HUD) which is administered through the Los Angeles County Community Development Commission (CDC). Participating cities receive funding based upon the number of cities participating in the County's program, community development need, and a city's commitment to provide housing, economic and community development opportunities.

Projects must be implemented according to the 1974 Housing and Community Development Act and the National Affordable Housing Act passed by Congress in 1990. Consequently, our preparation for the FY 2010-11 program year will be regulated in a manner consistent with these laws.

Activities carried out with CDBG funds must address at least one of the national objectives of the CDBG program which include:

- ✓ Benefiting low and moderate income persons,
- ✓ Addressing slum or blight; or,
- ✓ Meeting a particular urgent community development need.

Activities may include, but are not limited to, public facilities and improvements, acquisition and relocation, public services and housing improvement/rehabilitation programs. Applicable statutes and regulations place specific requirements on certain activities such as a limitation on the amount of CDBG funds which may be used for public services, planning and administration costs.

DISCUSSION/ANALYSIS

The City of San Dimas strives to maintain a safe, decent and sanitary environment for all of its residents. Therefore, the grant amount is spent only on those activities that will enhance the ability to achieve this goal. The four projects outlined in this section will detail the program benefits and accomplishments.

6a

Housing Rehabilitation Program - Continuing City Project

The Housing Rehabilitation Program assists eligible households with the high cost of repairing their residences. The program also reimburses Administration staff costs and retention of asbestos professionals to determine and mitigate asbestos hazards. The Rehabilitation Programs have been most successful and highly supported by the residents of San Dimas. The program provides support to City code enforcement efforts to correct substandard housing conditions.

Housing Rehabilitation												
Type of Assistance	Recipient Characteristics by Income (Households)										Total Accomplishments (Households)	
	Very Low Income		Low Income		Moderate Income		Over 62 yrs		Female head of hshd.	Female head of hshd.	FY 08-09	*FY 09-10
	FY 08-09	*FY 09-10	FY 08-09	*FY 09-10	FY 08-09	*FY 09-10	FY 08-09	*FY 09-10	FY 08-09	*FY 09-10		
Grants (Up to \$3000)	17	8	19	16	20	16	43	31	34	23	56	40
Deferred Loans (Average \$10,000)	0	1	0	0	0	0	0	0	0	1	0	1
TOTALS	17	9	19	16	20	16	43	31	34	24	56	41

*Accomplishments through second quarter ending 12/31/2009.

Lead Based Paint Assessment/Interim Control Project – Continuing City Project

This program assists housing rehabilitation applicants with the lead-based assessment and interim control process. The Lead-Based Paint Project will continue to fund the costs of retaining a lead-based paint professional to inspect, test, and provide rehab oversight and clearance of each project. Most importantly the project will assist in protecting children from lead exposure which can result in lead poisoning.

Lead Based Paint Assessment Project												
Type of Assistance	Recipient Characteristics by Income (Households)										Total Accomplishments	
	Very Low Income		Low Income		Moderate Income		Female head of household		Over 62 yrs		FY 08-09	*FY 09-10
	FY 08-09	*FY 09-10	FY 08-09	*FY 09-10	FY 08-09	*FY 09-10	FY 08-09	*FY 09-10	FY 08-09	*FY 09-10		
Lead Inspections/Lead Control	0	1	2	3	6	3	4	4	5	3	8	7

*Accomplishments through second quarter ending 12/31/2009.

Administration

Remaining funds were expended in FY 2008-09 and FY 2009-10 for Administration and Finance staff engaged in CDBG program administration and management. Staff maintained and accomplished proposed CDBG activity numbers and program goals for FY 2008-09 and anticipates similar productivity goals for FY 2009-10.

**SHARES (Seniors Housing Alternatives, Resources, Education, and Support) –
Continuing City Public Service Project**

San Dimas SHARES provides information and referral, case assessment and shared housing services in addition to informative workshops to seniors. The program reimburses the salary of a full-time coordinator and administration costs associated with program. The table below details all persons 62 years of age and older assisted through San Dimas SHARES.

SHARES (Senior Housing Alternatives, Resources, Education, and Support)										
Type of Assistance	Recipient Characteristics by Income (Persons)								Total Accomplishments (Persons)	
	Homeless		Home Share Match Assistance		Referrals		Female head of hshd.	Female head of hshd.	FY 08-09	*FY 09-10
	FY 08-09	*FY 09-10	FY 08-09	*FY 09-10	FY 08-09	*FY 09-10	FY 08-09	*FY 09-10		
Case Assessment/ Information/Referral	4	0	4	4	558	183	416	128	566	187

*Accomplishments through second quarter ending 12/31/2009.

FY 2008-09 and FY 2009-10 PERFORMANCE

The following table summarizes the actual FY 08-09 and FY 09-10 CDBG program budgets and their accomplishments.

Program Budgets and Accomplishments				
PROJECT	FY 2008-09	Accomplishments	FY 2009-10	Accomplishments*
Housing Rehabilitation	\$ 146,316	56 grants 0 loan	\$ 135,3955	40 grants 1 loan
SHARES	\$ 20,000	566 Persons (P)	\$ 25,000	187 Persons (P)
Administration	\$ 20,000	CDBG Management	\$ 20,000	CDBG Management
Lead Base Paint/Assessment	\$ 30,000	8	\$ 25,000	7
TOTALS	\$ 216,316	64 (H) and 566 (P)	\$ 208,885	47 (H) and 187 (P)

*Accomplishments through second quarter ending 12/31/2009.

PROPOSED FY 2010-2011

The FY 2010-11 grant allocation of \$204,648 represents about a 1% reduction compared to the FY 2009-10 funding level. The city will be eligible to utilize unallocated funds of \$31,579, bringing the total grant allocation to \$236,227. For FY 2010-11, staff is proposing to allocate 90% of the City's total program budget to activities benefiting low to moderate income persons and maintain HUD's public service cap of fifteen percent (15%) of annual grant allotment.

Proposed Projects FY 2010-11			
Program	Budget	% of Budget	Estimated Accomplishments
Housing Rehabilitation	\$ 170,763	72	42 households, 2 loans
SHARES	\$ 25,000	11	100 persons
Administration	\$ 20,000	8.5	CDBG program management
Lead Base Paint Assessment/ Interim Control	\$ 20,000	8.5	10 households
TOTALS	\$ 236,227	100%	54 households and 100 persons

As customary, additional funding from prior year carryover and paybacks are reallocated to the Housing Rehabilitation program when financial closeout is completed.

CONCLUSIONS

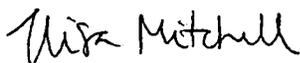
Staff believes the proposed projects enhance the ability to achieve our goals of maintaining a safe, decent and sanitary environment for our residents and provides for the continuation of successful viable projects. In the event final CDBG allocation funds vary from the \$236,227 estimate, the proposed projects and budgets will be adjusted accordingly.

Staff is prepared to support any recommendations Council may provide within the scope, objectives and mandated requirements of the CDBG program.

RECOMMENDATION

Administration Department recommends that the City Council approve the proposed FY 2010-11 CDBG program as outlined in the staff report and authorize the City Manager to execute any and all documents necessary to further the projects approved herein, including but not limited to amendments and modifications thereto for CDBG projects with the Los Angeles County Community Development Commission.

Prepared By:



Elisa Mitchell
Housing Coordinator



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of January 26, 2010

FROM: Blaine Michaelis, City Manager

INITIATED BY: Marco A. Espinoza, Associate Planner

SUBJECT: **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 09-04** - A request to amend the City's Municipal Code as required by Senate Bill No. 2, to allow by right Emergency and Year-Round Emergency Shelters, as well as Transitional and Supportive Housing as conditional uses. CEQA Categorical Exemption per Section 15061(b)(3) & Section 15060(c)(3).

SUMMARY

Senate Bill 2 (SB2) was approved by the State on October 13, 2007, requiring cities to allow by right emergency shelter, year-round emergency shelters in one or more zones; as well as allowing transitional and supportive housing as a residential use, subject only to those restrictions for like projects, in the same zone.

The City's 2008-2014 Housing Element addressed the requirements of SB2 as part of its Objectives to comply with the law. The Housing Element took into consideration the intent and requirements of SB2 in order to recommend appropriate zones for the different uses. The Housing Element recommends allowing emergency and year-round emergency shelter(s) in the Public/Semi-Public (PS) zone by right and transitional and supportive housing in the Multi-Family (MF) zone as conditional uses.

The code amendments incorporate provisions to help facilitate the development of such uses and also to protect the integrity of the surrounding neighborhood.

The Planning Commission reviewed the proposed code text amendments and voted 3-0-2 to recommend approval of the amendments to comply with SB2 as required by the State, to the City Council.

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At the January 6, 2010, Planning Commission meeting two concerns were raised by the commission and the public.

- One of the commissioners asked if the proposed amendments would affect religious institutions that provide temporary emergency shelters.

Staff contacted James Johnson, Housing Policy Analyst for the Division of Housing Policy Department for the State of California, regarding this question. He confirmed these types of periodic emergency shelters, that are on a limited time frame and provide some social services and are not designed as an "emergency shelter," are excluded from the proposed text amendments.

Currently there are not any religious institutions in the City that provide periodic or longer stay shelter. Periodic emergency shelters at any of the City's religious institutions can be regulated with the conditions of approval of their CUP.

- A member of the public questioned what the City was doing to provide for some kind of short or long term care for the homeless, particularly those with mental illness, within the community.

Currently the City is participating in several existing and proposed services that help and will help homeless and low-income residents. The City currently helps fund Inland Valley Hope Partners, which operates a food bank in the City (110 E. Third St.). Residents can pick-up emergency food and be screened for other resources, including shelter and hotel vouchers.

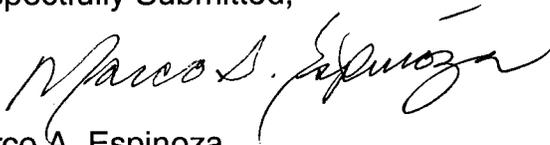
The City is also working with the San Gabriel Valley Council of Government (COG) that has been conducting homeless counts and analyzing the needs of these individuals. COG has divided the SGV into four areas further analyzing the needs of the homeless within those areas. The goal is to obtain federal money available to construct homeless shelters within each of the areas that meets the needs of the individual communities.

Staff has attached the Planning Commission Staff Report for further clarification of the proposed code text amendments, in addition to the signed resolution and draft minutes of the meeting.

RECOMMENDATION

The Planning Commission and Staff recommends the City Council adopt Municipal Code Text Amendment 09-04, in order to comply with SB2 as required by the State.

Respectfully Submitted,



Marco A. Espinoza
Associate Planner

- Attachments: Ordinance No. 1193
- Exhibit A - Chapter 18.08, Definitions
 - Exhibit B - Chapter 18.42, Multiple-Family (MF) Zone
 - Exhibit C - Chapter 18.132 Public/Semi-Public (PS)
Zone
 - Exhibit D - Chapter 18.156 Vehicle Parking and
Storage Zone
 - Exhibit E - PC Staff Report
 - Exhibit F - PC Resolution – 1409
 - Exhibit G - PC Minutes, January 6, 2010, Meeting
 - Exhibit H - Senate Bill No. 2
 - Exhibit I - Excerpts from City of San Dimas 2008-
2014 Housing, pages III-5 to III-9, IV-2 to
IV-4, V-7, V-21 to V-24, V-29.
Element
 - Exhibit J - HC09 Opt-In Participant Report
 - Exhibit K - Census Tract Map for San Dimas
 - Exhibit L - Map of all PS and MF zoned properties
 - Exhibit M - Aerial of the five parcels identified a
potential site for emergency shelters
 - Exhibit N - San Dimas Area Emergency Resources
List

ORDINANCE NO. 1193

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING MUNICIPAL CODE TEXT AMENDMENT 09-04, TO ALLOW, AS REQUIRED BY SENATE BILL NO. 2 (SB2), EMERGENCY AND YEAR-ROUND EMERGENCY SHELTERS BY RIGHT, AS WELL AS TRANSITIONAL AND SUPPORTIVE HOUSING AS CONDITIONAL USES.

THE CITY COUNCIL OF THE CITY OF SAN DIMAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 18.08, Definitions of the San Dimas Municipal Code shall be amended, as provided for in Exhibit "A".

SECTION 2. Chapter 18.42, Multiple-Family (MF) Zone of the San Dimas Municipal Code shall be amended, as provided for in Exhibit "B".

SECTION 3. Chapter 18.132, Public/Semi-Public (PS) Zone of the San Dimas Municipal Code shall be amended, as provided for in Exhibit "C".

SECTION 4. Chapter 18.156, Vehicle Parking and Storage Zone of the San Dimas Municipal Code Shall be amended, as provided for in Exhibit "D"

SECTION 5. This Ordinance shall take effect 30 days after its final passage, and within 15 days after its passage the City Clerk shall cause it to be published in the Inland Valley Daily Bulletin, a newspaper of general circulation in the City of San Dimas hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED THIS xx DAY OF xx, 2010.

Curt Morris, Mayor of the City of San Dimas

Ina Rios, City Clerk

ORDINANCE NO. 1193

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance No. 1193 was regularly introduced at the regular meeting of the City Council on January 26, 2010, and was thereafter adopted and passed at the regular meeting of the City Council held on _____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I DO FURTHER CERTIFY that within 15 days of the date of its passage, I caused a copy of Ordinance 1193 to be published in the Inland Valley Daily Bulletin.

Ina Rios, City Clerk

EXHIBIT "A"

*** Text changes are in blue and underlined.**

Chapter 18.08**DEFINITIONS****Sections:**

18.08.007	Accessory billiard use.
18.08.010	Accessory building or structure.
18.08.012	Accessory game arcade.
18.08.014	Accessory massage.
18.08.015	Accessory snack shop.
18.08.020	Aircraft.
18.08.030	Airport.
18.08.040	Apartment house.
18.08.050	Automobile storage space.
18.08.060	Basement.
18.08.070	Borrow pit.
18.08.080	Building.
18.08.090	Cellar.
18.08.100	Chapter.
18.08.110	City administrator.
18.08.120	Commission.
<u>18.08.125</u>	<u>Community Care Facility</u>
18.08.130	City.
18.08.140	Coin-operated game of skill or amusement.
18.08.145	Convenience store.
18.08.150	County.
18.08.160	Dairy.
18.08.170	Density.
18.08.180	Detached living quarters.
18.08.190	Domestic animal.
18.08.200	Dwelling unit.
18.08.210	Flag lot.
<u>18.08.215</u>	<u>Emergency Shelter.</u>
18.08.220	Floor area ratio.
18.08.230	Freeway.
18.08.240	Freeway, landscaped.
18.08.250	Front yard setback.
18.08.260	Grade (ground level).
18.08.270	Habitable building.
18.08.280	Height.
18.08.290	Hog ranch.

- 18.08.295 Homeless Person(s).**
- 18.08.300 Hotel.**
- 18.08.310 Household pets.**
- 18.08.312 Incidental use.**
- 18.08.320 Indoor recreation facility.**
- 18.08.330 Kitchen.**
- 18.08.335 Lot coverage.**
- 18.08.340 Lot, nonconforming.**
- 18.08.350 Lot, through.**
- 18.08.360 Major highway.**
- 18.08.370 Manufactured housing.**
- 18.08.372 Massage.**
- 18.08.380 Motel.**
- 18.08.390 Natural catastrophe.**
- 18.08.400 Oath.**
- 18.08.410 Ordinance.**
- 18.08.420 Outdoor advertising.**
- 18.08.430 Parcel of land.**
- 18.08.440 Person.**
- 18.08.450 Pest control operator.**
- 18.08.460 Private club.**
- 18.08.470 Recreation room.**
- 18.08.480 Residence.**
- 18.08.490 Room.**
- 18.08.500 Secondary highway.**
- 18.08.510 Section.**
- 18.08.520 Stand.**
- 18.08.530 Structure.**
- 18.08.535 Supportive Housing.**
- 18.08.537 Target Population.**
- 18.08.538 Transitional Housing.**
- 18.08.540 Use.**
- 18.08.544 Vehicular and equipment rental facility.**
- 18.08.550 Waste disposal facility.**
- 18.08.560 Writing.**
- 18.08.565 Year Round Emergency Shelters.**
- 18.08.570 Youth hostel.**

18.08.007 Accessory billiard use.

“Accessory billiard use” means a use consisting of not more than four coin/token, time-rented or free-play billiard tables which are secondary and incidental to the primary use. The floor area devoted to accessory billiard use shall not exceed fifty percent of the total floor area of the establishment. (Ord. 1072 § 1, 1997)

18.08.010 Accessory building or structure.

“Accessory building” or “accessory structure” means a detached subordinate building or structure, the use of which is incidental to that of the predominate use of the land, and which is located in the same or less restrictive zone on the same lot or parcel with the predominate building, structure or use. (Ord. 659 § 2 (part), 1979; Ord. 37 § 120, 1961)

18.08.012 Accessory game arcade.

“Accessory game arcade” means a use consisting of a maximum of six token or coin-operated games of skill which are secondary and incidental to:

- A. A restaurant, including pizza parlor, but not including other types of fast-food restaurants; or
- B. An indoor recreation facility. The number of machines for an accessory game arcade may exceed six for an indoor recreation facility provided that the spatial requirements and floor space ratio standards set forth in Chapter 5.58 are complied with. (Ord. 911 § 12 (part), 1990)

18.08.014 Accessory massage.

A massage practice which is secondary and incidental to a primary use allowing the following businesses to offer accessory massages: health clubs, day spas, gyms, beauty salons, barber shops, chiropractor offices, physical therapy offices, medical doctor offices, hospitals and similar uses provided that the accessory massage shall be less than fifty percent of the floor area. Any change to this definition will change the definition of accessory massage in Chapter 5.08. (Ord. 1185 § 1, 2008; Ord. 1085 § 8, 1998)

18.08.015 Accessory snack shop.

“Accessory snack shop” means an accessory use generally not exceeding three hundred square feet in sales area, to a permitted or conditionally permitted use, which sells readily consumable food products, and fountain drinks, or an individual serving size. The accessory use shall draw a significant number of its customers from the primary use. Sales of alcoholic beverages is prohibited. (Ord. 1170 § 4 (part), 2007)

18.08.020 Aircraft.

“Aircraft” means any contrivance, now known or hereafter invented, for use or designed for navigation of or flight in the air. (Ord. 37 § 121, 1961)

18.08.030 Airport.

“Airport” means any area of land or water which is used or intended for use for the landing and taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. (Ord. 37 § 122, 1961)

18.08.040 Apartment house.

“Apartment house” means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the building, and shall include flats and apartments. (Ord. 37 § 123, 1961)

18.08.050 Automobile storage space.

“Automobile storage space,” when required by this title, means any permanently maintained space of not less than one hundred forty-four square feet of usable area and not less than eight feet wide at any place, on the same lot or parcel of land as is located the structure it is designed to serve, so located and arranged as to permit the storage of, and be readily accessible under its own power to, a passenger automobile of average size. (Ord. 37 § 125, 1961)

18.08.060 Basement.

“Basement” means that portion of a building which is partly below and partly above grade (as defined in Section 18.08.250), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. (Ord. 37 § 126, 1961)

18.08.070 Borrow pit.

“Borrow pit” means any place or premises where grit, soil, sand, gravel or other material is removed by excavation or otherwise below the grade of surrounding land for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises. (Ord. 37 § 127, 1961)

18.08.080 Building.

“Building” means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. (Ord. 37 § 128, 1961)

18.08.090 Cellar.

“Cellar” means that portion of a building between floor and ceiling which is wholly or partly below grade (as defined in Section 18.08.250) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. (Ord. 37 § 129, 1961)

18.08.100 Chapter.

“Chapter” means a chapter of this title unless some other statute or ordinance is mentioned. (Ord. 37 § 130, 1961)

18.08.110 City administrator.

“City administrator” shall be deemed to mean “city manager.” (Ord. 37 § 130.1, 1961)

18.08.120 Commission.

“Commission” means the planning commission of the city. (Ord. 37 § 131, 1961)

18.08.125 Community Care Facility.

“Community care facility” means any facility, place or building which is maintained and operated to provide nonmedical residential care, day treatment or adult day care, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons and abused or neglected children, and includes:

1. “Residential facility” means any family home, group care facility or similar facility, for twenty-four hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

2. "Residential care facility for the elderly" means a housing arrangement chosen voluntarily by persons sixty years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, personal care or health-related services are provided, based upon the person's varying needs, as determined in order to be admitted and to remain in the facility.

Community care facility shall not include any alcoholism or drug abuse recovery facility, which is defined separately in this code.

18.08.130 City.

"City" means the city of San Dimas.
(Ord. 37 § 131.1, 1961)

18.08.140 Coin-operated game of skill or amusement.

"Coin-operated game of skill or amusement" means any table- based or wall-mounted game for entertainment purposes. Typical coin-operated games of skill include but are not limited to: pinball, shooting galleries, air hockey, football, electronic games and electronic screen games. Pool tables and billiard tables are not considered coin-operated games of skill or amusement. (Ord. 645 § 1 (part), 1978; Ord. 37 § 131.2, 1961)

18.08.145 Convenience store.

"Convenience store" means a primary use which sells consumable food products and food prepared on site, as well as other goods in an assortment of sizes. Sales of alcoholic beverages may be permitted with proper conditional use permit approvals. (Ord. 1170 § 4 (part), 2007)

18.08.150 County.

"County" means the county of Los Angeles.
(Ord. 37 § 132, 1961)

18.08.160 Dairy.

"Dairy" means premises where three or more cows, three or more goats, one or more cows and two or more goats, or two or more cows and one or more goats are milked. (Ord. 37 § 160, 1961)

18.08.170 Density.

Density shall be based upon lots size and shall be determined by dividing the net usable area of the parcel to be subdivided or parcelized by the required lot area. "Net usable area" is that area of a parcel exclusive of streets, alleys and similar public rights-of-way. (Ord. 1007 § 2 (part), 1993)

18.08.180 Detached living quarters.

"Detached living quarters" means living quarters within a detached accessory building located on the same premises as the main building, for use by temporary guests of the occupants of the premises. Such accessory building shall have no plumbing or plumbing facilities of any kind except for space heating, air conditioning, toilet or bath. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 134, 1961)

18.08.190 Domestic animal.

"Domestic animal" means an animal which is commonly maintained in residence with man. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 135, 1961)

18.08.200 Dwelling unit.

“Dwelling unit” means a building or portion thereof either designed or used as living quarters of one person living alone or a group of two or more persons living together whether related to each other by birth or not. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 136, 1961)

18.08.210 Flag lot.

“Flag lot” means a lot which does not abut or have access to a public road, other than by a narrow right-of-way which is part of the otherwise wider lot and which constitutes a significant portion of all of the width of the lot where the right-of-way is located. (Ord. 1007 § 2 (part), 1993; Ord. 797 § 1, 1983; Ord. 37 § 136.1, 1961)

18.08.215 Emergency Shelter.

“Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

18.08.220 Floor area ratio.

“Floor area ratio” means the numerical value obtained through dividing the gross floor area of the building or buildings located upon a lot or parcel of land by the total area of such lot or parcel of land. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 137, 1961)

18.08.230 Freeway.

“Freeway” means a highway in respect to which the owners of abutting lands have no right of access to or easement of access to or from their abutting lands, or in respect to which such owners have only limited or restricted right of easement of access and which is declared to be such in compliance with the Streets and Highways Code of the state; including principal roadways, interchange roadways connecting one freeway with another, and ingress and egress ramps connecting the freeway with other highways, but not including frontage roadways. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 138, 1961)

18.08.240 Freeway, landscaped.

“Landscaped freeway” means a section or sections of a freeway which is now, or hereafter may be, improved by the planting, at least on one side of the freeway right-of-way, of lawns, trees, shrubs, flowers or other ornamental vegetation which shall require reasonable maintenance. (Ord. 1007 § 2 (part), 1993; Ord. 130 § 1, 1965; Ord. 37 § 138.1, 1961)

18.08.250 Front yard setback.

“Front yard setback” means a yard extending across the front of a lot measured between the side yard lines and being the minimum horizontal distance between the highway line and the main building and any projection thereof. On corner lots the commission shall determine which is the front yard. In the absence of such determination, the front yard shall be provided on the highway upon which the front of the building faces. A yard, no portion of which is in the C-1 zone, adjoining a highway, to which, from such yard, there is no right of access of any kind, pedestrian or vehicular, shall not be deemed to be a front yard. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 139, 1961)

18.08.260 Grade (ground level).

“Grade” or “ground level” means the average grade of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of sidewalks, the aboveground level shall be measured at the sidewalks. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 140, 1961)

18.08.270 Habitable building.

“Habitable building” means a building or a portion thereof either designed, built, rented, leased, used or occupied as living quarters of one person living alone or a group of two or more persons living together, and includes detached living quarters, trailers and mobile home units. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 140.1, 1961)

18.08.280 Height.

“Height” means the vertical distance from the grade to the highest point of the coping of a flat roof or to the average height of the highest gable of a pitch or hip roof. In calculating the height, roof structures which comply with Chapter 36 of the building code shall not be considered. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 141, 1961)

18.08.290 Hog ranch.

“Hog ranch” means any premises where three or more weaned hogs are maintained. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 142, 1961)

18.08.295 Homeless Person(s).

“Homeless Person(s)” means an individual who lacks a fixed, regular, and adequate nighttime residence; and/or an individual who has a primary nighttime residence that is;

- A. A supervised, publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
- B. An institution that provides a temporary residence for individuals intended to be institutionalized; or
- C. A public or private place not designed for, or ordinarily used as, regular sleeping accommodation for human beings.

18.08.300 Hotel.

“Hotel” means any building containing six or more rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests. Hotels include dormitories and fraternity or sorority houses. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 143, 1961)

18.08.310 Household pets.

“Household pets” are defined for the purposes of this title as dogs, cats, or other domestic animals of similar size; rats, white mice, guinea pigs or similar small animals; birds; and turtles. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 144, 1961)

18.08.312 Incidental use.

“Incidental use” means a minor use incidental in all respects to the primary use permitted on the premises. An incidental use shall not be the only use of a parcel or commercial space. (Ord. 1007 § 2 (part), 1993; Ord. 645 § 1 (part), 1978; Ord. 37 § 144.5, 1961)

18.08.320 Indoor recreation facility.

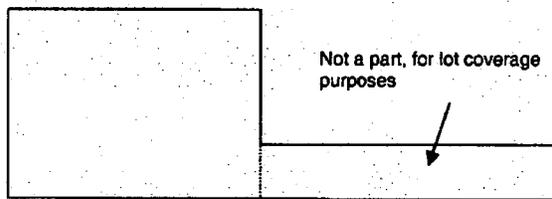
“Indoor recreation facility” means a building or structure in which a sports or recreational use is conducted. Such uses include a bowling alley, skating rink, health club, racket club and theater but do not include arcades. (Ord. 1007 § 2 (part), 1993; Ord. 911 § 12 (part), 1990)

18.08.330 Kitchen.

“Kitchen” means any room or space used, or intended or designed to be used for cooking or the preparation of food. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 145, 1961)

18.08.335 Lot coverage.

Lot coverage shall be calculated including all covered structures (dwellings, attached and detached garages, shops, sheds, porches, greenhouses, etc.) that require building permits, including lattice and other patio covers. Lot coverage does not include eaves that project two feet or less from building. Lot coverage is determined by the amount of coverage on the lot divided by the lot size, except for flag lots where the pole is not considered as part of the lot size when determining lot coverage (see illustration).

**Flag Lot**

(Ord. 1144 § 4, 2004)

18.08.340 Lot, nonconforming.

“Nonconforming lot” means any lot having a minimum square footage of not less than six thousand five hundred square feet, and which was legally created prior to the effective date of the ordinance codified in this section, but which does not conform to the lot area and lot width standards for the zone within which the lot is located. Such lot may be developed for such uses and be subject to the same development standards as apply to the remainder of the properties in the zone; except that no animal uses may be permitted on the property unless the lot contains the square footage for such animal uses as required by the development standards. (Ord. 1109 § 1, 1999; Ord. 1007 § 2 (part), 1993; Ord. 591 § 1, 1977; Ord. 37 § 146.5, 1961)

18.08.350 Lot, through.

“Through lot” means a lot having frontage on two parallel or approximately parallel highways. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 146, 1961)

18.08.360 Major highway.

“Major highway” means a major highway as shown on the master plan of highways of the county. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 147, 1961)

18.08.370 Manufactured housing.

“Manufactured housing” means and includes “manufactured housing,” “mobile homes” and “factory-built housing” as such terms are defined in Division 13, Part 2.1, Chapter 1 and Division 13, Part 6, Chapter 2 of the Health and Safety Code. The term “manufactured housing” shall not include “commercial coaches,” “recreational vehicles,” or “travel trailers” as such are defined in Division 13, Part 2.1, Chapter 1 of the Health and Safety Code of the state. (Ord. 1007 § 2 (part), 1993; Ord. 747 § 3, 1981; Ord. 37 § 147.1, 1961)

18.08.372 Massage.

“Massage” shall mean and include any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, manipulation, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or similar preparations. “Massage” shall further include any bath, facial massage, fomentations, massage, electric or magnetic treatment, acupressure, shiatsu, alcohol rub, and Russian, Swedish or Turkish baths. Any change to this definition will change the definition of massage in Chapter 5.08. (Ord. 1185 § 3, 2008)

18.08.380 Motel.

“Motel” means a group of attached or detached buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage attached or automobile storage space conveniently located on the lot or parcel of land and which is designed, used or intended to be used wholly or in part for the accommodation of automobile transients. Motels include auto courts, motor lodges and tourist courts. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 149, 1961)

18.08.390 Natural catastrophe.

For the purposes of this title, “natural catastrophe” means damage or destruction to structural improvements and property occurring from fire, earthquake, flood or other act of God. A natural catastrophe shall not include destruction or damage incurred by demolition or other intentional act. (Ord. 1007 § 2 (part), 1993)

18.08.400 Oath.

“Oath” includes affirmation.
(Ord. 1007 § 2 (part), 1993; Ord. 37 § 150, 1961)

18.08.410 Ordinance.

“Ordinance” means an ordinance of the city.
(Ord. 1007 § 2 (part), 1993; Ord. 37 § 151, 1961)

18.08.420 Outdoor advertising.

A. "Outdoor advertising" means any card, cloth, paper, metal, painted or wooden sign of any character placed for outdoor advertising purposes on or to the ground or any tree, wall, bush, rock, fence, building, structure, advertising structure as defined in Section 5202 of the Business and Professions Code of the state, or thing, either privately or publicly owned.

