



AGENDA
SPECIAL MEETING OF
CITY COUNCIL/SAN DIMAS
REDEVELOPMENT AGENCY
TUESDAY, NOVEMBER 8, 2011, 5:00 P. M.
COUNCIL CHAMBERS CONFERENCE ROOM
245 E. BONITA AVE.

COUNCIL:

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

1. CALL TO ORDER

2. ORAL COMMUNICATIONS

(For anyone wishing to address the City Council on an item on this 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. Speakers are limited to three minutes or as may be determined by the Chair.)

- a. Members of the Audience

3. STUDY SESSION PLANNING MATTERS

- a. Discussion and direction regarding Public Nuisance Abatement tools.
- b. Update regarding NPDES (MS-4)/Storm Water Program and Permits.
- c. Trends and issues in retail.
- d. Parking requirements or standards applicable to major shopping centers.

4. ADJOURNMENT

The next City Council meeting is Tuesday, November 8, 2011, 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://cityofsandimas.com/minutes.cfm>.

SUPPLEMENTAL 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 DURING NORMAL BUSINESS HOURS. (PRIVILEGED AND CONFIDENTIAL DOCUMENTS EXEMPTED.)

POSTING STATEMENT: ON NOVEMBER 4, 2011, 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); 300 EAST BONITA AVENUE (UNITED STATES POST OFFICE), VONS SHOPPING CENTER (PUENTE/VIA VERDE) AND THE CITY'S WEBSITE AT WWW.CITYOFSANDIMAS.COM/MINUTES.CFM.



Agenda Item Staff Report

Study Session

TO: Honorable Mayor and Members of City Council
For the Meeting of November 8, 2011

FROM: Blaine Michaelis, City Manager *BM*

SUBJECT: Study Session – finish things up from the recent retreat, and have a broad discussion of trends and issues in retail; and parking requirements or standards applicable to major shopping centers.

SUMMARY

- Dan's staff report regarding tools to address public nuisance abatement is provided to guide that discussion.
- Krishna will provide an overview of the MS-4 storm water permit issues and requirements.

The last two items of the study session are open discussions on some broad issues and trends in retailing. Some recent sessions at League meetings and the experience of local retail property owners indicates that some trends seem to be evolving:

- There are many indications that retail is overbuilt. In Germany there is 1sf of retail per person; in the United States there is 20sf of retail per person. In our area, some retail brokers estimate a 12% retail space vacancy rate. In the Inland Empire that could be as much as 22 million sf of vacant retail.
- A companion issue to the vacancy rates are reports that lease rates have been discounted 20-40% to maintain tenants. Today's retail leasing rates are comparable to leasing rates 10 years ago.
- In the last 3 years the number of retailers has declined – some major chains have gone out of business. Still others have made dramatic changes in the size of their stores and they have consolidated their operations.
- Some deep discount retailers are experiencing business growth – Ross, Marshalls, 99 cent only, Goodwill, Second Hand stores. Will these retail uses edge out the opportunity to welcome higher end retailers? Will there even be higher end retailers?
- Internet sales are increasing – some forecasts predict that as much as half of retail purchases could be made on the internet in the near future. Not only does this affect retail property, it also affects sales tax revenue for transit, street maintenance, public safety, and general city, county and state operations.

3.a-d

- The new businesses are more service oriented businesses rather than traditional retail – day spas, nail salons, in door birthday party outlets with bounce equipment, children's exercise, ballroom dance studios, quilting clubs, etc. These expanding businesses are looking for space – usually spots in retail centers.

These points are intended to prime the pump for a broad discussion on these emerging trends and consideration if the city should contemplate some adjustments to our thinking and our policies regarding retail uses.



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of October 19, 2011

FROM: Dan Coleman, Director of Development Services 

SUBJECT: PUBLIC NUISANCE ABATEMENT

SUMMARY

Discussion of expanding the tools available to address public nuisance abatement.

BACKGROUND:

At a City Council retreat on May 18, 2009, staff presented an internal audit of the Code Enforcement program. The code enforcement process generally follows progressive steps until violation is abated (see Exhibit A). The report included an overview of the various code enforcement tools used by the City of San Dimas, and recommended adoption of a new tool: administrative citations. This recommendation was, in part, based upon Council's desire to begin transitioning from a complaint-based (reactive) to an observation-based (proactive) program. Ordinance No. 1189 was adopted on October 13, 2009 to adopt administrative citations, and accompanying penalties, as another tool for officers to have in their tool belt. San Dimas started using administrative citations in January 2010 to gain voluntary compliance before prosecution in the courts.

