

**SAN DIMAS CITY COUNCIL  
CITY OF SAN DIMAS SUCESSOR AGENCY  
SAN DIMAS HOUSING AUTHORITY  
SAN DIMAS PUBLIC FACILITIES  
FINANCING CORPORATION AGENDA  
TUESDAY, DECEMBER 13, 2016, 7:00 P. M.  
SAN DIMAS COUNCIL CHAMBERS  
245 E. BONITA AVE.**

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**CITY COUNCIL:**

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

**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 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

**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:

**RESOLUTION 2016-58**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF NOVEMBER AND DECEMBER, 2016.

- b. Approval of minutes from the November 22<sup>nd</sup>, Study Session and City Council meetings.
- c. A Request for the City Council to Reject Low Bidder, Principles Contracting, Inc., and Award Construction Contract 2016-03, Via Verde Park Improvement Project, to Micon Construction, Inc. in the amount of \$439,735 and allocate a total project budget of \$565,771.
- d. Approval of Administrative Services Agreement between the City of San Dimas and the Housing Authority

**END OF CONSENT CALENDAR**

#### 4. PUBLIC HEARING

- a. **MUNICIPAL CODE TEXT AMENDMENT 16-01** – A request to update Municipal Code Section 18.38 Second Dwelling Units in response to SB1089 and AB2299, including revisions to parking and other standards, City-wide. The Planning Commission voted 5-0 to recommend approval at their regular meeting of November 17, 2016.

**ORDINANCE 1251**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, ADOPTING MUNICIPAL CODE TEXT AMENDMENT 16-01, A REQUEST TO REVISE CHAPTER 18.38 (SECOND UNITS) TO BE CONSISTENT WITH STATE LAW CHANGES REGARDING ACCESSORY DWELLING UNITS (ADUs) (**FIRST READING AND INTRODUCTION**)

**RECOMMENDED ACTION:** Waive full reading and introduce Ordinance 1251.

#### 5. OTHER MATTERS

- a. **Cast vote for Councilmember Margaret Clark to represent the city on the San Gabriel Valley Basin Water Quality Control Board**

**RESOLUTION 2016-59** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, CASTING ITS VOTE(S) FOR COUNCILMEMBER TO REPRESENT CITIES WITHOUT PRESCRIPTIVE PUMPING RIGHTS ON THE BOARD OF THE SAN GABRIEL BASIN WATER QUALITY AUTHORITY

**RECOMMENDED ACTION:** Waive full reading and approve Resolution 2016-59.

- b. **Consideration of Modifications to the San Dimas Municipal Code Chapter 8.40 of Title 8 Regarding Residency Restrictions of Registered Sex Offenders**

**ORDINANCE 1252**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS REPEALING AND REPLACING SAN DIMAS MUNICIPAL CODE CHAPTER 8.40 OF TITLE 8 REGARDING RESIDENCY RESTRICTIONS OF REGISTERED SEX OFFENDERS (**FIRST READING INTRODUCTION**)

**RECOMMENDED ACTION:** Waive full reading and introduce Ordinance 1252.

- c. **Introduction and first reading of Uniform Building Codes and set January 10, 2017 as date for public hearing and adoption.**

**ORDINANCE 1250**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING SPECIFIED CHAPTERS OF TITLE 15 OF THE SAN DIMAS MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE, VOLUMES 1 & 2, THE 2016 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, THE 2016 EDITION OF THE CALIFORNIA ELECTRICAL CODE, THE 2016 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2016 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS, INCLUDING FEES AND PENALTIES (**FIRST READING AND INTRODUCTION**)

**RECOMMENDED ACTION:** Waive full reading and introduce Ordinance 1250.

**6. SUCCESSOR AGENCY**

- a. **Adopt provisions and take action to close-out the Historic Tax Credit Program for the Walker House Renovation Project**

**RECOMMENDED ACTION:** Authorize the Executive Director to complete the five action items to close-out of the Historic Tax Credit Program for the Walker House.

**7. MEETING OF SAN DIMAS PUBLIC FACILITIES FINANCING 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.)*
- b. Approval of Minutes for meeting of December 8, 2015 **(Receive and File)**
- c. Election of Officers
- d. Members of the Corporation

**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.)*
- b. Approval of Minutes for meeting of December 8, 2015 **(Receive and File)**
- c. Annual Audit Report for Authority **(Receive and File)**
- d. Administrative Services Agreement **(Receive and File)**
- e. Annual Audit for the Charter Oak Mobile Home Community **(Receive and File)**
- f. Election of Officers Members of the Authority

**9. 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
- 1) Downtown Project Update
- 2) Report regarding questions brought up at the November 22, 2016, council meeting regarding the Grove Station and Village Walk Homeowners Associations **(Receive and file)**
- c. City Attorney
- d. Members of the City Council
- 1) Reappointment of Public Safety Commissioners
- 2) Councilmembers' report on meetings attended at the expense of the local agency.

- 3) Individual members' comments and updates.

## 10. ADJOURNMENT

The next meeting will be on January 10, 2017, 5:00 p.m. joint study session with the Planning Commission.



**Notice Regarding American with Disabilities Act:** In compliance with the ADA, if you need assistance to participate in a city meeting, please contact the City Clerk's Office at (909) 394-6216. Early notification before the meeting you wish to attend will make it possible for the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

Copies of documents distributed for the meeting are available in alternative formats upon request. Any writings or documents provided to the City Council regarding any item on this agenda will be made available for public inspection at the Administration Counter at City Hall and at the San Dimas Library during normal business hours. In addition most documents are posted on the City's website at [cityofsandimas.com](http://cityofsandimas.com).

**Posting Statement:** On December 9<sup>th</sup>, 2016 a true and correct copy of this agenda was posted on the bulletin board at 245 East Bonita Avenue (San Dimas City Hall), 145 North Walnut Avenue (Los Angeles County Library), 300 East Bonita Avenue (United States Post Office), Von's Shopping Center (Puente/Via Verde Avenue) and the City's website [www.cityofsandimas.com/minutes.cfm](http://www.cityofsandimas.com/minutes.cfm)

**RESOLUTION 2016-58**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SAN DIMAS, CALIFORNIA, APPROVING  
CERTAIN DEMANDS FOR THE MONTHS OF NOVEMBER  
AND DECEMBER 2016**

**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 Prepaid Warrant Register 11/30/16 in the amount of \$871,286.78  
checks (25942-25991); and Warrant Register 12/15/16 in the amount of \$766,342.26 checks  
(157200-157318).

**PASSED, APPROVED AND ADOPTED** this 13<sup>th</sup>, day of December 2016.

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Curtis W. Morris, Mayor City of San Dimas

**ATTEST:**

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Debra Black, Assistant City Clerk

**I, DEBRA BLACK, ASSISTANT CITY CLERK, HEREBY CERTIFY** that  
Resolution 2016-58 was approved by vote of the City Council of the City of San Dimas at its  
regular meeting of December 13<sup>th</sup>, 2016 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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Debra Black, Assistant City Clerk

11/30/2016

PREPAID

WARRANT REGISTER

Ck#'s 25942 - 25991

Total: \$871,286.78



WARRANT DATE VENDOR  
BANK OF AMERICA

Disbursement Journal

CLAIM INVOICE

PO#

F 9 S ACCOUNT

WARRANT DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM INVOICE	PO#	F 9 S ACCOUNT
259558 11/30/16	ADAIR/DANIEL & LAURE	REIMB. PROP. TAX7/1-6/3	265.27			N M 001.4410.023.922
259558 11/30/16	ADAIR/DANIEL & LAURE	REIMB. PROP. TAX7/1-6/3	146.89	*CHECK TOTAL		N M 001.4410.023.922
259559 11/30/16	SCOTT/ANNA V	P/E 10/08/16	91.98			M M 001.110.004
259559 11/30/16	SCOTT/ANNA V	P/E 11/05/16	183.98			M M 001.110.004
259559 11/30/16	SCOTT/ANNA V		459.95	*CHECK TOTAL		M M 001.110.004
25960 11/30/16	EVERYTHING ELSE BUIL	SYCMORE RESTRM. PRO 10,000.00		INV#444		M M 012.4410.922.002
25961 11/30/16	VALDIVIA/STEVEN	REIMB. L. QUINTANAR MILES 7.56				N M 001.4150.012.000
25961 11/30/16	VALDIVIA/STEVEN	DURAN DRIVING FEES 8.00				N M 001.4150.012.000
25961 11/30/16	VALDIVIA/STEVEN	PKING MACH REPENDI 3 10.00				N M 001.4150.021.000
25961 11/30/16	VALDIVIA/STEVEN	ACCELA MFG. SNACKS 1171 9.75				N M 001.4331.029.000
25961 11/30/16	VALDIVIA/STEVEN	SCAG, MTA, , TAC, METROLLI 200.28				N M 001.43308.021.000
25962 11/30/16	HARTFORD LIFE	EMP DED NOV 2016	599.62			N M 001.210.004
25962 11/30/16	HARTFORD LIFE	CITY PORTION NOV 20	3,635.47	*CHECK TOTAL		N M 001.4190.200.018
25963 11/30/16	DMS CONSULTANTS, INC	BADILLO STREET PROJ 3,480.00		SD-037A-1		N M 012.4841.539.009
25963 11/30/16	DMS CONSULTANTS, INC	STREET REHAB. MIS:ST 9,160.00		SD-0377-3		N M 012.4841.539.009
25964 11/30/16	SAN DIMAS PAYROLL/CI	P/E 11/19/16	182,726.96	*CHECK TOTAL		N M 001.110.004
25965 11/30/16	AFLAC BENEFIT SERVIC	CANCER INS. NOV 2016	563.60			N M 001.210.004
25965 11/30/16	AFLAC BENEFIT SERVIC	SPEC EVENT INS NOV 20	200.60			N M 001.210.004
25965 11/30/16	AFLAC BENEFIT SERVIC	ACCIDENTAL INS NOV 20	310.30			N M 001.210.004
25965 11/30/16	AFLAC BENEFIT SERVIC	HOSPITAL INS NOV 20	277.26			N M 001.210.004
25965 11/30/16	AFLAC BENEFIT SERVIC	VISION INS NOV 2016	112.40			N M 001.210.004
25965 11/30/16	AFLAC BENEFIT SERVIC	DENTAL INS NOV 2016	24.06			N M 001.210.004
25965 11/30/16	AFLAC BENEFIT SERVIC	OPTIONAL BENE. NOV 2016	0.03			N M 001.210.004
25966 11/30/16	CALIF PERS RETIREMEN	EMP DED NOV FOR DEC 5,597.14		*CHECK TOTAL		N M 001.210.004
25966 11/30/16	CALIF PERS RETIREMEN	CITY PORTION NOV F 49,705.04				N M 001.212.001
25966 11/30/16	CALIF PERS RETIREMEN	RETIREE FEES NOV FO 2,750.00				N M 001.4190.200.005
25966 11/30/16	CALIF PERS RETIREMEN	ADMIN FEE NOV FOR DEC 199.71		*CHECK TOTAL		N M 001.4190.200.005
25967 11/30/16	EMPLOYMENT DEVELOPME	SIT P/E 11/19/16	11,214.82			N M 001.210.004
25968 11/30/16	HARTFORD LIFE	EMP DED DEC 2016	599.92			N M 001.210.004
25968 11/30/16	HARTFORD LIFE	CITY PORTION DEC201	3,622.80	*CHECK TOTAL		N M 001.4190.200.018
25969 11/30/16	INLAND EMPIRE UNITED	EMP DED NOV 2016	270.00			N M 001.210.004



WARRANT DATE VENDOR

CLAIM INVOICE

DESCRIPTION

AMOUNT

BANK OF AMERICA

WARRANT DATE	VENDOR	DESCRIPTION	AMOUNT
11/30/16	BANK OF AMERICA	DELTA COMMUNITY NEW	11293
11/30/16	BANK OF AMERICA	DELTA DENTAL INSURAN	15140
11/30/16	BANK OF AMERICA	DELTA DENTAL OF CALI	11973
11/30/16	BANK OF AMERICA	DELTA DENTAL OF CALI	11973
11/30/16	BANK OF AMERICA	VISION SERVICE PLAN	17182
11/30/16	BANK OF AMERICA	VISION SERVICE PLAN	17182
11/30/16	BANK OF AMERICA	U.S. BANK	17044

\*CHECK TOTAL

\*CHECK TOTAL

\*CHECK TOTAL

WARRANT DATE	VENDOR	CLAIM INVOICE
11/30/16	BANK OF AMERICA	001.4341.024.010
11/30/16	BANK OF AMERICA	001.212.001
11/30/16	BANK OF AMERICA	001.210.001
11/30/16	BANK OF AMERICA	001.4190.200.002
11/30/16	BANK OF AMERICA	001.210.001
11/30/16	BANK OF AMERICA	001.4190.200.002
11/30/16	BANK OF AMERICA	004.4411.049.026

WARRANT DATE VENDOR BANK OF AMERICA  
F 9 S ACCOUNT PO# CLAIM INVOICE

Disbursement Journal

WARRANT DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE
25986	11/30/16 RUIZ/JAIME	.00002 COMPUTER LOAN PROGRAM	790.35		
25987	11/30/16 ARELLANO/CONNIE	11119 HALLOWEEN EVENT SUPPLI	30.35		
25987	11/30/16 ARELLANO/CONNIE	11119 POSTAGE FOR GRANT APP	5.71		
25987	11/30/16 ARELLANO/CONNIE	11119 ADA LIFT FOR REC CENTE	5.44		
25987	11/30/16 ARELLANO/CONNIE	11119 VARIOUS SUPPLY/HALLOWE	89.86		
			131.36		*CHECK TOTAL
25988	11/30/16 GOLDEN STATE WATER C	16324 70683000007	1.009.32		
25988	11/30/16 GOLDEN STATE WATER C	16324 59493000000	1.02.75		
25988	11/30/16 GOLDEN STATE WATER C	16324 67493000003	312.54		
			1,424.61		*CHECK TOTAL
25989	11/30/16 SOUTHERN CALIF EDISO	16314 2-02-365-5038	862.89		
25989	11/30/16 SOUTHERN CALIF EDISO	16314 2-21-938-6174	55.19		
25989	11/30/16 SOUTHERN CALIF EDISO	16314 2-09-985-6338	2,288.50		
25989	11/30/16 SOUTHERN CALIF EDISO	16314 2-25-116-4430	57.36		
25989	11/30/16 SOUTHERN CALIF EDISO	16314 2-03-702-9469	873.95		
			4,137.89		*CHECK TOTAL
25990	11/30/16 STEWART/BRAD	.00003 REIMB/TOILET COMM BLDG	85.13		
25991	11/30/16 MACKENZIE/CHRIS	10102 CHRISTMAS PIZZA PARTY	500.00		
155439	11/30/16 SCRRRA	10538 WR #155439 VOID	2,775.00CR		
156924	11/30/16 SO CAL COMMUNITY NEW	15984 WRONG VENDER/VOID	420.00CR		
	BANK OF AMERICA	TOTAL	871,286.78		

ACS FINANCIAL SYSTEM  
11/30/2016 16:56:55  
WARRANT DATE VENDOR  
REPORT TOTALS:

GL540R-V07:27 PAGE 6  
CITY OF SAN DIMAS  
F 9 S ACCOUNT

PO# CLAIM INVOICE

Disbursement Journal  
DESCRIPTION AMOUNT  
871,286.78

RECORDS PRINTED - 000153

ACS FINANCIAL SYSTEM  
11/30/2016 16:56:56

CITY OF SAN DIMAS  
GL0609-V07.27  
GL540R RECAPPAGE

Disbursement Journal

FUND RECAP:

FUND DESCRIPTION  
001 GENERAL FUND  
003 WALKER HALL ILC FUND  
004 CITY HALL/COM BLDG PLAZA FUND  
007 CITY WIDE LIGHTING DISTRICT  
008 LANDSCAPE BARCEL TAX  
012 INFRAStructure REPLACEMENT  
027 CIVIC CENTER PARKING DIST  
034 HOUSING AUTHORITY 2-1-12  
038 SUCCESSOR AGENCY CG 2-1-12  
053 GOLF COURSE MAINT & OPERATIO  
072 PROP A LOCAL TRANSPORTATION  
073 PROP C LOCAL TRANSPORTATION

TOTAL ALL FUNDS

DISBURSEMENTS

750,122.78  
96,549.23  
2,593.00  
19,167.00  
372.00  
872.00  
412.29  
952.89  
275.00 CR  
871,286.78

BANK RECAP:

BANK NAME  
CHEK BANK OF AMERICA  
TOTAL ALL BANKS

DISBURSEMENTS

871,286.78  
871,286.78

12/15/2016

WARRANT REGISTER

Ck#'s 157200-157318

NEW SEQUENCE # FOR PRE-PAID CHECKS

#156948-157199

Total: \$766,342.26

ACS FINANCIAL SYSTEM  
12/08/2016 14:31:57

Disbursement Journal

GL050S-V07.27 CITY OF SAN DIMAS  
GL540R COVERPAGE

Report Selection:

RUN GROUP... 121516 COMMENT... 12/15/16WARRANT REGISTER  
DATA-JE-ID DATA COMMENT  
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D-12152016-983 12/15/16WARRANT REGISTER

Run Instructions:  
Jobq Banner Copies Form Printer Hold Space LPI Lines CPI CP SP  
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WARRANT DATE VENDOR  
BANK OF AMERICA

Disbursement Journal

DESCRIPTION AMOUNT

157208	12/15/16	BATTERY WORX, INC.	11064	DEKA 30 MO 12V STUD P	207.51
157208	12/15/16	BATTERY WORX, INC.	11064	DEKA AGM 12MO 6V, 190A	998.22
					1,205.73
157209	12/15/16	BITHELL, INC	11162	LONEHILL PARK PAIN	10,508.00
157210	12/15/16	BONITA UNIFIED SCH D	11210	STAR COOKIES	305.75
157211	12/15/16	BRATT/DAVID	10671	BRATT MTG 11/17	50.00
157212	12/15/16	CAMPOS/LUPE	.00003	REFUND PERMIT PURCHASE	11.00
157213	12/15/16	CARLOS/ROMAN	12317	UMPIRE FORFEIT FEE 11/	20.00
157214	12/15/16	CHILDRENS MONTESSORI	.00009	REFUND DEPOSIT 12/5/1	500.00
157215	12/15/16	COMMUNITY SENIOR SER	10620	GET ABOUT TICKETS	1,200.00
157215	12/15/16	COMMUNITY SENIOR SER	10620	GET ABOUT TICKETS	2,000.00
157216	12/15/16	CONSTRUCTION HARDWAR	12284	FLOOR STOP/HINGES	192.90
157217	12/15/16	CS LEGACY CONSTRUCTI	11179	VIAVERDE/FOOTHILL	8,970.90
157217	12/15/16	CS LEGACY CONSTRUCTI	11179	VIAVERDE/FOOTHILL	31,562.10
					40,533.00
157218	12/15/16	CSG CONSULTANTS INC	10871	OCT PLAN REVIEW SVC	4,972.50
157219	12/15/16	CURRIER PLUMBING	10348	1205 W.CYPRESS #90	3,000.00
157220	12/15/16	DAILY BULLETIN	11961	CLASSIFIED ADVERTIS	1,285.88
157221	12/15/16	DAPEER, ROSENBLIT & L	11960	OCT M.C.PROSECUTION	1,132.13
157222	12/15/16	DAVIS/JOHN	11847	DAVIS MTG 11/17	50.00
157223	12/15/16	DEPARTMENT OF PUBLIC	11028	CITY HALL- IRRIGATION	32.00
157223	12/15/16	DEPARTMENT OF PUBLIC	11028	AVENIDA LOMA VISTA	32.00
157223	12/15/16	DEPARTMENT OF PUBLIC	11028	100 W BONITA- IRRIGATI	32.00
157223	12/15/16	DEPARTMENT OF PUBLIC	11028	142 W BONITA- DOWNTOWN	32.00
157223	12/15/16	DEPARTMENT OF PUBLIC	11028	949 CALLE SERRA- IRRIGA	32.00
157223	12/15/16	DEPARTMENT OF PUBLIC	11028	RHODES PARK	32.00
157223	12/15/16	DEPARTMENT OF PUBLIC	11028	1941 TERREBONE AVE	32.00
157223	12/15/16	DEPARTMENT OF PUBLIC	11028	PUBLIC WORKS MAINT YARD	32.00
157223	12/15/16	DEPARTMENT OF PUBLIC	11028	PIONEER PARK	64.00
157223	12/15/16	DEPARTMENT OF PUBLIC	11028	990 W COVINA BLVD	128.00
157223	12/15/16	DEPARTMENT OF PUBLIC	11028	246 E BONITA BLVD	32.00
157223	12/15/16	DEPARTMENT OF PUBLIC	11028	990 W COVINA BLVD	64.00
157223	12/15/16	DEPARTMENT OF PUBLIC	11028	HORSE THIEF CYN PARK	64.00
157223	12/15/16	DEPARTMENT OF PUBLIC	11028	CITY HALL BASEMENT ROO	640.00