B. "Outdoor advertising" does not include:

1. Official notices issued by any court or public body or officer;
2. Notices posted by any public officer in performance of a public duty or by any person in giving any legal notice;
3. Directional, warning or informational signs or structures required by or authorized by law, or by federal, state, county or city authority;
4. The tree, wall, bush, rock, fence, building, structure or thing upon which the sign is placed, other than the advertising structure as defined in Section 5202 of the Business and Professions Code;
5. Temporary, unlighted, single or double-faced signs, not exceeding four square feet in area per face and not less than one thousand feet apart (except that every owner of property may have at least one such sign), advertising the sale, lease, trade or hire of the premises upon which such sign is placed. Such signs may be used within the front or side yard setbacks if not less than ten feet from the actual highway property line. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 152, 1961)

18.08.430 Parcel of land.

"Parcel of land" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant or person. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 153, 1961)

18.08.440 Person.

"Person" means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, this and any other county, city and municipality, district or other political subdivision, or any other group or combination acting as a unit, other than the city. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 154, 1961)

18.08.450 Pest control operator.

"Pest control operator" means a person who engages in the business of eradicating or controlling any pest which is or is liable to be dangerous or detrimental to agriculture by the application of any substance, method or device, or who engages in the business of preventing, destroying, repelling, mitigating or correcting any disorder of plants by the same means, or both. "Pest control operator" does not include a person engaged in the business of termite eradication or control. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 155, 1961)

18.08.460 Private club.

"Private club" means an association of persons, whether incorporated or unincorporated, organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 156, 1961)

18.08.470 Recreation room.

“Recreation room” means any room in a building or accessory building, designed to be used primarily for games, the pursuit of hobbies, social gatherings and similar activities. A recreation room may not be designed, built, rented, leased, used or occupied as living quarters. (Ord. 1007 § 2 (part), 1993; Ord. 659 § 2 (part), 1979; Ord. 37 § 157, 1961)

18.08.480 Residence.

“Residence” means a building designed as living quarters for persons doing their own cooking in such building, which either complies with, or was erected before the effective date of the requirements for group 1 occupancies in the city building code, entitled “An Ordinance adopting a building code to regulate the construction, erection, enlargement, razing, alteration, repairing, removal, maintenance, moving, use and height of buildings or structures in the unincorporated territory of the County of Los Angeles,” adopted March 20, 1933. “Residence” does not include a trailer or an apartment house. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 158, 1961)

18.08.490 Room.

“Room” means an unsubdivided portion of the interior of a building excluding bathrooms, kitchens, closets, hallways and service porches. (Ord. 1007 § 2 (part), 1993; Ord. 659 § 3, 1979; Ord. 37 § 159, 1961)

18.08.500 Secondary highway.

“Secondary highway” means a secondary highway as shown on the master plan of highways of the county. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 160, 1961)

18.08.510 Section.

“Section” means a section of the ordinance codified in this title unless some other ordinance or statute is mentioned. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 161, 1961)

18.08.520 Stand.

“Stand” means a structure for the display and sale of products with no space for customers within the structure itself. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 163, 1961)

18.08.530 Structure.

“Structure” means anything constructed or built, any edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, which is located on the ground or is attached to something located on the ground. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 163.3, 1961)

18.08.535 Supportive Housing.

“Supportive Housing” means housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

18.08.537 Target Population for Supportive and Transitional Housing.

“Target Population for Supportive and Transitional Housing” means adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided under the Lanterman Development Disabilities Services Act (Division 4.5 ((commencing with Section 4500)) of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals existing from institutional settings, veterans, or homeless people.

18.08.538 Transitional Housing.

“Transitional housing and transitional housing development” mean rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

18.08.540 Use.

“Use” means and includes construction, establishment, maintenance, alteration, moving onto, enlargement and occupation. Wherever this chapter prohibits the “use” of any premises for any purpose, such premises and any building, structure or improvement on such premises shall not be used, occupied, altered or improved for such purpose, and no building, structure or improvement on such premises shall be erected, constructed, established, maintained, allowed to remain, altered, moved onto, or enlarged which is designed, arranged or intended to be occupied or used for such purpose. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 164, 1961)

18.08.544 Vehicular and equipment rental facility.

“Vehicular and equipment rental facility” means a use or place of business where small or medium sized vehicles, light duty construction equipment and miscellaneous supplies are available for rent, generally for “do-it-yourself” use by homeowners and small businesses. Small or medium sized vehicles includes automobiles, light and medium duty trucks and vans not to exceed twenty-six feet in length. Light duty construction equipment includes trailers not exceeding twenty-six feet in length, dollies, small tractors not exceeding one hundred horsepower, forklifts less than five thousand pounds, concrete mixers, tillers, trenchers, mowers, grinders, lawn rollers, and similar equipment. (Ord. 1032 § 1, 1995)

18.08.550 Waste disposal facility.

“Waste disposal facility” means any dump, transfer station, land reclamation project, incinerator except household incinerators and wood refuse to be burned in a suitable furnace, or other similar site or facility which is used or intended to be used for the transfer, salvage or disposal of rubbish, garbage or industrial waste. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 165, 1961)

18.08.560 Writing.

“Writing” means and includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this title, it shall be made in writing in the English language unless it is expressly provided otherwise. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 166, 1961)

18.08.565 Year Round Emergency Shelters.

“Year Round Emergency Shelters” means any program that provides overnight shelter, two meals and case management services to homeless persons throughout the year. Shelter is provided free of charge. Although there is no predetermined set time limit on residence in the year round program, providers are encouraged to utilize a 90-day time frame in which to place clients into appropriate long-term housing. The ultimate goal of the program is to enable clients to move into long-term housing programs including permanent housing.

18.08.570 Youth hostel.

“Youth hostel” means a shelter for the use of pedestrian or bicycle travelers, not serving meals, under the auspices of a nonprofit organization. (Ord. 1007 § 2 (part), 1993; Ord. 37 § 167, 1961)

EXHIBIT “B”

*** Text changes are in blue and underlined.**

Chapter 18.42**MULTIPLE-FAMILY (MF) ZONE****Sections:**

- 18.42.010 Purpose.**
- 18.42.020 Uses permitted.**
- 18.42.030 Uses permitted by conditional use permit.**
- 18.42.040 Density.**
- 18.42.050 Property development standards.**
- 18.42.060 Development plan approval.**

18.42.010 Purpose.

The purpose of the MF zone is to provide for the development of medium and high density multiple-family projects, to ensure that such development is compatible with contiguous uses, to encourage well-planned neighborhoods through creative and imaginative site planning and to ensure integrated design and unified control of design. (Ord. 965 § 2 (part), 1992)

18.42.020 Uses permitted.

Buildings, structures and land shall be used, and buildings and structures shall hereafter be erected, structurally altered or enlarged only for the following uses. All uses shall be subject to the property development standards set forth in this chapter.

A. Primary Uses.

1. Single-family dwelling, when located on lots which comply with the minimum lot area requirements of the SF-7500 zone.

B. Incidental Uses.

1. Home occupations.

2. Household pets, provided that not more than three such pets or any combination thereof may be kept.

(Ord. 965 § 2 (part), 1992)

18.42.030 Uses permitted by conditional use permit.

The following uses shall be permitted pursuant to the provisions of Chapter 18.200:

A. Apartments, condominiums, townhouses and similar multiple-family developments.

B. Churches.

1. Day care centers, day nurseries, and nursery schools as an accessory use only.

C. Convents.

D. Rectories.

E. Public utility substations.

F. Senior citizen housing projects, subject to the standards of Chapter 18.151, except where a conflict exists, then the more restrictive standard applies. (Ord. 965 § 2 (part), 1992)

G. Transitional and Supportive Housing

18.42.040 Density.

The following density standards shall apply to all land and buildings in the MF zone:

A. Method of Designation. A number specifying the maximum permitted number of dwelling units per net acre in the MF zone shall be appended to the base zoning district on the official zoning map to designate the density. (Example: a multiple-family zone allowing fourteen units per net acre would show on the official zoning map as MF (14).)

B. Density Bonus. A density bonus not to exceed twenty-five percent over the otherwise allowable maximum residential density may be allowed with the approval of a conditional use permit pursuant to Chapter 18.200. Such density bonus shall only be approved upon a finding that it will facilitate the establishment of affordable dwelling units or senior citizen housing within the development pursuant to the city general plan, the city zoning code, and California Government Code Section 65915 et seq. (Ord. 965 § 2 (part), 1992)

18.42.050 Property development standards.

The following property development standards shall apply to all land and buildings in the MF zone:

A. Site Area. There is no minimum site area, except as set forth for single-family dwellings in Section 18.42.020.

B. Ground Coverage. Maximum ground coverage shall not exceed sixty percent of the total lot or parcel area. All land covered by residential structures, parking facilities, including paved areas used for parking and vehicular access, shall be considered when computing ground coverage. Deckways, patios, patio and recreation structures and facilities shall be excluded.

C. Building Height.

1. No building or structure erected in this zone shall have a height greater than thirty feet or two stories, except as provided by the following:

a. Building height may be increased to thirty-five feet and/or three stories with the approval of a conditional use permit pursuant to Chapter 18.200 when each of the following findings is made:

i. The building setback from adjacent single-family residential zones and public streets is increased to be at least equal to the building height;

ii. The architectural and site design of the project is enhanced by allowing the additional height;

iii. A sloping or pitched roof design, rather than a flat roof design, is used;

iv. The appearance of height and associated mass and bulk is mitigated by appropriate building and site design features.

b. A steeple, spire or other similar projection above a building used primarily for religious purposes may extend the total height of the structure and steeple, spire or other similar projection as high as forty feet, provided that the height of the steeple, spire or other similar projection shall be harmonious in design with the building or structure and with the surrounding neighborhood. Such increase in height shall be approved by the development plan review board in accordance with Chapter 18.12.

2. Where a building or structure is erected on sloping terrain having a gradient of twenty-five percent or greater, the height of the building or structure shall be measured from the highest adjoining ground surface level at the base of the building or structure.

D. Yards.

1. Front. There shall be a front yard setback having an average depth of twenty-five feet with a minimum depth of fifteen feet extending across the full width of the lot or parcel.

2. Side. Side yard setbacks shall be as follows:

a. When multifamily structure is adjacent to properties zoned for single-family use: twenty feet for single story and thirty feet for two or more stories.

b. When multifamily structure is not adjacent to properties zoned for single-family use: twenty feet.

c. When recreational vehicle parking is provided in a side yard: thirty feet.

d. When side yard is contiguous to a public street: twenty-five feet.

e. In all cases, there shall be a minimum of ten feet of landscaped setback adjacent to side property lines which shall be free from all structures, driveways, parking, trash enclosures and similar facilities. This may be reduced to five feet with the approval of a conditional use permit.

3. Rear. The minimum rear yard shall be twenty feet. Vehicular access, open parking or storage for recreational vehicles may be provided within a rear yard and, in such event, the setback shall be thirty feet; ten feet of such yard nearest the property line shall be landscaped. Said ten feet may be reduced to not less than five feet with the approval of a conditional use permit.

E. Projections into Rear or Side Yards.

1. Garages or carports may be located on side or rear property lines except when the yard is contiguous to a single-family residential zone or adjacent to a street.

2. Eaves, balconies, patio roofs and exterior stairways may project not more than fifty percent into the required yard.

3. Fireplaces may project not more than twenty-four inches.

F. Distance Between Buildings. The minimum distance between buildings shall be as follows:

1. Front to Front: thirty feet.

2. Front to Side/Rear: twenty feet.

3. Other: fifteen feet.

For the purpose of this section, "front" means that wall which contains the primary entry to the unit.

G. Floor Area of Dwelling Units.

1. The minimum floor area per dwelling unit for apartment, transitional, supportive housing and other types of rental housing shall be:

a. Units with no bedrooms: four hundred fifty square feet.

b. Units with one bedroom: six hundred fifty square feet.

c. Units with two bedrooms: Eight hundred fifty square feet.

d. Units with three bedrooms or more, additional area for each bedroom exceeding two: two hundred fifty square feet.

2. The minimum floor area per dwelling unit for condominiums and other types of ownership housing shall be:

a. Units with no bedrooms: not permitted.

b. Units with one bedroom: eight hundred square feet.

c. Units with two bedrooms: one thousand square feet.

d. Units with three bedrooms or more, additional area for each bedroom exceeding two: two hundred fifty square feet.

3. Senior citizen housing developments shall comply with the standards set forth in Section 18.151.090.

H. Open Green Areas. A minimum of thirty percent of the total lot or parcel area shall be maintained as usable open green areas.

1. Open green areas shall be conveniently located and easily accessible from all dwelling units.

2. Open green areas may include swimming pools, putting greens, court game facilities, playground areas and recreational buildings, provided that such buildings do not exceed more than six percent of the required open green area.

a. Accessory billiard use as defined by Section 10.08.007 of this title, in conjunction with a community recreation building or facility.

3. When a development includes one or more units containing more than two bedrooms, a portion of the open green area required by this chapter shall be improved with playground equipment intended specifically for use by children. The size, location and design of said area shall be established in conjunction with the project approval.

4. Open green areas shall not include streets, vehicle parking areas or accessways; distance between buildings of less than ten feet, or required yard setbacks, except that side and/or rear yard setbacks may be included with the approval of a conditional use permit when the following findings are made:

- a. The side and/or rear yards are designed to create usable open green areas.
- b. The overall site design is enhanced by allowing the use of the setbacks as open green areas.

I. Utilities

1. All utility services shall be installed underground.

2. For condominiums and other multiple-family projects with individual ownership, each unit shall have individual water, sewer and utility connections and each utility that is consumed within the unit shall be separately metered and/or have a separate lateral, as appropriate.

J. Landscaping. All required yards, spaces between buildings, and open green areas shall be landscaped pursuant to an approved landscape plan prepared by a landscape architect. Landscaping shall be maintained by an electric remote control automatic sprinkler system and kept weeded and disease-free.

K. Refuse Storage. All outdoor trash, garbage and refuse storage shall be screened on all sides from view by a minimum six-foot-high decorative concrete block or masonry wall and the opening provided with a durable wood or metal gate. The inside dimensions of such enclosure shall be eight feet by ten feet. They shall be provided with hose bibs for maintenance and shall be of adequate number and be conveniently located for all units. Additional requirements to accommodate recycling facilities may be required.

L. Building Length. No building shall exceed a length of one hundred fifty feet.

M. Lighting. All lighting of the buildings, landscape areas and storage areas shall be placed so as to not reflect onto adjoining properties. When necessary, a detailed lighting plan may be required.

N. Mechanical Equipment. All ground mechanical equipment shall be screened behind a permanent structure. All rooftop mechanical equipment shall be completely screened by architectural components integral to the design of the building.

O. Off-Street Parking. The provisions of Chapter 18.156 shall apply.

P. Signs. The provisions of Chapter 18.152 shall apply.

Q. Laundry Facilities. When laundry facilities are not provided in each unit, such facilities shall be provided within a totally enclosed permanent building, convenient to all units, and provided with automatic washers and dryers.

R. Fences and Walls.

1. Required. Where an MF zone abuts a single-family residential zone, there shall be a decorative masonry wall not less than six feet in height erected along and adjacent to the property line, except that such wall shall be reduced to not more than forty-two inches in height, or may be eliminated, in any required yard abutting a street.

2. Permitted. Fences, walls and retaining walls not greater than six feet in height shall be permitted on or within all rear and side property lines on interior lots and corner lots when abutting a street, on or to the rear of all front setback lines. (Ord. 1072 § 7, 1997; Ord. 995 § 1, 1993; Ord. 965 § 2 (part), 1992)

18.42.060 Development plan approval.

Before any building or structure is erected in this zone, a development plan shall have been submitted and approved in accordance with the provisions of Chapter 18.12. (Ord. 965 § 2 (part), 1992)

EXHIBIT “C”*** Text changes are in blue and underlined.****Chapter 18.132****PS PUBLIC/SEMIPUBLIC ZONE****Sections:**

- 18.132.010 Purpose.**
- 18.132.020 Permitted uses.**
- 18.132.030 Conditional uses.**
- 18.132.040 Joint uses.**
- 18.132.050 Development standards.**
- 18.132.060 Plan review.**
- 18.132.070 Appeals.**

18.132.010 Purpose.

The purposes of the public/semi-public zone are to:

- A. Provide notice to all of the extent of a site approved for a public or semipublic use by delineating it on the zoning map;
- B. Retain and preserve public and semipublic areas needed for the growth and general welfare of the city as a whole;
- C. Allow for joint use and joint development opportunities between public, semipublic and private uses. (Ord. 1068 § 1 (part), 1997)

18.132.020 Permitted uses.

A. Generally. Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, structurally altered or enlarged only for the following uses, plus such other uses as the director of community development determines to be similar and not more obnoxious or detrimental to the public health, safety and welfare, in accordance with the findings set forth in Section 18.192.040 of this title. The determination of the director may be appealed to the development plan review board and thereafter the city council pursuant to Chapter 18.212 of this title. All uses and storage shall be conducted within a totally enclosed building except for outdoor storage which is accessory to a permitted or conditional use and screened from view from the public right-of-way.

B. Specifically.

- 1. Public uses, including government agencies, libraries, post offices, fire stations, public safety facilities, museums, civic centers, community centers, and similar local, state or federal uses;
- 2. Governmental research facilities;
- 3. Governmental maintenance yards;
- 4. Utility offices;
- 5. Utility structures, substations, and distribution facilities provided all equipment and appurtenances are within an enclosed structure or screened from view;
- 6. Water reservoirs and tanks;

7. Parking facilities;
8. Wholesale nurseries, orchards, and the raising of field crops;
9. Parks and open space;
10. Wireless communication facilities pursuant to Chapter 18.150 of this title; ;
11. Accessory massage permitted with the following primary businesses: medical doctor's office and similar uses; ; (Ord. 1185 § 9, 2008; Ord. 1068 § 1 (part), 1997)
12. Emergency Shelter subject to the following provisions:
 - a. **Maximum Density.** The maximum number of beds/persons is 12;
 - b. **Parking.** Parking shall meet the requirements of Chapter 18.156 of the San Dimas Municipal Code;
 - c. **Waiting / In-Take Area.** The shelter may have a waiting and intake area no larger than 100 square feet combined;
 - d. **On-Site Manager.** The shelter must have a least one on-site manager at all times during hours of operation;
 - e. **Distance Requirements.** The distance between emergency shelters shall be a minimum of 300 feet. No emergency shelter shall be located within 300 feet of any public park and/or school;
 - f. **Security.** The emergency shelter shall provide a security plan that ensures the safety of the residents, visitors and employees. The plan shall be reviewed by the Director of Development Services and shall include, but is not limited to, the following:
 - i. Color, security surveillance system with recording capability;
 - ii. On-site security guard(s), the number of security guards shall be based on the following ratio of one guard for every ten patrons;
 - iii. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and meets the requirements of Chapter 18.156.080(D)(11) of the San Dimas Municipal Code;
 - g. **Length of Stay.** Emergency shelter shall only be provided for a time period of six months for any individual resident;
 - h. **Laundry facility.** The shelter shall provide laundry facilities or services adequate for the number of residents;
 - i. **Outdoor Activities.** Any emergency shelter adjacent to a residential use shall limit outdoor activities to the following hours: 8:00 a.m. to 9:00 p.m. Monday through Sunday;
 - j. **Pay Phone.** There shall not be any outdoor public telephones on the site nor along the public right of way in front of the facility;
 - k. **Signage.** No signs are permitted on the property relating to its use as a shelter for the homeless;
 - l. **Toilets.** No outdoor toilets are allowed on the site unless during construction or a special event;
 - m. **Shelter Provider.** The agency or organization operating the emergency shelter shall comply with the following requirements:
 - i. Staff and services shall be provided to assist residents to obtain permanent shelter and income;
 - ii. A written management plan including, as applicable, provision for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment outreach programs for residents;
13. Year-Round Emergency Shelter subject to the following provisions:
Year-round emergency shelters shall comply with the same provisions of Emergency Shelters 18.132.020(B)(12) with the exceptions of length of stay for residents which is not limited to any number of days.

18.132.030 Conditional uses.

The following uses may be permitted provided a conditional use permit is first obtained pursuant to the provisions of Chapter 18.200 of this title:

- A. Medical, dental, and health services;
- B. Professional offices;
- C. General research facilities;
- D. Educational institutions;
- E. Vocational schools;
- F. Community care facilities, including resident schools;
- G. Church and related facilities;
- H. Child care centers;
- I. Hospitals;
- J. Animal hospitals and veterinary facilities;
- K. Utility structures, substations, and distribution facilities where equipment and appurtenances are not within an enclosed structure or screened from view. (Ord. 1068 § 1 (part), 1997)

18.132.040 Joint uses.

A. The director of community development may approve ancillary or incidental uses to be established on properties used for public/semipublic purposes subject to conditions, including but not limited to conditions which regulate the nature, operation, frequency, or duration of the joint use. The following uses may be allowed, plus such other uses as the director of community development determines to be similar and not more obnoxious or detrimental to the public health, safety and welfare, in accordance with the findings set forth in Section 18.192.040 of this title. The determination of the director may be appealed to the development plan review board and thereafter the city council pursuant to Chapter 18.212 of this title.

- 1. Accessory and incidental retail, food service, or child care services related to the primary use, such as a school bookstore, hospital gift shop, cafeteria, or employer-provided child care;
 - 2. Accessory storage facilities, including barns or greenhouses, in which the primary use may be either on-site or off-site;
 - 3. Programs or fund-raising events, either on a temporary or regular basis;
 - 4. Use of facilities for meetings or classes unrelated to the primary use;
 - 5. Use of facilities by recreational clubs, leagues, or organizations;
 - 6. Parking agreements;
 - 7. Temporary uses pursuant to Chapter 18.196 of this title.
- B. In approving a joint use, the director of community development shall make the following findings:
- 1. The proposed joint use is a secondary and minor use of the facility;
 - 2. The proposed joint use shall not conflict with or impede the operational needs and/or orderly development of the primary use;
 - 3. The proposed joint use is compatible with the various provisions of the municipal code, including parking, noise, signs, and business licenses;
 - 4. The proposed joint use is a reasonable use of land consistent with the general plan land use designation and zoning classification. (Ord. 1068 § 1 (part), 1997)

18.132.050 Development standards.

A. Development standards shall be determined and approved at the time of development plan review; provided, that if the development plan fails to address a development standard(s), the standards set forth in the administrative professional zone shall apply.

B. An approved development plan may be amended subject to the review procedure as set forth in Section 18.132.060 of this chapter. (Ord. 1068 § 1 (part), 1997)

18.132.060 Plan review.

Development plan review shall be required. No person shall construct any building or structure, or relocate, rebuild, alter, enlarge, or modify any existing structure until a development plan has been reviewed and approved by the development plan review board in accordance with the provisions of Chapter 18.12 of this title. (Ord. 1068 § 1 (part), 1997)

18.132.070 Appeals.

Appeals of decisions and determinations by the director of community development, development plan review board and planning commission may be filed by any aggrieved party pursuant to the provisions of Chapter 18.212 of this title. (Ord. 1068 § 1 (part), 1997)

EXHIBIT “D”

*** Text changes are in blue and underlined.**

Chapter 18.156**VEHICLE PARKING AND STORAGE****Sections:**

- 18.156.010 Purpose and intent.**
- 18.156.020 Applicability of requirements.**
- 18.156.030 Definitions.**
- 18.156.040 General requirements.**
- 18.156.050 Automobile parking spaces required.**
- 18.156.060 Bicycle and motorcycle parking spaces required.**
- 18.156.070 Loading spaces required.**
- 18.156.080 Parking design requirements.**
- 18.156.090 Transportation demand management standards.**
- 18.156.100 Vehicle storage in single-family residential zones.**
- 18.156.110 Shared parking.**
- 18.156.120 Off-site parking.**
- 18.156.130 Valet parking.**
- 18.156.140 Parking structures.**
- 18.156.150 Waiver of parking requirements.**

18.156.010 Purpose and intent.

The regulations contained in this chapter are established so that parking facilities are designed to be of appropriate quality; useful to the community; provide for the parking needs of the community; provide adequate public safety; mitigate, as much as possible, impacts on surrounding properties; and to reduce, as much as possible, the demand for parking by encouraging car pooling, van pooling and similar means to reduce congestion locally.

It is the intent of this chapter to encourage proper parking, loading, circulation, storage of vehicles, and transportation demand management throughout the community. (Ord. 996 § 5, 1993)

18.156.020 Applicability of requirements.

Parking facilities, pursuant to this chapter, shall be provided for any building constructed or enlarged or for any change in use of an existing building where such use intensifies the required number of spaces. (Ord. 996 § 5, 1993)

18.156.030 Definitions.

As used in this chapter:

“Administrative offices” means an office use in which the primary use is management and administrative functions for a specific business or where such operations are performed centrally for other establishments.

Administrative offices include, but are not limited to, accountants, advertising agencies, appraisers, architects, attorneys, business and management consultants, designers, economists, engineers, geologists, interior designers, landscape architects, planners, public relations consultants, surveyors and similar uses. Administrative offices do not include medical offices, dental offices, veterinary offices and medical clinics.

“Alternative transportation” means the use of modes of transportation other than the single passenger motor vehicle, including but not limited to car pools, van pools, bus pools, public transit, walking and bicycling.

“Bus pool” means a vehicle carrying sixteen or more passengers commuting on a regular basis to and from work with a fixed route, according to a fixed schedule.

“Car pool” means a vehicle carrying two to six persons commuting together to and from work on a regular basis.

“California Environmental Quality Act (CEQA)” means a statute that requires all jurisdictions in the state of California to evaluate the extent of environmental degradation posed by proposed development.

“Commercial vehicle” means a vehicle of a type required to be registered under the Vehicle Code used or maintained for the transportation of persons for hire, compensation or profit, or designed, used or maintained primarily for the transportation of property, including, but not limited to, vehicles which have signs, racks, tools, equipment or other visible physical manifestations which indicates that the vehicles are used in connection with a business.

“Employee parking area” means the portion of total required parking at a development used by on-site employees. Unless specified in the city/county zoning/building code, employee parking shall be calculated as follows:

Type of Use	Percent of Total Required Parking Devoted to Employees
Commercial	30 percent
Office/professional	85 percent
Industrial/manufacturing	90 percent

“Fast food establishment” means an establishment whose principal business is the sale of prepared food and rapidly prepared food where orders are not taken at individual tables and food is intended for consumption either on-site or off-site.

“Floor area” means the total gross floor area of a building or specific outside area, including all area within the building.

“Major shopping center” means a single uniformly planned and developed project with a minimum total land area of twenty acres and a minimum of two major tenants within the project occupying at least twenty thousand square feet each.

“Preferential parking” means parking spaces designated or assigned, through use of a sign or painted space markings for car pool and van pool vehicles carrying commuter passengers on a regular basis that are provided in a location more convenient to a place of employment than parking spaces provided for single-occupant vehicles.

“Property owner” means the legal owner of a development who serves as the lessor to a tenant. The property owner shall be responsible for complying with the provisions of this chapter either directly or by delegating such responsibility as appropriate to a tenant and/or his agent.

“Shared parking” may also be referred to as “joint use parking” and means the common use of a parking space or facility by more than one user which is required to provide off-street parking, where because of various criteria, such as staggered operating hours, the combined amount of parking required for the users is less than the amount of parking spaces separately required.

“South Coast Air Quality Management District (SCAQMD)” means the regional authority appointed by the California State Legislature to meet federal standards and otherwise improve air quality in the South Coast Air Basin (the nondesert portions of Los Angeles, Orange, Riverside and San Bernardino Counties).

“Tenant” means the lessee of facility space at an applicable development project.

“Transportation Demand Management (TDM)” means the alteration of travel behavior, usually on the part of commuters, through programs of incentives, services and policies. TDM addresses alternatives to single occupant vehicles such as car pooling and van pooling, and changes in work schedules that move trips out of the peak period or eliminate them altogether (as in the case in telecommuting or compressed work weeks).

“Trip reduction” means reduction in the number of work-related trips made by single occupant vehicles.

“Van pool” means a vehicle carrying seven or more persons commuting together to and from work on a regular basis, usually in a vehicle with a seating arrangement designed to carry seven to fifteen adult passengers, and on a prepaid subscription basis.

