



AGENDA
REGULAR CITY COUNCIL/SUCCESSOR AGENCY
MEETING
TUESDAY, JANUARY 8, 2013, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.

CITY COUNCIL:

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

1. CALL TO ORDER AND FLAG SALUTE

- 2. 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 and ask 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

3. 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) **RESOLUTION NO. 2013 - 01** , A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF DECEMBER 2012 AND JANUARY 2013.

b. Approval of minutes for the Special City Council Meeting of December 10, 2012 and Regular City Council Meeting of December 11, 2012

c. Approval of a ten year extension of the Joint Use, Maintenance and Operation Agreement for the SportsPlex between the City of San Dimas and Bonita Unified School District

d. Approve **RESOLUTION NO. 2013 - 02**, A Resolution authorizing the city to become a member of the California Statewide Communities Development Joint Powers Authority.

e. Gold Line Update – Dedication of 210 Freeway Bridge

END OF CONSENT CALENDAR

4. PUBLIC HEARING

- a. A request to construct a new 4,000 square foot building for a bank to be located at 614 North Lone Hill Avenue at the Citrus Station

RESOLUTION NO. 2013 – 03, A RESOLUTION APPROVING PRECISE PLAN REVIEW 12-01 AND DEVELOPMENT PLAN REVIEW BOARD CASE NO. 12-20, A REQUEST TO CONSTRUCT A 4,000 SQUARE FOOT BANK (BANK OF THE WEST) WITHIN THE CITRUS STATION (APN: 8383-009-097)

- b. TEFRA Hearing concerning the proposed issuance of Multifamily Housing Revenue Obligations by California Statewide Communities Development Authority to finance the acquisition and rehabilitation of the 64 unit Voorhis Village property at 653 East Juanita Avenue

RESOLUTION NO. 2013-04, A RESOLUTION APPROVING THE ISSUANCE BY CALIFORNIA COMMUNITIES IN THE AGGREGATE PRINCIPLE AMOUNT NOT TO EXCEED \$12,000,000.00 FOR THE ACQUISITION AND REHABILITATION OF THE 64 UNIT VOORHIS VILLAGE PROPERTY

- c. A request to add Chapter 18.22 to the San Dimas Municipal Code establishing standards for granting density bonuses as required by Government Code Section 65915

ORDINANCE NO. 1214, APPROVING MUNICIPAL CODE TEXT AMENDMENT 12-05 ADDING CHAPTER 18.22 REGARDING DENSITY BONUSES TO THE SAN DIMAS ZONING CODE FIRST READING AND INTRODUCTION

- d. A request to add Chapter 18.44 to the San Dimas Municipal Code establishing the MF-30 Zone

ORDINANCE 1215, APPROVING MUNICIPAL CODE TEXT AMENDMENT 12-06 ADDING CHAPTER 18.44 MF-30 ZONE TO THE SAN DIMAS ZONING CODE FIRST READING AND INTRODUCTION

5. PLANNING MATTERS

- a. Request from NJD to initiate amendment to SP 25 to allow up to 950 square foot second story architectural element on lots with one story height limit

6. OTHER MATTERS

- a. Successor Agency Activities Verbal Update

7. 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
- 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.

8. CLOSED SESSION

a. CONFERENCE WITH REAL PROPERTY NEGOTIATION (Recess to closed session pursuant to Government Code Section 54956.8):

Property: Assessor Parcel Number 8665-003-001 and 8665-001-005

Negotiating Parties:

For City: Blaine Michaelis, City Manager; Larry Stevens, Assistant City Manager for Community Development; and J. Kenneth Brown, City Attorney.

For Seller: NJD Limited; Agent: Travis W. Gillmore, Phelps-Tointon, Inc.

Under Negotiation: Potential property acquisition and the conditions under which the transaction would take place

9. ADJOURNMENT

The next meeting is January 22, 2013, 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/minutes.cfm>.

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 DURING NORMAL BUSINESS HOURS. [PRIVILEGED AND CONFIDENTIAL DOCUMENTS EXEMPTED]

POSTING STATEMENT: ON JANUARY 4, 2013, 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); VONS SHOPPING CENTER (Puente/Via Verde) AND THE CITY'S WEBSITE AT www.cityofsandimas.com/minutes.cfm.

RESOLUTION NO. 2013-01

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN DIMAS, CALIFORNIA, APPROVING
CERTAIN DEMANDS FOR THE MONTHS OF
DECEMBER 2012 AND JANUARY 2013**

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: 12/28/2012; #142515 through #142625 in the amount of
\$774,573.17; Prepaid Warrant Register: 12/31/12 ; #23270 through #23332 in the amount of
\$2,524,164.93 and Warrant Register 1/15/2013; #142626 through #142687 in the amount of
\$344,877.15.

PASSED, APPROVED AND ADOPTED THIS 8th DAY OF JANUARY 2013.

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

ATTEST:

Deputy 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 8th, 2013 by the following
vote:

AYES: Councilmembers Badar, Bertone, Ebiner, Templeman, Morris
NOES: None
ABSTAIN: None
ABSENT: None

Deputy City Clerk



***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
SPECIAL CITY COUNCIL MEETING
MONDAY DECEMBER 10, 2012 5:00 P. M.
COUNCIL CHAMBERS CONFERENCE ROOM
245 E. BONITA AVENUE**

PRESENT:

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

City Manager Blaine Michaelis
Assistant City Manager Ken Duran
City Attorney Ken Brown
Assistant City Manager for Community Development Larry Stevens
Director of Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns

1. CALL TO ORDER

Mayor Morris called the Special City Council Meeting to order at 5:00 p.m.

2. RECEIVE SUMMARY OF FY 2011-12 AUDIT REPORT

Assistant City Manager Duran reviewed his staff report on the 2011-2012 fiscal year-end. He reported that the General Fund revenues were \$18,996,790. He highlighted some of the significant General Fund revenue sources. He also reported that General Fund expenditures were \$19,438,252 and reviewed some of the expenditures that deviated significantly from the budget. He also summarized that the actual year-end fund balance or cash reserve was \$13,597,138, which represents 75% of the FY 12-13 General Fund expenditures.

Councilman Bertone asked if the intention is to present a balanced budget for FY 13-14. Mr. Duran responded that one of the reasons that the City undertook the budget reductions with the FY 12-13 budget was to be in a position to propose a balanced budget next year.

Mr. Michaelis reiterated to the Council the impact on the City's revenue due to the loss of the Redevelopment Agency. He also updated the Council on the status of the staff reorganizations at the beginning of this fiscal year. He commented that remaining staff have absorbed the workload but added that the flexible capacity of staff has been absorbed. He also commented that capital improvement funds are lower than in the past and staff is looking forward to building back up those special fund reserves.

Councilman Bertone asked what the City's options are with the State over the denial of repayment of City loans. Mr. Michaelis replied that the City is monitoring other Agency lawsuits against the State related to this matter. He added that when the time is right the City will have to make a decision on the option for litigation.

Mr. Michaelis reported that with the loss of the housing funds and programs, staff is evaluating its options with housing and the Charter Oak Mobile Park.

Councilman Ebner commented that the holes in staffing are bigger than he would like them to be. Councilman Templeman added that he doesn't think the public understands the significance of the loss of redevelopment revenue and the cuts that had to be made. He also feels that the public needs to be educated on the importance of keeping adequate reserves and why the TOT tax increase is important.

Mayor Morris commented that with reduced staffing now is the time to look at all of the City services to really see if they are the priority of things that we should be doing.

Councilman Ebner asked staff to provide him with sales tax history of the downtown district.

Mr. Duran explained that staff is beginning the preliminary preparations for the FY 13 –14 budget with plans to conduct the first budget study session with the Council in February. He also commented that an important factor in review of next year's budget could be the potential additional revenue generated with passage of Measure A, the increase in the transient occupancy tax.

City Attorney Brown provided the Council with guidelines on the City's ability to provide factual information on a ballot measure as opposed to advocating for a measure.

3. SUMMARY OF THE STATE ADOPTED PENSION REFORM MEASURES

Mr. Duran presented his staff report on the State adopted pension reform measure and there impacts on the City.

4. UPDATE ON THE REDEVELOPMENT AGENCY DISSOLUTION PROCESS

Mr. Duran reviewed his staff report updating the Redevelopment Agency dissolution process and the Successor Agency activities and responsibilities. Councilman Bertone asked what role the League of California Cities has been playing in assisting cities with this matter. Mr. Michaelis responded that the League has been involved with 2 of the over 30 lawsuits that have been filed involving the dissolution process.

In response to a question Mr. Duran clarified the process for identifying former Agency property and the retention of disposition determination process.

5. DISCUSSION OF THE CITY'S UNDERGROUND UTILITY REQUIREMENTS

Mr. Stevens reviewed is staff report on the City's requirements applicable to undergrounding of utilities. He reviewed the reasons for the benefits to undergrounding, the current City policies and practices and survey information from other cities policies. He presented information on the property at xxx Arrow Hwy as a case study. In response to a question he stated that under the current policy electrical lines larger than 66kv would not be required to be underground so the existing poles would need to stay to accommodate those lines but all other lines would be underground. There were some questions regarding the specific property in the case study. Mr. Stevens responded that he is seeking direction on the general undergrounding policy and not particularly this specific property. He presented several alternatives for consideration. The Council had general discussion regarding the alternatives.

Councilman Templeman stated that he has concern that in fill projects have the burden to underground in front of their property when surrounding properties may still have poles remaining. Councilman Ebiner commented that he still wants the goal of undergrounding but maybe an in-lieu fee is acceptable as long as the property owner doesn't have to bare the total cost of the project. Mayor Morris commented that he is a strong proponent of undergrounding but is also mindful of the cost for in fill projects especially if the poles will need to remain up. He added that he could be in favor of an in-lieu fee and to use the funds where it is of most benefit. There was additional discussion regarding the concept of an in-lieu fee. City Attorney Brown commented that he will review issues regarding the imposition of an in-lieu fee and how the fee revenue could be used.

Mayor Morris commented that though he is in favor of changes to the policy, if changes are not made he feels it needs to be made clear that the current requirements are by Ordinance and other policies and not discretionary by staff.

Councilman Badar commented that he feels the policy needs to be more flexible and is in favor of alternative number 4 if the in-lieu fee is reasonable.

There was some discussion on how the Rule 20A funds are utilized. Mr. Patel commented that approximately \$114,000 per year is generated with a current reserve balance of approximately \$700,000. He added that those funds can only be used for Edison undergrounding and not for other utilities.

There was more discussion on the concept of undergrounding districts and funding districts with use of in-lieu fees. The consensus for staff to further explore option # 4 including how in-lieu fees could be used for future projects.

6. FOLLOW UP DISCUSSION REGARDING WALKER HOUSE RENTAL PROCESS

Ms. Bruns reported that this is a follow up regarding Council comments on Historical Society and Festival of Arts payment of fees for events using the downstairs of the Walker House in light of the new rental policy. She added that she had been in communication with each group and they will be having meetings of their organizations this week. She also added that based upon previous uses that staff recommends that each group be offered an opportunity to host one event on the first floor at no charge from January to June 2013. It was the consensus of the Council to accept staff recommendation and to revisit the decision if the interim use policy extends beyond June.

7. REVIEW OF ZONING ALTERNATIVES FOR AFFORDABLE HOUSING AND UPDAE ON THE HOUSING ELEMENT.

Mr. Stevens reviewed his staff report outlining the process and activities for the housing element update. The report also reviewed the housing program objectives set out in the 2008 – 2014 housing element.

Mr. Stevens then discussed the need for the City to begin to identify properties to could be rezoned as default density zones to potentially accommodate higher density zoning. He presented a list of potential properties that may be under consideration for the higher density zoning and asked for some preliminary feedback from Council on the potential sites. Councilman Ebiner commented that in general he feels that the City needs to be sensitive to adjacent properties and take in to consideration if rezoning contributes to the synergy of those properties. There was discussion on some of the specific properties with no specific direction given. There was some hesitation given on the consideration of higher density of the 299 E. Foothill Blvd. property because of the difficulty with making higher density compatible with the adjacent properties.

8. UPDATE ON MAJOR PLANNING PROJECTS

Mr. Stevens provided an update on major planning projects including Grove Station Phase 2, 81 units; NJD northern foothills residential project; Bonita Canyon Gateway Apartments; downtown façade improvements; Tzu Chi Master Plan. There was some general discussion on each of these projects.

Councilman Ebner inquired about the status of enforcement of the commercial property for lease signs under the new sign ordinance requirements. Mr. Stevens responded that letters have been sent out to all commercial brokers informing them of the ordinance changes and informing them that they must be in compliance by February 8th.

9. ORAL COMMUNICATIONS

There were no public comments.

10. ADJOURNMENT

There being no further business the meeting was adjourned at 9:22 p.m.



MINUTES
REGULAR CITY COUNCIL MEETING
TUESDAY, DECEMBER 11, 2012, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.

PRESENT:

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

City Manager Blaine Michaelis
City Attorney Ken Brown
Assistant City Manager Larry Stevens
Assistant City Manager Ken Duran
Director of Parks and Recreation Theresa Bruns
Director of Public Works Krishna Patel
Deputy City Clerk Debra Black

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:05 p.m. and led the flag salute.

- 2. 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) Pui Ching Ho, County Librarian announced the current activities taking place at the library this month.
- 2) Don Pollock with the University of LaVerne and KWEST TV announced that he would be a guest on the "Ask the Mayor" broadcast this week.

3. 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.)

MOTION: It was moved by Councilmember Bertone and Seconded by Councilmember Ebiner and carried 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) Approving Warrant Register for November and December 2012.

RESOLUTION NO. 2012-67, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF NOVEMBER AND DECEMBER, 2012.

- b. Approval of minutes for the regular City Council meeting of November 27, 2012.
- c. Approve intersection agreements with Glendora
- d. Amendments to Salary Resolution **2012-68**
- e. Summary of the San Gabriel Valley Council of Governments Strategic Planning Retreat, November 30, 2012

END OF CONSENT CALENDAR

4. PRESENTATION

- a. Clean Water Measure – Los Angeles County

Phil Doudar, Principal Engineer with Los Angeles County Flood Control explained and presented an overview of the Los Angeles County's Clean Water Measure. He emphasized the multi benefits of the future plans of addressing storm water quality. The American Society for Civil Engineers have been working on this project for eight years and three years ago legislation was passed that enabled the County Flood Control District to initiate the measure. This would be a parcel based fee, where all parcels would pay into the program and be used for all local and regional programs.

It is subject to Public Hearings and a vote by the County Supervisors. San Dimas is one of 86 cities in Los Angeles County that is covered by the service area and would receive 40% of the fee collected, which is approximately \$750,000 annually. The actual revenue collected is about \$1.8 million. The monies could be used for local projects and programs in San Dimas such as catch basin screens, street sweeping and water quality process. The latest MS4 Permit compliance process could be supported with funds collected from this measure. San Dimas would be a member of the San Gabriel Valley Watershed Authority Group that would receive 50% of revenues collected to look at the regional issues and projects.

80% of residential properties would pay \$54.00, condos \$20.00 with a maximum amount at \$83.00. The fee is based on the size and density of the lot, not the value. The fee per square foot is the same whether it is residential, commercial or institutional. Public opinion polls place support at an average of 60% district wide. Notices have gone out and public hearings will be conducted on January 15, 2013. If no majority opposition the Board of County Supervisors would decide whether to have a mail ballot or a general election. If a mail ballot election, then the vote would take place in April 2013 with a May 7, 2013 deadline to submit ballot.

Councilmember Bertone shared that he supports what the LA County Flood Control is doing and feels it is necessary. He has been to many meetings on the matter and says that there are three areas that he has heard complaints about the measure, one is that there is no sunset clause, secondly new developments already have put measures in place, will they be treated the same and third school districts are unhappy are they going to be able to afford this?

Mr. Doudar answered that if a sunset clause were included municipalities and other groups would be left with significant infrastructures with no one to maintain it. The ordinance that was put forth by the County includes provisions for incentive programs that municipalities would implement with new developers. Under state law school districts are not exempt if they receive the service they have to

pay. The department is mindful of the hardships that schools are going through, and we have made contact with the Los Angeles County Office of Education to help educate them and to explain the program tailored specifically for the schools to help lessen the burden they face.

Councilmember Bertone expressed we are very lucky to have Krishna and Latoya on staff to help with this subject matter.

Councilmember Templeman commented that there is a lot of science to this and doesn't think people understand the MS4 and more needs to be done to educate people on what this means. There will be a huge cost to the City of San Dimas; having the meetings in downtown Los Angeles is a problem. He feels that Supervisor Antonovich should have some meetings out here.

City Manager Blaine Michaelis asked as far as the school district or a park where there is a great deal of lawn and almost no run off, are those things taken into consideration?

Mr. Doudar answered that they have looked at historical and nationally excepted impervious percentages used in the design of storm drains to correlate this to the actual calculations.

Councilmember Templeman asked how many parcels San Dimas has.

Assistant City Manager Ken Duran replied he was unsure of the number but we did receive notifications this week and are starting to go through some analysis and are concerned because some of our parks are five to seven thousand dollars per park. We haven't received all of our assessments so we don't have a total calculation.

Mr. Doudar shared that there are 71 city parcels in San Dimas. He also stated that Mr. Patel has brought to his attention the figures for the parks and he feels that there is some sort of anomaly with these and the figure is too high and will be adjusted.

Mr. Michaelis asked if that was the process, where you could request the figures be reviewed if you thought they were incorrect.

Mr. Doudar shared that state law provides that if you believe that there is a mistake you could appeal.

Councilmember Templeman asked what the County's percentage is for managing this program.

Mr. Doudar answered that is was 10%.

Councilmember Bertone asked if the regional groups were the same as the WAG and that no elected official can be on a WAG.

Mr. Doudar answered that was not true and whoever a city designates as its representative can be there. There was language in an old draft ordinance that did state that, but it was removed.

Councilmember Ebner asked if it would be a mail in ballot.

Mr. Doudar answered the Board of Supervisors has not decided yet, in all likelihood that is what the Department of Public Works is going to recommend to the Board. There is a direct nexus between the parcel owner and the fee. If it went out to general election a renter could decide instead of the property owner; and some property owners would not be able to vote, like school districts.

Councilmember Ebner asked how the votes were weighted and what would be the threshold for passage.

Mr. Doudar answered one parcel, one vote regardless of the size and the threshold is 50% of ballots returned.

Councilmember Bertone mentioned that the most important thing to know is that the MS4 permits for the runoff is going to happen whether this passes or not and the city will be burdened with the expense and this would help us carryout what will need to be done. The costs would be approximately \$450,000 that would have to come from the general fund.

5. PLANNING/DEVELOPMENT SERVICES

- a. Request from Kimco Realty to initiate Zoning Code Amendment to allow various additional uses for the existing shopping center located at 802-888 West Arrow Highway (San Dimas Marketplace/target) in Specific Plan No. 20

Assistant City Manager of Development Services Larry Stevens presented a staff report for council outlining the points of determination to permit the process of evaluating the requested uses. The criteria that council needs to evaluate at this point is whether or not there is sufficient basis to go forward with a code amendment because the amendment will benefit the health, safety and general welfare of general zoning authority; whether it may or may not adversely affect other properties and whether or not there are changed conditions to warrant the amendment. Staff believes that those findings are generally easy to make and that the center does require some consideration. Staff may not agree on all the requested uses but the process can determine ultimately where we end up.

The direction needed for staff is would Council like the consideration of changing uses to be broader then Specific Plan 20 and look at the other shopping centers that have been identified or solely on the application at hand. Staff would like to understand the scope of any concern that you might have relative to dealing with businesses and retail shopping centers. Staff does recommend going forward and asks for comments relative to the other points raised.

Councilmember Bertone stated that he has mixed feelings. He visited the Via Verde Center and south of Von's there are seven sites, two of them are open business and five are vacancies. He also shared that almost anything would be better than a vacant store.

Mr. Stevens responded by stating that is a consideration, but the question is when you look at zoning and your police power in general is it Council's job to keep tweaking uses to allow the space to be as full as possible or do you want to maintain a certain retail component, because the retail sales tax is the generator of revenue to the city whereas the other uses are not. So what would be the correct balance? You may recall that in a couple of the shopping centers where we do permit offices, we have a policy that we have applied that limits the total percentage within the shopping center as a way to encourage as much retail as possible but to accommodate some limited need for specialty and office type uses. We will try to maintain some limitation on non-retail uses as we come forward with any amendment.

Councilmember Templeman asked how we ended up with a bank in the COSTCO Center.

Mr. Stevens answered, a bank was specifically listed as a permitted used and was included in discussion with COSTCO when we developed that specific plan, and it was however listed as a conditional use which gave some discretion over the appropriateness of the use as opposed to it being a permitted use.

Councilmember Templeman stated that we have had these discussions before and we need to plan smarter. The whole idea of brick and mortar retail is on the way out; services are going to have to be blended with brick and mortar. He is supportive of some kind of services and thinks that people who go for services see other stores and participate in those stores. He isn't sure of what the percentage should be but is interested in moving forward with this, not only for this center but others as well.

Councilmember Bertone seconded Councilmember Templeman's comments.

Mayor Morris stated that we have centers that have different circumstances. For the Target Center, the city put a huge effort into creating it, using redevelopment funds. The center would never have been built except for the efforts of the city. It was designed to produce sales tax revenue that we needed to have and it has worked well. When the new owners bought the property it had the standards and that center has not suffered from large numbers of vacancies. One of the problems you run into with a center like that is if you start to put Doctor's Offices and similar uses you then start to lose the density of retail use and that make the retailers there have more trouble. The Via Verde Center was a Master Plan and would never have been built at the densities that Via Verde now has. The Master Plan provided for a lot more density. So people built a center that later on our planning says there shouldn't be a center there because there isn't enough support for it in the long run. It did pretty well for a lot of years because of the demographics in Via Verde, but that support is going away. It was also always a neighborhood center so it's appropriate to have offices and those types of services there that you would not want in our only "power center." I'm all for looking at all these things, but we need to be pretty careful that we are looking at the circumstances of the particular centers. He continued to say that he doesn't think that solutions that apply to the Ralph's and Target Center apply to failed centers like San Dimas Station and Via Verde where we are going to have to do something or it will all be empty. We ought to do it but it should be comprehensive, that doesn't say that every center has to be the same. The neighborhood centers provide a little different service and we have to look at what it takes for them to survive.

Councilmember Templeman shared that he believes shopping is changing and we may need a consultant to come in and help give us some additional input. This is a new millennium and we need to be smart enough to think it all through and do what's necessary.

Mayor Morris stated that he agreed with Councilmember Templeman, but also shared that the Target Center is not having a problem and one of the reasons they keep drawing new retail tenants is that they are a retail center.

Councilmember Ebner suggested that it would be smart to focus on SP 20 first; we will get done quicker if we focus on one area. As time goes on and as things evolve we can look at what we learned on one center. He stated that he is supportive of some of the changes; some things can be changed in the ordinance such as the size of the units for some of the business that go in. He agrees with Curt on the focus of this center, this is the best sales tax generating revenue we have. If you start mixing in services and you have too high a percentage, you do start to make it harder for those that are there to make a dollar because you don't have the density of shoppers as opposed to the people going for the services. He also shared that he feels retailers are going figure out ways to capture the shoppers who might want to go online, as Nordstrom's is doing with the handheld card reader that allows the shopper to pay on the spot or review the inventory of the entire store chain to get an item.

Councilmember Templeman shared that the Chamber's Shop San Dimas contest has Lowe's as the most shopped store.

Mr. Stevens suggested that maybe we could approach this by looking at it in a couple of categories. Retail sales tax generation is more important to us as a public policy, and the Target Center, San Dimas Station and maybe Ralph's, can be a starting point and then Via Verde, Stater's and Albertson's. If we go forward with the KIMCO request we will have a thought process that relates to those that we want to maintain a stronger retail sales tax basis then we do the others.

Councilmember Templeman asked when does the Lowe's tax sharing end.

Mr. Stevens stated that he thinks it ended last year.

Mr. Brown, representative from KIMCO shared some of the company's history and provided information on how some of the companies they have as tenants are adapting to the evolving cycle of retail shopping. He also shared that retail and shopping is still a social experience and people will still go out to interact. Since 2011 he has looked at alternative uses in retail centers and still keep the retail as the primary function because of their promises to the community and cities for the sales tax benefits. What they are looking for is flexibility in their uses. There are some service businesses that have thrived and have brought in tenants and customers. They have an REA with Target that is pretty restrictive and certainly are not going to do anything to upset the apple cart.

Mayor Morris thanked Mr. Brown for his comments and said that staff would probably be in conversation with him about his needs and thoughts and taking advantage of his knowledge on what is happening in retail.

Mr. Stevens stated that he understands the consensus is to go forward and while there may not be 100 % agreement in terms of some of the details, we understand a need to make some change and will go forward on that basis.

6. OTHER BUSINESS

- a. Renew contract with University of La Verne for the management of the City's Government/Education Access Channel.

Assistant City Manager Ken Duran presented staff's report providing the history of the contract and services provided by the University.

Councilmember Bertone commented that the bulletin board needs to stay current.

MOTION: A motion was made by Councilmember Templeman and seconded by Councilmember Ebiner to approve the contract renewal. Motion carried unanimously.

Councilmember Templeman asked if we've reached a level of understanding where a multi-year contract would make more sense.

Mr. Duran responded we have reached a comfort level and established a good working relationship where he would be comfortable looking at a multi-year contract.

Councilmember Badar asked about public access services.

Mr. Duran responded that staff continues to discuss with the university staff the merits of expanding and opening it up to more public access. There are a couple of issues with doing this, one is a cost increase to do that; the other is with other media sources that people have to produce and broadcast their own programming such as YouTube, public access is evolving and we are not sure of where it is going. Staff is still open to it, but unsure the level of interest. The University tries to offer producer

training opportunities and has had some interest so that they may be offering classes at the beginning of the year. We will be promoting that within the community.

Councilmember Templeman stated that he would expect more management oversight from Ken if we grow the program.

Councilmember Ebiner shared he would like to have more public access, but an issue would be the standards of content. This could be a problem because you never know what people might submit or do. He feels that there are a lot of kids out there with a camera that may want to do something, as well the community groups that would benefit from the exposure.

Mayor Morris stated that we have tried various ways of doing this and it is difficult. We've had a staff member try and it as very difficult to get the production and you literally cannot limit the content.

b. Acceptance of 2011-12 audit

Assistant City Manager Ken Duran presented staff's report on the Annual Independent Audit of the city's financial statements for 2011-12. Some highlights of the reports are: the year-end July 30, 2012 overall general fund revenue was almost \$19 million dollars; the expenditures were \$19 million dollars and included a one-time \$1 million dollars general fund transfer to some reserve funds. At the end of the year the city had a general fund cash reserve of \$13.6 million dollars. This represents about 75% of the city's annual expenditures.

Councilmember Templeman shared that something he is watchful of when meeting with the auditors is making sure everything is ethical. He asked the auditor if he had a sense that something was going wrong or there was fraud, who would he tell and the response was that the auditors work for the council and so the Mayor would be informed. What has been suggested to staff is to consider a protocol for an event, even though we trust everyone. If you have a protocol in place to watch for those types of things you're better off. We are interested in seeing what that would look like down the road.

MOTION: Councilmember Badar moved to receive and file the audit report, Councilmember Templeman seconded. The motion passed unanimously.

7. MEETING OF SAN DIMAS PUBLIC FACILITIES FINANCING CORPORATION

Called to order at 8:23 p.m.

Mayor Morris asked City Manager Michaelis to explain what the corporation is.

Mr. Michaelis responded that it is an entity that allows the city to secure funding to finance projects. The Corporation meets infrequently because we don't have the need; but the bylaws require an annual meeting be conducted in the month of December. The bylaws also require that the leadership be reaffirmed and it is customary that the Mayor and Mayor Pro Tem serve as President and Vice Chair and the City Manager service as Secretary-Treasurer. The Board serves without compensation. The recommendation would be to affirm leadership.

- a. Public Comments *(This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.)*

Mayor Morris asked if anyone would like to address the Public Facilities Financing Corporation on any matters that are within the jurisdiction of the corporation. Seeing no one come forward he moved onto approval of the minutes for the December 13, 2011.

- b. Approval of Minutes for meeting of December 13, 2011.

MOTION: Moved by Councilmember Templeman and seconded by Councilmember Badar to approve. Motion carried unanimously.

- c. Election of Officers

MOTION: Motion made by Councilmember Bertone that the Mr. Morris be the Chair, Councilmember Badar be Vice-Chair and Mr. Michaelis Secretary/Treasurer. Motion carried unanimously.

Councilmember Ebiner clarified that the titles should be President and Vice President.

- d. Members of the Corporation

Nothing to report.

Meeting adjourned to the meeting of the San Dimas Housing Authority Corporation at 8:26 p.m.

8. MEETING OF SAN DIMAS HOUSING AUTHORITY CORPORATION

- a. Public Comments (*This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.*)

No one came forward

- b. Approval of Minutes for meeting of December 13, 2011 and January 24, 2012.

MOTION: Motion made by Councilmember Ebiner to approve, seconded by Councilmember Templeman. Motion carried unanimously.

- c. Update of authority activities for 2012

City Manager Michaelis explained that the Housing Authority is the entity which owns the Senior Housing above the Hardware Store and the Charter Oak Mobile Home Park.

Assistant City Manager Ken Duran explained that the Housing Authority was originally set up as the authority to issue bonds for the purchase, management and continued operation of the Charter Oak Mobile Park. With the dissolution of the Redevelopment Agency this past year, the city opted to transfer the assets from the Redevelopment Agency to the Housing Authority. The city staff of the Authority has been working on the dissolution process. As the process begins to settle the Authority will have some new responsibilities, so the Authority will meet on a more regular basis. It may also have some new opportunities down the road as far as new housing programs as we determine what the funding sources might be.

MOTION:

- d. Members of the Authority

Nothing to report.

9. ORAL COMMUNICATIONS

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

Dr. Marvin Ersher asked how much the city would receive in revenue from the Transient Occupancy Tax Measure that is on the ballot for next year and what the expense of the election is.

Assistant and City Manager Duran replied the budget for the election is at \$75,000, but some expenses are coming in under what we projected.

City Manager Michaelis explained that because the city has a revenue increasing measure on the ballot the city will have an election and the three unopposed candidate's names will appear on the ballot. The Measure A proposal is to increase the Transient Occupancy Tax, this is the tax that is paid when someone stays at a hotel room or camp ground within the city. The current rate is 8%; the proposed increase would be 12%. Most cities are at or close to this rate. The net increase is about \$350,000.

Dr. Ersher shared his concerns on the requested changes to the shopping centers in the city and urged caution.

- b. City Manager

Mr. Michaelis announced this week's upcoming "Ask the Mayor" show with guest Don Pollack.

- c. City Attorney

Nothing to report.

- d. Members of the City Council

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

None to report.

- 2) Individual members' comments and updates.

Councilmember Templeman congratulated staff on the success of the Holiday Extravaganza.

Councilmember Bertone announced that the city was being recognized by the San Gabriel Valley Energy Wise Partnership for our environmental concern on saving energy. On Thursday he will be representing Council at a lunch for the Senior Club.

Mayor Morris congratulated staff on the success of the Holiday Extravaganza and thanked all who came out and had a good time.

Councilmember Templeman thanked those in the community for their support for the incumbents. This is the first time in the history of the city that the incumbents run unopposed.

10. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:47 p.m. in memory of former Public Safety Commissioner Neil Oudejans. The next meeting will be on January 8, 2013, 7:00 p.m.

Respectfully submitted,

Debra Black, Deputy City Clerk



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of January 8, 2013

From: Blaine Michaelis, City Manager

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

Subject: Approval of a ten year extension of the Joint Use, Maintenance and Operation Agreement for the SportsPlex between the City of San Dimas and Bonita Unified School District

Summary

The SportsPlex Agreement between the City of San Dimas and the Bonita Unified School District may be extended for an additional ten years.

BACKGROUND

In May, 1987 the City entered into an agreement with the Bonita Unified School District for joint use, maintenance and operation of certain specified recreational facilities at San Dimas High School, known as the SportsPlex. The Agreement outlines the responsibility of the City and the School District as it pertains to maintenance costs, scheduling and use of the facility, and was established for an initial term of twenty-five years, with the provision for two, ten year extensions.

Since the construction of the SportsPlex, the City and the School District have each been responsible for one-half of the annual costs for maintaining the SportsPlex. The City is responsible for the coordination of the scheduling for the facility, with the District having exclusive use during school hours, and first priority for use during non-school time. The City schedules use of the SportsPlex for community recreation purposes, including those activities conducted by the City as well as other community recreational organizations.

The City of San Dimas and the Bonita Unified School District wish to continue to maintain a cooperative agreement for the joint use and maintenance of the SportsPlex facilities. City and District staff have reviewed and updated the Agreement to reflect current operations. The Parks and Recreation Commission reviewed the Agreement at their November 20, 2012 meeting.

The effective date of this Agreement extension will be for a period of ten years, May 2012 through May 2022. The Bonita Unified School District Board of Education approved and authorized execution of the Agreement at their December 12, 2012 meeting.

RECOMMENDATION

Staff recommends the approval and authorization of a ten year extension, covering the period of May 2012 to May 2022 for the Agreement for Joint Use, Maintenance and Operation of San Dimas SportsPlex between the Bonita Unified School District and the City of San Dimas.

Attachment: Agreement for Joint Use, Maintenance and Operation of San Dimas SportsPlex between the Bonita Unified School District and the City of San Dimas

AGREEMENT
FOR JOINT USE, MAINTENANCE AND OPERATION OF SAN DIMAS
SPORTSPLEX BETWEEN THE BONITA UNIFIED SCHOOL DISTRICT AND
THE CITY OF SAN DIMAS

THIS AGREEMENT is entered into by and between the Bonita Unified School District ("District"), 115 West Allen Avenue, San Dimas, California 91773 and the City of San Dimas ("City"), 245 East Bonita Avenue, San Dimas, California 91773.

RECITALS

A. Sections 10900 et seq. of the Education Code of the State of California authorize and empower City and District to cooperate with each other in organizing, promoting and conducting programs of community recreation.

B. City and District desire to establish a basis for the cooperative use of certain specified recreational and educational facilities located at the San Dimas High School in the City of San Dimas.

C. It is in the public interest that the usage of recreational facilities of District and City be maximized.

NOW, THEREFORE, in consideration of performance by the parties of the covenants and conditions herein contained, the parties agree as follows:

1. Definition of Terms:

The following words have in the Agreement the significance attached to them in this paragraph, unless otherwise apparent from the context:

"BOARD OF EDUCATION" means the Governing Board of the Bonita Unified School District

"CITY COUNCIL" means the City Council of the City of San Dimas.

"DSA" means the Division of State Architect, State of California.

"SUPERINTENDENT" means the Superintendent for the Bonita Unified School District.

"CITY MANAGER" means the City Manager for the City of San Dimas.

"PLANS" means plans and specifications for the development of and improvements to the SportsPlex.

"WORK" means development and improvements implemented pursuant to the Plans.

"SPORTSPLEX" means the school playfields, tennis courts, stadium and other property within the area of the San Dimas High School delineated in Attachment "A" attached hereto and incorporated by this reference.

"MAINTENANCE" means the cleaning, repair, and care of the SportsPlex, including, but not limited to, landscape maintenance

"SCHOOL TIME" means days when school is in regular session and students are on campus, up to 4:00 P.M.

"NON-SCHOOL TIME" means days when school is not in regular session and after 4:00 P.M. on days when school is in regular session. Non-school time includes the summer months even if classes are held at San Dimas High School.

The words "SHALL" and "WILL" are mandatory and the word "MAY" is permissive.

2. General Principles

District and City shall cooperatively plan, develop, and maintain the SportsPlex for joint educational and community recreation purposes pursuant to this Agreement to ensure the maximum use for both District's pupils and City's residents.

- (a) Development and improvement of the SportsPlex was completed and the initial 25-year Agreement was executed in May 1987, effective through May 2012. The original Agreement contains the detail on the improvements.
- (b) This Agreement represents the first renewal for a period of ten years, May 2012 through May 2022.

3. SportsPlex Use

- (a) District agrees that City may use District's outside recreation sites, facilities and equipment at the SportsPlex which City may require in connection with its community recreation programs as set forth in this Agreement, provided, however, that the use of the SportsPlex for community recreation purposes shall not interfere with District's use of the SportsPlex for public school purposes or constitute a violation of the provisions of California or Federal law.
- (b) District shall have exclusive use of the SportsPlex during School Time.
- (c) City shall be responsible for scheduling use of the SportsPlex during all Non-School Time. City shall have the right to use the SportsPlex during Non-School Time, subject to the following restrictions:
 - (1) District shall have the prior right to use the SportsPlex or designated portions thereof during the summer if (i) District is conducting a summer school program and needs such use in connection therewith, or District needs to use the football practice areas, and (ii) District notified City of its anticipated summer use of the SportsPlex by March 1 prior to the summer in question.
 - (2) City shall give District priority in scheduling use of the SportsPlex during Non-School Time for District team participation in CIF play-off games.
 - (3) City shall give District priority in scheduling use of the SportsPlex during Non-School Time of any school year for District athletic team usage of which District has provided City notice by March 1 for summer sports, May 1 for fall sports and October 1 for winter sports.

(4) City shall work with District to schedule to the greatest possible extent use requested by District after March 1 for summer sports, May 1 for summer sports and October 1 for winter sports.

4. SportsPlex Maintenance

- (a) City shall be responsible for maintenance of the SportsPlex, whether through its own staff or by contract.
- (b) District shall be responsible for lining the athletic fields for its own use and City shall be similarly responsible for lining fields for City's use. Materials used shall be approved by District.
- (c) At the completion of activities by City or by District, the SportsPlex or portion thereof so used shall be left clean for the next user. In the event that the SportsPlex is not left clean, the party next using the SportsPlex shall clean it, and the party failing to clean the SportsPlex shall be responsible for all costs of cleaning incurred by the other party. The party cleaning the SportsPlex shall provide the other party with an accounting of time required for such cleaning and with such other information as may be needed to assess the cost of cleaning.

5. Costs of Maintenance

(a) Costs of maintenance shall be apportioned as follows:

- (1) District shall be responsible for all costs associated with the maintenance of the football stadium.
- (2) Except as provided in subsection (4), City and District shall each be responsible for one half (1/2) of the costs of maintaining all of the SportsPlex other than the football stadium.
- (3) A proposed budget shall be prepared annually by City for anticipated maintenance costs. The proposed budget shall be presented by May 15 to the City Manager and the Assistant Superintendent of Business Services for their use. The costs for special projects or repairs shall be explained in the budget.