F 9 S ACCOUNT

PO#

CLAIM INVOICE

N D	001	4342.011	000			
N D	001	4342.011	000			
		72350				
		73391				
		*CHECK				
		TOTAL				
N D	001	4410.023	000			
N D	001	4420.034	010			
M D	001	4309.021	001			
N D	001	322.001				
M D	001	367.003				
N D	001	341.002				
N D	072	214.172				
N D	072	4125.442	000			
		GATIX1016-5				
		TOTAL				
N D	001	4410.023	000			
N D	012	210.006				
N D	012	210.006				
N D	001	4311.020	001			
N D	034	4802.851	040			
N D	001	4120.010	000			
N D	001	4170.020	001			
M D	001	4309.021	001			
N D	008	4415.033	000			
N D	008	4415.033	000			
N D	008	4415.033	000			
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		*CHECK				
		TOTAL				

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AR0266597  
AR0266598  
\*CHECK TOTAL





WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA								
157257	12/15/16	HOME IMPROVEM	FAC REPAIR	101.14		02884		N D 001.4430.023.000
157257	12/15/16	HOME IMPROVEM	SOAP DISPENSAR, WRENCH	42.14		02960		N D 003.4410.023.001
157257	12/15/16	HOME IMPROVEM	FAC REPAIR	61.66		03978		N D 003.4410.023.001
157257	12/15/16	HOME IMPROVEM	XMAS TREE LIGHTING	79.40		09284		N D 001.4414.033.000
157257	12/15/16	HOME IMPROVEM	GEES 50 CUT LED MULTI	34.11		19927		N D 001.4414.033.000
157257	12/15/16	HOME IMPROVEM	2-CU FT SHREDDED WASTE	73.25		20414		N D 008.4414.020.015
			TOTAL	873.04				
								*CHECK
157258	12/15/16	MACADEE ELECTRICAL C	CC2016-04 TRAFFIC	44,662.00		2		N D 007.4345.661.001
157258	12/15/16	MACADEE ELECTRICAL C	RETENTION	2,233.10		CR		N D 012.210.006
157258	12/15/16	MACADEE ELECTRICAL C	CC2016-04 TRAFFIC	93,853.40		4358		N D 007.4345.601.003
157258	12/15/16	MACADEE ELECTRICAL C	CC2016-04 TRAFFIC	131,589.63		4358		N D 012.210.006
			TOTAL					
								*CHECK
157259	12/15/16	MARKOSSIAN/ANNETTE H	TINY TOTS 10/21-12/	1,425.60				M D 001.4420.020.000
157260	12/15/16	MARSAN TURF & IRRIGA	H-NODE 1-ZONE BATT OPR	80.66		419720		N D 008.4415.033.000
157261	12/15/16	MATHISEN OIL COMPANY	REGULAR GASOLINE	1,492.17		11133438		N D 001.4342.011.001
157261	12/15/16	MATHISEN OIL COMPANY	DIESEL FUEL	2,335.63		11133439		N D 001.4342.011.001
			TOTAL					
								*CHECK
157262	12/15/16	MC LAY SERVICES INC	NOV'16 PREV MAINTENAN	883.00		INV 51632		N D 003.4410.015.000
157262	12/15/16	MC LAY SERVICES INC	4TH OTR OCT, NOV, DEC M	156.00		7303		N D 001.4410.015.000
157262	12/15/16	MC LAY SERVICES INC	4TH OTR OCT, NOV, DEC M	104.00		7303		N D 001.4410.015.000
157262	12/15/16	MC LAY SERVICES INC	4TH OTR OCT, NOV, DEC M	52.00		7303		N D 001.4410.023.922
			TOTAL	1,195.00				
								*CHECK
157263	12/15/16	MOBILE HOME IMPROVEM	1205 W.CYPRESS #64	2,635.00		PO1617-115		M D 034.4802.851.040
157264	12/15/16	MOLINA/TOMAS E.	MOLINA MTG 11/17	50.00				M D 001.4309.021.001
157265	12/15/16	MVFLEETCENTER.COM	SVC, LABOR, RPR UNIT#46	80.23		856028		N D 001.4342.020.001
157265	12/15/16	MVFLEETCENTER.COM	SVC, LABOR, RPR UNIT#52	45.23		856028		N D 001.4342.020.001
157265	12/15/16	MVFLEETCENTER.COM	SVC, LABOR, RPR UNIT#4	124.46		856195		N D 001.4342.020.001
157265	12/15/16	MVFLEETCENTER.COM	SVC, LABOR, RPR UNIT#5	91.57		856205		N D 001.4342.020.001
			TOTAL	341.49				
								*CHECK
157266	12/15/16	NEW MILLENNIUM CONST	138 W. BONITA ROOF	12,425.87		1998		N D 012.4841.692.007
157266	12/15/16	NEW MILLENNIUM CONST	ROOF MOD BONITA PR	11,183.28		2004		N D 012.4841.692.007
157266	12/15/16	NEW MILLENNIUM CONST	ROOF MOD BONITA PRO	4,501.00		2007		N D 012.4841.692.007
			TOTAL	28,110.15				
								*CHECK
157267	12/15/16	OFFICE SOLUTIONS	CLOCK	54.30		I-01065011		N D 001.4190.030.000
157268	12/15/16	ORIENTAL TRADING COM	POM POM ORNAMENTS, SNOW	54.90		680526990-01		N D 001.4420.034.010
157269	12/15/16	PARS	PARS ARS FEES	416.16		35864		N D 001.4190.200.003
157270	12/15/16	PARTIES UNLIMITED	OCT HALLOWEEN DINNER	392.40				M D 001.4420.013.003

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE
157271	12/15/16	PATTON SALES CORP	TREE LIGHTING SUPPLIES	35.88	*CHECK	3207115
157271	12/15/16	PATTON SALES CORP	TREE LIGHTING SUPPLIES	10.33		3207125
			TOTAL	46.21		
157272	12/15/16	PEREZ/LEDESMA, JOSE	REFUND DEPOSIT, CANCEL	480.00		
157273	12/15/16	PEST INNOVATIONS	MONTE VISTA APT. UNI	1,700.00		
157274	12/15/16	PHOENIX GROUP INFORM	OCT ADMIN CITATIONS	8.14	*CHECK	102016188
157274	12/15/16	PHOENIX GROUP INFORM	OCT REGULAR CITATIONS	982.45		102016188
			TOTAL	990.59		
157275	12/15/16	PRINT CONNECTION	HOLIDAY EXTRAV. FLYER	543.72	*CHECK	13763
157275	12/15/16	PRINT CONNECTION	HOLIDAY EXTRAV. FLYER	450.72		13764
			TOTAL	994.44		
157276	12/15/16	PROSOURCE FACILITY S	PRO-MAXX CAN LINERS	156.01	*CHECK	19224
157276	12/15/16	PROSOURCE FACILITY S	PRO-MAXX CAN LINERS	152.01		19224
			TOTAL	308.02		
157277	12/15/16	PRUDENTIAL OVERALL S	MAT / GRAY	22.93	*CHECK	22330565
157277	12/15/16	PRUDENTIAL OVERALL S	MAT / GRAY	22.93		22333981
157277	12/15/16	PRUDENTIAL OVERALL S	MAT / GRAY	22.93		22337610
			TOTAL	91.72		22341035
157278	12/15/16	RECONCILED TERMITE	NOV PEST CTRL MARTIN H	30.00	M D	7130
157278	12/15/16	RECONCILED TERMITE	NOV PEST CTRL SR CHANT	45.00	M D	7130
157278	12/15/16	RECONCILED TERMITE	NOV PEST CTRL MARCHANT	35.00	M D	7130
157278	12/15/16	RECONCILED TERMITE	NOV PEST CTRL SYCAMORE	35.00	M D	7130
157278	12/15/16	RECONCILED TERMITE	NOV PEST CTRL CITY & RAC	100.00	M D	7130
157278	12/15/16	RECONCILED TERMITE	NOV PEST CTRL LADERS	28.00	M D	7130
157278	12/15/16	RECONCILED TERMITE	NOV PEST CTRL LADERS	28.00	M D	7130
			TOTAL	329.00		7130 LADERS HILL
157279	12/15/16	REDROCK SECURITY & C	SVC, LABOR, RPR ALARM	2,754.44	N D	17872
157280	12/15/16	RICOH USA, INC	NOV IMAGES #33330339	31.86	N D	5045677670
157280	12/15/16	RICOH USA, INC	NOV IMAGES #33330331	1.85	N D	5045677696
157280	12/15/16	RICOH USA, INC	NOV IMAGES #33352753	492.37	N D	5045677743
157280	12/15/16	RICOH USA, INC	NOV IMAGES #33337647	83.04	N D	5045677764
157280	12/15/16	RICOH USA, INC	NOV IMAGES #33361035	1,284.81	N D	5045709830
157280	12/15/16	RICOH USA, INC	NOV IMAGES #33387607	86.62	N D	5045709966
157280	12/15/16	RICOH USA, INC	NOV IMAGES #33370163	210.45	N D	5045800780
			TOTAL	3,558.42		
157281	12/15/16	RIGHT OF WAY INC	CUSTOM MADE SIGNS	417.25	N D	24838
157281	12/15/16	RIGHT OF WAY INC	CUSTOM MADE SIGNS	547.40	N D	24967
			TOTAL	964.65		

WARRANT DATE VENDOR  
 BANK OF AMERICA

Disbursement Journal

F 9 S ACCOUNT

CLAIM INVOICE

DESCRIPTION AMOUNT

DATE	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#
157282	12/15/16 RUM DESIGN GROUP INC	720.47			
157282	12/15/16 RUM DESIGN GROUP INC	3,230.01			
157283	12/15/16 RKA CONSULTING GROUP	25489			
157283	12/15/16 RKA CONSULTING GROUP	36.75			
157283	12/15/16 RKA CONSULTING GROUP	174.00			
157283	12/15/16 RKA CONSULTING GROUP	1,974.75			
157284	12/15/16 ROSS/TEG	50.00			
157285	12/15/16 SAN DIMAS CHAMBER OF	2,500.00			
157286	12/15/16 SAN DIMAS GROVE STAT	297.76			
157286	12/15/16 SAN DIMAS GROVE STAT	594.95			
157287	12/15/16 SAN DIMAS HARDWARE	27.61			
157287	12/15/16 SAN DIMAS HARDWARE	16.91			
157287	12/15/16 SAN DIMAS HARDWARE	38.39			
157287	12/15/16 SAN DIMAS HARDWARE	17.39			
157287	12/15/16 SAN DIMAS HARDWARE	25.16			
157287	12/15/16 SAN DIMAS HARDWARE	55.24			
157287	12/15/16 SAN DIMAS HARDWARE	10.24			
157287	12/15/16 SAN DIMAS HARDWARE	4.13			
157287	12/15/16 SAN DIMAS HARDWARE	6.09			
157287	12/15/16 SAN DIMAS HARDWARE	17.28			
157287	12/15/16 SAN DIMAS HARDWARE	1.55			
157287	12/15/16 SAN DIMAS HARDWARE	43.48			
157287	12/15/16 SAN DIMAS HARDWARE	29.32			
157287	12/15/16 SAN DIMAS HARDWARE	3.65			
157287	12/15/16 SAN DIMAS HARDWARE	7.00			
157287	12/15/16 SAN DIMAS HARDWARE	9.00			
157287	12/15/16 SAN DIMAS HARDWARE	17.59			
157287	12/15/16 SAN DIMAS HARDWARE	13.61			
157287	12/15/16 SAN DIMAS HARDWARE	106.37			
157287	12/15/16 SAN DIMAS HARDWARE	32.22			
157287	12/15/16 SAN DIMAS HARDWARE	8.34			
157287	12/15/16 SAN DIMAS HARDWARE	135.99			
157287	12/15/16 SAN DIMAS HARDWARE	44.53			
157287	12/15/16 SAN DIMAS HARDWARE	15.88			
157287	12/15/16 SAN DIMAS HARDWARE	38.30			

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WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	PO#	CLAIM	INVOICE	F	S	ACCOUNT
BANK OF AMERICA										
157287	12/15/16	SAN DIMAS	HARDWARE	17.59			3252180415	N	D	008.4414.033.000
157287	12/15/16	SAN DIMAS	HARDWARE	13.76			3252180419	N	D	008.4414.033.000
157287	12/15/16	SAN DIMAS	HARDWARE	20.57			3252180495	N	D	008.4414.033.000
157287	12/15/16	SAN DIMAS	HARDWARE	7.46			3252180510	N	D	008.4414.033.000
157287	12/15/16	SAN DIMAS	HARDWARE	28.87			3252180537	N	D	008.4414.033.000
157287	12/15/16	SAN DIMAS	HARDWARE	21.17			3252180532	N	D	008.4414.033.000
157287	12/15/16	SAN DIMAS	HARDWARE	17.43			3252180534	N	D	008.4414.033.000
157287	12/15/16	SAN DIMAS	HARDWARE	16.32			3252180569	N	D	008.4414.033.000
157287	12/15/16	SAN DIMAS	HARDWARE	782.22			3252180578	N	D	008.4414.033.000
157287	12/15/16	SAN DIMAS	HARDWARE				3252180582	N	D	008.4414.033.000
			*CHECK TOTAL							
157288	12/15/16	SANCHEZ/SANDRA	.00005 REFUND DEPOSIT 11/26	500.00				N	D	001.341.002
157289	12/15/16	SANDERS LOCK & KEY	15816 DOUBLE DEADBOLT LOCK	35.44			SC00027910	N	D	001.4410.023.000
157290	12/15/16	SATCOM GLOBAL INC	11330 SIM CARD#816514725	1,205.35			AI00060470	N	D	001.4212.033.000
157291	12/15/16	SCHEELE/JOHN	16108 INSPECTION MIRROR	29.41			40526	M	D	001.4342.033.000
157291	12/15/16	SCHEELE/JOHN	50 PC BIT SOCKET SET	247.40			41630	M	D	001.4345.033.000
			*CHECK TOTAL							
157292	12/15/16	SCHWEITZER/DORA	11360 TINY TOTS 10/17-12/	1,742.40				M	D	001.4420.020.000
157293	12/15/16	SCWAF	10259 A&I DINNER 11/29	156.00			A&I2016-SD	N	D	001.4420.021.000
157294	12/15/16	SHERWIN WILLIAMS CO	10859 PAINT SUPPLIES	50.98			5964-2	N	D	001.4410.023.000
157294	12/15/16	SHERWIN WILLIAMS CO	10859 PAINT SUPPLIES	164.80			5964-2	N	D	003.4410.033.000
			*CHECK TOTAL							
157295	12/15/16	SIFUENTES/MARISELA	.00002 REFUND DEPOSIT 11/19	500.00				N	D	001.341.002
157296	12/15/16	SKINFILL/GILDA	.00007 REFUND, CUSTOMER W/DREW	6.50				N	D	001.367.002
157297	12/15/16	SMART & FINAL	16292 CREEK HIKE SNACKS	14.18			115177	N	D	001.4420.034.003
157297	12/15/16	SMART & FINAL	16292 STUDENT UNION SNACK B	115.38			115209	N	D	110.213.735
157297	12/15/16	SMART & FINAL	16292 TEEN FRIDAY NIGHT OUT	22.17			115210	N	D	001.4420.033.000
157297	12/15/16	SMART & FINAL	16292 STUDENT UNION PARTY	35.47			1116852	N	D	001.4420.013.003
157297	12/15/16	SMART & FINAL	16292 SNR CENTER COFFEE/SUP	22.10			1116857	N	D	001.4420.013.000
157297	12/15/16	SMART & FINAL	16292 BOWSER BASH SUPPLIES	27.21			1127333	N	D	001.4420.033.000
157297	12/15/16	SMART & FINAL	16292 SUPPLIES	141.04			127333	N	D	001.4420.034.010
157297	12/15/16	SMART & FINAL	16292 HOLIDAY EXTRAV. SUPPL	882.25				N	D	001.4420.034.002
157298	12/15/16	SO CAL GROUPS	10956 DISNEY ON ICE 1/4/17	809.00				N	D	001.4420.034.002
157299	12/15/16	SOUTHERN CALIF EDISO	16314 2-18-370-8817	228.54				N	D	071.4190.015.004
157299	12/15/16	SOUTHERN CALIF EDISO	16314 2-03-978-5381	31.23				N	D	001.4415.022.001
157299	12/15/16	SOUTHERN CALIF EDISO	16314 2-18-371-8006	25.81				N	D	008.4414.022.001
157299	12/15/16	SOUTHERN CALIF EDISO	16314 2-18-371-8006	23.81				N	D	008.4414.022.001

WARRANT DATE VENDOR  
BANK OF AMERICA

Disbursement Journal

DESCRIPTION AMOUNT

157299	12/15/16	SOUTHERN CALIF EDISO	228.43
157299	12/15/16	SOUTHERN CALIF EDISO	10.26
157299	12/15/16	SOUTHERN CALIF EDISO	80.12
			628.20
157300	12/15/16	STATE WIDE MECHANICA	9,775.00
157301	12/15/16	STEVENS/LARRY	214.08
157302	12/15/16	STOVER SEED COMPANY	1,853.00
157303	12/15/16	SUPERIOR PAVEMENT MA	7,366.57
157303	12/15/16	SUPERIOR PAVEMENT MA	23,914.36
			31,280.93
157304	12/15/16	THE RICHARD NIXON	574.00
157305	12/15/16	TIPPI TOES	1,585.08
157306	12/15/16	TUCKER & SON INC/ J	81.42
157307	12/15/16	TUFF SKIN	450.00
157308	12/15/16	UNITED ROTARY BRUSH	236.42
157309	12/15/16	USC FCCHR	120.00
157310	12/15/16	USDA FOREST SERVICE	61.64
157311	12/15/16	VALLEY TROPHY	58.86
157312	12/15/16	VAN OOSTEN/LUCIEN F.	217.60
157313	12/15/16	WALMART COMMUNITY	161.65
157313	12/15/16	WALMART COMMUNITY	36.17
157313	12/15/16	WALMART COMMUNITY	8.34
157313	12/15/16	WALMART COMMUNITY	45.36
157313	12/15/16	WALMART COMMUNITY	39.00
			339.52
157314	12/15/16	WALTERS WHOLESALE	165.24
157314	12/15/16	WALTERS WHOLESALE	10.83
157314	12/15/16	WALTERS WHOLESALE	22.83
157314	12/15/16	WALTERS WHOLESALE	22.83
157314	12/15/16	WALTERS WHOLESALE	12.88
157314	12/15/16	WALTERS WHOLESALE	12.88
157314	12/15/16	WALTERS WHOLESALE	12.88
157314	12/15/16	WALTERS WHOLESALE	12.88
			647.57