“Vehicle” means any motorized form of transportation, including but not limited to automobiles, vans, buses and motorcycles. (Ord. 996 § 5, 1993)

18.156.040 General requirements.

A. Fractions. If the result of calculating the number of parking spaces required is a fraction of a parking space, one additional space shall be required if the fraction is equal to or greater than one-half of a space. However, in no case shall fewer than one space be required for a use.

B. Location of Spaces. All required parking spaces shall be located on-site, unless an off-site parking agreement is approved. On-street parking on both public and private streets shall not be used to meet the overall parking requirements listed in this chapter.

C. Timing. Parking spaces constructed or substantially reconstructed subsequent to the effective date of this chapter shall be subject to all applicable design standards set forth in this chapter.

D. Nonconforming Uses. A use which is nonconforming solely by reason of this chapter shall be permitted to perform any work upon its buildings or structures or change its uses, if such work or change in use does not result in an increase in the off-street parking requirements from that of the previous use. If the work or change in use results in an increase of off-street parking requirements, then compliance with this chapter shall be required for such work or change in use.

E. Space Requirements Not Listed. Space requirements for uses which are not listed in this chapter shall be determined by the approval body for the proposed use. All uses which fall into this category shall be required to provide a parking study which addresses the parking needs for the use in question, prepared by a registered traffic engineer or approved alternative, to the satisfaction of the director of community development.

F. Elimination or Reduction of Parking Spaces Prohibited. No required off-street parking space shall be eliminated or reduced and no required garage or carport facility shall be eliminated, reduced or converted to any other use. Any such facility shall be fully replaced prior to or at the same time as the issuance of a building permit to eliminate or convert a required facility.

G. Parking Requirements for Mixed Occupancies. In the case of mixed occupancies, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed

separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as specified in this chapter for shared parking as regulated by Section 18.156.110.

H. Applicability of Requirements for Existing Single Family Residences. Parking required as stated in Section 18.156.050(C)(1) shall not apply when the director of community development finds that:

1. The single-family residence complied with the parking requirements in effect at the time of construction;
2. The parking currently exists as originally provided and continues to be usable for that purpose; and
3. There has been no more than five hundred square feet of total livable square footage added to the residence since the time of construction of the residence. (Ord. 996 § 5, 1993)

18.156.050 Automobile parking spaces required.

Use	Minimum Off-Street Parking Required
A. Recreational Commercial Uses.	
1. Bowling alley	Three spaces per alley, plus spaces for any restaurant, bar, commercial or other use associated with the bowling alley.
2. Ice rink	Six spaces per 1,000 square feet of floor area
3. Fitness center	Five spaces per 1,000 square feet of floor area, plus four spaces per 1,000 square feet for exterior swimming areas, plus required spaces for other uses associated with the primary use
4. Golf course	Five spaces per hole, plus required parking for other uses on-site
5. Driving Range	One space per tee
6. Miniature golf center	Three spaces per hole
7. Equestrian stables	One space for each five horses boarded, plus required parking for other uses on-site
8. Movie theaters	One space for every three seats for complexes up to 800 seats; one space for every five seats for complexes in excess of 800 seats
9. Tennis and racquetball courts and similar facilities	Two spaces per court
10. Billiard parlor	Two spaces per table
B. Institutional Uses.	
1. Churches	One space for each three seats, plus required parking for other uses on-site, such as day care centers, schools and assembly area
2. Hospital	Two spaces per bed
3. Library	One space per 300 square feet of floor area

D. Commercial Uses.

- 1. Hotels and motels
One space per room for projects up to 100 guest rooms, plus required spaces for other uses associated with the primary use. For projects over 100 rooms, parking shall be determined by the conditional use permit process and based on a parking study, prepared by a registered traffic engineer or approved alternative, provided by the applicant and approved by city
- 2. Bed and breakfast
One space per bedroom, plus two spaces for the manager
- 3. Retail uses and service businesses
Minor tenants (individual tenant up to 20,000 square feet in floor area): one space per 225 square feet of floor area
Major tenants (individual tenant over 20,000 square feet in floor area): one space per each 225 square feet of floor area for the first 20,000 square feet; then one space for each 275 square feet for floor area over 20,000 square feet
- 4. Major shopping center
Four and one-half spaces per 1,000 square feet of total floor area, provided that restaurants do not exceed 20% of total floor area
- 5. Auto repair facilities
Three parking spaces per repair bay, with a minimum of 12 parking spaces
- 6. Auto sales
One space for every 800 square feet of floor area of sales area, plus additional required spaces for other uses on-site
- 7. Service stations
One space for each 400 square feet of floor area, not including service bay area; two spaces for each service bay
- 8. Service stations when associated with a snack shop or convenience market
One space for each 225 square feet of floor area; however, one space may be reduced if eight or more gasoline pumps are provided. Two spaces shall be provided for each service bay
- 9. Car wash
Full service: ten spaces or one space for each employee whichever is greater.
Self Service: one space per wash bay. The wash bay may not account for the required space
- 10. Banks and savings and loans
See administrative office requirements
- 11. Lumber yards and retail nurseries
One space for each 225 square feet on interior sales area, plus one space for every 1,000 square feet of outdoor sales and storage area

- 12. Restaurants, cafes, nightclubs, bars and similar uses, excluding fast food restaurants
One space for every 75 square feet of floor area, plus one space for every 25 square feet of dance floor area
- 13. Fast food restaurants
One space for every 75 square feet of floor area; however, for drive-through facilities, four spaces may be reduced from required total for fast food uses with a minimum of eight queuing spaces
- 14. Furniture and appliance stores, hardware stores and household equipment shops
One space for each 300 square feet of floor area

E. Office Uses.

- 1. Administrative offices or complexes with over 15,000 square feet of floor area
One space for each 250 square feet of floor area
- 2. Administrative offices or complexes with up to 14,999 square feet of floor area
One space for each 200 square feet of floor area
- 3. Medical and dental offices, clinics and veterinary offices
One space for each 200 square feet of floor area

F. Industrial Uses.

- 1. Warehouses, storage buildings, manufacturing uses and industrial plants, when the building is occupied by a single user or multiple users where all users exceed 20,000 square feet in floor area
One space for each 500 square feet of floor area up to 15,000 square feet; plus one space for each 2,000 square feet of floor area from 15,001 square feet to 30,000 square feet, plus one space for each 4,000 square feet of floor area for 30,001 square feet and greater
- 2. Manufacturing uses, when the building is occupied by multiple users where one or more of the users have 20,000 square feet in floor area or less
One space for each 500 square feet of floor area
- 3. Warehousing uses, when the building is occupied by multiple users where one or more of the users have a floor area of 20,000 square feet in floor area or less
One space for each 1,000 square feet of floor area
- 4. Office uses accessory to industrial uses
One space for each 250 square feet, when the office use exceeds 10% of the total floor area of the industrial use or 5,000 square feet in total floor area, whichever is less. No additional parking spaces are needed if the office area does not exceed this criteria
- 5. Research and development
One space for each 250 square feet of floor area
- 6. Self Storage
One space for each 4,000 square feet of floor area with a minimum of 10 spaces plus, one space for each 250 square feet of office area plus; two covered parking spaces for a caretaker unit

G. Miscellaneous Uses.

- 1. Commercial day care facility
One space for each five children

- 2. Large family day care facility, six to 12 children The ability for two cars to be located in a driveway or other paved surface off of the public street
- 3. Auditoriums, public assembly areas, stadiums and sports arenas One space for each five fixed seats or one space for each 50 square feet of floor area where there are no fixed seats
- 4. Elementary and high schools Elementary: one space for each employee, plus one space for each five seats or forty square feet of public assembly area, whichever is greater
 High school: one space for each eight students, plus one for each employee
- 5. Colleges One space for each three students, plus one for each employee
- 6. Trade, business or private schools One space for each five seats or one space for each 100 square feet of floor area, whichever is greater

(Ord. 1143 §§ 1, 2, 2004; Ord. 996 § 5, 1993)

18.156.060 Bicycle and motorcycle parking spaces required.

A. Bicycle Parking.

1. Bicycle racks or other secure bicycle parking shall be provided in nonresidential projects based on the following standards:

a. A minimum of four spaces for all non-residential projects from twenty-five thousand square feet in floor area up to fifty thousand square feet of floor area, then one additional space for each additional fifty thousand square feet of floor area.

b. A bicycle parking facility may be an approved bicycle rack where a user can secure both wheels and the frame of the bicycle or may be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location (e.g., provision of racks, lockers or locked room) shall be to the satisfaction of the director of community development.

B. Motorcycle Parking.

1. Motorcycle parking shall be provided in nonresidential projects based on the following standards:

a. A minimum of two spaces for developments over twenty-five thousand square feet;

b. A minimum of four spaces for developments over fifty thousand square feet;

c. The minimum size of motorcycle spaces shall be seven feet in width by seven feet in depth. (Ord. 996 § 5, 1993)

18.156.070 Loading spaces required.

A. Number of Loading Spaces Required.

1. For industrial uses, the minimum number of loading spaces shall be as follows:

Total Floor Area in Square Feet	Loading Spaces Required
3,000—19,999	1
20,000—49,999	2
50,000 +	3

2. For commercial uses, hospitals, institutions and office buildings, the minimum number of loading spaces shall be as follows:

Total Floor Area in Square Feet	Loading Spaces Required
10,000—49,999	1
50,000—99,999	2
100,000 +	3

B. Size of Loading Spaces.

1. The minimum size of loading spaces shall be as follows:

- a. Industrial uses up to nineteen thousand nine hundred ninety-nine square feet in floor area, twelve feet in width by twenty-two feet in depth by fourteen feet in height;
- b. Industrial uses twenty thousand square feet in floor area and greater, twelve feet in width by forty feet in depth by fourteen feet in height;
- c. Sizes for loading spaces for commercial uses, hospitals, office buildings and other uses providing loading spaces shall be determined by the final decision making body for the project.

C. Other Loading Requirements.

- 1. Loading areas, loading docks and similar facilities shall be located so that all maneuvering area to access the facilities are totally within an off-street parking facility.
- 2. Where possible, loading areas, loading docks and similar facilities shall be totally screened from public view, through the use of screen walls, berming, landscaping and similar methods. (Ord. 996 § 5, 1993)

18.156.080 Parking design requirements.

A. Size of Spaces for Residential Uses.

- 1. Garage and Covered Spaces. Each covered parking space shall be a minimum of ten feet in width by twenty feet in length of interior clear space.
- 2. Noncovered Spaces. Each noncovered parking space shall be a minimum of nine feet in width by eighteen feet in depth.
- 3. Compact Spaces. Compact spaces shall not be permitted in residential projects.
- 4. Handicapped Spaces. The size of handicapped spaces shall be determined by the California State Accessibility Standards or other applicable state or federal regulations, as interpreted by the building official.
- 5. Parallel Spaces. Each parallel parking space provided shall be a minimum of nine feet in width by twenty-two feet in depth.

B. Size of Spaces for Nonresidential Uses.

- 1. Full-Sized Spaces. Each full-sized parking space shall be a minimum of nine feet in width by eighteen feet in depth.
- 2. Compact Spaces. Each compact parking space shall be a minimum of eight feet in width by sixteen feet in depth. The maximum amount of compact parking spaces in a facility is addressed in subsection (D)(5) of this section.
- 3. Car Pool and Van Pool Spaces. Spaces which are specifically allotted for car pool parking shall be a minimum of nine feet in width by sixteen feet in depth. Spaces which are specifically allotted for Van Pool parking shall be a minimum of nine and one-half feet in width by twenty feet in depth.

4. Handicapped Spaces. The size of handicapped spaces shall be determined by the California State Accessibility Standards or other applicable state or federal requirement, as interpreted by the building official.

5. Parallel Spaces. Each parallel parking space provided shall be a minimum of nine feet in width by twenty-two feet in depth.

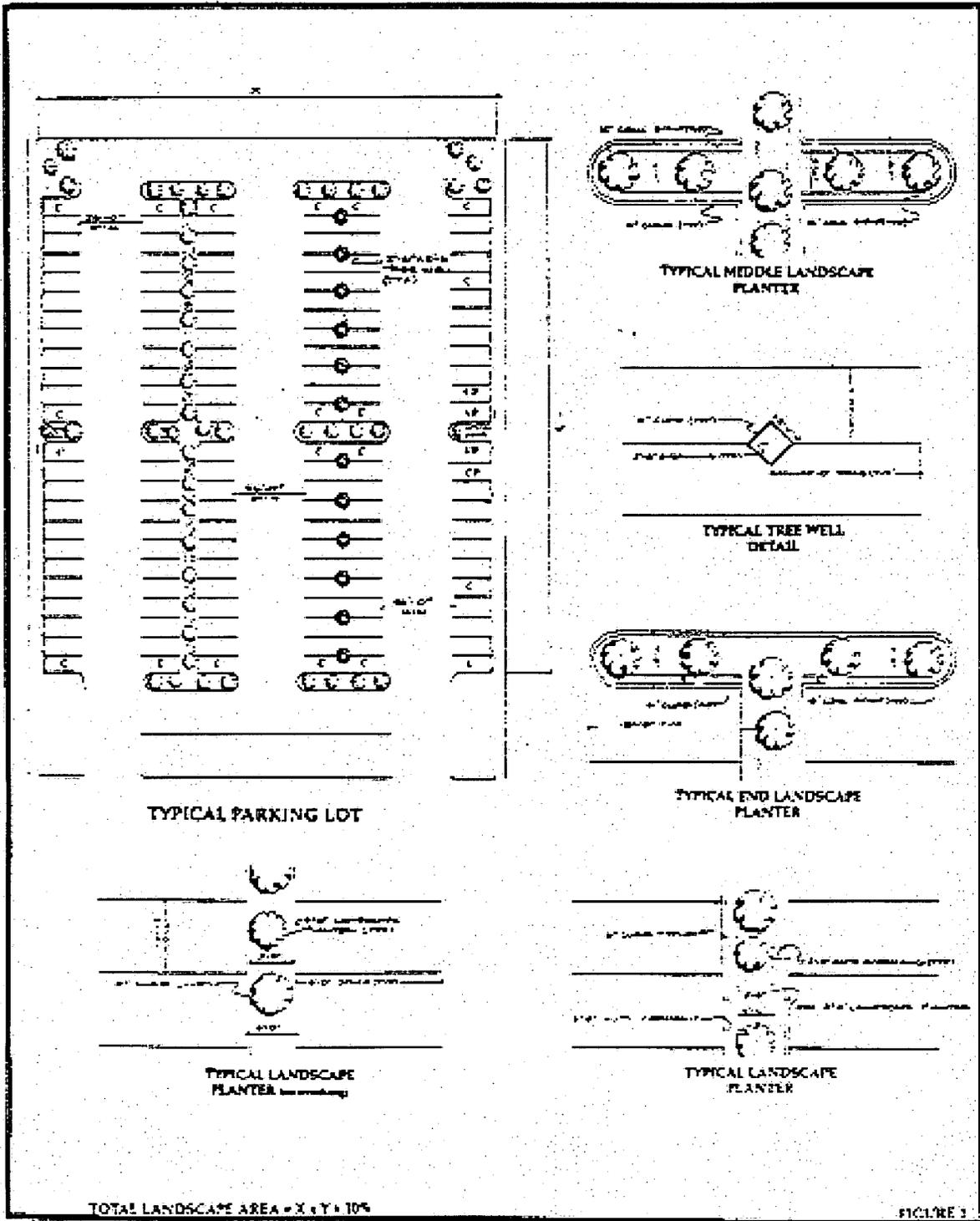
C. Landscape Requirements. (Also see Figure 1.)

1. A minimum of ten percent of the total off-street parking area shall be landscaped. The parking area shall be determined by adding all parking spaces, drive aisles, access drives and landscape areas. (See Figure 1.)

2. The minimum dimension of landscape fingers shall be seven feet at the end of a row of parking spaces and eight feet when in the middle of a row of parking. (See Figure 1.)

3. The minimum dimension of a landscape ribbon shall be five feet of interior clear space when no parking overhangs into planter. When parking overhangs into the planter area on both sides, the minimum dimension shall be eight feet. (See Figure 1.) When parking overhangs on one side of a landscape ribbon, the minimum dimension shall be six feet.

Figure 1



- 4. No more than twelve spaces shall be located in one row, without being separated by a landscape finger.
- 5. In parking areas, planting areas shall be as evenly distributed as possible throughout the entire area.
- 6. Planting areas shall be protected by six-inch concrete curbs.
- 7. All landscaping shall be maintained by a complete automatic sprinkler system and kept in a weed-free and disease-free state.
- 8. All parking areas shall be screened as much as possible from public rights-of-way with various means of screening such as berms, low-profile walls, shrub plantings and similar screens.

D. General Parking Design Requirements.

- 1. **Paving.** All noncovered parking facilities shall be paved in asphalt, concrete, approved decorative paving or other impervious surface approved by the city. All covered parking spaces shall be paved with concrete at least four inches thick.
- 2. **Drainage.** All parking and loading facilities shall be properly graded with appropriate storm drainage facilities. Surfacing, curbing, guttering and other improvements shall be sufficient to preclude the free flow of water onto adjacent properties and public streets and to preclude standing pools of water within the parking facility.
- 3. **Aisle Dimensions.** The required minimum aisle dimensions shall vary depending on the type of circulation service provided. Aisle dimensions shall be as follows:

Type of Driveway	12 feet	16 feet	18 feet	20 feet	26 feet
i. Single-family residential, up to four storage spaces	X				
ii. Single-family residential, five or more storage spaces		X			
iii. Single-family residential, five or more spaces where driveway is 100 feet or longer in length				X	
iv. Multiple-family and nonresidential projects, one-way driveway	X				
v. Multiple-family and non-residential projects, two-way driveway				X	
vi. Where 30-degree parking spaces are provided		X			
vii. Where 45-degree parking spaces are provided			X		
viii. Where 60-degree parking spaces are provided				X	
ix. Where 90-degree parking spaces are provided					X

- 4. **Striping.** All noncovered parking spaces shall be separated by painted stripes or an approved alternative method of space separation. If a single stripe is used, the stripe shall be four inches in width. If a double stripe design is used, the double stripe shall be separated by eighteen inches and parking spaces shall be

measured from the center to center of double stripes. Parking facilities shall be regularly restriped to provide clearly visible separation between spaces.

5. Compact Spaces. The maximum amount of compact spaces shall be twenty percent of the total number of spaces provided. For office and industrial complexes with over twenty-five thousand square feet of administrative office area, twenty-five percent of the total number of spaces provided may be compact spaces. Compact spaces shall not be permitted in residential projects.

6. Compact Space Designation. Compact spaces shall be marked by either twelve-inch-high letters painted on the pavement stating "COMPACT," or by an eighteen-inch-high painted letter on the pavement stating "C." For parking lots that utilize decorative paving in parking stall areas, this requirement may be waived by the director of community development.

7. Car Pool and Van Pool Space Designation. Car pool and van pool spaces shall be designated as such, so that the designation is clearly visible. Space designation shall be either painted on the pavement or on a sign.

8. Wheel Stops. Parking spaces may overhang into landscape area or hardscape area based on the following criteria:

Angle of Space	Maximum Overhang
30 Degree	1.0 feet
45 Degree	1.5 feet
60 Degree	1.7 feet
90 Degree	2.0 feet

No parking overhang is permitted to encroach into a required setback or over pedestrian walkways. Wherever possible, parking facilities shall be designed to provide curb overhangs as opposed to a concrete bumper stop.

9. Trash Enclosures. Trash enclosures shall be provided for all uses and shall comply with city standards for size and design. For multiple-family projects, either a trash enclosure or an area within the garage that is of an appropriate size to allow storage of garbage cans and recycling bins shall be provided.

10. Use Separation Walls. Where a parking lot adjoins a residentially zoned parcel of land, a solid decorative, masonry wall not less than five feet in height and no greater than six feet in height shall be required. The wall shall be erected and maintained between the parking lot and the adjoining residential property. From the required front setback line to the front property line, the height of the wall shall be not less than thirty inches and not greater than forty-two inches. The height of the wall shall be measured from the side of the wall with the highest finished grade.

11. Lighting. When lights are provided in parking lots they shall be designed in such a way as to reflect light away from adjoining properties. All parking lot lighting systems shall be equipped with an automatic timing system and shall be set to turn off the portion of the lighting system not used for security lighting when the parking lot is not in use.

a. Light Pole and Fixture Height. Overall height of pole and fixture shall not exceed fifteen feet for all commercial and office projects. For industrial projects, the overall fixture height shall not exceed twenty feet or the building height, whichever is less. Height shall be measured from finished grade.

b. Light Fixture and Pole Design. Care should be taken to select light standards that maintain light emissions close to ninety degrees horizontal. Shielding may be implemented to reduce light emissions onto adjoining properties. Lighting standards may be decorative, where appropriate, and styles should be consistent

throughout the project. Poles shall be steel, aluminum or other similar approved material. The style of poles shall compliment the fixture design.

c. Prohibited. Fixtures with tilt capabilities and "wall pack" fixtures are prohibited.

d. Architectural Lighting. All architectural accent and ground lighting fixtures shall be subterranean unless the fixture is designed as an architectural element.

e. Lamp Types. High pressure sodium lamps shall be utilized and shall not exceed two hundred fifty watts. Landscape and accent lighting may exceed this limitation, if necessary.

f. Lighting Level. Average footcandles shall not be less than one footcandle maintained. No greater than two footcandles shall be maintained. Uniformity ratio (average to minimum) shall not exceed 4:1. Maximum to minimum ratio shall not exceed 15:1.

g. Submittal Requirements. The following shall be submitted for all lighting plans: light fixture cuts with photometric data; lighting plan showing point-to-point photometric including footcandle levels throughout the site and thirty feet across all property lines, and pole details and bases shall be provided.

12. Backing Space in Residential Projects. A minimum of twenty-six feet of maneuvering space shall be provided for ingress and egress where the vehicle storage space is perpendicular to the way of access. Where angular spaces are provided, the parking layout shall be determined by the director of community development.

13. Garage Door Standards. Fully operational doors shall be provided for all garages. A roll-up or sectional garage door and an automatic opener shall be provided for all garages which are twenty feet or less from access to a public right-of-way or common access private driveway.

E. Other Related Design Requirements.

1. Shopping Cart Storage. Parking facilities for markets, drugstores and other uses that utilize shopping carts shall be equipped with cart corrals in the parking area. Cart corrals shall not take up required parking spaces and shall be conveniently located throughout the parking lot. Cart corrals shall be for the temporary storage of shopping carts. All permanent shopping cart storage shall be located within the building.

2. Drive-Through Facilities. The following shall apply for drive-through facilities:

a. There shall be a minimum of eight stacking spaces in each drive-through aisle for drive-through facilities associated with fast food facilities.

b. There shall be a minimum of four stacking spaces in each drive-through aisle for drive-through facilities associated with a bank or savings and loan facility.

c. The number of stacking spaces for drive-through facilities other than banks and savings and loans and fast food uses shall be determined by the final decision making body for an approval application. Uses in this category shall be required to submit a circulation study that addresses the stacking characteristics of the use requested.

F. Circular Driveways. All circular driveways shall be subject to the approval of the director of community development and the city engineer and shall meet the following minimum standards:

1. Only lots one hundred feet and wider at the public right-of-way are eligible for circular driveway.

2. The maximum width of a circular drive is eighteen feet, the minimum width is twelve feet.

3. There shall be a minimum distance of twenty-two feet between curb cuts.

4. There shall be a minimum setback of fifteen feet from the front curb to the closest arc of the circular driveway. (Ord. 1170 § 9, 2007; Ord. 996 § 5, 1993)

18.156.090 Transportation demand management standards.

A. This section has been designed to comply with state-mandated requirements for congestion management. The goal of TDM standards is to encourage trip reduction which in turn reduces congestion. All non-

residential developments with twenty-five thousand square feet of total floor area and over are subject to these requirements:

1. **Display of Transportation Information.** A bulletin board, display case or kiosk displaying transportation information shall be located where the greatest number of employees are likely to see it. The facility shall be subject to the approval of the director of community development. Information in the area shall include, but is not limited to, the following:
 - a. Current maps, routes and schedules for public transit routes serving the site;
 - b. Telephone numbers for referrals on transportation information including numbers for the regional ride sharing agency and local transit operators;
 - c. Ride-sharing promotional material supplied by commuter-oriented organizations;
 - d. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information;
 - e. A listing of facilities available for car poolers, van poolers, bicyclists, transit riders and pedestrians at the site.
2. **Number of Car Pool/Van Pool Spaces Required.**

Total Square Footage of Nonresidential Development	Number of Car Pool Spaces, Van Pool Spaces or Combination Required
50,000 - 99,999	1
100,000 +	2

3. **Standards for Car Pool/Van Pool Spaces for Nonresidential Developments Fifty Thousand Square Feet and Greater.**

- a. Not less than ten percent of employee parking, as defined in Section 18.156.030 (F), shall be located as close as is practical to the employee entrances, and shall be reserved for use by potential car pool/van pool vehicles, without displacing handicapped and customer parking needs. These spaces shall be signed or striped as car pool/van pool spaces as demand warrants, but in no case shall fewer spaces be signed or striped than required in subsection (A)(2) of this section. A statement that preferential car pool/van pool spaces for employees are available and a description of the method for obtaining such spaces shall be included on the required transportation information board.
- b. In addition to the parking spaces size requirements listed in Section 18.156.080(B)(3), preferential parking spaces reserved for van pools must be accessible to van pool vehicles. When located within a parking structure, a minimum vertical interior clearance of eight feet two inches shall be provided for those spaces and accessways to be used by such vehicles.

4. **Special Requirements for Nonresidential Developments One Hundred Thousand Square Feet and More.** In addition to the requirements listed in Section 18.156.090(A)(1)—(3), nonresidential developments one hundred thousand square feet and over shall provide the following:

- a. A safe and convenient zone in which van pool and car pool vehicles may deliver or board their passengers;
- b. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;
- c. Bus stop improvements, if determined necessary by the city to mitigate the project impact. The city will consult with the local bus service providers in determining appropriate improvements. When locating

bus stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit stations/stops;

d. Safe and convenient access from the external circulation system to bicycle parking facilities on-site.

5. Potential Environmental Impacts.

a. Prior to approval of any development project for which an environmental impact report (EIR) will be prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) or based on a local determination, regional and municipal fixed-route transit operators providing service to the project shall be identified and consulted with. Projects for which a notice of preparation (NOP) for a draft EIR has been circulated pursuant to the provisions of CEQA prior to the effective date of the ordinance codified in this chapter shall be exempted from its provisions. The transit impact review worksheet, contained in the Los Angeles County Congestion Management Program Manual, or similar worksheets, shall be used in assessing impacts. Pursuant to the provisions of CEQA, transit operators shall be sent a NOP for all contemplated EIR's and shall, as part of the NOP process, be given opportunity to comment on the impacts of the project, and to recommend mitigation measures which minimize automobile trips on the CNP network. Impacts and recommended mitigation measures identified by the transit operator shall be evaluated in the draft environmental impact report prepared for the project. Related mitigation measures adopted shall be monitored through the mitigation monitoring requirements of CEQA. (Ord. 996 § 5, 1993)

18.156.100 Vehicle storage in single-family residential zones.

A. Vehicle Storage. No person shall keep, store or otherwise permit any of the following on a lot or parcel of land zoned for residential use:

1. Any vehicle or component thereof used for commercial purposes in excess of ten thousand pounds gross vehicle weight;

2. More than one commercial vehicle or component thereof used for commercial purposes weighing less than ten thousand pounds gross vehicle weight;

3. Any vehicle or component thereof which is located between the public right-of-way and the dwelling unit, not located on either a paved driveway or a driveway surface approved by the director of development services.

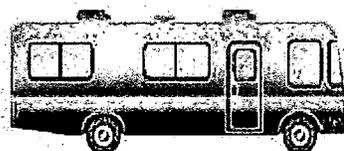
B. Recreational Vehicle, Boat and Trailer Parking.

1. Purpose. The purpose of these regulations is to establish standards for the parking and storage of recreational vehicles, boats, truck camper, and trailers as an accessory use in residential zones in order to protect the integrity, value and character of residential neighborhoods along with public health and safety.

2. Definitions.

a. "Recreational vehicle or RVs" mean both motorized and non-motorized vehicles that combine transportation and temporary living quarters for travel, recreation or camping. Does not include mobile homes or off-road vehicles.

b. "Motorized recreational vehicle" means a motorhome built on a truck or bus chassis or a van chassis. The following diagrams represent examples and are not meant to be a complete list of examples:

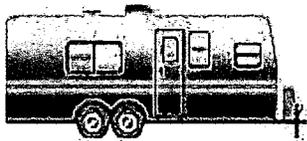


Motorhome
Type A

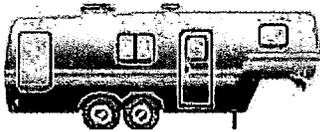


Motorhome
Type C

c. "Non-motorized recreational vehicle" means a towable recreational vehicle that can be unhitched. Examples include conventional travel trailer, fifth-wheel travel trailers, travel trailers with expandable ends, folding camping trailers, and sport utility trailers. Boats, horse trailers, utility trailers for storing recreational vehicles, equipment, and all-terrain vehicles (ATVs), motorcycles or personal watercraft stored on trailers utilized for recreational purposes are also considered as non-motorized vehicles. Pickup camper shells that have been removed from the vehicle and stored are considered non-motorized recreational vehicles. The following diagrams represent examples and are not meant to be a complete list of examples:



Travel Trailer



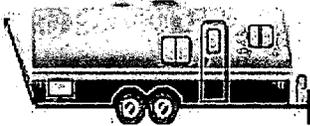
Fifth-Wheel Travel Trailer



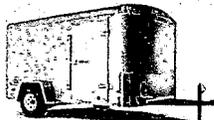
Travel Trailer with Expandable Ends



Folding Camping Trailer



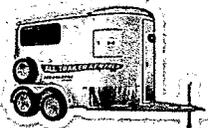
Sport Utility Trailer (Toy Hauler)



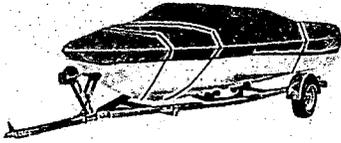
Utility Trailer Enclosed



Utility Trailer Open



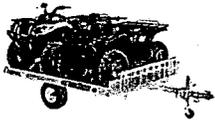
Utility Horse Trailer



Boat



Personal Watercraft Stored on Trailer

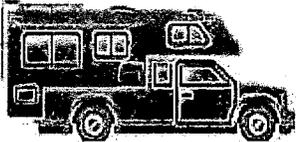


All Terrain Vehicle (ATV) Stored on Trailer

d. Exclusions—Van campers and truck campers are excluded from the recreational vehicle definition because they may be used for non-travel, -recreation or -camping trips, such as commuting to work or school.