(b) Utility costs shall be apportioned as follows:

- (1) District shall be responsible for all costs associated with lighting the football stadium.
- (2) City shall be responsible for all costs associated with lighting all parts of the SportsPlex other than the football stadium, including, but not limited to, the costs of lighting the tennis courts.
- (3) District shall be responsible for all costs of water used in connection with the SportsPlex.
- (4) Notwithstanding paragraphs 1 and 2 of this subsection (b), City shall reimburse District for the costs of lighting the football stadium during that time when City is using said stadium, and District shall

reimburse City for the costs of lighting portions of the SportsPlex other than the football stadium during the time when District is using such facilities. Attachment B – Fee Schedule

- (5) If separate utility costs need to be determined, a pro rata share of the utility costs shall be mutually determined and agreed upon by the Director of Maintenance and Operations and the Director of Parks and Recreation.
- (6) Persons using the SportsPlex shall be responsible for the SportsPlex and shall reimburse the party responsible for maintenance for the cost of repairing any damage to the SportsPlex. If City has authorized the use of the SportsPlex and the user damages the SportsPlex and does not repair the same, then City shall be obligated to make repairs and may recover the costs so incurred from the user. Similarly, if District has authorized the use of the SportsPlex and its user damages the SportsPlex and does not repair the same, then District shall be obligated to make repairs and may recover costs so incurred from the user. Users shall execute agreements for use that shall provide that if monies owing are not paid when due, then said sums shall bear interest at maximum rate allowed by law until paid, and City and/or District shall be reimbursed for its costs of collecting said sums, including its attorney's fees and court costs. If the SportsPlex is damaged by individuals or groups using it without authorization by City or District, the City and District shall meet and mutually agree as to the financial responsibility for repair of the SportsPlex. Users that damage the SportsPlex and do not make repairs or pay for repairs made by the City or the District will be denied any further use of the SportsPlex.

(c) The SportsPlex, as developed by the parties for community recreation purposes under this Agreement, shall be adequately maintained to ensure proper and safe use, appearance, and longevity.

6. Indemnification

- (a) The District hereby agrees to indemnify, defend and hold harmless the City and its directors, officers, administrators, employees, volunteers, and agents against and from any liability, including for damage to property and injury or death of any person, and any claim, action or proceeding against the City, arising in whole or in part out of any acts or omissions of the District in the performance of this Agreement unless caused by the sole negligence or willful misconduct of the City. In its sole discretion and at its own cost and expense, the City may participate in the defense of any such claim, action, or proceeding, utilizing legal counsel of its choice. However, such participation shall not relieve the District of any obligation imposed pursuant to this Agreement. The City shall promptly notify the District of any such claim, action, or proceeding and shall cooperate fully in the defense of same.

District shall provide City with a form of assumption of liability with minimum coverage as provided in Attachment "C" attached hereto and incorporated by this reference.

- (b) The City hereby agrees to indemnify, defend, and hold harmless the District and its directors, officers, administrators, employees, volunteers, and agents against and from any liability, including for damage to property and injury or death of any person, and any claim, action, or proceeding against the District, arising in whole or in part out of any acts or omissions of the City in the performance of this Agreement unless caused by the sole negligence or willful misconduct of the District. In its sole discretion and at its own cost and expense, the District may participate in the defense of any such claim, action, or proceeding, utilizing legal counsel of its choice. However, such participation shall not relieve the City of any obligation imposed pursuant to this Agreement. The District shall promptly notify the City of any such claim, action, or proceeding and shall cooperate fully in the defense of same.

City shall provide District with a form of assumption of liability with minimum coverage as provided in Attachment "C" attached hereto and incorporated by this reference.

- (c) Each party shall provide its own defense with respect to any claims, action, or proceeding arising out of the joint acts or omissions of the parties. In such cases, each party shall retain its own legal counsel and bear its own defense costs, and each party shall waive any right to reimbursement of such defense costs from the other party.

7. Term

In consideration of City's development of the SportsPlex, District agrees to keep and maintain the SportsPlex as recreational facilities for the benefit of the residents of the City for a period of twenty-five (25) years, subject to this Agreement (May 1987 – May 2012). At the expiration of such term, this Agreement shall be automatically extended for additional terms of ten (10) years, unless either City or District provides written notice to the other at least one (1) year before the end of the term of this Agreement in order to accommodate the annual sports schedules, or an extension, that they desire to terminate this Agreement. In that event, the Agreement shall expire at the end of the term.

In the event this Agreement is terminated after the initial twenty-five (25) year term, all improvements installed or constructed by the City pursuant to this Agreement shall be left in place and District shall reimburse City for the depreciated value of those improvements set forth in Attachment "D". For purposes of calculating the depreciated value, the total amount of reimbursable costs shall be depreciated in equal amounts over a thirty-five (35) year period. This obligation for reimbursement shall not apply if City terminates this Agreement.

8. Notice

Notice to Parties. Any notice, demand, request, consent, approval, designation or other communication which either party is required or desires to give or make or communicate to the other Party shall be in writing and shall be personally delivered or sent by registered or certified mail, postage prepaid, return receipt requested at the following addresses:

District: Bonita Unified School District
 115 West Allen Avenue
 San Dimas, California 91773
 Attn: Superintendent

City: City of San Dimas
 245 East Bonita Avenue
 San Dimas, California 91773
 Attn: City Manager

9. City Rights

This Agreement shall not be deemed or interpreted so as to modify, limit, or otherwise affect any right or interest which City may have in the SportsPlex under any provisions of law or existing contractual agreement.

10. General Provisions

- (a) Representatives of District and City shall regularly confer with regard to the development, use and maintenance of the SportsPlex. The representatives may establish procedures to administer this Agreement and may provide from time to time for the proposed amendment of this Agreement or proposed separate Agreements to provide for the development, use and maintenance of other facilities such as the Agreement which presently exists relative to the use of the gymnasium.
- (b) After completion of any additions to the SportsPlex, nothing shall be done by either District or City, or be authorized by them to be done by a third party, which would interfere with the intended use of the recreational facilities which have been installed.
- (c) There shall be no additional development of the SportsPlex or changing of the recreational facilities on the SportsPlex after they have been installed without the prior discussion between the District and the City of the proposed changes.
- (d) If from time to time disputes arise which are not resolved through the efforts of the District's and City's representatives, then it is the intent of the District and City in this Agreement to provide the following procedures to resolve disputes relative to maintenance and scheduling and other items of interpretation of the provisions of this Agreement. In the event of such a dispute, a representative of the District and a representative of the City, as appointed by the Board of Education and the City

Council, shall meet and agree upon the appointment of a third person to assist in the resolution of the dispute. Such third party can be a judge of the local court, a minister within the City or any other person mutually agreed to by both the District and the City representatives. If the dispute is not resolved through this procedure, then the matter shall be referred to a joint meeting of the District and the City for resolution.

11. Authorization

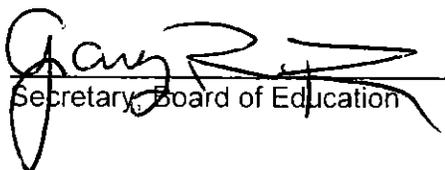
This Agreement has been approved and authorized to be executed by:

Action of the Board of Education taken at its meeting of December 12, 2012

Action of the City Council taken at its meeting of _____

Executed on the date set forth below at San Dimas, California

ATTEST:


Secretary, Board of Education

BONITA UNIFIED SCHOOL DISTRICT

By: 
President

Date: 12-18-12

ATTEST:

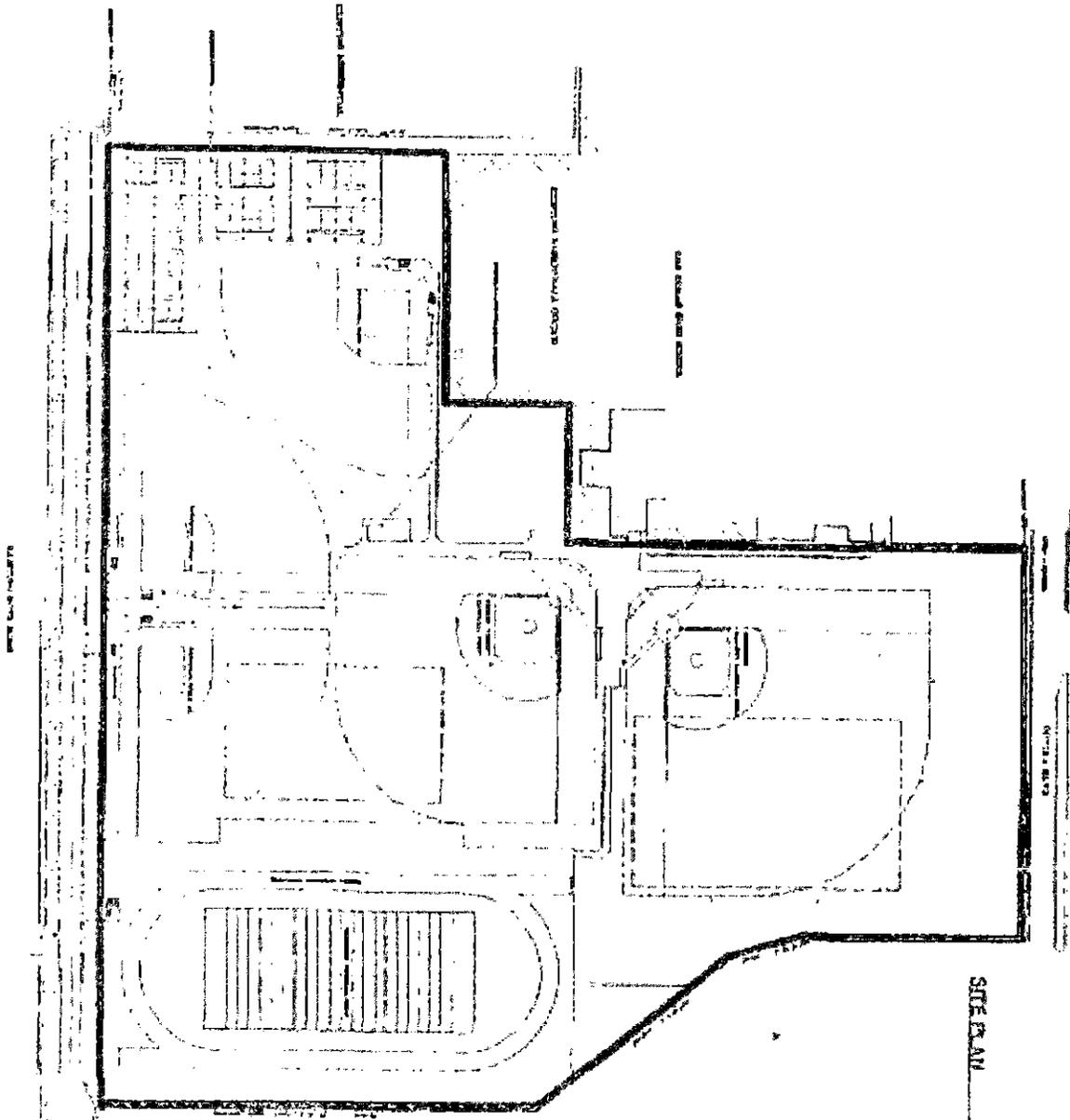
City Clerk

CITY OF SAN DIMAS

By: _____
Mayor

Date: _____

ATTACHMENT A
SPORTSPLEX MAP



<p>DATE: 11/15/11</p> <p>PROJECT: SAN DOMINGO HIGH SCHOOL ENERGY FACILITIES</p> <p>CLIENT: CITY OF SAN DOMINGO</p> <p>ADDRESS: 11111 SAN DOMINGO AVENUE, SAN DOMINGO, CA 95135</p>	<p>SAN DOMINGO HIGH SCHOOL ENERGY FACILITIES 11111 SAN DOMINGO AVENUE, SAN DOMINGO, CA 95135</p> <p>CITY OF SAN DOMINGO 11111 SAN DOMINGO AVENUE, SAN DOMINGO, CA 95135</p>	<p>Heimberger Birsch</p> <p>LANDSCAPE ARCHITECTURE AND PLANNING 11111 SAN DOMINGO AVENUE, SUITE 100 SAN DOMINGO, CA 95135 (415) 351-1111</p> <p>ASLA</p>
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ATTACHMENT B
 FEE SCHEDULE – LIGHTING

	<i>Fee Per Hour</i>
Softball Fields	
North West	\$18
South West	\$18
Soccer Fields	
South	\$21
North	\$45
Baseball	
Varsity	\$55
South East	\$25
Multi-Purpose Practice Area	\$12
Tennis Courts	\$8/hr/court

ATTACHMENT C

GENERAL LIABILITY

Liability Insurance Policy

Each party shall obtain, and shall maintain, at its own cost and expense, for the term of this Agreement, a policy of commercial general liability insurance ("Policy"), written on an "occurrence" basis, with a combined single limit of no less than five million dollars (\$5,000,000) per occurrence covering claims for bodily injury, including death, property damage, and damages that may arise out of or result from actions taken by such party, or any of its directors, officers, employees, agents, volunteers, invitees, or contractors, or any person directly or indirectly employed by any of them. For purposes of this agreement, it is understood that the City insurance will be primary insured for City sponsored events with the District as additional insured, and the District will be primary insured for all District events. The coverage provider shall be subject to each party's reasonable approval. Any deductible shall be the responsibility of, and paid by the insuring party with the deductible. Each party shall have the right of reasonable approval over any policy of insurance obtained by the other party to satisfy the requirements of this Article.

Worker's Compensation Insurance

Each party shall, in accordance with all applicable laws, rules, and regulations, including section 3700 et seq. of the Labor Code, obtain and maintain in full force and effect during the term of this Agreement a policy of workers' compensation insurance. Such workers' compensation insurance shall provide coverage for all of such party's employees, agents, and volunteers, if applicable, who will be undertaking any actions on behalf of such party pursuant to this Agreement in or upon the Facilities.

ATTACHMENT D

DEPRECIABLE IMPROVEMENTS

Improvement	Quantity	Price	Total Price
Drinking Fountains	5	\$2,200	\$ 11,000
Dugouts & Chain Link Fencing	8	\$2,500	\$ 20,000
Softball Field Backstop	3	\$2,500	\$ 7,500
Junior Varsity Field Backstop	1	\$4,500	\$ 4,500
Restroom/Concession Building	1	\$106,250	\$106,250
Irrigation System	1	\$130,000	\$130,000
Trees, 15 gallon	209	\$75	\$ 15,675
Tennis Court Lighting	1	\$43,000	\$ 43,000
Sport Field Lighting	1	\$310,000	\$310,000
Chain Link Fencing & Gates	1	\$41,070	\$ 41,070
Dugout Benches	8	\$700	\$ 5,600
Foul Poles	10	\$250	\$ 2,500
Drainage Channel & Swale	1	\$3,760	\$ 3,760
6" Sewer Line	1	\$2,150	\$ 2,150
3" Domestic Water Line	1	\$1,505	\$ 1,505
1" Domestic Water Line	1	\$1,050	\$ 1,050
¾" Domestic Water Line	1	\$2,890	\$ 2,890
Concrete Work	1	\$168,818	\$168,818
Total			\$877,268



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of January 8, 2013

FROM: Blaine Michaelis, City Manager

SUBJECT: Actions related to the sale of the Voorhis Village Project – Action to authorize the city to be a member of the California Statewide Communities Development Joint Powers Authority

SUMMARY

Voorhis Village, on the corner of Juanita and San Dimas Canyon Road was completed in 1972 as a HUD co-operative ownership project. The provisions of the original project have been met and the co-operative owners have elected to sell the property. The buyer is Community Preservation Partners LLC and they are requesting the issuance of multifamily housing revenue obligations (bond financing) to complete the purchase. As part of the financing requirements for the project, all of the 64 units will be subject to affordable housing provisions for the next 55 years. After the sale, the project will be operated as an apartment complex.

The buyer has requested an organization called the California Statewide Communities Development Authority (CSCDA) to be involved in the issuance of the financing. The CSCDA was created in 1988, to provide California's local governments with an effective tool for the timely financing of community-based public benefit projects. CSCDA has over 500 member agencies and is sponsored by The League of California Cities and The California State Association of Counties.

Staff supports the proposed sale of Voorhis Village and the accompanying commitment to continue to provide affordable housing opportunities for the next 55 years as an apartment complex.

*There are two steps required to move this matter forward. **First** the city needs to be a member of the CSCDA Joint Powers Authority; **Second**, the city is required to conduct a public hearing to provide an opportunity for public comment on the proposal to use Multifamily Housing Revenue Obligations to finance the project.*

FURTHER BACKGROUND

The City would not be a party to the financing documents or process for the Voorhis Village project. As set forth in Section 9 of the Amended and Restated Joint Exercise of Powers Agreement of CSCDA, the debt would not be secured by any form of taxation, or by any obligation of either the City or CSCDA. Neither would the debt represent or constitute a general obligation of either the City or CSCDA. Pursuant to the governing California statutes and the JPA Agreement, a member of CSCDA is not responsible for the repayment of obligations incurred by CSCDA. The debt would be payable solely from amounts received pursuant to the terms and provisions of financing agreements to be executed by the Developer of the proposed facility. In the financing documents the Developer will also provide comprehensive indemnification to CSCDA and its members, including the City.

California Statewide Communities Development Authority

The CSCDA was created in 1988, under California's Joint Exercise of Powers Act, to provide California's local governments with an effective tool for the timely financing of community-based public benefit projects. CSCDA's goal is to stimulate economic development throughout California by financing projects that provide public benefit by creating jobs, health care, affordable housing, infrastructure, schools and other fundamental services that enrich and improve the quality of life in local communities. Currently, more than 500 cities, counties and special districts are Program Participants of CSCDA.

RECOMMENDATION

The city needs to be a member of the CSCDA JPA prior to conducting the public hearing regarding the issuance of multifamily housing revenue obligations. CSCDA membership is competed through the adoption of Resolution 2013-02. There is no cost for the city to be a member of the CSCDA. Aside from the Voorhis Village project, there may be other times in the future where the city's membership in the CSCDA could be of benefit.

STAFF RECOMMENDATION: Adopt Resolution 2013-02

Attachment: Resolution No. 2013-02

RESOLUTION NO. 2013-02

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS
APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF AN
AMENDED AND RESTATED JOINT EXERCISE OF POWERS
AGREEMENT RELATING TO THE CALIFORNIA STATEWIDE
COMMUNITIES DEVELOPMENT AUTHORITY**

WHEREAS, the City of San Dimas, California (the "City"), has expressed an interest in participating in the economic development financing programs (the "Programs") in conjunction with the parties to that certain Amended and Restated Joint Exercise of Powers Agreement Relating to the California Statewide Communities Development Authority, dated as of June 1, 1988 (the "Agreement"); and

WHEREAS, there is now before this City Council the form of the Agreement; and

WHEREAS, the City proposes to participate in the Programs and desires that certain projects to be located within the City be financed pursuant to the Programs and it is in the public interest and for the public benefit that the City do so; and

WHEREAS, the Agreement has been filed with the City Clerk, and the members of the City Council of the City, with the assistance of its staff, have reviewed said document;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Agreement is hereby approved and the Mayor/Chair of the City is hereby authorized and directed to execute said document, with such changes, insertions and omissions as may be approved by said City Council, and the City Clerk is hereby authorized and directed to affix the City's seal to said document and to attest thereto.

2. The Mayor of the City, the City Clerk and all other proper officers and officials of the City are hereby authorized and directed to execute such other agreements, documents and certificates, and to perform such other acts and deeds, as may be necessary or convenient to effect the purposes of this Resolution and the transactions herein authorized.

3. The City Clerk shall forward a certified copy of this Resolution and an originally executed Agreement to:

Kathleen Jacobe
Orrick, Herrington & Sutcliffe LLP
400 Capital Mall, Suite 3000
Sacramento, California 95814

4. This resolution shall take effect upon its adoption.

PASSED AND ADOPTED this 8th day of January, 2013, by the following roll

call vote:

Ayes: Councilmembers
Nays: Councilmembers
Abstain: Councilmembers

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

ATTEST:

Kenneth J. Duran, City Clerk

**AMENDED AND RESTATED
JOINT EXERCISE OF POWERS AGREEMENT
RELATING TO THE CALIFORNIA STATEWIDE COMMUNITIES
DEVELOPMENT AUTHORITY**

THIS AGREEMENT, dated as of June 1, 1988, by and among the parties executing this Agreement (all such parties, except those which have withdrawn in accordance with Section 13 hereof, being herein referred to as the "Program Participants"):

WITNESSETH

WHEREAS, pursuant to Title 1, Division 7, Chapter 5 of the Government Code of the State of California (the "Joint Exercise of Powers Act"), two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

WHEREAS, each of the Program Participants is a "public agency" as that term is defined in Section 6500 of the Government Code of the State of California, and

WHEREAS, each of the Program Participants is empowered to promote economic development, including, without limitation, the promotion of opportunities for the creation or retention of employment, the stimulation of economic activity, and the increase of the tax base, within its boundaries; and

WHEREAS, a public entity established pursuant to the Joint Exercise of Powers Act is empowered to issue industrial development bonds pursuant to the California Industrial Development Financing Act (Title 10 (commencing with Section 91500 of the Government Code of the State of California)) (the "Act") and to otherwise undertake financing programs under the Joint Exercise of Powers Act or other applicable provisions of law to promote economic development through the issuance of bonds, notes, or other evidences of indebtedness, or certificates of participation in leases or other agreements (all such instruments being herein collectively referred to as "Bonds"); and

WHEREAS, in order to promote economic development within the State of California, the County Supervisors Association of California ("CSAC"), together with the California Manufacturers Association, has established the Bonds for Industry program (the "Program").

WHEREAS, in furtherance of the Program, certain California counties (collectively, the "Initial Participants") have entered into that certain Joint Exercise of Powers Agreement dated as of November 18, 1987 (the "Initial Agreement"), pursuant to which the California Counties Industrial Development Authority has been established as a separate entity under the Joint Exercise of Powers Act for the purposes and with the powers specified in the Initial Agreement; and

WHEREAS, the League of California Cities ("LCC") has determined to join as a sponsor of the Program and to actively participate in the administration of the Authority; and

WHEREAS, the Initial Participants have determined to specifically authorize the Authority to issue Bonds pursuant to Article 2 of the Joint Exercise of Powers Act ("Article 2") and Article 4 of the Joint Exercise of Powers Act ("Article 4"), as well as may be authorized by the Act or other applicable law; and

WHEREAS, the Initial Participants desire to rename the California Counties Industrial Development Authority to better reflect the additional sponsorship of the Program; and

WHEREAS, each of the Initial Participants has determined that it is in the public interest of the citizens within its boundaries, and to the benefit of such Initial Participant and the area and persons served by such Initial Participant, to amend and restate in its entirety the Initial Agreement in order to implement the provisions set forth above; and

WHEREAS, it is the desire of the Program Participants to use a public entity established pursuant to the Joint Exercise of Powers Act to undertake projects within their respective jurisdictions that may be financed with Bonds issued pursuant to the Act, Article 2, Article 4, or other applicable provisions of law; and

WHEREAS, the projects undertaken will result in significant public benefits, including those public benefits set forth in Section 91502.1 of the Act, an increased level of economic activity, or an increased tax base, and will therefore serve and be of benefit to the inhabitants of the jurisdictions of the Program Participants;

NOW, THEREFORE, the Program Participants, for and in consideration of the mutual promises and agreements herein contained, do agree to restate and amend the Initial Agreement in its entirety to provide as follows:

Section 1. Purpose.

This Agreement is made pursuant to the provisions of the Joint Exercise of Powers Act, relating to the joint exercise of powers common to public agencies, in this case being the Program Participants. The Program Participants each possess the powers referred to in the recitals hereof. The purpose of this Agreement is to establish an agency for, and with the purpose of, issuing Bonds to finance projects within the territorial limits of the Program Participants pursuant to the Act, Article 2, Article 4, or other applicable provisions of law; provided, however that nothing in this Agreement shall be construed as a limitation on the rights of the Program Participants to pursue economic development outside of this Agreement, including the rights to issue Bonds through industrial development authorities under the Act, or as otherwise permitted by law.

Within the various jurisdictions of the Program Participants such purpose will be accomplished and said powers exercised in the manner hereinafter set forth.

Section 2. Term.

This Agreement shall become effective as of the date hereof and shall continue in full force and effect for a period of forty (40) years from the date hereof, or until such time as it is terminated in writing by all the Program Participants; provided, however, that this Agreement shall not terminate or be terminated until the date on which all Bonds or other indebtedness issued or caused to be issued by the Authority shall have been retired, or full provision shall have been made for their retirement, including interest until their retirement date.

Section 3. Authority.

A. CREATION AND POWERS OF AUTHORITY.

(1) Pursuant to the Joint Exercise of Powers Act, there is hereby created a public entity to be known as the "California Statewide Communities Development Authority" (the "Authority"), and said Authority shall be a public entity separate and apart from the Program Participants. Its debts, liabilities and obligations do not constitute debts, liabilities or obligations of any party to this Agreement.

B. COMMISSION.

The Authority shall be administered by a Commission (the "Commission") which shall consist of seven members, each

serving in his or her individual capacity as a member of the Commission. The Commission shall be the administering agency of this Agreement, and, as such, shall be vested with the powers set forth herein, and shall execute and administer this Agreement in accordance with the purposes and functions provided herein.

Four members of the Commission shall be appointed by the governing body of CSAC and three members of the Commission shall be appointed by the governing body of LCC. Initial members of the Commission shall serve a term ending June 1, 1991. Successors to such members shall be selected in the manner in which the respective initial member was selected and shall serve a term of three years. Any appointment to fill an unexpired term, however, shall be for such unexpired term. The term of office specified above shall be applicable unless the term of office of the respective member is terminated as hereinafter provided, and provided that the term of any member shall not expire until a successor thereto has been appointed as provided herein.

Each of CSAC and LCC may appoint an alternate member of the Commission for each member of the Commission which it appoints. Such alternate member may act as a member of the Commission in place of and during the absence or disability of such regularly appointed member. All references in this Agreement to any member of the Commission shall be deemed to refer to and include the applicable alternate member when so acting in place of a regularly appointed member.

Each member or alternate member of the Commission may be removed and replaced at any time by the governing body by which such member was appointed. Any individual, including any member of the governing body or staff of CSAC or LCC, shall be eligible to serve as a member or alternate member of the Commission.

Members and alternate members of the Commission shall not receive any compensation for serving as such but shall be entitled to reimbursement for any expenses actually incurred in connection with serving as a member or alternate member, if the Commission shall determine that such expenses shall be reimbursed and there are unencumbered funds available for such purpose.

C. OFFICERS; DUTIES; OFFICIAL BONDS.

The Commission shall elect a Chair, a Vice-Chair, and a Secretary of the Authority from among its members to serve for such term as shall be determined by the Commission. The Commission shall appoint one or more of its officers or

employees to serve as treasurer, auditor, and controller of the Authority (the "Treasurer") pursuant to Section 6505.6 of the *Joint Exercise of Powers Act* to serve for such term as shall be determined by the Commission.

Subject to the applicable provisions of any resolution, indenture or other instrument or proceeding authorizing or securing Bonds (each such resolution, indenture, instrument and proceeding being herein referred to as an "Indenture") providing for a trustee or other fiscal agent, the Treasurer is designated as the depository of the Authority to have custody of all money of the Authority, from whatever source derived.

The Treasurer of the Authority shall have the powers, duties and responsibilities specified in Section 6505.5 of the *Joint Exercise of Powers Act*.

The Treasurer of the Authority is designated as the public officer or person who has charge of, handles, or has access to any property of the Authority, and such officer shall file an official bond with the Secretary of the Authority in the amount specified by resolution of the Commission but in no event less than \$1,000. If and to the extent permitted by law, any such officer may satisfy this requirement by filing an official bond in at least said amount obtained in connection with another public office.

The Commission shall have the power to appoint such other officers and employees as it may deem necessary and to retain independent counsel, consultants and accountants.

The Commission shall have the power, by resolution, to the extent permitted by the *Joint Exercise of Powers Act* or any other applicable law, to delegate any of its functions to one or more of the members of the Commission or officers or agents of the Authority and to cause any of said members, officers or agents to take any actions and execute any documents or instruments for and in the name and on behalf of the Commission or the Authority.

D. MEETINGS OF THE COMMISSION.

(1) Regular Meetings.

The Commission shall provide for its regular meetings; provided, however, it shall hold at least one regular meeting each year. The date, hour and place of the holding of the regular meetings shall be fixed by resolution of the Commission and a copy of such resolution shall be filed with each party hereto.

(2) Special Meetings.

Special meetings of the Commission may be called in accordance with the provisions of Section 54956 of the Government Code of the State of California.

(3) Ralph M. Brown Act.

All meetings of the Commission, including, without limitation, regular, adjourned regular, special, and adjourned special meetings shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code of the State of California).

(4) Minutes.

The Secretary of the Authority shall cause to be kept minutes of the regular, adjourned regular, special, and adjourned special meetings of the Commission and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each member of the Commission.

(5) Quorum.

A majority of the members of the Commission which includes at least one member appointed by the governing body of each of CSAC and LCC shall constitute a quorum for the transaction of business. No action may be taken by the Commission except upon the affirmative vote of a majority of the members of the Commission which includes at least one member appointed by the governing body of each of CSAC and LCC, except that less than a quorum may adjourn a meeting to another time and place.

E. RULES AND REGULATIONS.

The Authority may adopt, from time to time, by resolution of the Commission such rules and regulations for the conduct of its meetings and affairs as may be required.

Section 4. Powers.

The Authority shall have any and all powers relating to economic development authorized by law to each of the parties hereto and separately to the public entity herein created, including, without limitation, the promotion of opportunities for the creation and retention of employment, the stimulation of economic activity, and the increase of the tax base, within the jurisdictions of such parties. Such powers shall include the common powers specified in this

Agreement and may be exercised in the manner and according to the method provided in this Agreement. All such powers common to the parties are specified as powers of the Authority. The Authority is hereby authorized to do all acts necessary for the exercise of such powers, including, but not limited to, any or all of the following: to make and enter into contracts; to employ agents and employees; to acquire, construct, provide for maintenance and operation of, or maintain and operate, any buildings, works or improvements; to acquire, hold or dispose of property wherever located; to incur debts, liabilities or obligations; to receive gifts, contributions and donations of property, funds, services and other forms of assistance from persons, firms, corporations and any governmental entity; to sue and be sued in its own name; and generally to do any and all things necessary or convenient to the promotion of economic development, including without limitation the promotion of opportunities for the creation or retention of employment, the stimulation of economic activity, and the increase of the tax base, all as herein contemplated. Without limiting the generality of the foregoing, the Authority may issue or cause to be issued bonded and other indebtedness, and pledge any property or revenues as security to the extent permitted under the Joint Exercise of Powers Act, including Article 2 and Article 4, the Act or any other applicable provision of law.

The manner in which the Authority shall exercise its powers and perform its duties is and shall be subject to the restrictions upon the manner in which a California county could exercise such powers and perform such duties until a California general law city shall become a Program Participant, at which time it shall be subject to the restrictions upon the manner in which a California general law city could exercise such powers and perform such duties. The manner in which the Authority shall exercise its powers and perform its duties shall not be subject to any restrictions applicable to the manner in which any other public agency could exercise such powers or perform such duties, whether such agency is a party to this Agreement or not.

Section 5. Fiscal Year.

For the purposes of this Agreement, the term "Fiscal Year" shall mean the fiscal year as established from time to time by the Authority, being, at the date of this Agreement, the period from July 1 to and including the following June 30, except for the first Fiscal Year which shall be the period from the date of this Agreement to June 30, 1988.

Section 6. Disposition of Assets.

At the end of the term hereof or upon the earlier termination of this Agreement as set forth in Section 2 hereof, after payment of all expenses and liabilities of the Authority, all property of the Authority both real and personal shall automatically vest in the Program Participants and shall thereafter remain the sole property of the Program Participants; provided, however, that any surplus money on hand shall be returned in proportion to the contributions made by the Program Participants.

Section 7. Bonds.

The Authority shall issue Bonds for the purpose of exercising its powers and raising the funds necessary to carry out its purposes under this Agreement. Said Bonds may, at the discretion of Authority, be issued in series.

The services of bond counsel, financing consultants and other consultants and advisors working on the projects and/or their financing shall be used by the Authority. The fees and expenses of such counsel, consultants, advisors, and the expenses of CSAC, LCC, and the Commission shall be paid from the proceeds of the Bonds or any other unencumbered funds of the Authority available for such purpose.

Section 9. Local Approval.

A copy of the application for financing of a project shall be filed by the Authority with the Program Participant in whose jurisdiction the project is to be located. The Authority shall not issue Bonds with respect to any project unless the governing body of the Program Participant in whose jurisdiction the project is to be located, or its duly authorized designee, shall approve, conditionally or unconditionally, the project, including the issuance of Bonds therefor. Action to approve or disapprove a project shall be taken within 45 days of the filing with the Program Participant. Certification of approval or disapproval shall be made by the clerk of the governing body of the Program Participant, or by such other officer as may be designated by the applicable Program Participant, to the Authority.

Section 8. Bonds Only Limited and Special Obligations of Authority.

The Bonds, together with the interest and premium, if any, thereon, shall not be deemed to constitute a debt of any Program Participant, CSAC, or LCC or pledge of the faith and credit of the Program Participants, CSAC, LCC, or the

Authority. The Bonds shall be only special obligations of the Authority, and the Authority shall under no circumstances be obligated to pay the Bonds or the respective project costs except from revenues and other funds pledged therefor. Neither the Program Participants, CSAC, LCC, nor the Authority shall be obligated to pay the principal of, premium, if any, or interest on the Bonds, or other costs incidental thereto, except from the revenues and funds pledged therefor, and neither the faith and credit nor the taxing power of the Program Participants nor the faith and credit of CSAC, LCC, or the Authority shall be pledged to the payment of the principal of, premium, if any, or interest on the Bonds nor shall the Program Participants, CSAC, LCC, or the Authority in any manner be obligated to make any appropriation for such payment.

No covenant or agreement contained in any Bond or Indenture shall be deemed to be a covenant or agreement of any member of the Commission, or any officer, agent or employee of the Authority in his individual capacity and neither the Commission of the Authority nor any officer thereof executing the Bonds shall be liable personally on any Bond or be subject to any personal liability or accountability by reason of the issuance of any Bonds.

Section 10. Accounts and Reports.

All funds of the Authority shall be strictly accounted for. The Authority shall establish and maintain such funds and accounts as may be required by good accounting practice and by any provision of any Indenture (to the extent such duties are not assigned to a trustee of Bonds). The books and records of the Authority shall be open to inspection at all reasonable times by each Program Participant.

The Treasurer of the Authority shall cause an independent audit to be made of the books of accounts and financial records of the Agency by a certified public accountant or public accountant in compliance with the provisions of Section 6505 of the Joint Exercise of Powers Act. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California and shall conform to generally accepted auditing standards. When such an audit of accounts and records is made by a certified public accountant or public accountant, a report thereof shall be filed as public records with each Program Participant and also with the county auditor of each county in which a Program Participant is located. Such report shall be filed within 12 months of the end of the Fiscal Year or Years under examination.

Any costs of the audit, including contracts with, or employment of, certified public accountants or public accountants in making an audit pursuant to this Section, shall be borne by the Authority and shall be a charge against any unencumbered funds of the Authority available for that purpose.

In any Fiscal Year the Commission may, by resolution adopted by unanimous vote, replace the annual special audit with an audit covering a two-year period.

The Treasurer of the Authority, within 120 days after the close of each Fiscal Year, shall give a complete written report of all financial activities for such Fiscal Year to each of the Program Participants to the extent such activities are not covered by the reports of the trustees for the Bonds. The trustee appointed under each Indenture shall establish suitable funds, furnish financial reports and provide suitable accounting procedures to carry out the provisions of said Indenture. Said trustee may be given such duties in said Indenture as may be desirable to carry out this Agreement.

Section 11. Funds.

Subject to the applicable provisions of each Indenture, which may provide for a trustee to receive, have custody of and disburse Authority funds, the Treasurer of the Authority shall receive, have the custody of and disburse Authority funds pursuant to the accounting procedures developed under Section 10 hereof, and shall make the disbursements required by this Agreement or otherwise necessary to carry out any of the provisions or purposes of this Agreement.

Section 12. Notices.

Notices and other communications hereunder to the Program Participants shall be sufficient if delivered to the clerk of the governing body of each Program Participant.

Section 13. Withdrawal and Addition of Parties.

A Program Participant may withdraw from this Agreement upon written notice to the Commission; provided, however, that no such withdrawal shall result in the dissolution of the Authority so long as any Bonds remain outstanding under an Indenture. Any such withdrawal shall be effective only upon receipt of the notice of withdrawal by the Commission which shall acknowledge receipt of such notice of withdrawal in writing and shall file such notice as an amendment to this Agreement effective upon such filing.

Qualifying public agencies may be added as parties to this Agreement and become Program Participants upon: (i) the filing by such public agency of an executed counterpart of this Agreement, together with a certified copy of the resolution of the governing body of such public agency approving this Agreement and the execution and delivery hereof; and (ii) adoption of a resolution of the Commission approving the addition of such public agency as a Program Participant. Upon satisfaction of such conditions, the Commission shall file such executed counterpart of this Agreement as an amendment hereto, effective upon such filing.

Section 14. Indemnification.

To the full extent permitted by law, the Commission may authorize indemnification by the Authority of any person who is or was a member or alternate member of the Commission, or an officer, employee or other agent of the Authority, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a member or alternate member of the Commission, or an officer, employee or other agent of the Authority, against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the Authority and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of such person was unlawful and, in the case of an action by or in the right of the Authority, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

Section 15. Contributions and Advances.

Contributions or advances of public funds and of the use of personnel, equipment or property may be made to the Authority by the parties hereto for any of the purposes of this Agreement. Payment of public funds may be made to defray the cost of any such contribution. Any such advance may be made subject to repayment, and in such case shall be repaid, in the manner agreed upon by the Authority and the party making such advance at the time of such advance.

Section 16. Immunities.

All of the privileges and immunities from liabilities, exemptions from laws, ordinances and rules, all pension, relief, disability, workers' compensation, and other benefits which apply to the activity of officers, agents or employees of Program Participants when performing their

respective functions within the territorial limits of their respective public agencies, shall apply to them to the same degree and extent while engaged as members of the Commission or otherwise as an officer, agent or other representative of the Authority or while engaged in the performance of any of their functions or duties extraterritorially under the provisions of this Agreement.

Section 17. Amendments.

Except as provided in Section 13 above, this Agreement shall not be amended, modified, or altered except by a written instrument duly executed by each of the Program Participants.

Section 18. Effectiveness.

This Agreement shall become effective and be in full force and effect and a legal, valid and binding obligation of each of the Program Participants at 9:00 a.m., California time, on the date that the Commission shall have received from each of the Initial Participants an executed counterpart of this Agreement, together with a certified copy of a resolution of the governing body of each such Initial Participant approving this Agreement and the execution and delivery hereof.

Section 19. Partial Invalidity.

If anyone or more of the terms, provisions, promises, covenants or conditions of this Agreement shall to any extent be adjudged invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants and conditions of this Agreement shall not be affected thereby, and shall be valid and enforceable to the fullest extent permitted by law.

Section 20. Successors.

This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no party may assign any right or obligation hereunder without the consent of the other parties.

Section 21. Miscellaneous.

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The section headings herein are for convenience only and are not to be construed as modifying or governing the language in the section referred to.

Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

This Agreement is made in the State of California, under the Constitution and laws of such state and is to be so construed.