ANALYSIS:

- A. Public Nuisance Abatement** - One of the tools that has been rarely used in San Dimas is public nuisance abatement. The process is designed to address any premises where lack of maintenance has risen to a level considered to be a public nuisance as defined by our ordinance (see Exhibit B). The authority for, and process, are outlined in Chapter 8.16 of the San Dimas Municipal Code which was adopted in 1971, and amended in 1994. A Hearing Officer designated by the City Manager conducts the hearing. If a nuisance determination is made by hearing officer, then an "order of abatement" is served upon the property owner. The decision of the hearing officer may be appealed to the City Council. The advantage of this process is that it allows the City to abate the violation/nuisance, if not abated by property owner within time frame ordered, and recover costs by placing a tax lien against property (including attorney's costs). The disadvantage of this process, and the reason it has been used so

sparingly, is that the City must pay up front for contractor to do abatement work, and may not recover the costs for years through a tax lien. LA County Assessor allows taxes to go unpaid for up to five years before they put property up for sale to pay back taxes. In a recent nuisance abatement case the lowest bid we received was \$20,000 which is four times the entire nuisance abatement budget for this fiscal year.

B. Recording Notice of Violation – While researching with other cities alternatives to public nuisance tax liens, staff also contacted the City Prosecutor who recommended, from a broader perspective than just for public nuisance violations, adopting regulations authorizing the recording of a Notice of Violation against the property. The primary advantage of this tool is that it protects potential buyers by providing them with notice of the violation under California real estate disclosure laws so that they can make an informed decision whether to buy the property. We currently have an historic property for sale that illegally constructed a second and third rental unit on the property. We also currently have many other cases of illegal construction on properties that are in foreclosure or for sale. It can be immediately recorded against any property for which a citation has been issued or a public nuisance determination has been made. It can also be used whenever deemed appropriate by the City for those situations where other enforcement tools, such as warning letters, administrative citations or infraction citations, have not been successful. The second advantage is that it can be used as an alternative to the expensive public nuisance abatement or prosecution process. Many of the Prosecuting Attorney's client cities have adopted this tool, including Bellflower, Downey, and Diamond Bar.

C. Recording Notice and Order of Substandard Building – When the City Building & Safety Division has inspected a residential property and found that it is substandard as defined by the 1997 Uniform Housing Code (see Exhibit D), which the City adopted by San Dimas in 1970, then the Housing Code requires the City to issue the property owner a Notice and Order (sometimes known as a Notice of Substandard Building) to repair, rehabilitate, vacate or demolish a substandard building or property. The Notice and Order must explain why it is substandard; what remedial actions are required for abatement; the time period for abatement; statement advising the owner that if the abatement work is not commenced within the time period specified that the City (a) will order the building vacated and posted to prevent further occupancy until work is completed, and (b) may proceed to cause the work to be done and charge the cost against the property owner; and statement advising owner that they may appeal to the Development Plan Review Board by filing written notice of appeal within 30 days. If corrective actions are not completed within the time period specified, then the Housing Code requires the City to record a certificate with County that the building is substandard. If the City causes the corrective work to be done, then the City can recover these costs in the same manner as public nuisance abatement (tax lien or special tax assessment).

RECOMMENDATION: Staff requests Council discussion and the following actions:

- Confirm the use of Public Nuisance Abatement, including tax liens to recover cost of abatement, as authorized by San Dimas Municipal Code Chapter 8.16; and

- Confirm the use of Notice and Order of substandard building, including tax liens to recover cost of abatement, as authorized by San Dimas Municipal Code Chapter 15.36 pursuant to the 1997 Uniform Housing Code; and
- Direct staff to initiate a code amendment to allow recordation of a Notice of Violation after issuance of an Administrative Citation or Public Nuisance Determination.