Motorhome Type B (Van Camper)

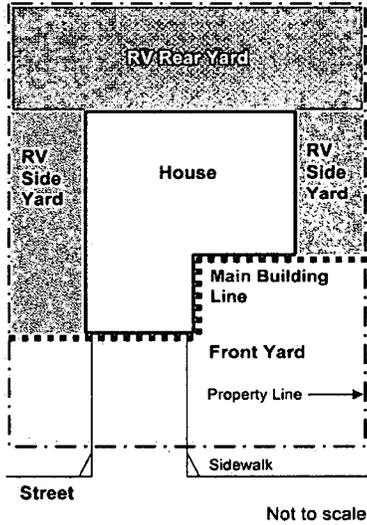


Truck Camper

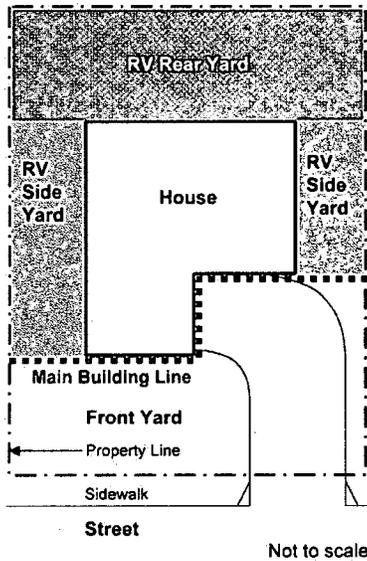
e. “Park,” “parking,” “parked,” “stored” and “storage” mean on-site parking of recreational vehicles on residential property for a continuous period more than forty-eight hours.

f. “Front yard” means the required front yard setback and any area between the street and the main building line as shown in the diagrams below. For other unique lot configurations, the director of development services shall determine front yard.

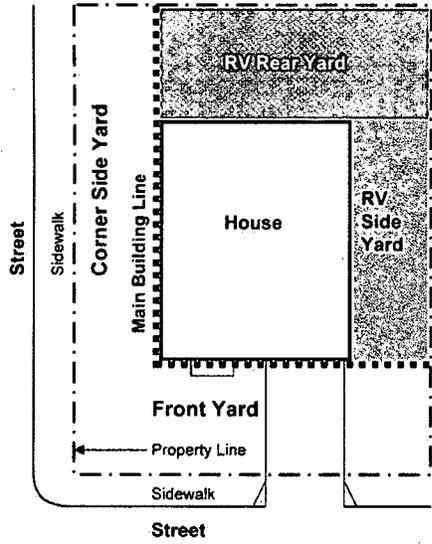
Typical lot – Front door on narrow frontage and straight driveway



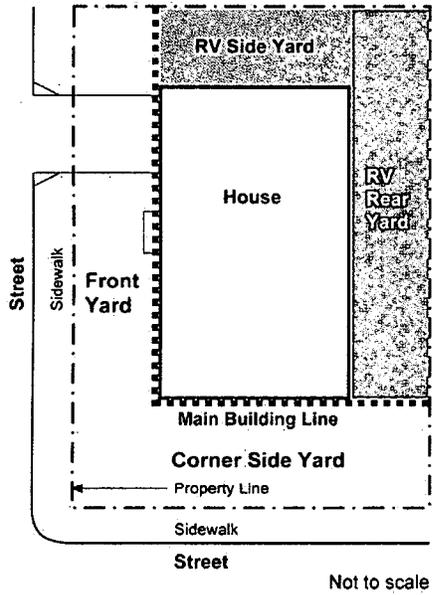
Typical lot – Front door on narrow frontage with side entry garage



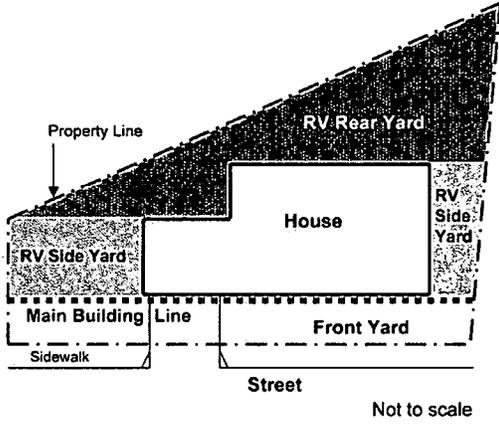
**Corner lot – Front door and garage
on narrow frontage**



**Corner lot – Front door and garage
on long frontage**



Irregular non-conforming lots



3. Registered Owner. The registered owner of an RV stored on the property must either be the owner of the property or use the property as their primary residence. This subsection shall not apply to a single RV stored on the property as a result of visiting guest(s) for up to seventy-two hours.

4. RV, Boat, Camping Trailer, and Utility Trailer Parking and Storage Standards.
 - a. Accessory Use. Parking or storage may occur as accessory use to the primary residential use of the property and is only allowed on a lot with a habitable residence.
 - b. Front Yards. No parking or storage may occur in the front yard. Temporary parking of an RV on a paved driveway in the front yard shall be allowed for up to two consecutive days for the purpose of loading, unloading or otherwise prepping and cleaning the RV, subject to a temporary parking permit which is attached thereto in plain sight, in the location designated by the director of development services. Temporary parking of an RV shall not encroach onto the public sidewalk nor encroach into the public right-of-way.
 - c. Rear Yards. Parking or storage is permitted behind the main building line
 - d. Side Yards. Parking or storage is permitted behind the main building line.
 - e. Parking Surface: Parking and storage shall be paved with portland cement concrete at least three and one-half inches thick. Proper care shall be taken to prevent gasoline, motor oils, or other hazardous fluids from leaking onto the ground, draining or runoff into storm drain or water course.
 - f. Temporary On-Street Parking. Overnight temporary parking of an RV on public streets is allowed subject to an all-night parking permit through Chapter 10.24 of the San Dimas Municipal Code.
 - g. Temporary Coverings. No temporary coverings such as tarps or cloth screens are permitted. Fitted covers are permitted and may be used as long as they are specifically designed for the RV, boat, camping trailer or utility trailer. All temporary covers shall be properly maintained pursuant to the standards of San Dimas Municipal Code Chapter 8.14. (Ord. 1188 § 3, 2009; Ord. 1170 § 8, 2007; Ord. 996 § 5, 1993)

18.156.110 Shared parking.

- A. A shared parking agreement may be allowed by obtaining a conditional use permit, subject to the approval process outlined in Sections 18.200.080, 18.200.100, 18.200.110 and 18.200.120 and the findings listed in this section. A shared parking agreement shall be subject to the following criteria:
 1. The applicant shall provide a parking study prepared by a registered traffic engineer that specifically analyzes the parking generation, hours of operation and other related issues of all uses involved.
 2. A shared parking agreement shall be developed, to the satisfaction of the city that addresses the amount of parking provided and the justification for any reduction in the number of spaces required for the uses involved. Furthermore, any other required easement, lease, license agreements or other legal instruments shall be provided before approval of any shared parking agreement.
 3. The following findings shall be made by the final decision-making body:
 - a. There is no substantial conflict in the principal operating hours for the building or uses for which the joint use parking facility is proposed.
 - b. There will be adequate parking provided on the site for all uses proposed.
 - c. The city has been provided with an adequate legal instrument to guarantee that the uses which are subject to the shared parking agreement will not significantly change in the amount of parking required and the parking facilities provided will remain available and unaltered.
 - d. The joint use agreement is consistent with the general plan and all requirements of this code.
 4. Shared parking shall only be permitted on properties that are adjacent, that are within an integrated shopping center or where an off-site parking agreement has been approved. (Ord. 996 § 5, 1993)

18.156.120 Off-site parking.

- A. Where Permitted and Approval Process. Off-site parking may be permitted for nonresidential projects subject to the approval of a conditional use permit, based on the approval process outlined in Chapter 18.200 of this code.

- B. Approval Criteria. In addition to the findings in Section 18.200.090, the following criteria shall apply:
1. All off-site parking facilities shall be located within one thousand feet of the property where the use in question is located, unless a binding agreement is provided to provide transportation access from the parking facility to the use in question on a regular basis.
 2. Public transit service shall be available within a reasonable distance of the use in question. (Ord. 996 § 5, 1993)

18.156.130 Valet parking.

A. Where Permitted and Approval Process. Valet parking may be permitted in commercial zones subject to the approval of a conditional use permit, based on the approval process outlined in Chapter 18.200 of this code.

B. Review Criteria. In addition to the findings stated in Section 18.200.090, valet parking shall be subject to review of hours of operation, circulation and other pertinent impacts. All proposals for valet parking shall be accompanied by a parking study, prepared by a registered traffic engineer, that addresses circulation impacts, operational characteristics of the use, parking space size and configuration and other issues deemed necessary by the director of community development.

C. Development Standards for Valet Parking Uses.

1. Because of the unique characteristics of valet parking facilities, parking space size shall be determined on a case-by-case basis and not necessarily subject to the standards listed in this chapter.
2. Valet parking facilities shall not be permitted to use parking that is specifically set aside or required for another use, unless a shared parking or off-site parking agreement is approved by the city. (Ord. 996 § 5, 1993)

18.156.140 Parking structures.

A. Where Permitted and Approval Process. A parking structure may be permitted subject to the approval of a conditional use permit, based on the approval process outlined in Chapter 18.200 of this code. Parking structure facilities shall also be subject to the Development Plan Review Process outlined in Chapter 18.12.

B. Review Criteria. Approval of a parking structure shall be subject to the findings stated in Section 18.200.090. All proposals for parking structure facilities shall be accompanied by a parking study, prepared by a registered traffic engineer, that addresses circulation impacts, operational characteristics of the use, parking space size and configuration and other issues deemed necessary by the director of community development.

C. Development Standards for Valet Parking Uses. Because of the unique characteristics of parking structure facilities, parking space size, drive aisle size, number of spaces required and other design criteria shall be determined on a case-by-case basis and not necessarily subject to the standards listed in this chapter. (Ord. 996 § 5, 1993)

18.156.150 Waiver of parking requirements.

A. Approval Process. A waiver of up to fifty percent of the required parking may be permitted through the approval of a conditional use permit, subject to the approval process outlined in Sections 18.200.080, 18.200.100, 18.200.110 and 18.200.120 and the findings listed in this section.

B. Where Permitted. A waiver of parking requirements may be approved in all commercial, industrial, administrative professional zones and for senior citizen complexes (other than extended or primary medical care facilities and nursing or convalescent homes).

C. Findings for Waiver of Parking Requirements for Senior Citizen Complexes. In addition to the findings listed in Section 18.200.090, the planning commission shall make the following findings for parking waivers:

1. The subject property is located reasonably close to a neighborhood shopping center to which residents of the senior citizen complex have ready access.

2. There is convenient public transportation available to residents of the senior citizen complex.

3. The senior citizen complex is designed to accommodate a number of residents who will not likely have vehicles.

D. Findings for Waiver of Parking Requirements in Commercial, Industrial and Administrative Professional Zones. In addition to the findings listed in Section 18.200.090, the planning commission shall make the following findings for parking waivers:

1. The proposed uses which require the parking have provided a trip reduction plan, established a car pool/van pool program, or implemented other trip reduction and air quality plans which have been approved by the SCAQMD and indicate that the number of parking spaces requested to be waived are not necessary to the operation of the business.

2. The property owner of the property in question and the business owner of the development in question have provided the city with a deed restriction or other appropriate agreement that provides for the future development of the waived parking, if in the future the use of the property becomes more intense or the characteristics of the trip reduction plan change so that additional parking is necessary, in accordance with subsection (D)(3) of this section.

3. There is enough undeveloped land on the property in question to provide at least ninety percent of the maximum number of parking spaces required for the use in question, if future development of those spaces is required. (Ord. 996 § 5, 1993)



Planning Commission Staff Report

DATE: January 6, 2010

TO: Planning Commission

FROM: Marco A. Espinoza, Associate Planner

SUBJECT: **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 09-04** - A request to amend the City's Municipal Code as required by Senate Bill No. 2, to allow by right Emergency and Year-Round Emergency Shelters, as well as Transitional and Supportive Housing as conditional uses. CEQA Categorical Exemption per Section 15061(b)(3) & Section 15060(c)(3).

SUMMARY

Senate Bill 2 (SB2) was approved by the State on October 13, 2007, requiring cities to allow by right emergency shelter, year-round emergency shelters in one or more zones; as well as allowing transitional and supportive housing as a residential use, subject only to those restrictions for like projects, in the same zone.

The City's 2008-2014 Housing Element addressed the requirements of SB2 as part of its Objectives to comply with the law. The Housing Element took into consideration the intent and requirements of SB2 in order to recommend appropriate zones for the different uses. The Housing Element recommends allowing emergency and year-round emergency shelter(s) in the Public/Semi-Public (PS) zone by right and transitional and supportive housing in the Multi-Family (MF) zone as conditional uses.

The code amendments incorporate provisions to help facilitate the development of such uses and also to protect the integrity of the surrounding neighborhood.

Staff recommends the Planning Commission recommend to the City Council approval of Municipal Code Text Amendment 09-04 to comply with SB2 as required by the State.

BACKGROUND

Senate Bill 2 (SB2) was approved by the State Legislature on October 13, 2007 and went into effect January 1, 2008. Local agencies have one year from the time they adopt their revised Housing Element to amend their zoning code to comply with the law.

SB2 declares homelessness a statewide problem that all cities need to address within their community. Currently there are at least 361,000 homeless individuals in California, approximately 1.1 percent of the total population. About 30 percent of California's homeless are defined as "chronic" homeless who have been homeless for six months or more.¹

The intent of the SB2 is to strengthen the Housing Element law to ensure zoning encourages and facilitates the development of emergency shelters, transitional and supportive housing within local agencies and limit denial of such uses. SB2 does not require local agencies to build emergency and year-round emergency shelters, only that they allow for the uses by right, and that transitional and supportive housing be subject to the same restrictions that apply to other residential uses of the same type, in the same zone.

The City incorporated the requirements of SB2 into the General Plan's Housing Element during its 2008 update. As part of the Objectives in the Housing Element, the City proposed amending its zoning code to allow for emergency and year-round emergency shelter(s) in the Public/Semi-Public (PS) zone and transitional and supportive housing in the Multi-Family (MF) zone to comply with SB2.

ANALYSIS

EMERGENCY AND YEAR-ROUND EMERGENCY SHELTERS

Needs Assessment

Earlier this year the City participated in the 2009 Greater Los Angeles Homeless Count, Opt-In Program, in conjunction with Los Angeles Homeless Services Authority (LAHSA), to count individuals that are homeless or in transitional and supportive housing within the City of San Dimas. These types of concentrated counts help cities understand their homeless housing needs within their community. Typically homeless counts are combined with other cities within a region and assessed as a whole and not individually. The City has traditionally had a low number of homeless individuals. The count established that the number of individuals that are either homeless or living in transitional and supportive housing is relatively low as expected for San Dimas.

¹ Governor's Interagency Task Force on Homelessness, Progress Report and Work Plan for 2003. Health and Human Services Agency and Business, Transportation and Housing Agency, December 2002

The count was conducted on January 28, 2009, during the hours of 9 p.m. to 12 midnight. The boundaries of the count were established by census tracts to avoid double counting and to identify the locations of the individuals. The count identified 3.48 unsheltered homeless individuals in census tract 4037.03 and eight individuals in transitional housing in census tracts 4003.04 & 4013.11 (see Exhibit "G" HC09 Opt-In Participant Report & Exhibit "H" Census Tract Map), for a total of 11.18 sheltered and unsheltered individuals.

The State allows each agency to determine the maximum allowable number of beds based on a needs assessment. Staff used the Opt-In count numbers, along with the traditionally low number of unsheltered and sheltered individuals in the City, to establish a needs assessment. The City determined that the needs assessment of beds, per shelter, is a maximum of 12 for a total of 36 beds between three possible shelters.

If all the allowable beds were to be utilized, the City currently participates with a number of agencies in providing food, shelter and hotel vouchers, that would help respond to an increased demand from sheltered and unsheltered individuals. The City regularly distributes and posts flyers informing the community of seasonal and year-round shelters, in addition to other services (see Exhibit "J" San Dimas Area Emergency Resources List).

Potential Sites - Emergency & Year-Round Emergency Shelters

In addition to the needs assessment, Staff also conducted a review of its zoning districts and determined that the Public/Semi-Public zone is the most conducive to locating emergency and year-round emergency shelters as part of the 2008-2014 Housing Element. *"The zone allows joint use and joint development opportunities between public, semipublic and private uses that are needed for the growth and general welfare of the city as a whole. A review of potential sites with the PS zone identifies at least 5 parcels (of approximately 50 acres) that are underutilized, have area that could accommodate new development, or have existing buildings that can be converted to an emergency shelter."*² The five parcels mentioned by the Housing Element as potential sites for development or conversion are as follows (see Exhibit "I" aerials of the five parcels):

	Location	Parcel size	Use	Zone
1.	North side of W. Cypress Street, to the west of 1335 W. Cypress St.	2.71 Acres	Vacant	Public/Semi-Public

² City of San Dimas 2008-2014 Housing Element, October 2008, Housing Constraints Pg. III-8

2.	762 Cypress St.	25.45 Acres	McKinley Center	Public/Semi-Public
3.	762 Cypress St.	13.04 Acres	McKinley Center - Vacant	Public/Semi-Public
4.	801 Cypress Way	3.34 Acres	Senior Living Facility – Vacant	Public/Semi-Public
5.	801 Cypress Way	4.37 Acres	Senior Living Facility	Public/Semi-Public

Development and Management Standards

Emergency and year-around emergency shelters are required to be allowed by right but SB2 allows flexibility for local agencies to apply written, objective development and management standards:

- The maximum number of beds;
- Off-street parking based upon demonstrated need;
- Size and location of waiting and intake areas;
- Provision of on-site management;
- Proximity of other shelters - not less than 300 feet apart;
- Length of stay;
- Lighting; and
- Security during hours when the shelter is in operation.

Additional objective development and management standards may be added as long as they do not obstruct and/or discourage the development of such uses. Staff has added the following development and management standards (see Exhibit "C," for the complete amendments to Public/Semi-Public zone, Chapter 18.132):

- *Laundry facility.* The shelter shall provide laundry facilities or services adequate for the number of residents;
- *Outdoor Activities.* Any emergency shelter adjacent to a residential use shall limit outdoor activities to the following hours: 8:00 a.m. to 9:00 p.m. Monday through Sunday;
- *Pay Phone.* There shall not be any outdoor public telephones on the site nor along the public right-of-way in front of the facility;
- *Signage.* No signs are permitted on the property relating to its use as a shelter for the homeless; and
- *Toilets.* No outdoor toilets are allowed on the site unless during construction or a special event.

Parking

The following parking requirements were established for emergency and year-around emergency shelters with the consideration that homeless tend to not have vehicles and ones that do, uses them as shelters therefore, decreasing the number of parking spaces needed. In addition, Staff has incorporated an

allowable parking reduction, if a shelter is established within 1,000 feet of public transportation. Establishing a shelter near public transportation encourages individuals to use such modes of transportation, reducing the need for on-site parking.

Use	Parking Required	Allowable Parking Reduction
Emergency and Year-Round Emergency Shelters	One space for every five residents in addition, to one space for every employee on the maximum shift.	Shelters within 1,000 feet of public transportation may reduce the overall parking requirement by 25 percent.

TRANSITIONAL AND SUPPORTIVE HOUSING

As mentioned, SB2 also requires local agencies to amend their zoning codes to conditionally permit transitional and supportive housing as a proposed residential use and subject only to those restrictions that apply to other residential uses of the same type in the same zone. For example, if the transitional and supportive housing is in the Multiple-Family (MF) zone, then zoning should treat the proposed project the same as any other multi-family uses proposed in the zone. Currently these types of multi-family developments are classified as conditional uses.

SB2 does not allow local agencies to apply any objective development and management standards for these types of uses unless applied to other residential projects within the same zone.

Due to the restriction of applying additional development requirements to transitional and supportive housing projects, Staff is not proposing any for these uses. However, Staff did modify the parking requirements for these types of projects when developed as multi-family (see table below). The thought is that individuals in transitional and supportive housing may not have vehicles and would use mass transit.

Use	Parking Required
Transitional and Support Housing when designed as apartments.	0.5 space per bedroom plus 1 guest space per 5 units.

Currently there are two existing transitional housing projects in the City; both are single-family residences that house teenage youths. As shown in the HC09 Opt-

In Participant Report, one of the homes houses three individuals and the other five. The homes have been operation since the early 1970's and they do not create a negative impact on the community.

CONCLUSIONS

The intent of SB2 is to strengthen the Housing Element law to ensure zoning encourages and facilitates the development of emergency shelters, transitional and supportive housing within local agencies and limit the denial of such uses. These measures should help public and private agencies facilitate the development of facilities within the community to meet the needs of the homelessness and other in the need of community services.

Staff feels Municipal Code Text Amendment 09-04 will implement the Objectives of the 2008-2014 Housing Element in regards to emergency shelters, transitional and supportive housing as required by SB2. The amendments to the code are in-line with the needs assessment conducted by Staff and will help encourage and facilitate alternative housing needs of the community while still keeping a standard of quality development.

RECOMMENDATION

Staff recommends the Planning Commission recommend to the City Council approval of Municipal Code Text Amendment 09-04.

Respectfully Submitted,

Marco A. Espinoza
Associate Planner

- Attachments:
- Exhibit A - Chapter 18.08, Definitions
 - Exhibit B - Chapter 18.42, Multiple-Family (MF) Zone
 - Exhibit C - Chapter 18.132 Public/Semi-Public (PS) Zone
 - Exhibit D - Chapter 18.156 Vehicle Parking and Storage Zone
 - Exhibit E - Senate Bill No. 2
 - Exhibit F - Excerpts from City of San Dimas 2008-2014 Housing, pages III-5 to III-9, IV-2 to IV-4, V-7, V-21 to V-24, V-29. Element
 - Exhibit G - HC09 Opt-In Participant Report
 - Exhibit H - Census Tract Map for San Dimas
 - Exhibit I - Map of all PS and MF zoned properties
 - Exhibit J - Aerial of the five parcels identified a potential site for emergency shelters

Exhibit K - San Dimas Area Emergency Resources
List
Resolution PC-1409

RESOLUTION PC-1409

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 09-04, TO ALLOW, AS REQUIRED BY SENATE BILL NO. 2 (SB2), EMERGENCY AND YEAR-ROUND EMERGENCY SHELTERS BY RIGHT, AS WELL AS TRANSITIONAL AND SUPPORTIVE HOUSING AS CONDITIONAL USES.

WHEREAS, a Municipal Code Text Amendment application was initiated by the City as required by Senate Bill 2, to comply with the City's General 2008-2014 Plan Housing Element; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on January 6, 2010 and;

WHEREAS, the Planning Commission finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, including written and oral staff reports, together with public testimony, the Planning Commission now finds as follows:

- A. The proposed Municipal Code Text Amendment will not adversely affect adjoining property as to value, precedent or be detrimental to the area.

The proposed amendments are required per Senate Bill 2. The State feels that the homeless issue is dilemma that all cities need to address within their own community. Traditionally, the City has had a low homeless number count and is not significantly impacted, therefore development of an emergency shelter(s) would be small in nature with a maximum of 12 beds. In addition, provisions have been added in order to protect the integrity of the surrounding neighborhood, in addition to protecting the property values.

- B. The proposed Municipal Code Text Amendment will further the public health, safety and general welfare.

The proposed amendments will further the public health, safety and general welfare of the City's residents, particularly the homeless Individuals and individuals in transitional and supportive housing. The amendments will help encourage and facilitate emergency shelters, in addition to transitional and support housing that will help shelter and facilitate the housing needs of the community.

- C. The proposed Municipal Code Text Amendment is consistent with the General Plan and is in compliance with all applicable provisions of the Zoning Code and other ordinances and regulations of the City.

The proposed amendments are consistent with the City's General Plan, 2008-2014 Housing Element Objectives of amending the zoning code to allow by right emergency shelter(s) and year-around emergency shelters in the Public/Semi-Public (PS) zone, in addition to transitional and support housing as conditional uses in the Multi-Family (MF) zone. Amending the Zoning Code to allow and help facilitate the development of emergency shelter(s) and transitional and support housing, in addition to bringing the City into compliance with Senate Bill 2.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council that Municipal Code Text Amendment 09-04 be **APPROVED**.

PASSED, APPROVED and ADOPTED, the 6th day of January 2010 by the following vote:

AYES: Ensberg, Rahi, Schoonover

NOES: None

ABSENT: Bratt, Davis

ABSTAIN: None


Jim Schoonover, Chairman
San Dimas Planning Commission

ATTEST:


Dan Coleman, Director of Development Services

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Wednesday, January 6, 2010 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman Jim Schoonover
Commissioner Stephen Ensberg
Commissioner M. Yunus Rahi
Director of Development Services Dan Coleman
Associate Planner Marco Espinoza
Administrative Aide Kevin Frey

Absent

Commissioner David Bratt
Commissioner John Davis

CALL TO ORDER AND FLAG SALUTE

Chairman Schoonover called the regular meeting of the Planning Commission to order at 7:00 p.m. and Commissioner Rahi led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes: December 16, 2009 (Davis absent)

MOTION: Moved by Ensberg, seconded by Rahi to approve the Consent Calendar. Motion carried 3-0-2 (Bratt, Davis absent).

PUBLIC HEARINGS

2. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 09-04** – A Request to amend the City's Municipal Code as required by Senate Bill No. 2, to allow by right Emergency and Year-Round Emergency Shelters, as well as Transitional and Supportive Housing as conditional uses.

Staff report presented by **Associate Planner Marco Espinoza**, who stated Senate Bill No. 2 was passed in 2007 requiring all cities to allow emergency shelters by right, as well as allowing transitional housing as a residential use. This was considered a state-wide problem and the intent of the legislation was to encourage shelters and supportive housing at the local level. The bill does not require that anything be built, but that zoning is in place to allow such housing. The City incorporated the requirements of SB2 into the General Plan's Housing Element during its

2008 update and identified the Public/Semi-Public zone for these types of facilities. He outlined the standards the City would apply to such facilities, and the data gathered in the LAHSA count for homeless and transitional housed persons.

During the Housing Element process, five parcels of land were identified for possible emergency and year-round shelters, and it was indicated that transitional and support housing would be allowed in multi-family zones. Currently multi-family projects require a Conditional Use Permit; thus, transitional and support housing would also require a Conditional Use Permit. Parking standards were also reduced since tenants may not always own vehicles. Staff feels Municipal Code Text Amendment 09-04 implements the 2008-2014 Housing Element and SB2 requirements, and recommends the Commission adopt Resolution PC-1409.

Commissioner Ensberg asked how this legislation impacts faith based facilities. He also asked about people that want to open half-way houses in an existing home and if that is covered in this amendment.

Associate Planner Espinoza stated this would not impact churches or other providers of shelter services. The legislation was put into place because some cities did not allow shelters, or required a Conditional Use Permit, and the state felt they needed to be allowed by right. The City is not required to build any shelter facilities; they just need to provide a zone that would allow for them. A half-way house might fall under the category of support or transitional housing.

Commissioner Ensberg asked about the requirement for security guards called out in Exhibit C, and if a church providing an emergency shelter would have to hire a security company.

Associate Planner Espinoza explained that in discussions with Los Angeles County and the City of Los Angeles, a shelter is a place where people come in from the streets and you do not know what type of addictions or mental health issues they may have. The need for security is more to protect the staff members running the shelter or other sheltered persons.

Director of Development Services Dan Coleman stated it did not necessarily have to be a licensed security guard, it could be an on-site manager such as is used at the two transitional housing locations currently operating in San Dimas.

Commissioner Rahi asked why there were two different zones identified. He also wanted to be sure he could comment about the McKinley Center since he lived within 300 feet of it.

Associate Planner Espinoza stated when the Housing Element was prepared, it was felt the institutional types of uses already allowed in the Public/Semi-Public zone were compatible with emergency and year-round shelters. Supportive and transitional housing is more residential in nature so it seemed a better fit in a residential zone.

Director Coleman stated Commissioner Rahi could comment regarding the McKinley Center because the City Council would give the final approval on this item, and his involvement in the discussion would not bring him any financial gain.