This Agreement is the complete and exclusive statement of the agreement among the parties hereto, which supercedes and merges all prior proposals, understandings, and other agreements, including, without limitation, the Initial Agreement, whether oral, written, or implied in conduct, between and among the parties relating to the subject matter of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized, and their official seals to be hereto affixed, as of the day and year first above written.

Program Participant:

[SEAL]

By _____

Name:

Title:

ATTEST:

By _____

Name:

Title:



GOLD LINE BRIDGE FACT SHEET

Largest Single, Public Art Transit Infrastructure Project in California

A project of the Metro Gold Line Foothill Extension Construction Authority (Construction Authority), the Gold Line Bridge is the largest public art transit infrastructure project in California, a 584-linear foot sculpture that is destined to become a San Gabriel Valley landmark because of its distinctive design.

The bridge spans the eastbound lanes of the I-210 Freeway northeast of Los Angeles and is the most visible element of the 11.5-mile Metro Gold Line Foothill Extension light rail project the Construction Authority is building between Pasadena and Azusa.

BRIDGE DESIGN FACTS

Unprecedented Design Process: In 2009, the Construction Authority conducted a national search, and a committee of community stakeholders selected award-winning public artist Andrew Leicester to design the Gold Line Bridge. Leicester led the design process, the first time such an approach has been used on a Caltrans infrastructure project.

Landmark Design Pays Tribute to the Region: The two, 25-foot baskets anchoring the bridge pay tribute to the indigenous peoples of the San Gabriel Valley and the oversize iconic roadside traditions of nearby Route 66. Its serpentine main underbelly features casted grooves and hatch-marks that simulate the patterns found on the Western Diamondback snake, metaphorically referencing the spine of the transit system.

Completed on Time and on Budget: Scheduled for completion in December 2012, the construction of the bridge cost \$18.6 million, approximately the same cost that was originally estimated for a typical light rail structure.

BRIDGE CONSTRUCTION FACTS

Length: 584-linear-feet from end to end

Width: 115-feet between centerlines of the two signature support columns

Height: Rail vehicle wheels will be 33-feet above the freeway surface

Clearance: Bottom of bridge is 19 ½-feet over the freeway surface

Exposure: 255,000 vehicles pass the Gold Line Bridge daily, as they travel along the I-210 Freeway between Baldwin and Santa Anita Avenues, in Arcadia, CA

Materials: The bridge is constructed of steel reinforced concrete (more than 92% from local, domestic sources). The project has 6,500 cubic yards of concrete and 1.3 million pounds of rebar.

Project Cost: \$18.6 million (fully funded by Los Angeles County Measure R)

Contractor: Skanska USA, one of the largest general contractors and construction managers in the country. The company hired Los Angeles-based AECOM, to be the project's architectural and engineering lead.

ABOUT THE METRO GOLD LINE FOOTHILL EXTENSION CONSTRUCTION AUTHORITY

The Construction Authority is an independent transportation planning and construction agency created in 1998 by the California State Legislature. Its purpose is to extend the Metro Gold Line light rail line from Union Station to Montclair, along the foothills of the San Gabriel Valley. The Construction Authority built the initial segment from Union Station to Pasadena and is underway on the Gold Line Foothill Extension. The Foothill Extension is a nearly \$1.6 billion extension that will connect Pasadena to Montclair in two construction segments. The first segment, Pasadena to Azusa, is funded by Los Angeles County's Measure R and currently underway. Three design-build contracts, totaling more than \$500 million, will be overseen by the Construction Authority to complete the Pasadena to Azusa segment, including the \$18.6 million Gold Line Bridge. The Los Angeles Economic Development Corporation estimates that nearly 7,000 jobs and \$1 billion in economic output will be generated by construction of the Pasadena to Azusa segment. For more information, visit: www.foothillextension.org.

Debra Black

From: D. Bertone <ddbertone@aol.com>
Sent: Wednesday, December 19, 2012 12:51 PM
To: Debra Black
Subject: Foothill Extension Update: Final Photo of Gold Line Bridge

Hi Debra:
Could you please give me 10 copies of this (in color).
Thanks - Denis

-----Original Message-----

From: Habib Balian <HBalian@foothillextension.org>
To: Undisclosed recipients;
Sent: Tue, Dec 18, 2012 3:08 pm
Subject: Foothill Extension Update: Final Photo of Gold Line Bridge

For those not able to make last Saturday's completion ceremony, or those that have not driven by the bridge in the last week, below is a photo of the bridge just as it was completed by Skanska USA.

As Congresswoman Judy Chu remarked on Saturday, it is sure to "be an icon of the San Gabriel Valley."





Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of January 8, 2013

FROM: Blaine Michaelis, City Manager

FROM: Kristi Rojas, Associate Planner

SUBJECT: **Consideration of Precise Plan 12-01 and DPRB Case No. 12-20**
A request to construct a new 4,000 sq.ft. building for a bank to be located at 614 North Lone Hill Avenue at the Citrus Station. (APN: 8383-009-097)

Environmental: Previously Approved Environmental Impact Report

SUMMARY

This is a request to construct and operate a new 4,000 square foot bank (Bank of the West) within a vacant lot near the existing Costco. The Precise Plan 12-01 and DPRB Case No. 12-20 are for the construction of the bank. Conditional Use Permit 12-08 is for the financial institution use within the Specific Plan 24 Zone, which was approved by the Planning Commission on December 5, 2012.

The project was reviewed by the Development Plan Review Board on November 8, 2012, which recommended approval of the project to the Planning Commission.

Staff recommended that the Planning Commission recommend approval of the project to the City Council.

The Planning Commission reviewed the proposal on December 5, 2012 and recommended approval to the City Council.

BACKGROUND:

In 2006, the City worked with the developer of Costco to create a new commercial node for San Dimas. At the time of completion of Costco there were no other interested parties to develop the vacant sites; however, recently, the

City received two new restaurants within the *Citrus Station shopping center* and currently there are four remaining vacant sites. This proposed construction will fill one of those sites. On November 8, 2012, this item was reviewed and recommended for approval by the Development Plan Review Board.

With the proposal of construction, the applicant has also received approval from the Planning Commission for the financial use to be permitted. At the Planning Commission meeting, the Commissioners expressed concern for the amount of parking available in the immediate area. However, the shopping center has the minimum required parking with an additional 263 spaces, which are shared by all the users in the center.

ANALYSIS:

The following applications are needed for the overall development and operation of the Bank of the West: Precise Plan 12-01, Development Plan Review Board Case No. 12-20, and Conditional Use Permit 12-08. The Precise Plan and DPRB applications are for the construction and design of the building, while the Conditional Use Permit application is for the financial institutional use to be located within that zone.

PRECISE PLAN AND DPRB:

This is a request to construct a new bank located at one of the remaining vacant sites near Costco in the Citrus Station. It is located within Specific Plan 24, Area 1 Zone, which requires that prior to any grading or construction there must be approval from the DPRB, Planning Commission and City Council. This is to ensure that the proposed construction will enhance the existing character and purpose of Specific Plan 24 and to guarantee that the use of materials harmonize with the surroundings. The architectural design of the structure is Early California, which utilizes similar materials as the existing Costco building and complies with the Citrus Station Design Guidelines. The Citrus Station has design guidelines that apply to all currently vacant sites to ensure consistency and compatibility. Some notable features of the proposed structure are exterior cladding that consists of stucco and charcoal colored split-face block, decorative metal accent features within the front-facing gables, standing metal seam roofing material, and canvas (Mediterranean Blue) awnings over all the windows and offset wall planes.

PARKING

The proposed location of the Bank of the West will be on a vacant portion of land adjacent to the parking area of the Olive Garden. When the restaurant was constructed, a condition was applied that the entire parking lot had to be completed for the then proposed use of the restaurant and a potential retail use.

Retail requires less parking than financial institutions. The proposed financial use requires 20 spaces and the applicant currently has 25; therefore, exceeding parking requirements. There will be no parking spaces labeled for bank users.

FLOOR PLAN

The Bank of the West will occupy a 4,000 sq. ft. standard pad building. The final layout of the business will be reviewed by Staff during the plan check process.

SERVICES

The proposed financial institutional use will offer consumer services such as checking accounts, saving accounts, investment services, insurance, loans and small business financial services. Automatic teller machines (ATMs) will be located on the front (South) elevation of the building and will have the required amount of lighting for safety, but will not exceed the State requirement.

HOURS OF OPERATION

In order to avoid the applicant from having to reapply for extended hours, Staff recommended the Planning Commission approve the following days and hours for operation – Monday thru Sunday 8:00 a.m. to 8:00 p.m. This will allow the applicant flexibility to modify their operating hours if needed.

NOTIFICATION:

Residents and property owners were noticed within 300' of the subject site by first-class mail by December 28, 2012. In addition, Staff submitted a notice to be published in the Inland Valley Daily Bulletin on December 28, 2012.

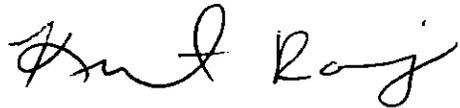
ENVIRONMENTAL:

A FEIR (Final Environment Impact Report) was approved by Planning Commission in November 2004 and by the City Council February 2005. This FEIR was reviewed and approved for the overall development of the site. The proposed mitigations not only include the development of the Costco, but are for the future pad development. For example, an impact that was identified to be potentially significant but which in fact was determined to be not significant was the aesthetics of the site. The proposal did not substantially degrade the existing visual character or quality of the project site and its surroundings. The site was designed to be consistent with the Early California Village architectural theme. The utilization of this then would reflect the surrounding development, improve the visual character and quality of the site, and achieve neighborhood compatibility. Therefore, the proposed construction is in compliance with the applicable provisions of the California Environmental Quality Act.

RECOMMENDATION:

Staff and the Planning Commission recommend the City Council approve Precise Plan 12-01 and DPRB Case No. 12-20 with Resolution No. 2013-03.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Kristi Rojas".

Kristi Rojas
Associate Planner

Attachments: Appendix A – General Information
 Exhibit A – Vicinity Map
 Exhibit B – Planning Commission Minutes from 12/5/12
 Resolution No. 2013-03 (Precise Plan & DPRB)

APPENDIX A

GENERAL INFORMATION

Project: Precise Plan 12-01 and DPRB 12-20

Applicant: David Powell, Pacific Development Group

Location: 614 North Lone Hill Avenue at the Citrus Station.
(APN: 8383-009-097)

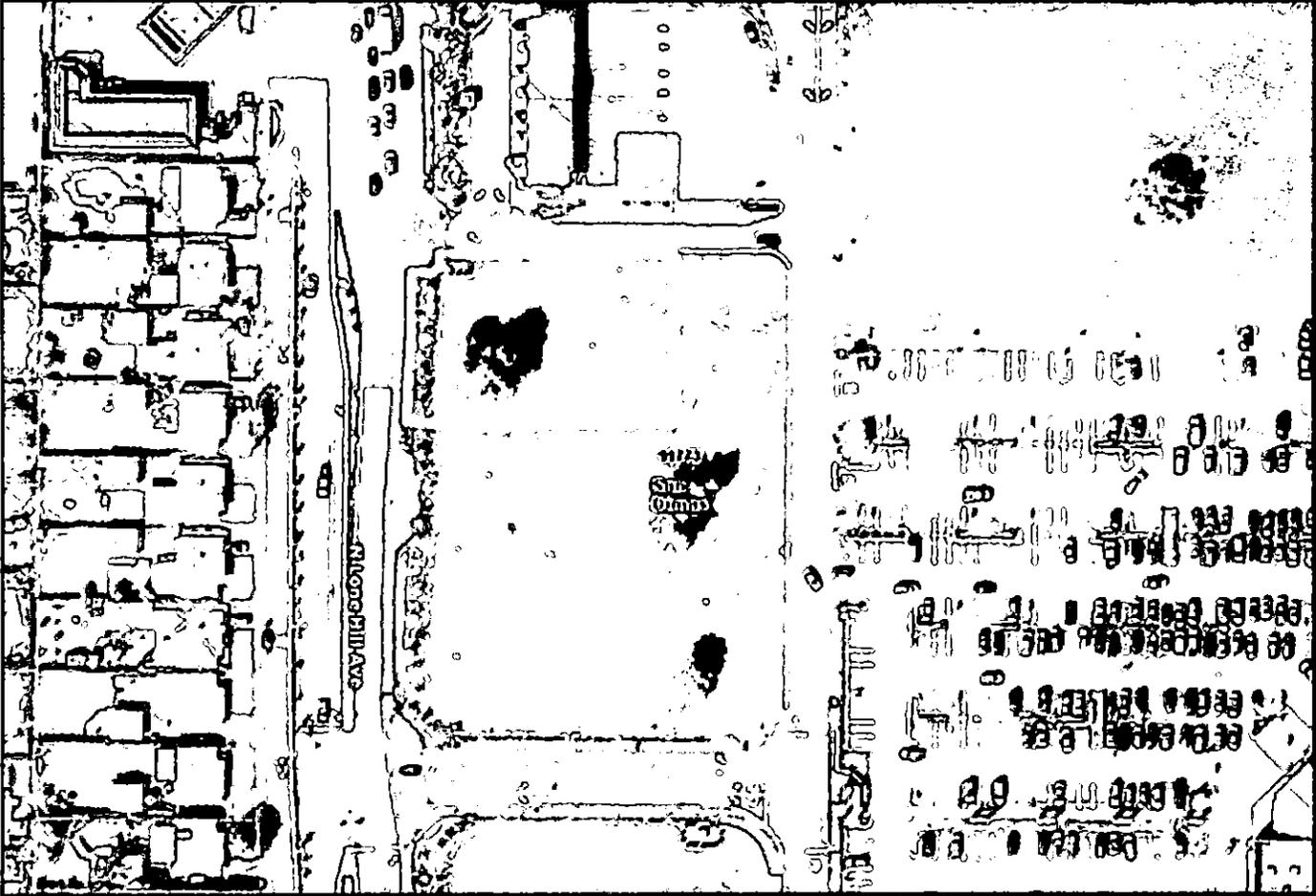
General Plan: Commercial

**Surrounding
Land Use and Zoning:** North: Gas Station, SP-24, Area I Zone
South: Restaurant, SP-24, Area I Zone
East: Costco, SP-24, Area I Zone
West: Residential, SFR-7,500 Zone

Legal Notice: A legal notice was published in the Inland Valley Daily Bulletin; posted at City Hall, the Library, Post Office and Via Verde Shopping Center; and was mailed to property owners within 300 feet of the project on December 28, 2012.

Environmental: Previously Approved Environmental Impact Report

**EXHIBIT A
VICINITY MAP**



CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Wednesday, December 5, 2012 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman Jim Schoonover
Commissioner David Bratt
Commissioner John Davis
Commissioner Stephen Ensberg
Commissioner M. Yunus Rahi
Assistant City Manager for Comm. Dev. Larry Stevens
Associate Planner Kristi Rojas
Planning Commission Secretary Jan Sutton

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 Bratt led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes: November 7, 2012

MOTION: Moved by Bratt, seconded by Davis to approve the Consent Calendar. Motion carried unanimously, 5-0.

PUBLIC HEARINGS

2. **CONSIDERATION OF PRECISE PLAN 12-01, DPRB CASE NO. 12-20, AND CONDITIONAL USE PERMIT 12-08** – A request to construct a new 4,000 square foot building for a bank to be located at 614 North Lone Hill Avenue at the Citrus Station. (APN: 8383-009-097)

Staff report presented by **Associate Planner Kristi Rojas** who stated this is a request to construct and operate a bank on a vacant pad site just north of The Olive Garden. The applications for Precise Plan and DPRB are for the construction of the building, and the application for Conditional Use Permit is for the operation of a banking use. The Precise Plan and DPRB cases will be sent to City Council for final approval, while the Commission gives final approval to the Conditional Use Permit. The design of the building is Early Californian and similar to the Costco building in architectural details. In response to an e-mail received regarding parking concerns, she stated the center has shared parking. When Costco was constructed they built the center with 263 more spaces than required by code. While parking is

shared center-wide, both Olive Garden and the bank can accommodate their required parking on their respective lots. The bank is required to have 20 spaces and is providing 25 spaces. In the Conditional Use Permit, Staff suggested the extended hours of 8:00 a.m. to 8:00 p.m. so that if the bank ever wished to amend their hours, they would not have to come back to the Commission to do so unless it was beyond that. Staff is recommending the Commission approve the attached resolutions for the project.

Commissioner Rahi stated he thought a traffic analysis should have been done for this project because it was more intense than what was reviewed in the original FEIR. He would have preferred to see a retail use go in this spot but was not opposed to the bank. He was concerned about the bank possibly extending their hours because the peak hours for the restaurant are between 7:00 – 8:00 p.m. and then there could be a conflict for parking.

Commissioner Ensberg asked if there have been any other proposals for developing this site with a different use, such as retail. He felt the applicant was a well-run business but it is not retail. He was glad that Staff had given them more hours to operate in if they wanted to as more banks are trying to be flexible to serve their customers' needs.

Associate Planner Rojas stated there haven't been any other proposals submitted and this is the first applicant interested in this location. She stated it is a conditionally allowed use in the zone, and added that the pad south of Panda Express is going to be developed as a retail building by the same applicant.

Commissioner Bratt stated he has driven by this site many times and has never seen more than eight spaces open in that lot and was concerned that customers would not be able to find a space near the bank.

In response to the Commission, **Associate Planner Rojas** stated customers are able to use any space within the shopping center, and that the ATMs do not count towards the hours of operation for the bank. Their design is reviewed by DPRB for lighting impacts, but we do not limit their hours.

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

David Powell, Pacific Development Group, Newport Beach, Applicant, stated they are purchasing this parcel along with the one to the south of Panda Express, which they will be submitting an application for by early next week. They have a finite time in which to construct and turn over the building to Bank of the West per the terms of their lease. He stated the comments regarding parking were well founded but there is a shared parking agreement for the entire center which has more than 250 excess spaces. Bank of the West is not concerned about the parking and is excited to be in the center located next to Olive Garden.

Commissioner Davis asked if this was branch was new or relocating from another site.

David Powell, Applicant, stated it is a new branch.

Commissioner Rahi asked about the pad to the south being retail.

Bob Lewis, Pacific Development Group, stated they are proposing an 8,400 sq. ft. building with four to five tenants, consisting of a mix of service businesses, retail and restaurant uses.

Commissioner Bratt asked how many ATMS are planned and their locations.

Associate Planner Rojas stated there will be two ATMS on the front elevation facing south.

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

Chairman Schoonover stated he shares the concerns expressed about the parking but felt it was a good project and they want to have successful businesses coming to San Dimas.

Commissioner Rahi asked if spaces could be marked for use by ATM customers only.

Associate Planner Rojas stated that was brought up at the DPRB meeting but the bank preferred not to do that.

Commissioner Davis felt it should be up to the bank to decide how to run their business.

Commissioner Ensberg concurred and stated if there is a parking problem the bank can't deal with, the market will work itself out.

Assistant City Manager Larry Stevens stated the City's view has been when there is shared parking in a shopping center they have discouraged trying to mark spaces for individual tenants' use. Usually the request to mark spaces is in response to a perceived problem and not an actual problem, and that it was better to let people decide where they want to park.

RESOLUTION PC-1466

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF PRECISE PLAN REVIEW 12-01 AND DEVELOPMENT PLAN REVIEW BOARD CASE NO. 12-20, A REQUEST TO CONSTRUCT A 4,000 SQUARE FOOT BANK (BANK OF THE WEST) WITHIN THE CITRUS STATION (APN: 8383-009-097)

RESOLUTION PC-1467

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF CONDITIONAL USE PERMIT 12-08, A REQUEST TO ALLOW A FINANCIAL INSTITUTION WITHIN THE SPECIFIC PLAN 24 ZONE AREA 1, LOCATED WITHIN THE CITRUS STATION SHOPPING CENTER (APN: 8383-009-097)

MOTION: Moved by Davis, seconded by Bratt to adopt Resolution PC-1466 recommending the City Council approve Precise Plan 12-01 and Development Plan Review Board Case No. 12-20, and Resolution PC-1467 approving Conditional Use Permit 12-08. Motion carried unanimously, 5-0.

ORAL COMMUNICATION

3. Assistant City Manager for Community Development

Assistant City Manager Stevens advised the Commission of the two upcoming public hearings for the next meeting for items required under the current Housing Element.

RESOLUTION NO. 2013-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN REVIEW 12-01 AND DEVELOPMENT PLAN REVIEW BOARD CASE NO. 12-20, A REQUEST TO CONSTRUCT A 4,000 SQUARE FOOT BANK (BANK OF THE WEST) WITHIN THE CITRUS STATION (APN: 8383-009-097)

WHEREAS, an application was filed for a Precise Plan Review by:

David Powell
Pacific Development Group
One Corporate Plaza, Second Floor
Newport Beach, CA 92660

WHEREAS, Precise Plan Review Case No. 12-01 and Development Plan Review Board Case No. 12-20 is described as:

A request to construct a new 4,000 sq.ft. building for a bank to be located at 614 North Lone Hill Avenue at the Citrus Station.

WHEREAS, this approval applies to the following described real property:

Assessor Parcel Number: 8383-009-097

WHEREAS, the Planning Commission has received the report and recommendation of such agencies as have submitted information including the written report and recommendation of Staff; and

WHEREAS, all requirements of the California Environmental Quality Act and the City's Environmental Guidelines have been met for the consideration of whether the project will have a significant effect on the environment.

NOW, THEREFORE, in consideration of the evidence received at the Planning Commission hearing, and for the reasons discussed by the Commission Members at the hearing, and subject to the Conditions attached as "Exhibit A", the Planning Commission now finds as follows:

1. The development of the site in accordance with the development plan is suitable for the use or development intended.

The proposal to construct a bank is in accordance with the Specific Plan 24, Area 1 zoning designation. The architectural design and site plan for the project is designed to improve overall site development.

2. The total development is so arranged as to avoid traffic congestion, ensure public health, safety and general welfare and prevent adverse effects on neighboring property.

The applicant will meet all circulation and traffic standards imposed by the City of San Dimas. The parking will accommodate the proposed use; all streets are sufficient in width and pavement to carry the quantity and kind of traffic generated by the proposed use. The conditions imposed will ensure that the public health, safety and general welfare will be protected as well as prevent adverse effects on neighboring properties.

3. The development is in general accord with all elements of the General Plan, Zoning Ordinance and all other Ordinances and regulations of the City.

The proposed project is consistent with the General Plan, Zoning Ordinance and all other Ordinances and regulations of the City.

WHEREAS, pursuant to San Dimas Zoning Code Section 18.540.800.C in approving a Precise Plan for any lot within Specific Plan 24, the following additional Findings need to be made in addition to the standard development plan Findings;

4. The proposed improvements will maintain or enhance the existing character and purpose of Specific Plan No. 24, as set forth in Section 18.540.010.

The proposed bank will enhance and improve the center with its proposed architecture. The bank use will provide the financial service that is needed in the area surrounded by single-family homes.

5. The architectural character, style and use of materials harmonize with the natural setting.

The proposed building has been designed to comply with the development standards of Specific Plan 24, Area 1 and the Design Guidelines of the center.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the City Council hereby approves Precise Plan Review 12-01 and Development Plan Review Board Case No. 12-20, subject to the applicant's compliance with Conditions in "Exhibit A", attached hereto and incorporated herein. A copy of this Resolution shall be mailed to the applicant.

The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 8th DAY OF JANUARY, 2013.

Curt Morris, Mayor of the City of San Dimas

Debra Black, Deputy City Clerk

I, Debra Black, DEPUTY CITY CLERK of the City of San Dimas, do hereby certify that Resolution No. 2013-03 was passed and adopted at the regular meeting of the City Council held on the 8th day of January 2013, by the following vote-to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Exhibit A

CONDITIONS OF APPROVAL PRECISE PLAN 12-01 & DPRB CASE NO. 12-20

1. The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers or employees because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers or employees for any Court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
2. Copies of the signed Resolution and Conditions shall be included on the plans (full size). The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.
3. The developer shall comply with all requirements of the Specific Plan 24 Zone.
4. The building permits for this project must be issued within one year from the date of approval from City Council or the approval will become invalid. A time extension may be granted under the provisions set forth in Chapter 18.12.070.E.
5. The applicant shall sign an affidavit accepting all Conditions and all Standard Conditions before issuance of building permits.
6. All parking provided shall meet the requirements of Section 18.156 (et. seq.) of the San Dimas Municipal Code.
7. The applicant shall comply with all City of San Dimas Business License requirements and shall provide a list of all contractors and subcontractors that are subject to business license requirements.

DESIGN

8. Location and type of exterior lighting fixtures shall be submitted by the developer to the Planning Division for review and approval prior to installation.
9. Building architecture and site plan shall be consistent with plans approved by City Council provided that the Director of Development

Services is authorized to make revisions consistent with the San Dimas Municipal Code and to facilitate improved parking lot circulation.

10. Plans for all exterior design features, including, but not limited to, doors, windows and architectural treatments, shall be submitted to the Planning Division for review and approval before issuance of building permits.
11. All roof-mounted equipment and appurtenances shall be totally screened from public view and shall be located below the building parapet. The applicant shall supply a section drawing indicating the parapet height and all proposed roof equipment. In the event additional screening is necessary, it shall be approved by the Planning Division and installed prior to final inspection and occupancy.
12. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical equipment installed by the developer shall be inconspicuously located and screened, as approved by the Planning Division.
13. Downspout pipes shall be placed on the inside of the buildings or concealed within architectural features of the building. When downspout pipes exit the building within the landscaped area, a splash pad shall be provided subject to review and approval by the Planning Division.
14. All exterior building colors shall match the color and material board on file with the Planning Division. Any revision to the approved building colors shall be submitted to the Planning Division for review and approval.
15. Electrical and other service facilities shall be located within an interior electrical room or approved comparable location. All electrical service facilities shall be totally screened from public view, as approved by the Planning Division.
16. There shall be no roof-mounted floodlights on the structure or on the trash enclosures.
17. The developer shall install all utilities underground.

LANDSCAPE

18. The developer shall submit to the Planning Division, prior to the issuance of building permits, detailed landscaping and automatic irrigation plan prepared by a State registered Landscape Architect. All landscaping and automatic irrigation shall be installed and functional

prior to occupancy of the building(s), in accordance with the plans approved by the Planning Division.

19. The developer shall show all proposed transformers on the landscape plan. All transformers shall be screened with landscape treatment such as trellis work or block walls with climbing vines or City approved substitute.
20. All slopes over three- (3) feet in vertical height shall be irrigated and landscaped as approved by the Planning Division.
21. Additional landscape shall be installed along the western property line to block vehicle lights from the nearby residents.
22. There shall be a retaining wall installed around the proposed electrical transformer to lessen the slope. The retaining wall shall have decorative material to match the proposed building.
23. Water efficient landscapes shall be implemented in all new and rehabilitated landscaping for developer-installed landscaping in private development projects that require a grading permit, building permit or use permit, as required by Chapter 18.14 of the San Dimas Municipal Code.

BUILDING DIVISION – (909) 394-6260

24. Submit to the Building Division of the City of San Dimas plans to be forwarded for review by the Los Angeles County Fire Department. Plans may include, access, fire sprinklers, mechanical ventilation, and any other applicable items regulated under the Fire Code.
25. The Developer shall comply with the 2010 edition of the codes as adopted by reference by the City of San Dimas: California Green Building Standards Code, California Building Code, California Mechanical Code, California Plumbing Code, and the California Electrical Code.
26. The Developer shall comply with the latest California Title 24 Energy requirements for all new lighting, insulation, and mechanical equipment and submit calculations at time of initial plan review.
27. The Developer shall submit to the Building Division of the City of San Dimas plans to be forwarded for review by the Los Angeles County Fire Department. Plans may include, access, fire sprinklers, mechanical ventilation, and any other applicable items regulated under the Fire Code.

28. The Developer shall comply with the latest disabled access regulations as found in Title 24 of the CA Code of Regulations and the Americans with Disabilities Act. Accessible items shall include but be limited to: parking, accessible pedestrian routes, counters, bathrooms etc.
29. The developer shall submit a revised Precise Grading and Drainage Plan for the proposed development to be reviewed and approved by the City Engineer and the Director of Community Development.
30. Prior to the issuance of any grading or building permits, the developer shall submit an updated Engineering Geology/Soils Report that includes an accurate description of the geology of the site and conclusions and recommendations regarding the effect of the geologic conditions on the proposed development and include a discussion of the expansiveness of the soils and recommended measures for foundations and slabs on grade to resist volumetric changes of the soil. This report shall also include recommendations for surcharge setback requirements in the area of ungraded slopes steeper than five horizontal to one vertical.
31. Building foundation inspections shall not be performed until a rough grading certification, survey stakes in place, and a final soils report have been filed with the City and approved. All drainage facilities must be operable.
32. Construction calculations, including lateral analysis, shall be required at the time plans are submitted for plan check. Electrical schematic and load list and plumbing (drainage, water, gas) schematics will be required before issuance of electrical or plumbing permits.
33. Fees shall be paid to Bonita School District in compliance with Government Code Section 65995.
34. The Developer shall Contact the Los Angeles County Public Works Department, Environmental Program Division for any required permit on clearance of industrial and hazardous waste disposal.
35. Construction hours shall be limited in a residential zone, or within a 500 foot radius thereof, to between 7:00 a.m. and 8:00 p.m., and shall be prohibited at any time on Sundays or public holiday, per San Dimas Municipal Code Section 8.36.100.

PUBLIC WORKS DIVISION – (909) 394-6240

36. The developer shall submit a Precise Grading Plan for the proposed development to be reviewed and approved by the City Engineer and the Director of Development Services.
37. The developer shall provide a signed copy of the City's certification statement declaring that the contractor will comply with Minimum Best Management Practices (BMPs) required by the MS4 permit for Los Angeles County as mandated by the National Pollutant Discharge Elimination System (NPDES).
38. The developer shall install sanitary sewers to serve the entire development to the specifications of the City Engineer.
39. For all projects which disturb less than one (1) acre of soil, applicant shall submit a temporary erosion control plan to be approved by the City Engineer and filed with the City and shall be installed and operable at all times.
40. The Developer shall be responsible for any repairs within the limits of the development, including streets and paving, curbs and gutters, sidewalks, and street lights, or the installation of same where not existing, as determined by the City Engineer and Public Works Director.
41. All work adjacent to or within the public right-of-way shall be subject to review and approval of the Public Works Director and the work shall be in accordance with applicable standards of the City of San Dimas; i.e. Standard Specifications for Public Works Construction (Green Book) and the Manual of Uniform Traffic Control Devices (MUTCD), and further that the construction equipment ingress and egress be controlled by a plan approved by Public Works.
42. All site, grading, landscape & irrigation, and street improvement plans shall be coordinated for consistency prior to the issuance of any permits.

PARKS & RECREATION – (909) 394-6230

43. The developer shall comply with City regulations regarding property development tax. Fees shall be paid prior to issuance of building permits.



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of January 8, 2013

FROM: Blaine Michaelis, City Manager *BM*

SUBJECT: Public Hearing – TEFRA Hearing concerning the proposed issuance of Multifamily Housing Revenue Obligations by California Statewide Communities Development Authority to finance the acquisition and rehabilitation of the 64 unit Voorhis Village property at 653 East Juanita Avenue. Approve Resolution No. 2013-04.

SUMMARY

Explanation listed below.

BACKGROUND

The City Council is being asked to adopt a resolution which would approve the issuance of multifamily housing revenue bonds by the California Statewide Communities Development Authority ("CSCDA") for the purpose of financing the acquisition and rehabilitation of Voorhis Village, a multifamily residential housing facility located in the City (the "Project"). The purpose of the resolution is to allow the financing to meet a requirement of the Internal Revenue Code of 1986. The adoption of this resolution is the first step in the process of financing the proposed Project. Prior to the issuance of bonds the Project will need to receive "private activity bond" allocation from the California Debt Limit Allocation Committee and CSCDA will be required to adopt a resolution which would approve the execution and delivery of certain bond documents that would reflect the terms of the bonds.

The Internal Revenue Code of 1986 (the "Code") requires that the "applicable elected representatives" of the jurisdiction in which a project to be financed with "private activity bonds" is situated adopt a resolution approving the issuance of such "private activity bonds" after holding a public hearing which has been noticed in a newspaper of general circulation in such jurisdiction. The City Council is being asked to hold such public hearing which has been noticed as required by the Code. The proposed resolution would act as the approval by the "applicable elected representatives" with respect to the proposed Project. The CDLAC application for "private activity bond" allocation for a multifamily housing

project requires the inclusion of the approval resolution. If the City Council adopts this resolution, CSCDA will proceed with the submission to CDLAC of an application for “private activity bond” allocation for the purpose of financing the acquisition and rehabilitation of the Project.

As announced in the published notice, this hearing is simply an *opportunity* for all interested persons to speak or to submit written comments concerning the proposal to issue the debt and the nature or location of the Project. There is no obligation on the part of the City Council to respond to any specific comments made or submitted.

The City would not be a party to the financing documents. As set forth in Section 9 of the Amended and Restated Joint Exercise of Powers Agreement of CSCDA, the debt would not be secured by any form of taxation, or by any obligation of either the City or CSCDA. Neither would the debt represent or constitute a general obligation of either the City or CSCDA. Pursuant to the governing California statutes and the JPA Agreement, a member of CSCDA is not responsible for the repayment of obligations incurred by CSCDA. The debt would be payable solely from amounts received pursuant to the terms and provisions of financing agreements to be executed by the Developer of the proposed facility. In the financing documents the Developer will also provide comprehensive indemnification to CSCDA and its members, including the City.

The City’s membership in the Authority bears with it no cost or other financing obligation, but serves as a public acknowledgement by the host jurisdiction of the project financing.

Representatives will be available at the City Council meeting and during the hearing to answer any questions or address and any concerns.

RECOMMENDATION

1. Receive brief report from staff regarding the purpose of the hearing.
2. Staff will introduce representatives from the project.
3. Conduct the Hearing to receive public comments.
4. Close the Hearing.
5. Adopt Resolution No. 2013-04 approving the issuance of the financing

Attachment:
Public Hearing Notice
Resolution No. 2013-04

**CITY OF SAN DIMAS
NOTICE OF PUBLIC HEARING
REGARDING ISSUANCE OF
MULTIFAMILY HOUSING REVENUE OBLIGATIONS**

NOTICE IS HEREBY GIVEN that at a regular meeting to be held on Tuesday, January 8, 2013 at 7:00 p.m., or as soon thereafter as the matter can be heard, in the City of San Dimas City Hall City Council Chambers, 245 East Bonita Avenue, San Dimas, California, 91773, the City Council of the City of San Dimas (the "City") will conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, at which it will hear and consider information concerning the proposed execution and delivery by the California Statewide Communities Development Authority of multifamily housing revenue obligations in an aggregate principal amount not to exceed \$12,000,000 to finance the acquisition, rehabilitation and development of a 64-unit multifamily rental housing project located at 653 East Juanita Avenue in the City of San Dimas, California (the "Project"). The City will not be under any obligation to repay the indebtedness. The Project will be owned and operated by a California limited liability company or limited partnership related to or formed by Community Preservation Partners, LLC.

Those wishing to comment on the proposed financing and the nature and location of the Project may either appear in person at the public hearing or submit written comments, which must be received by the City prior to the hearing. Written comments should be sent to the City of San Dimas, 245 East Bonita Avenue, San Dimas, California 91773 Attention: City Clerk. The telephone number is (909) 394-6216.

NOTICE IS FURTHER GIVEN that if you subsequently challenge the decision in a court of law, you may be limited to raising only those issues that you or someone else raised during the public hearing described in this notice or in written correspondence delivered to the City Clerk as provided in this notice.

SAN DIMAS CITY COUNCIL
Debra Black, Deputy City Clerk

Publish Date:

RESOLUTION NO. 2013-04

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS
APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING
REVENUE OBLIGATIONS FOR THE PURPOSE OF FINANCING THE
ACQUISITION AND REHABILITATION OF SUNKIST APARTMENTS**

WHEREAS, the California Statewide Communities Development Authority (the "Authority") is authorized by the laws of the State of California (the "Law") to execute and deliver multifamily housing revenue obligations for the purpose of financing the acquisition, construction/rehabilitation and development of multifamily residential rental facilities located within the area of operation of the Authority which are to be occupied, in part, by very low and/or low income tenants; and

WHEREAS, Community Preservation Partners, LLC, on behalf of a California limited liability company or limited partnership related to or formed by Community Preservation Partners, LLC (the "Borrower"), has requested the Authority to issue and deliver multifamily housing revenue obligations in the anticipated principal amount of \$12,000,000 (the "Obligations"), the proceeds of which may only be used for the purpose of financing the acquisition and rehabilitation of a 64-unit multifamily residential rental facility to be commonly known as Sunkist Apartments (currently known as Voorhis Village) located at 653 East Juanita Avenue in the City of San Dimas, California (the "Project"); and

WHEREAS, the City of San Dimas is a program participant of the Authority; and

WHEREAS, the Obligations which are expected to be issued and delivered to finance the acquisition and rehabilitation of the Project would be considered "qualified exempt facility bonds" under Section 142 (a) of the Internal revenue Code of 1986, as amended (the "Code"), and Section 147(f) of the Code requires that the "applicable elected representatives" with respect to the jurisdiction in which the Project is located hold a public hearing on the execution and delivery of the Obligations; and

WHEREAS, the City Council of the City of San Dimas as the "applicable elected representatives" to hold said public hearing, has held said public hearing at which all those interest in speaking with respect to the proposed financing of the Project were heard.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The City Council hereby finds and determines that the foregoing recitals are true and correct.
2. For purposes of the requirements of the Code only, the City Council hereby approves the proposed financing of the Project by the Authority with the proceeds of the Obligations.

3. The execution and delivery of the Obligations shall be subject to the approval by the Authority of all financing documents relating thereto to which the Authority is a party and subject to the sale of the Obligations by the Authority.

4. The adoption of this Resolution is solely for the purpose of meeting the requirements of the Code and shall not be construed in any other manner, the City nor its staff having fully reviewed or considered the financial feasibility of the Project or the expected financing or operation of the Project with regards to any State of California statutory requirements, and such adoption shall not obligate (i) the City to provide financing to the Borrower for the acquisition, rehabilitation and development of the Project or to execute and deliver the Obligations for purposes of such financing; or (ii) the City, of or any department of the City, to approve any application or request for, or take any other action in connection with, any environmental, General Plan, zoning or any other permit or other action necessary for the acquisition, rehabilitation, development or operation of the Project.

5. The City Clerk of the City shall forward a certified copy of this Resolution to:

Thomas A. Downey
The Orrick Building
Orrick, Herrington & Sutcliffe LLP
405 Howard Street
San Francisco, California 94105

6. This resolution shall take effect upon its adoption.

PASSED AND ADOPTED this 8th day of January, 2013, by the following roll call vote:

Ayes: Councilmembers

Nays: Councilmembers

Abstain: Councilmembers

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

ATTEST:

Kenneth J. Duran, City Clerk



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of January 8, 2013

FROM: Blaine Michaelis, City Manager

INITIATED BY: Community Development Department

SUBJECT: Municipal Code Text Amendment 12-05 - A request to add Chapter 18.22 to the San Dimas Municipal Code establishing standards for granting density bonuses as required by Government Code Section 65915.