Attachments: Exhibit A - Enforcement Tools
Exhibit B – Public Nuisance Types
Exhibit C – Nuisance Abatement Tools
Exhibit D – Housing Code Substandard Conditions

EXHIBIT A

Summary of Enforcement Tools

Tool	Comment	Applicability
Verbal Warning	In person contact made with business	Any violation of Municipal Code
Written Warning	Explaining violation and corrective actions required.	Any violation of Municipal Code
Notice of Violation	Letter explaining violation and corrective actions required. Typically a First Notice of Violation and Final Notice of Violation.	Any violation of Municipal Code
Administrative Citation	Subject to \$100, \$200 and \$500 fines.	Any violation of Municipal Code
Infraction Citation: Notice to Appear in Court	Subject to \$100, \$200 and \$500 fines.	Noise, parking, property maintenance, signs, zoning
Public Nuisance	Hearing with hearing officer	See Exhibit C
Notice and Order of Substandard Housing	Building Official	See Exhibit D
Prosecution	Court hearing by judge	Any violation of Municipal Code

EXHIBIT B

Public Nuisance Types per SDMC Chapter 8.16

Violation Description
Dangerous building as defined in Section 302 of the Uniform Building Code for the Abatement of Dangerous Buildings.
Substandard building as defined in Section 1001 of the Uniform Housing Code.
Abandoned vehicle in violation of SDMC 10.40
Property maintenance lacking in violation of SDMC 8.14
Land, whether in a natural state or as the result of grading operations, excavation or fill, causing erosion, subsidence or surface water drainage problems.
Signs or billboards that are unsafe, unused, obsolete or illegal.
Uses of property creating noxious smell or creating conditions dangerous to public safety, health or welfare.
Failure to comply with conditions of CUP, parcel map or tract map.
Failure to comply with conditions of development plan review and/or grading, building or demolition permits.
Maintenance of premises in a condition which is adverse to the public peace, health, safety or general welfare.
Maintenance of premises so as to permit the same to become so defective, unsightly, dangerous or in a condition of deterioration or disrepair so that the same will, or may cause, harm to persons, or which will materially impair the value of or otherwise be materially detrimental to properties or improvements located in the vicinity of such premises.

EXHIBIT C - NUISANCE ABATEMENT TOOLS

Tool	Requires Hearing	Purpose	Cost Recovery	Comments
Record Notice of Violation (Requires amendment of Ordinance)	No	Provide notice to potential buyers.	No	<p>PROS: Can be IMMEDIATELY recorded against any property for which a citation and/or infraction has been issued, or for which a public nuisance determination has been made. Title companies are typically leery of giving title insurance when there is a recorded notice of violation. Most conventional loans won't be approved with anything recorded against property, which results in contacting city to work on abatement.</p> <p>CONS: No cost recovery if City performs abatement when order of abatement is ignored.</p>
Recording Notice and Order of Substandard Building (SDMC 15.36 per 1997 Uniform Housing Code)	No	Provide notice to potential buyers.	Yes	<p>PROS: If corrective work not completed, then can be recorded against any property. Title companies are typically leery of giving title insurance when there is a recorded notice of violation. Most conventional loans won't be approved with anything recorded against property, which results in contacting city to work on abatement. cost recovery if City performs abatement when order of abatement is ignored.</p> <p>CONS: Only gets put onto the tax roll once a year (between July 1 and August 2). If the debt arises in October and the property sells or is foreclosed upon in February - before the assessment is put onto the tax roll, the debt will be placed on an "unsecured tax roll" and will take longer to collect. LA County Tax Assessor will allow taxes to go unpaid for up to 5 years before forcing sale of property to collect.</p>
Public Nuisance Determination/Order of Abatement (SDMC §8.16.070-080)	Yes	Seeks voluntary abatement	Only if City performs abatement when order of abatement is ignored.	<p>PROS: Minimal cost to city.</p> <p>CONS: Still voluntary -- requires other measures, such as tax lien, to enforce if order of abatement is ignored.</p>