Commissioner Rahi asked if the owners of the McKinley Center were consulted about this code amendment. He also asked if five sites were required.

Associate Planner Espinoza stated this action is to just identify possible locations; it is not bringing a specific project forward. The McKinley Center site is a very large, underutilized parcel in the Public/Semi-Public Zone; thus it was identified as a possible location for this type

of use. He stated a minimum of two sites are required, and these five sites were chosen as the most feasible locations, but you could actually look to construct a shelter on any parcel that is zoned Public/Semi-Public.

Chairman Schoonover asked about the definitions contained in sections 18.08.215 and 18.08.565 and the difference in the timeframes. He felt there should be more consistency, unless these timeframes were mandated by the State.

Associate Planner Espinoza stated the definitions were from the State, and it is possible that since emergency shelters were usually open during the winter months, that could be why six months was chosen for them.

Chairman Schoonover opened the meeting for public hearing. Address the Commission was:

Meredith Bailey, 237 W. Bonita Avenue, Suite A, San Dimas, felt that San Dimas did have a homeless problem that was not reflected in the numbers presented in the survey, and that the people she sees are not homeless because of job loss but because of mental health problems. If shelter is only provided for them temporarily, then they will just be back out on the streets and the problem will continue. She felt the State has not done an adequate job of caring for these people and that the City needed to step up and actively attempt to get a shelter built to serve them.

Commissioner Ensberg stated he felt the action tonight was to set up a structure that would allow someone to create a homeless shelter and to remove any perceived barriers to doing so. The City isn't considering going into the mental health business, they are just trying to make the process easier for someone that might want to establish such a shelter.

Meredith Bailey wanted to see this problem addressed and would like to see the Commission make a recommendation to the City Council to establish some type of private/public entity to look into this problem.

There being no further comments, the public hearing was closed.

RESOLUTION PC-1409

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 09-04, TO ALLOW, AS REQUIRED BY SENATE BILL NO. 2 (SB2), EMERGENCY AND YEAR-ROUND EMERGENCY SHELTERS BY RIGHT, AS WELL AS TRANSITIONAL AND SUPPORTIVE HOUSING AS CONDITIONAL USES

MOTION: Moved by Ensberg, seconded by Rahi to adopt Resolution PC-1409 recommending the City Council approve Municipal Code Text Amendment 09-04. Motion carried 3-0-2 (Bratt, Davis absent).

3. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 09-05** – Revisions to the Zoning Code pertaining to Collocation of Wireless Communication Facilities (18.150)

Staff report presented by **Administrative Aide Kevin Frey**, who stated the intent of Senate Bill 1627 was to streamline the local permitting process for collocation of wireless facilities by

Senate Bill No. 2

CHAPTER 633

An act to amend Sections 65582, 65583, and 65589.5 of the Government Code, relating to local planning.

[Approved by Governor October 13, 2007. Filed with
Secretary of State October 13, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2, Cedillo. Local planning.

(1) The Planning and Zoning Law requires the housing element of the general plan of a city, county, or city and county to contain, among other things, an assessment of housing needs, including an inventory of land suitable for residential development, and a program with a 5-year schedule of actions that the local government is undertaking or intends to undertake to implement the goals and objectives of the housing element. This program is also required to identify adequate sites with zoning that permits owner-occupied and multifamily residential use by right, including the development of farmworker housing for low- and very low income households.

This bill would add emergency shelters to these provisions, as specified, and would add provisions to the housing element that would require a local government to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The bill would also authorize a local government to satisfy all or part of this requirement by adopting and implementing a multijurisdictional agreement, as specified, and would delete multifamily residential use from these provisions. By increasing the duties of local public officials, the bill would create a state-mandated local program.

(2) The Planning and Zoning Law requires that a local agency not disapprove a housing development project, including farmworker housing, for very low, low-, or moderate-income households or condition its approval, including through the use of design review standards, in a manner that renders the project infeasible for development for those households unless it makes written findings, based upon substantial evidence in the record, as to one of a number of specified conditions.

This bill would add supportive housing, transitional housing, and emergency shelters to these provisions and would revise the conditions upon which a disapproval or a conditional approval of an emergency shelter is based. The bill would define supportive housing and transitional housing. By increasing the duties of local public officials, the bill would impose a state-mandated local program.

(3) The bill would also make other technical and conforming changes to these provisions.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Homelessness is a statewide problem that affects many cities and counties. There are an estimated 360,000 homeless individuals and families in California. In some counties, like Los Angeles, an estimated 254,000 men, women, and children experience homelessness over the course of each year. Some of the causes of homelessness are mental illness, substance abuse, prison release, and lack of affordable housing.

(b) Because homelessness affects people of all races, gender, age, and geographic location there is a growing need for every city and county to plan for the location of adequate emergency shelters. Many people experiencing homelessness, primarily youth and single individuals, need shelter but also have a need for residential substance abuse and mental health services.

(c) The lack or shortage of emergency shelters for homeless individuals and families in cities and counties across the state leads to the concentration of services in inner cities and poor communities, like the skid row area in downtown Los Angeles.

(d) In order to ensure access to services in every city and county for homeless individuals and families, it is important that cities and counties plan for these services to address the special needs and circumstances of this threatened population.

(e) It is the responsibility of cities and counties to plan and identify areas for emergency shelters. Cities and counties should include this as part of their planning process and locate emergency shelters where most appropriate in their community. The state should not dictate where these emergency shelters should be located.

(f) It is the responsibility of the Legislature to promote strong communities and ensure that housing and residential services are available in all communities.

SEC. 2. Section 65582 of the Government Code is amended to read:

65582. As used in this article, the following definitions apply:

(a) "Community," "locality," "local government," or "jurisdiction" means a city, city and county, or county.

(b) "Council of governments" means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 1 of Title 1.

(c) “Department” means the Department of Housing and Community Development.

(d) “Emergency shelter” has the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

(e) “Housing element” or “element” means the housing element of the community’s general plan, as required pursuant to this article and subdivision (c) of Section 65302.

(f) “Supportive housing” has the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.

(g) “Transitional housing” has the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

SEC. 3. Section 65583 of the Government Code is amended to read:

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality’s existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality’s share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction’s allocation of very low income households pursuant to Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient

capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

(i) The maximum number of beds or persons permitted to be served nightly by the facility.

(ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.

(iii) The size and location of exterior and interior onsite waiting and client intake areas.

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

(viii) Security during hours that the emergency shelter is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of

subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (6), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (6). Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

(7) An analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.

(8) An analysis of opportunities for energy conservation with respect to residential development.

(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that

could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government which have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs which can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program which have not been legally obligated for other purposes and which could be available for use in preserving assisted housing developments.

(b) (1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period of the general plan with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory

completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2.

(B) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) The program shall include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals. The local government shall make a diligent effort to achieve public participation of all economic segments of the

community in the development of the housing element, and the program shall describe this effort.

(d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit towards its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction's emergency shelter need.

(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

SEC. 4. Section 65589.5 of the Government Code is amended to read:

65589.5. (a) The Legislature finds and declares all of the following:

(1) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.

(2) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(3) Among the consequences of those actions are discrimination against low-income and minority households; lack of housing to support employment

growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(4) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing projects, reduction in density of housing projects, and excessive standards for housing projects.

(b) It is the policy of the state that a local government not reject or make infeasible housing developments, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (d) of Section 50199.50 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon substantial evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and 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 or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

(3) The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The development project or emergency shelter is inconsistent with both the jurisdiction’s zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article.

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction’s housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction’s zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction’s share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency’s share of the regional housing need for the very low and low-income categories.

(C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.

(e) Nothing in this section shall be construed to relieve the local agency from complying with the Congestion Management Program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code). Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(f) (1) Nothing in this section shall be construed to prohibit a local agency from requiring the development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.

(2) Nothing in this section shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) This section does not prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the development project or emergency shelter.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Housing development project" means a use consisting of any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses in which nonresidential uses are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories. As used in this paragraph, "neighborhood commercial" means small-scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood.

(C) Transitional housing or supportive housing.

(3) "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to moderate-income households as defined in Section 50093 of the Health and Safety Code, or middle-income households, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

(4) "Area median income" means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) "Disapprove the development project" includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved.

(B) Fails to comply with the time periods specified in subparagraph (B) of paragraph (1) of subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(i) If any city, county, or city and county denies approval or imposes restrictions, including design changes, a reduction of allowable densities or the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the application is deemed complete pursuant to Section 65943, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of restrictions on the development is the subject of a court action which challenges the denial, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d) and that the findings are supported by substantial evidence in the record.

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(k) The applicant or any person who would be eligible to apply for residency in the development or emergency shelter may bring an action to enforce this section. If in any action brought to enforce the provisions of this section, a court finds that the local agency disapproved a project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households, including farmworker housing, without making the findings required by this section or without making sufficient findings supported by substantial evidence, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the development project or emergency shelter. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner who proposed the housing development or emergency shelter, except under extraordinary

circumstances in which the court finds that awarding fees would not further the purposes of this section. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency, in which case the application for the project, as constituted at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed approved unless the applicant consents to a different decision or action by the local agency.

(l) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court's order or judgment within 60 days as described in subdivision (k), the court in addition to any other remedies provided by this section, may impose fines upon the local agency that the local agency shall be required to deposit into a housing trust fund. Fines shall not be paid from funds that are already dedicated for affordable housing, including, but not limited to, redevelopment or low- and moderate-income housing funds and federal HOME and CDBG funds. The local agency shall commit the money in the trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. For purposes of this section, "bad faith" shall mean an action that is frivolous or otherwise entirely without merit.

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of preparation of the record shall be borne by the local agency. Upon entry of the trial court's order, a party shall, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

(n) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (m) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

(o) This section shall be known, and may be cited, as the Housing Accountability Act.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O

2. Provision for a Variety of Housing Types

Housing Element law specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of various types of housing for all economic segments of the population, including multi-family rental housing, manufactured housing, mobile homes, emergency shelters, and transitional housing. Table III-3 summarizes the housing types permitted in each of San Dimas' single and multi-family residential zone districts, as well as the Public/Semi-Public zone (PS).

**Table III-3
Housing Types by Zoning District**

Housing Types Permitted	Zoning District					
	S:F	SF:H	SF:DR	MF	MF:D	PS
Single-Family	P	P	P	P	P	
Multiple-Family						
2 units				PC	P	
3 - 4 units				PC		
5 - 9 units				PC		
10 or more units				PC		
Senior Citizen Housing Development				PC		
Manufactured Housing	P			P	P	
Second Units	P	P	P	P	P	
Care Facilities (6 or fewer persons)	P	P	P	P	P	
Care Facilities (7 or more persons)	PC	PC	PC	PC	PC	
Transitional Housing						PC
Emergency Shelters						PC
Farmworker Housing	N/A					

P = Permitted Use PC = Planning Commission review subject to CUP

Second Units

The passage of AB 1866 (effective July 2003) requires local governments to use a ministerial process for second unit applications for the purpose of facilitating production of affordable housing. AB 1866 does allow cities to impose development standards on second units addressing issues such as building size, parking, height, setbacks, and lot coverage. In 1993, San Dimas adopted its first ordinance allowing second units. Since then, the City has made several amendments to the ordinance and currently allows second units by right on single and multi-family zoned properties improved with a single family dwelling with a minimum lot size of 10,000 square feet. The maximum size of the second unit is 500 square feet if attached to the single family dwelling; 600 square feet on properties sized 10,000-20,000 square feet; 700 square feet on properties sized 20,001 square feet to one acre; and 850 square feet on properties over one acre in size. Second units shall not exceed two bedrooms. One additional off-street covered parking space is required for the second unit, with an additional uncovered parking space required for the second bedroom.

Community Care Facilities

Pursuant to State law, local zoning ordinances are required to classify the use of property for the care of six or fewer disabled persons as a residential use that is to be permitted in all residential zones. Due to the unique characteristics of larger (more than six persons) community care facilities, most jurisdictions require a Use Permit to ensure neighborhood compatibility in the siting of these facilities.

The San Dimas Zoning Code Chapter 18.186 identifies "Home Care Facilities" as alcoholism or drug abuse recovery facilities; community care facilities; or family day care established within a residential dwelling. All home care facilities serving 6 or fewer residents are allowed by right in residential zones as required by State law. Home Care Facilities serving 7 or more residents are conditionally permitted in all residential zones.

Review of the California Community Care Licensing Division inventory of community care facilities identifies four adult residential facilities (age 18-59) in San Dimas, providing capacity for 24 adults requiring assistance with daily living. A licensed group home for children provides care and supervision for up to six children. The City also has 15 residential care homes for the elderly, providing 740 beds for seniors age 60+ requiring 24 hour assisted living. Twelve of these facilities are smaller group homes providing capacity for 72 seniors.

Manufactured Housing

The San Dimas Zoning Code permits manufactured housing by right in the S-F, MF and MF-D districts. The manufactured housing must be on a permanent foundation and meet all the single-family housing development standards.

Accessibility Accommodations

Both the federal Fair Housing Act and the California Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodations (i.e. modifications or exceptions) in their zoning and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. For example, it may be a reasonable accommodation to allow covered ramps in the setbacks of properties that have already been developed to accommodate residents with mobility impairments.

In 2004, the City adopted Ordinance No. 1146 (Chapter 1.30 of the San Dimas Municipal Code) relating to reasonable accommodations. The ordinance codifies the City's practice of providing accommodations when persons with special needs have applied for exceptions from stated requirements of local regulations and practices. The ordinance establishes a clear and defined process for such individuals to make requests for reasonable accommodation in regard to the rules, policies, practices and/or procedures of the City.

The process for a zoning related reasonable accommodation starts with an application requesting a specific zoning accommodation. The Director of Community Development reviews the application, investigates the situation and makes a recommendation to the Development Plan Review Board (DPRB) within 30 days of the application. The DPRB reviews all pertinent information and may approve, approve with conditions, offer an alternate accommodation, or deny the request. The DPRB's decision can be appealed to City Council.

Accommodations are granted based on the following findings that must be incorporated in the record:

1. Whether the request is reasonable and necessary to afford the applicant with an equal opportunity to access publicly funded buildings, facilities and program, or privately funded housing, on an equal basis with citizens who are not disabled;
2. Whether there are preferable and feasible alternatives that may provide an equivalent level of benefit;
3. The physical attributes of and any proposed changes to property and structures;
4. Whether the request will impose an undue financial or administrative burden on the city;
5. Whether the request will require a fundamental alteration of the city's rules, policies, practices or procedures;
6. If a zoning-related issue, whether the request would result in a detriment of the residential character of that neighborhood; and
7. Any other factor(s) that may have a bearing on the request.

Emergency Shelters, Transitional Housing and Supportive Housing

An emergency shelter is a facility that provides shelter to homeless on a limited short-term basis. Transitional housing is temporary housing (often six months to two years) for a homeless individual or family who is transitioning to permanent housing. Transitional housing often includes a supportive services component to allow individuals to gain necessary life skills in support of independent living. Supportive housing is generally defined as permanent, affordable housing with on-site services that help residents transition into stable, more productive lives. Services may include childcare, after-school tutoring, or career counseling.

The San Dimas Zoning Code does not currently include a definition of emergency shelters, transitional housing, or supportive housing. However, both emergency shelters and transitional housing are listed as conditionally permitted uses in the Public/Semi-Public zone. Due to the unique nature of these uses, the CUP process is utilized to enhance the compatibility of these uses with the surrounding neighborhood, and ensure proper licensing of the facility. Supportive housing is regulated as a multiple family residential use, subject to a Conditional Use Permit, provided the supportive services are ancillary to the primary residential use.

Pursuant to recent changes in State law (SB 2), jurisdictions with an unmet need for emergency shelters are now required to identify a zone(s) where emergency shelter will be allowed as a permitted use without a conditional use permit or other discretionary permit. The identified zone must have sufficient capacity to accommodate the shelter need, and, at a minimum, provide capacity for at least one year-round shelter. Permit processing, development and management standards for emergency shelters must be objective and facilitate the development of, or conversion to, emergency shelters. SB 2 also requires jurisdictions to regulate transitional and supportive housing as a residential use subject only to those restrictions that apply to residential uses of the same type in the same zone.

San Dimas has conducted a review of its zoning districts and has determined the Public/Semi-Public (P/SP) zone is most conducive to provision of an emergency homeless shelter. The zone allows joint use and joint development opportunities between public, semipublic and private uses that are needed for the growth and general welfare of the city as a whole. A review of potential sites with the P/SP zone identifies at least 5 parcels (of approximately 50 acres) that are underutilized, have areas that could accommodate new development, or have existing buildings that can be converted to an emergency shelter. The City has included a program within the Housing Element to modify the Zoning Ordinance to explicitly define and permit emergency shelters in the P/SP zone subject to the same development and management standards as other permitted uses in the zone. The program will also provide definitions for transitional housing and supportive housing and list these as conditionally permitted uses within the Multiple-Family Zone, consistent with regulations for multi-family development. The City's Conditional Use Permit requires findings that the proposed site and use is consistent with the General Plan and Zoning

Ordinance; along with specific considerations that the site can accommodate the use, is served by adequate streets and highways, and that the project design is compatible with the area as intended by the General Plan and Zoning Ordinances. The Conditional Use Permit is aimed to regulate the use, but not the users of the site, and will not place undue constraints on the provision of transitional and supportive housing.

For the development of emergency shelters, the City can establish standards to regulate the following:

- Maximum number of beds/persons permitted to be served nightly;
- Off-street parking based on demonstrated need;
- Size and location of exterior and interior onsite waiting and client intake areas;
- The provision of onsite management;
- The proximity of other emergency shelters;
- Length of stay;
- Lighting;
- Security during hours that the emergency shelter is in operation.

Single Room Occupancy (SRO)

Single Room Occupancy (SRO) residences are small, one room units occupied by a single individual, and may either have shared or private kitchen and bathroom facilities. SROs are usually rented on a monthly basis typically without rental deposit, and can provide an entry point into the housing market for extremely low income individuals, formerly homeless and disabled persons.

The San Dimas Zoning Code does not currently define single room occupancy (SRO) uses or specify parameters for the development of SRO residences. However, the Zoning Code currently accommodates development of SRO's in one of two ways. If the building provides units with both kitchen and bath facilities, but no bedroom, the building is considered a multiple family use. As with other multiple family uses, the building will require a Conditional Use Permit. If the building provides units with bath facilities but no bedroom or kitchen facility, the building is considered a "hotel". Hotels are defined as a building with six or more rooms intended to be used for sleeping purposes and include dormitories and fraternity or sorority houses. Hotels are allowed in the Commercial-Highway Zone with a Conditional Use Permit.

This Housing Element update includes a program to define single room occupancy (SRO) uses within the Zoning Code and allow SROs as a multiple family use, subject to a Conditional Use Permit.

Farmworker Housing

Only 27 San Dimas residents are employed in farming, fishing or forestry, representing less than 0.1 percent of the City's labor force. Given the extremely limited presence of farmworkers in the community, the City has not identified a need for specialized farmworker housing beyond overall programs for housing affordability.

1. Vacant and Underutilized Land

The City has conducted a comprehensive review of all vacant and underutilized sites currently designated for residential and mixed-use development in San Dimas. Table IV-1 provides a summary of the realistic development potential on these sites by General Plan/Zoning category; a parcel-specific sites inventory is included in Appendix A to the Element. The location of these sites is mapped in Figure 7.

**Table IV-1
Developable Available Residential Sites**

General Plan Category	Zoning	Permitted Density	Vacant Acres	Underutilized Acres	Potential Dwelling Units
Single Family - Very Low Estate	SF - H	1 du/acre	2,542.6	-	103 units
Single Family - Very Low	SFA; SP3,4,5,8,11,12	3 du/acre	43.2	4	43 units
Single Family - Low	SF	6 du/acre	45.1	3.7	78 units
High Density Residential	MF	16 du/acre	-	2.3	36 units
Downtown Mixed-Use	CG - 3	16 du/acre	1.8	-	20 units
TOTAL			2,649	10	280 units

Source: City of San Dimas Vacant Land Survey, July 2007.

As shown in Table IV-1, the vast majority of the City's vacant acreage falls within the Single Family - Very Low Estate category. This acreage is comprised of large, sloping sites in the northern hillsides and will accommodate from 1 unit per 40 acres to 1 unit per acre, depending on the steepness of the slope. Sites designated Single Family - Very Low are also located in the City's hillsides, but in areas with significantly lesser slopes. Most of these sites will accommodate 1-3 units per acre. Within the Single Family - Low category, several subdivisions have already received entitlements, accommodating at least 61 units.

The remaining categories summarized in Table IV-1, High Density Residential and Downtown Mixed-Use, are comprised of relatively flat sites which can readily accommodate densities of 16 units per acre. The High Density sites consist of several smaller contiguous parcels, and are currently underutilized with primarily older single-family residential uses. These parcels are located in within a Redevelopment Project Area, enabling the Agency to assist in consolidating the parcels into a single, 2.3 acre site. The 1.8 acres of Downtown Mixed-Use consists of a single, vacant parcel, located adjacent to the 110 unit Grove Station project, currently under construction at a density of 22 units per acre on 5 acres.



GENERAL PLAN

LAND USE MAP

RESIDENTIAL	DENSITY
	SINGLE FAMILY VERY LOW ESTATE (0 - 0.2) @ A. 5 AC MIN B. 10 AC MIN C. 15 AC MIN
	SINGLE FAMILY VERY LOW (0.2 - 3)
	SINGLE FAMILY LOW (3.1 - 6)
	LOW / MEDIUM (6.1 - 8)
	MEDIUM (8.1 - 12)
	HIGH (12.1 - 16)
	MOBILE HOME

	COMMERCIAL
	OFFICE / PROFESSIONAL
	INDUSTRIAL
	PUBLIC / SEMI-PUBLIC
	OPEN SPACE PARK CP-COMMUNITY RP-REGIONAL NP-NEIGHBORHOOD
	INDUSTRIAL

Residential calculations shall be computed from the low end of each category. Increases in density (within the range) may be allocated for additional amenities and participation in city programs designed for the public good.

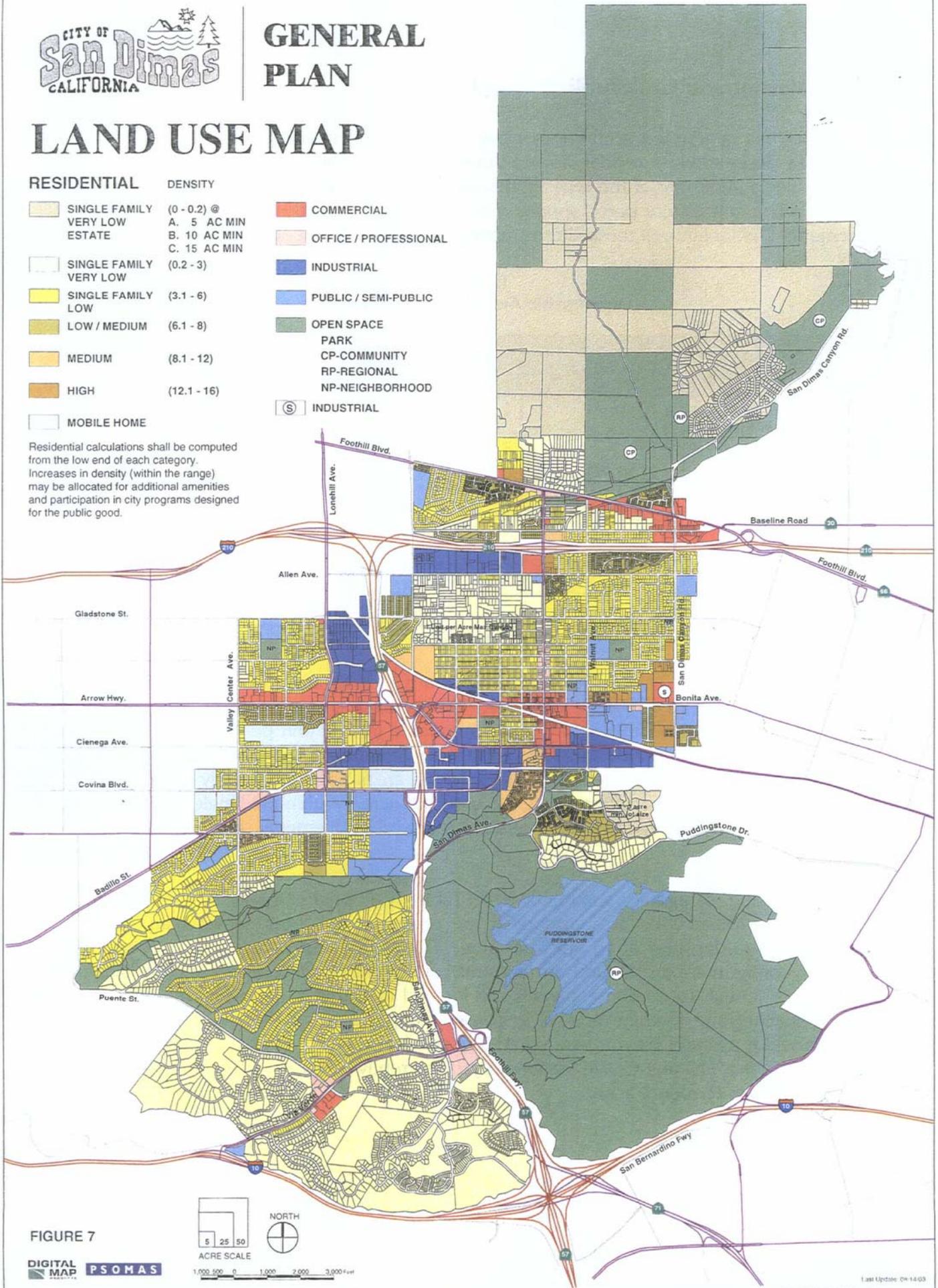
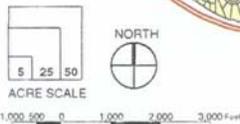


FIGURE 7



DIGITAL MAP PSOMAS

Last Update: 04-14-03

In total, 280 units can be accommodated on sites currently designated for residential or mixed use. Of these sites, the High Density Residential and Downtown Mixed-Use sites provide densities appropriate to support moderate income development, whereas the remaining single-family sites support housing for above-moderate income households. As documented in the Housing Needs Assessment, median rents for one and two bedroom units are within the affordable range for a moderate income household. Since the City's very low and low income RHNA need (at the required "default density" of 30 units per acre) cannot be accommodated within the City's currently designated residential sites, as part of the Housing Element update, San Dimas has identified additional properties suitable for rezoning.

2. Sites for Rezoning

Pursuant to AB 2348, a rezoning program to provide adequate sites to address a RHNA shortfall must adhere to the following parameters:

- Sites must be rezoned to accommodate 100% of the RHNA shortfall for very low and low income units;
- Rezoned sites for lower income households must accommodate residential uses "by right";
- Rezoned sites must be able to accommodate a minimum of 16 units; and
- At least 50 percent of sites rezoned to address the lower income housing shortfall need to be accommodated on sites designated for exclusively residential use.

The following describes San Dimas' rezoning program structured to fulfill the parameters of AB 2348 and address the City's shortfall of 223 lower income and 38 moderate income units.

When evaluating the adequacy of sites to address the affordability targets established by the RHNA, Housing Element statutes now provide for the use of "default densities" to assess affordability. Based on its population and location within Los Angeles County, San Dimas falls within the default density of 30 units per acre for providing sites affordable to very low and low income households. This default density is significantly greater than the City's current High Density and Downtown Mixed-Use land use categories of 16 units per acre. However, San Dimas is committed to addressing the affordable housing needs of the community, and has reviewed sites that might accommodate the default density of 30 units per acre through a rezoning effort. The City also reviewed sites to accommodate development of moderate income housing at the High Density land use of 16 units per acre. The final sites for rezoning were selected based on several factors: current land use; feasibility of higher density residential development; proximity to compatible uses; community context; and location within a Redevelopment Project Area.