CLAIM INVOICE

PO#

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AMOUNT

DESCRIPTION

WARRANT DATE VENDOR

F 9 S ACCOUNT

N D	003	4410.022	001
N D	007	4345.022	001
N D	007	4345.022	001
N D	001	4430.015	000
N D	001	4308.021	000
N D	020	4410.605	002
N D	001	4345.020	000
N D	001	4345.020	000
N D	001	4420.034	002
N D	001	4420.020	000
N D	001	4410.031	000
M D	070	4314.039	006
N D	001	4342.011	002
N D	001	4415.016	000
N D	006	4841.604	000
M D	001	4420.034	003
M D	001	4420.020	000
N D	001	4420.034	010
N D	001	4420.034	003
N D	110	213.735	
N D	110	213.735	
N D	007	4341.033	000
N D	008	4413.015	000
N D	001	4413.015	000
N D	001	4412.013	000
N D	001	4412.013	000
N D	001	4412.013	000
N D	001	4412.013	000
N D	008	4414.033	000
N D	008	4414.033	000

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ACS FINANCIAL SYSTEM  
12/08/2016 14:31:57

WARRANT DATE VENDOR  
BANK OF AMERICA

Disbursement Journal

DESCRIPTION	AMOUNT
10242 HYPOCHLORITE SOLUTION	454.10
10242 EMEC FEEDPUMP SERIES	707.24
10242 SODIUM BICARBONATE	199.40
10242 HYPOCHLORITE SOLUTION	210.94
	1,571.68
10319 CLEAN WASH RACK PIT	400.00
12308 MONITOR SVC 1/1-6/30/	540.00
17425 6204CP COPIER W/OUT SV	43.00
17425 WC7428P PRINTER	189.27
	232.27
TOTAL	766,342.26

CLAIM	INVOICE
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	5359434
	5359754
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*CHECK TOTAL	
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F 9 S ACCOUNT

PO#	INVOICE
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	001.4430.013.000
	001.4430.033.000
	001.4430.033.000
	001.4341.028.000
	001.4410.022.001
	001.4190.015.000
	001.4190.015.000

ACS FINANCIAL SYSTEM  
12/08/2016 14:31:57  
WARRANT DATE VENDOR  
REPORT TOTALS:

CITY OF SAN DIMAS  
GL540R-V07:27 PAGE  
11  
F 9 S ACCOUNT

Disbursement Journal  
DESCRIPTION AMOUNT  
CLAIM INVOICE PO#  
766,342.26

RECORDS PRINTED - 000310

ACS FINANCIAL SYSTEM  
 12/08/2016 14:31:57

Disbursement Journal

CITY OF SAN DIMAS  
 GL0608-V07.27  
 GLS408 RECAPPAGE

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
001	GENERAL FUND I/LC FUND	145,247.52
003	WALKER EXPANSION	1,329.64
006	SEWER LIGHTING DISTRICT	200,192.83
007	CITY WIDE PARCEL TAX	364,784.56
008	LANDSCAPE TREE REPLACEMENT	1,316.33
012	INFRASURFACE DEVELOPMENT	2,088.93
020	COMMUNITY PARK (EAST)	1,507.99
022	OPEN SPACE #2	23,916.54
034	HOUSING AUTHORITY CG 2-1-12	4,663.50
038	SUCCESSOR AGENCY CG 2-1-12	10,278.80
053	GOLF COURSE MAINT & OPERATIO	766,342.26
070	EQUIPMENT REPLACEMENT	
071	AIR QUALITY MANAGEMENT DIST	
072	PROP A LOCAL TRANSPORTATION	
110	TRUST AND AGENCY	
TOTAL	ALL FUNDS	766,342.26

BANK RECAP:

BANK	NAME	DISBURSEMENTS
CHEK	BANK OF AMERICA	766,342.26
TOTAL	ALL BANKS	766,342.26



**SPECIAL JOINT CITY COUNCIL AND PLANNING  
COMMISSION STUDY SESSION MINUTES  
TUESDAY, NOVEMBER 22, 2016, 5:00 P. M.  
SAN DIMAS COUNCIL CHAMBERS  
245 E. BONITA AVE.**

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**CITY COUNCIL:**

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

Planning Commission Chair David Bratt  
Planning Commission Vice Chair John Davis  
Planning Commissioner Margie Green  
Planning Commissioner Tomas Molina  
Planning Commissioner Ted Ross

**STAFF:**

Assistant City Manager Ken Duran  
Assistant City Manager Community Development Larry Stevens  
City Attorney Mark Steres  
Director of Parks and Recreation Theresa Bruns  
Director of Public Works Krishna Patel

**CALL TO ORDER**

Mayor Morris called the meeting to order at 5:00 p.m.

**ORAL COMMUNICATIONS**

None.

**STUDY SESSION – Report on the Downtown Specific Plan**

Mr. Stevens reported that the purpose of the Study Session is to provide the Council and Commission with a preview of the proposed new downtown Specific Plan. He added that staff is not asking for any decisions but would like feedback. He reminded them that the City received a SCAG grant to facilitate a process to develop a new downtown Specific Plan and of the community outreach process that was facilitated by the consultant.

Mr. Stevens reviewed the seven goals that are the objective in creating the Specific Plan and explained the concepts of a form based Code. He explained that the Specific Plan would be divided up into four zoning districts and other overlays. He further described each of the four zones and referenced maps identifying the geographic boundaries of each zone.

In discussion of the General Neighborhood Zone Councilmember Templeman commented that the proposed map does not show the south side of 1<sup>st</sup> Street as General Neighborhood even though they are single family residential. Mr. Stevens replied that staff is still evaluating the maps and that is one area that is being looked at as to what is the appropriate Zone.

Mr. Stevens described that there are nine different building types and each Zone is designated with building types that are allowed within that Zone. He described and provided examples of building types. He also described that in addition to building types there are also nine different frontage types and provided examples.

Mr. Stevens further reviewed the proposed Zone map but indicated that it is still under review by staff and it will definitely have changes to it. He added that one area that staff is reviewing is how far north on San Dimas Ave. to take the Specific Plan. Commissioner Davis commented that he would like to see the Plan go further north on San Dimas Ave. In response to a question Mr. Stevens commented that due to the existing mix of office professional and residential that changes due to the Specific Plan would create non-conforming uses. Mayor Morris commented that he has concerns with the impacts on property owners with having a non-conforming use designation. There was discussion on non-conforming uses and the implications of that designation. Mr. Stevens commented that he understands the concerns and that there needs to be flexibility to account for existing single family uses on San Dimas Ave. so they are not considered non-conforming. He added that maybe a Town Urban designation may be beneficial and that staff will do more analysis as to the appropriate designation.

Councilmember Templeman asked if anything in the Specific Plan addresses appropriate building materials. Mr. Stevens responded that building materials are addressed in the Town Core Guidelines. Councilmember Templeman commented that the list of homes subject to the Town Core Guidelines needs to be revisited since a majority of the homes have been modified and don't currently meet the guidelines.

Commissioner Davis commented that on the map the gas station is designated as a park. Mr. Stevens responded that ultimately that may be the best use for the property but he will look at a designation that reflects the current use but leaves open the option for open space.

Mr. Stevens provided an explanation and examples of how various standards would be applied to each of the Zones.

Mr. Stevens reviewed several issues and concerns that need to be discussed and addressed. The first being that the proposed parking standards significantly reduces the number of required parking spaces for new or renovated properties. He added that the parking reduction may go too far given the existing parking constraints. There was quite a bit of discussion on the existing shortage of parking and parking constraints in the downtown. Mr. Stevens commented that staff will do more analysis on existing available parking and current and proposed parking standards. The consensus was that there is a need for a parking management plan for the public lots and the downtown.

Mr. Stevens used the Bonita/Cataract property and the hotel proposal as an example of how the form based code would be applied. He reviewed the proposed set-backs and building types. He added that in the Town Core Zone residential could be permitted if all the building standards are

met. He further added that since the Council has previously determined that they do not desire residential on this site that the zoning code may want to asterisk this site as not permitted for residential. The consensus was that the site should be designated as not permitted for residential.

Mr. Stevens explained that another issue area is the properties that are currently in SP 23 and are preliminarily proposed for the Town Urban Zone, which would include residential uses. There was discussion on whether or not these properties should be included. It was the consensus to remove these properties for now. Staff indicated a preference for preserving options on this issue.

Mr. Stevens reported the other issue area is properties impacted by the future Gold Line extension. He added that the Specific Plan would assume that the station would be near the city maintenance yard as previously directed by the Council. He added that the Plan does not address the manner of how the Bonita/Cataract intersection will be addressed or impacted. In response to a question Mr. Stevens responded that with the passage of Measure M the Gold Line Authority is pushing the City to make decisions on the station location and Bonita/Cataract intersection. He added that staff will seek input from the Council, probably in January, on these issues.

Mr. Stevens presented a timeline of the next steps including a community outreach meeting in January, Planning Commission hearing in February and City Council hearing in March. He added that the timing to expend the grant funds is expiring and any delays in the process may require the City to spend some money towards the consultant. The consensus was to move forward with the process to get it finished under the grant timeline.

## **ADJOURNMENT**

The meeting adjourned at 7:00 p.m.

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Ken Duran, City Clerk

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Curtis W. Morris, Mayor



**REGULAR CITY COUNCIL MEETING MINUTES  
TUESDAY NOVEMBER 22, 2016, 7:00 P. M.  
SAN DIMAS COUNCIL CHAMBERS  
245 E. BONITA AVENUE**

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**CITY COUNCIL:**

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

**STAFF:**

Assistant City Manager Ken Duran  
City Attorney Mark Steres  
Assistant City Manager of Development Services Larry Stevens  
Director of Parks and Recreation Theresa Bruns  
Director of Public Works Krishna Patel  
Assistant City Clerk Debra Black

**CALL TO ORDER AND FLAG SALUTE**

Mayor Morris called the meeting to order and led the flag salute at 7:07 p.m.

**ANNOUNCEMENTS**

➤ Holiday Extravaganza and Tree Lighting

**Theresa Bruns** Director of Parks and Recreation provided the announcement of activities and timeline for the event.

**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.)

**Members of the Audience**

Seeing no one come forward the Mayor moved on to the consent calendar.

## **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:

**RESOLUTION 2016-57, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF NOVEMBER 2016.**

- a. Approval of minutes for regular City Council meeting of November 9<sup>th</sup>, 2016

## **END OF CONSENT CALENDAR**

**Councilmember Ebner** requested correction of the minutes of October 17, 2016 page four to reflect the date of the emergency exercise as October 20, 2016.

**MOTION:** Motion/second by Councilmember Bertone/Ebner to approve the consent calendar with the noted corrections. The motion passed by unanimous vote. **(5-0)**

**YES:** Badar, Bertone, Ebner, Morris, Templeman  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

## **OTHER BUSINESS**

### **Waste Management Annual Rate Increase**

**Assistant City Manager Ken Duran** presented staff's report on this item

**RECOMMENDED ACTION:** Approve the 1.73% rate increase for residential and commercial services as requested by Waste Management effective January 1, 2017 and the commercial recycling cart rates and \$50 overage charge rate.

**Councilmember Bertone** asked how our city rates compared to other cities.

**Mr. Duran** responded that when the original agreement was adopted a rate comparison was done and our rates lean towards the high side but that takes into account a 19% franchise fee. He added that we are entering into the last year of the agreement and rates will be one of the items negotiated.

**Teri Muse** Waste Management representative spoke on the businesses compliance with AB341. In response to Councilmember Bertone's question Ms. Muse added that any business that generates four yards of trash or more per week are required to comply.

**Councilmember Ebner** asked how Waste Management knows when a business has an overflow situation.

**Ms. Muse** answered there is a program where drivers use tablets to take pictures of the overflow incidents which are then added to the account information. The business is sent a notification of the observation with an explanation of what happens if there are any future occurrences.

**MOTION:** Motion/second by Councilmember Templeman/Badar to approve the 1.73% rate increase for residential and commercial services as requested by Waste Management effective January 1, 2017 and the commercial recycling cart rates and \$50 overage charge rate. The motion passed by unanimous vote. **(5-0)**

**YES:** Badar, Bertone, Ebiner, Morris, Templeman

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

### **Bonita Avenue Project Update with Power Point**

**Krishna Patel** Director of Public Works gave an update accompanied by a Power Point Presentation.

**Councilmember Bertone** asked for a completion date.

**Mr. Patel** answered that 90% of the work could be done before Christmas.

### **ORAL COMMUNICATIONS**

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

**Ryan Vienna** resident and President of the San Dimas Village Walk Corporation spoke on the Grove Station and Village Walk Corporation CC&R's issues with the trash enclosures and water services.

- b. City Manager

Homeless Shelter and Transportation Schedule for 2016-17

**Mr. Duran** presented this item to council.

- c. City Attorney

Nothing to report.

- d. Members of the City Council

City Representative for the Mosquito Vector Control District

**Mr. Duran** presented this item to council for appointment or for placement on a future agenda.

**RECOMMENDED ACTION:** Discuss and consider making an appointment.

**Councilmember Templeman** clarified that his last meeting will be December and an appointment is needed for the January 2017 meeting.

**ACTION TAKEN:** After some discussion Councilmember Badar announced he would attend the meetings from January thru March 2017 with a future discussion on a permanent appointment to come.

Councilmember Templeman requested a letter from the City Manager be sent to Ken Fujioka.

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

No meeting attended

- 3) Individual Members' comments and update

### **CLOSED SESSION**

#### **1) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54945.9.**

**Name of Case:** Frank Lindsay v. City of San Dimas, United States District Court,  
Civil Action No. 2:16-cv-08344-JAK-AGR

### **ADJOURNMENT**

The meeting recessed to a closed session at 7:45 p.m. Closed session adjourned at 8:30 p.m. with no reportable action.

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Debra Black, Assistant City Clerk

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Curtis W. Morris, Mayor



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of December 13, 2016*

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Theresa Bruns, Director of Parks and Recreation

**SUBJECT:** Reject Low Bidder, Principles Contracting, Inc., and Award Construction Contract 2016-03, Via Verde Park Improvement Project, to Micon Construction, Inc. in the amount of \$432,744 and allocate a total project budget of \$558,081.

## SUMMARY

A request for the City Council to reject Principles Contracting, Inc. as low bidder and award Construction Contract 2016-03, Via Verde Park Improvement Project to Micon Construction, Inc. in the amount of \$432,744, with a total budget allocation of \$558,081.

## BACKGROUND

Sealed bids were received by the City Clerk's office and publicly opened on Tuesday, November 8, 2016 at 10:00 a.m., for Construction Contract 2016-03, Via Verde Park Improvement Project.

The bid results were as follows:

Company Name	Total Base Bid	Alt Bid "A" Playground Surface Materials Substitution	Alt Bid #1 Landscape Planters at Entry	Alt Bid #2 Wood Constructed Shade Shelter	Alt Bid #3 Prefabricated Metal Shade Structure
Principles Contracting Inc.	\$420,000.00	\$111,036.00	\$5,578.00	\$30,000.00	\$46,000.00
<b>Micon Construction Inc.</b>	\$425,723.00	\$81,816.00	\$6,991.00	\$24,553.00	\$36,767.00
Aramexx Construction	\$427,824.00	\$95,000.00	\$15,817.00	\$42,000.00	\$62,000.00
Cornerstone Renovation Act 1	\$486,570.75	\$82,800.00	\$24,017.18	\$20,700.00	\$39,100.00
1 <sup>ST</sup> California Construction	\$559,689.50	\$87,660.00	\$43,620.00	\$23,590.00	\$49,800.00
	\$769,213.13	\$73,050.00	\$32,312.50	\$53,480.00	\$64,620.00

The project features a tot lot/elementary age playground in a newly designed ADA compliant expanded play areas and pathways. The upgrades include, but are not limited to, ADA and California Title 24 Accessibility including new benches, picnic tables, a gazebo area with BBQ Grill, new swings and playground equipment for ages 2 to 5 and 5 to 12, new playground surfacing, new paths of travel for ADA Accessibility, landscape and irrigation

demolition and installation. The play equipment and swings will provide inclusive play elements.

The project specifications provide for the contract documents to be returned to the City within fourteen (14) calendar days of the award of contract, for work to commence within ten (10) calendar days of the Notice to Proceed, and for work to be completed within eighty (80) working days of commencement of work. If rain days are needed, they will be negotiated with the contractor on an as needed basis and added to the schedule. The contractor will be responsible for securing the site.

The project also includes a ninety (90) day maintenance and establishment period following the completion of installation.

### ANALYSIS

Staff has reviewed the bid proposal, bid bond and references provided by the low bidder, Principles Contracting, Inc. (Principles) and verified that the contractor's bid bond is issued by an admitted surety, as required by Public Contract Code 20170. In verifying the contractor's license through the California State Contractor's License Board, it was discovered that the contractor's license No. 982517 is current and active, but there is pending disciplinary action against the licensee in the form of an accusation.

The Accusation, filed by the Contractors' State License Board (CSLB), Department of Consumer Affairs, alleges that the Responsible Managing Operator of Principles Contracting, Inc., Jeffrey Ross Signor, committed a willful and fraudulent act when he signed the application for Contractor's State License No. 982517, and under penalty of perjury certified that all statements on that application were true and accurate. The CSLB alleges that Mr. Signor marked "NO" in response to the question on the application which asked, "To the best of your knowledge, is anyone listed on this application (or any company the person is or was a part of, or any immediate family member of the applicant) named in or responsible for any entered and unsatisfied judgments, liens, and/or claims against any bond or cash deposit pertaining to a construction project?"; and at that time there were four unsatisfied, pending civil lawsuits against Nature Tech Landscaping Inc., the company for which Mr. Signor held a contractor's license at that time.

An Accusation is a disciplinary action that has been referred to the Office of the Attorney General and, if proven, may result in the suspension or revocation of a license. Licensees have the right to appeal a disciplinary action and no conclusion or judgment as to the validity of any charges should be assumed until the legal action process has been completed. The status of the Accusation against Principles Contracting, Inc., complaint number N2015-323, is currently pending with an appeal hearing scheduled for March 22, 2017. March 22, 2017 will be approximately day 50 in the Via Verde Park project schedule.

While Principles license is current and active at this time, and their performance references are adequate, staff recommends rejection of them as non-responsible low bidder pursuant to Public Contracts Code section 1103 which defines: "A responsible bidder is one who is able to perform the contract if awarded. To be considered responsible, the bidder must demonstrate the attributes of trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the public works contract." A range of factors may be used to determine bidder responsibility, including performance history, reliable financial information,

bonding and insurance capacity, public works experience, personnel, litigation history, and others.

Staff notified Principals on November 16, 2016 via email as well as US mail of the intent to recommend rejection of their bid and offered them an opportunity to respond. That same day a letter was received from Principles legal counsel, Robert F. Schauer, via email, and later US mail, requesting a hearing.

Staff and City Attorney Steres conducted a hearing with Mr. Signor and Mr. Schauer on November 29, 2016 at which time they expressed their certainty that Principles will prevail in the March 22, 2017 Accusation hearing and will be able to complete the Via Verde Park project. They further explained that they have been awarded other municipal projects. When specifically asked if they have ever been rejected as low bidder for a project since the time of the pending disciplinary action, they answered “no, only challenged” when first asked, and “no” when asked a second time. Staff was previously aware of the City of Diamond Bar on August 16, 2016 rejecting Principles as low bidder on a park improvement project on the grounds of non-responsibility.