Record Tax Lien (SDMC §8.16.180)	Yes (public nuisance hearing)	Used if order of abatement ignored.	Yes	<p>PROS: Can be IMMEDIATELY recorded against a property and would be collected upon sale of the property - which might occur before an assessment is otherwise placed on the tax roll. COST RECOVERY.</p> <p>CONS: Tax liens have the same priority as judgment liens - and, therefore, do not necessarily survive a foreclosure action.</p>
Record Special (Tax) Assessment (SDMC §8.16.150)	Yes (public nuisance hearing)	Used if order of abatement ignored.	Yes	<p>PROS: COST RECOVERY. Survives foreclosure action.</p> <p>CONS: Only gets put onto the tax roll once a year (between July 1 and August 2). If the debt arises in October and the property sells or is foreclosed upon in February - before the assessment is put onto the tax roll, the debt will be placed on an "unsecured tax roll" and will take longer to collect. LA County Tax Assessor will allow taxes to go unpaid for up to 5 years before forcing sale of property to collect.</p>
Prosecution				<p>PROS: Court can order corrective actions, time periods, and impose probation and/or penalties. Typically, court would conduct periodic progress hearings.</p> <p>CONS: Lengthy and expensive for all parties</p>
Receivership (CA Health & Safety Code § 17980-17992)	No	Used when other tools fail	Attorney fees and court costs only	<p>PROS: Court can appoint receiver with temporary control over property to hire contractors to make corrective repairs. No cost to city. Typically, court would conduct periodic progress hearings.</p> <p>CONS: Requires court order. The conditions presents must be "so extensive and of such a nature that the health and safety of residents or the public is substantially endangered."</p>

EXHIBIT D

State Housing Law

California Health and Safety Code Section

17920.3. Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

(a) Inadequate sanitation shall include, but not be limited to, the following:

(1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.

(2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.

(3) Lack of, or improper kitchen sink.

(4) Lack of hot and cold running water to plumbing fixtures in a hotel.

(5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.

(6) Lack of adequate heating.

(7) Lack of, or improper operation of required ventilating equipment.

(8) Lack of minimum amounts of natural light and ventilation required by this code.

(9) Room and space dimensions less than required by this code.

(10) Lack of required electrical lighting.

(11) Dampness of habitable rooms.

(12) Infestation of insects, vermin, or rodents as determined by the health officer.

(13) General dilapidation or improper maintenance.

(14) Lack of connection to required sewage disposal system.

(15) Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

(b) Structural hazards shall include, but not be limited to, the following:

(1) Deteriorated or inadequate foundations.

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceilings and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(7) Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(c) Any nuisance.

(d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.

(e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.

(f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.

(g) Faulty weather protection, which shall include, but not be limited to, the following:

(1) Deteriorated, crumbling, or loose plaster.

(2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.

(3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

(4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(i) All materials of construction, except those which are specifically allowed or approved by this code, and which have been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.

(l) All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.

(m) All buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and

fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.

(o) Inadequate structural resistance to horizontal forces.

"Substandard building" includes a building not in compliance with Section 13143.2.

However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the Study Session of November 8, 2011

From: Blaine Michaelis, City Manager

Initiated By: Public Works Department

Subject: **NPDES/ Stormwater Program and Permit Update**

SUMMARY: The City is regulated under a Countywide stormwater pollution prevention permit, which is undergoing review by the Regional Water Quality Control Board and will be significantly revised in Spring 2012. Staff is working within the LA Permit Group to negotiate with the Regional Board for a permit that will continue water quality improvements in our region.

BACKGROUND:

The Water Quality Act of 1987 added Section 402(p) to the Federal Clean Water Act requiring the United States Environmental Protection Agency (USEPA) to establish regulations related to stormwater discharges. Stormwater discharges are regulated under the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) program regulations. The Clean Water Act authorizes the USEPA to permit a state as the NPDES permitting authority in lieu of the USEPA. In California, regional stormwater permits are developed and enforced under the Regional Water Quality Control Boards – the City of San Dimas is assigned to the Los Angeles Regional Water Quality Control Board (LARWQCB).

There are several types of activities regulated under the NPDES program such as construction, municipal, and industrial activities. Municipalities that have separate stormwater and sewer infrastructure and are within urban areas with populations of under 100,000 are subject to a Phase II Municipal Separate Sanitary Storm Sewer (MS4) NPDES permit. The most recent permit was issued in 2001 and requires each MS4 to develop and implement a stormwater management program (SWMP) to reduce the contamination of stormwater runoff and prohibit illicit discharges to the maximum extent practicable. The six main control measures for complying with the permit are:

- 1) **Public Education and Outreach-** Distributing educational materials and performing outreach to inform citizens about the impacts polluted stormwater runoff discharges can have on water quality (Environmental Coordinator in collaboration with LA County)
- 2) **Public Participation/Involvement-** Providing opportunities for citizens to participate in program development and implementation, including effectively publicizing public hearings and/or encouraging citizen representatives on a stormwater management panel (*Environmental Coordinator in collaboration with LA County*)