SUMMARY

Government Code Section 65915 requires cities to adopt an ordinance and procedures to accommodate density bonuses for affordable housing projects. This was included in commitments made when adopting the 2008-14 Housing Element. The attached ordinance complies with the minimum standards set forth in Government Code Section 65915.

The Planning Commission conducted a public hearing on December 19, 2012 and recommends approval.

BACKGROUND

Government Code Section 65915 (attached to Planning Commission Report) requires cities to establish procedures to allow specified bonuses for certain affordable housing projects. These include density bonuses, concessions and incentives and waivers and reductions to development standards.

The 2008-14 Housing Elements includes commitments to reduce obstacles to affordable housing and the standards currently set forth in the MF Zone for density bonuses are not sufficient to comply with Section 65915.

The Planning Commission conducted a public hearing and unanimously recommended approval of Resolution PC-1468. There was no testimony presented at the public hearing.

ANALYSIS

The attached ordinance complies with Government Code Section 65915 and sets forth mandated procedures and standards for the granting of density bonuses to eligible affordable housing projects. The ordinance offers only those bonuses mandated by State law. They include:

- defined bonuses, using State standards, varying by affordable level served and percentage of affordable units within a project
- Allowance for added density bonus where land is offered to the City meeting defined criteria and intended to accommodate lower income housing
- Granting of incentives or concessions as required by State law. These include:
 1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.
 2. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
 3. Other regulatory incentives or concessions proposed by the developer or the city, that result in identifiable, financially sufficient, and actual cost reductions.
- Granting of waivers or reductions required by State law. These include a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development.
- Granting of specified parking standards when requested.
- Granting of a density bonus when providing on-site child care facilities meeting certain criteria. Creating incentives for condo conversions for either a density bonus or other specified financial incentives.
- Granting of certain incentives associated with condo conversions

Granting of these bonuses is mandatory and non-discretionary. With the loss of redevelopment it is more likely that such bonuses, incentives or concessions and

reduction or waivers to development standards will be sought by affordable housing developers.

RECOMMENDATION

Adopt attached Ordinance No. 1214.

Respectfully Submitted,



Larry Stevens,
Assistant City Manager for Community Development

Attachments:

1. Ordinance No. 1214
2. Planning Commission Resolution PC-1468
3. Planning Commission Staff Report dated December 19, 2012

ORDINANCE NO. 1214

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS
APPROVING MUNICIPAL CODE TEXT AMENDMENT 12-05 ADDING CHAPTER
18.22 REGARDING DENSITY BONUSES TO THE ZONING CODE**

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

SECTION 1. Subsection B of Section 18.42.040 is deleted.

SECTION 2. Add Chapter 18.22 DENSITY BONUS, as set forth in
attached Exhibit A, to the San Dimas Zoning Code.

SECTION 3. 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 ___ DAY OF January __, 2013.

Curt Morris, Mayor of the City of San Dimas

ATTEST:

Debra Black, Deputy City Clerk

EXHIBIT A

Chapter 18.22 DENSITY BONUS

Section 18.22.010 Purpose

This Chapter is established to set forth standards providing for incentives or concessions for lower income housing units and child care facilities when an applicant seeks a density bonus. This Chapter is intended to implement and comply with Government Code Section 65915.

Section 18.22.020 Definitions

As used in this Chapter the following definitions are provided:

A. "Child care facility" means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

B. "Concession or incentive" means any of the following:

1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.
2. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
3. Other regulatory incentives or concessions proposed by the developer or the city, that result in identifiable, financially sufficient, and actual cost reductions.

C. "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation.

D. "Housing development" means a development project for five or more residential units. Also includes a subdivision or common interest development, as defined in Section 1351 of the Civil Code, approved by the city, and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in Section 65863.4(d) of the Planning and Zoning Law, where the result of the rehabilitation would be a net increase in available residential units.

E. "Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

F. "Rounding of density or parking calculations" means any density or parking calculation resulting in fractional units shall be rounded up to the next whole number.

G. "Site" means the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

Section 18.22.030 Residential Density Bonus

A. For a housing development in any residential zone or residential specific plan providing a specified minimum percentage of the total units in the applicable specified category, the following density bonus shall be granted:

Percent of Total Units ¹	Categories			
	Low Income ²	Very Low Income ³	Senior Citizen ⁴	Moderate Income ⁵
5	0	20	0	0
6	0	22.5	0	0
7	0	25	0	0
8	0	27.5	0	0
9	0	30	0	0
10	20	32.5	20	5
11	21.5	35		6
12	23			7
13	24.5			8
14	26			9
15	27.5			10
16	29			11
17	30.5			12
18	32			13
19	33.5			14
20	35			15
21				16
22				17
23				18
24				19
25				20
26				21
27				22
28				23
29				24
30				25

31				26
32				27
33				28
34				29
35				30
36				31
37				32
38				33
39				34
40				35

1. Total units does not include units added by a density bonus awarded pursuant to Section 18.22.030 of this Chapter.
2. Lower income households as defined by Section 50079.5 of the Health and Safety Code.
3. Very Low Income households as defined by Section 50105 of the Health and Safety Code.
4. Senior citizen housing developments, as defined in Sections 51.3 and 51.12 of the Civil Code, or mobile home parks that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
5. A common interest subdivision as defined by Section 1351 of the Civil Code for persons and families of moderate income, as defined by Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

B. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, zoning change or other discretionary approval.

C. Continued affordability of any low and very low income units that qualified for a density bonus awarded pursuant to this Section shall be ensured by appropriate recorded instruments and/or agreements for a minimum of thirty years, subject to the following additional standards, where applicable.

1. A longer time period may be required where specified by the construction or mortgage financing program, mortgage insurance program or rental subsidy program.
2. Rents for low and very low income units shall be set at an affordable rent, as defined by Section 50053 of the Health and Safety Code.
3. Owner occupied units shall be available at an affordable housing cost as defined in Section 50052.5 of the Health and Safety Code.

D. An equity sharing agreement shall be required for any density bonus awarded in a common interest development, as defined by Section 1352 of the Civil Code, unless such an agreement is in conflict with the requirements of another public funding source or law.

1. The initial occupant of moderate income units shall be persons and families of moderate income, as defined by Section 50093 of the Health and Safety Code, and any such units shall be offered at an affordable housing cost, as that cost is defined by Section 50052.5 of the Health and Safety Code.
2. The equity sharing agreement shall comply with Section 65915(c)(2) (A) through (C) of the Planning and Zoning Law.

Section 18.22.040 Additional Residential Density Bonus

A. When a donation of land meeting certain specified standards is made to the city in conjunction with a tentative subdivision map, a parcel map or other residential development proposal, a 15 percent increase above the otherwise allowable maximum residential density for the entire development as follows:

Percentage of Very Low Income Units	Density Bonus Percentage	Percentage of Very Low Income Units	Density Bonus Percentage
10	15	21	26
11	16	22	26
12	17	23	28
13	18	24	29
14	19	25	30
15	20	26	31
16	21	27	32
17	22	28	33
18	23	29	34
19	24	30	35
20	25		

B. This residential density bonus shall be in addition to any increase granted pursuant to Section 18.22.030 up to a maximum combined mandated density increase of 35 percent if a density increase is requested pursuant to both Sections.

C. Any such additional density bonus pursuant to this Section shall satisfy all of the following conditions:

1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.
3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in Section 65583.2(c) (3) of the Planning and Zoning Law, and is or will be served by adequate public facilities and infrastructure.
4. The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the City may subject the proposed development to subsequent design review to the extent authorized by Section 65583.2(i) of the Planning and Zoning Law if the design is not reviewed by the City prior to the time of transfer.
5. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 65583.2(c)(1)

and (2) of the Planning and Zoning Law, which shall be recorded on the property at the time of the transfer.

6. The land is transferred to the City or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.
7. The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.
8. A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

Section 18.22.050 Concession or Incentive

A. In conjunction with a density bonus granted pursuant to Section 18.22.030, concessions or incentives, as defined herein, may be requested and shall be granted as follows:

Number of Concessions or Incentives	Percentage of Total Units by Project Type		
	Very Low Income	Lower Income	Moderate Income
1	5	10	10
2	10	20	20
3	15	30	30

B. A requested concession or incentive may not be allowed only if, based upon substantial evidence, any of the following written findings are made:

1. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
2. The concession or incentive would have a specific adverse impact, as defined in Section 65589.5(d)(2) of the Planning and Zoning Law, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
3. The concession or incentive would be contrary to state or federal law.

Section 18.22.060 Waiver or Reduction of Development Standards

A. In conjunction with a density bonus granted pursuant to Section 18.22.030 or a concessions or incentives granted pursuant to Section 18.22.050, a waiver or reduction of development standards, as defined herein, may be requested and shall be granted where the development standard will have the effect of physically precluding the construction of the development.

B. A request for the waiver of a development standard pursuant to this Section shall neither reduce nor increase the number of incentives or concessions allowed pursuant to Section 18.22.050.

C. A requested waiver or reduction of a development standard may not be allowed only if, based upon substantial evidence, any of the following written findings are made:

1. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
2. The concession or incentive would have a specific adverse impact, as defined in Section 65589.5(d)(2) of the Planning and Zoning Law, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
3. The concession or incentive would be contrary to state or federal law.

Section 18.22.070 Parking Standards

A. In conjunction with a density bonus granted pursuant to Section 18.22.030, upon request, parking standards, including handicapped and guest parking, shall not exceed the following:

Number of Bedrooms	Maximum Number of Parking Spaces per Bedroom
0-1	1
2-3	2
4+	2.5

B. For purposes of this Subsection, a development may provide “onsite parking” through tandem parking or uncovered parking, but not through on-street parking.

C. An applicant may request parking incentives or concessions beyond those provided in the subdivision pursuant to Section 18.22.050.

Section 18.22.080 Child Care Facility Bonus

A. Where a child care facility, as defined herein, is located on the premises of, as part of, or adjacent to, a project which includes a density bonus granted pursuant to Section 18.22.030 either of the following shall be granted:

1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

B. Where such a child care facility is approved, the following standards shall apply:

1. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to Section 18.22.030.C or D, as applicable.

2. Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to Section 18.22.030.A, as applicable.

Section 18.22.090 Condominium Conversion Incentives

A. When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code, or 15 percent of the total units of the proposed condominium project to lower income households as defined in Section 50079.5 of the Health and Safety Code, and agrees to pay for the reasonably necessary administrative costs incurred by the city, the city shall either:

1. Grant a density bonus for an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion; or,

2. Provide other incentives of equivalent financial value which may include the reduction or waiver of requirements which the City might otherwise apply as conditions of approval for the conversion. The City is not required to provide cash transfer payments or other monetary contributions.

B. Reasonable conditions may be placed such on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

C. If a preliminary proposal is submitted pursuant to the Section, the City shall, within 90 days of receiving a written proposal, notify in writing of the manner in which it will comply with this Section.

D. Nothing in this Section shall be construed to require the City to approve a proposal to convert apartments to condominiums.

E. An apartment project which was granted a density bonus pursuant to Section 18.22.030 or concessions or incentives pursuant to Section 18.22.050 is not eligible to receive a density bonus or incentives pursuant to this Section.

RESOLUTION PC-1468

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 12-05, TO ADD CHAPTER 18.22 TO THE SAN DIMAS MUNICIPAL CODE ESTABLISHING STANDARDS FOR GRANTING DENSITY BONUSES

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 adding a new chapter to the San Dimas Municipal Code to establish standards for granting density bonuses as required by Government Code Section 65915; and

WHEREAS, the Amendment would affect all portions of the City zoned for residential uses; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on December 19, 2012 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 for the consideration of whether the project will have a significant effect on the environment.

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 as it brings local regulations into compliance with State law in order to accomplish Statewide housing goals.
- B. The proposed Municipal Code Text Amendment will further the public health, safety and general welfare by providing opportunities for affordable housing consistent with State law facilitating financial feasibility of projects and removing constraints associated with zoning restrictions.
- C. The proposed Municipal Code Text Amendment is consistent with the General Plan by implementing opportunities to reduce constraints which may inhibit financial feasibility of affordable housing.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 12-05 as set forth in attached Exhibit A.

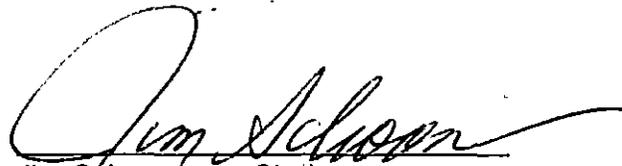
PASSED, APPROVED and ADOPTED, the 19th day of December, 2012 by the following vote:

AYES: Bratt, Ensberg, Rahi, Schoonover

NOES: None

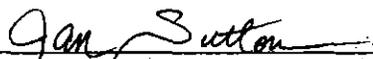
ABSENT: Davis

ABSTAIN: None



Jim Schoonover, Chairman
San Dimas Planning Commission

ATTEST:



Jan Sutton, Planning Secretary

EXHIBIT A

1. Delete Subsection B of Section 18.42.040.
2. Add Chapter 18.22 as set forth below in its entirety.

Chapter 18.22 DENSITY BONUS

Section 18.22.010 Purpose

This Chapter is established to set forth standards providing for incentives or concessions for lower income housing units and child care facilities when an applicant seeks a density bonus. This Chapter is intended to implement and comply with Government Code Section 65915.

Section 18.22.020 Definitions

As used in this Chapter the following definitions are provided:

- A. "Child care facility" means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.
- B. "Concession or incentive" means any of the following:
 1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.
 2. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
 3. Other regulatory incentives or concessions proposed by the developer or the city, that result in identifiable, financially sufficient, and actual cost reductions.
- C. "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation.
- D. "Housing development" means a development project for five or more residential units. Also includes a subdivision or common interest development, as defined in Section 1351 of the Civil Code, approved by the city, and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in Section 65863.4(d) of the Planning and Zoning Law, where the result of the rehabilitation would be a net increase in available residential units.
- E. "Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

F. "Rounding of density or parking calculations" means any density or parking calculation resulting in fractional units shall be rounded up to the next whole number.

G. "Site" means the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

Section 18.22.030 Residential Density Bonus

A. For a housing development in any residential zone or residential specific plan providing a specified minimum percentage of the total units in the applicable specified category, the following density bonus shall be granted:

Percent of Total Units ¹	Categories			
	Low Income ²	Very Low Income ³	Senior Citizen ⁴	Moderate Income ⁵
5	0	20	0	0
6	0	22.5	0	0
7	0	25	0	0
8	0	27.5	0	0
9	0	30	0	0
10	20	32.5	20	5
11	21.5	35		6
12	23			7
13	24.5			8
14	26			9
15	27.5			10
16	29			11
17	30.5			12
18	32			13
19	33.5			14
20	35			15
21				16
22				17
23				18
24				19
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26				21
27				22
28				23
29				24
30				25
31				26
32				27
33				28
34				29
35				30
36				31
37				32
38				33
39				34
40				35

1. Total units does not include units added by a density bonus awarded pursuant to Section 18.22.030 of this Chapter.
2. Lower income households as defined by Section 50079.5 of the Health and Safety Code.
3. Very Low Income households as defined by Section 50105 of the Health and Safety Code.
4. Senior citizen housing developments, as defined in Sections 51.3 and 51.12 of the Civil Code, or mobile home parks that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
5. A common interest subdivision as defined by Section 1351 of the Civil Code for persons and families of moderate income, as defined by Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

B. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, zoning change or other discretionary approval.

C. Continued affordability of any low and very low income units that qualified for a density bonus awarded pursuant to this Section shall be ensured by appropriate recorded instruments and/or agreements for a minimum of thirty years, subject to the following additional standards, where applicable.

1. A longer time period may be required where specified by the construction or mortgage financing program, mortgage insurance program or rental subsidy program.
2. Rents for low and very low income units shall be set at an affordable rent, as defined by Section 50053 of the Health and Safety Code.
3. Owner occupied units shall be available at an affordable housing cost as defined in Section 50052.5 of the Health and Safety Code.

D. An equity sharing agreement shall be required for any density bonus awarded in a common interest development, as defined by Section 1352 of the Civil Code, unless such an agreement is in conflict with the requirements of another public funding source or law.

1. The initial occupant of moderate income units shall be persons and families of moderate income, as defined by Section 50093 of the Health and Safety Code, and any such units shall be offered at an affordable housing cost, as that cost is defined by Section 50052.5 of the Health and Safety Code.
2. The equity sharing agreement shall comply with Section 65915(c)(2) (A) through (C) of the Planning and Zoning Law.

Section 18.22.040 Additional Residential Density Bonus

- A. When a donation of land meeting certain specified standards is made to the city in conjunction with a tentative subdivision map, a parcel map or other residential development proposal, a 15 percent increase above the otherwise allowable maximum residential density for the entire development as follows:

B.

Percentage of Very Low Income Units	Density Bonus Percentage	Percentage of Very Low Income Units	Density Bonus Percentage
10	15	21	26
11	16	22	26
12	17	23	28
13	18	24	29
14	19	25	30
15	20	26	31
16	21	27	32
17	22	28	33
18	23	29	34
19	24	30	35
20	25		

B. This residential density bonus shall be in addition to any increase granted pursuant to Section 18.22.030 up to a maximum combined mandated density increase of 35 percent if a density increase is requested pursuant to both Sections.

C. Any such additional density bonus pursuant to this Section shall satisfy all of the following conditions:

1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.
3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in Section 65583.2(c) (3) of the Planning and Zoning Law, and is or will be served by adequate public facilities and infrastructure.
4. The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the City may subject the proposed development to subsequent design review to the extent authorized by Section 65583.2(i) of the Planning and Zoning Law if the design is not reviewed by the City prior to the time of transfer.
5. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 65583.2(c)(1) and (2) of the Planning and Zoning Law, which shall be recorded on the property at the time of the transfer.
6. The land is transferred to the City or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.
7. The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.
8. A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

Section 18.22.050 Concession or Incentive

A. In conjunction with a density bonus granted pursuant to Section 18.22.030, concessions or incentives, as defined herein, may be requested and shall be granted as follows:

Number of Concessions or Incentives	Percentage of Total Units by Project Type		
	Very Low Income	Lower Income	Moderate Income
1	5	10	10
2	10	20	20
3	15	30	30

B. A requested concession or incentive may not be allowed only if, based upon substantial evidence, any of the following written findings are made:

1. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
2. The concession or incentive would have a specific adverse impact, as defined in Section 65589.5(d)(2) of the Planning and Zoning Law, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
3. The concession or incentive would be contrary to state or federal law.

Section 18.22.060 Waiver or Reduction of Development Standards

A. In conjunction with a density bonus granted pursuant to Section 18.22.030 or a concessions or incentives granted pursuant to Section 18.22.050, a waiver or reduction of development standards, as defined herein, may be requested and shall be granted where the development standard will have the effect of physically precluding the construction of the development.

B. A request for the waiver of a development standard pursuant to this Section shall neither reduce nor increase the number of incentives or concessions allowed pursuant to Section 18.22.050.

C. A requested waiver or reduction of a development standard may not be allowed only if, based upon substantial evidence, any of the following written findings are made:

1. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
2. The concession or incentive would have a specific adverse impact, as defined in Section 65589.5(d)(2) of the Planning and Zoning Law, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
3. The concession or incentive would be contrary to state or federal law.

Section 18.22.070 Parking Standards

A. In conjunction with a density bonus granted pursuant to Section 18.22.030, upon request, parking standards, including handicapped and guest parking, shall not exceed the following:

Number of Bedrooms	Maximum Number of Parking Spaces per Bedroom
0-1	1
2-3	2
4+	2.5

B. For purposes of this Subsection, a development may provide “onsite parking” through tandem parking or uncovered parking, but not through on-street parking.

C. An applicant may request parking incentives or concessions beyond those provided in the subdivision pursuant to Section 18.22.050.

Section 18.22.080 Child Care Facility Bonus

- A. Where a child care facility, as defined herein, is located on the premises of, as part of, or adjacent to, a project which includes a density bonus granted pursuant to Section 18.22.030 either of the following shall be granted:
1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.
 2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
- B. Where such a child care facility is approved, the following standards shall apply:
1. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to Section 18.22.030.C or D, as applicable.
 2. Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to Section 18.22.030.A, as applicable.

Section 18.22.090 Condominium Conversion Incentives

- A. When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code, or 15 percent of the total units of the proposed condominium project to lower income households as defined in Section 50079.5 of the Health and Safety Code, and agrees to pay for the reasonably necessary administrative costs incurred by the city, the city shall either:
1. Grant a density bonus for an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion; or,
 2. Provide other incentives of equivalent financial value which may include the reduction or waiver of requirements which the City might otherwise apply as conditions of approval for the conversion. The City is not required to provide cash transfer payments or other monetary contributions.
- B. Reasonable conditions may be placed such on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.
- C. If a preliminary proposal is submitted pursuant to the Section, the City shall, within 90 days of receiving a written proposal, notify in writing of the manner in which it will comply with this Section.
- D. Nothing in this Section shall be construed to require the City to approve a proposal to convert apartments to condominiums.
- E. An apartment project which was granted a density bonus pursuant to Section 18.22.030 or concessions or incentives pursuant to Section 18.22.050 is not eligible to receive a density bonus or incentives pursuant to this Section.



Planning Commission Staff Report

DATE: December 19, 2012

TO: Planning Commission

FROM: Community Development Department

SUBJECT: Municipal Code Text Amendment 12-05 - A request to add Chapter 18.22 to the San Dimas Municipal Code establishing standards for granting density bonuses as required by Government Code Section 65915.

SUMMARY

Section 65915 of the Planning and Zoning Law requires local governments to adopt standards to locally implement density bonuses for affordable housing developments. The 2008-14 Housing Element identifies this program to be implemented. The proposed chapter sets forth standards to implement State law but does not include additional local density bonuses.

BACKGROUND

The State Planning and Zoning Law specifies the following:

65915. Incentives for lower income housing development

*(a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in this section. **All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented.** Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.*

The 2008-14 Housing Element includes programs intended to reduce barriers to affordable housing including allowing density bonuses.

ANALYSIS

The existing MF Zone does allow for a density bonus but the standards are not consistent with Section 65915 of the Planning and Zoning Law. In fact, it is possible to interpret this as an extra local bonus beyond the standards contained in State law. To

interpret this as an extra local bonus beyond the standards contained in State law. To avoid this circumstance it is prudent to develop local standards implementing those standards in the State law. No provision is included in this Code Amendment to exceed any density bonus provisions in State law. Those provisions only apply to developments providing guaranteed affordable housing at defined ranges.

Primary characteristics of the proposed density bonus program include the following:

- defined bonuses, using State standards, varying by affordable level served and percentage of affordable units within a project.
- Allowance for added density bonus where land is offered to the City meeting defined criteria and intended to accommodate lower income housing.
- Granting of incentives or concessions as required by State law. These include:
 1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.
 2. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
 3. Other regulatory incentives or concessions proposed by the developer or the city, that result in identifiable, financially sufficient, and actual cost reductions.
- Granting of waivers or reductions required by State law. These include a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development.
- Granting of specified parking standards when requested.
- Granting of a density bonus when providing on-site child care facilities meeting certain criteria. Creating incentives for condo conversions for either a density bonus or other specified financial incentives.
- Granting of certain incentives associated with condo conversions.

As drafted each of the above density bonus provisions are required by State law even if the City did not develop its own implementing regulations. Much of the drafting of the Chapter is a restructuring or reformatting of State law to eliminate the confusion and clarify the applicability.

CONCLUSIONS

The proposed ordinance is intended to implement Section 65915 of the State Planning and Zoning Law.

RECOMMENDATION

Staff recommends approval of *Municipal Code Text Amendment 12-05* as set forth in attached Resolution PC-1468.

FINDINGS -

A. The proposed Municipal Code Text Amendment will not adversely affect adjoining property as to value, precedent or be detrimental to the area as it brings local regulations into compliance with State law in order to accomplish Statewide housing goals.

B. The proposed Municipal Code Text Amendment will further the public health, safety and general welfare by providing opportunities for affordable housing consistent with State law facilitating financial feasibility of projects and removing constraints associated with zoning restrictions.

C. The proposed Municipal Code Text Amendment is consistent with the General Plan by implementing opportunities to reduce constraints which may inhibit financial feasibility of affordable housing.

Respectfully Submitted,



Larry Stevens,
Assistant City Manager for Community Development

Attachments: Appendix A - General Information
Attachment #1 - Planning and Zoning Law Section 65915
Attachment #2 - Applicable Civil Code Sections
Attachment #3 - Applicable Health & Safety Code Sections
Resolution PC-1468

APPENDIX A
GENERAL INFORMATION

Applicant: City of San Dimas

Owner: n/a

Location: City-wide

General Plan: Required by 2008-14 Housing Element

Legal Notice: A legal notice was published in the Inland Valley Daily Bulletin and posted at City Hall, the Library, Post Office and Via Verde Shopping Center on December 7, 2012.

Environmental: Staff reviewed the project and determined it was a Categorical Exemption per Section 15061(b)(3).

ATTACHMENT #1

Chapter 4.3. Density Bonuses and Other Incentives

65915. Incentives for lower income housing development

(a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in this section. All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development as defined in Section 1351 of the Civil Code for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), the applicant who requests a density bonus

pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), or (D) of paragraph (1).

(3) For the purposes of this section, "total units" or "total dwelling units" does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, continued affordability of all low- and very low income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the Lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

Owner-occupied units shall be available at an affordable housing cost as defined in Section 50052.5 of the Health and Safety Code.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in the common interest development, as defined in Section 1351 of the Civil Code, are persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy, as defined in subparagraph (B), and its proportionate share of appreciation, as defined in subparagraph (C), which amount shall be used within five years for any of the purposes described in subdivision (e)

of Section 33334.2 of the Health and Safety Code that promote home ownership.

(B) For purposes of this subdivision, the local government's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(C) For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the ratio of the local government's initial subsidy to the fair market value of the home at the time of initial sale.

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10

percent for persons and families of moderate income in a common interest development.

(B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section.

(e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the

city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(f) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the city, county, or city and county. The applicant may elect to accept a lesser percentage of density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Bonus Low-Income Units	Percentage Density
10	20
11	21
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Bonus Income Units	Percentage Density
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(3) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Bonus Income Units	Percentage Density
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(g) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

Percentage Very Low Income Bonus	Percentage Density
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met: *Planning and Zoning Law Planning, Zoning and Development Laws 2011 139*

(A) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

(B) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2, and is or will be served by adequate public facilities and infrastructure.

(D) The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land; not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government prior to the time of transfer.

(E) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of the transfer.

(F) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(G) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(H) A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

(h) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the

project, the city, county, or city and county shall grant either of the following:

(A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or a city and county shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(4) "Child care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.

(i) "Housing development," as used in this section, means a development project for five or more residential units. For the purposes of this section, "housing development" also includes a subdivision or common interest development, as defined in Section 1351 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject

of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(j) The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. This provision is declaratory of existing law.

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

(2) Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable, financially sufficient, and actual cost reductions.

(l) Subdivision (k) does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).

(n) If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the

requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(1) "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

(2) "Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

(p) (1) Upon the request of the developer, no city, county, or city and county shall require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b), that exceeds the following ratios:

(A) Zero to one bedroom: one onsite parking space.

(B) Two to three bedrooms: two onsite parking spaces.

(C) Four and more bedrooms: two and one-half parking spaces.

(2) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through onstreet parking.

(3) This subdivision shall apply to a development that meets the requirements of subdivision (b) but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d).

(Amended by Stats. 1984, Ch. 1333; Amended by Stats. 1989, Ch. 842; Amended by Stats. 1990, Ch. 31 [Effective September 11, 1990]; Amended by Stats. 1991, Ch. 1091; Amended by Stats. 1999, Ch. 968; Amended by Stats.

2000, Ch. 556; Amended by Stats. 2002, Ch. 1062; Amended by Stats. 2003, Ch. 430; Amended by Stats. 2004, Ch. 928; Amended by Stats. 2005, Ch. 496; Amended by Stats. 2008, Ch. 454.)

65915.5. Condo conversion incentives for low income housing development

(a) When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code, or 15 percent of the total units of the proposed condominium project to lower income households as defined in Section 50079.5 of the Health and Safety Code, and agrees to pay for the reasonably necessary administrative costs incurred by a city, county, or city and county pursuant to this section, the city, county, or city and county shall either (1) grant a density bonus or (2) provide other incentives of equivalent financial value. A city, county, or city and county may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

(b) For purposes of this section, "density bonus" means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

(c) For purposes of this section, "other incentives of equivalent financial value" shall not be construed to require a city, county, or city and county to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city, county, or city and county might otherwise apply as conditions of conversion approval.

(d) An applicant for approval to convert apartments to a condominium project may submit to a city, county, or city and county a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city, county, or city and county shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. The city, county, or city and county shall

establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section.

(e) Nothing in this section shall be construed to require a city, county, or city and county to approve a proposal to convert apartments to condominiums.

(f) An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Section 65915.
(Added by Stats. 1983, Ch. 634.)

ATTACHMENT # 2

APPLICABLE CIVIL CODE SECTIONS

CALIFORNIA CIVIL CODE SECTION 51.3

(a) The Legislature finds and declares that this section is essential to establish and preserve specially designed accessible housing for senior citizens. There are senior citizens who need special living environments and services, and find that there is an inadequate supply of this type of housing in the state.

(b) For the purposes of this section, the following definitions apply:

(1) "Qualifying resident" or "senior citizen" means a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development.

(2) "Qualified permanent resident" means a person who meets both of the following requirements:

(A) Was residing with the qualifying resident or senior citizen prior to the death, hospitalization, or other prolonged absence of, or the dissolution of marriage with, the qualifying resident or senior citizen.

(B) Was 45 years of age or older, or was a spouse, cohabitant, or person providing primary physical or economic support to the qualifying resident or senior citizen.

(3) "Qualified permanent resident" also means a disabled person or person with a disabling illness or injury who is a child or grandchild of the senior citizen or a qualified permanent resident as defined in paragraph (2) who needs to live with the senior citizen or qualified permanent resident because of the disabling condition, illness, or injury. For purposes of this section, "disabled" means a person who has a disability as defined in subdivision (b) of Section 54. A "disabling injury or illness" means an illness or injury which results in a condition meeting the definition of disability set forth in subdivision (b) of Section 54.

(A) For any person who is a qualified permanent resident under this paragraph whose disabling condition ends, the owner, board of directors, or other governing body may require the formerly disabled resident to cease residing in the development upon receipt of six months' written notice; provided, however, that the owner, board of directors, or other governing body may allow the person to remain a resident for up to one year after the disabling condition ends.

(B) The owner, board of directors, or other governing body of the senior citizen housing development may take action to prohibit or terminate occupancy by a person who is a qualified permanent resident under this paragraph if the owner, board of directors, or other governing body finds, based on credible and objective evidence, that the person is likely to pose a significant threat to the health or safety of others that cannot be ameliorated by means of a reasonable accommodation; provided, however, that the action to prohibit or terminate the occupancy may be taken only after doing both of the following:

(i) Providing reasonable notice to and an opportunity to be heard for the disabled person whose occupancy is being challenged, and reasonable notice to the coresident parent or grandparent of that person.

(ii) Giving due consideration to the relevant, credible, and

objective information provided in the hearing. The evidence shall be taken and held in a confidential manner, pursuant to a closed session, by the owner, board of directors, or other governing body in order to preserve the privacy of the affected persons.

The affected persons shall be entitled to have present at the hearing an attorney or any other person authorized by them to speak on their behalf or to assist them in the matter.

(4) "Senior citizen housing development" means a residential development developed, substantially rehabilitated, or substantially renovated for, senior citizens that has at least 35 dwelling units. Any senior citizen housing development which is required to obtain a public report under Section 11010 of the Business and Professions Code and which submits its application for a public report after July 1, 2001, shall be required to have been issued a public report as a senior citizen housing development under Section 11010.05 of the Business and Professions Code. No housing development constructed prior to January 1, 1985, shall fail to qualify as a senior citizen housing development because it was not originally developed or put to use for occupancy by senior citizens.

(5) "Dwelling unit" or "housing" means any residential accommodation other than a mobilehome.

(6) "Cohabitant" refers to persons who live together as husband and wife, or persons who are domestic partners within the meaning of Section 297 of the Family Code.

(7) "Permitted health care resident" means a person hired to provide live-in, long-term, or terminal health care to a qualifying resident, or a family member of the qualifying resident providing that care. For the purposes of this section, the care provided by a permitted health care resident must be substantial in nature and must provide either assistance with necessary daily activities or medical treatment, or both.

A permitted health care resident shall be entitled to continue his or her occupancy, residency, or use of the dwelling unit as a permitted resident in the absence of the senior citizen from the dwelling unit only if both of the following are applicable:

(A) The senior citizen became absent from the dwelling due to hospitalization or other necessary medical treatment and expects to return to his or her residence within 90 days from the date the absence began.

(B) The absent senior citizen or an authorized person acting for the senior citizen submits a written request to the owner, board of directors, or governing board stating that the senior citizen desires that the permitted health care resident be allowed to remain in order to be present when the senior citizen returns to reside in the development.

Upon written request by the senior citizen or an authorized person acting for the senior citizen, the owner, board of directors, or governing board shall have the discretion to allow a permitted health care resident to remain for a time period longer than 90 days from the date that the senior citizen's absence began, if it appears that the senior citizen will return within a period of time not to exceed an additional 90 days.

(c) The covenants, conditions, and restrictions and other documents or written policy shall set forth the limitations on occupancy, residency, or use on the basis of age. Any such limitation

shall not be more exclusive than to require that one person in residence in each dwelling unit may be required to be a senior citizen and that each other resident in the same dwelling unit may be required to be a qualified permanent resident, a permitted health care resident, or a person under 55 years of age whose occupancy is permitted under subdivision (h) of this section or under subdivision (b) of Section 51.4. That limitation may be less exclusive, but shall at least require that the persons commencing any occupancy of a dwelling unit include a senior citizen who intends to reside in the unit as his or her primary residence on a permanent basis. The application of the rules set forth in this subdivision regarding limitations on occupancy may result in less than all of the dwellings being actually occupied by a senior citizen.

(d) The covenants, conditions, and restrictions or other documents or written policy shall permit temporary residency, as a guest of a senior citizen or qualified permanent resident, by a person of less than 55 years of age for periods of time, not less than 60 days in any year, that are specified in the covenants, conditions, and restrictions or other documents or written policy.

(e) Upon the death or dissolution of marriage, or upon hospitalization, or other prolonged absence of the qualifying resident, any qualified permanent resident shall be entitled to continue his or her occupancy, residency, or use of the dwelling unit as a permitted resident. This subdivision shall not apply to a permitted health care resident.

(f) The condominium, stock cooperative, limited-equity housing cooperative, planned development, or multiple-family residential rental property shall have been developed for, and initially been put to use as, housing for senior citizens, or shall have been substantially rehabilitated or renovated for, and immediately afterward put to use as, housing for senior citizens, as provided in this section; provided, however, that no housing development constructed prior to January 1, 1985, shall fail to qualify as a senior citizen housing development because it was not originally developed for or originally put to use for occupancy by senior citizens.

(g) The covenants, conditions, and restrictions or other documents or written policies applicable to any condominium, stock cooperative, limited-equity housing cooperative, planned development, or multiple-family residential property that contained age restrictions on January 1, 1984, shall be enforceable only to the extent permitted by this section, notwithstanding lower age restrictions contained in those documents or policies.

(h) Any person who has the right to reside in, occupy, or use the housing or an unimproved lot subject to this section on January 1, 1985, shall not be deprived of the right to continue that residency, occupancy, or use as the result of the enactment of this section.

(i) The covenants, conditions, and restrictions or other documents or written policy of the senior citizen housing development shall permit the occupancy of a dwelling unit by a permitted health care resident during any period that the person is actually providing live-in, long-term, or hospice health care to a qualifying resident for compensation. For purposes of this subdivision, the term "for compensation" shall include provisions of lodging and food in exchange for care.

(j) Notwithstanding any other provision of this section, this section shall not apply to the County of Riverside.

CALIFORNIA CIVIL CODE SECTION 51.12

(a) The Legislature finds and declares that the requirements for senior housing under Sections 51.10 and 51.11 are more stringent than the requirements for that housing under the federal Fair Housing Amendments Act of 1988 (Public Law 100-430).

(b) Any person who resided in, occupied, or used, prior to January 1, 1990, a dwelling in a senior citizen housing development which relied on the exemption to the special design requirement provided by Section 51.4 as that section read prior to January 1, 2001, shall not be deprived of the right to continue that residency, or occupancy, or use as the result of the changes made to this section by the enactment of Senate Bill 1382 or Senate Bill 2011 at the 1999-2000 Regular Session of the Legislature.

(c) This section shall only apply to the County of Riverside.

CALIFORNIA CIVIL CODE SECTION 798.76

The management may require that a prospective purchaser comply with any rule or regulation limiting residency based on age requirements for housing for older persons, provided that the rule or regulation complies with the federal Fair Housing Act, as amended by Public Law 104-76, and implementing regulations.

CALIFORNIA CIVIL CODE SECTION 799.5

The ownership or management may require that a purchaser of a mobilehome that will remain in the subdivision, cooperative, or condominium for mobilehomes, or resident-owned mobilehome park comply with any rule or regulation limiting residency based on age requirements for housing for older persons, provided that the rule or regulation complies with the provisions of the federal Fair Housing Act, as amended by Public Law 104-76, and implementing regulations.

CALIFORNIA CIVIL CODE SECTION 1351

As used in this title, the following terms have the following meanings:

(a) "Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

(b) "Common area" means the entire common interest development except the separate interests therein. The estate in the common area may be a fee, a life estate, an estate for years, or any combination of the foregoing. However, the common area for a planned development specified in paragraph (2) of subdivision (k) may consist of mutual or reciprocal easement rights appurtenant to the separate interests.

(c) "Common interest development" means any of the following:

- (1) A community apartment project.
- (2) A condominium project.
- (3) A planned development.
- (4) A stock cooperative.

(d) "Community apartment project" means a development in which an

undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon.

(e) "Condominium plan" means a plan consisting of (1) a description or survey map of a condominium project, which shall refer to or show monumentation on the ground, (2) a three-dimensional description of a condominium project, one or more dimensions of which may extend for an indefinite distance upwards or downwards, in sufficient detail to identify the common areas and each separate interest, and (3) a certificate consenting to the recordation of the condominium plan pursuant to this title signed and acknowledged by the following:

(A) The record owner of fee title to that property included in the condominium project.

(B) In the case of a condominium project which will terminate upon the termination of an estate for years, the certificate shall be signed and acknowledged by all lessors and lessees of the estate for years.

(C) In the case of a condominium project subject to a life estate, the certificate shall be signed and acknowledged by all life tenants and remainder interests.

(D) The certificate shall also be signed and acknowledged by either the trustee or the beneficiary of each recorded deed of trust, and the mortgagee of each recorded mortgage encumbering the property.

Owners of mineral rights, easements, rights-of-way, and other nonpossessory interests do not need to sign the condominium plan. Further, in the event a conversion to condominiums of a community apartment project or stock cooperative has been approved by the required number of owners, trustees, beneficiaries, and mortgagees pursuant to Section 66452.10 of the Government Code, the certificate need only be signed by those owners, trustees, beneficiaries, and mortgagees approving the conversion.