**Table V-1
Review of Accomplishments under 2000 Housing Element (cont'd)**

NEW PROGRAMS (cont'd)	
Policy/Program	Accomplishments
<p>9. Facilitate Infill and Mixed-Use Development in the Downtown Area <u>Action:</u> Offer financial, zoning and regulatory incentives. <u>Goal:</u> Identify opportunities for development of housing with up to 8 very low income and 10 low income households.</p>	<p><u>Progress:</u> The City provided financial, zoning and regulatory incentives for two mixed-use developments, Monte Vista Apartments and Grove Station, in the downtown area. Monte Vista provides 12 senior apartments for 2 very low, 2 low, and 8 moderate income households. Grove Station has a total of 110 for-sale units including 10 units for moderate income households. <u>Effectiveness:</u> Though the City did not achieve the full number and level of affordable units expressed in the goal, each project provides a base for future negotiations of new development. <u>Appropriateness:</u> The creation of new Mixed-Use and Higher Density Zones is appropriate for the updated Housing Element. The City anticipates that development of additional projects in the downtown area will require financial, zoning and regulatory incentives.</p>
<p>10. Monitor Application of Design Review Process <u>Action:</u> Monitor design review of affordable housing projects, evaluating potential disproportionate costs and/or delays. <u>Goal:</u> Assure affordable projects are not faced with disproportionate costs or delays in project approvals</p>	<p><u>Progress:</u> This program was applied to the Monte Vista and Grove Station projects. The City and Redevelopment Agency acted as a partner in the Monte Vista and Grove Station projects and considered impacts of all design requirements. <u>Effectiveness:</u> This program was effective in ensuring the City's design review didn't negatively impact production of affordable housing. <u>Appropriateness:</u> This program is appropriate to continue in the updated Housing Element. The City maintains quality design standards and an efficient design review process for all projects where all projects and persons involved are treated equally.</p>
<p>11. Homeless and Transitional Housing Facilities <u>Action:</u> Inventory sites that permit homeless and transitional housing facilities; identify support services and emergency shelters in the area to determine need for local facility. <u>Goal:</u> Complete survey, analysis and rezoning of appropriate sites by June 2003. Identify at least one site each for homeless and transitional housing facilities.</p>	<p><u>Progress:</u> Homeless and Transitional Housing land uses have been determined to fall under "Community care facilities, including resident schools" as a conditionally permitted use in the City's Public/Semi-public zoning designation. The Housing Department provides referrals to area shelters and is involved in the area's Winter Shelter Program. The City provides funds for emergency food distribution and temporary shelter to San Dimas residents through a local non-profit organization. The City participates in the San Gabriel Valley Council of Governments which is working to coordinate a multi-jurisdictional approach to meeting the housing needs of the homeless in the area. The City also participates in the East San Gabriel Valley Consortium on Homelessness. <u>Effectiveness:</u> While the City has in place zoning to accommodate homeless and transitional housing facilities, no shelters were proposed during the planning period. The City has been effective in provision of homeless services and referrals. <u>Appropriateness:</u> The City will implement a program to allow emergency shelters by-right in the PS zone in the upcoming Housing Element. The City will also continue to provide information and referral to meet the needs of homeless individuals and people at-risk of becoming homeless.</p>

The City's Development Services Department may provide planning fee reductions, deferrals or waivers for affordable housing developments. Fee reduction is decided on a project by project basis and is not automatically provided to all affordable housing projects.

The City has provided expedited review to affordable housing projects and will continue this practice. While the City does require a Conditional Use Permit (CUP) for multi-family development, the CUP is processed concurrently with other planning approvals, typically within a 6 - 8 week time frame. Nonetheless, the City will evaluate elimination of the current CUP requirement for projects with an affordable housing component.

2008-2014 Objective: Continue provision of planning fee reductions, deferrals or waivers, and expedited review for affordable housing projects. Evaluate elimination of the current Conditional Use Permit requirement for affordable housing, and revise the City's zoning requirements as appropriate.

17. Zoning Ordinance Revision: As part of the Housing Element's Governmental Constraints analysis, a revision to the San Dimas Zoning Code was identified as appropriate to better facilitate the provision of emergency shelters, transitional housing and supportive housing in the City. The revised code will identify emergency shelters as a permitted use in the Public/Semi-Public Zone, consistent with SB 2 (Government Code Section 65583(a)(4)(A)). The revised code will define and establish parameters for both transitional and supportive housing within the multiple-family residential zone.

While the City's zoning ordinance currently provides for emergency shelters within the Public/Semi-Public zone subject to a Conditional Use Permit (CUP), SB 2 now requires the ability to site an emergency shelter without a CUP. Therefore, the City will revise the Zoning Code with specific written, objective standards for emergency shelters as permitted under SB 2:

- The maximum number of beds/persons permitted to be served nightly;
- Off-street parking based on demonstrated need, but not to exceed parking requirements for other residential or commercial uses in the same zone;
- The size/location of exterior and interior onsite waiting and client intake areas;
- The provision of onsite management;
- The proximity of other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart;
- The length of stay;
- Lighting;
- Security during hours that the emergency shelter is in operation.

2008-2014 Objective: Amend the zoning ordinance by June 2009 to provide for emergency homeless shelters assisting extremely low income households as a permitted use in the Public/Semi-Public zone. Develop objective standards to regulate emergency shelters as provided for under SB 2. Amend the zoning

ordinance by November 2009 to provide for transitional and supportive housing in the Multiple-Family Zone, assisting extremely low income households.

18. Senior Housing Standards: The City established development standards for senior housing set forth in Chapter 18.151 of the City's Zoning Ordinance. The City will eliminate minimum dwelling unit standards for senior housing. Other development standards will also be analyzed and revised or eliminated as needed to better facilitate senior housing development.

2008-2014 Objective: Amend the zoning ordinance to modify or eliminate development standards for senior housing. This program will assist very low, low and moderate income senior households.

19. Multiple-Family Development Standards: The City will review all standards for multi-family development and modify standards to better facilitate development. The Multiple-Family (MF) zone dates back to the 1960's with very few revisions occurring through the years. The City will analyze the entire Code section and make necessary revisions and modifications to MF zone in an attempt to make it more current. This program will include an analysis of the Conditional Use Permit requirement for multi-family projects incorporating units affordable to low and/or moderate income households, (including transitional and supportive housing) eliminating the CUP requirement as appropriate. Single Room Occupancy uses will be defined and permitted as a multiple-family use, subject to a Conditional Use Permit.

2008-2014 Objective: Amend the zoning ordinance to modify development standards for multi-family housing.

20. Monitor Application of Design Review Process: The City maintains quality design standards and an efficient design review process for all projects where all projects and persons involved are treated equally. As with all City processes, the City constantly self evaluates the impacts and benefits of this process. For affordable housing projects, the City assesses any disproportionate costs and/or delays caused by the design review process.

2008-2014 Objective: Continue evaluation of the impact of the City's design review procedures on affordable housing, and modify as appropriate.

EQUAL HOUSING OPPORTUNITY

21. Fair Housing: The City promotes fair housing and refers residents to various agencies that provide the following services:

- Fair Housing Community Education
- Fair Housing Enforcement
- Tenant Legal Assistance
- Housing Dispute Evaluation and Resolution
- Mediation Program

The City provides brochures regarding fair housing services at the City's public facilities, and provides special announcements at least every six months on the City's website and on the City's public access channel.

2008-2014 Objective: Continue to promote fair housing practices, referring residents to agencies providing fair housing services. This program primarily assists lower income households.

22. Senior Housing Alternatives, Resources, Education and Support (SHARES): The City has expanded the Shared Housing Program to include assistance, referrals and/or case management services to seniors. As the City's population ages, the SHARES program is becoming more important. Shared housing opportunities promote independent living for both the provider and the seeker. Sharing a home provides additional income for the provider, an affordable rent for the seeker, and the potential for deeper relationships for both.

2008-2014 Objective: Continue to implement the SHARES program, encompassing both services and roommate matching for seniors. Assist 600 seniors annually, with at least 50 participants at any time in the shared housing program. This program assists lower income households.

23. Accessible Housing: The City adopted an ordinance in 2005 related to the granting of reasonable accommodations to disabled individuals. This ordinance establishes the process for requesting and granting reasonable accommodations for residential and non-residential buildings in the City.

2008-2014 Objective: Continue to implement the Reasonable Accommodations ordinance. Periodically analyze the City's process to determine any constraints to the development, maintenance, and improvement of housing for persons with disabilities and take measures to remove those constraints.

24. Homeless Assistance: The City is participating in the Homelessness and Homeless Services Study sponsored by the San Gabriel Valley Council of Governments. The goal of this regional study is to coordinate the efforts of local jurisdictions to assist the homeless and work together to provide services as appropriate. The study will

assess the number of homeless in the area and the services available, and provide recommendations for future efforts to address the needs of the homeless. The City also participates in the East San Gabriel Valley Consortium on Homelessness, a group of stakeholders involved in the provision of services to the homeless in the East San Gabriel Valley.

In addition, the City provides funds to a local non-profit group offering services to the area's homeless and at-risk population. The City also promotes and makes referrals to various services agencies in the area. The City promotes services for the homeless on the City's website and through brochures available at the Senior Center, City Hall, and Library. The City also works closely with the Sheriff's Department at the San Dimas Station to update referrals for the homeless.

2008-2014 Objective: Continue participation in the San Gabriel Valley Council of Government's efforts to address the needs of the extremely low income homeless in the area. Continue allocation of funds for social services aiding the homeless.

**Table V-3
2008-2014 Housing Program Summary (cont'd)**

Housing Program	Program Goal	2008-2014 Objective	Funding Source	Responsible Agency	Time Frame	Policy
REMOVAL OF GOVERNMENTAL CONSTRAINTS (cont'd)						
16. Reduce the Cost-Impact of the City's Development Permit Process	Provide fee reduction, deferral or waiver to reduce cost of providing affordable housing. Provide expedited process to affordable housing projects	Evaluate affordable projects to assess applicability of fee reduction, deferral or waiver, and expedited project review. Evaluate elimination of CUP requirement for affordable housing.	Department Budget	Planning Department	2008-2014; CUP evaluation by 2009.	4.1; 4.2
17. Zoning Ordinance Revision	Provide appropriate zoning to facilitate the provision of emergency shelters, transitional housing and supportive housing for extremely low and very low income homeless.	Amend the Zoning Code to allow emergency shelters as a permitted use in the P/SP zones subject to reasonable development standards. Amend the Zoning Code to define and permit transitional housing and supportive housing in the MF zone.	Department Budget	Planning Department	November 2009	4.2
18. Revise Senior Housing Standards	Review and modify senior housing development standards.	Amend the Zoning Code as necessary.	Department Budget	Planning Department	November 2010	4.2; 4.3
19. Revise Multi-Family Development Standards	Review and modify multi-family housing development standards if necessary.	Amend the Zoning Code as necessary	Department Budget	Planning Department	November 2010	4.2; 4.3

HC09 Opt In Participant Report

Participant

Jurisdiction: City of San Dimas

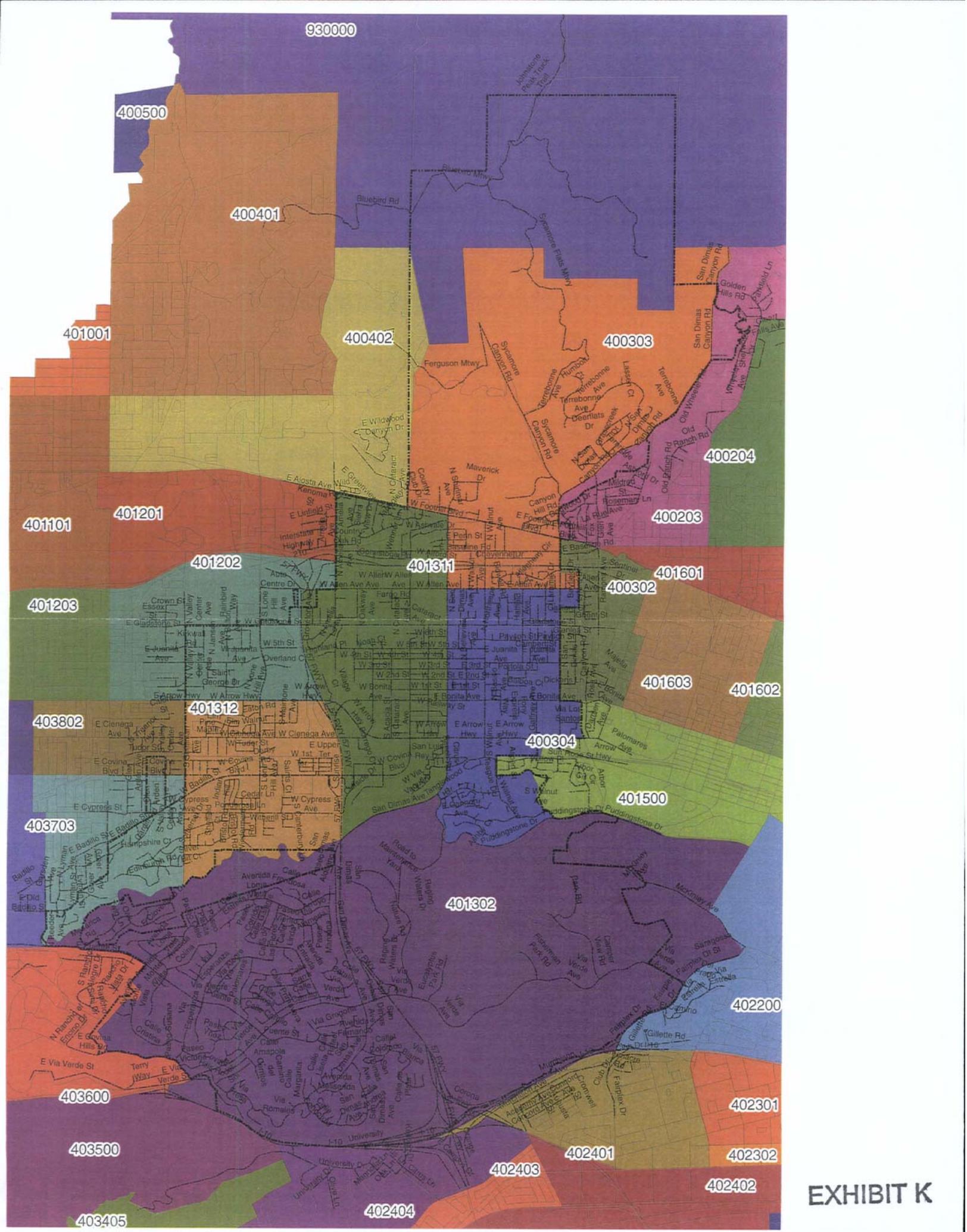
of Census Tracts: 6

		TOTAL	UNSHELTERED			SHELTERED		
			Street Count	Youth Count	Hidden Homeless	Emergency Shelter	Transitional Housing	Safe Havens
	Census Tract	11.48	3.48	0	**	0	8	0
1.	4003.03	0	0	0	**	0	0	0
2.	4003.04	3	0	0	**	0	3	0
3.	4013.02	0	0	0	**	0	0	0
4.	4013.11	5	0	0	**	0	5	0
5.	4013.12	0	0	0	**	0	0	0
6.	4037.03	3.48	3.48	0	**	0	0	0

1: These census tracts were mutually agreed upon by the above jurisdiction and LAHSA in a Memorandum of Understanding, December 2009.

*Street Count data includes homeless persons found outside, including persons found residing in cars, vans/RVs and encampments. The following conversion factors were used to estimate the number of persons living in cars, vans/RVs and encampments if enumerators encountered homeless persons living in these environments: Cars = 1.69, Vans/RVs = 1.74 and Encampments = 2.42. Demographic survey interviews conducted with more than 3,000 homeless persons from March to June 2009 determined these conversion factors for the average number of homeless persons in cars, vans/RVs and encampments.

**The Hidden Homeless Telephone Survey was designed to generate estimates for the Los Angeles Continuum of Care. An estimate for the number of hidden homeless persons by census tract cannot be generated with enough precision at the city level, and is thus not included in this report.



930000

400500

400401

401001

400402

400303

400204

401101

401201

400203

401202

401311

401601

401203

400302

401603

401602

403802

401312

400304

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403500

402401

402302

402403

402402

403405

402404

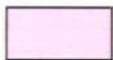
EXHIBIT K

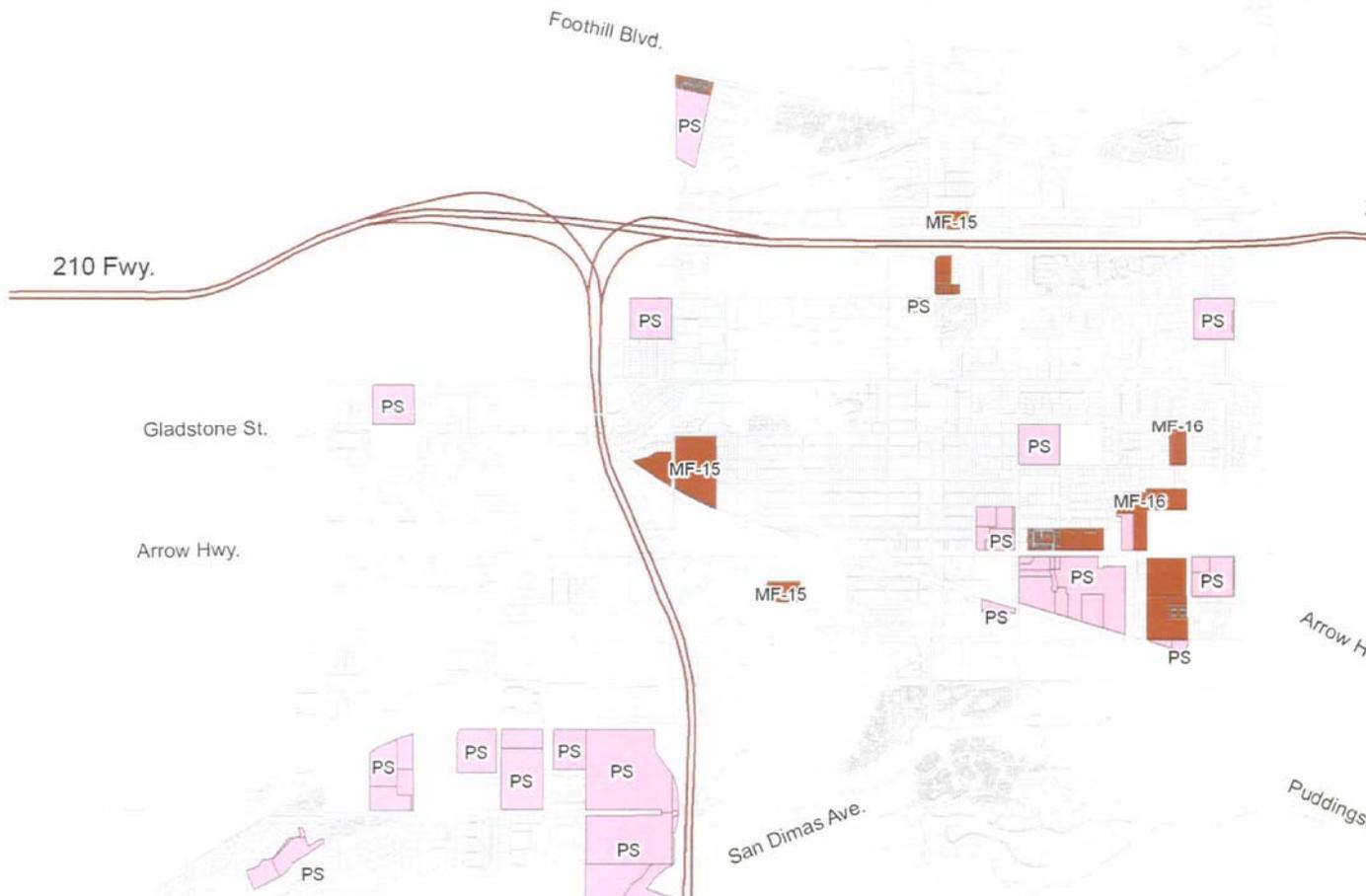


Transitional and Supportive Housing Properties

 Multiple Family (MF) Zones

Emergency Shelter Properties

 Public/Semi-Public (PS)





Parcel No. 1
2.71 Acres +-

W Cypress St

Oxford Ct

1335

1315 1307

803

809

802

801

807

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Vacant

West of 1335 W. Cypress St.



1" = 79'



CityGIS

EXHIBIT M

San Dimas Area Emergency Resources List

Los Angeles County 24-Hour InfoLine: 2-1-1 or (800) 339-6993, TDD: (800) 660-4026

Los Angeles County Child Protective Services: (800) 540-4000

Los Angeles County Adult Protective Services: (877) 477-3646

Los Angeles County Mental Health Mobile Response Teams
and Homeless Program (San Gabriel Valley Unit): (626) 258-2004

Year-Round Homeless/Case Management Services:

**East San Gabriel Valley
Coalition for the Homeless***
(ESGVC Homeless)
1345 Turnbull Canyon Rd.
(Hacienda Heights)
(626) 333-7204

DAYS/HOURS/DETAILS

Monday - Friday 8:30 am to 1:30 pm

* **Winter Shelter information on reverse side**

Access Center
415 S. Glendora Ave., Suite F
(West Covina)
(626) 918-2005

Call for an appointment.

Monday - Thursday 8:30 am to 3:30 pm

Friday 8:30 am to 12 noon

Food Banks:

DAYS/HOURS/DETAILS

**Inland Valley Hope Partners
San Dimas Satellite Center**
110 E. Third St. (Corner of San Dimas Ave.)
(909) 622-7278

Monday, Wednesday, and Friday - 2 pm to 4 pm
Bring proof of address (such as utility bill)
Photo I.D. (driver's lic) or other form of ID for each
person in the home (birth certificate, school ID, etc)
Current income (check stub, Social Security, etc)

Foothill Vineyard Church
100 E. Foothill Blvd. (Corner of San Dimas Ave)
(909) 394-3023

Sundays from 12:30 pm to 1:30 pm
Bring Proof of San Dimas residency (utility bill)
Photo I.D. (driver's lic)

Churches and Non-Profits:

DAYS/HOURS/DETAILS

Inland Valley Hope Partners
1735 N. Park Ave. (Pomona)
(909) 622-3806
Dial extension 231 to complete eligibility screening for "Our House Shelter"

Monday - Friday 9 am to 12 noon (Intake)
Monday - Friday 9 am to 5 pm

Catholic Charities
315 N. Park Ave. (Pomona)
(909) 622-3466

Monday - Friday 9 am to 1 pm

Pomona Neighborhood Center
999 W. Holt Ave., Suite D (Pomona)
(909) 620-7691

Monday - Friday 10 am to 4 pm

Salvation Army
490 E. La Verne Ave. (Pomona)
(909) 623-1579

Monday - Friday 9 am to 11:30 am (Intake)
Monday - Friday 9 am to 3:30 pm

Winter Shelter Information 2009-10 (December 1, 2009 to March 15, 2010)

Selected community non-profit homeless services providers will provide temporary nightly shelter to homeless persons in the East San Gabriel Valley.

Those in need of emergency shelter are encouraged to go directly to one of the listed pick-up points for free transportation, rather than the site address. **For information about the shelters, please refer to the contact information on this page.**

East San Gabriel Valley Coalition for the Homeless

Rotating Churches, East San Gabriel Valley

Shelter Hotline: (626) 252-9060 or (800) 339-6993

Open every night 6 pm to 7 am

Times may vary due to traffic or weather. Schedule may be adjusted to meet current needs.

Pick-up Point:	Address:	Time:
Bus #1		
Boys & Girls Club Parking	2470 N. Mountain Valley Blvd. El Monte, CA (Between Mountain Valley and Magnolia)	5 pm - 5:10 pm
Parking lot of Pioneer Park	3500 Block of Santa Anita Avenue El Monte, CA (Located at San Anita and Raymond)	5:20 pm - 5:30 pm
Home Depot Parking Lot	Puente Ave. Baldwin Park, CA (Located near Mc Donald's restaurant on the South East corner, just north of I-10 Freeway)	5:50 pm - 6:00 pm
Corner of Grand Ave & Route 66/ E. Alostia Ave.	South West Corner of Grand Ave.& Route 66/ E. Alostia Glendora, CA (Ralph's Shopping Center)	6:20 pm - 6:30 pm
Bus #2		
Corner of Grand Ave & Route 66/ E. Alostia Ave.	South West Corner of Grand Ave.& Route 66/ E. Alostia Glendora, CA (Ralph's Shopping Center)	5:00 pm - 5:10 pm
Parking lot across from Big O Tires	501 S. Vincent Ave. West Covina, CA	5:30 pm - 5:40 pm
La Puente Park	500 Block of Glendora Ave. La Puente, CA (Located at corner of Tenple and Glendora Ave.)	6:20 pm - 6:30 pm
Schabarum Park	17250 E. Colima Rd. Rowland Heights, CA	6:20 pm - 6:30 pm (Please confirm by calling shelter hotline)

Winter Shelter Information 2009-10 (December 1, 2009 to March 15, 2010)

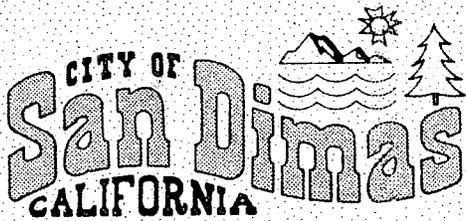
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Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of Tuesday January 26, 2010

FROM: Blaine Michaelis, City Manager

INITIATED BY: Community Development

SUBJECT: MUNICIPAL CODE TEXT AMENDMENT 09-05 – Revisions to the Zoning Code pertaining to Collocation of Wireless Communication Facilities (18.150).

SUMMARY

A request to amend Chapter 18.150 of the City's Zoning Code, regarding collocation of cell phone towers, to bring the City in compliance with SB 1627. Staff recommends approval of minor changes to the existing regulations.

BACKGROUND

The California Legislature enacted Senate Bill 1627. SB 1627 governs the land use approval process for wireless telecommunications facilities. The purpose of the bill is to streamline the local permitting process by eliminating discretionary review over collocated wireless facilities. Collocation is the placement of wireless transmission equipment of more than one provider on a single structure.

The law removes discretionary authority for wireless telecommunication land use permits, but only over those wireless telecommunications facilities mounted to existing cell towers and structures. By foreclosing the ability of cities and counties to exercise discretionary permit review for collocated facilities, the law seeks to foster development of wireless networks. At the same time, it addresses the need for local governments to control the spread of wireless antennas by encouraging carriers to concentrate their facilities on existing structures.

ANALYSIS

The growing dependence on wireless technology brings an increased demand for reliable, seamless coverage. But the expansion of wireless networks in turn drives the need to construct the necessary features of wireless infrastructure: cell towers and antennas. Cities faced with the specter of cell tower blight, have asserted their land use planning powers to impose discretionary control over the appearance, size, number, and locations of such structures.

It has become difficult for some carriers to clear such discretionary hurdles and keep up with market demand. The problem is heightened by the furious pace of new wireless technological developments, which carriers must offer to their customers to remain competitive. Such new technologies often require carriers to expand their networks, and efforts to do so are slowed down by the regulatory process.

6C

SB 1627 is not a model of clarity, and the language of the statute can give rise to many interpretations. Cities have discretion on how the statute should be implemented. SB 1627 does not remove discretionary control from cities for collocated facilities. The statute acknowledges the ability of local governments to employ their full slate of discretionary land use powers over permit applications for collocation base stations. The statute allows local governments to regulate the height, location, bulk, and size of those structures. New towers are subject to CEQA review through either an environmental impact report or a negative declaration. The law permits local governments to control the aesthetics and design of such structures.

The City's existing wireless encourages wireless facilities which are designed to architecturally blend into the built environment or be public art. New collocation facilities should continue to meet these standards, but if collocation can occur in an existing facility without altering it, a simplified review is appropriate and consistent with the intent of SB 1627.

RECOMMENDATION

Staff recommends adopting Ordinance No. 1194 adding Section 18.150.050 subsection C as follows:

- C. Collocation wireless facilities shall be administratively approved through the issuance of a building permit and shall not be subject to discretionary development plan review board or city council approval, if it satisfies the following requirements:
1. The collocation facility is consistent with requirements for the wireless communication facilities set forth in this chapter.
 2. The proposed facility is located with an existing wireless telecommunications facility that received approval from the Development Plan Review Board and/or the City Council. Any new facility which includes collocation shall meet the requirements of this Chapter.
 3. The proposed facility does not alter the height, overall massing, or exterior appearance of the existing wireless facility.

Respectfully Submitted,



Kevin Frey
Administrative Aide

- Attachment: (A) Ordinance No. 1194
(B) Copy of Government Code Sections 65850.6 and 65964
(C) Existing SDMC Chapter 18.150
(D) Planning Commission Report from the meeting of Wednesday January 6, 2010
(E) Planning Commission Minutes from the meeting of Wednesday January 6, 2010
(F) Planning Commission Resolution 1410

ORDINANCE NO. 1194

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING TITLE 18 CHAPTER 150 OF THE SAN DIMAS MUNICIPAL CODE REGARDING COLLOCATION OF CELL PHONE TOWERS.

THE CITY COUNCIL OF THE CITY OF SAN DIMAS DOES ORDAIN AS FOLLOWS:

Section 1. Title 18, Chapter 150 of the San Dimas Municipal Code is hereby amended by adding Section 18.150.050 C. to read as follows:

C. Collocation wireless facilities shall be administratively approved through the issuance of a building permit and shall not be subject to discretionary development plan review board or city council approval, if it satisfies the following requirements:

1. The collocation facility is consistent with requirements for the wireless communication facilities set forth in this chapter.
2. The proposed facility is located with an existing wireless telecommunications facility that received approval from the Development Plan Review Board and/or the City Council. Any new facility which includes collocation shall meet the requirements of this Chapter.
3. The proposed facility does not alter the height, overall massing, or exterior appearance of the existing wireless facility.

Section 2. This Ordinance shall take effect 30 days after its final passage, and within 15 days after its passage the City Clerk shall cause it to be published in the Inland Valley Daily Bulletin, a newspaper of general circulation in the City of San Dimas hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED THIS 9th DAY OF FEBRUARY, 2010.

Curt Morris, Mayor of the City of San Dimas

ATTEST:

Ina Rios, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance No. 1194 was regularly introduced at the regular meeting of the City Council on January 26, 2010 and was thereafter adopted and passed at the regular meeting of the City Council held on _____ 2010 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

I DO FURTHER CERTIFY that within 15 days of the date of its passage, I caused a copy of Ordinance 1194 to be published in the Inland Valley Daily Bulletin.

Ina Rios, City Clerk

65850.6.