- 3) **Illicit Discharge/Connection Detection and Elimination**- Develop and implement a plan to detect and eliminate illicit discharges and connections to the storm sewer system (*Environmental Coordinator/PW Inspector/Code Enforcement*)
- 4) **Construction Site Runoff Control**- Develop, implement, and enforce an erosion and sediment control program for construction activities that disturb 1 or more acres. (*Environmental Coordinator/PW Engineering/Inspector/Building Inspectors*)
- 5) **Post-Construction Runoff Control**- Develop, implement and enforce control of post-construction stormwater runoff from new and redevelopment areas. (*Senior Engineer, Plans Examiner, Staff Engineer*)
- 6) **Pollution Prevention/Good Housekeeping**- Develop and implement a program with the goal of preventing or reducing pollutant runoff from municipal operations, (e.g. regular street sweeping, staff training, reduction in the use of pesticides, catch basin cleaning, vehicle maintenance, street construction and repair, etc.)

In May 2011, the LARWQCB initiated the process of reissuing the MS4 NPDES permit and has scheduled consideration of the new permit for spring of 2012. In September, the LARWQCB indicated the intent to structure the LA permit as a single permit with watershed-based chapters.

TMDLs Within MS4 Permit

In 1998, a consent decree between local environmental organizations and the USEPA identified over 700 local waterbody-pollutant impairments in LA County. The consent decree, adopted in 1999, mandated a schedule for addressing these water bodies, including the adoption of Total Daily Maximum Loads (TMDLs). TMDLs are the maximum amount of pollutants the water body can handle in relation to its dependent ecosystem and the designated beneficial uses (e.g. recreational, commercial fishing, wildlife habitat, etc.) TMDLs are established for water bodies that are designated as impaired for the particular pollutant, as documented in the LARWQCB's Basin Plan. The City of San Dimas is not currently subject to compliance to any TMDLs, but it is possible the next permit could incorporate TMDLs within or related to the San Gabriel River of which the City will be responsible for. These include bacteria, metals (copper, lead, zinc), and toxic pollutants. *Refer to Attachment A for a more detailed TMDL discussion.*

ANALYSIS:

Current MS4 NPDES Permit- Permit compliance activities are completed through a collaborative approach among various City programs which are concentrated in Public Works, City Street Maintenance crews, and street sweeping, as well as collaboration with the Development Services and Building and Safety departments and the County of LA. The City is required to file an annual compliance report to the LARWQCB. The City's most recent report, covering activities conducted during Fiscal Year (FY) 2010-11, was submitted in August 2011.

New MS4 NPDES Permit- In preparation for the new MS4 NPDES permit, the LA Permit Group was formed in an effort to conduct a collaborative negotiating process throughout the development of the next permit and is comprised of approximately 50 of the 88 cities in LA, LA County Public Works, LA Flood Control District, as well as the Upper San Gabriel Valley Water Master, the Council for Watershed Health, and Senator Ed Hernandez' office. The participating cities represent a cross section of all watersheds within Los Angeles County, with staff meeting regularly at monthly Executive Advisory Council (EAC) of LA County MS4 Permittees meetings and additional LA Permit Group meetings where specific strategies have been defined. The LA

Permit Group has selected four key areas to collaborate on and has established technical working groups for each:

Development Standards –Currently, the first 3/4 of an inch of run-off from large projects must be treated prior to discharging to the stormdrain system. It is anticipated that the new permit will require that run-off be contained on-site for treatment *and* infiltration. Various existing models will be evaluated in order to provide a recommended program. Examples of developments in San Dimas that have included retention or infiltration include Costco, Loma Bonita, and Grove Station. Projects such as Brasada would likely be subject to stricter standards.

Monitoring –Compliance monitoring program in the permit and for TMDLs. Location of monitoring is a key issue with very significant implications (e.g. monitoring just before the stormdrain outlets to the flood control channel versus monitoring downstream in the river before it outlets to the ocean). The group will analyze the permit and TMDL compliance activities, as well as other MS4 NPDES permits throughout the State, to develop a recommended approach.

Reporting – Format in order to streamline and reduce administrative time compiling the Annual Report and TMDL compliance reports. The existing MS4 NPDES permit report format is over 40 pages and requires several detailed attachments. The group will provide recommendations to concentrate reporting based on compliance activities in order to reduce the administrative burden of the cities' preparation and the LARWQCB staff's review time.