A condominium plan may be amended or revoked by a subsequently acknowledged recorded instrument executed by all the persons whose signatures would be required pursuant to this subdivision.

(f) A "condominium project" means a development consisting of condominiums. A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. The description of the unit may refer to (1) boundaries described in the recorded final map, parcel map, or condominium plan, (2) physical boundaries, either in existence, or to be constructed, such as walls, floors, and ceilings of a structure or any portion thereof, (3) an entire structure containing one or more units, or (4) any combination thereof. The portion or portions of the real property held in undivided interest may be all of the real property, except for the separate interests, or may include a particular three-dimensional portion thereof, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The area within these boundaries may be filled with air, earth, or water, or any

combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. An individual condominium within a condominium project may include, in addition, a separate interest in other portions of the real property.

(g) "Declarant" means the person or group of persons designated in the declaration as declarant, or if no declarant is designated, the person or group of persons who sign the original declaration or who succeed to special rights, preferences, or privileges designated in the declaration as belonging to the signator of the original declaration.

(h) "Declaration" means the document, however denominated, which contains the information required by Section 1353.

(i) "Exclusive use common area" means a portion of the common areas designated by the declaration for the exclusive use of one or more, but fewer than all, of the owners of the separate interests and which is or will be appurtenant to the separate interest or interests.

(1) Unless the declaration otherwise provides, any shutters, awnings, window boxes, doorsteps, stoops, porches, balconies, patios, exterior doors, doorframes, and hardware incident thereto, screens and windows or other fixtures designed to serve a single separate interest, but located outside the boundaries of the separate interest, are exclusive use common areas allocated exclusively to that separate interest.

(2) Notwithstanding the provisions of the declaration, internal and external telephone wiring designed to serve a single separate interest, but located outside the boundaries of the separate interest, are exclusive use common areas allocated exclusively to that separate interest.

(j) "Governing documents" means the declaration and any other documents, such as bylaws, operating rules of the association, articles of incorporation, or articles of association, which govern the operation of the common interest development or association.

(k) "Planned development" means a development (other than a community apartment project, a condominium project, or a stock cooperative) having either or both of the following features:

(1) The common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.

(2) A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separate interests in accordance with Section 1367 or 1367.1.

(1) "Separate interest" has the following meanings:

(1) In a community apartment project, "separate interest" means the exclusive right to occupy an apartment, as specified in subdivision (d).

(2) In a condominium project, "separate interest" means an individual unit, as specified in subdivision (f).

(3) In a planned development, "separate interest" means a separately owned lot, parcel, area, or space.

(4) In a stock cooperative, "separate interest" means the exclusive right to occupy a portion of the real property, as specified in subdivision (m).

Unless the declaration or condominium plan, if any exists, otherwise provides, if walls, floors, or ceilings are designated as boundaries of a separate interest, the interior surfaces of the perimeter walls, floors, ceilings, windows, doors, and outlets located within the separate interest are part of the separate interest and any other portions of the walls, floors, or ceilings are part of the common areas.

The estate in a separate interest may be a fee, a life estate, an estate for years, or any combination of the foregoing.

(m) "Stock cooperative" means a development in which a corporation is formed or availed of, primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation. The owners' interest in the corporation, whether evidenced by a share of stock, a certificate of membership, or otherwise, shall be deemed to be an interest in a common interest development and a real estate development for purposes of subdivision (f) of Section 25100 of the Corporations Code.

A "stock cooperative" includes a limited equity housing cooperative which is a stock cooperative that meets the criteria of Section 817.

CALIFORNIA CIVIL CODE SECTION 1352

This title applies and a common interest development is created whenever a separate interest coupled with an interest in the common area or membership in the association is, or has been, conveyed, provided, all of the following are recorded:

- (a) A declaration.
- (b) A condominium plan, if any exists.
- (c) A final map or parcel map, if Division 2 (commencing with Section 66410) of Title 7 of the Government Code requires the recording of either a final map or parcel map for the common interest development.

ATTACHMENT #3
APPLICABLE HEALTH & SAFETY CODE SECTIONS

CALIFORNIA HEALTH & SAFETY CODE SECTION 50052.5

50052.5. (a) For any owner-occupied housing that receives assistance prior to January 1, 1991, and a condition of that assistance is compliance with this section, "affordable housing cost" with respect to lower income households may not exceed 25 percent of gross income.

(b) For any owner-occupied housing that receives assistance on or after January 1, 1991, and a condition of that assistance is compliance with this section, "affordable housing cost" may not exceed the following:

(1) For extremely low households the product of 30 percent times 30 percent of the area median income adjusted for family size appropriate for the unit.

(2) For very low income households the product of 30 percent times 50 percent of the area median income adjusted for family size appropriate for the unit.

(3) For lower income households whose gross incomes exceed the maximum income for very low income households and do not exceed 70 percent of the area median income adjusted for family size, the product of 30 percent times 70 percent of the area median income adjusted for family size appropriate for the unit. In addition, for any lower income household that has a gross income that equals or exceeds 70 percent of the area median income adjusted for family size, it shall be optional for any state or local funding agency to require that affordable housing cost not exceed 30 percent of the gross income of the household.

(4) For moderate-income households, affordable housing cost shall not be less than 28 percent of the gross income of the household, nor exceed the product of 35 percent times 110 percent of area median income adjusted for family size appropriate for the unit. In addition, for any moderate-income household that has a gross income that exceeds 110 percent of the area median income adjusted for family size, it shall be optional for any state or local funding agency to require that affordable housing cost not exceed 35 percent of the gross income of the household.

(c) The department shall, by regulation, adopt criteria defining, and providing for determination of, gross income, adjustments for family size appropriate to the unit, and housing cost for purposes of determining affordable housing cost under this section. These regulations may provide alternative criteria, where necessary to be consistent with pertinent federal statutes and regulations governing federally assisted housing. The agency may, by regulation, adopt alternative criteria, and pursuant to subdivision (f) of Section 50462, alternative percentages of income may be adopted for agency-assisted housing development.

(d) With respect to moderate- and lower income households who are tenants of rental housing developments and members or shareholders of cooperative housing developments, or limited equity cooperatives "affordable housing cost" has the same meaning as affordable rent, as defined in Section 50053.

(e) Regulations of the department shall also include a method for determining the maximum construction cost, mortgage loan, or sales

price that will make housing available to an income group at affordable housing cost.

(f) For purposes of this section, "area median income" shall mean area median income as published by the department pursuant to Section 50093.

(g) For purposes of this section, "moderate income household" shall have the same meaning as "persons and families of moderate income" as defined in Section 50093.

(h) For purposes of this section, and provided there are no pertinent federal statutes applicable to a project or program, "adjusted for family size appropriate to the unit" shall mean for a household of one person in the case of a studio unit, two persons in the case of a one-bedroom unit, three persons in the case of a two-bedroom unit, four persons in the case of a three-bedroom unit, and five persons in the case of a four-bedroom unit.

CALIFORNIA HEALTH & SAFETY CODE SECTION 50053

50053. (a) For any rental housing development that receives assistance prior to January 1, 1991, and a condition of that assistance is compliance with this section, "affordable rent" with respect to lower income households shall not exceed the percentage of the gross income of the occupant person or household established by regulation of the department that shall not be less than 15 percent of gross income nor exceed 25 percent of gross income.

(b) For any rental housing development that receives assistance on or after January 1, 1991, and a condition of that assistance is compliance with this section, "affordable rent," including a reasonable utility allowance, shall not exceed:

(1) For extremely low income households the product of 30 percent times 30 percent of the area median income adjusted for family size appropriate for the unit.

(2) For very low income households, the product of 30 percent times 50 percent of the area median income adjusted for family size appropriate for the unit.

(3) For lower income households whose gross incomes exceed the maximum income for very low income households, the product of 30 percent times 60 percent of the area median income adjusted for family size appropriate for the unit. In addition, for those lower income households with gross incomes that exceed 60 percent of the area median income adjusted for family size, it shall be optional for any state or local funding agency to require that affordable rent be established at a level not to exceed 30 percent of gross income of the household.

(4) For moderate-income households, the product of 30 percent times 110 percent of the area median income adjusted for family size appropriate for the unit. In addition, for those moderate-income households whose gross incomes exceed 110 percent of the area median income adjusted for family size, it shall be optional for any state or local funding agency to require that affordable rent be established at a level not to exceed 30 percent of gross income of the household.

(c) The department's regulation shall permit alternative percentages of income for agency-assisted rental and cooperative housing developments pursuant to regulations adopted under

subdivision (f) of Section 50462. The department shall, by regulation, adopt criteria defining and providing for determination of gross income, adjustments for family size appropriate to the unit, and rent for purposes of this section. These regulations may provide alternative criteria, where necessary, to be consistent with pertinent federal statutes and regulations governing federally assisted rental and cooperative housing. The agency may, by regulation, adopt alternative criteria, and pursuant to subdivision (f) of Section 50462, alternative percentages of income may be adopted for agency-assisted housing developments.

For purposes of this section, "area median income," "adjustments for family size appropriate to the unit," and "moderate-income household" shall have the same meaning as provided in Section 50052.5.

CALIFORNIA HEALTH & SAFETY CODE SECTION 50079.5

50079.5. (a) "Lower income households" means persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. The limits shall be published by the department in the California Code of Regulations as soon as possible after adoption by the Secretary of Housing and Urban Development. In the event the federal standards are discontinued, the department shall, by regulation, establish income limits for lower income households for all geographic areas of the state at 80 percent of area median income, adjusted for family size and revised annually.

(b) "Lower income households" includes very low income households, as defined in Section 50105, and extremely low income households, as defined in Section 50106. The addition of this subdivision does not constitute a change in, but is declaratory of, existing law.

(c) As used in this section, "area median income" means the median family income of a geographic area of the state.

CALIFORNIA HEALTH & SAFETY CODE SECTION 50093

50093. "Persons and families of low or moderate income" means persons and families whose income does not exceed 120 percent of area median income, adjusted for family size by the department in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937. However, the agency and the department jointly, or either acting with the concurrence of the Secretary of the Business and Transportation Agency, may permit the agency to use higher income limitations in designated geographic areas of the state, upon a determination that 120 percent of the median income in the particular geographic area is too low to qualify a substantial number of persons and families of low or moderate income who can afford rental or home purchase of housing financed pursuant to Part 3 (commencing with Section 50900) without subsidy.

"Persons and families of low or moderate income" includes very low income households, as defined in Section 50105, extremely low income

households, as defined in Section 50106, and lower income households as defined in Section 50079.5, and includes persons and families of extremely low income, persons and families of very low income, persons and families of low income, persons and families of moderate income, and middle-income families. As used in this division:

(a) "Persons and families of low income" or "persons of low income" means persons or families who are eligible for financial assistance specifically provided by a governmental agency for the benefit of occupants of housing financed pursuant to this division.

(b) "Persons and families of moderate income" or "middle-income families" means persons and families of low or moderate income whose income exceeds the income limit for lower income households.

(c) "Persons and families of median income" means persons and families whose income does not exceed the area median income, as adjusted by the department for family size in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937.

As used in this section, "area median income" means the median family income of a geographic area of the state, as annually estimated by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937. In the event these federal determinations of area median income are discontinued, the department shall establish and publish as regulations income limits for persons and families of median income for all geographic areas of the state at 100 percent of area median income, and for persons and families of low or moderate income for all geographic areas of the state at 120 percent of area median income. These income limits shall be adjusted for family size and shall be revised annually.

For purposes of this section, the department shall file, with the Office of Administrative Law, any changes in area median income and income limits determined by the United States Department of Housing and Urban Development, together with any consequent changes in other derivative income limits determined by the department pursuant to this section. These filings shall not be subject to Article 5 (commencing with Section 11346) or Article 6 (commencing with Section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, but shall be effective upon filing with the Office of Administrative Law and shall be published as soon as possible in the California Regulatory Code Supplement and the California Code of Regulations.

The department shall establish and publish a general definition of income, including inclusions, exclusions, and allowances, for qualifying persons under the income limits of this section and Sections 50079.5, 50105, and 50106 to be used where no other federal or state definitions of income apply. This definition need not be established by regulation.

Nothing in this division shall prevent the agency or the department from adopting separate family size adjustment factors or programmatic definitions of income to qualify households, persons, and families for programs of the agency or department, as the case may be.

CALIFORNIA HEALTH & SAFETY CODE SECTION 50105

50105. (a) "Very low income households" means persons and families whose incomes do not exceed the qualifying limits for very low income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. These qualifying limits shall be published by the department in the California Code of Regulations as soon as possible after adoption by the Secretary of Housing and Urban Development. In the event the federal standards are discontinued, the department shall, by regulation, establish income limits for very low income households for all geographic areas of the state at 50 percent of area median income, adjusted for family size and revised annually.

(b) "Very low income households" includes extremely low income households, as defined in Section 50106. The addition of this subdivision does not constitute a change in, but is declaratory of, existing law.

(c) As used in this section, "area median income" means the median family income of a geographic area of the state.



MEMORANDUM

DATE: January 8 & 9, 2013

TO: Mayor and City Council
Planning Commission Chair and Members

FROM: Larry Stevens, Assistant City Manager for Community Development

SUBJECT: Municipal Code Text Amendment 12-06 (MF-30 Zone)

In reviewing the Housing Element I neglected to pick up an item related to Single Room Occupancy Uses which must be included as a Conditional Use in the new MF-30 Zone. As a result I have prepared the following insertion for Ordinance No. 1215 which is scheduled for Introduction at the January 8, 2013 Council meeting:

1. Add a definition for single room occupancy uses as Section 18.08.515 as follows:

18.08.515 Single room occupancy uses.

“Single room occupancy uses” means a guest room or efficiency unit, as defined by California Health and Safety Code section 17958.1, intended or designed to be used, or which is used, rented, or hired out, to be occupied, or which is occupied, as a primary residence, by guests.

2. Revise 18.44.030 Uses permitted by conditional use permit as follows:.

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

A. Single room occupancy uses”

While the changes are minor they were not discussed with the Planning Commission and I have scheduled that review as a “review and report back” item on the January 9, 2013 Planning Commission meeting.

I believe we should go forward with the City Council hearing and even introduce the Ordinance with the revised language. If the Planning Commission has any concerns we can make adjustments at the scheduled second reading on January 22, 2013.

This change is necessary due to the following underlined language in the Housing Element:

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.



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of January 8, 2013

FROM: Blaine Michaelis, City Manager

INITIATED BY: Community Development Department

SUBJECT: Municipal Code Text Amendment 12-06 – A request to add Chapter 18.44 to the San Dimas Municipal Code establishing the MF-30 Zone.

SUMMARY

The MF-30 Zone is necessary to accommodate the "default" density requirements of Government Code Section 65583.2 (c) (3) and provide development standards to accommodate such a density. The City committed to preparing a higher density zone as part of the 2008-14 Housing Element.

The Planning Commission conducted a public hearing and recommends adoption of Chapter 18.44 MF-30 Zone.

BACKGROUND

Government Code Section 65583.2 (c) (3) establishes the default density for metropolitan counties at a minimum of 30 units per acre. The development standards in the MF Zone cannot accommodate this density.

The 2008-14 Housing Elements includes commitments to provide a zoning district with suitable standards to allow the default density as an allowable use with appropriate development standards.

The Planning Commission conducted a public hearing and unanimously recommended approval of Resolution PC-1469. There was no testimony presented at the public hearing.

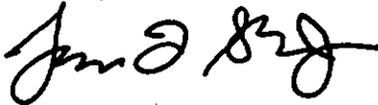
ANALYSIS

The attached *Planning Commission Staff Report* compares the standards in the existing MF Zone with the proposed MF-30 Zone. After discussion Staff and Planning Commission did determine to make one further adjustment to the height limits in the proposed was appropriate. This resulted in changed the maximum height from three stories or 35 feet to 3 ½ stories and 45 feet.

RECOMMENDATION

Adopt attached Ordinance No. 1215.

Respectfully Submitted,



Larry Stevens,
Assistant City Manager for Community Development

Attachments:

1. Ordinance No. 1215
2. Planning Commission Resolution PC-1469
3. Planning Commission Staff Report dated December 19, 2012

ORDINANCE NO. 1215

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS
APPROVING MUNICIPAL CODE TEXT AMENDMENT 12-06, ADDING CHAPTER
18.44 MF-30 ZONE TO THE SAN DIMAS ZONING CODE**

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

SECTION 1. Add Chapter 18.44 MF-30 ZONE as set forth in attached Exhibit A.

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 __ DAY OF January __, 2013.

Curt Morris, Mayor of the City of San Dimas

ATTEST:

Debra Black, Deputy City Clerk

EXHIBIT A

Chapter 18.44 MULTIPLE-FAMILY THIRTY UNITS PER ACRE (MF-30) ZONE

18.44.010 Purpose.

The purpose of the MF-30 zone is to provide for the development of 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, to provide opportunities at a density deemed appropriate to accommodate lower income households by Section 65583.2 (c) (3) (B) (iv) of the Planning and Zoning Law and to ensure integrated design and unified control of design.

18.44.020 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. Apartments, condominiums, townhouses and similar multiple-family developments.
2. Senior citizen housing projects.
3. Transitional and supportive housing.

B. Incidental Uses.

1. Home occupations.
2. Household pets, provided that not more than three such pets or any combination thereof may be kept.
3. Day care centers, day nurseries, and nursery schools as an accessory use only.

18.44.030 Uses permitted by conditional use permit.

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

1. None

18.44.040 Density.

All developments in the MF-30 Zone shall provide a minimum of thirty (30) dwelling units per acre. A density bonus exceeding 30 dwelling units per acre shall be granted for any development that provides affordable housing pursuant to Chapter 18.22.

18.44.050 Property development standards.

The following property development standards shall apply to all land and buildings in the MF-30 zone. Any development standard is subject to an incentive or concession pursuant to Section 18.22.050 and/or a waiver or reduction pursuant to Section 18.22.060.

- A. Site Area. There is no minimum site area.
- B. Building Height.
 - 1. No building or structure erected in this zone shall have a height greater than forty five feet or three and one-half stories.
- C. Yards.
 - 1. Front. There shall be a front yard setback 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: thirty feet for two or more stories.
 - b. When multifamily structure is not adjacent to properties zoned for single-family use: fifteen feet.
 - c. When side yard is contiguous to a public street: fifteen feet.
 - d. In all cases, there shall be a minimum of five feet of landscaped setback adjacent to side property lines which shall be free from all structures, driveways, parking, trash enclosures and similar facilities.
 - 3. Rear. The minimum rear yard shall be twenty feet. Vehicular access and parking may be provided within a rear yard and, in such event, the setback shall be thirty feet; five feet of such yard nearest the property line shall be landscaped.
- D. 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.

E. Floor Area of Dwelling Units. The minimum floor area per dwelling unit for apartment, transitional, supportive housing and other types of rental housing shall be:

1. Units with no bedrooms: four hundred fifty square feet.
2. Units with one bedroom: six hundred square feet.
3. Units with two bedrooms: seven hundred fifty square feet.
4. Units with three bedrooms or more, additional area for each bedroom exceeding two: two hundred square feet.

F. Open Green Areas. A minimum of twenty five 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.
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.

G. 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.

H. Landscaping. All required yards, spaces between buildings, and open green areas shall be landscaped pursuant to an approved landscape plan in compliance with Chapter 18.14.

I. 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. They shall be provided with hose bibs for maintenance and shall be of adequate number and be conveniently located for all units. Facilities shall be of adequate size to accommodate recycling facilities.

J. 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.

K. 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.

L. Off-Street Parking. The provisions of Chapter 18.156 shall apply. For an eligible project, when requested, the parking standards set forth in Section 18.22.070 shall apply.

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

N. 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.

O. Fences and Walls.

1. Required. Where an MF-30 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. 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.

18.44.060 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.

RESOLUTION PC-1469

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 12-06, A REQUEST TO ADD CHAPTER 18.44 ESTABLISHING THE MF-30 ZONE

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 add Chapter 18.44 establishing the MF-30 Zone; and

WHEREAS, the Amendment would affect all areas of the City which are selected to be zoned as MF-30; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on December 19, 2012 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 for the consideration of whether the project will have a significant effect on the environment.

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 and maintains necessary standards where multi-family development is abutting single family residential properties.
- B. The proposed Municipal Code Text Amendment will further the public health, safety and general welfare and provide reasonable development standards for higher density development necessary to accommodate "default" densities specified in State laws.
- C. The proposed Municipal Code Text Amendment is consistent with the General Plan and is required to facilitate compliance with programs set forth in the 2008-14 Housing Element.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 12-06 as set forth in attached Exhibit A.

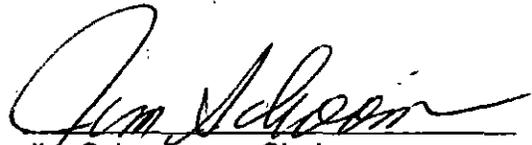
PASSED, APPROVED and ADOPTED, the 19th day of December, 2012 by the following vote:

AYES: Bratt, Ensberg, Rahi, Schoonover

NOES: None

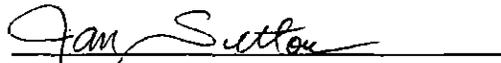
ABSENT: Davis

ABSTAIN: None



Jim Schoonover, Chairman
San Dimas Planning Commission

ATTEST:



Jan Sutton, Planning Secretary

EXHIBIT A**Chapter 18.44 MULTIPLE-FAMILY THIRTY UNITS PER ACRE (MF-30) ZONE****18.44.010 Purpose.**

The purpose of the MF-30 zone is to provide for the development of 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, to provide opportunities at a density deemed appropriate to accommodate lower income households by Section 65583.2 (c) (3) (B) (iv) of the Planning and Zoning Law and to ensure integrated design and unified control of design.

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

2. Senior citizen housing projects.

3. Transitional and supportive housing.

B. Incidental uses.

1. Home occupations.

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

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

18.44.030 Uses permitted by conditional use permit.

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

1. None

18.44.040 Density.

All developments in the MF-30 Zone shall provide a minimum of thirty (30) dwelling units per acre. A density bonus exceeding 30 dwelling units per acre shall be granted for any development that provides affordable housing pursuant to Chapter 18.22.

18.44.050 Property development standards.

The following property development standards shall apply to all land and buildings in the MF-30 zone. Any development standard is subject to an incentive or concession pursuant to Section 18.22.050 and/or a waiver or reduction pursuant to Section 18.22.060.

A. Site Area. There is no minimum site area.

B. Building Height.

1. No building or structure erected in this zone shall have a height greater than forty-five feet or three and one-half stories.

C. Yards.

1. Front. There shall be a front yard setback of fifteen feet extending across the full width of the lot or parcel.

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

- a. When multi-family structure is adjacent to properties zoned for single-family use: thirty feet for two or more stories.
 - b. When multi-family structure is not adjacent to properties zoned for single-family use: fifteen feet.
 - c. When side yard is contiguous to a public street: fifteen feet.
 - d. In all cases, there shall be a minimum of five feet of landscaped setback adjacent to side property lines which shall be free from all structures, driveways, parking, trash enclosures and similar facilities.
3. Rear. The minimum rear yard shall be twenty feet. Vehicular access and parking may be provided within a rear yard and, in such event, the setback shall be thirty feet; five feet of such yard nearest the property line shall be landscaped.
- D. 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.
- E. Floor Area of Dwelling Units. The minimum floor area per dwelling unit for apartment, transitional, supportive housing and other types of rental housing shall be:
1. Units with no bedrooms: four hundred fifty square feet.
 2. Units with one bedroom: six hundred square feet.
 3. Units with two bedrooms: seven hundred fifty square feet.
 4. Units with three bedrooms or more, additional area for each bedroom exceeding two: two hundred square feet.
- F. Open Green Areas. A minimum of twenty-five 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.
 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.
- G. 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.
- H. Landscaping. All required yards, spaces between buildings, and open green areas shall be landscaped pursuant to an approved landscape plan in compliance with Chapter 18.14.
- I. 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. They shall be provided with hose bibs for maintenance and shall be of adequate number and be conveniently located for all units. Facilities shall be of adequate size to accommodate recycling facilities.

J. 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.

K. 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.

L. Off-Street Parking. The provisions of Chapter 18.156 shall apply. For an eligible project, when requested, the parking standards set forth in Section 18.22.070 shall apply.

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

N. 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.

O. Fences and Walls.

1. Required. Where an MF-30 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. 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.

18.44.060 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.



Planning Commission Staff Report

DATE: December 19, 2012

TO: Planning Commission

FROM: Community Development Department

SUBJECT: Municipal Code Text Amendment 12-06 – A request to add Chapter 18.44 to the San Dimas Municipal Code establishing the MF-30 Zone.

SUMMARY

Chapter 18.44 has been developed to provide appropriate development standards for higher density housing at the State mandated "default" density requirements of Section 65583.2 (c) (3) (B) (iv) of the Planning and Zoning Law.

BACKGROUND

Section 65583.2 (c) (3) (B) (iv) of the Planning and Zoning Law specifies the following:

- (B) The following densities shall be deemed appropriate to accommodate housing for lower income households:*
- (i) For incorporated cities within nonmetropolitan counties and for nonmetropolitan counties that have metropolitan areas: sites allowing at least 15 units per acre.*
 - (ii) For unincorporated areas in all nonmetropolitan counties not included in clause (i): sites allowing at least 10 units per acre.*
 - (iii) For suburban jurisdictions: sites allowing at least 20 units per acre.*
 - (iv) For jurisdictions in metropolitan counties: sites allowing at least 30 units per acre.***

This is commonly referred to as the "default" density. Cities are required to zone property identified in the Housing Element at this density for the low and very low components of the RHNA (Regional Housing Needs Assessment) projections.

The existing MF Zone includes development standards that make development at this density infeasible.

ANALYSIS

The “default” density is specified in State law. The State further mandates that discretionary approvals such as Conditional Use Permits are not allowed. The following Table shows, for comparative purposes the uses and development standards applicable to the existing MF Zone (Chapter 18.42) and the proposed MF-30 Zone (Chapter 18.44).

Use/Development Standards	MF Zone	MF-30 Zone	Comments regarding changes
<i>Permitted Uses</i>	Single family, HOPs & pets	Multi-family, senior citizen housing, transitional/supportive housing plus accessory pets, HOPs & daycare	SF prohibited and multi-family use by right
<i>Conditional Uses</i>	Multi-family, senior citizen housing, transitional/supportive housing	None	All uses by right and no consideration of other uses such as churches to retain sites for MF uses
<i>Density</i>	Specified by a number assigned to the zone; density bonus replaced by Chapter 18.22	Minimum of 30 du/ac plus any density bonus	
<i>Site Area</i>	None except for SF	None	
<i>Ground Coverage</i>	60%	None	In MF-30 to be determined by complying with other standards
<i>Building Height</i>	30 feet or two stories except by CUP (up to 35 feet or 3 stories)	Three stories or 35 feet	Increased height without CUP needed to accommodate higher density
<i>Front Yard</i>	Average of 25 Feet with minimum of 15 feet	15 feet	
<i>Side Yard</i>	20-30 feet depending on building height and adjacent SF uses/streets	15-30 feet depending on building height and adjacent SF uses/streets	similar

<i>Rear Yard</i>	20 feet with possible reductions with CUP	20 feet with possible reductions by right	similar
<i>Floor Area</i>	No bedrooms- 450 sf 1 bedroom- 650 sf 2 bedrooms-850 sf 2+ bedrooms-add 250 sf	No bedrooms- 450 sf 1 bedroom- 600 sf 2 bedrooms- 750 sf 2+ bedrooms-add 200 sf	Slight reduction in floor area minimums
<i>Open Green Areas</i>	30%	25%	Minor reduction
<i>Utilities</i>	Undergrounding & special condo standards	same	
<i>Landscaping</i>	Plans required	Minor update	
<i>Trash storage</i>	Size & design standards	Minor update	
<i>Building Length</i>	150 foot maximum	None	
<i>Lighting</i>	No glare	Same	
<i>Mechanical Equipment</i>	Screening	Same	
<i>Parking</i>	Refers to 18.156	Same	Density bonus standards may be requested if applicable
<i>Signs</i>	Refers to 18.152	Same	
<i>Laundry</i>	Common facility if not in units	Same	
<i>Walls</i>	Required next to SF	Same	
<i>Design Review</i>	DPRB required	Same	Design review is allowed

CONCLUSIONS

Proposed revisions to development standards in the MF Zone are necessary to better accommodate densities allowed in the MF-30 Zone.

RECOMMENDATION

Staff recommends approval of Municipal Code Text Amendment 12-06 establishing Chapter 18.44 (MF-30 Zone).

FINDINGS –

- A. The proposed Municipal Code Text Amendment will not adversely affect adjoining property as to value, precedent or be detrimental to the area and maintains necessary standards where multi-family development is abutting single family residential properties..

- B. The proposed Municipal Code Text Amendment will further the public health, safety and general welfare and provide reasonable development standards for higher density development necessary to accommodate "default" densities specified in State laws..

- C. The proposed Municipal Code Text Amendment is consistent with the General Plan and is required to facilitate compliance with programs set forth in the 2008-14 Housing Element.

Respectfully Submitted,



Larry Stevens,
Assistant City Manager for Community Development

Attachments: Appendix A - General Information
 Attachment #1 - Chapter 18.42 - MF Zone
 Resolution PC-1469

APPENDIX A

GENERAL INFORMATION

Applicant: City of San Dimas

Owner: n/a

Location: City-wide

General Plan: Required by 2008-14 Housing Element

Legal Notice: A legal notice was published in the Inland Valley Daily Bulletin and posted at City Hall, the Library, Post Office and Via Verde Shopping Center on December 7, 2012.

Environmental: Staff reviewed the project and determined it was a Categorical Exemption per Section 15061(b)(3).

ATTACHMENT #1

Chapter 18.42 MULTIPLE-FAMILY (MF) ZONE

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.

G. Transitional and supportive housing. (Ord. 1193 § 2, 2010; Ord. 965 § 2 (part), 1992)

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. 1193 § 2, 2010; 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)



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of January 8, 2013

FROM: Blaine Michaelis, City Manager

INITIATED BY: Community Development Department

SUBJECT: Request from NJD to initiate amendment to SP 25 to allow up to 950 square foot second story architectural element on lots with one story height limit

BACKGROUND

NJD has provided letter dated December 7, 2012 and attachments to illustrate the reasons for requesting this Code Amendment.

SP 25 initially contained a one story height limit which was modified in the December 2010 approval of various amendments to the Specific Plan and of Tentative Tract Map 70583. The current building height limits in SP 25 are as follows:

18.542.250 Building height.

The minimum building height shall be as set forth in this section. Building height shall be measured from the average of the lowest point and highest point of contact with the ground to the highest portion of the structure.

A. *Building height shall not exceed one story and a maximum of twenty-five feet, not including architectural projections for non-habitable areas, except as follows:*

1. *Within Planning Area One, a limited number of two-story structures, not exceeding twenty-seven percent of the total number of parcels thereby created, may be allowed. Such structures shall not exceed thirty-five feet in overall height. A visual analysis shall be required to demonstrate that the additional height will not increase visual intrusiveness. Lots approved for such height increase shall be determined at time of parcel or tract map review and shall be so designated on the recorded map. Provided further that no other parcels shall be allowed for two-story structures after the map is recorded.*

2. *Within Planning Area Two, on a parcel where a minimum of four parcels are allowed, not more than one parcel may be approved for a two-story structure. Such structures shall not exceed thirty-five feet in overall height. A visual analysis shall be required to demonstrate that the additional height will not increase visual intrusiveness.*

Any other parcels created in the future shall include a deed restriction prohibiting two-story structures.

The NJD project is within Area 1 and a one story height limit applies on 73% of the lots. The TTM specifies by lot number the 16 lots which are allowed to be two story so the remaining 45 lots are subject to the one story height limit.

ANALYSIS

Pursuant to Section 18.208.020.D consideration of a request to initiate a Code Amendment should evaluate the following:

- Will the amendment further the health, safety and welfare?
- Will the amendment adversely affect other property?
- Are there changed conditions to warrant the amendment?

This evaluation can be preliminary and need only pass a standard of having some merit (rather than a conclusive determination) to allow the hearing process to go forward. In most cases the focus has been to establish if there are changed conditions identified adequately in the request.

The primary intent of the original building height limit was to minimize views of houses from outside the project and into the foothills. It is a matter of perspective how visible houses will be because the view will vary as one moves south from Foothill Blvd. to the 57 Freeway to Way Hill. There are multiple ways to minimize the view of structures in addition to building height limits. They include appropriate contour grading, landscaping, building size or bulk and even landscaping. The purpose of any of these techniques is to further the health, safety and welfare and minimize adverse effects on other property. Adjusting or revising any of these, including the existing one story height limit, just requires an evaluation of its effectiveness in achieving the desired goals. If it is determined that the height limit should be revised it may be appropriate to consider other revisions to accomplish the original intent unless it is felt the project already does that without the height limit.

It is less likely that there are really changed conditions since the 2010 amendments. The only difference is the Applicant has progressed to architectural guidelines. The current draft of the Guidelines is under review at the present time. It provides for six different architectural styles as follows:

1. Italianate – Described as “most have two stories, a few have three stories, with a tower, sometimes referred to as a campanile.” The illustration shows a two story example.
2. French Country-Has tall steep hipped roofs generally depicted as a two story with rounded Norman towers.

3. Spanish-Described as one or two stories which may have towers. Illustrated as a one story.
4. Tuscan-Described as “one and two story masses” including tower elements commonly with porches,
5. Craftsman – Has one or two stories and is illustrated as a one story.
6. Andalusian- Has a hierarchy of shapes with towers and courtyards and is illustrated as a two story.

To some degree the changed condition is a self-fulfilling prophesy since the guidelines were prepared by the Applicant and the styles chosen largely support a “need” to change the height limits. With 45 of the lots intended to be one story based on current approvals, the guidelines do not seem to promote this intent in any meaningful way. In fact only two of the six illustrations are one story.

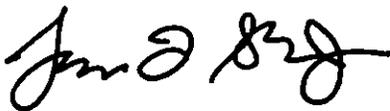
If the Council nevertheless determines that a change in the height limit should be further considered discussion on the following points would facilitate the amendment process:

- Should changes also be considered in Area 2?
- Should other standards related to aesthetics and visibility be considered if the height limits are changed?
- Should all remaining lots be allowed to utilize any increase in height?

RECOMMENDATION

Direct Staff as deemed appropriate.

Respectfully Submitted,



Larry Stevens
Assistant City Manager for Community Development

Attachments:

1. NJD letter dated December 7, 2013 with two attachments

NJD, Ltd.

December 7, 2012

Larry Stevens
Assistant City Manager & Director of Community Development
City of San Dimas
245 E. Bonita Ave.
San Dimas, CA. 91773

Re: Specific Plan Application Request to revise building height limits in Specific Plan 25, Planning Area 1 to allow for a limited height increase to 30 feet for an architectural element not to exceed 10 percent of the square footage of the house but no greater than 950 square feet.

Dear Mr. Stevens

NJD, Ltd is pleased to provide the following information requested in your letter of November 13, 2012 and the attached Environmental Information Form, Part 1- Initial Study. Following are NJD's responses to your letter and the Environmental Information Form:

1. NJD is requesting a limited height increase for all single story homes in Planning Area 1 to 30' that allows for an Architectural Element to be incorporated in the design of the homes. The Architectural Element would not exceed ten (10%) percent of the habitable square footage of the home but in no event would it exceed 950 square feet. This is the extent of the proposed changes.
2. Exhibit 1 contains pictures of the elements incorporated into homes located in Shady Canyon and along the Newport Coast. The Architectural Element may be any of the following components: a) A tower element at the entry area; b) An outdoor roofed space with exterior access that would not be calculated as part of the maximum square footage allowed; c) An open viewing level (deck) with exterior stair access that does not calculate as part of the maximum square footage allowed; d) An open California outdoor living room with a roof that is not calculated as part of the maximum square footage allowed; e) An enclosed conditioned multi-purpose room with interior stairs that is calculated as part of the maximum square footage allowed.
3. The reason for the proposed amendment is to allow for the inclusion of classic architectural features in the design of the homes. The Architectural & Landscape Design Guidelines for the Brasada Project designate six different old world and early California architectural styles; Italianate, French Country, Tuscan, Spanish, Craftsman and Andalusian. The relevant sections of the Architectural and Landscape Design Guidelines are included as Exhibit 2. All Architectural Elements will require the approval of the Brasada HOA Architectural Committee.

NJD, Ltd.

Following are NJD's responses for information in the Environmental Information Form, Part 1-Initial Study. The form is attached at the end of the letter.

1. The location map and project layout as established in the TTM 70583 Approval. A full project description is contained in the Certified EIR for the Brasada Project.
2. Pictures included in this submittal were taken from the Certified EIR.

Project Title: Brasada (TTM 70583)

Name & Address of Project owner(s): NJD, Ltd
3300 E. 1st Ave., Suite 510
Denver, CO. 80206

Name & Address of developer: NJD, Ltd.
3300 E. 1st Ave., Suite 510
Denver, CO. 80206

Contact Person & Address: Stan Stringfellow
2011 E. Financial Way, Suite 203
Glendora, Ca. 91741
626-914-7800 ext 204

1. The subject property is located in the Northern Foothills of San Dimas. It is the southern portion of what is commonly referred to as the McHenry Property. It is located immediately west of Horse Thief Canyon Park and San Dimas Canyon Park property. It is contiguous to the southeastern portion of the approved TTM 70583 (Brasada Development).
2. The Assessor's Parcel No's are: 8665-001-004, 8865-001-005, 8665-001-009, 8665-003-001, 8768-030-033, 8665-001-012
3. The subject property consists of 314± acres or 13,677,840± sq. ft.
4. The site is currently undeveloped land with an approved TTM 70583.
5. The proposed Specific Plan Amendment would amend Planning Area 1, Chapter 18.542 250, of Specific Plan 25.
6. No permits are requested at this time. No development is currently proposed on the subject property.
7. There are no noise sources that now affect the subject property,
8. The proposed amendment would result in a limited height increase for all single story homes in Planning Area 1 to 30' allowing for an Architectural Element to be incorporated in the design of the homes. The Architectural Element would not exceed ten (10%) percent of the habitable square footage of the home but in no event would it exceed 950 square feet. The Architectural

NJD, Ltd.

Element may be any of the following components: a) A tower element at the entry area; b) An outdoor roofed space with exterior access that would not be calculated as part of the maximum square footage allowed; c) An open viewing level (deck) with exterior stair access that does not calculate as part of the maximum square footage allowed; d) An open California outdoor living room with a roof that is not calculated as part of the maximum square footage allowed; e) An enclosed conditioned multi-purpose room with interior stairs that is calculated as part of the maximum square footage allowed.