Based upon the uncertainty of the ongoing status of Principles Contracting, Inc. license throughout the work schedule for the Via Verde Park Improvement project and the lack of truthfulness in response, staff recommends that City Council reject low bidder Principles Contracting, Inc. as a non-responsible bidder pursuant to Public Contracts Code 1103 and recommend that the contract be awarded to the second lowest responsible bidder.

Staff has reviewed the bid proposal, bid bond and references provided by the second low bidder, Micon Construction, Inc. and verified that the contractor's bid bond is issued by an admitted surety, as required by Public Contract Code 20170. It was confirmed through the California State Contractor's License Board that the contractor's license No. 744198 is current and active, and references report exemplary work.

## BUDGET

The bid process included four alternative bids in addition to the based bid for the project.

Alternative Bid “A” is a production substitution for tot lot rubber surfacing. Included in the base bid is a line item for standard rubberized surfacing, and bid alternative “A” is specific to CalRecycle qualified rubberized surfacing. Staff included the alternative product in the bid pricing as a CalRecycle grant application had been submitted just prior to the project going to bid. Subsequently, the City was successfully awarded the grant and will be eligible for grant reimbursement of up to \$8,125 for this project, therefore Alternative Bid “A” is included in the project budget allocation as itemized below, and item #35 of the base bid is deducted from the base bid pricing.

Alternative Bid “#1” is for landscape planters to be installed at the entryway to the park. This item is not included in the project budget, as they are not essential to the project.

Alternative Bid “#2” is for a wood constructed shade structure, and Alternative Bid “#3” is for a prefabricated metal shade structure. These items were included for pricing comparison, and the wood constructed structure will be included in the project and is itemized in the budget.

A budget of \$480,000 was allocated in the 2016-17 Park Development Fund 20 for the Via Verde Park Improvement Project, and staff recommends an additional budget allocation of \$78,081 based on the following project costs:

Micon Construction, Inc. Base Bid	\$ 425,723
Delete Bid Item #35 - Totlot Rubber Surfacing	- \$ 99,348
Add Alt Bid "A" - Totlot Surfacing Substitution	+ \$ 81,816
Add Alt Bid #2 - Wood Constructed Shade Structure	+ \$ <u>24,553</u>
Total Construction Contract – Micon Construction, Inc.	\$ 432,744
Construction Contingency – 10%	\$ 43,275
Playground Equipment – Miracle Equipment	\$ 70,062
Soils & Site Survey	\$ <u>12,000</u>
Total Project Budget	\$ 558,081

A total budget allocation of \$558,081 is requested, with the unallocated General Fund Reserves to be utilized for the \$78,081 difference between the requested allocation and the budgeted allocation. Use of the unallocated General Fund Reserves for this purpose was discussed at the October City Council study session.

#### RECOMMENDATION

Staff recommends that the City Council reject the low bid proposal from Principles Contracting, Inc., award Construction Contract 2016-03, Via Verde Park Improvement Project to Micon Construction, Inc. for the total contract price of \$432,744 with a budget allocation of \$558,081.

Respectfully Submitted,



Theresa Bruns  
Director of Parks and Recreation

#### Attachments:

- Staff Letter to Principles Contracting, Inc.
- Contractor's License Detail for License #982517, Principles Contracting, Inc.
- Accusation Case No. N2015-323 Against Principles Contracting, Inc.
- Letter from Robert Schauer, Legal Counsel

**City Council**

CURTIS W. MORRIS, Mayor  
EMMETT BADAR, Mayor Pro Tem  
DENIS BERTONE  
JEFF TEMPLEMAN  
JOHN EBINER

**City Manager**

BLAINE M. MICHAELIS

**Assistant City Manager**

**Treasurer/City Clerk**

KENNETH J. DURAN



**Assistant City Manager of  
Community Development**  
LAWRENCE STEVENS

**Director of Public Works**  
KRISHNA PATEL

**Director of Parks  
and Recreation**  
THERESA BRUNS

**City Attorney**  
MARK W. STERES

November 16, 2016

Principles Contracting, Inc.  
Jeff Signor, Vice President  
1760 Marlborough Avenue  
Riverside, CA 92507

**Re: Via Verde Park Improvement Project  
Construction Contract No. 2016-03**

Dear Mr. Signor:

The purpose of this letter is to inform you of the status of your bid submittal for the above referenced project. At the public bid opening conducted on November 8, 2016, Principles Contracting, Inc. was the apparent low bidder of the bids received; however, upon conducting due diligence on your company's ability to demonstrate to be the lowest "responsible" bidder pursuant to Public Contract Code section 1103 (...a bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract), City staff has determined that Principles Contracting, Inc. does not meet this requirement based on the following:

- Pending Disciplinary Action against Contractor's License #982517 in the form of an Accusation filed by the State Attorney General's Office, Case No. N2015-323, for violation of State law. A hearing is scheduled for March 22, 2017.
- The Accusation charges Principles Contracting Inc., Jeffrey Ross Signor and/or Deaudra Saile Barker-Signor, with falsifying an application to the State Contractor's License Board. Specifically, falsely claiming to not be listed or responsible for any "entered or unsatisfied judgments, liens, and/or claims against any bond or cash deposits pertaining to a construction project."
- The Accusation specifically identifies four unsatisfied civil lawsuits against Nature Tech Landscaping Inc., a former company of the Signor's, at the time of the application.

November 15, 2016

- The Accusation includes a history of suspensions for Contractor's License Number 982517 for violations of the Business and Professions Code.
- The Accusation also notes a significant history of litigation in which Mr. Signor and/or his previous company, Nature Tech Landscaping were named defendants.

This letter is to provide you an opportunity to respond to these findings. If you disagree with this assessment, please submit written evidence that rebuts this due diligence and clearly demonstrates that your firm is qualified to perform the Work as a responsible bidder no later than November 23, 2016. Written evidence shall be submitted to my attention:

Theresa Bruns  
Director of Parks and Recreation  
245 E. Bonita Avenue  
San Dimas, CA 91773

Without such evidence, City staff will be compelled to recommend award of the contract to the next lowest responsible bidder.

You may contact me at 909-394-6230 or at [tbruns@ci.san-dimas.ca.us](mailto:tbruns@ci.san-dimas.ca.us) if you have any questions.

Sincerely,



Theresa Bruns  
Director of Parks and Recreation'

Attachments

cc Blaine Michaelis, City Manager  
Ken Duran, Assistant City Manager  
Mark Steres, City Attorney

## Contractor's License Detail for License # 982517

**DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.**

CSLB complaint disclosure is restricted by law (B&P 7124.6) If this entity is subject to public complaint disclosure, a link for complaint disclosure will appear below. Click on the link or button to obtain complaint and/or legal action information.

Per B&P 7071.17, only construction related civil judgments reported to the CSLB are disclosed.

Arbitrations are not listed unless the contractor fails to comply with the terms of the arbitration.

Due to workload, there may be relevant information that has not yet been entered onto the Board's license database.

### Business Information

PRINCIPLES CONTRACTING INC  
1760 MARLBOROUGH AVENUE  
RIVERSIDE, CA 92507  
Business Phone Number:(951) 367-0770

Entity Corporation

Issue Date 04/05/2013

Expire Date **04/30/2017**

### License Status

**This license is current and active.**

**All information below should be reviewed.**

### Additional Status

#### PENDING DISCIPLINARY ACTION

Disciplinary action is pending against this licensee in the form of an accusation. For further information, please call the Case Management Office in your area: (916) 255-4041 Northern California or (562) 345-7656 Southern California.

### Classifications

B - GENERAL BUILDING CONTRACTOR  
C27 - LANDSCAPING  
A - GENERAL ENGINEERING CONTRACTOR

### Bonding Information

This license filed a Contractor's Bond with STATE NATIONAL INSURANCE COMPANY INC.

**Bond Number:** SSI02707

**Bond Amount:** \$15,000

**Effective Date:** 07/16/2016

Contractor's Bond History

#### **Bond of Qualifying Individual**

The qualifying individual JEFFREY ROSS SIGNOR certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.

**Effective Date:** 03/16/2015

BQI's Bond History

The qualifying individual DEAUDRA SAILE BARKER-SIGNOR certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.

**Effective Date:** 02/18/2015

BQI's Bond History

#### **Workers' Compensation**

This license has workers compensation insurance with the FALLS LAKE FIRE AND CASUALTY COMPANY

**Policy Number:**FLA000655

**Effective Date:** 07/31/2016

**Expire Date:** 07/31/2017

Workers' Compensation History

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
4 State Bar No. 132645  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2105  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**REGISTRAR OF CONTRACTORS**  
**CONTRACTORS' STATE LICENSE BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 **In the Matter of the Accusation Against:**

Case No. N2015-323

13 **PRINCIPLES CONTRACTING INC.**  
14 **1760 Marlborough Avenue**  
**Riverside, CA 92507**

**A C C U S A T I O N**

15 **JEFFREY ROSS SIGNOR, RMO**  
16 **DEAUDRA SAILE BARKER-SIGNOR, RMO**

17 **Contractor's License No. 982517, A, B, C27**

18 **Respondents.**

19 Complainant alleges:

20 **PARTIES**

21 1. Wood Robinson (Complainant) brings this Accusation solely in his official capacity  
22 as the Enforcement Supervisor I of the Contractors' State License Board (Board), Department of  
23 Consumer Affairs.

24 ///

25 ///

26 ///

27 ///

28 ///

1 **License History – Principles Contracting Inc.**

2 2. On or about April 5, 2013, the Registrar of Contractors issued Contractor's License  
3 Number 982517 (Classification A – General Engineering Contractor, Classification B – General  
4 Building Contractor, and Classification C-27 – Landscaping) to Principles Contracting Inc., with  
5 Jeffrey Ross Signor as Responsible Managing Officer,<sup>1</sup> and Deaudra Saile Barker-Signor as  
6 Responsible Managing Officer<sup>2</sup> (Respondents). The license will expire on April 30, 2017, unless  
7 renewed. The following is the suspension history:

Suspension Date:	Violation:	Status:
05/06/2013	Business and Professions Code section 7071.17 (Judgment #30-2012-00591086)	Reinstated 05/17/2013
07/11/2013	Business and Professions Code section 7071.17 (Judgment #30-2012-0059086)	Reinstated 08/14/2013
02/23/2014	Business and Professions Code section 7068.2 (Lack of Qualifier)	Reinstated 03/07/2013
05/27/2014	Business and Professions Code section 7071.17 (Judgment #30-2012-00590086)	Reinstated 06/03/2014
10/01/2014	Business and Professions Code section 7071.17 (Judgment #30-2012-00590086) <sup>3</sup>	Reinstated 10/08/2014
12/30/2014	Business and Professions Code section 7068.2 (Lack of Qualifier)	<b>License reinstated 02/18/2015.</b>

16 **Affiliated License History**

17 3. On or about November 30, 1993, the Registrar of Contractors issued Contractor's  
18 License Number 681207 to Nature Tech Landscaping Inc, with Jeffrey Ross Signor as RMO, and  
19 Deaudra Saile Barker-Signor as RMO. The license expired under suspensions on November 30,  
20 2015, and has not been renewed.

21 ///

22 ///

23 ///

24 \_\_\_\_\_  
25 <sup>1</sup> Signor became RMO of Classifications A, B and C27 on 4/5/13; disassociated all three  
26 classifications on 11/25/13; reinstated Classification A only on 3/7/14; disassociated  
27 Classification A on 10/1/14; and associated Classification A on 3/16/15.

28 <sup>2</sup> Barker-Signor became the RMO of Classifications B and C27 on 3/7/14; disassociated  
both classifications on 10/1/14; and reinstated both classifications on 2/18/15.

<sup>3</sup> The four (4) Business and Professions Code section 7071.17 suspensions listed under  
suspension history are all automatic suspensions due to association with CSLB license #681207.



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9. Section 7096 of the Code states:

For the purposes of this chapter, the term "licensee" shall include an individual, partnership, corporation, limited liability company, joint venture, or any combination or organization licensed under this chapter, and shall also include any named responsible managing officer, responsible managing manager, responsible managing member, or personnel of that licentiate whose appearance has qualified the licentiate under the provisions of Section 7068.

10. Section 7097 of the Code states:

Notwithstanding the provisions of Sections 7121 and 7122, when any licensee has been suspended by a decision of the registrar pursuant to an accusation or pursuant to subdivision (b) of Section 7071.17, Section 7085.6 or 7090.1, any additional license issued under this chapter [the Contractors' State License Law] in the name of the licensee or for which the licensee furnished qualifying experience and appearance under the provisions of Section 7068, may be suspended by the registrar without further notice.

11. Section 7098 of the Code states:

Notwithstanding the provisions of Sections 7121 and 7122, when any license has been revoked under the provisions of this chapter [the Contractors' State License Law], any additional license issued under this chapter in the name of the licensee or for which the licensee furnished qualifying experience and appearance under the provisions of Section 7068, may be revoked by the registrar without further notice.

12. Code section 7121 states:

Any person who has been denied a license for a reason other than failure to document sufficient satisfactory experience for a supplemental classification for an existing license, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a member, officer, director, or associate of any partnership, corporation, firm, or association whose application for a license has been denied for a reason other than failure to document sufficient satisfactory experience for a supplemental classification for an existing license, or whose license has been revoked, or whose license is under suspension, or who has failed to renew a license while it was under suspension, and while acting as a member, officer, director, or associate had knowledge of or participated in any of the prohibited acts for which the license was denied, suspended, or revoked, shall be prohibited from serving as an officer, director, associate, partner, or qualifying individual of a licensee, and the employment, election, or association of this type of person by a licensee in any capacity other than as a non-supervising bona fide employee shall constitute grounds for disciplinary action.

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2 13. Code section 7121.5 states:

3 Any person who was the qualifying individual on a revoked license,  
4 or of a license under suspension, or of a license that was not renewed while  
5 it was under suspension, shall be prohibited from serving as an officer,  
6 director, associate, partner, or qualifying individual of a licensee, whether  
7 or not the individual had knowledge of or participated in the prohibited acts  
8 or omissions for which the license was revoked, or suspended, and the  
9 employment, election, or association of such person by a licensee shall  
10 constitute grounds for disciplinary action.

11 14. Code section 7122.5 states:

12 The performance by any individual, partnership, corporation, firm, or  
13 association of any act or omission constituting a cause for disciplinary action,  
14 likewise constitutes a cause for disciplinary action against any licensee who at  
15 the time such act or omission occurred was the responsible managing employee,  
16 qualifying partner, responsible managing officer, or qualifying member of such  
17 individual, partnership, corporation, firm, or association, whether or not he had  
18 knowledge of or participated in the prohibited act or omission."

19 **STATUTORY PROVISIONS**

20 15. Section 7112 of the Code states that "[o]mission or misrepresentation of a material  
21 fact by an applicant or a licensee in obtaining, or renewing a license, or in adding a classification  
22 to an existing license constitutes a cause for disciplinary action."

23 **COSTS**

24 16. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
25 administrative law judge to direct a licentiate found to have committed a violation or violations of  
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
27 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
28 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
included in a stipulated settlement.

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**FACTUAL ALLEGATIONS**

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17. On or about February 13, 2013, Respondent Jeffrey Ross Signor signed an Application for Original Contractor License – Examination Waiver (“application”), as the qualifier for the business entitled “Principles Contracting Inc.,” requesting Classifications A, B, and C-27. On or about April 5, 2013, the Registrar of Contractors issued Contractor’s License Number 982517 to Respondents.

18. Also on April 5, 2013, Jeffrey Ross Signor (Signor) was associated as the RMO with Nature Tech Landscaping Inc. (Classifications A, B, and C-27) and Sundance Landscape Inc. (Classifications B and C-27). Prior to the date of Signor’s association with Nature Tech Landscaping, the corporation had a total of thirty-one civil lawsuits filed against it in Riverside County Superior Court attempting to collect on unpaid debts.

19. From April 5, 2013, until he disassociated with Nature Tech Landscaping Inc. as the RMO on April 11, 2014, Nature Tech Landscaping and/or Signor were the defendants in seven separate civil lawsuits that were filed attempting to collect on unpaid debts.

20. On February 27, 2015, Signor signed an “Application for Replacing the Qualifying Individual” for Principles Contracting Inc. With his signature, Signor certified under penalty of perjury that all statements, answers, and representations in the application were true and accurate. The Board received the application on or about March 3, 2015. Question 10 of the application asked “To the best of your knowledge, is anyone listed on this application (or any company the person is or was a part of, or any immediate family member of the applicant) named in or responsible for any entered and unsatisfied judgments, liens, and/or claims against any bond or cash deposit pertaining to a construction project?” In response to the question, Respondent Signor marked the box “NO.”

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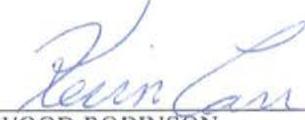


1           5.     Ordering Principles Contracting Inc., Jeffrey Ross Signor to provide the Registrar  
2 with a listing of all contracting projects in progress and the anticipated completion date of each;

3           6.     Taking such other and further action as deemed necessary and proper.

4  
5 DATED: \_\_\_\_\_

4/18/16

*for* 

WOOD ROBINSON  
Enforcement Supervisor I  
Contractors' State License Board  
Department of Consumer Affairs  
State of California  
*Complainant*

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8 **FILED**

APR 18 2016

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**CSLB DSS**

# LAW OFFICES OF ROBERT F. SCHAUER

Robert F. Schauer, Esq.  
Noah K. McCall, Esq.

215 NORTH SECOND AVENUE, SUITE F  
UPLAND, CALIFORNIA 91786  
TELEPHONE: (909) 983-5600  
FACSIMILE: (909) 983-5706

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November 16, 2016

VIA FIRST-CLASS MAIL & E-MAIL

tbruns@ci.san-dimas.ca.us

Theresa Bruns  
City of San Dimas  
Director of Parks and Recreation  
245 E. Bonita Avenue  
San Dimas, CA 91773

RE: Response to Notice of Nonresponsible Bidder for Via Verde Park Improvement Project – Construction Contract No. 2016-03

Dear Ms. Bruns:

Please be advised that I am legal counsel for Principles Contracting, Inc. (“Principles”) and your letter of November 16, 2016 to Principles regarding claimed issues of nonresponsibility has been referred to my office for reply.

In your letter you gave notice to Principles that the City of San Dimas and The Department of Parks and Recreation (“Agency”) intends to reject the bid because Principles did not meet the requirements of a “responsible” bidder. Principles hereby requests a hearing to explain that it was not non-responsible.

A responsive bid is one that promises to do what the Agency requests for the job. (*Taylor Bus Service, Inc. v. San Diego Bd. of Education* (1987) 195 Cal.App.3d 1331, 1341 [“A bid is responsive if it promises to do what the bidding instructions demand.”].) A determination of non-responsiveness is almost always made by examining the face of the bid, without reference to outside information. (*Great West Contractors, Inc. v. Irvine Unified School Dist.* (2010) 187 Cal.App.4th 1425, 1452–53, as modified (Sept. 30, 2010).)

The court in *Great West* further warned that

[A] public entity otherwise bound to award a contract to the lowest responsible bidder can, by the simple imperial ukase of declaring a specific answer to a question required on a bid form to be ‘nonresponsive,’ baldfacedly circumvent the public contracting law that requires the contract to be awarded to the lowest responsible bidder.

(*Id.* at p. 1446.)

Because the Agency determined that Principles is non-responsible, Principles is entitled to due process, as you acknowledge in your letter. (See *D.H. Williams Const., Inc. v. Clovis Unified School Dist.* (2007) 146 Cal.App.4th 757, 763; *City of Inglewood-L.A. County Civic Center Auth. v. Sup. Ct.* (1972) 7 Cal.3d 861, 871.)