- (a) A collocation facility shall be a permitted use not subject to a city or county discretionary permit if it satisfies the following requirements:
 - (1) The collocation facility is consistent with requirements for the wireless telecommunications collocation facility pursuant to subdivision (b) on which the collocation facility is proposed.
 - (2) The wireless telecommunications collocation facility on which the collocation facility is proposed was subject to a discretionary permit by the city or county and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the wireless telecommunications collocation facility in compliance with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), the requirements of Section 21166 do not apply, and the collocation facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.
- (b) A wireless telecommunications collocation facility, where a subsequent collocation facility is a permitted use not subject to a city or county discretionary permit pursuant to subdivision (a), shall be subject to a city or county discretionary permit issued on or after January 1, 2007, and shall comply with all of the following:
 - (1) City or county requirements for a wireless telecommunications collocation facility that specifies types of wireless telecommunications facilities that are allowed to include a collocation facility, or types of wireless telecommunications facilities that are allowed to include certain types of collocation facilities; height, location, bulk, and size of the wireless telecommunications collocation facility; percentage of the wireless telecommunications collocation facility that may be occupied by collocation facilities; and aesthetic or design requirements for the wireless telecommunications collocation facility.
 - (2) City or county requirements for a proposed collocation facility, including any types of collocation facilities that may be allowed on a wireless telecommunications collocation facility; height, location, bulk, and size of allowed collocation facilities; and aesthetic or design requirements for a collocation facility.
 - (3) State and local requirements, including the general plan, any applicable community plan or specific plan, and zoning ordinance.
 - (4) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) through certification of an environmental impact report, or adoption of a negative declaration or mitigated negative declaration.
- (c) The city or county shall hold at least one public hearing on the discretionary permit required pursuant to subdivision (b) and notice shall be given pursuant to Section 65091, unless otherwise required by this division. (d) For purposes of this section, the following definitions apply:

- (1) "Collocation facility" means the placement or installation of wireless facilities, including antennas, and related equipment, on, or immediately adjacent to, a wireless telecommunications collocation facility.
 - (2) "Wireless telecommunications facility" means equipment and network components such as towers, utility poles, transmitters, base stations, and emergency power systems that are integral to providing wireless telecommunications services.
 - (3) "Wireless telecommunications collocation facility" means a wireless telecommunications facility that includes collocation facilities.
- (e) The Legislature finds and declares that a collocation facility, as defined in this section, has a significant economic impact in California and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution, but is a matter of statewide concern.
- (f) With respect to the consideration of the environmental effects of radio frequency emissions, the review by the city or county shall be limited to that authorized by Section 332(c)(7) of Title 47 of the United States Code, or as that section may be hereafter amended.

65964.

As a condition of approval of an application for a permit for construction or reconstruction for a development project for a wireless telecommunications facility, as defined in Section 65850.6, a city or county shall not do any of the following:

- (a) Require an escrow deposit for removal of a wireless telecommunications facility or any component thereof. However, a performance bond or other surety or another form of security may be required, so long as the amount of the bond security is rationally related to the cost of removal. In establishing the amount of the security, the city or county shall take into consideration information provided by the permit applicant regarding the cost of removal.
- (b) Unreasonably limit the duration of any permit for a wireless telecommunications facility. Limits of less than 10 years are presumed to be unreasonable absent public safety reasons or substantial land use reasons. However, cities and counties may establish a build-out period for a site. (
- (c) Require that all wireless telecommunications facilities be limited to sites owned by particular parties within the jurisdiction of the city or county.

Chapter 18.150 WIRELESS COMMUNICATION FACILITIES

18.150.010 Purpose.

It is the desire of the city to encourage an aesthetically pleasing local environment. It is also the intent of the city to encourage the expansion of wireless technology because it provides a valuable service to residents and business persons in the city. It is the city's goal to encourage wireless providers to construct new facilities disguised as public art pieces or to mount antennae on buildings in a way that blends architecturally with the built environment. (Ord. 1061 § 1 (part), 1996)

18.150.030 Definitions.

As used in this chapter:

“Monopoles” mean a stand-alone pole that has antennae attached to it.

“Multiple use facilities” mean wireless communication facilities that are shared with other existing or newly constructed uses (ball field lights, shopping center freeway signs, flagpoles, etc.).

“Public art” means a piece of art, either functional or aesthetic that visually benefits the community.

“Wireless communication facilities master plan” means a requirement for all local service providers to identify all proposed local sites. The wireless communication facilities master plan shall require review and approval by the development plan review board. (Ord. 1061 § 1 (part), 1996)

18.150.050 Process.

- A. All companies and providers of wireless communication service within the city shall process a wireless communication facilities master plan of all locally proposed sites. When an application is filed to increase the number or alter sites operated by a single company within the city, all sites operated by that company shall be open for review and alteration if deemed necessary by the city.
- B. The wireless communication facilities master plan shall require review and approval by the development plan review board. In addition, facilities that are designed as a public art piece shall be reviewed and approved by city council. (Ord. 1061 § 1 (part), 1996)

18.150.070 Where permitted.

- A. Wireless communication facilities shall be allowed as a permitted use as follows:
 1. M-1 zone and other industrial zones and specific plans permitting industrial uses, as follows:

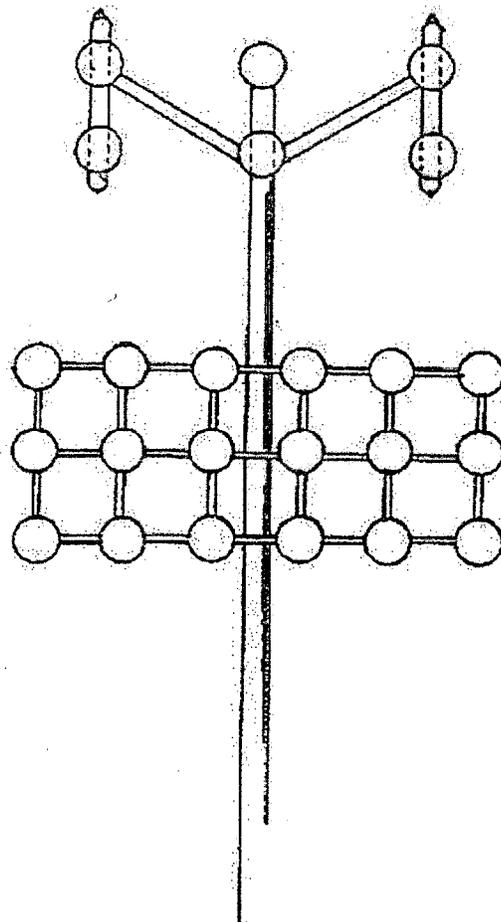
- a. Monopoles are permitted within one hundred fifty feet of a freeway,
 - b. Building mounted when integrated into an existing structure and multiple use facilities,
 - c. When designed as a piece of public art;
2. AP zone and specific plans permitting office uses, as follows:
 - a. Building mounted when integrated into an existing structure and multiple use facilities,
 - b. When designed as a piece of public art;
3. Public zone, as follows:
 - a. Building mounted when integrated into an existing structure and multiple use facilities,
 - b. When designed as a piece of public art;
4. Commercial zones and specific plans allowing commercial uses, as follows:
 - a. Building mounted when integrated into an existing structure and multiple use facilities,
 - b. When designed as a piece of public art;
5. Open space zone, as follows:
 - a. Ground mounted with a maximum height of twelve feet, monopoles prohibited,
 - b. When designed as a piece of public art with a maximum height of thirty feet;
6. On city owned property in any zone, as follows:
 - a. Building mounted when integrated into an existing structure and multiple use facilities,
 - b. When designed as a piece of public art.
- B. Wireless communication facilities shall be allowed as a conditionally permitted use as follows:
1. Residential zones and specific plans allowing residential uses, as follows:
 - a. Ground mounted with a maximum height of twelve feet, monopoles prohibited,
 - b. When designed as a piece of public art with the maximum height to be determined by the approving body,

- c. Building mounted when integrated into an existing structure and multiple use facilities.
(Ord. 1061 § 1 (part), 1996)

18.150.090 Design standards.

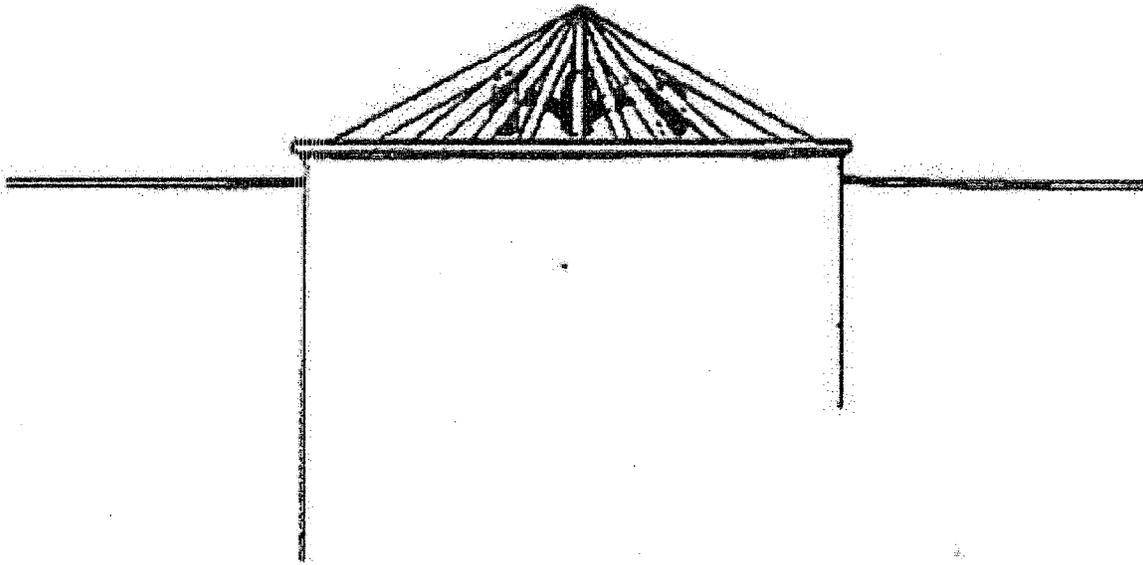
- A. Monopoles. Stand alone monopoles shall only be permitted within one hundred fifty feet of a freeway in an M-1 zone. The maximum height of a monopole is sixty feet. All stand alone monopoles shall be constructed of marbilite and shall have a maximum diameter of thirty inches at the base. Monopoles shall be separated a minimum of one thousand feet from any existing monopole.
- B. Multiple Use Facilities. Wireless communication antennae may be integrated into existing or newly developed facilities that are functional for other purposes, such as ball field lights, shopping center freeway signs, flagpoles, etc. All multiple use facilities shall be designed to detract from the antennae (see Exhibit A for example).
- C. Building Mounted. Building mounted wireless communication facilities shall be integrated into the existing building architecturally (see Exhibit B for example).
- D. Public Art. Wireless communication facilities may be designed within a piece of public art. Public art may be a functional item such as a clock tower or be some type of attraction such as a historic water tower or historical monument. All such designs are subject to development plan review board approval and city council approval (see Exhibit C for example).

EXHIBIT A



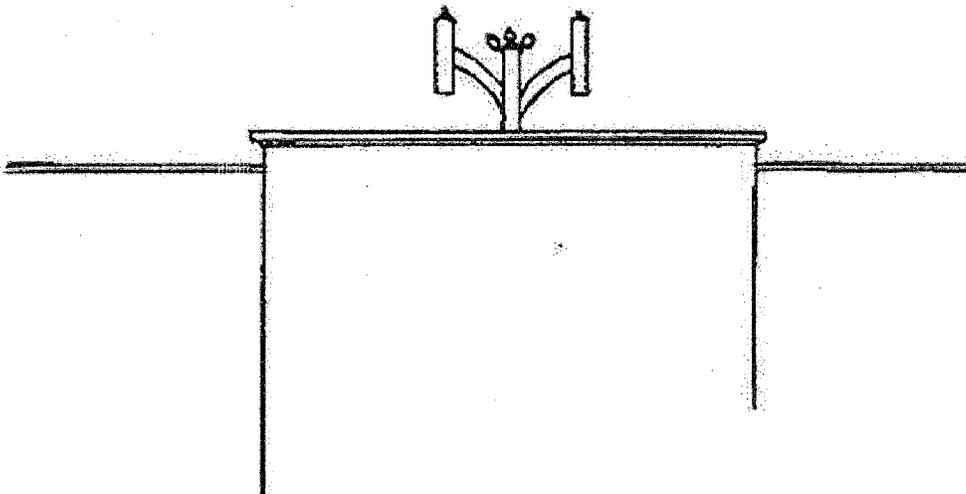
Example of an antenna designed as an extension of ball field lights. This is one example of a multiple use facility.

EXHIBIT B



Do This

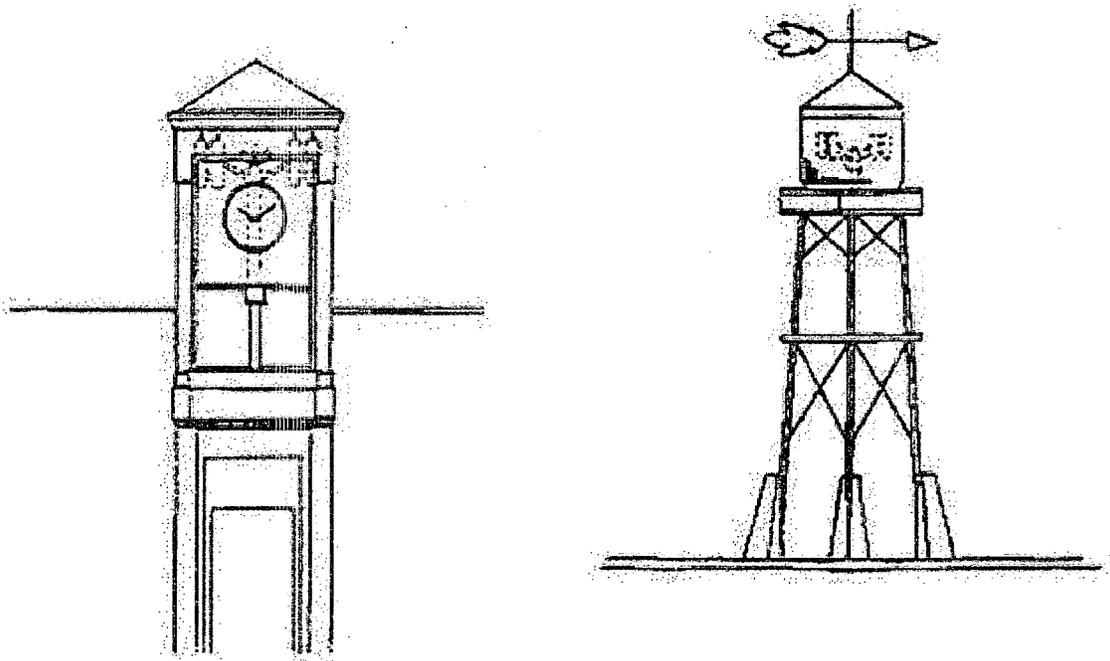
A Good Example of a Building Mounted Antenna



Don't Do This.

An Unacceptable Example of a Building Mounted Antenna

EXHIBIT C



Examples of Possible Public Art Pieces that Provide Antenna Space (Ord. 1061 § 1 (part), 1996)

18.150.110 Other design requirements.

- A. Whip antennae and microwave dish antennae shall only be permitted if integrated into the design of the structure and/or fully screened from public view.
- B. Support facilities such as equipment rooms and cabinets and cellular switching devices shall be designed to match the architecture of adjacent buildings. Because of the size of some support facilities there may be the desire not to house the facilities within a building. In such a case, the facilities shall be screened from public view by walls, fences, trellises, landscaping and similar treatments.
- C. No chain link fence is permitted associated with any wireless communication facility.
- D. Temporary poles may be permitted for a period of up to six months, if an application for a permanent facility has been filed and the necessity for temporary service can be proven to the satisfaction of the city. Final approval of a temporary facility shall be subject to the review and approval of the director of community development.
- E. Lattice towers shall not be permitted anywhere within the city.

- F. All utilities associated with wireless communication facilities shall be underground.
- G. The facility operator or property owner shall be responsible for maintaining the facility in an appropriate manner, which includes but is not limited to, regular cleaning of the facility, keeping the facility painted in an appropriate manner, keeping bird nests and other similar items cleared from the antenna area and all around maintenance of the facility. (Ord. 1061 § 1 (part), 1996)

18.150.130 Deviation from standards.

- A. For monopoles only, the development plan review board shall have the ability to alter the standards for height, diameter of the monopole base and separation between monopoles when it can be shown that the deviation creates a more appropriate design. The intent of this deviation provision is to allow for co-location when necessary; however, deviation may also be acceptable where a better overall design is achieved.

The maximum deviation permitted shall be twenty percent. (Ord. 1061 § 1 (part), 1996)

18.150.150 Abandonment.

- A. All approvals for wireless communication facilities shall be in effect only while the facilities are being operated on a continual basis. When the use is replaced or discontinued for a period of six months, the approvals will lapse, and the operator or property owner shall be required to remove the facility and all associated equipment and restore the property to its original or otherwise acceptable condition, subject to the approval of the director of community development. (Ord. 1061 § 1 (part), 1996)



Agenda Item Staff Report

DATE: January 6, 2010

TO: Planning Commission

FROM: Community Development

SUBJECT: MUNICIPAL CODE TEXT AMENDMENT 09-05 – Revisions to the Zoning Code pertaining to Collocation of Wireless Communication Facilities (18.150).

SUMMARY

A request to amend Chapter 18.150 of the City's Zoning Code, regarding collocation of cell phone towers, to bring the City in compliance with SB 1627. Staff recommends approval of minor changes to the existing regulations.

Background

The California Legislature enacted Senate Bill 1627. SB 1627 governs the land use approval process for wireless telecommunications facilities. The purpose of the bill is to streamline the local permitting process by eliminating discretionary review over collocated wireless facilities. Collocation is the placement of wireless transmission equipment of more than one provider on a single structure.

The law removes discretionary authority for wireless telecommunication land use permits, but only over those wireless telecommunications facilities mounted to existing cell towers and structures. By foreclosing the ability of cities and counties to exercise discretionary permit review for collocated facilities, the law seeks to foster development of wireless networks. At the same time, it addresses the need for local governments to control the spread of wireless antennas by encouraging carriers to concentrate their facilities on existing structures.

Analysis

The growing dependence on wireless technology brings an increased demand for reliable, seamless coverage. But the expansion of wireless networks in turn drives the need to construct the necessary features of wireless infrastructure: cell towers and antennas. Cities faced with the specter of cell tower blight, have asserted their land use planning powers to impose discretionary control over the appearance, size, number, and locations of such structures.

It has become difficult for some carriers to clear such discretionary hurdles and keep up with market demand. The problem is heightened by the furious pace of new wireless technological

MCTA 09-05
January 6, 2010

Page 2

developments, which carriers must offer to their customers to remain competitive. Such new technologies often require carriers to expand their networks, and efforts to do so are slowed down by the regulatory process.

SB 1627 is not a model of clarity, and the language of the statute can give rise to many interpretations. Cities have discretion on how the statute should be implemented. SB 1627 does not remove discretionary control from cities for collocated facilities. The statute acknowledges the ability of local governments to employ their full slate of discretionary land use powers over permit applications for collocation base stations. The statute allows local governments to regulate the height, location, bulk, and size of those structures. New towers are subject to CEQA review through either an environmental impact report or a negative declaration. The law permits local governments to control the aesthetics and design of such structures.

The City's existing wireless encourages wireless facilities which are designed to architecturally blend into the built environment or be public art. New collocation facilities should continue to meet these standards, but if collocation can occur in an existing facility without altering it, a simplified review is appropriate and consistent with the intent of SB 1627.

Recommendation

Approve MCTA 09-05 adding Section 18.150.050 subsection C as follows:

- C. Collocation wireless facilities shall be administratively approved through the issuance of a building permit and shall not be subject to discretionary development plan review board or city council approval, if it satisfies the following requirements:
1. The collocation facility is consistent with requirements for the wireless communication facilities set forth in this chapter.
 2. The proposed facility is located with an existing wireless telecommunications facility that received approval from the Development Plan Review Board and/or the City Council. Any new facility which includes collocation shall meet the requirements of this Chapter.
 3. The proposed facility does not alter the height, overall massing, or exterior appearance of the existing wireless facility.

Respectfully Submitted,



Kevin Frey
Administrative Aide

Attachment: 1. Copy of Government Code Sections 65850.6 and 65964
2. Existing SDMC Chapter 18.150

of use. He stated a minimum of two sites are required, and these five sites were chosen as the most feasible locations, but you could actually look to construct a shelter on any parcel that is zoned Public/Semi-Public.

Chairman Schoonover asked about the definitions contained in sections 18.08.215 and 18.08.565 and the difference in the timeframes. He felt there should be more consistency, unless these timeframes were mandated by the State.

Associate Planner Espinoza stated the definitions were from the State, and it is possible that since emergency shelters were usually open during the winter months, that could be why six months was chosen for them.

Chairman Schoonover opened the meeting for public hearing. Address the Commission was:

Meredith Bailey, 237 W. Bonita Avenue, Suite A, San Dimas, felt that San Dimas did have a homeless problem that was not reflected in the numbers presented in the survey, and that the people she sees are not homeless because of job loss but because of mental health problems. If shelter is only provided for them temporarily, then they will just be back out on the streets and the problem will continue. She felt the State has not done an adequate job of caring for these people and that the City needed to step up and actively attempt to get a shelter built to serve them.

Commissioner Ensberg stated he felt the action tonight was to set up a structure that would allow someone to create a homeless shelter and to remove any perceived barriers to doing so. The City isn't considering going into the mental health business, they are just trying to make the process easier for someone that might want to establish such a shelter.

Meredith Bailey wanted to see this problem addressed and would like to see the Commission make a recommendation to the City Council to establish some type of private/public entity to look into this problem.

There being no further comments, the public hearing was closed.

RESOLUTION PC-1409

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 09-04, TO ALLOW, AS REQUIRED BY SENATE BILL NO. 2 (SB2), EMERGENCY AND YEAR-ROUND EMERGENCY SHELTERS BY RIGHT, AS WELL AS TRANSITIONAL AND SUPPORTIVE HOUSING AS CONDITIONAL USES

MOTION: Moved by Ensberg, seconded by Rahi to adopt Resolution PC-1409 recommending the City Council approve Municipal Code Text Amendment 09-04. Motion carried 3-0-2 (Bratt, Davis absent).

3. CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 09-05 – Revisions to the Zoning Code pertaining to Collocation of Wireless Communication Facilities (18.150)

Staff report presented by **Administrative Aide Kevin Frey**, who stated the intent of Senate Bill 1627 was to streamline the local permitting process for collocation of wireless facilities by

removing discretionary authority for existing mounted cell phone towers and structures. It does not take away the City's discretionary land use powers for new towers, and wireless facilities are still subject to environmental review and aesthetic requirements. Staff recommends adoption of Resolution PC-1410 recommending the City Council approval Municipal Code Text Amendment 09-05.

Commissioner Ensberg stated recently the City Council considered a request to locate a cell tower in Via Verde Park and asked what the outcome of that discussion was and how this legislation would impact a similar request in the future.

Director Coleman stated the Council did not want to see new wireless facilities constructed in either Via Verde or Marchant parks.

Commissioner Ensberg clarified that this amendment was to make it more efficient for carriers to utilize one location instead of building multiple towers. He asked if this action was granting approval authority through the permit process only and there would not be any design review.

Director Coleman stated that is correct, but that Condition No. 3 sets some limitations because if a change is made to the exterior of an existing wireless facility, then they will still need to go to DPRB.

Chairman Schoonover opened the meeting for public hearing. There being no response, the public hearing was closed.

RESOLUTION PC-1410

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 09-05, A REQUEST TO AMEND TITLE 18 CHAPTER 150 OF THE SAN DIMAS MUNICIPAL ZONING CODE

MOTION: Moved by Ensberg, seconded by Rahi to approve Resolution PC-1410 recommending that the City Council approve Municipal Code Text Amendment 09-05. Motion carried 3-0-2 (Bratt, Davis absent).

ORAL COMMUNICATION

4. **Planning Manager**

No communications were made.

5. **Members of the Audience**

No communications were made.

6. **Planning Commission**

In response to Chairman Schoonover, Director Coleman stated the Fresh and Easy store was currently in Plan Check.

RESOLUTION PC-1410

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 09-05, A REQUEST TO AMEND TITLE 18 CHAPTER 150 OF THE SAN DIMAS MUNICIPAL ZONING CODE

WHEREAS, an Amendment to the San Dimas Municipal Code has been duly initiated by the City of San Dimas;

WHEREAS, the Amendment is described as a request to Amend Title 18 Chapter 150.

WHEREAS, the Amendment would affect the entire City of San Dimas;

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on January 6th, 2010 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, all requirements of the California Environmental Quality Act and the City's environmental guidelines have been met in the determination that this project is Categorically Exempt per CEQA., Class 5, Section 15305;

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, the Planning Commission now finds as follows:

- A. The proposed Municipal Code Text Amendment will not adversely affect adjoining property as to value, precedent or be detrimental to the area.
- B. The proposed Municipal Code Text Amendment will further the public health, safety and general welfare.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 09-05 as follows:

Section 1. Add the following subsection to existing section 18.150.050

- C. Collocation wireless facilities shall be administratively approved through the issuance of a building permit and shall not be subject to discretionary development plan review board or city council approval, if it satisfies the following requirements:

RESOLUTION PC-1410

Page 2

1. The collocation facility is consistent with requirements for the wireless communication facilities set forth in this chapter.
2. The proposed facility is located with an existing wireless telecommunications facility that received approval from the Development Plan Review Board and/or the City Council. Any new facility which includes collocation shall meet the requirements of this Chapter.
3. The proposed facility does not alter the height, overall massing, or exterior appearance of the existing wireless facility.

PASSED, APPROVED and ADOPTED, the 6th day of January, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:



Jim Schoonover, Chairman
San Dimas Planning Commission

ATTEST



Dan Coleman, Director of Development Services



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of January 26, 2010

FROM: Larry Stevens, Assistant City Manager for Community Development

INITIATED BY: Community Development

SUBJECT: Update on DOE Energy Strategy Development

BACKGROUND

Department of Energy (DOE):

Energy Efficiency and Conservation Block Grant (EECBG) Program:

The City of San Dimas was allocated \$150,200. Of this allocation, \$52,345 was put toward to this study. The remainder, \$97,855, needs to be committed by April 30, 2010.

The City of San Dimas has established a list of the top five goals for Energy Efficiency and Conservation based on short-term and long-term objectives. These five goals are the drivers for the City as we develop an Energy Efficiency and Conservation Strategy (EECS). The EECS is intended to both assist in the application for stimulus funds under the EECBG program as well as to guide on-going City action to save energy and reduce emissions. The EECS is also a requirement of the DOE Grant that was awarded on September 30, 2009 for \$150,200. The City contracted with CTG, an energy consultant, to assist in facilitating and developing a city-wide energy strategy and greenhouse gas emissions inventory.

The top 5 City Goals Identified are:

1. Engage, support and educate of residents and the business community in their efforts to go green.
2. Identify and commit to best practices for emissions reduction from energy and water use in all City Operations.
3. Conduct energy audits and collect key data and information in order to develop and implement a prioritized set of measures.

7a

4. Promote to the extent possible energy efficiency and water conservation in City housing programs
5. Reduce greenhouse gas emissions from transportation through land use, fleet conversions, mode shifting and other strategies.

In order to help the City understand its major sources of Greenhouse Gas (GHG) emissions and to help prioritize strategies, a comprehensive energy and GHG inventory was conducted by CTG. The inventory findings were presented to the City staff participating in the EECS development and are being adjusted based upon input provided.

A list of potential projects will be created based on the highest GHG emitting areas, such as Transportation, Residential and Non-Residential sectors. An assessment of these potential projects to weight against implementation factors will also be created to illustrate which projects may have the greatest level of impact. The Assessment of these measures will provide a range of benefits to the City, including:

- Increased homeowner knowledge and awareness of conservation measures
- Increased ability for homeowners to implement measures
- On-going cost savings for City residents
- Reduction of greenhouse gas emissions within the City
- Stimulation of economy through demand for energy related services

In addition, they help the City implement Goals #1, #3 and #4. They also meet DOE goals related to the EECSBG program including reducing GHG emissions and conserving energy.

The following is an outline of different strategies for implementing a public educational component.

Educational Outreach Strategies:

1. Hold public workshops in a central location to explain the benefits of energy efficiency, why and how to conduct audits, how to select appropriate projects and how to apply for funding. This could be presented by a public utility service representative and/or other qualified consultant.
2. Broadcast these educational workshops on the local public channel.
3. Promote it through the City's Website, street signage, local newspaper, flyers in local businesses, phone tree, etc.

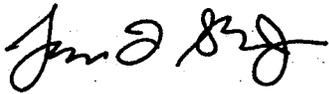
NEXT STEPS

Final Strategy approval is required either on February 9th or February 23rd.
Submittal of Final Energy Strategy is due at the DOE on February 24th.

RECOMMENDATION

Comments and preliminary support on Energy Strategy are requested.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Larry Stevens".

Larry Stevens,
Assistant City Manager for Community Development



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of January 26, 2010

FROM: Blaine Michaelis, City Manager

INITIATED BY: Planning Division

SUBJECT: Review of existing policy regarding cargo storage containers.