9. Adoption of this amendment will not change the pattern, scale or character of the surrounding area.
10. When the property is developed construction noise will be generated in the short term. Long term noise impacts are those associated with residential occupancy.
11. No tree removals are proposed at this time.
12. There are no bodies of water that flow onto the site. Flows generated on the site are ephemeral that drain into Shuller & Shay Canyons.
13. Usage estimates prepared for the Brasada Development by Civil Tech Engineering, Inc in conjunction with Golden State Water Company for sizing of the water tank for the Brasada Development. A) Residential; ADD 164,450 gpd; B) PHD 531,173 gpd.
14. Public Sewer.
15. There are 61 approved residential lots in TTM 70583 with the possibility of 1-8 additional lots when the "South 40 of McHenry Property is developed.
16. Anticipated sales price for lots is unknown at this time.
17. Average home size is estimated to be 5,000 sq.ft.
18. Household size is estimated at 2.5 occupants.
19. Unknown at this time.
20. N/A
21. N/A
22. N/A
23. N/A
24. N/A
25. N/A
26. The Brasada Development will be served by Golden State Water, LACSD, LACFD and LACDPW. All of these agencies have been contacted and are in various stages of approving the final construction drawings and map.
27. A Phase 1 Environmental Report prepared by PCI indicates that there are no known uses or discharge of hazardous and/or toxic materials on the site.
28. No short or long term storage of discharge of hazardous materials is proposed on the site.
29. Please refer to the Certified EIR for the Brasada Development.
30. Please Refer to the Certified EIR for the Brasada Development.
31. Refer to the Cultural section of the Certified EIR for the Brasada Project.
32. Refer to the Cultural section of the Certified EIR for the Brasada Project.
33. Refer to the Cultural section of the Certified EIR for the Brasada Project.

NJD, Ltd.

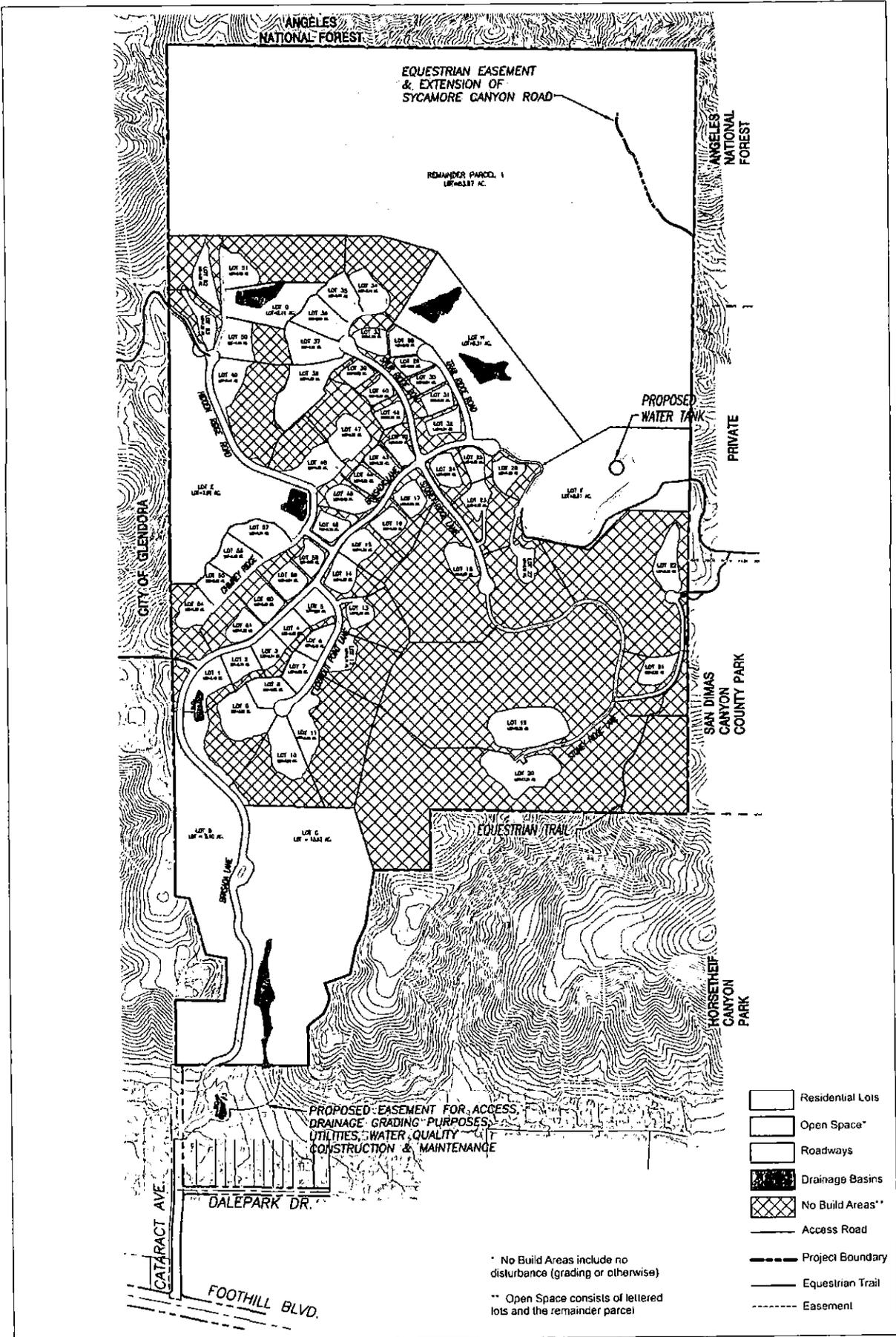
Thank you for your consideration of our request for a Specific Plan Amendment.

Sincerely,



Stan Stringfellow

Authorized Representative for NJD, Ltd.



Source: FUSCOE Engineering 2010

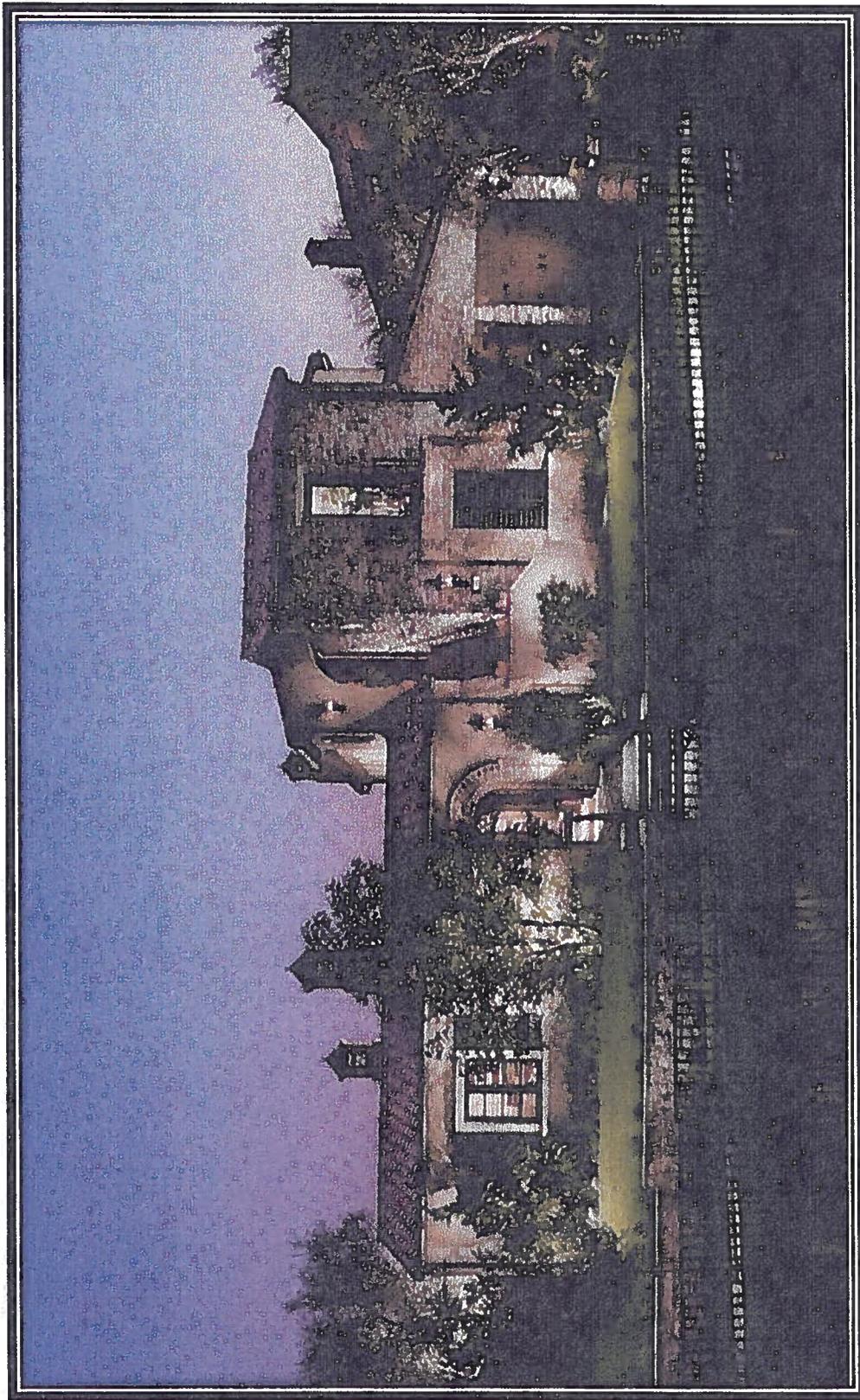


No Scale

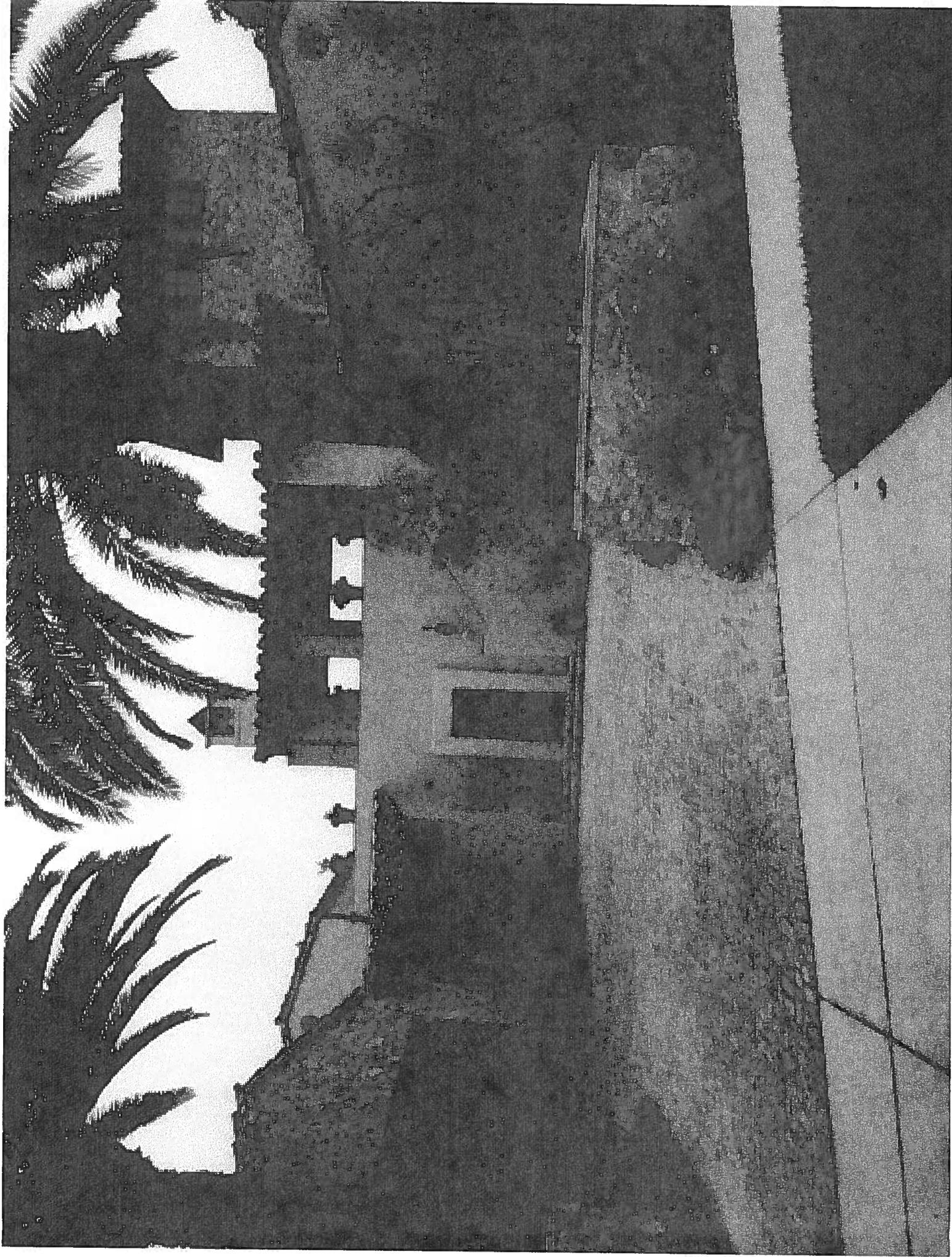


**PROPOSED PROJECT SITE PLAN
FIGURE 3-1**

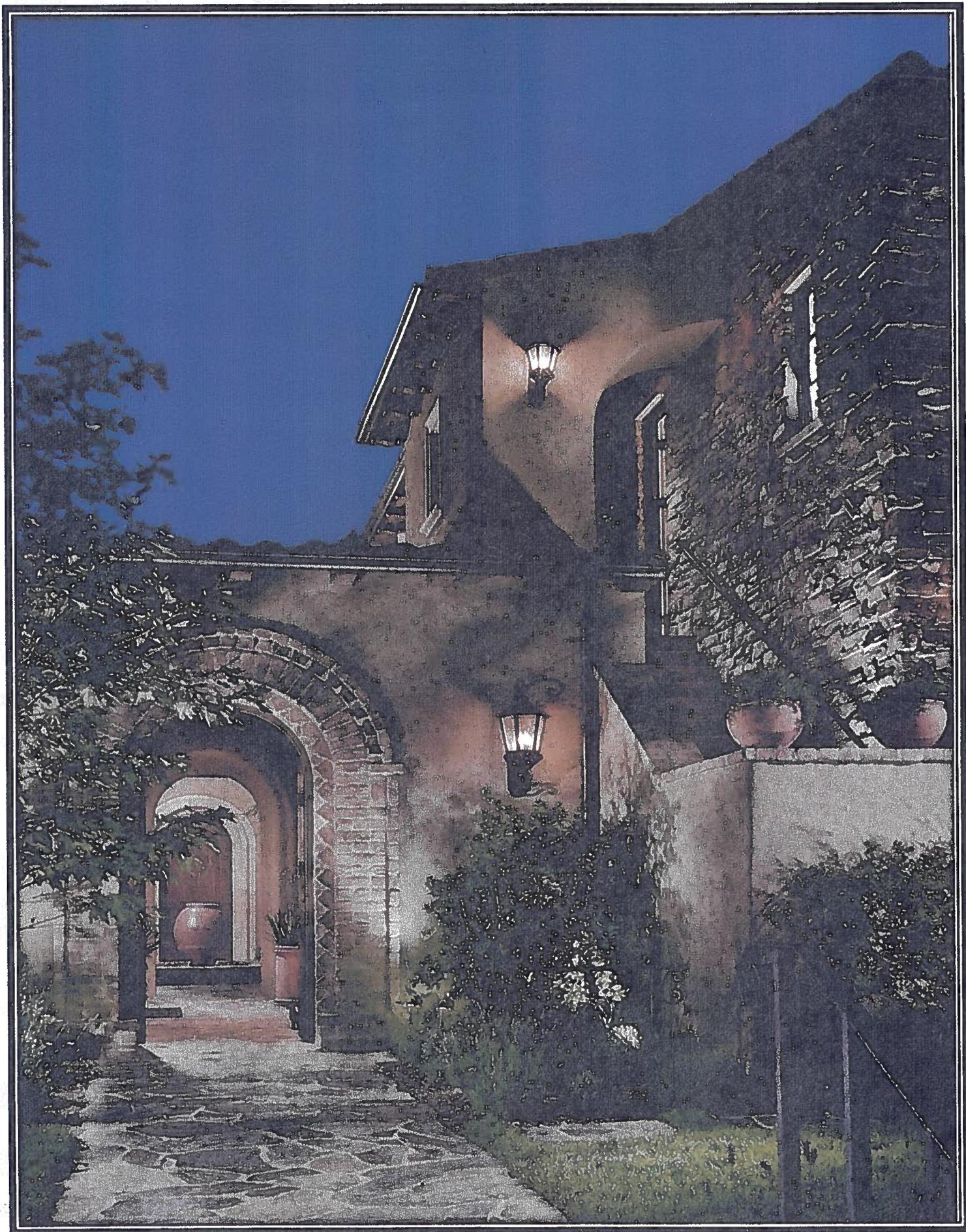
"Exhibit 1" Specific Plan Amendment Request





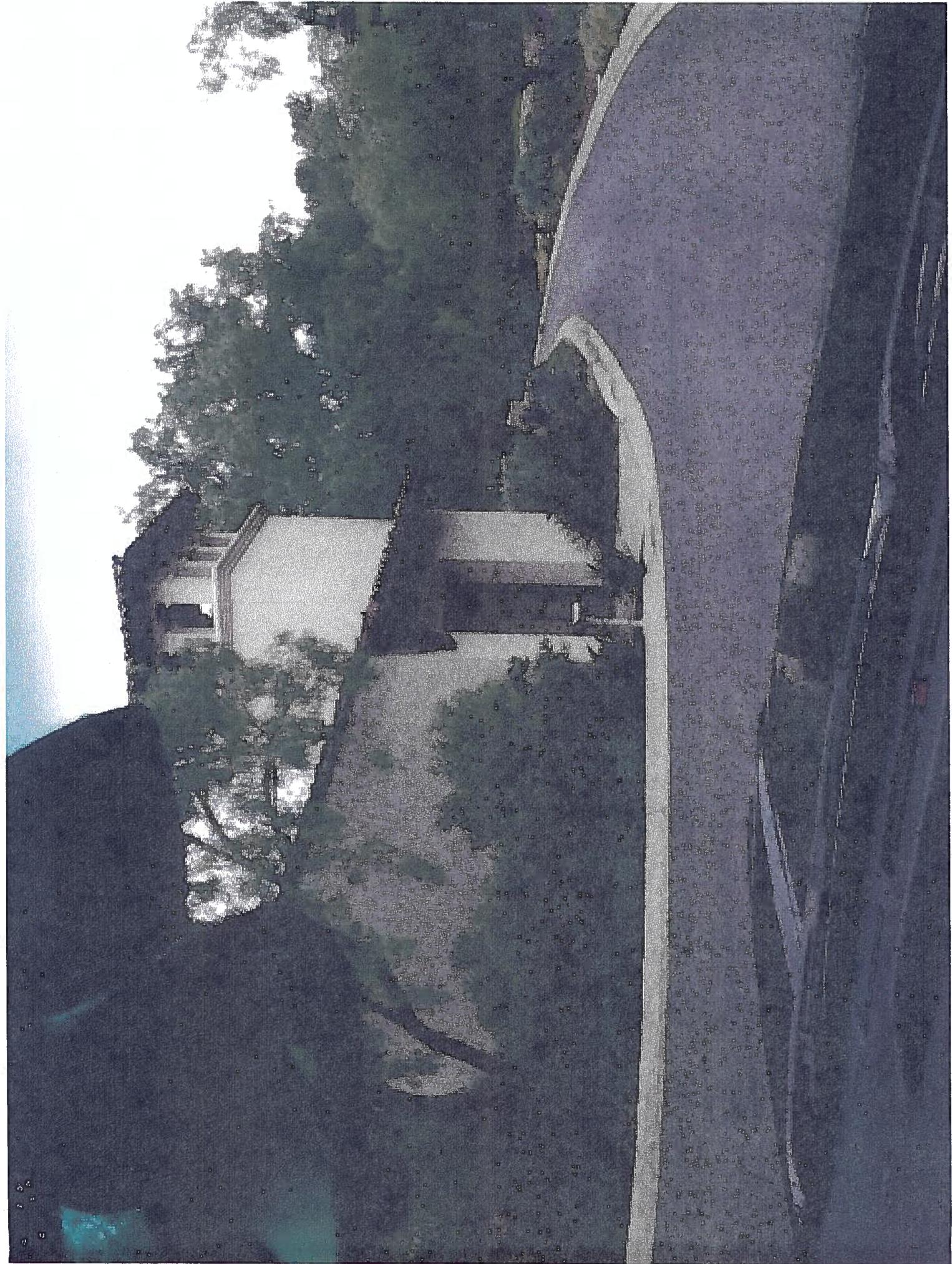


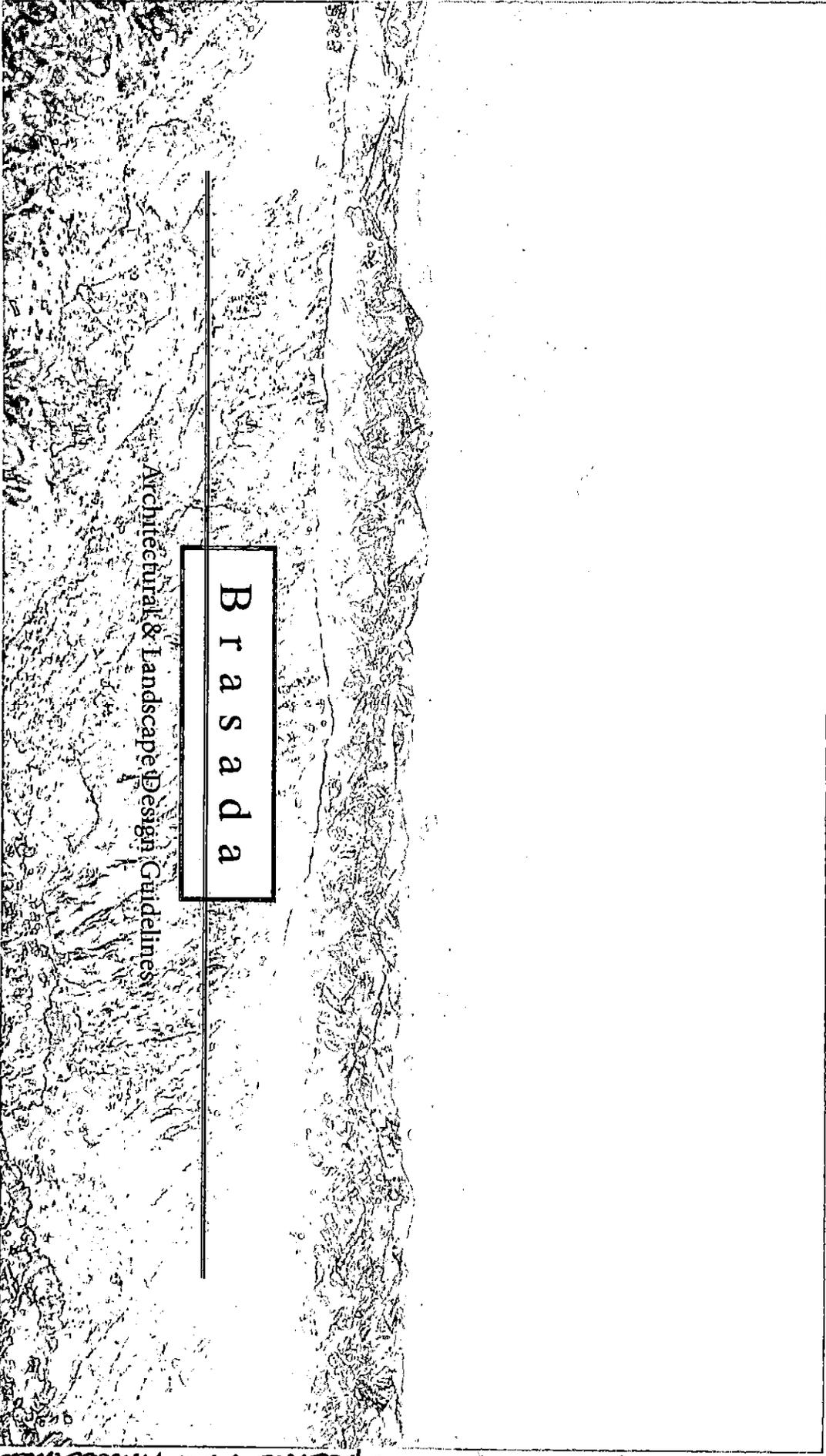












Brasada

Architectural & Landscape Design Guidelines

DECEMBER 6, 2012

Exhibit 2
Specific Plan Amendment Request

OVERVIEW

Section One

OVERVIEW

1.1 BRASADA DESIGN PHILOSOPHY

Brasada's Architectural and Landscape Guidelines apply to the design, construction and development within the community of Brasada, gainfully sited within the foothill province of San Dimas. Its premier hillside setting offers spectacular views and panoramas of the San Gabriel Valley in Southern California.

Brasada is a scenic countryside neighborhood reminiscent of the "Old World" vineyard regions of Southern Europe. The unification of timeless Italian, French, Spanish, Tuscan, and Andalusian together with early California Craftsman architecture defines this prominent community's enhancing appeal.

1.2 PURPOSE

The Architectural Guidelines, Landscape Design Guidelines and the Design Review Process serve this community as the principal instrument to facilitate authentic European along with early California Craftsman architecture contained by a development infrastructure implementing the vision at Brasada. It defines and provides the framework needed to guide each Lot-Owner through planning, design, document processing and construction of each custom homesite within the community of Brasada.

These development guidelines are intentionally distinctive and shall mandate the high degree of design and construction quality expected at Brasada. Architects, engineers, landscape architects, and all-involved professionals need to be familiar with Brasada's selective and exclusive design development standards. Our objective is intended to underwrite and establish that these development standards are executed in a unified manner, with the high-level of construction quality essential to provide tradition and conformance within the overall development of Brasada's proposed design objectives.

1.3 GOALS & OBJECTIVES

These design guidelines are intended to assist each Lot-Owner with the permissible development of their property through planning, design, and construction. In addition to all applicable municipal codes and regulations and the San Dimas General Plan, Specific Plan No. 25, Tentative Tract Map 70583 Conditions of Approval, CEQA mitigation measures, city of San Dimas approved Building Codes, the Development Agreement, Final Tract Map as it may be Amended, recorded CC&R's and Home Owners Association Articles & By-laws and other agency permits and approvals, as they may be updated or amended from time to time, use these guidelines to offer direction to Lot-Owners and design professionals. In addition, these guidelines are also inclusive to the entire Brasada community which governs the planning, design, architecture, landscape, the theming / materials, and the design review process mandated by the project approvals.

The primary objective is to establish and safeguard the architectural integrity of the community while providing a context and design principle which seeks to provide affirmation to Lot-Owners of a high level of design excellence and prestigious distinction

Harmonious material selection and use, building massing with featured architectural details, compatibility between structure and individual site, exhilarating floor plans, and appropriate colors and textures together must contribute to the authenticity of its architectural style. Landscape implementation shall be expected to be regionally influenced to compliment and enhance each property

1.4 DESIGN REVIEW PROCESS

Brasada has created an all-encompassing design review process which has been influenced in these design guidelines to reassure that design concepts adhere to the architectural principles defined within this manuscript. Design documents and specifications must also act in accordance with all project approvals. Lot-Owners are responsible for compliance with the design guidelines and are required to submit plans and specifications to the Architectural Committee for conformance and implementation of these guideline standards

Any proposed construction, remodeling, or improvements of dwellings and/or structures shall be reviewed and approved as mandated by Brasada's Architectural Review Committee precedent to any submission of design drawings to the City of San Dimas, and prior to initiation of any permitting, demolition, grading, or construction activity.

The Architectural Review Committee shall establish authority over final endorsement of design review, administration, and enforcement under this design mandate. Lot-Owners shall comply in accordance with the provisions and conditions as set forth in Brasada Design Guidelines & Project Approvals.

The Architectural Review Committee shall administer Brasada's Design Standards pursuant to the C.C.&R.s. These guiding principles are compulsory to all Lot-Owners who construct, remodel, modify or formulate any improvements to their residence or lot herein.

Without prior notification, the Architectural Committee of Brasada reserves the right to alter the review process. In order to ensure sufficient design standards of all proposed submissions while preserving a desired product for the community of Brasada and its distinguished residents. Decisions of the Architectural Review Committee are appealable to the Association's Board of Directors

1.5 ORGANIZATION

The Architectural and Landscape Design Guidelines are arranged into several divisions:

- ◆ Residential Design Guidelines define design ideology and criteria for residential development, including design restrictions
- ◆ Architectural Styles, (included within the Residential Design Guidelines section offer a harmonious range of pre-approved architectural styles for each residence.
- ◆ Landscape Design Guidelines identify suggested plant palettes and landscape criteria for each architectural style.

OVERVIEW

RESIDENTIAL DESIGN GUIDELINES

**RESIDENTIAL DESIGN
GUIDELINES**

The architectural standards serve to introduce the Lot Owners to Brasada Community and provide the detail that each home site is to include in order to enhance the overall community character. While certain guidelines or standards contained in the Architectural Standards are required by the Project Approvals, others are included in order to maintain a uniform and well-maintained appearance throughout Brasada.

RESIDENTIAL DESIGN GUIDELINES

Section Two

RESIDENTIAL DESIGN GUIDELINES

2.1 INTRODUCTION

The intention of these guidelines is to promote distinctive creativity and establish quality design and construction consistency by Lot Owners, and their consultants. These guidelines apply to all residential development within Brasada Community, and will be used by the Architectural Committee to monitor design conformance.

2.2 LOT PARTICULARIZATION

Custom home residences with livable area (excluding garage space) varying from minimum of three thousand four hundred (3,400) square feet detached single-family homes on large lots. The square footage of covered outdoor area such as loggias and decks shall not be included in the calculation of the maximum or minimum enclosed building area.

BUILDING CRITERIA

- ◆ Semi-Custom Lots (37 total)
 - One-Story (21 total)
 - Lots: 1, 5, 12, 14, 15, 16, 17, 18, 24, 28, 29, 30, 31, 32, 33, 42, 43, 44, 46, 58, & 61
 - Min. size 3,400 SF
 - Max. size 8,500 SF
 - Two-Story (16 total)
 - Lots: 2, 3, 4, 6, 7, 23, 25, 26, 39, 40, 41, 45, 47, 48, 59, & 60
 - Min. size 3,400 SF
 - Max. size 8,500 SF

- ◆ Custom Lots (15 total)
 - Lots: 8, 9, 10, 11, 13, 27, 34, 35, 36, 37, 38, 49, 50, 54, 55, 56, & 57

- One-Story
 - Min. size 3,800 SF
 - Max. size 15,600 SF
- ◆ Custom Equestrian Lots (9 total)
 - Lots: 19, 20, 21, 22, 51, 52, & 53
- One-Story
 - Min. size 3,800 SF
 - Max. size 15,600 SF

2.2.1 SETBACK REQUIREMENTS

Minimum setbacks for the Brasada Community have been established as guidelines to improve the overall development of the Brasada Community and in conjunction with SDMC 18.542.260. Some setbacks exceed those established in SDMC 18.542.260. Building envelopes plans for each lot delineate proposed setbacks and are found in Section 9 of these guidelines. Accessory building shall be part of the lot owners Design Concept Submittal and Final Document Submittal and are subject to the approval of the Architectural Committee and the City of San Dimas Design Review board and the SDMC 18.542.260. The building envelopes plans, landscape zones, SDMC 18.542.260 and the Project Approvals shall be referred to when determining setbacks for specific lots.

All setbacks shall be measured perpendicular from the property line or slope to the nearest point on the foundation of the structure. This includes residences and accessory structures such as attached and garages, porte-cocheres, barns, etc. Architectural appendages, such as fireplaces and window pop-outs will be allowed to encroach into setback areas.

FOR SEMI-CUSTOM LOTS

- ◆ Front Yard Setback 20' minimum
- ◆ Side Yard Setback
 - combined 25' minimum
 - from toe of slope 5' minimum
 - from top of slope 10' minimum
- ◆ Rear Yard Setback 35' minimum, except where a rear yard abuts a street, then the setback shall be the same as the front yard
- from toe of slope 20' minimum
- from top of slope 20' minimum

FOR CUSTOM LOTS

- ◆ Front Yard Setback 25' minimum
- ◆ Side Yard Setback
 - from property line 15' minimum
 - at corner 15' minimum
 - from toe of slope 10' minimum
 - from top of slope 15' minimum
- ◆ Rear Yard Setback 35' minimum, except where a rear yard abuts a street, then the setback shall be the same as the front yard
- from toe of slope 20' minimum
- from top of slope 20' minimum

Note: reduced from yard setback may be approved pursuant to S.D.M.C. 18.542.260 as approved by the Architectural Committee and the Design Review Board for the City of San Dimas.

2.2.2 HEIGHT RESTRICTIONS

The maximum height of any structure is measured from above the finished pad grade at the front elevation of the structure or finished grade (whichever is more restrictive) irrespective to the number of stories, not including a basement. These design guidelines are intended to discourage and/

or prevent any residence or other structure which, in the opinion of the Architectural Committee, would appear excessive in height when viewed from a street, common space, or other adjacent lots, and which would appear out of character with other residences because of height.

Consequently, even when a dwelling structure is designed within the maximum height limit, the Architectural Committee may, at its discretion, disapprove a residence or other structure if the Committee deems it controversial in height and out of character with existing residences, or if it appears undeniably prominent because of its loftiness.

Building height shall be measured as per S.D.M.C. 18.542.250 Planning Area One.

Any exceptions which may override these height guidelines require the Lot-Owner to consult with the Architectural Committee and must be in conformance with Project Approvals.

FOR SEMI-CUSTOM LOTS

- ◆ Building Height 25' maximum
- One-Story 25' maximum
- Two-Story 35' maximum

FOR CUSTOM LOTS

- ◆ Building Height 25' maximum
- One-Story 25' maximum

2.2.3 ARCHITECTURAL DESIGN ELEMENT

This feature element may be added to any lot which has been identified as a single story lot. The Architectural Design Element (A.D.E.) is limited to 30' maximum height. This Architectural Design Element may be any of the following components:

- ◆ A tower element at the entry area
- ◆ An outdoor roofed space with exterior access, and does not calculate as part of the maximum allowed S.F.
- ◆ An open viewing level (deck) w/ exterior stair access, and does not calculate as part of the maximum allowed S.F.
- ◆ An open California outdoor living room with a roof, and does not calculate as part of the maximum allowed S.F.
- ◆ An enclosed conditioned multi-purpose room w/ interior stairs, and does calculate as part of the maximum allowed S.F.

This element shall be limited in floor area not to exceed 950 S.F. or 10% of the conditioned area of the primary first floor, whichever is the lesser in square footage

For enclosed conditioned and covered unconditioned elements, see the following three examples:



EXAMPLE 1

If the primary first floor is 15,000 S.F.:

- ◆ The 10% permitted A.D.E. would be 1,500 S.F. however the maximum allowed for the A.D.E. shall not exceed 600 S.F. of enclosed space as permitted by these guidelines.

- ◆ The maximum home and A.D.E. for a Custom Lot is 15,600 S.F.
- ◆ While the maximum A.D.E. is 950 S.F. the maximum building size is 15,600 S.F. thus restricting the A.D.E. to 600S.F.



EXAMPLE 2

If the primary first floor is 4,200 S.F.

- ◆ The 10% permitted A.D.E. would be 420 S.F.
- ◆ The total dwelling could thus contain 4,200 S.F. plus 420 S.F. as permitted by these guidelines



EXAMPLE 3

- ◆ An open viewing level (deck)
- ◆ The primary first floor is 5,400 S.F.

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- ◆ Maximum A.D.E. area allowed is 540 S.F. as permitted by these guidelines.
- ◆ The dwelling would contain 5,400 S.F. of conditioned area for the intent of Design Review & Plan Check processing.

2.2.4 SITE /LOT COVERAGE

Setbacks, building separations, height restrictions, coverage ratios and other planning oriented guidelines are subject to the Brasada Project Approvals and cannot be overridden by the Architectural Committee without prior approval of the Architectural Committee and a variance is obtained from the City of San Dinias. Maximum coverage of the lot by structure(s) shall not exceed fifty percent (50%) of a lot as identified in the Conceptual Design and Final Documents.

- ◆ Max. Lot Coverage: No more than 50% of the lot shall be enclosed by structure(s)

2.3 MASSING

Structure proportions and overall scale will be carefully scrutinized to ensure the architectural building massing is coherent to the Architectural Committee. Building mass and height placement shall be designed according to individual lots and setback limitations, and scaled fittingly with adjacent residences. The general massing criteria are as follows:

- ◆ Architectural authenticity with the appropriate massing and detailing is required. Four-sided architecture with enhancements is mandatory
- ◆ Expressive articulations of one or two-story forms to define the architectural style are encouraged. Variations in sloping roof planes add interest

- ◆ When suitable, include loggias, balconies, terraces and courtyards

- ◆ Avoid large, unbroken planes on exteriors. Module projections and depressions in exterior frontages grant appealing depth and shadows. Feature banding, masonry bases, stone treatments, wall offsets and covered patios are encouraged to provide visual interest and appeal

- ◆ Moderate the influence of garages by integrating them into the floor plans/building mass. Employ recessed garage door openings with windows. Utilize heavy header beams or trim, columns, bases and other suitable elements to add charm and to downplay the garage structures

- ◆ Make use of side-loaded garage orientations to introduce windows and other feature elements to street

2.4 GARAGE REQUIREMENTS

Each residence shall have an enclosed garage with a minimum containment of three (3) automobiles and a minimum of 4 on site guest parking spaces.

In no circumstance shall all garage doors face the street. Only two (2) single-bay garage doors, or one (1) dual-bay garage door may face the street. The third garage door (and additional garage doors if applicable) must be turned away from the house frontage, thus facing perpendicular to the street. Single bay garages facing the street must be offset from the other by a minimum of two feet (2') and fifteen feet (15') from front elevation of house. Dual bay garage door facing the street must be offset fifteen feet (15') from the front of the house. Use of a landscape screen in the Streetscape Landscape Zone is encouraged - See Landscape Design Standards.

Any vehicles which are not of the automobile, light truck or SUV category, (such as recreational vehicles, campers, trailers, hitchers, or boats), must be fully contained in an enclosed garage structure at all times and not viewable from the street. This order will be assertively enforced.

Any free standing garage which is not part of the residence, shall be limited to a maximum height of twenty-five feet (25') to the ridge and must match the architectural style of the main home including massing, form, and material.

Design criteria for garages include the following:

- ◆ Garage door plane offsets of at least a two foot (2') jog from the double bay door to the single bay door
- ◆ Roll-up sectional garage doors of four (4) or five (5) panels high are acceptable. Conventional spring-tensioned swing-out doors are encouraged
- ◆ Garage door opening recesses of eight inches (8") to eighteen inches (18") are favorably suggested
- ◆ Porte-Cochere, (covered driveway area), shall be constructed of similar feature and detail as the adjoining residence

2.5 DRIVEWAY REQUIREMENTS

Driveways shall be at least twelve (12') wide. Driveways exceeding one hundred fifty feet (150') in length shall provide a turnout near midpoint of the driveway. Turnouts shall be a minimum of ten feet (10') wide and thirty feet (30') in length, with a minimum taper of twenty five feet (25') on each end. Access will not have an up or downgrade of more than fifteen percent (15%). (Please refer to the Landscape Design Guideline Section for additional requirements).