A responsible bidder is one “who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract. (Pub. Contract Code, § 1103.) “A bidder is responsible if it can perform the contract as promised.” (*Taylor Bus Service, Inc. v. San Diego Bd. of Education* (1987) 195 Cal.App.3d 1331, 1341.)

You base your determination of non-responsibility on one allegation:

- (1) That an Accusation has been filed against Principles by the State Attorney General’s Office for violation of State law and that a hearing is scheduled for March 22, 2107. An accusation is just that—an accusation. The accusation is against Principles for allegedly answering a question falsely. The question asked whether anyone listed on Principles’ application was named in or responsible for “any entered and unsatisfied judgments, liens, and/or claims against any bond.” Principles answered no. This was a truthful statement because, though there were lawsuits pending, those lawsuits were obviously not a judgment entered against Principles. Also, all judgments against Principles at the time were paid. It is noteworthy that the accusation pleading does not even attempt to allege that the lawsuits listed therein were unsatisfied judgments—because they were not. But the overall point is that a public entity cannot make conclusions relevant to responsibility from a mere accusation, especially one that is facially incomplete and factually inaccurate.

Further, lawsuits are mere allegations that should not be assumed to be true. Finally, a lawsuit can be based on a variety of circumstances, not necessarily relevant to whether Principles is trustworthy or able to do the project.

Principles did not answer incorrectly as discussed above. But even if it had, this is not a reason to determine that Principles is non-responsive because a public entity must reference outside information to determine whether the answer is true or false. (*Id.*) The court in *Great West* warned a public entity against finding a contractor non-responsive where the contractor allegedly answers a question incorrectly. (*Id.* at pp. 1431-32, 1457.)

(2) The accusation against Principles also seeks suspension of Principles' license which could make Principles unable to finish the project. Again, it is not proper for the Agency to determine Principles is not responsible based on mere allegations that are demonstrably false. Principles can demonstrate that its answer to the question regarding unpaid judgments was correct and that there is little chance that Principles' license will be suspended.

Finally, Principles has a bid bond which ensures that the surety will issue a performance and payment bond for this project. Thus, the Agency has assurance that Principles will perform satisfactorily and that any Agency's losses will be covered. There is no reason for the Agency to anticipate that Principles will not be able to perform.

This issue was raised by the Jurupa Area Recreation and Park District who, after receiving this same information, and after hearing testimony and seeing documentation from Principles, found Principles to be responsible and awarded it the contract. I am attaching a copy of the Agenda Report awarding the bid to Principles for your review.

For these reasons, Principles requests a hearing to give Principles an opportunity to explain that it is both a responsive and responsible bidder and is able to perform the project as promised.

Thank you.

Respectfully,



ROBERT F. SCHAUER

RFS/crb  
Enclosure.



## AGENDA REPORT

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**SUBJECT: DISCUSSION AND POSSIBLE ACTION FOR THE ACCEPTANCE OF THE BID FOR PARK IMPROVEMENTS AT LIMONITE MEADOWS PARK**

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### **RECOMMENDATION**

**Option 1** I move that the Board accept the proposal from Principles Contracting in the Amount of \$164,000 that complies with the contract documents, specifications and drawings for the park improvements at Limonite Meadows Park.

**Option 2** I move that the Board accept the proposal from Principles Contracting in the amount of \$170,000 that complies with the add alternate contract documents, specifications and drawing to include the thematic wall for the park improvements at Limonite Meadows Park.

**Option 3** I move the Board reject all bids and direct staff to re-bid the project.

### **PRIOR ACTION/VOTE**

The Park Planning and Development Committee has met on this project, the project was approved for the public bid process on August 11, 2016. The District presented the project for Public Bid and advertised the project in the local press. Three Companies submitted bids for the project. The engineers estimate for the base project is \$150,000.00.

### **BACKGROUND**

The Limonite Meadows playground surface has been impacted by water runoff from the surrounding slopes and a tree root. The playground surface is in need of replacement. In order to preserve the life of the new surface a seat wall and V-ditch will be installed to the east of the playground at the bottom of the slope. The seat wall and V-ditch will divert water away from the playground surface. In addition, the park has never had a monument sign and the contract includes the addition of a sign. There is an add alternate to make the seat wall thematic, which includes silhouettes of ducks, egrets, frog skate stop and brail elements. This would be the first themed wall in the District offering inclusive opportunities.

Upon review of the bids, staff had some concerns in regards to Principles contractor's license. The license is currently under review by the State Contractors License Board and an accusation has been made by the State Contractors License Board 's staff to consider suspension or revocation of its license. District Counsel, Robert Owen sent Principles Contracting a letter of intent to disqualify them as a bidder as required by law. Principles Contracting requested a hearing with the General Manager. On October 11, 2016 Legal Counsel for the District Robert

**ACCEPTANCE OF BID FOR  
PARK IMPROVEMENTS  
AT LIMONITE MEADOWS**



Page 2

Owen and General Manager Colby Diuguid met with Jeff Singor of Principles Contractors and Robert Schauer the Legal Counsel for Principles Contractors.

During this hearing, Principles Contractors presented the District with Annual Financial Statements from 2015, a list of current and past related contracts, additional references, and an explanation for the current proceedings pending with the State Contractors License Board.

Upon careful consideration of all the facts available; it is staff's recommendation that Principles Contractors be awarded the bid for Limonite Meadows Park Improvements. The main concern District staff has is the possibility of Principle Contractor's License being suspended or terminated during the project. Research by staff indicates the possibility of this occurring during the contract timeline is very minimal. Based on required notification and the extensive process any determination by the Attorney General is at least several months away. The project is estimated at 60 construction days. It is staff's opinion that the project will be done well in advance of any conclusion by the State Board.

**FISCAL IMPACT**

The funds needed for this project will come from CFD 2004-2 reserves.

**ATTACHMENTS**

Letter from Law Offices of Robert Owen to Principles Contractors  
Response from Law Offices of Robert F Schauer to JARPD  
Accusation against Principles Contractors  
Principles Contractors Bid  
Anton's Services Bid  
Horizon Contractors Bid

**Prepared by:**

  
\_\_\_\_\_  
Colby Diuguid  
General Manager

On motion made by Director \_\_\_\_\_ seconded by Director \_\_\_\_\_  
and carried by the following vote:

**ACCEPTANCE OF BID FOR  
PARK IMPROVEMENTS  
AT LIMONITE MEADOWS**



**Page 3**

R. Anderson \_\_\_\_\_ S. Anderson \_\_\_\_\_ J. Gaytan \_\_\_\_\_ K. Johnson \_\_\_\_\_ E. Porter \_\_\_\_\_



## Agenda Item Staff Report

**To:** Honorable Mayor and Members of City Council  
*For the meeting of December 13, 2106*

**From:** Blaine Michaelis, City Manager

**Initiated by:** Ken Duran, Assistant City Manager

**Subject:** Approval of Administrative Services Agreement between the City of San Dimas and the San Dimas Housing Authority

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### **BACKGROUND**

With the dissolution of redevelopment agencies, HSC Section 34176 provided that a City Council could elect to retain the housing assets and functions of a dissolved redevelopment agency. On January 24, 2012 the City Council of the City of San Dimas adopted Resolution No. 2012-06 electing to have the San Dimas Housing Authority retain the housing assets and functions of the dissolved San Dimas Redevelopment Agency.

Shortly after the assets and functions were transferred many of the programs and functions were curtailed due to the elimination of new funding from tax increment set-aside funds. However, there were programs and functions that needed to be maintained for the continued operations of the housing assets. Since that time there have also been new programs and functions that have been added.

The personnel, equipment and facilities to maintain the Authority's functions have been absorbed by existing City staff and operations. When the Council approved the FY 14-15 Annual Capital and Operating Budget they approved the concept of the Housing Authority reimbursing the City for the personnel and expenses for managing the Housing Authority functions. To effectuate the reimbursement the City and Authority needs to enter into an annual Administrative Services Agreement.

The current programs and functions of the Authority include:

- Oversight of management and maintenance of the Monte Vista Apartments.

- Oversight of the sale of the Grove Station units.
- Mobile Home Rehab Grant program.
- Planning for the reconstruction of the house on the Taylor property.
- Accounting, treasurer, public meeting coordination and clerical support for the general Authority functions.

In the future there may other programs and functions taken on by the Authority that will need additional support.

The attached Agreement includes an exhibit which provides an estimate of the personnel hours and costs of this year's reimbursement. The estimated number of personnel hours is very conservative. The total cost based upon the estimate is \$73,730. The City will be reimbursed based upon the actual costs at the end of the year.

### **RECOMMENDATION**

Staff recommends that the City Council approve the attached Administrative Services Agreement with an estimate of \$73,730.

Respectfully submitted,



Ken Duran, Assistant City Manager

Attachments: Administrative Services Agreement

**ADMINISTRATIVE SERVICES AGREEMENT**

This Agreement entered into this 13<sup>th</sup> day of December, 2016 by and between the City of San Dimas, hereinafter referred to as "City" and the San Dimas Housing Authority, hereinafter referred to as "Authority".

**WITNESSETH**

**WHEREAS**, the City has the personnel, supplies and equipment required for the operation of the Authority's housing properties and programs.

**WHEREAS**, the Authority is desirous of utilizing said personnel, supplies and equipment.

**NOW, THEREFORE**, in consideration of the foregoing recital, the parties hereby do agree as follows:

1. Authority contracts with the City to provide personnel, supplies and equipment to maintain the effective operation of the Authority's housing properties and programs.
2. City agrees to provide Authority with adequate personnel, supplies and equipment. (see Attachment A)
3. This agreement may be terminated upon 30 days written notice by either party with the incurred charges to date due upon termination.
4. This agreement shall provide for services rendered from July 1, 2016 through June 30, 2017.
5. Authority agrees to pay the City annually based upon the actual hours of work performed by the personnel as estimated in Attachment A.

CITY OF SAN DIMAS

SAN DIMAS HOUSING AUTHORITY

BY: \_\_\_\_\_

Mayor

BY: \_\_\_\_\_

Chairman

ATTEST:

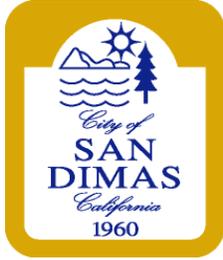
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Deputy City Clerk

ADMINISTRATIVE SERVICES AGREEMENT  
 BETWEEN  
 CITY OF SAN DIMAS AND SAN DIMAS HOUSING AUTHORITY  
 ESTIMATED BUDGET FY 16 - 17

	<u>HOURS</u>	<u>RATE</u>	<u>COST</u>
<b>ADMINISTRATIVE SERVICES</b>			
CITY MANAGER	72	\$149.17	\$10,740.24
ASSISTANT CITY MANAGER	60	\$115.28	\$6,916.80
ADMINISTRATIVE SERVICES MANAGER	30	\$74.40	\$2,232.00
ASSISTANT CITY CLERK	6	\$47.36	\$284.16
ACCOUNTING SUPERVISOR	30	\$57.41	\$1,722.30
<b>COMMUNITY DEVELOPMENT</b>			
ASSISTANT CITY MANAGER OF COMMUNITY DEV	90	\$126.48	\$11,383.20
ADMINISTRATIVE AIDE	240	\$51.19	\$12,285.60
HOUSING INTERN		\$15.61	\$19,009.00
<b>PARKS AND RECREATION</b>			
FACILITIES MANAGER	9	\$83.95	\$755.55
FACILITIES SUPERVISOR	12	\$47.70	\$572.40
FACILITIES MAINTENANCE WORKER	24	\$46.91	\$1,125.84
<b>TOTAL PERSONNEL</b>			<b>\$67,027.09</b>
<b>OVERHEAD 10%</b>			<b>\$6,702.71</b>
<b>TOTAL EXPENDITURES</b>			<b>\$73,729.80</b>

RATES ARE PRODUCTIVE HOURLY RATES  
 NUMBER OF HOURS ARE ESTIMATES



## Agenda Item Staff Report

**To:** Honorable Mayor and Members of City Council  
*December 13, 2016*

**From:** Blaine Michaelis, City Manager

**Initiated by:** Larry Stevens, Community Development Department

**Subject:** Municipal Code Text Amendment 16-01 - Consideration of a an amendment to update Municipal Code Section 18.38 (Second Dwelling Units) in response to SB1069 and AB2299, including revisions to parking and other standards

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### SUMMARY

*The proposed Municipal Code Text Amendment intends to update the City Second Unit ordinance by adding various changes required by SB 1069 and AB 2299. In addition the City proposes to increase the eligible residents to include senior citizens, caregivers and disabled persons who might not meet the affordability standards.*

*Staff and Planning Commission recommend approving MCTA 16-01.*

### **BACKGROUND**

In 1993 the City of San Dimas established Chapter 18.38 allowing second units as required by Government Code Section 65852.2. In 2003 The City amended its second unit regulations to address updated changes in State law.

This year the State Legislature amended Government Code Section 65852.2 making further revisions to second unit law as set forth in SB 1069 and AB 2299 (copies attached). These changes primarily relates to processing time, parking requirements for second units (now called accessory dwelling units or ADUs), setbacks and utility connections and fees. These changes take effect January 1, 2017.

There are approximately 15 second units in the City.

## **DISCUSSION/ANALYSIS**

The primary changes include:

1. Changing the name of “second units” to “accessory dwelling units (ADUs)”.
2. Establishing a maximum of 120 days to review an application for an ADU.
3. Requiring parking to be waived under certain circumstances
4. Limiting fees for utility connections and related capacity charges
5. Allowing setback revisions under certain circumstances for garage converted units
6. Restricting requirements for fire sprinklers

In addition to these changes the adopted Housing Element contains, in part, the following objective:

*Review and refine the City’s second unit ordinance to facilitate options for seniors, persons with disabilities, caregivers and other lower and extremely low income households.*

In considering the proposed amendment the Planning Commission discussed the following key points (see attached Draft minutes):

- Clarification of the applicability of the garage conversion option, the minimum lot size standard, ADA applicability and the fire sprinkler limitation
- Possible increased demand resulting from these changes
- Opportunity for units to become part of sharing economy (i.e. Air BnB, etc.) and to be occupied as mini-dorms
- Clarification of the transit stop frequency standard

No one appeared at the public hearing.

## **RECOMMENDATION**

Staff and Planning Commission recommend approval of MCTA 16-01 as set forth in the attached Ordinance.

Respectfully submitted,



Larry Stevens, Assistant City Manager for Community Development

Attachments:

1. Ordinance 1251
2. Planning Commission Resolution PC-1570
3. Draft Planning Commission Minutes for November 17, 2016
4. Planning Commission Staff Report dated November 17, 2016

**ORDINANCE 1251**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS,  
COUNTY OF LOS ANGELES ADOPTING MUNICIPAL CODE TEXT  
AMENDMENT 16-01 REVISING CHAPTER 18.38 (SECOND UNITS) TO BE  
CONSISTENT WITH STATE LAW CHANGES REGARDING ACCESSORY  
DWELLING UNITS (ADUs)**

**WHEREAS**, an Amendment to the San Dimas Municipal Code has been duly initiated by the City of San Dimas; and

**WHEREAS**, the Amendment is described as Consideration of a an amendment to update Municipal Code Section 18.38 (Second Dwelling Units) in response to SB1069 and AB2299, including revisions to parking and other standards; and

**WHEREAS**, the Amendment would affect the areas of the City eligible for accessory dwelling units (ADUs) and

**WHEREAS**, notice was duly given of the public hearing on the matter and that public hearing was held on December 13, 2016 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**, the CITY COUNCIL of the CITY OF SAN DIMAS, County of Los Angeles does hereby ordain 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. MCTA 16-01 makes minor changes to existing second unit/ADU regulations consistent with new State laws.
- B. The proposed Municipal Code Text Amendment will further the public health, safety and general welfare. Proposed changes are minor and allow additional housing opportunities.
- C. The proposed Municipal Code Text Amendment is consistent with the General Plan. One of the revisions implements an objective set forth in the 2014- 21 Housing Element regarding eligible residents for second units/ADUs.

**NOW, THEREFORE, BE IT FURTHER ORDAINED, PURSUANT TO THE ABOVE FINDINGS**, that the City Council approves Municipal Code Text Amendment 16-01 as set forth on Attached Exhibit A.

**SECTION I. SEVERABILITY.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

**SECTION II. EFFECTIVE DATE AND PUBLICATION.** 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 (GC§40806) in the City of San Dimas hereby designated for that purpose.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of San Dimas this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Curtis W. Morris, Mayor City of San Dimas

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Debra Black, Assistant City Clerk

\_\_\_\_\_  
Mark Steres, City Attorney

I, DEBRA BLACK, ASSISTANT CITY CLERK of the City of San Dimas, do hereby certify that Ordinance 1251 was introduced at a regular meeting of the City Council of the City of San Dimas on the XX day of XXXX, 20XX, and thereafter passed, approved and adopted at a regular meeting of said City Council held on the XX day of XXXX, 20XX, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

\_\_\_\_\_  
Debra Black, Assistant City Clerk

## EXHIBIT A

1. Delete the text with the strike-throughs and add the text shown in red.

### Chapter 18.38

#### ~~SECOND~~ **ACCESSORY** DWELLING UNITS

##### Sections:

- 18.38.010 Purpose.**
- 18.38.020 Permitted uses.**
- 18.38.030 General provisions.**
- 18.38.040 Development standards.**
- 18.38.050 Plan review.**
- 18.38.060 Appeals.**

##### **18.38.010 Purpose.**

A. The California State Legislature has identified in Government Code Section 65852.2 that the need exists for new housing to shelter California's population. The legislature has further declared that the state should increase housing resources and reduce the barriers to the provisions for affordable housing opportunities. Creating the opportunity to provide ~~second-residential~~ **accessory dwelling** units on existing residential property with single-family dwelling units is beneficial and would provide an additional resource for affordable housing within the community.

B. This chapter provides the opportunity to create ~~second-residential~~ **accessory** dwelling units on existing residential property. For the purposes of this chapter, an "~~second residential~~ **accessory** dwelling unit" is defined as either a detached or attached dwelling unit which provides complete, independent living facilities for one or more persons. An attached ~~second~~ **accessory dwelling** unit may be developed as a second story. This unit would include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the primary unit is situated. In addition, the ~~second~~ **accessory dwelling** unit is a housing alternative designed to offer an affordable living opportunity.

C. Except as provided herein, an ~~second-residential~~ **accessory** dwelling unit shall be prohibited in all single-family zones and on all multiple family zoned lots containing less than the minimum lot size for multiple dwelling units.

##### **18.38.020 Permitted uses.**

A maximum of one ~~second-residential~~ **accessory** dwelling unit shall be permitted on single-family zoned residential property (lots zoned SF or specific plans designated for single-family land use) or multiple-family zoned property improved with a single-family dwelling, subject to the provisions of this chapter.

**18.38.030 General provisions.**

The following general provisions shall apply to all ~~second-residential~~ **accessory** dwelling units:

A. ~~Second-residential~~ **Accessory** dwelling units shall be permitted on single-family or multiple-family residential zoned property which contains an existing single-family residence at time of application, or is vacant and is to be developed in conjunction with the construction of the primary single-family residence.

B. Unless otherwise provided by the provisions of this chapter, an ~~second-residential~~ **accessory** dwelling unit shall be permitted only on lots in which the improvements thereon conform to all minimum requirements of the applicable single-family, specific plan or multiple-family residential zone.

C. ~~Second-residential~~ **Accessory** dwelling units may be rented, and shall not be separately sold or subdivided. The owner of the subject property shall be the occupant of either the primary residence or the ~~second-residential~~ **accessory** dwelling unit, and such restriction shall be recorded on an instrument as approved by the city attorney and shall run with the land.