TMDLs – addresses how the TMDLs requirements will be incorporated into the MS4 NPDES permit. The TMDL group will be developing recommendations to advocate cost-effective TMDL implementation strategies with reasonable compliance schedules.

The LA Permit Group has also established a Negotiating Committee with the role of coordinating negotiations amongst other cities, the LARWQCB, water agencies, and non-governmental organizations. The LA Permit Group is currently chaired by the Monrovia. City of San Dimas staff is the chair of the Reporting Group and performs administrative duties for the LA Permit Group. The LA Permit Group has been formally offered consulting services for approximately three months to assist in permit negotiations. This offer, from the Upper San Gabriel Valley Municipal Water District will provide the group with immediate valuable technical and political expertise as the negotiations move forward with the Regional Board staff and interested non-governmental organizations. The Group will be voting next week to officially accept this offer. A potential offer from the San Gabriel Valley Council of Governments was also brought to the Group, in which the COG would develop and release an RFP for consulting services, anticipating being able to bring someone on board to assist in December. It is the LA Permit Group's hope that rather than opening up an additional contract, that the COG offer could extend the services of the qualified consultant from the Water District once the initial contract is used up in order to maintain cohesion with the Group.

The LARWQCB will be holding the first public meeting related to the new MS4 NPDES permit on November 10, 2011, and has a goal of adopting a new permit in the early spring of 2012. Staff will analyze the permit recommendations and update the City Council on a routine basis throughout the permit negotiations.

Other NPDES Permits- In addition to the MS4 NPDES Permit, there are other types of NPDES permits that affect the City's NPDES programs and development review process:

State General Construction Activities NPDES Permit – requires all sites over an acre in size to file for coverage prior to the City issuing a grading permit for a project. The permit also includes specific requirements for construction site management, as well as run-off monitoring and treatment (applies to both private and municipal projects over an acre). Public Works collaborates with Building and Safety to ensure compliance.

State General Industrial NPDES Permit – regulates discharges to the stormdrain system from industrial facilities. There are several facilities in the City of San Dimas who are required to apply for coverage under this permit. The City contracts with LA County for inspections and compliance of Industrial activities.

Program Funding- Funding remains a significant challenge for MS4 NPDES (and TMDL) programs, as there are very limited funding sources available for stormwater. The City does not have a dedicated stormdrain maintenance fee, but uses allocated general funds based on anticipated costs. There are a limited number of grants available; however, they are generally highly competitive, require matching funds, and only cover capital costs. Staff will continue to monitor and apply for grant funds as they become available.

Given the similar funding challenges in most cities, the LA County Flood Control District (FCD) is planning a funding initiative to generate water quality funding via a “Clean Water, Clean Beaches” fee that would provide 90% local return, allocating funding to Watershed Authority Groups (WAGs) and municipalities to initiate, plan, design, construct, implement, operate, and maintain water quality improvement projects and programs. The funding would be distributed as follows:

40% to Municipalities – for existing and new NPDES and TMDL related programs and projects. With approximately 10,000 parcels in the City, San Dimas could expect budgetary funding of \$216,000 based on a \$54 per parcel tax.

50% to WAGs (9 throughout Los Angeles County – the City is assigned to the “Upper San Gabriel River” WAG) – for regional coordinated planning and implementation related to the MS4 NPDES permit and TMDL compliance.

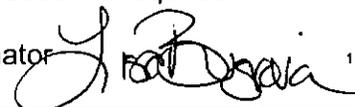
10% to the FCD - for administration, regional planning, and technical assistance.

Staff has provided comments on the draft ordinance and the City was commended for the proactive, line by line dissection of key points of the document in their letter. The proposed fee is subject to Prop 218 regulations and will require a majority vote of parcel owners to pass. If the fee initiative is successful, the first round of funding to cities is estimated in May 2013. Staff will monitor the development of the fee initiative and will update City Council as it progresses.

Challenges and Next Steps- While the funding initiative if approved would be welcome relief for to fund the ever growing unfunded NPDES mandate, the greater challenge for all LA County cities would be if the funding initiative is unsuccessful, and how to implement the new MS4 permit requirements. Staff will continue to proactively monitor stormwater regulations, proactively participate in the LA Permit Group, and will bring an update to City Council in the first quarter of 2012. The next update will concentrate on the new MS4 NPDES permit.

RECOMMENDATION: This report is for information only. No action is required.