2.17 ITALIANATE ARCHITECTURE

Italian style homes feature a gently-pitched roof with wide, overhanging eaves supported by large decorative brackets creating an impression resembling the pediment shape of classical temples. The Italian style floor plan typically revolves around a circular staircase in a tall tower. Common Italianate features are the grouping of either straight or round-headed windows into threes or small arcades, and the placement of porches or arcaded loggias between the tower and house or at the corners. Italian style homes dominated American housing construction between 1850 and 1880 when the idea of rural Italy was romanticized by Americans. Many historians believe the Italian style, or Italian villa

style was favored for two reasons; these homes could be built with many different materials and the style could be easily adapted depending on the budget. New technologies of the Victorian Era made it possible to quickly and inexpensively produce cast-iron and press-metal decorations.

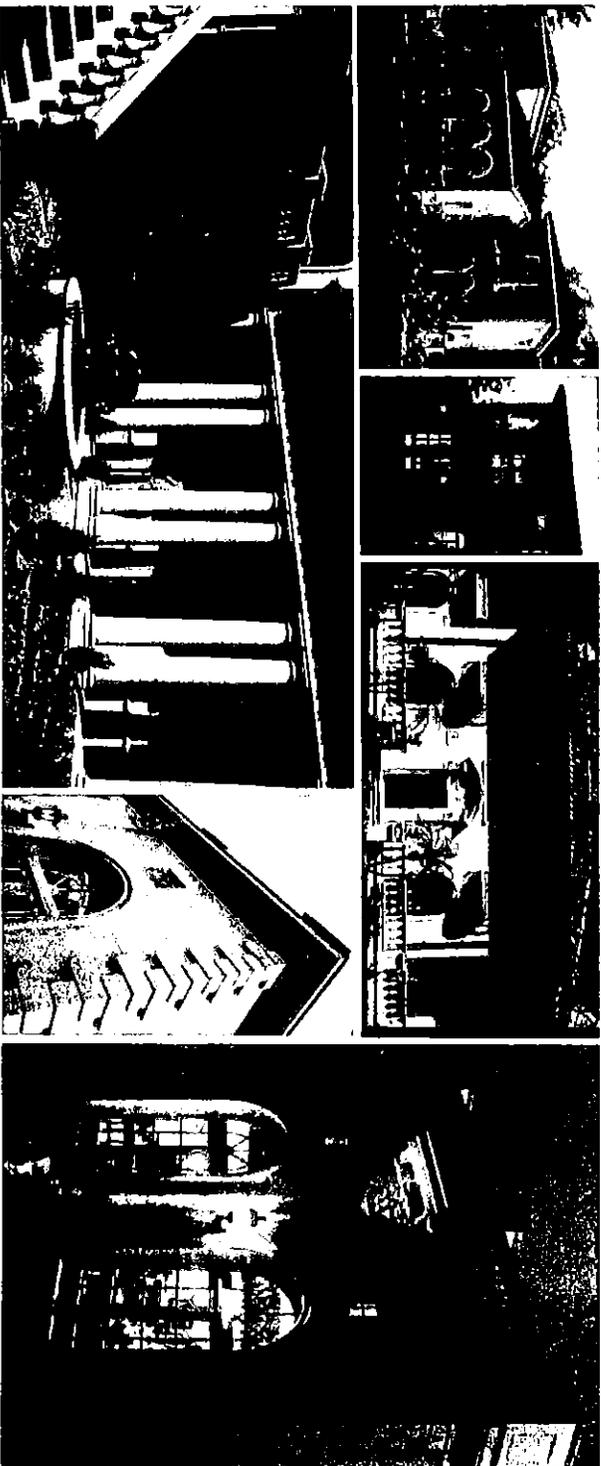
Today, most historians differentiate between two main styles of architecture inspired by Downing's books: the Italian Villa and the Italianate. The Italian Villa has two main distinguishing features: a prominent tower, which was often called a campanile (a term used in Italian to describe a church bell tower), and a picturesquely irregular plan. By way of contrast, the Italianate is distinguished by having rooms that conform to regular, geometric forms: usually a square

or L-shaped plan. Moreover, in place of Italian Villa's tower, the Italianate, when it has a square plan, often features a cupola, which is sometimes referred to as a belvedere (literally meaning a good view). Besides adding a picturesque quality to the home, cupolas and towers afforded light and ventilation; to aid in ventilation, stairways were often placed beneath them.

There are many interpretations of Italianate architecture. Centuries of character modifications include styling accents from several periods: Romanesque, Gothic, Renaissance, Baroque, Tuscan and Italian Villa style have comprehensible distinctions which formulates Italianate architecture to several individual interval styles.

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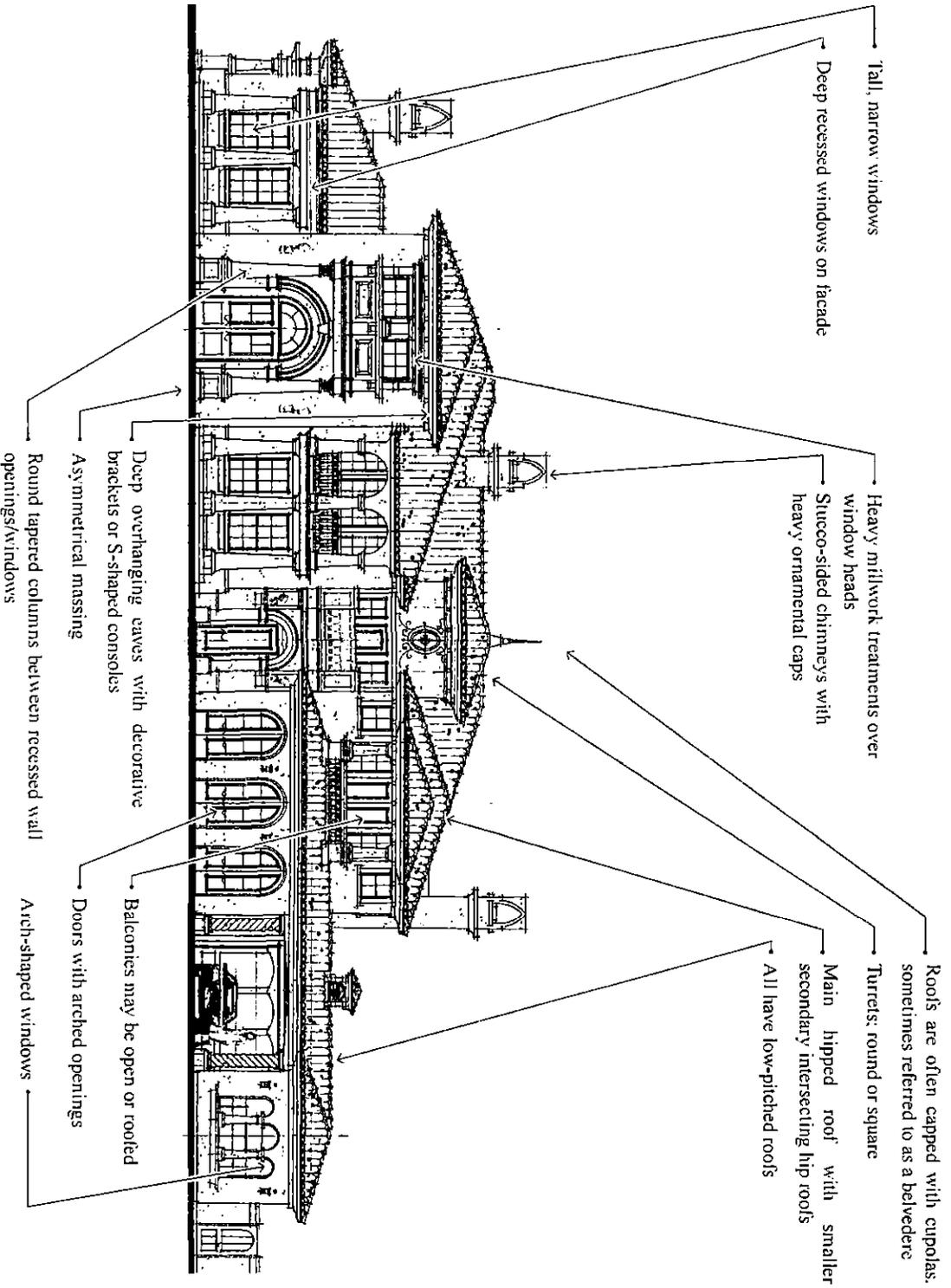
ITALIANATE



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ITALIANATE



ITALIANATE STYLE ARCHITECTURAL FEATURES:

2.171 SIDING & EXTERIOR FINISHES

- ◆ Fine to light sand finish or smooth light laced finish stucco



fine light stucco

2.172 ROOFS

- ◆ All have low-pitched roofs I-shaped plans have gable roofs; square shaped plans have hipped roofs
- ◆ Main hipped roof with smaller secondary intersecting hip roofs
- ◆ Deep overhanging eaves with decorative brackets or S-shaped consoles
- ◆ Roofs are often capped with cupolas, sometimes referred to as a belvedere
- ◆ Barrel or V shaped tile with Roman / Flat pan roof tiles or S roof tiles sometimes stacked randomly



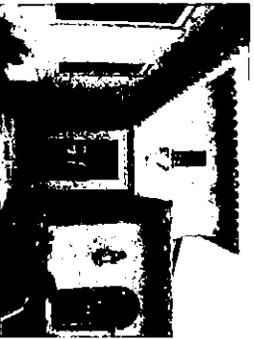
deep overhanging eaves



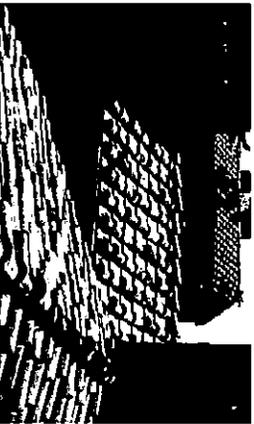
cantilevered balconies



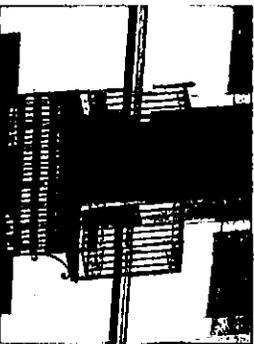
roofed balcony



L shaped roof plan



roof tiles



Juliet balcony

2.173 PORCHES AND BALCONIES

- ◆ Balconies are common and may be open or roofed
- ◆ Small cantilevered second-story balconies with wrought iron
- ◆ Decorative wrought iron balustrade at Juliet balconies

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ITALIANATE

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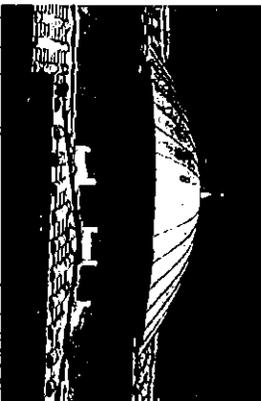
GUIDELINES

ITALIANATE

- 2.174 WINDOWS & DOORS
 - ◆ Doors often featured into porticos or arched openings and decorated with elaborate moldings
 - ◆ High proportioned windows ganged in pairs and triples with arched heads
 - ◆ Windows usually arch-shaped and capped with window circle-heads or crowns
 - ◆ Tall, narrow windows, which often rise from floor to ceiling
 - ◆ Featured deep recessed windows on facade
 - ◆ Bay windows are common
 - ◆ Heavy millwork treatments over window heads
- 2.175 ARCHITECTURAL DETAILS
 - ◆ Turrets; round or square
 - ◆ Round, tapered columns between recessed wall openings/ windows
 - ◆ Stucco-sided chimneys with heavy ornamental caps
 - ◆ Two-story massing with one vertical, and one horizontal break
 - ◆ Shutters at second story walls
 - ◆ Continuous skirt boards and bolt course trim
 - ◆ Quoins at outside building corners
- 2.176 MASSING & ADDITIONS
 - ◆ Asymmetrical massing
 - ◆ Most have two-stories, a few have three stories, with a tower, sometimes referred to as a campanile
 - ◆ Italianate homes are conceived from geometric plans, such as square or L-shaped



tall narrow windows from floor to ceiling



cupola



ornamental chimney



shutters on second story



continuous skirt board



corbel fascia

2.18 FRENCH COUNTRY ARCHITECTURE

The French Country design is more of a style than a set of specifics--the feel of a lace curtain drifting in the breeze, a sun-washed kitchen, a roaring fire. The rural homes of France that provide the basis for French Country style are diverse in all but their charm. There are the indigenous granite cottages with roofs of tufted thatch of Brittany, a northwestern province, and the half-timbered structures of Normandy; reminiscent of Tudor style, faced with clay and topped with steep roofs. In the south of France, whitewashed cottages boast cannel-tiled roofs in Basque country. The country homes of Provence have a Mediterranean flavor, with cheerful hues of limestone, with narrow, deep windows and

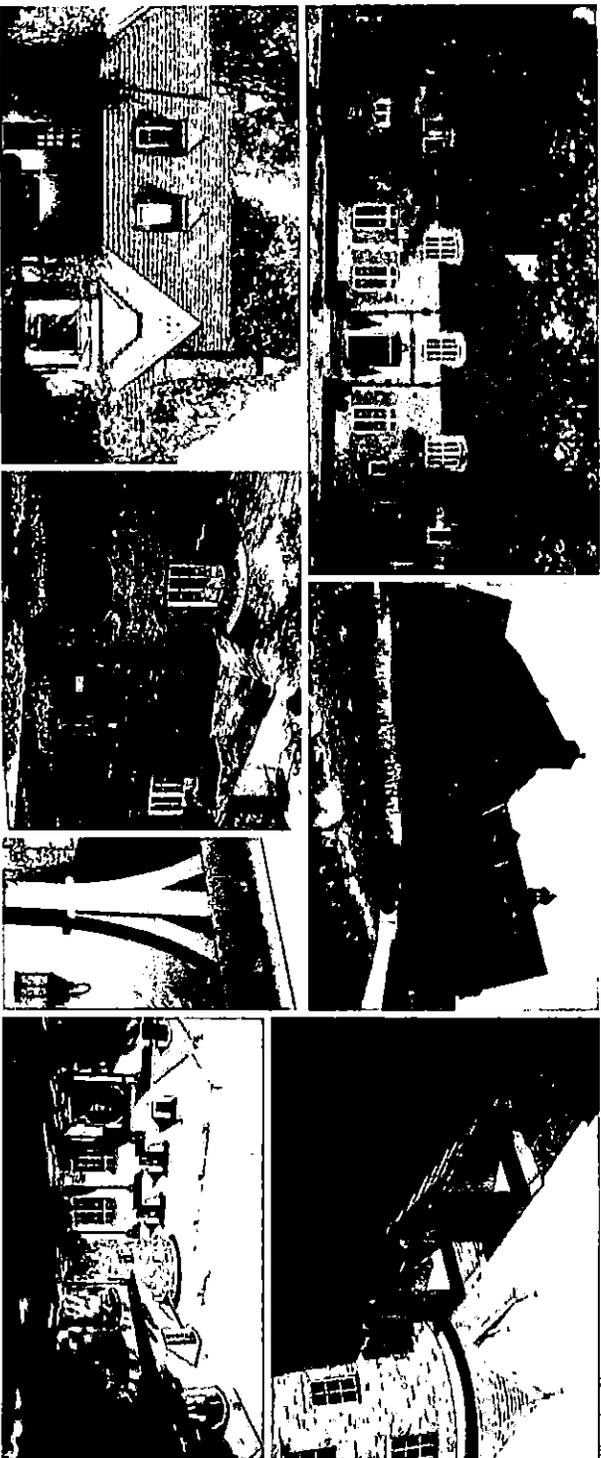
doors, flanked by slate-board shutters and painted vividly.

One common trait is the multi-paned windows that extend down to the floor, which we call "French windows" and that are used like doors, inside and out. The basic interiors of all these homes are also similar in design, though each uses regional materials in construction. The kitchen is huge--the heart of the family--and comfortable, with exposed, sturdy beams, tiled floors, and open hearth cooking.

Also known as French Provincial, French Country house plans are inspired by the rustic manners that dot the lavender fields of southern France. Particularly impressive on large properties,

French Country style home plans also fit well into upscale suburban enclaves where their fine pedigree and handsome lines make them an outstanding choice for those who seek a residence with style and elegance.

French Country home styles range from modest farmhouse designs to estate-like chateaus which all exude rustic warmth through a variety of Old World influences including arches, soft lines, stonework, wood beams, plaster walls and stone floors. French country home designs bring together such eclectic elements as Georgian-style quoins, Palladian windows, Normandy-style turrets, and Provincial-style dormers which give the home a touch of sophistication.

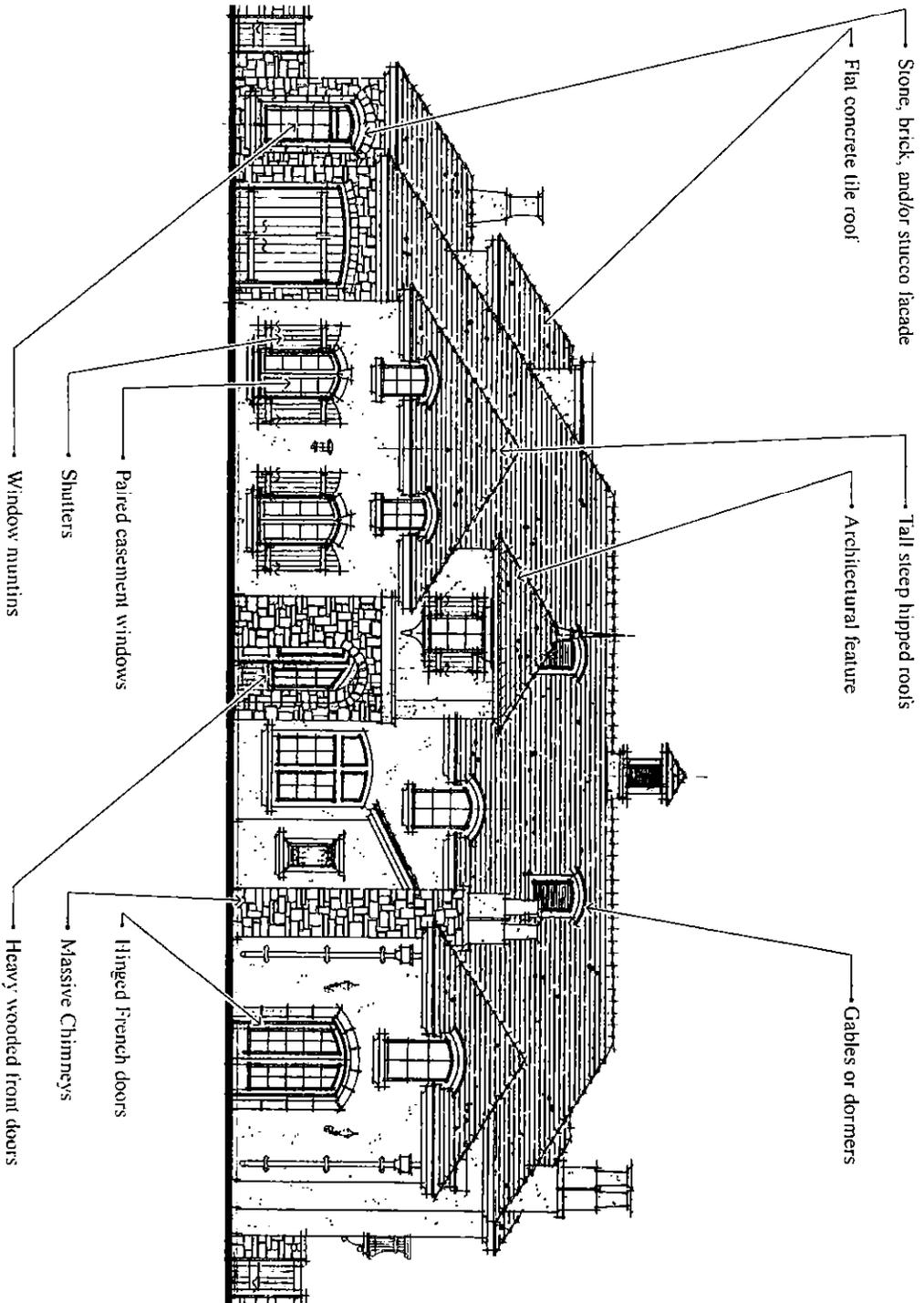


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FRENCH COUNTRY

**RESIDENTIAL DESIGN
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FRENCH COUNTRY



FRENCH STYLE ARCHITECTURAL FEATURES:

2.18.1 SIDING & EXTERIOR FINISHES

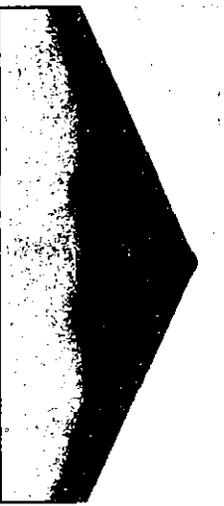
- ◆ Stone, brick, and/or stucco facade

2.18.2 ROOFS

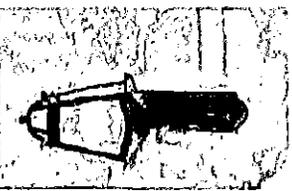
- ◆ Very tall hipped roof, sometimes with a slight upward pitch break tilt at the eaves
- ◆ Tall steep hipped roofs, with flared eaves
- ◆ Gables or dormers with their own roofs
- ◆ Multiple roof elements, including decorative roof vents
- ◆ Flat roof tiles

2.18.3 PORCHES AND BALCONIES

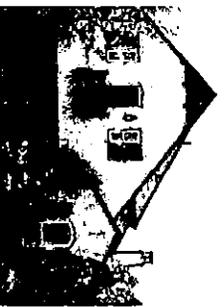
- ◆ Small balconies, but high detail with decorative wrought iron spindling, wood or iron pot shelves
- ◆ Roofed porches are clean stucco forms with brick arched heads, columns full-bodied and square



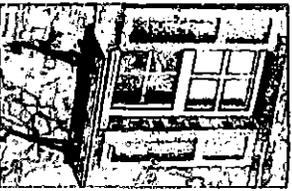
smooth stucco & siding



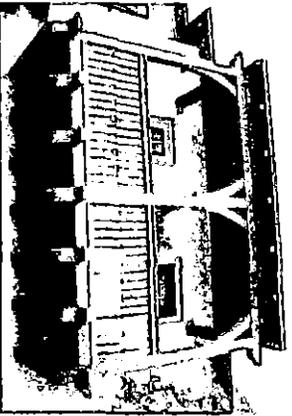
stone & brick



steep gable with roof vent



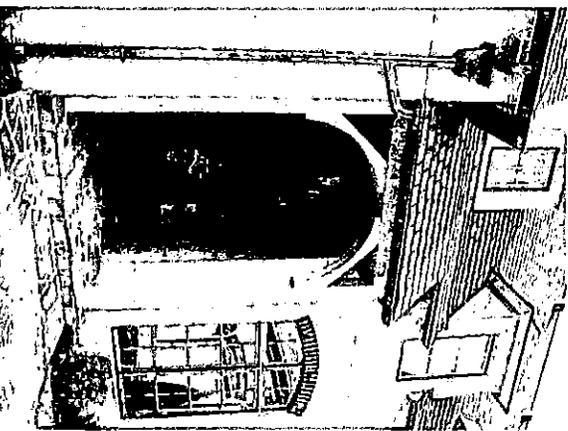
stone & brick



small balcony



quoins



small roofed porch

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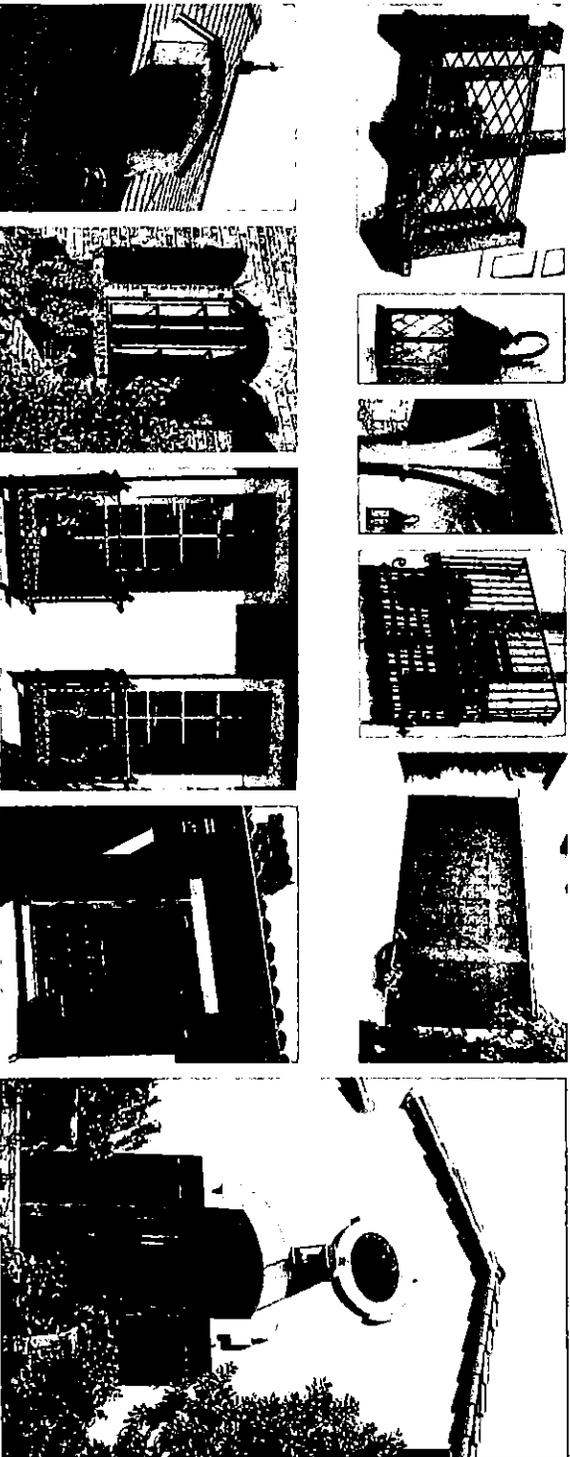
FRENCH COUNTRY

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RESIDENTIAL DESIGN GUIDELINES

FRENCH COUNTRY

- 2.18.4 WINDOWS & DOORS
 - ◆ Hinged French doors leading to balconies or patios
 - ◆ Paired casement windows hinged at the side and opening at the center
 - ◆ Window muntins with vertical shaped grid, diamond grilles are acceptable with French cottages
 - ◆ Heavy, wooded front doors with rustic millwork surround
- 2.18.5 ARCHITECTURAL DETAILS
 - ◆ Architectural details including quoins, pediments, pilasters
 - ◆ Functioning shutters, often with working louvers
 - ◆ Plant-Ons as 2x8 trim boards, vertically and diagonally placed into stucco
 - ◆ Wood-like trim is preferred over stucco trim
- 2.18.6 MASSING & ADDITIONS
 - ◆ Massive chimneys
 - ◆ Rounded Norman towers
 - ◆ RADIUS shapes are widespread, on shutters, wall and arched openings
 - ◆ Bay windows are common



2.19 SPANISH ARCHITECTURE

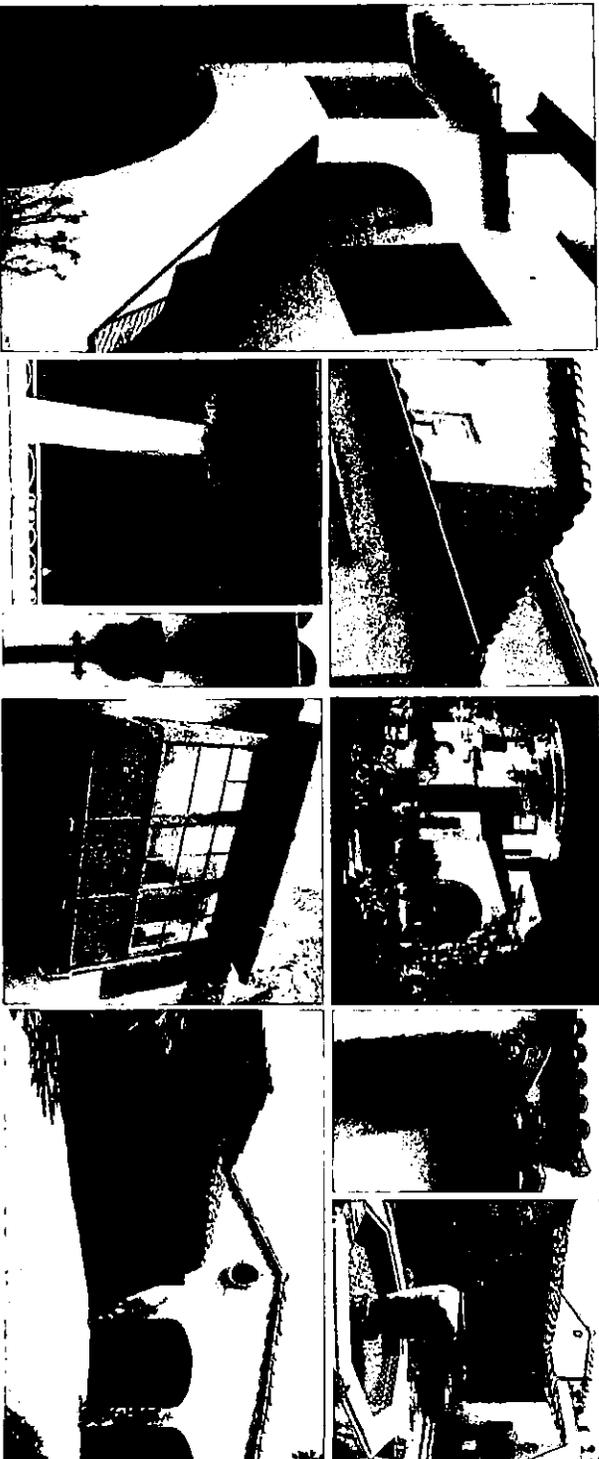
Spanish architecture refers to architecture carried out in any area in what is now modern-day Spain, and by Spanish architects worldwide. The term includes buildings within the current geographical limits of Spain before this name was given to those territories (whether they were called Iberia, Hispania or were formed of several Christian kingdoms). Due to its historical and geographical diversity, Spanish architecture has drawn from a host of influences.

Spanish House Plans draw on the heritage and architectural detail of America's Spanish-colonial history found in the Southwest, Texas and Florida. Heavily ornamented, Spanish style homes feature red-tile roofs and stucco walls as part of their romantic appeal. Spanish Revival houses are built with thick walls to create cool interiors that make them well suited to southern climates. Heavy ornamentation with wrought-iron window and door hardware, heavily carved and shaped columns, and patterned tile or ceramic floor treatments bring touches of Old Spain to the Spanish house plan. Spanish floor plans have an asymmetrical front with small, irregularly placed windows and heavy, rounded doors with decorative carving.

Spanish style home plans capture the essence of sunny Mediterranean Spain and incorporate a rich and varied history of Moorish, Byzantine, Gothic and Renaissance decorative styles. Most common in California, Arizona, Texas and Florida, Spanish style house plans reached their height in popularity in America during the 1920s and early 1940s. Wonderfully at home in the Southwest but rare elsewhere, these hospitable houses infuse everyday life with the spice of Spanish style.

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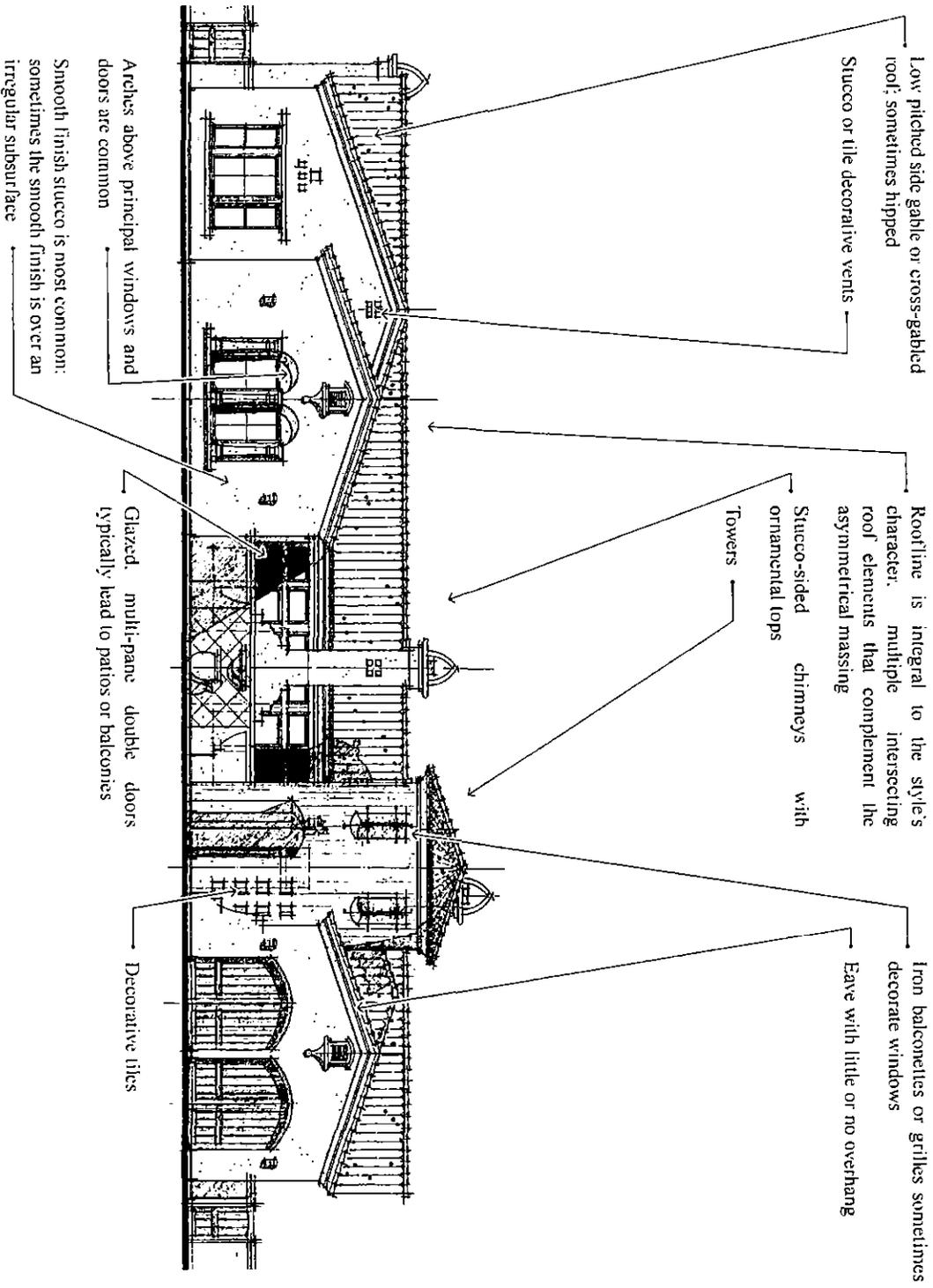
SPANISH



BRASADA

RESIDENTIAL DESIGN GUIDELINES

SPANISH



SPANISH ARCHITECTURAL FEATURES:

2.19.1 SIDING & EXTERIOR FINISHES

- ◆ Smooth finish stucco is most common, sometimes the smooth finish is over an irregular subsurface

2.19.2 ROOFS

- ◆ Low pitched side gable or cross-gabled roof, sometimes hipped
- ◆ Complex, multilevel roof form that complements an asymmetrical massing
- ◆ Eave with little or no overhang
- ◆ Flat roof with short parapet on some smaller examples
- ◆ Red clay tile, either half-barrel or S-curve

2.19.3 PORCHES AND BALCONIES

- ◆ Porches are relatively uncommon and are most often located on an interior or rear courtyard
- ◆ Simple bungalow style structures may have open central porch
- ◆ Front porches, where they exist, are typically recessed behind an open arcade, off-center from the front door
- ◆ Balconies are common and may be open or roofed
- ◆ Small cantilevered second-story balconies
- ◆ One or two-story covered interior balcony
- ◆ Wood turned spindle or decorative iron balustrade

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SPANISH



wood-carved door

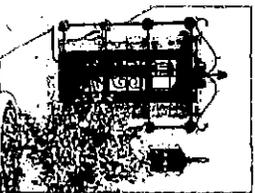
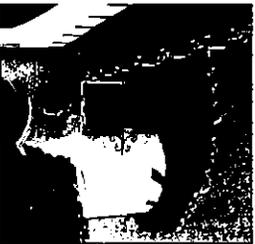
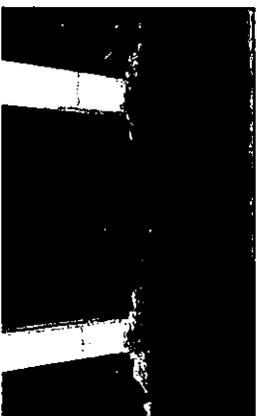
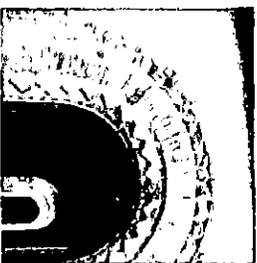
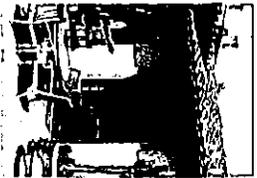
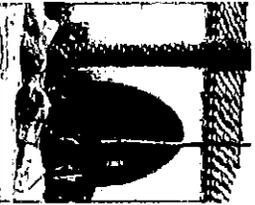
eaves with little overhang

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RESIDENTIAL DESIGN GUIDELINES

SPANISH

- ◆ 2.19.4 WINDOWS & DOORS
 - ◆ Arches above principal windows and doors are common
 - ◆ Dramatically carved or other heavy wood front doors
 - ◆ Glazed, multi-pane double doors typically lead to patios or balconies
 - ◆ One large focal window is common, often arched and glazed with stained glass or other alternate glazing
 - ◆ Windows often wooden double-hung sash or divided-light casement ; steel casements occasionally occur
 - ◆ Turned spindle wooden window grilles sometimes enclose windows
- ◆ Iron balconettes or grilles sometimes decorate windows
- ◆ 2.19.5 ARCHITECTURAL DETAILS
 - ◆ Stucco or tile decorative vents
 - ◆ Arcade wing
 - ◆ Stucco-sided chimneys with ornamental tops
 - ◆ Exterior stairs
 - ◆ Decorative tiles
 - ◆ Decorative iron sconces, door knockers, hinges, hardware
 - ◆ Towers
- ◆ 2.19.6 MASSING & ADDITIONS
 - ◆ Asymmetrical massing
 - ◆ One or two stories
 - ◆ Roofline is integral to the style's character, multiple intersecting roof elements that complement the asymmetrical massing



arched entry

wrought iron grilles

2.20 TUSCAN ARCHITECTURE

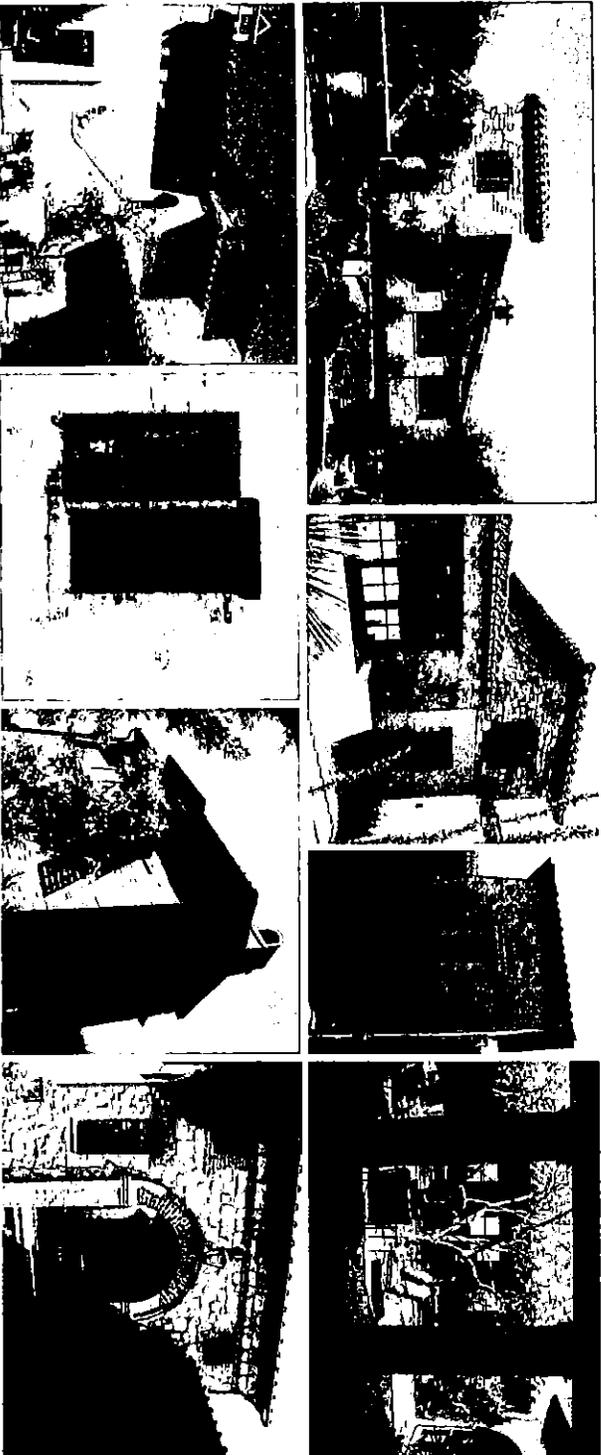
Tuscan style architecture is a blend of Italianate, Mediterranean, and Moorish vocabulary. The style is based on rustic farmhouses and rural villa residences built in the wine and agricultural regions of Northern Italy. Inspired from an adaptation of Italian Renaissance, Tuscan appeal has become one of the most reproduced styles during the late 20th & 21st centuries. Elements include clay tile roofs, stucco walls, loggias and porticos, carved balustrades, stone columns, hand-forged iron balconies, decorative iron railings, arched openings and large Palladian windows.