D. Affordable Rental Housing. All ~~second-residential~~ **accessory** dwelling units which are rented shall be designated as “affordable” and shall conform to the following standards:

1. Said ~~second-residential~~ **accessory** dwelling units shall be rented to “low” or “very low” income households as defined by the most currently published United States Department of Housing and Urban Development (HUD) Income Limits for Los Angeles County.

2. The property owner of the property on which the ~~second-residential~~ **accessory dwelling** unit is to be located shall enter into and record an affordable housing contract per the approval of the city attorney for a minimum term of fifty years with automatic renewal, or until the ~~second-residential~~ **accessory dwelling** unit is removed, and such restriction shall run with the land.

3. The property owner of the ~~second-residential~~ **accessory** dwelling unit shall comply and submit affordable housing reporting information as required by the Affordable Housing Agreement approved by, and on file with, the city. The agreement shall include a certified annual report submitted by the property owner to the city demonstrating compliance with the Affordable Housing Agreement.

4. **If the additional unit is rented, it shall be not be rented for terms less than thirty days.**

5. **In lieu of being rented as an affordable unit pursuant to the subsection, the accessory dwelling unit may be rented to person(s) over the age of sixty-two, caregivers for a resident of one of the units on the property, and persons with disabilities who do not meet the income limitations set forth herein. The Affordable Housing Agreement is still required with any different tenancy to be reported on the certified annual report.**

E. Equestrian Property. Notwithstanding any other provisions of this chapter, ~~second residential~~ **accessory** dwelling units shall be located in such a manner so as not to conflict with the equestrian setback standards on the subject property or adjoining properties, as set forth in this title.

F. Hillside Property. To minimize the amount of grading, single-family residential property located in hillside areas shall have sufficient existing flat pad area to support the

placement of an ~~second-residential~~ **accessory** dwelling unit. For the purposes of this section, hillside property shall be defined as provided in Chapter 18.164 of this title.

G. Discretionary Application. No variance, conditional use permit or other discretionary application shall be allowed in conjunction with the consideration of an application for an ~~second~~ **accessory dwelling** unit.

**18.38.040 Development standards.**

The following property development standards shall apply to all ~~second-residential~~ **accessory** dwelling units:

A. Minimum Lot Size. The following minimum lot area standards shall apply:

1. Ten thousand square feet or greater—attached or detached ~~second-residential~~ **accessory** dwelling units, subject to the provisions of this chapter;
2. Less than nine thousand nine hundred ninety-nine square feet—No ~~second-residential~~ **accessory** dwelling units are allowed.

B. Floor Area. The following floor area standards for ~~second-residential~~ **accessory** dwelling units apply:

1. Attached ~~second-residential~~ **accessory** dwelling units shall not exceed five hundred square feet;
2. Detached ~~second-residential~~ **accessory** dwelling units shall not exceed:
  - a. Six hundred square feet on properties from ten thousand to twenty thousand square feet,
  - b. Seven hundred square feet on properties from twenty thousand one square feet up to one acre,
  - c. Eight hundred fifty square feet on properties over one acre;
3. A maximum of two bedrooms are permitted in any ~~second-residential~~ **accessory** dwelling unit.

C. Minimum Yard Areas. The following minimum yard requirements apply:

1. Front Yards. The provisions of the applicable underlying zoning designation of the subject property shall apply;
2. Side Yards and Corner Lots. The provisions of the applicable underlying zoning designation of the subject property shall apply;
3. Rear Yards. The minimum rear yard shall be three feet;
4. Nonconforming Residential Structures. The provisions of Chapter 18.24 shall apply to lots with an existing nonconforming primary residential dwelling unit which otherwise meets the current building and zoning code requirements.

**5. Existing Garage. No additional setback shall be required for an existing garage that is converted to an accessory dwelling unit although said conversion shall meet all requirements of the applicable building code. A setback of no more than five feet from side and/or rear lot lines shall be allowed for an accessory dwelling unit constructed above a garage provided said setback does not reduce access to required off street parking.**

D. Building Height. The provisions of the applicable underlying zoning designation of the subject property shall apply.

E. Parking and Access. The following parking and access requirements shall apply:

1. In addition to the parking required for the primary dwelling unit, the ~~second residential~~ **accessory** dwelling unit shall provide a minimum of one garage parking space.

The first two hundred fifty square feet of garage area shall not be counted as part of the floor area of the ~~second~~ accessory dwelling unit; all square footage over two hundred fifty square feet will count towards the floor area of the ~~second~~ accessory dwelling unit;

a. Said parking may be located in an existing driveway, in a required setback, or as a tandem design, but shall not impede access to the required parking for the primary residence.

b. Said parking shall be waived when the accessory dwelling unit is located in any of the following circumstances:

i. Within one-half mile of a permanent transit stop, including, but not limited to, a park and ride facility or bus stop, which shall be regularly operating on headway of fifteen minutes or less.

ii. Within an architectural or historical district designated on the State Register of Historic Places.

iii. Where the accessory dwelling unit is located entirely within an existing primary residence.

iv. Within five hundred feet of a designated car share location.

2. Direct access to the ~~second~~ accessory dwelling unit shall be provided from a public right-of-way. Access may be provided from either an alley or a public street. Front driveway access from a public street may be permitted if the driveway is a minimum of twelve feet wide and is accessible via the existing driveway apron. No secondary front driveway aprons shall be allowed to access the ~~second-residential~~ accessory dwelling unit;

3. Corner Lots. Secondary driveways to access the ~~second~~ accessory dwelling unit from the side street may be permitted. The minimum secondary driveway width shall be twelve feet;

4. Alley Access. The ~~second-residential~~ accessory dwelling unit shall take vehicular access from the alley if the property abuts an alley.

5. If the existing off-street parking is proposed to be demolished in conjunction with development of an accessory dwelling unit, said parking shall be replaced in a manner required by Chapter 18.156 and the applicable zoning district. Said parking may be provided in a tandem design or by use of a mechanical parking lift.

F. Building Separation. The minimum separation for a detached ~~second-residential~~ accessory dwelling unit from the primary dwelling unit shall be twenty feet. The building separation area shall not be used for parking purposes. **No passageway shall be required for a detached accessory dwelling unit.**

G. Building Entrance. The entrance to an attached ~~second-residential~~ accessory dwelling unit shall be separate from the entrance to the primary dwelling unit and shall be designed in a manner so as to appear as a single residential dwelling unit.

H. Architectural Design. All ~~second~~ accessory dwelling units shall be designed to be compatible with the existing, or proposed, single-family residence located on the same property as set forth in Section 18.12.060.

I. Fire Sprinklers. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

J. Utilities. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating city and county connection fees or capacity charges for utilities, including water and sewer service.

1. When the accessory dwelling unit is within the existing residence, a new or separate utility meter shall not be required and a related connection or capacity fee may not be charged.

2. When the accessory dwelling unit is attached or detached, a new or separate utility meter may be required. Any connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit based upon either its size or the number of plumbing fixtures for a water or sewer system.

~~K.~~ Dedication and Improvements. All ~~second~~ accessory dwelling units shall comply with applicable requirements set forth in Sections 18.12.100 through 18.12.110.

**18.38.050 Plan review.**

A. All ~~second residential~~ accessory dwelling units shall be reviewed and approved by the development plan review board. The board may impose conditions necessary or require modifications in proposed designs to ensure that the provisions of this chapter are complied with. The board may not deny an ~~second~~ accessory dwelling unit where it is a permitted use in the zone in which the property lies.

B. The application and material submittal requirements shall be pursuant to the provisions of Chapter 18.12.

C. All applications shall be acted upon within 120 days of the application being deemed complete.

**18.38.060 Appeals.**

Any aggrieved party may file an appeal of a decision of the development plan review board pursuant to the provisions of Chapter 18.212. Any appeal filed shall be limited to matters associated with the application of the provisions of this chapter to the ~~second~~ accessory dwelling unit request and shall not be based on objections to approving the ~~second~~ accessory dwelling unit as a use on property where the ~~second~~ accessory dwelling unit is permitted.



## RESOLUTION PC-1570

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 16-01, A REQUEST TO REVISE CHAPTER 18.38 (SECOND UNITS) TO BE CONSISTENT WITH STATE LAW CHANGES REGARDING ACCESSORY DWELLING UNITS (ADUs)

**WHEREAS**, an Amendment to the San Dimas Municipal Code has been duly initiated by the City of San Dimas; and

**WHEREAS**, the Amendment is described as Consideration of an amendment to update Municipal Code Section 18.38 (Second Dwelling Units) in response to SB 1069 and AB 2299, including revisions to parking and other standards; and

**WHEREAS**, the Amendment would affect the areas of the City eligible for accessory dwelling units (ADUs) and

**WHEREAS**, notice was duly given of the public hearing on the matter and that public hearing was held on November 17, 2016 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. MCTA 16-01 makes minor changes to existing second unit/ADU regulations consistent with new State laws.
- B. The proposed Municipal Code Text Amendment will further the public health, safety and general welfare. Proposed changes are minor and allow additional housing opportunities.
- C. The proposed Municipal Code Text Amendment is consistent with the General Plan. One of the revisions implements an objective set forth in the 2014- 21 Housing Element regarding eligible residents for second units/ADUs.

**NOW, THEREFORE, BE IT FURTHER RESOLVED, PURSUANT TO THE ABOVE FINDINGS,** that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 16-01 as set forth on Attached Exhibit A.

**PASSED, APPROVED and ADOPTED,** the 17th day of November, 2016 by the following vote:

**AYES:** Bratt, Davis, Green, Molina, Ross

**NOES:** None

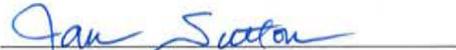
**ABSENT:** None

**ABSTAIN:** None



David A. Bratt, Chairman  
San Dimas Planning Commission

ATTEST:

  
Jan Sutton, Planning Secretary

## EXHIBIT A

1. Delete the text with the strike-throughs and add the text shown in red.

### Chapter 18.38

#### ~~SECOND~~ **ACCESSORY DWELLING UNITS**

**Sections:**

- 18.38.010 Purpose.**
- 18.38.020 Permitted uses.**
- 18.38.030 General provisions.**
- 18.38.040 Development standards.**
- 18.38.050 Plan review.**
- 18.38.060 Appeals.**

**18.38.010 Purpose.**

A. The California State Legislature has identified in Government Code Section 65852.2 that the need exists for new housing to shelter California's population. The legislature has further declared that the state should increase housing resources and reduce the barriers to the provisions for affordable housing opportunities. Creating the opportunity to provide ~~second-residential~~ **accessory dwelling** units on existing residential property with single-family dwelling units is beneficial and would provide an additional resource for affordable housing within the community.

B. This chapter provides the opportunity to create ~~second-residential~~ **accessory** dwelling units on existing residential property. For the purposes of this chapter, an "~~second-residential~~ **accessory dwelling unit**" is defined as either a detached or attached dwelling unit which provides complete, independent living facilities for one or more persons. An attached ~~second~~ **accessory dwelling** unit may be developed as a second story. This unit would include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the primary unit is situated. In addition, the ~~second~~ **accessory dwelling** unit is a housing alternative designed to offer an affordable living opportunity.

C. Except as provided herein, an ~~second-residential~~ **accessory** dwelling unit shall be prohibited in all single-family zones and on all multiple family zoned lots containing less than the minimum lot size for multiple dwelling units.

**18.38.020 Permitted uses.**

A maximum of one ~~second-residential~~ **accessory** dwelling unit shall be permitted on single-family zoned residential property (lots zoned SF or specific plans designated for single-family land use) or multiple-family zoned property improved with a single-family dwelling, subject to the provisions of this chapter.

**18.38.030 General provisions.**

The following general provisions shall apply to all ~~second-residential~~ **accessory** dwelling units:

A. ~~Second-residential~~ **Accessory** dwelling units shall be permitted on single-family or multiple-family residential zoned property which contains an existing single-family residence at time of application, or is vacant and is to be developed in conjunction with the construction of the primary single-family residence.

B. Unless otherwise provided by the provisions of this chapter, ~~an second-residential~~ **accessory** dwelling unit shall be permitted only on lots in which the improvements thereon conform to all minimum requirements of the applicable single-family, specific plan or multiple-family residential zone.

C. ~~Second-residential~~ **Accessory** dwelling units may be rented, and shall not be separately sold or subdivided. The owner of the subject property shall be the occupant of either the primary residence or the ~~second-residential~~ **accessory** dwelling unit, and such restriction shall be recorded on an instrument as approved by the city attorney and shall run with the land.

D. Affordable Rental Housing. All ~~second-residential~~ **accessory** dwelling units which are rented shall be designated as "affordable" and shall conform to the following standards:

1. Said ~~second-residential~~ **accessory** dwelling units shall be rented to "low" or "very low" income households as defined by the most currently published United States Department of Housing and Urban Development (HUD) Income Limits for Los Angeles County.

2. The property owner of the property on which the ~~second-residential~~ **accessory dwelling** unit is to be located shall enter into and record an affordable housing contract per the approval of the city attorney for a minimum term of fifty years with automatic renewal, or until the ~~second residential~~ **accessory dwelling** unit is removed, and such restriction shall run with the land.

3. The property owner of the ~~second-residential~~ **accessory** dwelling unit shall comply and submit affordable housing reporting information as required by the Affordable Housing Agreement approved by, and on file with, the city. The agreement shall include a certified annual report submitted by the property owner to the city demonstrating compliance with the Affordable Housing Agreement.

4. ~~If the additional unit is rented, it shall be not be rented for terms less than thirty days.~~

5. ~~In lieu of being rented as an affordable unit pursuant to the subsection, the accessory dwelling unit may be rented to person(s) over the age of sixty-two, caregivers for a resident of one of the units on the property, and persons with disabilities who do not meet the income limitations set forth herein. The Affordable Housing Agreement is still required with any different tenancy to be reported on the certified annual report.~~

E. Equestrian Property. Notwithstanding any other provisions of this chapter, ~~second residential~~ **accessory** dwelling units shall be located in such a manner so as not to conflict with the equestrian setback standards on the subject property or adjoining properties, as set forth in this title.

F. Hillside Property. To minimize the amount of grading, single-family residential property located in hillside areas shall have sufficient existing flat pad area to support the placement of ~~an second-residential~~ **accessory** dwelling unit. For the purposes of this section, hillside property shall be defined as provided in Chapter 18.164 of this title.

G. Discretionary Application. No variance, conditional use permit or other discretionary application shall be allowed in conjunction with the consideration of an application for ~~an second~~ **accessory dwelling** unit.

**18.38.040 Development standards.**

The following property development standards shall apply to all ~~second-residential~~ accessory dwelling units:

A. Minimum Lot Size. The following minimum lot area standards shall apply:

1. Ten thousand square feet or greater—attached or detached ~~second-residential~~ accessory dwelling units, subject to the provisions of this chapter;
2. Less than nine thousand nine hundred ninety-nine square feet—No ~~second-residential~~ accessory dwelling units are allowed.

B. Floor Area. The following floor area standards for ~~second-residential~~ accessory dwelling units apply:

1. Attached ~~second-residential~~ accessory dwelling units shall not exceed five hundred square feet;
2. Detached ~~second-residential~~ accessory dwelling units shall not exceed:
  - a. Six hundred square feet on properties from ten thousand to twenty thousand square feet,
  - b. Seven hundred square feet on properties from twenty thousand one square feet up to one acre,
  - c. Eight hundred fifty square feet on properties over one acre;
3. A maximum of two bedrooms are permitted in any ~~second-residential~~ accessory dwelling unit.

C. Minimum Yard Areas. The following minimum yard requirements apply:

1. Front Yards. The provisions of the applicable underlying zoning designation of the subject property shall apply;
2. Side Yards and Corner Lots. The provisions of the applicable underlying zoning designation of the subject property shall apply;
3. Rear Yards. The minimum rear yard shall be three feet;
4. Nonconforming Residential Structures. The provisions of Chapter 18.24 shall apply to lots with an existing nonconforming primary residential dwelling unit which otherwise meets the current building and zoning code requirements.

5. Existing Garage. No additional setback shall be required for an existing garage that is converted to an accessory dwelling unit although said conversion shall meet all requirements of the applicable building code. A setback of no more than five feet from side and/or rear lot lines shall be allowed for an accessory dwelling unit constructed above a garage provided said setback does not reduce access to required off street parking.

D. Building Height. The provisions of the applicable underlying zoning designation of the subject property shall apply.

E. Parking and Access. The following parking and access requirements shall apply:

1. In addition to the parking required for the primary dwelling unit, the ~~second-residential~~ accessory dwelling unit shall provide a minimum of one garage parking space. The first two hundred fifty square feet of garage area shall not be counted as part of the floor area of the ~~second-residential~~ accessory dwelling unit; all square footage over two hundred fifty square feet will count towards the floor area of the ~~second-residential~~ accessory dwelling unit;

a. Said parking may be located in an existing driveway, in a required setback, or as a tandem design, but shall not impede access to the required parking for the primary residence.

b. Said parking shall be waived when the accessory dwelling unit is located in any of the following circumstances:

i. Within one-half mile of a permanent transit stop, including, but not limited to, a park and ride facility or bus stop, which shall be regularly operating on headway of fifteen minutes or less.

ii. Within an architectural or historical district designated on the State Register of Historic Places.

iii. Where the accessory dwelling unit is located entirely within an existing primary residence.

iv. Within five hundred feet of a designated car share location.

2. Direct access to the ~~second residential~~ accessory dwelling unit shall be provided from a public right-of-way. Access may be provided from either an alley or a public street. Front driveway access from a public street may be permitted if the driveway is a minimum of twelve feet wide and is accessible via the existing driveway apron. No secondary front driveway aprons shall be allowed to access the ~~second residential~~ accessory dwelling unit;

3. Corner Lots. Secondary driveways to access the ~~second residential~~ accessory dwelling unit from the side street may be permitted. The minimum secondary driveway width shall be twelve feet;

4. Alley Access. The ~~second residential~~ accessory dwelling unit shall take vehicular access from the alley if the property abuts an alley.

5. If the existing off-street parking is proposed to be demolished in conjunction with development of an accessory dwelling unit, said parking shall be replaced in a manner required by Chapter 18.156 and the applicable zoning district. Said parking may be provided in a tandem design or by use of a mechanical parking lift.

F. Building Separation. The minimum separation for a detached ~~second residential~~ accessory dwelling unit from the primary dwelling unit shall be twenty feet. The building separation area shall not be used for parking purposes. ~~No passageway shall be required for a detached accessory dwelling unit.~~

G. Building Entrance. The entrance to an attached ~~second residential~~ accessory dwelling unit shall be separate from the entrance to the primary dwelling unit and shall be designed in a manner so as to appear as a single residential dwelling unit.

H. Architectural Design. All ~~second residential~~ accessory dwelling units shall be designed to be compatible with the existing, or proposed, single-family residence located on the same property as set forth in Section 18.12.060.

I. Fire Sprinklers. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

J. Utilities. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating city and county connection fees or capacity charges for utilities, including water and sewer service.

1. When the accessory dwelling unit is within the existing residence, a new or separate utility meter shall not be required and a related connection or capacity fee may not be charged.

2. When the accessory dwelling unit is attached or detached, a new or separate utility meter may be required. Any connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit based upon either its size or the number of plumbing fixtures for a water or sewer system.

K. Dedication and Improvements. All ~~second residential~~ accessory dwelling units shall comply with applicable requirements set forth in Sections 18.12.100 through 18.12.110.