SUMMARY

Cargo/Sea Metal Storage Containers are unclassified in the zoning code. These containers are being used citywide. At the direction of City Council, Staff has provided additional information and analysis for further discussion relating to a possible ordinance regulating the use of these containers.

BACKGROUND

The topic of cargo storage containers was on the agenda for discussion at the City Council Retreat in May. It was the consensus of the Council that Staff provides more analysis, along with possible regulations/standards for cargo storage containers for further discussion and consideration. The following excludes recycling and donation centers.

ANALYSIS

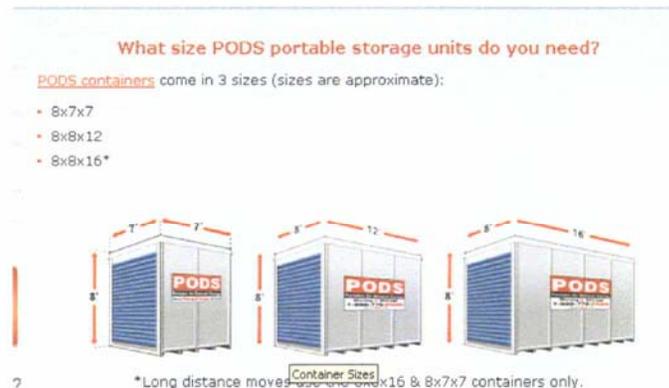
Cargo Storage Containers are typically made of steel used for transportation of goods via railroad, land or sea. Common size limitations are ten (10) feet in height and 32 feet long or three hundred twenty (320) square feet. Most cargo containers are available in lengths of 10', 20', or 40' and some vendors can even provide custom sizes. New containers can run between \$2,000 and \$4,000.

The storage containers are marketed to retail, construction, hospitals and government agencies in addition to the storage of cargo in transit. They provide security from theft, the elements and are low cost compared to construction of permanent storage. The following picture illustrates the different sizes and styles available.

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There are also portable units “PODS” (Portable On Demand Storage) that are delivered to your location, stored on site or at a warehouse facility. Below is an illustration of the sizes available for rent. The construction of these storage boxes is not as durable as the steel cargo storage containers and they are not intended to be stored outdoors for a lengthy amount of time.



The PODS tend to be temporary versus the cargo storage containers which often end up becoming a long term solution for outdoor storage.

Attached is Staff’s memo to Council from the May 2009 Spring Retreat regarding storage containers. There are several areas in the city where the cargo storage containers are being used, including City property. In surveying several cities with ordinances specific to shipping/cargo storage containers, a majority of the cities allowed the containers on a temporary basis citywide, usually by policy. Almost all the cities allowed the containers in the M-1 zone.

Are cargo storage containers appropriate in the City?

Historically, outdoor storage has not been encouraged and strictly regulated by the City. Outside storage of materials is only permitted in the Light Industrial Zones. Outside storage areas are required to be oriented away from view from any public right-of-way, and/or screened by completely opaque materials. The Light Manufacturing Zone (M-1) and Industrial Park Zones (IP) zones in San Dimas are dominated by large warehouse buildings, where activity and storage is restricted to inside the building. There are few heavy industrial sites in the City



where the cargo storage containers would be appropriate and expected. It is appropriate to allow the storage containers during construction activity citywide. It may also be appropriate to allow the containers in the commercial zones during the holiday months or some other limited period for overflow merchandise.

The City currently has cargo containers in several of our parks for storage of team sports equipment. The teams are required to maintain and regulate the contents of the cargo containers. These cargo containers have not proved to be an issue and are graffiti free. **Permanent** use of these industrial storage containers is not appropriate anywhere in San Dimas. Staff believes that permanent storage should be a building in compliance with all zoning and design standards. Their use in city parks and other public facilities raises questions of a possible "double standard".

Temporary use

Many of the Cities surveyed permitted the storage containers on a temporary basis through an administrative process via Directors Review. Staff believes this is appropriate for certain circumstances on a short term basis such as during construction or for seasonal retail storage. Each application was reviewed on a case by case basis and limited to a couple times a year. Storage of the units was required to be out of public site and if in a residential zone the unit could not be located in any required setback or parking area.

POLICY ISSUES: Council direction is needed on the following policy choices:

- Should cargo storage containers be allowed on a temporary and /or permanent basis?
- If so in what zones should they be allowed? Residential? Commercial? Downtown? Industrial?

RECOMMENDATION

Staff recommends that we continue with the existing policy limiting cargo storage containers to construction sites and limited (or seasonal) storage in some commercial and industrial zones. Staff does not support their use in the historic downtown.

Respectfully Submitted,


Laura Lockett
Associate Planner

Attachments:

1. Selected excerpts from the City of Lancaster cargo container ordinance.
2. May 18, 2009 Staff Report

The following are excerpts from the City of Lancaster's Cargo Storage Container Ordinance. Staff has only included the requirements for commercial zones. The industrial zone regulations are essentially the same except it allows for a larger storage container. Staff does not encourage the use of these containers in residential zones unless there is an active building permit, emergency temporary storage (i.e. fire, flood, etc) or temporary storage for moving.

If Council wishes to read the ordinance in its entirety Staff could provide a copy after the meeting.

17.04.240 Definitions.

"Cargo container" means and includes, without limitation, a pre-manufactured, assembled reusable structure, typically made of metal but which can be made of other materials, that is delivered to a property in the City for use by an owner, occupant or licensed contractor as storage for construction materials and equipment, household items or other personal property. "Cargo container" includes, without limitation, vessels designed for packing, shipping or transportation of freight, articles, goods or commodities, and includes containers that are designed for and capable of being moved by railcar, motor vehicle, or ship. "Cargo container" does not include a storage shed or other structure that is or may be assembled at a property.

Commercial Zones

- (A) The placement and use of a temporary office in conjunction with a construction or development project undertaken pursuant to an active building permit. A temporary office shall be placed on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. The placement of a temporary office shall not occur until the building permit is obtained. The temporary office shall be removed within 30 days after the permit is expired, revoked, or finalized.
- (B) *Use of commercial coaches as temporary offices subject to the provisions of Article X of Chapter 17.40 and this zone.*
- (C) (1) Storage of building materials, machinery and equipment used in conjunction with a construction or development project undertaken pursuant to an active building permit. Storage shall be on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. Storage shall not occur until the building permit is obtained. Storage shall be removed within 30 days after the permit is expired, revoked, or finalized.
- (2) Cargo containers may be used for the temporary construction storage described in (1) of this subsection. A cargo container approved pursuant to this subsection shall not require a separate permit. The number and location of cargo containers used for temporary construction storage shall be subject to the review and prior written approval of the Building Official and [Director of Development Services] or their duly authorized

representatives. Application for approval of cargo containers for temporary construction storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the construction or development project for which the temporary construction storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.

(3) The time period for which a cargo container may be used for temporary construction storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary construction storage shall be removed from the property within thirty calendar days of the expiration, revocation or finalization of a building permit.

(4) Cargo containers used for temporary construction storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.

(5) Cargo containers used for temporary construction storage shall conform to the following standards:

- (a) Cargo containers shall be set back a minimum of five feet from any property line and a minimum of ten feet from any structure.
- (b) Cargo containers shall not be stacked on top of each other or on any other structure.
- (c) Cargo containers shall not encroach upon, block, obstruct, or reduce in any manner any required exits, windows or vent shafts of structures, or any parking spaces, driveways, private streets, or public rights of way.
- (d) Cargo containers shall not be used for human habitation or occupied by individuals for any reason.
- (e) Cargo containers shall not have any electrical, plumbing, heating or air conditioning installations or systems, and shall not be connected to a power source.
- (f) Refuse, garbage, trash and debris, as well as hazardous substances, as defined by state or federal law, shall not be placed or stored in, against, on, or under a cargo container at any time.

(D) (1) Cargo containers may be used for temporary storage of items related to the use of commercial-zoned property, including but not limited to business inventory, office furniture, office supplies, office equipment and other items, when a structure is undergoing rehabilitation, repair, remodeling, alteration or other construction work under an active building permit.

(2) The number and location of cargo containers used for temporary commercial storage shall be subject to the review and prior written approval of the Building Official [and the Director of Development Services]. or their duly authorized representatives. A cargo container approved under this subsection shall not require a separate permit.

Application for approval of cargo containers for temporary commercial storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the repair, remodeling, alteration or other work for which the temporary commercial storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.

(3) The time period for which a cargo container may be used for temporary commercial storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary commercial storage shall be removed from the property within thirty calendar days of the expiration, revocation or finalization of a building permit.

(4) Cargo containers used for temporary commercial storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.

(5) Cargo containers used for temporary commercial storage shall conform to the standards set forth in Section 17.12.060(C)(5).

- (E) (1) Cargo containers may be used for emergency storage of items related to the use of commercial-zoned property, including but not limited to business inventory, office furniture, office supplies, office equipment and other items, when a structure becomes uninhabitable due to fire, flood, earthquake, vandalism, or other such act against the structure.
- (2) Cargo containers used for emergency storage shall require a container permit. The number and location of cargo containers used for emergency commercial storage shall be subject to the review and prior written approval of the Director [of Development Services] or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by City Council, a container permit shall be issued.
- (3) Cargo containers may be used for emergency commercial storage for a period not to exceed fifteen calendar days. This use may be extended for an additional ten calendar days upon the prior written approval of the Director [of Development Services].
- (4) Cargo containers used for emergency commercial storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.
- (5) Cargo containers used for emergency commercial storage shall conform to the standards set forth in Section 17.12.060(C)(5).
- (F) (1) Cargo containers may be used for storage of items related to the use of commercial-zoned property, including but not limited to business inventory, office furniture, office supplies, office equipment and other items, in conjunction with relocation to or from a property or in preparation for storage of such items at a storage facility.
- (2) Cargo containers used for relocation storage shall require a container permit. The number and location of cargo containers used for relocation storage

shall be subject to the review and prior written approval of the Director [of Development Services] or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by City Council, a container permit shall be issued.

- (3) Cargo containers may be used for relocation storage for a period not to exceed fifteen calendar days. This use may be extended for an additional ten calendar days upon the prior written approval of the Director [of Development Services].
- (4) Cargo containers used for relocation storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.
- (5) Cargo containers used for relocation storage shall conform to the standards set forth in Section 17.12.060(C)(5), except as provided in (6) of this subsection.
 - (6) Cargo containers used for relocation storage may be placed in parking lots so long as no more than 10% of the provided parking spaces are used for this purpose.
- (G) Cargo containers that are present on private real property, for any use or purpose, on the effective date of this section shall be removed within six months from the effective date, unless the property owner obtains the requisite approvals and permits in conjunction with temporary uses allowed in this Section and otherwise complies with all regulations pertaining to cargo containers.

The City would add temporary storage of seasonal merchandise.



MEMORANDUM

TO: Honorable Mayor and Members of City Council
For the Meeting of May 18, 2009

FROM: Planning Department

SUBJECT: Cargo Storage Containers

The City of San Dimas does not currently have an ordinance regulating cargo storage containers, nor do we have a formal written policy. Staff has taken the position that such containers are generally prohibited except as noted below. However, there have been occurrences where these cargo containers have been “parked” behind commercial businesses within the downtown and residential neighborhoods and the City has received complaints.

Cargo storage containers are prohibited in residential zones because of their industrial nature and inability to meet the design requirements. During the holidays the City has allowed Target to store overstock in cargo containers (out of public view) through the Temporary Use Permit process. Beyond what is allowed during a construction project, the City does not have many requests for using cargo containers.

Staff has researched surrounding cities regulations/policies on cargo storage containers. Judging from the cities surveyed cargo containers are only permitted on a temporary basis and/or certain times of the year.

City	Ordinance	Process
Azusa	No (ord in the works) Considering an overlay zone to allow with a CUP	TUP only permitted during Oct 15 –January 15
Claremont	Yes	Need Directors approval; size limited to 8’x8’x20’; must not be in ROW or block vehicular visibility; weed/debris free; long term surrounded by 5 ft fence wall ,etc.
Covina	No	Special use in industrial zones or associated with a building permit.
Chino	No	TUP only permitted during Oct 15 –January 15 M-2 outdoor storage permitted when incidental to primary use.
Chino Hills	No	Use the outdoor display and storage ordinance. Nothing specific.
Glendora	No	Under nuisance ord. can not be in public view or visible from adjoining properties
La Verne	No	Prohibited by omission in all zones.
Pomona	No	Prohibited in all zones. They use the design review section to prohibit them.
West Covina	Yes	Administrative review up to 6 months could allow add’l 6 mo.. Only permitted during construction or similar approved building permit activity size limited to 20’x10’, 10’ tall Administrative Review
Walnut	No	Prohibited



125 West Bonita “Old Town Antique Mall” 213 West Bonita “The Train Shop”

Pictured above are examples of the cargo containers being used (un-permitted) in the downtown. The containers are located behind the businesses, visible from the alley. 125 West Bonita is also visible from 1st Street and the newly restored Walker House.



220 E. Bonita Avenue “Albertsons”

Pictured above is a storage container located behind Albertsons, visible from Walnut St.



The picture above shows a cargo container in a residential zone where a construction project is in progress.

If the City Council feels that the City is in need of regulations regarding cargo storage containers the City of Claremont and West Covina both have examples of ordinances in practice.



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of January 26, 2010

FROM: Blaine Michaelis, City Manager

INITIATED BY: Ken Duran, Assistant City Manger

SUBJECT: Award of Contract to S & M Moving Systems for relocation services for moving from City Hall to the Temporary City Hall

SUMMARY

The request is for the award of contract to S & M Moving Services in the amount of \$10,171 to American Relocation & Logistics for the relocation of furniture, equipment and supplies from City Hall to the Temporary City Hall Building. The request is also to approve a moving budget of \$11,000 which includes the base contract S & M and a contingency.

BACKGROUND

In anticipation of the relocation from City Hall to the Temporary City Hall staff released a Request for Proposal for relocation services. The request asked for proposals for the relocation of all furniture, equipment and supplies to the temporary building. The move is currently scheduled to begin after business hours on Friday, March 3rd and conclude by Sunday, March 5th. The move is scheduled on a weekend to minimize City Hall down time and the impact on the public.

The City received 6 proposals from relocation companies. The RFP requested a base bid for the relocation services, and alternate bids for moving the City's computer server equipment, providing an additional \$100,000 in replacement insurance coverage and providing a crew available on Monday after the move to assist with making furniture adjustments.

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The total bids including all the alternates were as follows:

American Relocation & Logistics	\$9,401
S & M	\$10,171
Curtis	\$9,986 (Did not bid Monday crew alternate)
Executive	\$10,984
Graebel	\$11,249
King	\$14,990

ANALYSIS

This being a service contract staff evaluated other factors in addition to the bid amount. Staff evaluated the completeness of the proposal, the estimated number of moving containers and equipment specified, the estimated number of movers and moving vans and the proposed moving approach. Staff is recommending awarding the contract to S & M Moving Systems. They were the second lowest complete bidder. Staff is impressed with their overall proposal and the services they will be able to provide. The plan proposes to complete the relocation by Saturday evening.

RECOMMENDATION

Staff recommends awarding the contract for City Hall relocation services to S & M Moving Systems in the amount of \$10,171. Staff also recommends that the City Council authorize a moving budget of \$11,000 which includes the moving contract and contingency.

Attachments: S & M Relocation Cost Analysis Recap

RELOCATION COST ANALYSIS RECAP

Labor Charges.....	\$7,557.00
Insured Value of Contents.....	\$700.00
Packing Material.....	\$1,105.73
Material Delivery.....	\$125.00
TOTAL RELOCATION CHARGES NOT TO EXCEED	\$9,487.73

POST MOVE "HAPPY CREW"
SUBTOTAL \$684.00

WHY CHOOSE S&M MOVING SYSTEMS?

"At S&M Moving Systems we will do whatever it takes to do the job right. We will exceed the expectations of our most respected critics, our customers."

Our 86 years of experience in relocating families and business have shown us that the two things people value most during the moving process are:

- 1) Experienced people who have proven plans and procedures that works.
- 2) The ability to solve unexpected problems with care and speed.

The objective is to never have a crisis at S&M Moving Systems, but the test of a great company and its personnel is how we respond when one occurs.

The S&M Difference: **Attitude**



CITY OF SAN DIMAS
MINUTES
SAN DIMAS REDEVELOPMENT AGENCY MEETING
TUESDAY, JANUARY 12, 2010
COUNCIL CHAMBERS
245 E. BONITA AVENUE

PRESENT:

Chairman Curtis W. Morris
Vice Chairman Denis Bertone
Mr. Emmett G. Badar
Mr. John Ebner
Mr. Jeffrey W. Templeman
Executive Director Blaine Michaelis
Agency Attorney Ken Brown
Secretary Ina Rios
Assistant City Manager of Community Development Larry Stevens
Assistant City Manager Ken Duran
Director of Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns

CALL TO ORDER

Chairman Morris called the meeting to order at 7:31 p.m.

ORAL COMMUNICATIONS (This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.)

It was moved by Mr. Bertone, seconded by Mr. Ebner, to approve the minutes for the meeting of December 8, 2009. The motion carried unanimously.

EXECUTIVE DIRECTOR

There were no comments.

MEMBERS OF THE AGENCY

There were no comments.

ADJOURNMENT

Chairman Morris adjourned the meeting at 7:32 p.m.

Respectfully submitted,

Ina Rios, Secretary

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McKenna Long
& Aldridge, LLP
Attorneys at Law

300 South Grand Avenue • 14th Floor • Los Angeles, CA
90071
Tel: 213.687.2100 • Fax: 213.687.2149
www.mckennalong.com

MEMORANDUM

TO: Honorable Mayor and Members of the San Dimas City Council
FROM: J. Kenneth Brown
CC: Blaine Michaelis
DATE: January 21, 2010
RE: Claim and Tolling Agreement in
NRDC v. County of Los Angeles
Case No.: 08-1467 AHM (PLAx)

Last March I provided you with the attached memorandum regarding the Claim for Money or Damages filed by the County of Los Angeles and the Los Angeles County Flood District. Pursuant to our recommendation at that time, the City Clerk sent a Notice of Insufficient Claim to the County. The City heard nothing further and allowed the claim to be denied by operation of law. The result of this action was to create a March 2010 deadline for the County to bring an action against the City of San Dimas and the other cities and public entities. When the City denied the claim by operation of law, it was anticipated that the original trial date, that had been scheduled in the underlying litigation for December 2009, would have been concluded before that March 2010 deadline. That did not happen and the trial date has been moved to June 2010.

The County has now sent letters to the City of San Dimas and the other similarly situated cities and public entities seeking a tolling agreement. The advantage of the tolling agreement is that it delays the potentially adverse relationship between the cities and the County over liability for any exceedances of water quality standards in storm water. Presumably the delay frees the County to defend the lawsuit against it without distraction, which the County has committed that it will do. There is a disadvantage in that it gives the County the opportunity to develop claims against the cities which most city representatives do not believe the County currently has. The cities may currently be in the best position to defend themselves. However, the disadvantage to not signing the tolling agreement is that the County may bring the cities into the current lawsuit which would be costly to defend and bears all of the risks that are inherent to litigation.

There have been representatives of the various cities who have considered the options. There also was created a sub-committee of six attorneys to talk through the options and report back to the groups of city representatives. At this time, a tolling agreement may be the most cost effective alternative, as long as the agreement is mutual, does not revive claims that may already have expired and does not concede the legal insufficiency of the government claims that the County previously presented to the City.

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Our recommendation is that the City Council authorize Mr. Michaelis to execute a tolling agreement as approved by this office. If you have any questions regarding this we will be pleased to discuss them at the City Council meeting.

Respectfully submitted,



J. Kenneth Brown

JKB/lb
Enclosure

McKenna Long
& Aldridge^{C.L.P.}
Attorneys at Law

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90071
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MEMORANDUM

TO: Honorable Mayor and Members of the San Dimas City Council
FROM: J. Kenneth Brown
CC: Blaine Michaelis
DATE: March 30, 2009
RE: Claim for Money or Damages

On March 16th, 2009 the City received a Claim for Money or Damages filed by the County of Los Angeles (the "County"), and the Los Angeles County Flood District (the "District"). The City of San Dimas is one of 58 cities in the County which has been served with this claim. Enclosed with this memorandum is a copy of the covering letter which accompanied the claim and a proposed Tolling Agreement.

Last year the County and District were sued in the Federal District Court by the Natural Resources Defense Council and the Santa Monica Baykeeper. We expected that the County and District would seek indemnification from many cities. As a result, meetings have been held by a number of city attorneys to review the issues and the proposed County Tolling Agreement. The recommendation of the subcommittee of city attorneys is that the cities not approve the Tolling Agreement at this time but instead provide a Notice of Insufficient Claim to the County and the District. We concur in that recommendation and prepared a letter which the City Clerk will send to the County no later than April 1, 2009. If the County/District do not amend the claim within 15 days after the Notice of Insufficiency is sent, the subcommittee of city attorneys will review and recommend additional actions for the City to take.

We will continue to monitor the lawsuit and the response, if any, from the County and advise you.

If you have any questions about this, please call me.

Respectfully submitted,


J. Kenneth Brown

JKB/sw
Enclosure



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

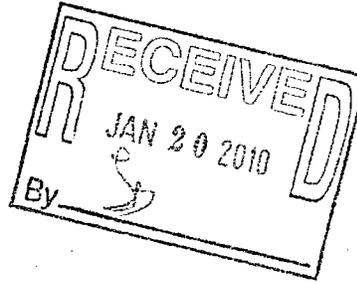
648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

ROBERT E. KALUNIAN
Acting County Counsel

January 14, 2010

TELEPHONE
(213) 974-1923
FACSIMILE
(213) 687-7337
TDD
(213) 633-0901
E-MAIL
jfries@counsel.lacounty.gov

VIA E-MAIL & FIRST-CLASS MAIL



J. Kenneth Brown, Esq.
McKenna, Long & Aldridge LLP
One California Plaza
300 S. Grand Avenue, Suite 1400
Los Angeles, California 90071

**Re: Claim and Tolling Agreement in
NRDC v. County of Los Angeles
Case No.: 08-1467 AHM (PLAx)**

Dear Mr. Brown:

In March 2009, the County of Los Angeles ("County") and the Los Angeles County Flood Control District ("District") each filed a claim for indemnification with the City of San Dimas ("City") pursuant to Division 3.6, Part 3 of the Government Code. Similar claims were filed with a number of other cities and public entities. The claims concerned a lawsuit brought by the Natural Resources Defense Council, Inc., and the Santa Monica Baykeeper against the County and District in U.S. District Court ("NRDC lawsuit"), relating to the discharge of stormwater and non-stormwater in the Los Angeles basin. We understand that you are the City Attorney for the City.

The claims filed last year were accompanied by a proposed tolling agreement as well as a letter explaining the purpose of the claims and the tolling agreement. As we stated in that letter, the County and the District are vigorously disputing the allegations made in the NRDC lawsuit. If the County and/or District are found liable to plaintiffs, however, based at least in part upon the discharge of stormwater or non-stormwater within the City, the County and/or District would have a right to seek indemnification from the City.

J. Kenneth Brown, Esq.
January 14, 2010
Page 2

To date, the City has not denied the claims and has not signed a tolling agreement. Therefore, any action against the City for indemnification must be brought on or before March 12, 2010. Our office is authorized to file such an action against any city that has not agreed to toll the deadline prior to that time.

The claims were filed only because of the filing deadline in the California Government Claims Act; it was and is the County's and District's hope that it will not be necessary to bring an action against the City. The trial in the NRDC lawsuit is scheduled to commence on March 9, 2010, and it is estimated to last approximately nine days. Therefore, unless the City agrees to toll the limitations period, the County and District will be forced to bring an action against the City before it has been determined whether they have any liability to the plaintiffs in the NRDC lawsuit.

The County and the District are willing to make every reasonable effort to avoid exposing the City to potentially unnecessary litigation by deferring the filing of a complaint for indemnification until after liability has been determined in the NRDC lawsuit and it is known whether there is any need to seek indemnification. Many of the cities and other public entities that received claims from the County and District previously executed a tolling agreement with the County and District. We are renewing our offer to execute a tolling agreement with the remaining cities and other entities. Enclosed with this letter is a tolling agreement that would extend the time for the County and District to bring an action against the City to March 12, 2011.

Our office intends to file a motion in the NRDC lawsuit on February 8, 2010, to obtain court approval to file a third-party complaint against any cities that have not signed tolling agreements. To avoid including the City in that motion, this office must receive as soon as possible a tolling agreement signed by the appropriate representative of the City. Thus, your urgent attention to this matter is requested.

If you have any questions concerning the matters discussed in this letter or the tolling agreement, please feel free to contact Judith Fries at (213) 974-1923 or jfries@counsel.lacounty.gov, or Lauren Dods at (213) 974-1856 or ldods@counsel.lacounty.gov.

J. Kenneth Brown, Esq.
January 14, 2010
Page 3

Thank you for your prompt attention to this matter.

Very truly yours,

ROBERT E. KALUNIAN
Acting County Counsel

By 
JUDITH A. FRIES
Principal Deputy County Counsel
Public Works Division

JAF:gm

Enclosure

TOLLING AGREEMENT

This Tolling Agreement (“Agreement”) is entered into by and between (a) the County of Los Angeles (“County”) and the Los Angeles County Flood Control District (“District”) and (b) the City of San Dimas (“City”) (all collectively referred to herein as the “Parties” and individually as “Party”) and is effective as of the date signed by the City below.

WHEREAS, the County and District have filed with the City administrative claims (the “County’s and District’s Administrative Claims”) in accordance with the applicable provisions of the Government Code and the City’s ordinances;

WHEREAS, the County’s and District’s Administrative Claims allege that the City is liable to the County and the District, in whole or in part, for any costs, expenses, or other relief that might be imposed on the County or the District in a case currently pending in the United States District Court for the Central District of California captioned *Natural Resources Defense Council, Inc. et al. v. County of Los Angeles et al.*, Case No. CV 08-1467-AHM (PLAx);

WHEREAS, Code of Civil Procedure section 360.5 provides that parties may extend by written agreement a limitation period established in Title 2 of Part 2 of the Code of Civil Procedure;

WHEREAS, Code of Civil Procedure section 342, contained in Title 2 of Part 2 of the Code of Civil Procedure, referring to Government Code section 945.6, provides that the time for the County and the District to bring an action against the City is two years from the accrual of the cause of action, which is on or about March 12, 2010;

WHEREAS, the Parties mutually wish to extend the time within which the County and the District must bring an action against the City, such that the time is extended to and including March 12, 2011;

NOW, THEREFORE, the Parties agree as follows:

1. The period during which the County and the District must bring an action against the City on the County's and District's Administrative Claims is hereby tolled and extended as of the effective date of this Agreement through March 12, 2011 or until this Agreement is terminated, whichever date comes first (the "Tolling Period").

2. The Parties further agree that there shall be a suspension of any and all applicable statutory limitations and non-statutory periods, including, without limitation, the equitable doctrine of laches, which may otherwise apply to the County's and District's Administrative Claims, as well as any defenses thereto, during the Tolling Period.

3. Nothing in this Agreement shall revive any claim which, as of the commencement of the Tolling Period, would have been barred by any applicable statute of limitations.

4. This Agreement may be terminated by the City, the County and/or the District by giving thirty (30) days prior written notice in accordance with the notice provisions in Paragraph 6 hereof. Such notice shall specify as to which Party or Parties it is directed. Such notice will terminate this Agreement only with respect to the Party or Parties to which it is directed and the Party or Parties from which it is given.

5. The entry into this Agreement by the Parties shall not be construed to represent any admission by any Party with respect to the subject of the County's and

District's Administrative Claims or any defenses thereto, including but not limited to any allegation in the County's and District's Administrative Claims or any allegation in *Natural Resources Defense Council, Inc. et al. v. County of Los Angeles et al.*, Case No. CV 08-1467-AHM (PLAx).

6. Any notices required to be made under this Agreement shall be made in writing to the address of the appropriate Party as set forth below. All such notices shall be deemed to have been duly given and received upon first-class U.S. mailing, facsimile, electronic mail or delivery by courier or personal delivery service. If a Party delivers a notice by means of facsimile transmission or electronic mail, it must also send a copy of that notice by one of the other means specified above. Parties may alter or modify their notice address by delivery of written notice pursuant to the terms of this Agreement.

To the County and the District: Judith A. Fries, Esq.
Principal Deputy County Counsel
Office of the County Counsel
648 Kenneth Hahn Hall of Administration
500 W. Temple Street, Room 653
Los Angeles, California 90012
Phone: (213) 974-1923
Fax: (213) 687-7337
E-mail: jfries@counsel.lacounty.gov

To the City:

7. The undersigned represent that they have the authority to sign on behalf of, and to bind to this Agreement, the entities set forth below.

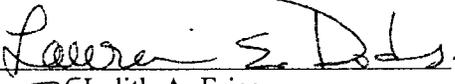
8. This Agreement shall constitute the entire agreement of the Parties with respect to the subject matter hereof and may not be modified except in a writing signed by the Parties.

9. This Agreement may be signed in counterparts, and each counterpart shall be deemed an original, but all of which shall constitute one and the same instrument.

FOR THE COUNTY AND DISTRICT:

Dated: January 14, 2010

ROBERT E. KALUNIAN, Acting County
Counsel
JUDITH A. FRIES, Principal Deputy
County Counsel
LAURIE E. DODS, Deputy County Counsel


For Judith A. Fries

FOR THE CITY OF SAN DIMAS:

Dated: _____, 2010