The Tuscan influence may be described as a representation of country grandeur. It involves a brilliant conglomeration of the classical elements of Old World Europe along with the modern architectures. It is of the Italian origin, which tends to dominate many villas and residences possessing elegance and decorative style.

The beauty and distinction of Tuscan style architecture comes from custom crafted natural stone. This includes limestone, travertine and marble. Terracotta flooring and stacked roof tiles are often used to give an antique feel. There can also be terrazzo floors from polished marble chips. Italian scabed tiles and crushed stone. Whether it is a farmhouse or villa, the appeal of the Tuscan style lies with informality and rustic character which is expressed with warm colors, textures, and materials.

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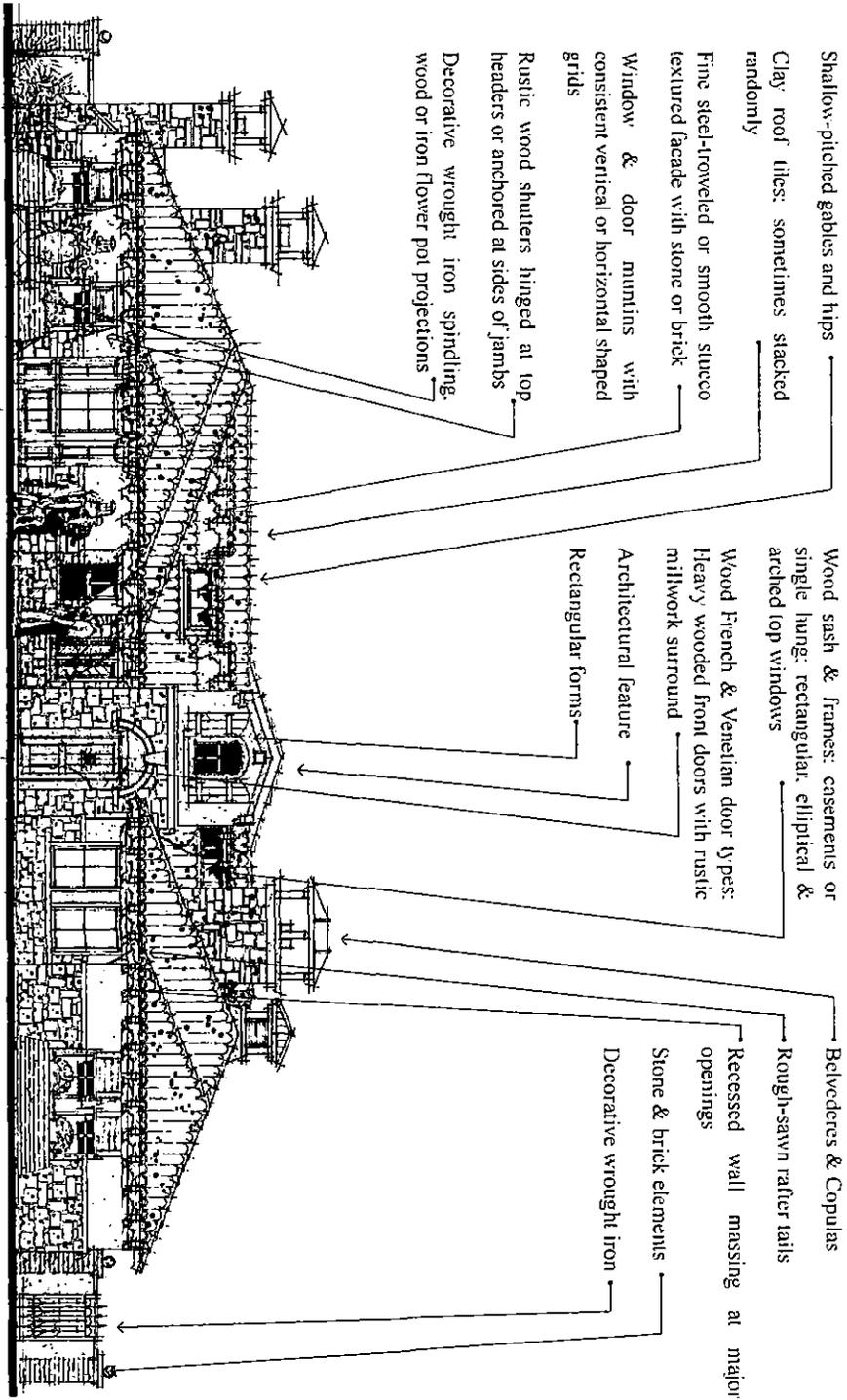
TUSCAN



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RESIDENTIAL DESIGN GUIDELINES

TUSCAN



TUSCAN STYLE ARCHITECTURAL FEATURES:

- 2.20.1 SIDING & EXTERIOR FINISHES**
 - ◆ Fine steel-troweled or smooth stucco textured facade with/ or stone, brick
- 2.20.2 ROOFS**
 - ◆ Shallow-pitched gables and hips
 - ◆ Barrel or V shaped tile with Roman / flat pan roof tiles or S roof tiles sometimes stacked randomly
 - ◆ Belvederes and cupolas
 - ◆ Towers are common; circular or square
 - ◆ Cornciced eaves, rough-sawn fascia boards or rough-sawn rafter tails
- 2.20.3 PORCHES AND BALCONIES**
 - ◆ Tower elements usually have porches within sloped roofed porches or bracketed shed roofs over entry points
 - ◆ Small to large balconies, with rustic wood or stone column supports. Decorative wrought iron spindling, wood or iron flower-pot projections

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TUSCAN

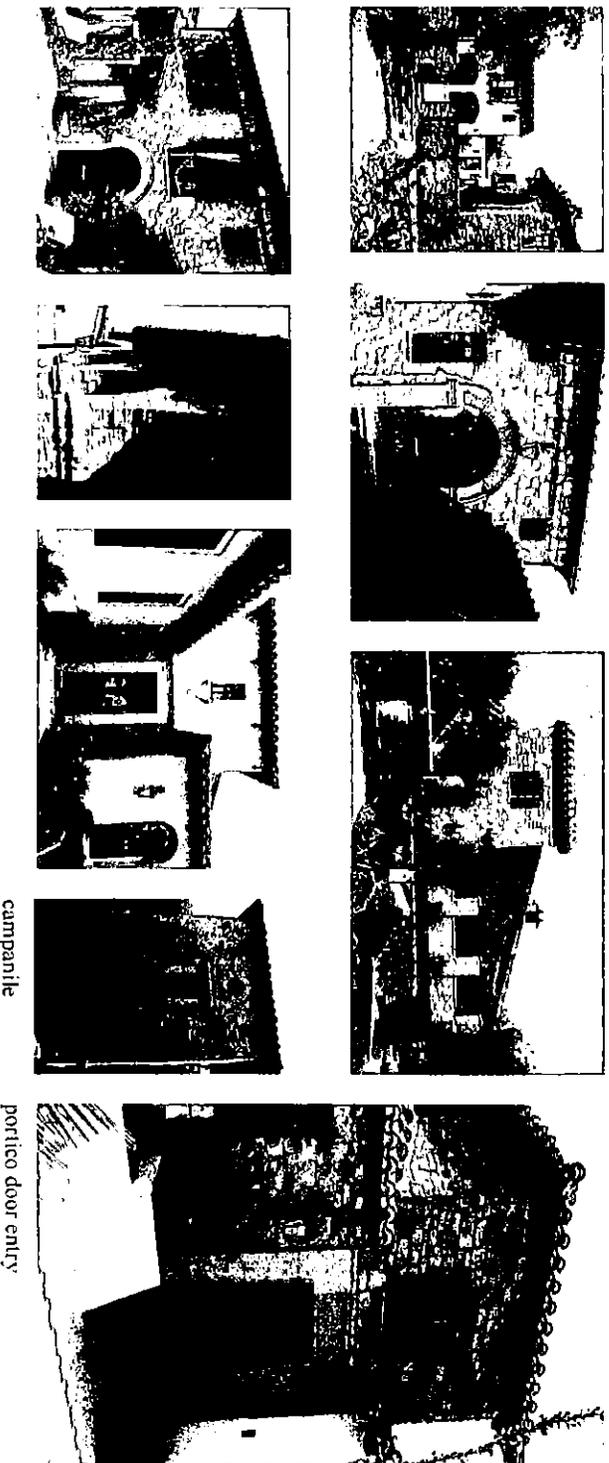


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TUSCAN

- 2.20.4 WINDOWS & DOORS
 - ◆ Wood sash & frames Casements or single hung Rectangular, elliptical & arched top windows
 - ◆ Wood French & Venetian door types
 - ◆ Romanesque window-heads at feature openings Rustic wood shutters hinged at top headers or anchored at sides of jambs
 - ◆ Window & door muntins with consistent vertical or horizontal shaped grids
 - ◆ Heavy wooded front doors with rustic millwork surround
- 2.20.5 ARCHITECTURAL DETAILS
 - ◆ Heavy timber elements
 - ◆ Rustic stone archways
 - ◆ Decorative rafter tails or layered fascia boards
 - ◆ Deeply recessed feature windows, arched or flat
- 2.20.6 MASSING & ADDITIONS
 - ◆ One & two-story masses
 - ◆ Rectangular forms
 - ◆ Irregular and informal shapes and finishes
 - ◆ Recessed wall massing at major openings



campanile

portico door entry

2.21 CRAFTSMAN ARCHITECTURE

The Craftsman Style was the dominant style for smaller houses built throughout the country during the period from about 1905 until the early 1920s. It originated in southern California and most landmark examples are concentrated there. Like vernacular examples of the contemporaneous Prairie style, it quickly spread throughout the country through pattern books and popular magazines. The style rapidly faded from favor after the mid-1920s; few were built after 1930.

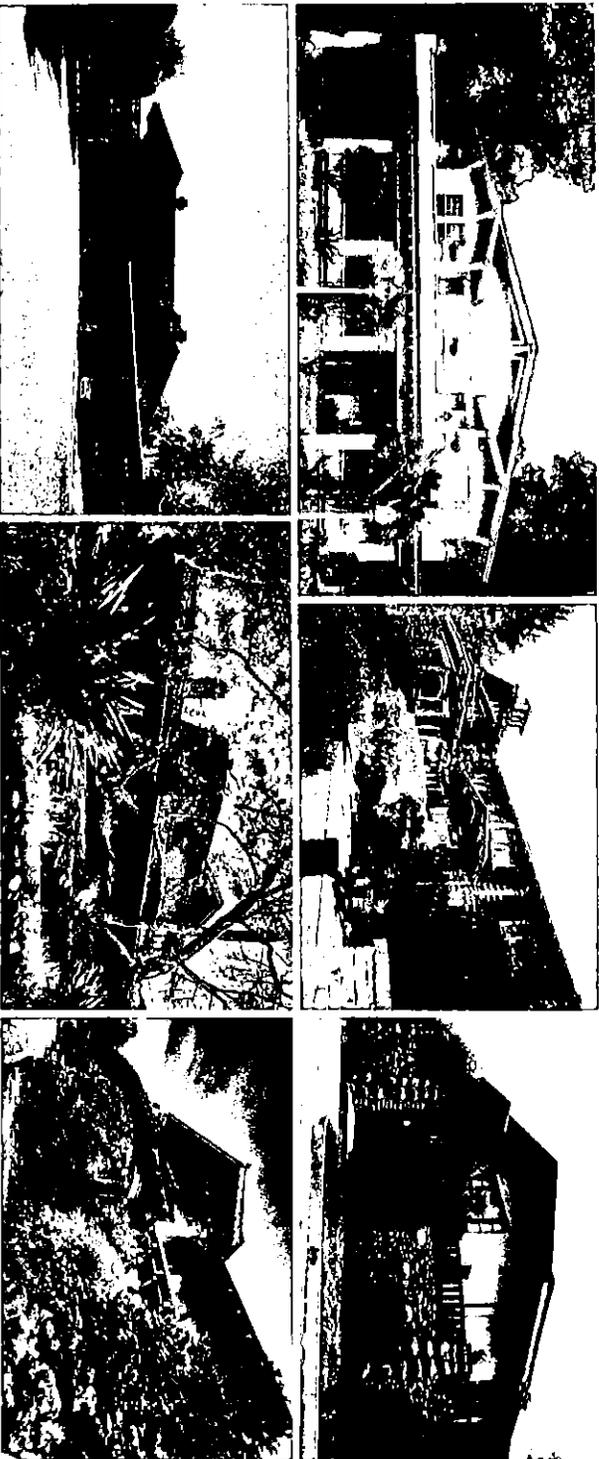
The American Craftsman style has its origins from the British Arts and Crafts movement which began as a philosophy and artistic style founded by William Morris earlier in the 1860s. The

British movement was a reaction to the Industrial Revolution, with its disregard for the individual worker and degradation of the dignity of human labor. Seeking to ennoble the craftsman once again, the movement emphasized the hand-made over the mass-produced.

The Arts and Crafts movement was also a reaction against the eclectic 'over-decorated' aesthetic of the Victorian era. It was an anti-Victorian movement, with William Morris a staunch socialist. However, the expensive fabrication and construction materials and costly hand-made techniques used meant that the created works of the movement were actually only serving a wealthy clientele, often derided as "champanege socialists." However the philosophy and aesthetics

of the British Arts and Crafts movement inspired a wide variety of related but conceptually distinct design movements throughout Europe, as well as the American Craftsman movement in North America.

Craftsman-style homes feature low-pitched roofs and porches. The size of the house can be one or two stories and range from a small two-bedroom to a large and extravagant four- or five-bedroom home. The porches on the home typically have columns on either side that rest on stone bases. The covered porch can be substantial in size on some of these homes. Craftsman homes have overhanging eaves and exposed beams as distinct features on the exterior of the home. Windows appear in banks with two or three windows in a row.



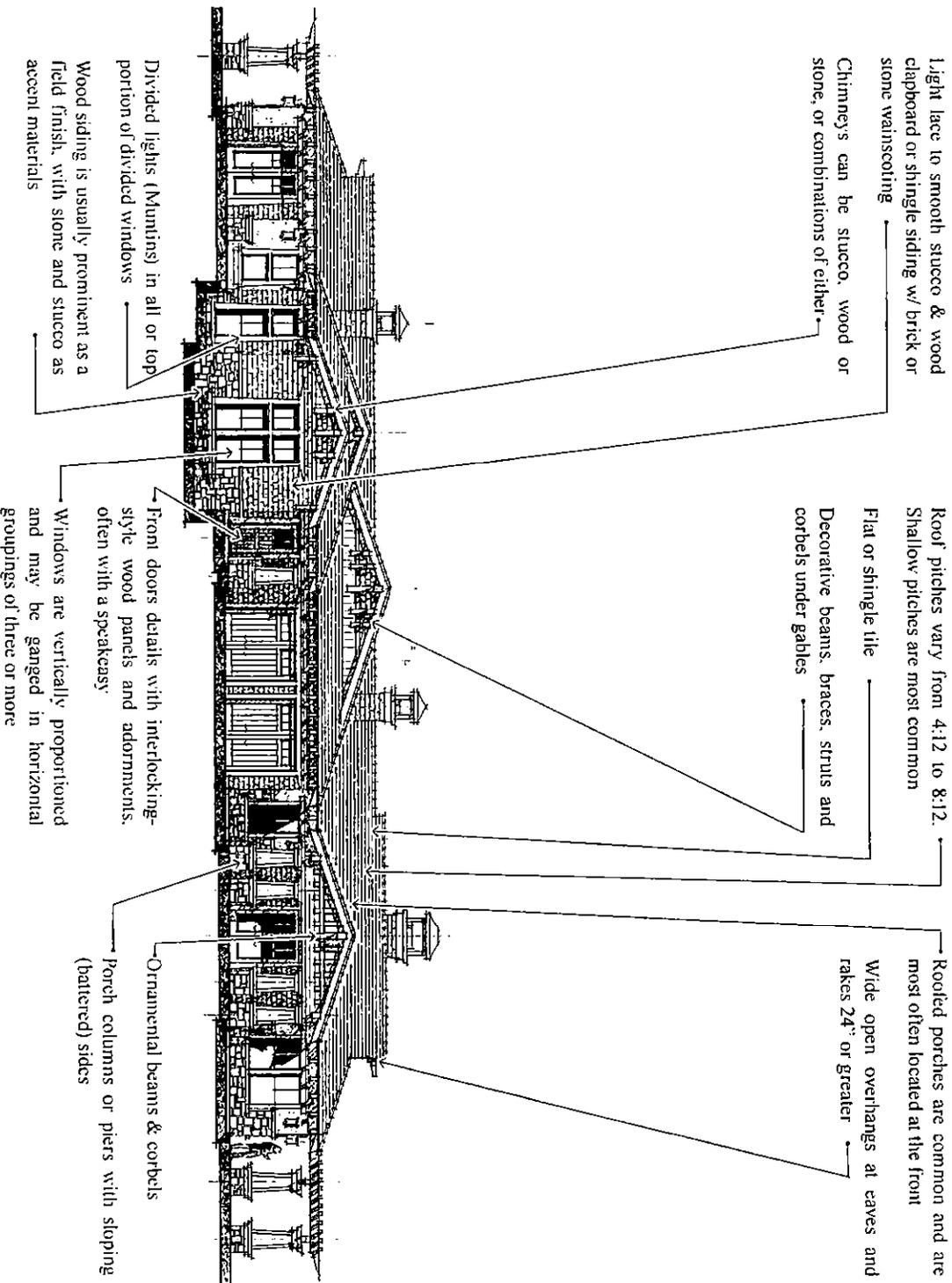
RESIDENTIAL DESIGN GUIDELINES

CRAFTSMAN

BRASADA

RESIDENTIAL DESIGN GUIDELINES

CRAFTSMAN



CRAFTSMAN STYLE ARCHITECTURAL

FEATURES:

2.21.1 SIDING & EXTERIOR FINISHES

- ◆ Light lace to smooth stucco & wood clapboard or shingle siding w/ brick or stone wainscoting
- ◆ Wood siding is usually prominent as a field finish, with stone and stucco as accent materials

2.21.2 ROOFS

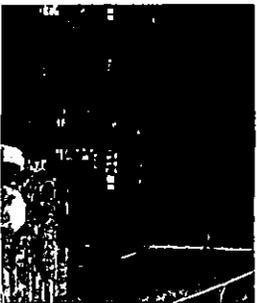
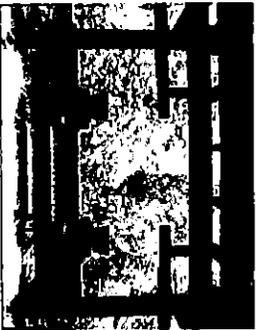
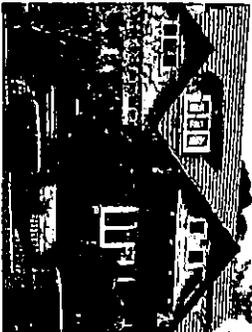
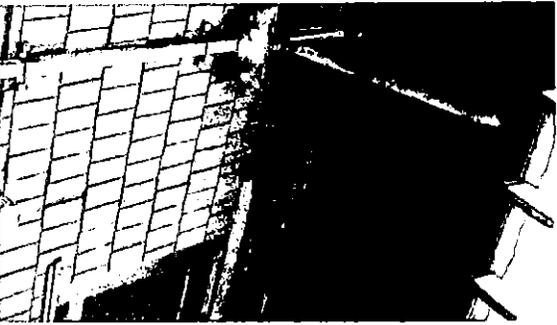
- ◆ Roof pitches vary from 4:12 to 8:12. Shallow pitches are most common
- ◆ Split pitched roofs are common, with a lower pitched roof over front porch
- ◆ Flat or shingle tile
- ◆ Wide open overhangs at eaves and rakes 24" or greater
- ◆ Decorative beams, braces, struts and corbels under gables
- ◆ Roof rafter tails exposed at eaves

2.21.3 PORCHES AND BALCONIES

- ◆ Roofed porches are common and are most often located at the front
- ◆ Simple bungalow style structures may have open central porch
- ◆ Porch columns or piers with sloping (battered) sides
- ◆ Porch columns or piers with stone, brick, wood or stucco
- ◆ Decorative beams and braces

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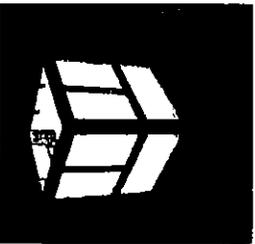
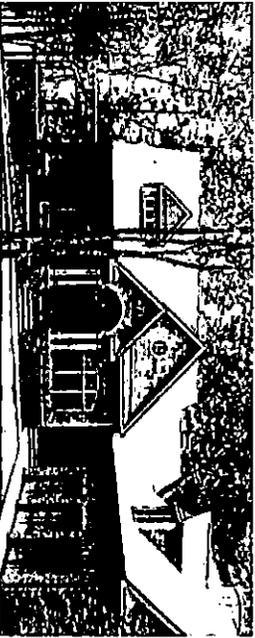
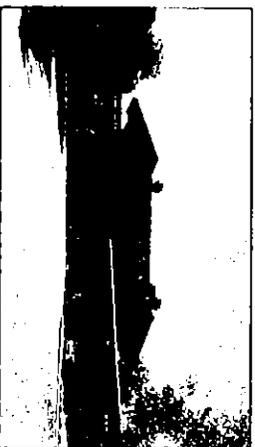


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- 2.21.4 WINDOWS & DOORS
 - ◆ Wood trimmed windows & doors, occasionally tapered.
 - ◆ Windows are vertically proportioned and may be ganged in horizontal groupings of three or more
 - ◆ Divided lights (Muntins) in all or top portion of divided windows
 - ◆ Window boxes with decorative braces
 - ◆ All visible side and rear elevation windows must have full surround trim; rarely ever shutter
- 2.21.5 ARCHITECTURAL DETAILS
 - ◆ Ornamental beams & corbels
 - ◆ Abundance of wood trim and casing around windows and doors
 - ◆ Front doors details with interlocking-style wood panels and adornments, often with a speakasy
 - ◆ Metal "craftsman-style" lanterns, larches, hinges and hardware in liberal quantities
 - ◆ Chimneys can be stucco, wood or stone, or combinations of either
- 2.21.6 MASSING & ADDITIONS
 - ◆ Front entry should be incorporated into the front porch
 - ◆ One or two stories
 - ◆ Symmetrical or asymmetrical building massing
 - ◆ Full or partial width covered front porch as the main element for the front elevation
 - ◆ Gable, hip & shed roof forms
 - ◆ Porch roof support columns squared and broad



2.22 ANDALUSIAN ARCHITECTURE

Dramatic and ornate Andalusian-style homes borrow inspiration from the Moorish Courtyard house with its series of rectangular dwelling units organized around a private courtyard. Secondary patios provide garden retreats in additional living spaces. The primary adornment along public-facing walls is a beautiful display of wrought-iron window grilles. Larger decks and loggias complete the courtyard spirit of this manor.

Another distinctive characteristic of this style is the use of thick, massive walls. These walls may be stucco finished or natural or whitewashed brick. Where brick is displayed, brick will not have the precise machine-made edges, and stucco

finished wall construction will not be combined with brick except at prominent lowers. Privacy walls may be whitewashed brick, but the main house is usually stucco-finished.

Most wall openings are vertically rectangular; some featuring arched-openings. Loggias and arcades may have many arches. Most all openings are deeply recessed, as much as 8-inches to 12-inches. Building elevations facing street side are relatively closed and guarded. Some expansive wall surfaces are punctuated by relatively few small openings. Wrought-iron grille-work often border windows to provide security and decoration.

Courtyards are extensions of the house, therefore the openings become more numerous and larger than the openings at the front elevation.

Exposed heavy timber roof elements and deck framing are common. Moorish-style openings, arcades, and patterned designs are used sparingly as accents on exterior elevations facing rear yards and in private central courtyards. Regulation must be exercised in limiting the use of elaborate Moorish elements and patterns to avoid taking on the character of a palace, instead of the much preferred farmhouse.

RESIDENTIAL DESIGN GUIDELINES

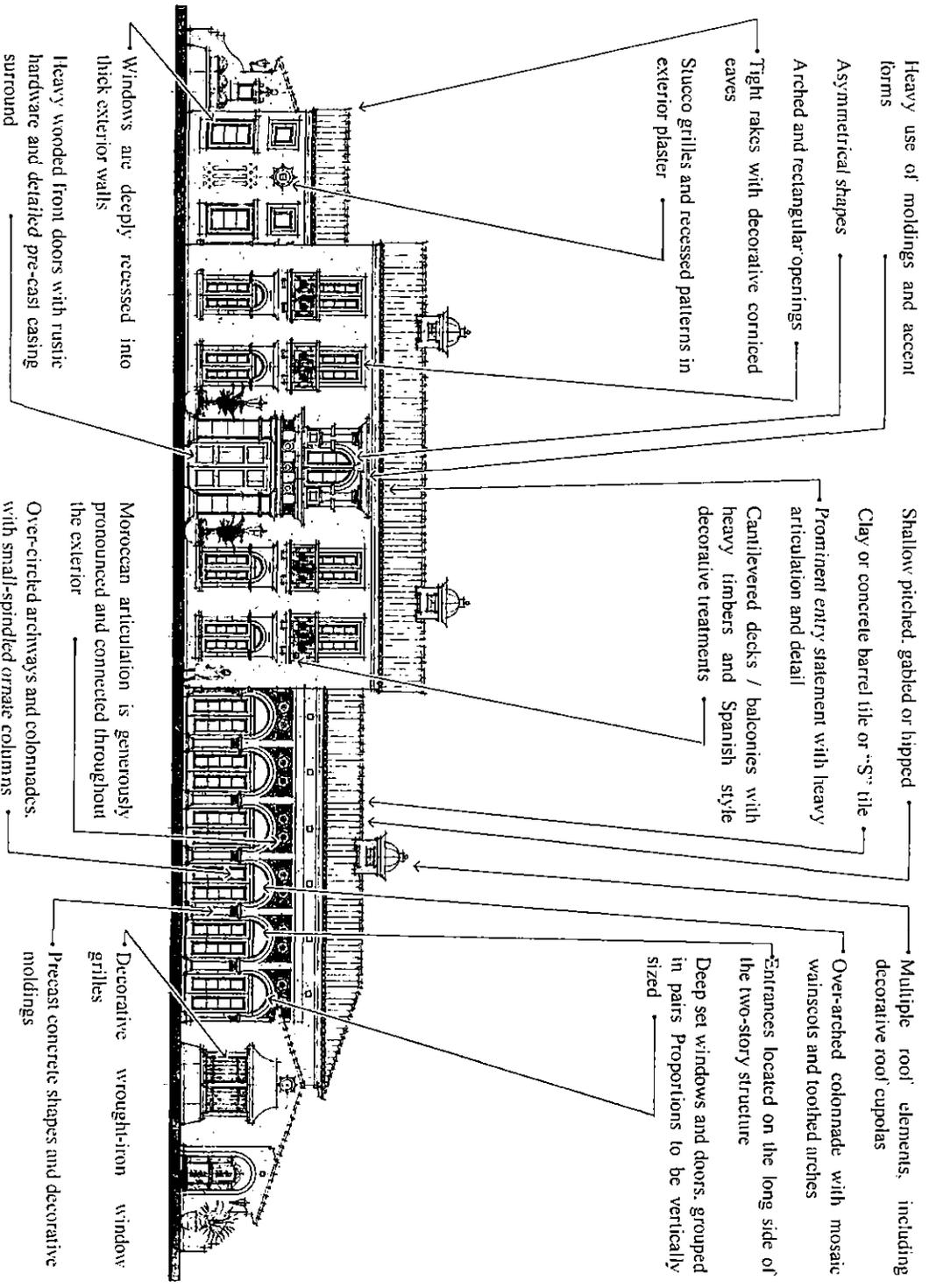
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RESIDENTIAL DESIGN GUIDELINES

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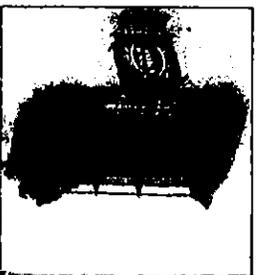
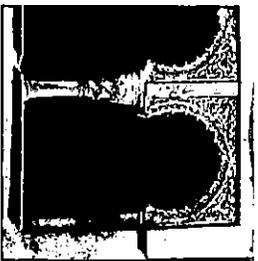
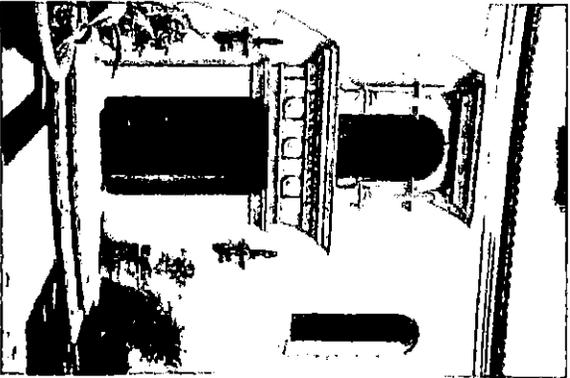
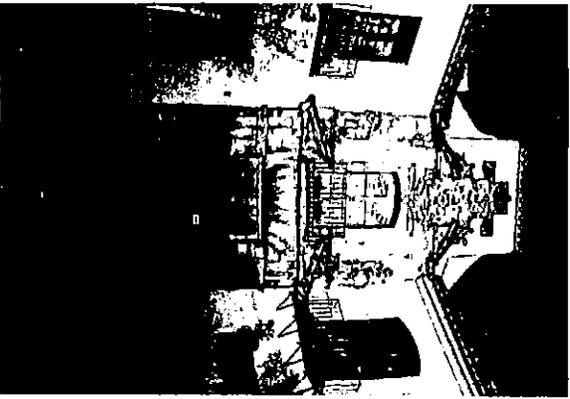


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- ANDALUSIAN STYLE ARCHITECTURAL FEATURES:
- 2.22.1 SIDING & EXTERIOR FINISHES
 - ◆ Heavy use of moldings and accent forms
 - ◆ Asymmetrical shapes
 - ◆ Over-circled archways and colonnades, with small-spindled ornate columns
 - 2.22.2 ROOFS
 - ◆ Shallow pitched, gabled or hipped
 - ◆ Clay or concrete barrel tile or "S" tile
 - ◆ Tight rakes with decorative corniced eaves
 - ◆ Multiple roof elements, including decorative roof cupolas
 - 2.22.3 PORCHES AND BALCONIES
 - ◆ Prominent entry statement with heavy articulation and detail
 - ◆ Over-arched colonnade with mosaic wainscots and toothed arches
 - ◆ Entrances located on the long side of the two-story structure
 - ◆ Cantilevered decks / balconies with heavy timbers and Spanish style decorative treatments

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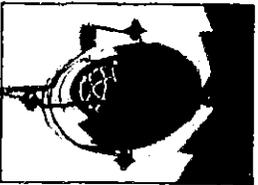
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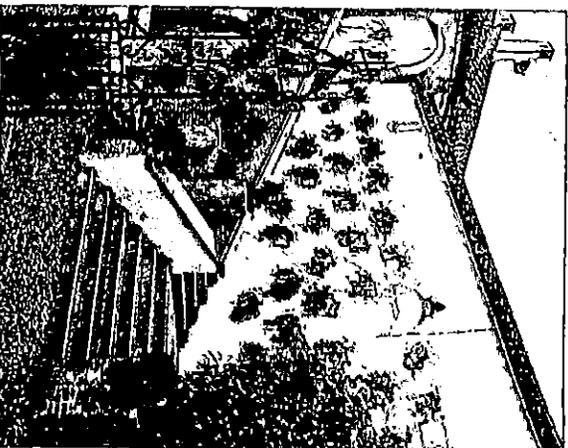
- #### 2.22.4 WINDOWS & DOORS
- ◆ Deep set windows and doors, grouped in pairs
 - ◆ Proportions to be vertically sized
 - ◆ Arched and rectangular openings
 - ◆ Windows are deeply recessed into thick exterior walls
 - ◆ Heavywooded front doors with rustle hardware and detailed pre-cast casing surround

- #### 2.22.5 ARCHITECTURAL DETAILS
- ◆ Precast concrete shapes and decorative moldings
 - ◆ Functioning shutters, often with working louvers
 - ◆ Decorative wrought-iron window grilles
 - ◆ Stucco grilles and recessed patterns in exterior plaster
 - ◆ Moroccan articulation is generously pronounced and connected throughout the exterior

- #### 2.22.6 MASSING & ADDITIONS
- ◆ Hierarchy of shapes and forms
 - ◆ Towers and courtyards are common
 - ◆ Rounded Norman towers
 - ◆ Radial shapes are widespread, on wall and arched openings
 - ◆ Expansive wall surfaces are punctuated by relatively few and small openings
 - ◆ Wrought Iron grillwork often frame windows to provide security and decoration



decorative vent





Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of [date]

FROM: Blaine Michaelis, City Manager

INITIATED BY: Ken Duran, Assistant City Manger

SUBJECT: Update on Successor Agency Activities

SUMMARY

To provide an update on Successor Agency activities.

This report is to provide an update on Successor Agency activities since the last report at the City Council Retreat on December 10, 2102.

Recognized Obligation Payment Schedule III (ROPS III) – As previously reported, the Department of Finance had initially denied 5 items on the ROPS III. The Agency had appealed their denial of all 5 of those items. We are pleased to report that they reversed their original denial on two of the most significant items, the Grove Station \$2.7 low/mod housing commitment and the Costco DDA obligation. They continued to deny the collective City loans which we anticipated. They denied the SERF loan repayment for this ROPS schedule but acknowledged that it can begin to be repaid beginning in FY 2013-14. The last item pertains to legal and other consulting costs. The Agency was under the understanding that those items were not to be counted towards the \$250,000 administrative expenses cap. DOF's original denial indicated that those costs should be included within the cap. Their final determination acknowledges that there are some exceptions to the cap, which is what we argued. However, they felt that we did not demonstrate that the items we listed met those exceptions. We still believe that they do meet the exceptions and plan to clarify those types of expenses on future ROPS.

Low and Moderate Income Housing Fund Due Diligence Review – The purpose of the review is to determine the amount of excess cash that is available in the housing set-aside fund available to be redistributed to other taxing entities. The Review determined that there was \$5,897,908 in cash in the fund. The review also identified obligations in the amount of \$5,530,959, primarily \$2,690,000 for the Bonita Canyon Gateway low/mod contribution and \$2,744,000 for the Grove Station low/mod contribution obligation. The Department of Finance approved the Bonita Canyon Gateway obligation but disallowed the Grove Station Low/Mod housing commitment. The Agency appealed that decision. Consistent with the determination on the ROPS III appeal, the Department of Finance reversed their initial determination and has recognized the Grove Station obligation. The significance is that the Housing Authority gets to retain the \$5.4 in housing set aside funds to meet the Grove Station and Bonita Canyon Gateway obligations. The remaining excess cash assets of the former housing set-aside fund, determined to be \$366,949 has been remitted to the County for distribution to other taxing entities.

Due Diligence Review of Other Redevelopment Agency Funds - This is a similar review as the Low Moderate Income Housing Funds Due Diligence Review. The purpose of this review is to determine the amount of excess non-housing cash that is available to be redistributed to other taxing entities. As with the prior due-diligence review the Agency retained the services of accounting firm Lance Soll & Lungard, LLP (LSL) to conduct the review. The selection of LSL was approved by the County.

LSL has submitted their final report for consideration by the Board. The report was required to be submitted to the Board by December 15, 2012 and approved by the Board and submitted to the Department of Finance by January 15, 2013. Also, just like the LMIHF due diligence review, the Board was required to conduct a public review meeting at least 5 days prior to the Board's consideration of the Review, which the Board held on December 13, 2012. There were no public comments presented at the meeting.

The Review contains 11 procedures conducted by the auditors. The Review concludes that the amount of cash available to be remitted to the county for disbursement to taxing entities is (\$1,653,479). Since this is a negative number there are no funds available for redistribution. This is a negative number because the Agency was in a negative cash balance at the time of dissolution and due to funds restricted for enforceable obligations and prior payments made to the county. The Oversight Board is scheduled to review and consider adoption of the Review at their January 10, 2013 meeting. The Review will be then be submitted to the State. The State has until April 1 review and approve the Review.