Respectfully submitted, Lisa Bugrova- Environmental Coordinator



11-11-02 lmb

ATTACHMENT A: TOTAL MAXIMUM DAILY LOADS

The TMDLs are enforced through State and Federal discharge permits such as the City's MS4 NPDES permit. Violation of these permits can result in exposing the City to both civil and criminal liabilities. Once the TMDLs become effective, permittees are responsible for complying with the requirements of the TMDL. For each TMDL adopted the requirements usually include, but are not limited to, the following activities:

- Prepare and Implement a Monitoring Plan
- Prepare and Implement an Implementation Plan
- Conduct special studies (if necessary)
- Achieve compliance with the water quality standards (nonstructural and structural Best Management Practices (BMPs))
- Compliance Reporting

Once TMDLs are adopted, agencies are responsible for implementation planning, monitoring, reporting, and, depending on the TMDL, both structural and non-structural implementation efforts. Violation of the permit requirements and/or TMDLs could result in fines (\$10,000/day/violation) and/or third-party litigation. Below is a discussion of some existing TMDLs within the LA region to provide examples of possible compliance scenarios that could affect San Dimas in the future.

Los Angeles River Watershed Trash TMDL (LA River Trash TMDL)

The LA River Trash TMDL requires that each subject city to reduce trash loading to the LA River by 100% by 2016 according to a compliance schedule starting in 2010 with 50% prevention.

To achieve compliance, a City must install excluder screens inside catch basins to prevent debris from entering the stormdrain, or complete activities such as increased street sweeping and education. Each year, a City is responsible for reporting progress towards the TMDLs requirement of zero trash discharged to the LA River.

Although the San Gabriel River does not have a trash TMDL, the City of San Dimas has taken a proactive approach and installed trash screens on several catch basins. The City also adheres to a strict street sweeping schedule that ensures each street in the City is swept at least twice a month, and includes discussion of trash in our public education and outreach.

Trash screens are estimated to cost approximately \$750-1,500 per catch basin for installation and an additional \$340.00 per year for cleaning and maintenance. For San Dimas, screen installation would cost \$550,000 to over a million dollars for installation and yearly maintenance and cleaning costs of approximately \$240,000.

San Gabriel River Watershed Metals TMDL (Lower SGR Metals TMDL) and LA River Metals TMDL

The Lower SGR Metals TMDL requires affected cities (those below the spreading grounds) to reduce metals and selenium loading to the watershed. The LA River TMDL targets copper, lead and zinc. The TMDLs also require that cities prepare a monitoring plan, conduct specialized studies, and implement the Plan to reduce metal loading. The research efforts on various metals by the LA River cities and lower SGR cities and the associated limits imposed by this TMDL will be of great use for our San Gabriel River Watershed should a metals TMDL be imposed on our upper reaches in the future.

Los Angeles River Watershed Bacteria TMDL (LA River Bacteria TMDL)

The LA River Bacteria TMDL requires cities to reduce the amount of bacteria discharged (Bacteria Load). The schedule for this TMDL has a 2014 deadline for a Reduction Strategy (monitoring, source assessment, and implementation plan), requiring 100% Dry-weather in-stream compliance by 2028 and wet weather by 2035.

A Bacteria TMDL would have significant implications for the City including financial and compliance challenges. Although estimates have not been established for a similar TMDL on the San Gabriel River, the LA River Bacteria TMDL is estimated to cost the LA River watershed cities \$5.4 Billion over 25 years. Implementation measures for bacteria are similar to metals, as run-off will either need to be processed through a treatment facility or infiltrated/biofiltration system to meet compliance levels. Either method will require significant land area, capital investments, and ongoing maintenance costs.

Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxics TMDLs (Toxics TMDL)

The Toxics TMDL targets DDT, PCBs, Chlordane, Dieldrin, and Toxaphene detected in the Dominguez Channel and Long Beach Harbor. If Upper San Gabriel Valley cities are unsuccessful in petitioning the State Water Resources Control Board in revisions to the TMDL, then the City may be required to develop a coordinated implementation plan and participate in a regional coordinated monitoring program. The TMDL is currently written with inclusion of the San Gabriel River and its cities as "responsible parties". If not removed, the City and all MS4 permittees within the watershed could be named liable in a third-party lawsuit. Staff has worked continuously with a legal water consultant to ensure our concerns are expressed and formally filed with the State Water Resources Control Board.