#### **18.38.050 Plan review.**

A. All ~~second residential~~ accessory dwelling units shall be reviewed and approved by the development plan review board. The board may impose conditions necessary or require

modifications in proposed designs to ensure that the provisions of this chapter are complied with. The board may not deny an ~~see~~ **accessory dwelling** unit where it is a permitted use in the zone in which the property lies.

B. The application and material submittal requirements shall be pursuant to the provisions of Chapter 18.12.

C. **All applications shall be acted upon within 120 days of the application being deemed complete.**

**18.38.060 Appeals.**

Any aggrieved party may file an appeal of a decision of the development plan review board pursuant to the provisions of Chapter 18.212. Any appeal filed shall be limited to matters associated with the application of the provisions of this chapter to the ~~see~~ **accessory dwelling** unit request and shall not be based on objections to approving the ~~see~~ **accessory dwelling** unit as a use on property where the ~~see~~ **accessory dwelling** unit is permitted.



# CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting  
Thursday, November 17, 2016 at 7:00 p.m.  
245 East Bonita Avenue, Council Chambers

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## **Present**

Chairman David Bratt  
Commissioner John Davis  
Commissioner Margie Green  
Commissioner Tom Molina  
Commissioner Ted Ross  
Assistant City Manager Comm. Dev. Larry Stevens  
Planning Manager Fabiola Wong  
Planning Secretary Jan Sutton

## **CALL TO ORDER AND FLAG SALUTE**

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

## **APPROVAL OF MINUTES**

1. September 15, 2016 (Davis absent)

**MOTION:** Moved by Green, seconded by Ross to approve the Minutes of September 15, 2016. Motion carried 4-0-0-1 (Davis abstain).

## **PUBLIC HEARINGS**

2. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 16-01** – A request to update Municipal Code Section 18.38 Second Dwelling Units in response to SB1089 and AB2299, including revisions to parking and other standards City-wide.

Staff report presented by *Assistant City Manager Larry Stevens* who stated this is in response to two pieces of legislation that were passed this year. When there are two bills that amend the same section of the Government Code, whichever the Governor signs first takes precedence, which made it more complicated to understand which of the new rules were adopted. The City's focus has been on the chaptered version of both bills. In general the name has been changed for the third time to Accessory Dwelling Unit (ADU); in the 1980's they were originally called Granny Flats and in the 1990's they were renamed to second units. Over the years standards have been amended in regards to the maximum size, parking, etc. and the City

amended the code in 2006 to adopt changes for minimum lot size, and maximum dwelling unit sizes.

The second substantive change is there is now a 120 day maximum review period from when a complete application is submitted, which is shorter than the 180 days allowed under the Permit Streamlining Act. There are now requirements that under certain circumstances required parking for the unit is waived, but since none of the terms utilized to establish the opportunity for parking waivers were defined, Staff added definitions. The legislation also places limitations on what city and county water and sewer agencies can charge for connection impact fees. It does not affect private water companies like Golden State Water but that could change in the future; therefore, at this point any collection of fees will be between the applicant and the water company. Another change had to do with setbacks if a unit is constructed over an existing garage. There is also a prohibition on requiring installation of fire sprinklers in a unit if the main house does not have them already.

**Assistant City Manager Stevens** stated all of these changes were primarily intended to accomplish the goal of providing more housing and affordable housing in an effort to respond to how local governments were processing second unit permits. Many of these changes were based on a study conducted by U.C. Berkeley which only looked at six Bay Area cities, and the professors who wrote the study even stated their study was limited in size and scope and broad references should not be drawn from it. However, the Legislature used it as the basis for how all cities should approach accessory units. The chart on pages 2 and 3 of the staff report show how all of required changes have been incorporated into the existing code section. In regards to the parking waiver, since no definitions were given by the legislature, Staff has done so under Section 18.38.040.E.b and went over the various subsections. In regards to the requirement for a waiver within 500 feet of a car share location, the word "designated" was added by Staff for when it is finally defined. He felt that was something that was probably at least ten years down the road. Most of these waiver conditions would not be applicable to San Dimas, but the City Attorney has reviewed the language and is comfortable that the City is in compliance.

He stated the last change included was a discretionary one on the part of the City. When the last General Plan Housing Element was adopted, one of the objectives was to review this code section for options that might allow seniors, disabled persons, and caregivers to occupy the second unit without having to comply with the income restriction of the covenant. Staff has included language that would permit seniors over the age of 62, persons with disabilities, and caregivers to an occupant of a unit on the property. While these categories would not be required to meet the low-income limits, most people in these categories probably meet those standards anyway. One of the things the Council has said is that they don't want properties in the single-family zone to become duplex real-income properties, so these new requirements meet the goals of the Housing Element while still complying with the Council's direction.

There is an additional piece of legislation included in the package for a Junior Accessory Dwelling Unit (JADU). Adoption of this language is currently volitional on the City's part and is simply being provided as informational at this time. If at some time the State law changes making them mandatory, Staff will amend the code then. Staff is recommending the Planning Commission adopt Resolution PC-1570 recommending approval of M.C.T.A. 16-01.

**Commissioner Molina** asked if a unit was constructed on top of a garage, what are the requirements for fire sprinklers, and if this legislation was to promote affordable housing.

**Assistant City Manager Stevens** stated if the main house does not have existing fire sprinklers, then a garage conversion or new unit above would not be required to install them but the applicant can if they want to. However, they would have to construct the unit to be

compliant with fire code separation standards. The idea is to promote affordable housing and eliminate unreasonable restrictions some cities were imposing to prevent them. Most cities do not have an income restriction or owner occupancy requirement because it is not required by State law. In San Dimas by maintaining the affordability and owner occupancy restrictions, and now allowing seniors, persons with disabilities, and caregivers, we are accomplishing something meaningful in that area.

**Commissioner Molina** asked would a unit need to be ADA compliant now that they can be used for persons with disabilities. He also asked if there were many lots over 10,000 square feet in San Dimas, and if someone wanted to convert an existing garage, would it need to have a 10,000 square foot lot.

**Assistant City Manager Stevens** stated since these are considered under single-family zoning, no unique ADA standards are required. Someone can choose to install them but they are not required. And over time tenancy will change so the next occupant may not be disabled. There are many 10,000 square foot lots in the city limits. There are not that many in the downtown area, but the horsekeeping lots and custom home lots exceed that, as well as others scattered around the community. If someone wanted to convert a garage, they would still need to meet the minimum lot size and provide three off-street parking spaces, including two in an enclosed garage for the main house.

**Commissioner Green** asked if we have turned down many requests for second units and if we expect these changes will bring in more requests to build them.

**Assistant City Manager Stevens** stated we have never turned down an application for one, and did not think these changes will increase the number of requests we get, which usually average one per year. We do not have discretionary authority over the application, we can only confirm that it meets all the code standards.

**Commissioner Green** asked if the second story constructed at 1315 Paseo Placita was built as a second unit.

**Assistant City Manager Stevens** stated that was submitted as a two bedroom, second story addition to the original house, and while it might be characterized as something that could be easily converted because of the layout, during construction Staff had them remove things they installed that seemed to be too kitchen-like. There are also probably conversions on small lots that were done without permits, and in some large custom houses are maid's quarters that owners have tried to convert by adding kitchen facilities that we have had them remove.

**Commissioner Green** asked if there could be a future problem with these accessory units being rented as Airbnbs.

**Assistant City Manager Stevens** stated there is a concern so Staff added Section 18.38.030.D.4 that sets a minimum rental term of 30 days to try and prevent that. The City does not have any regulations regarding short term rentals at this time, we only respond when a complaint is received.

**Commissioner Ross** asked if it would be possible to use one of these accessory units like a mini-dorm with 5-6 people in it.

**Assistant City Manager Stevens** stated the maximum size for a unit under State standards is 1,200 square feet and two bedrooms, though per the City's code the maximum is 850 square feet based on lot size. If it was rented to several college students, their combined income would

need to meet the affordability limits. If one was being used in that manner, most likely the owner would not report that on the annual certification form.

**Commissioner Davis** asked if the definition of what makes something an ADU is having a kitchen, and can a residential unit only have one kitchen. He also asked if the ADU is detached, it has to be 20 feet away from the main dwelling unit.

**Assistant City Manager Stevens** stated you have to have a kitchen to qualify as a separate ADU, and that a single-family residence is only allowed to have one kitchen. Our code requires a 20-foot separation between the main house and the ADU, which is slightly larger than the Building Code requirement.

**Commissioner Davis** asked if there have been any studies that would show if there is any negative impact on having ADUs in a community like San Dimas.

**Assistant City Manager Stevens** stated there is more of a perception that single-family properties should be for one single-family residential structure, which goes back to when the Council was moving away from duplex zoning in the downtown area. Our standards were created to have the least negative impact in single-family zones.

**Commissioner Davis** asked if the minimum lot size and maximum unit size were City requirements, and asked about the minimum rear yard setback of three feet.

**Assistant City Manager Stevens** stated under State law the maximum size is 1,200 square feet and two bedroom, but you can have smaller units which is why we have a sliding scale based on lot size. Setting a minimum lot size of 10,000 square feet is a local requirement. In regards to the rear setback, in most of the residential zones there is no rear yard setback. The place where it comes into play is if there is an alley. The Building Code requires structures to be a minimum of three feet from a property line as long as the eaves do not extend beyond half the distance, there is a one-hour firewall, and no openings. This requirement is intended to mimic the Building code, but there could be a few garages that are on the property line that might be an issue if converted which is why a minimum was established.

**Commissioner Davis** asked about the parking waiver requirement if within a half-mile of a transit stop, and if "regularly operating" meant only one-time a day or if it had to be the entire 24-hour period.

**Assistant City Manager Stevens** stated there is no definition but he would argue that it had to be operating on a daily basis during peak times to qualify.

Chairman Bratt opened the meeting for public hearing. There being no response, the public hearing was closed.

**Assistant City Manager Stevens** added that the City sent letters of opposition on this legislation at the direction of the City Council.

**Commissioner Davis** stated he felt the addition of qualified renters to include seniors, persons with disabilities, or caregivers was a positive step.

## RESOLUTION PC-1570

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 16-01, A REQUEST TO REVISE CHAPTER 18.38 (SECOND UNITS) TO BE CONSISTENT WITH STATE LAW CHANGES REGARDING ACCESSORY DWELLING UNITS (ADUs)

**MOTION:** Moved by Davis, seconded by Ross to approve Resolution PC-1570 recommending approval to the City Council of Municipal Code Text Amendment 16-01. Motion carried unanimously, 5-0.

### **ORAL COMMUNICATION**

#### **3. Community Development Department**

*Assistant City Manager Stevens* reminded the Commission of the Joint Meeting with the City Council on November 22, 2016 at 5:00 p.m. to discuss the proposed Downtown Specific Plan. They are projecting bringing this item to the Planning Commission for review sometime in February. He stated the next Planning Commissioner's Academy in March 2017 will be held at the LAX Marriott.

He stated of the three housing project applications they have received, Walbern on San Dimas Avenue is the furthest along in the review process so the Commission should be holding the public hearing in the early part of next year. The others are still working on submittal issues. Grading for the NJD project may start after the first of the year for the main part of the project, while utility work could start in the next few weeks.

#### **4. Members of the Audience**

**Carla Rickerd, 337 Cody Road**, stated she has concerns with the Walbern project and the proposed re-zoning. She did not want to see the equestrian property go away.

*Assistant City Manager Stevens* stated Staff is aware of the neighbors' comments and have a copy of the petition they circulated which will become part of the public record. There will be more details available for the residents to consider at the next community meeting.

#### **5. Planning Commission**

*Commissioner Davis* asked if there was any news on the Gold Line construction schedule.

*Assistant City Manager Stevens* stated the Gold Line will be one of the first projects funded with the passage of Measure M. There are currently funds available for 50% of the design/build plans, which would be ready around 2018-2019. The Gold Line Authority projects a seven-year construction schedule, so it may be operational in late 2025 or early 2026.

**ADJOURNMENT**

**MOTION:** Moved by Davis seconded by Ross to adjourn. Motion carried unanimously, 5-0. The meeting adjourned at 8:12 p.m. to the regular Planning Commission meeting scheduled for Thursday, December 1, 2016, at 7:00 p.m.

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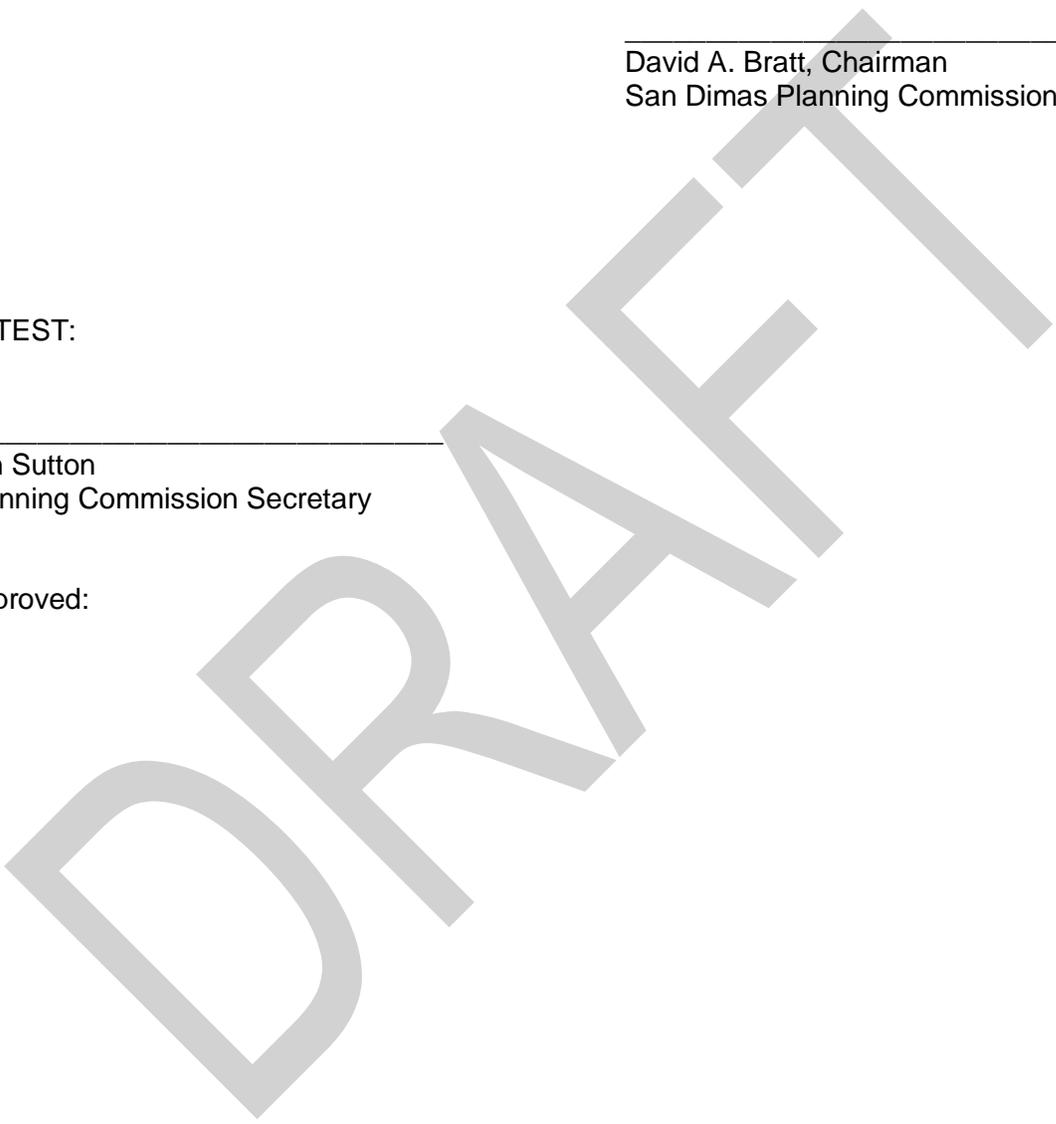
David A. Bratt, Chairman  
San Dimas Planning Commission

ATTEST:

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Jan Sutton  
Planning Commission Secretary

Approved:





# Planning Commission Staff Report

**DATE:** November 17, 2016

**TO:** Planning Commission

**FROM:** Community Development Department

**SUBJECT:** Municipal Code Text Amendment 16-01 - Consideration of an amendment to update Municipal Code Section 18.38 (Second Dwelling Units) in response to SB 1069 and AB 2299, including revisions to parking and other standards

## **SUMMARY**

*The proposed Municipal Code Text Amendment intends to update the City Second Unit ordinance by adding various changes required by SB 1069 and AB 2299. In addition the City proposes to increase the eligible residents to include senior citizens, caregivers and disabled persons who might not meet the affordability standards.*

*Staff recommends approving MCTA 16-01.*

## **BACKGROUND**

In 1993 the City of San Dimas established Chapter 18.38 allowing second units as required by Government Code Section 65852.2. In 2003 The City amended its second unit regulations to address updated changes in State law.

This year the State Legislature amended Government Code Section 65852.2 making further revisions to second unit law as set forth in SB 1069 and AB 2299 (copies attached). These changes primarily relate to processing time, parking requirements for second units (now called accessory dwelling units or ADUs), setbacks and utility connections and fees. These changes take effect January 1, 2017.

There are approximately 15 second units in the City.

## **ANALYSIS**

Two bills were separately adopted by the legislature affecting second units. Even though each bill contained some different provisions they are chaptered based upon the order they were signed by the Governor. The chaptered versions (in effect a merger of the two bills) are identical and are available in the attachments as follows:

- SB 1069 – starting with Sec. 5.5 on pages 13-17 of the attachment
- AB 2299 - starting with Sec. 1.5 on pages 5-9 of the attachment

The changes in the bills require the City to further amend its second unit regulations to be in compliance with State law. It should be noted that the City wrote letters of opposition to both bills.

The primary changes include:

1. Changing the name of “second units” to “accessory dwelling units (ADUs).”
2. Establishing a maximum of 120 days to review an application for an ADU.
3. Requiring parking to be waived under certain circumstances.
4. Limiting fees for utility connections and related capacity charges.
5. Allowing setback revisions under certain circumstances for garage converted units.
6. Restricting requirements for fire sprinklers.

Many of these changes are based on a perception that cities were making it difficult for people to develop second units. Unfortunately the UC Berkeley study (“Yes in My Back Yard”) was very limited in scope to a few Bay Area cities but that did not preclude the legislature from adopting new State-wide standards using that study as its primary source.

In addition to these changes the adopted Housing Element contains, in part, the following objective:

*Review and refine the City’s second unit ordinance to facilitate options for seniors, persons with disabilities, caregivers and other lower and extremely low income households.*

The attached Resolution contains each of these changes to bring the City’s ordinance into compliance with State law.

<b>Change</b>	<b>Location</b>	<b>Comment</b>
Rename as ADUs	Throughout Chapter 18.38	
Review period	Subsection C added to Section 18.38.050	

Parking waiver	Add subsections a & b to Section 18.38.040.E.1	Limited waiver for specified transit stops (15 minute headways), historic districts (State Register), & car share as defined
Utility fees	Subsection J added to Section 18.38.040	Does not directly affect City; may not apply to private water purveyors
Setback limitations	Subsection 5 added to Section 18.38.040.C	
Fire sprinklers	Subsection I added to Section 18.38.040	
Seniors, disabled & caregivers	Subsection 5 added to Section 18.38.030.D	Adds to eligible residents seniors (over 62), caregivers serving property and disabled. [NOTE: Previous eligible residents are family member and persons of low or very low income.] [NOTE: Affordable covenant still required.]

In addition to the foregoing ADU bills there was a related bill (copy attached) passed by the legislature. AB 2406 (Thurmond) provides that cities may adopt ordinances allowing Junior Accessory Dwelling Units (JADUs). It is however not mandatory. A JADU is a unit established within the walls of an existing residence with the following characteristics:

- May have a separate entry from the main residence.
- May have an efficiency kitchen with maximum waste line from sink of 1.5 inches, a cooking facility not greater than 120 volts (or gas), and a food preparation area and storage cabinets of reasonable size.
- No parking can be required.
- No fire sprinklers can be required.
- No additional utility connection fees.

Since this is volitional on the City's part, there is no recommendation to proceed with a JADU ordinance.

**CONCLUSIONS**

Various changes are proposed primarily to address changes in State law relating to ADUs. The City also proposes to consider expanding eligible residents consistent with the adopted Housing Element Objective.



## APPENDIX A

### GENERAL INFORMATION

Applicant: City of San Dimas

Owner: n/a

Location: City wide

General Plan: n/a

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 November 4, 2016.

Environmental: The project is Exempt per CEQA Guidelines Section 15061(b)(3) – The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment



**Senate Bill No. 1069**

CHAPTER 720

An act to amend Sections 65582.1, 65583.1, 65589.4, 65852.150, 65852.2, and 66412.2 of the Government Code, relating to land use.

[Approved by Governor September 27, 2016. Filed with Secretary of State September 27, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1069, Wieckowski. Land use: zoning.

The Planning and Zoning Law authorizes the legislative body of a city or county to regulate, among other things, the intensity of land use, and also authorizes a local agency to provide by ordinance for the creation of 2nd units in single-family and multifamily residential zones, as specified. That law makes findings and declarations with respect to the value of 2nd units to California's housing supply.

This bill would replace the term "second unit" with "accessory dwelling unit" throughout the law. The bill would additionally find and declare that, among other things, allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock, and these units are an essential component of housing supply in California.

The Planning and Zoning Law authorizes the ordinance for the creation of 2nd units in single-family and multifamily residential zones to include specified provisions regarding areas where accessory dwelling units may be located, standards, including the imposition of parking standards, and lot density. Existing law, when a local agency has not adopted an ordinance governing 2nd units as so described, requires the local agency to approve or disapprove the application ministerially, as provided.

This bill would instead require the ordinance for the creation of accessory dwelling units to include the provisions described above. The bill would prohibit the imposition of parking standards under specified circumstances. The bill would revise requirements for the approval or disapproval of an accessory dwelling unit application when a local agency has not adopted an ordinance. The bill would also require the ministerial approval of an application for a building permit to create one accessory dwelling unit within the existing space of a single-family residence or accessory structure, as specified. The bill would prohibit a local agency from requiring an applicant for this permit to install a new or separate utility connection directly between the unit and the utility or imposing a related connection fee or capacity charge. The bill would authorize a local agency to impose this requirement for other accessory dwelling units.

This bill would incorporate additional changes in Section 65852.2 of the Government Code proposed by AB 2299 that would become operative only

if AB 2299 and this bill are both chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

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

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

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

SECTION 1. Section 65582.1 of the Government Code is amended to read:

65582.1. The Legislature finds and declares that it has provided reforms and incentives to facilitate and expedite the construction of affordable housing. Those reforms and incentives can be found in the following provisions:

(a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).

(b) Extension of statute of limitations in actions challenging the housing element and brought in support of affordable housing (subdivision (d) of Section 65009).

(c) Restrictions on disapproval of housing developments (Section 65589.5).

(d) Priority for affordable housing in the allocation of water and sewer hookups (Section 65589.7).

(e) Least cost zoning law (Section 65913.1).

(f) Density bonus law (Section 65915).

(g) Accessory dwelling units (Sections 65852.150 and 65852.2).

(h) By-right housing, in which certain multifamily housing are designated a permitted use (Section 65589.4).

(i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 65863).

(j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914) or post a bond (Section 529.2 of the Code of Civil Procedure).

(k) Reduced time for action on affordable housing applications under the approval of development permits process (Article 5 (commencing with Section 65950) of Chapter 4.5).

(l) Limiting moratoriums on multifamily housing (Section 65858).

(m) Prohibiting discrimination against affordable housing (Section 65008).

(n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3).

(o) Community redevelopment law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, and in particular Sections 33334.2 and 33413).

SEC. 2. Section 65583.1 of the Government Code is amended to read:

65583.1. (a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, may allow a city or county to identify adequate sites, as required pursuant to Section 65583, by a variety of methods, including, but not limited to, redesignation of property to a more intense land use category and increasing the density allowed within one or more categories. The department may also allow a city or county to identify sites for accessory dwelling units based on the number of accessory dwelling units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department. Nothing in this section reduces the responsibility of a city or county to identify, by income category, the total number of sites for residential development as required by this article.

(b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.

Any city, city and county, or county using this subdivision shall address the progress in meeting this section in the reports provided pursuant to paragraph (1) of subdivision (b) of Section 65400.

(c) (1) The Department of Housing and Community Development may allow a city or county to substitute the provision of units for up to 25 percent of the community's obligation to identify adequate sites for any income category in its housing element pursuant to paragraph (1) of subdivision (c) of Section 65583 where the community includes in its housing element a program committing the local government to provide units in that income category within the city or county that will be made available through the provision of committed assistance during the planning period covered by the element to low- and very low income households at affordable housing costs or affordable rents, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, and which meet the requirements of paragraph (2). Except as otherwise provided in this subdivision, the community may substitute one dwelling unit for one dwelling unit site in the applicable income category. The program shall do all of the following:

(A) Identify the specific, existing sources of committed assistance and dedicate a specific portion of the funds from those sources to the provision of housing pursuant to this subdivision.

(B) Indicate the number of units that will be provided to both low- and very low income households and demonstrate that the amount of dedicated funds is sufficient to develop the units at affordable housing costs or affordable rents.

(C) Demonstrate that the units meet the requirements of paragraph (2).

(2) Only units that comply with subparagraph (A), (B), or (C) qualify for inclusion in the housing element program described in paragraph (1), as follows:

(A) Units that are to be substantially rehabilitated with committed assistance from the city or county and constitute a net increase in the community’s stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not eligible to be “substantially rehabilitated” unless all of the following requirements are met:

(i) At the time the unit is identified for substantial rehabilitation, (I) the local government has determined that the unit is at imminent risk of loss to the housing stock, (II) the local government has committed to provide relocation assistance pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants temporarily or permanently displaced by the rehabilitation or code enforcement activity, or the relocation is otherwise provided prior to displacement either as a condition of receivership, or provided by the property owner or the local government pursuant to Article 2.5 (commencing with Section 17975) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, or as otherwise provided by local ordinance; provided the assistance includes not less than the equivalent of four months’ rent and moving expenses and comparable replacement housing consistent with the moving expenses and comparable replacement housing required pursuant to Section 7260, (III) the local government requires that any displaced occupants will have the right to reoccupy the rehabilitated units, and (IV) the unit has been found by the local government or a court to be unfit for human habitation due to the existence of at least four violations of the conditions listed in subdivisions (a) to (g), inclusive, of Section 17995.3 of the Health and Safety Code.

(ii) The rehabilitated unit will have long-term affordability covenants and restrictions that require the unit to be available to, and occupied by, persons or families of low- or very low income at affordable housing costs for at least 20 years or the time period required by any applicable federal or state law or regulation.

(iii) Prior to initial occupancy after rehabilitation, the local code enforcement agency shall issue a certificate of occupancy indicating compliance with all applicable state and local building code and health and safety code requirements.

(B) Units that are located either on foreclosed property or in a multifamily rental or ownership housing complex of three or more units, are converted

with committed assistance from the city or county from nonaffordable to affordable by acquisition of the unit or the purchase of affordability covenants and restrictions for the unit, are not acquired by eminent domain, and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not converted by acquisition or the purchase of affordability covenants unless all of the following occur:

(i) The unit is made available for rent at a cost affordable to low- or very low income households.

(ii) At the time the unit is identified for acquisition, the unit is not available at an affordable housing cost to either of the following:

(I) Low-income households, if the unit will be made affordable to low-income households.

(II) Very low income households, if the unit will be made affordable to very low income households.

(iii) At the time the unit is identified for acquisition the unit is not occupied by low- or very low income households or if the acquired unit is occupied, the local government has committed to provide relocation assistance prior to displacement, if any, pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants displaced by the conversion, or the relocation is otherwise provided prior to displacement; provided the assistance includes not less than the equivalent of four months' rent and moving expenses and comparable replacement housing consistent with the moving expenses and comparable replacement housing required pursuant to Section 7260.

(iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.

(v) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to persons of low- or very low income for not less than 55 years.

(vi) For units located in multifamily ownership housing complexes with three or more units, or on or after January 1, 2015, on foreclosed properties, at least an equal number of new-construction multifamily rental units affordable to lower income households have been constructed in the city or county within the same planning period as the number of ownership units to be converted.

(C) Units that will be preserved at affordable housing costs to persons or families of low- or very low incomes with committed assistance from the city or county by acquisition of the unit or the purchase of affordability covenants for the unit. For purposes of this subparagraph, a unit shall not be deemed preserved unless all of the following occur:

(i) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to, and reserved for occupancy by, persons of the same or lower income group as the current occupants for a period of at least 40 years.

(ii) The unit is within an "assisted housing development," as defined in paragraph (3) of subdivision (a) of Section 65863.10.

(iii) The city or county finds, after a public hearing, that the unit is eligible, and is reasonably expected, to change from housing affordable to low- and very low income households to any other use during the next five years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use.

(iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.

(v) At the time the unit is identified for preservation it is available at affordable cost to persons or families of low- or very low income.

(3) This subdivision does not apply to any city or county that, during the current or immediately prior planning period, as defined by Section 65588, has not met any of its share of the regional need for affordable housing, as defined in Section 65584, for low- and very low income households. A city or county shall document for any housing unit that a building permit has been issued and all development and permit fees have been paid or the unit is eligible to be lawfully occupied.

(4) For purposes of this subdivision, “committed assistance” means that the city or county enters into a legally enforceable agreement during the period from the beginning of the projection period until the end of the second year of the planning period that obligates sufficient available funds to provide the assistance necessary to make the identified units affordable and that requires that the units be made available for occupancy within two years of the execution of the agreement. “Committed assistance” does not include tenant-based rental assistance.

(5) For purposes of this subdivision, “net increase” includes only housing units provided committed assistance pursuant to subparagraph (A) or (B) of paragraph (2) in the current planning period, as defined in Section 65588, that were not provided committed assistance in the immediately prior planning period.

(6) For purposes of this subdivision, “the time the unit is identified” means the earliest time when any city or county agent, acting on behalf of a public entity, has proposed in writing or has proposed orally or in writing to the property owner, that the unit be considered for substantial rehabilitation, acquisition, or preservation.

(7) In the third year of the planning period, as defined by Section 65588, in the report required pursuant to Section 65400, each city or county that has included in its housing element a program to provide units pursuant to subparagraph (A), (B), or (C) of paragraph (2) shall report in writing to the legislative body, and to the department within 30 days of making its report to the legislative body, on its progress in providing units pursuant to this subdivision. The report shall identify the specific units for which committed assistance has been provided or which have been made available to low- and very low income households, and it shall adequately document how each unit complies with this subdivision. If, by July 1 of the third year of the planning period, the city or county has not entered into an enforceable agreement of committed assistance for all units specified in the programs adopted pursuant to subparagraph (A), (B), or (C) of paragraph (2), the city

or county shall, not later than July 1 of the fourth year of the planning period, adopt an amended housing element in accordance with Section 65585, identifying additional adequate sites pursuant to paragraph (1) of subdivision (c) of Section 65583 sufficient to accommodate the number of units for which committed assistance was not provided. If a city or county does not amend its housing element to identify adequate sites to address any shortfall, or fails to complete the rehabilitation, acquisition, purchase of affordability covenants, or the preservation of any housing unit within two years after committed assistance was provided to that unit, it shall be prohibited from identifying units pursuant to subparagraph (A), (B), or (C) of paragraph (2) in the housing element that it adopts for the next planning period, as defined in Section 65588, above the number of units actually provided or preserved due to committed assistance.

(d) A city or county may reduce its share of the regional housing need by the number of units built between the start of the projection period and the deadline for adoption of the housing element. If the city or county reduces its share pursuant to this subdivision, the city or county shall include in the housing element a description of the methodology for assigning those housing units to an income category based on actual or projected sales price, rent levels, or other mechanisms establishing affordability.

SEC. 3. Section 65589.4 of the Government Code is amended to read:

65589.4. (a) An attached housing development shall be a permitted use not subject to a conditional use permit on any parcel zoned for an attached housing development if local law so provides or if it satisfies the requirements of subdivision (b) and either of the following:

(1) The attached housing development satisfies the criteria of Section 21159.22, 21159.23, or 21159.24 of the Public Resources Code.

(2) The attached housing development meets all of the following criteria:

(A) The attached housing development is subject to a discretionary decision other than a conditional use permit and a negative declaration or mitigated negative declaration has been adopted for the attached housing development under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). If no public hearing is held with respect to the discretionary decision, then the negative declaration or mitigated negative declaration for the attached housing development may be adopted only after a public hearing to receive comments on the negative declaration or mitigated negative declaration.

(B) The attached housing development is consistent with both the jurisdiction's zoning ordinance and general plan as it existed on the date the application was deemed complete, except that an attached housing development shall not be deemed to be inconsistent with the zoning designation for the site if that zoning designation is inconsistent with the general plan only because the attached housing development site has not been rezoned to conform with the most recent adopted general plan.

(C) The attached housing development is located in an area that is covered by one of the following documents that has been adopted by the jurisdiction

within five years of the date the application for the attached housing development was deemed complete:

- (i) A general plan.
  - (ii) A revision or update to the general plan that includes at least the land use and circulation elements.
  - (iii) An applicable community plan.
  - (iv) An applicable specific plan.
- (D) The attached housing development consists of not more than 100 residential units with a minimum density of not less than 12 units per acre or a minimum density of not less than eight units per acre if the attached housing development consists of four or fewer units.
- (E) The attached housing development is located in an urbanized area as defined in Section 21071 of the Public Resources Code or within a census-defined place with a population density of at least 5,000 persons per square mile or, if the attached housing development consists of 50 or fewer units, within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.
- (F) The attached housing development is located on an infill site as defined in Section 21061.0.5 of the Public Resources Code.
- (b) At least 10 percent of the units of the attached housing development shall be available at affordable housing cost to very low income households, as defined in Section 50105 of the Health and Safety Code, or at least 20 percent of the units of the attached housing development shall be available at affordable housing cost to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or at least 50 percent of the units of the attached housing development available at affordable housing cost to moderate-income households, consistent with Section 50052.5 of the Health and Safety Code. The developer of the attached housing development shall provide sufficient legal commitments to the local agency to ensure the continued availability and use of the housing units for very low, low-, or moderate-income households for a period of at least 30 years.
- (c) Nothing in this section shall prohibit a local agency from applying design and site review standards in existence on the date the application was deemed complete.
- (d) The provisions of this section are independent of any obligation of a jurisdiction pursuant to subdivision (c) of Section 65583 to identify multifamily sites developable by right.
- (e) This section does not apply to the issuance of coastal development permits pursuant to the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).
- (f) This section does not relieve a public agency from complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) or relieve an applicant or public agency from complying with the Subdivision Map Act (Division 2 (commencing with Section 66473)).

(g) This section is applicable to all cities and counties, including charter cities, because the Legislature finds that the lack of affordable housing is of vital statewide importance, and thus a matter of statewide concern.

(h) For purposes of this section, “attached housing development” means a newly constructed or substantially rehabilitated structure containing two or more dwelling units and consisting only of residential units, but does not include an accessory dwelling unit, as defined by paragraph (4) of subdivision (j) of Section 65852.2, or the conversion of an existing structure to condominiums.

SEC. 4. Section 65852.150 of the Government Code is amended to read:

65852.150. (a) The Legislature finds and declares all of the following:

(1) Accessory dwelling units are a valuable form of housing in California.

(2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state’s economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California’s housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

SEC. 5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, architectural review,

maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days of submittal of a complete building permit application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of accessory dwelling units.

(b) (1) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it adopts an ordinance in accordance with subdivision (a) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall ministerially approve the creation of an accessory dwelling unit if the accessory dwelling unit complies with all of the following:

(A) The unit is not intended for sale separate from the primary residence and may be rented.

(B) The lot is zoned for single-family or multifamily use.

(C) The lot contains an existing single-family dwelling.

(D) The accessory dwelling unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(E) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(F) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.

(H) Local building code requirements that apply to detached dwellings, as appropriate.

(1) Approval by the local health officer where a private sewage disposal system is being used, if required.

(2) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(3) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed accessory dwelling units on lots zoned for residential use that contain an existing single-family dwelling. No additional standards, other than those provided in this subdivision or subdivision (a), shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(4) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of accessory dwelling units if these provisions are consistent with the limitations of this subdivision.

(5) An accessory dwelling unit that conforms to this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not otherwise permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon fire and life safety conditions. This subdivision shall not apply to a unit that is described in subdivision (e).

(e) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(f) Notwithstanding subdivisions (a) to (e), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(g) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (f), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (f), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(h) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of accessory dwelling units.

(i) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(j) As used in this section, the following terms mean:

(1) “Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, “neighborhood” has the same meaning as set forth in Section 65589.5.

(4) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one

or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(k) 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), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 5.5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency

has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) “Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, “neighborhood” has the same meaning as set forth in Section 65589.5.

(4) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) 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), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 6. Section 66412.2 of the Government Code is amended to read:

66412.2. This division shall not apply to the construction, financing, or leasing of dwelling units pursuant to Section 65852.1 or accessory dwelling units pursuant to Section 65852.2, but this division shall be applicable to the sale or transfer, but not leasing, of those units.

SEC. 7. Section 5.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Assembly Bill 2299. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Assembly Bill 2299, in which case Section 5 of this bill shall not become operative.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



## Assembly Bill No. 2299

### CHAPTER 735

An act to amend Section 65852.2 of the Government Code, relating to land use.

[Approved by Governor September 27, 2016. Filed with Secretary of State September 27, 2016.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2299, Bloom. Land use: housing: 2nd units.

The Planning and Zoning Law authorizes the legislative body of a city or county to regulate, among other things, the intensity of land use, and also authorizes a local agency to provide by ordinance for the creation of 2nd units in single-family and multifamily residential zones, as specified. Existing law authorizes the ordinance to designate areas within the jurisdiction of the local agency where 2nd units may be permitted, to impose specified standards on 2nd units, and to provide that 2nd units do not exceed allowable density and are a residential use, as specified.

This bill would replace the term "second unit" with "accessory dwelling unit." The bill would, instead, require the ordinance to include the elements described above and would also require the ordinance to require accessory dwelling units to comply with specified conditions. This bill would require ministerial, nondiscretionary approval of an accessory dwelling unit under an existing ordinance. The bill would also specify that a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

Existing law requires that parking requirements for 2nd units not exceed one parking space per unit or per bedroom. Under existing law, additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the 2nd unit and are consistent with existing neighborhood standards applicable to residential dwellings.

This bill would delete the above-described authorization for additional parking requirements.

By increasing the duties of local officials with respect to land use regulations, this bill would impose a state-mandated local program.

This bill would incorporate additional changes in Section 65852.2 of the Government Code proposed by SB 1069 that would become operative only if SB 1069 and this bill are both chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

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

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

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

SECTION 1. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(C) Notwithstanding subparagraph (B), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(D) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(E) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of accessory dwelling units.

(4) Any existing ordinance governing the creation of accessory dwelling units by a local agency or any such ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed accessory dwelling units on lots zoned for residential use that contain an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of accessory dwelling units if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for a accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards.

(d) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000).

(e) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of accessory dwelling units, provided those requirements comply with subdivision (a).

(f) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(g) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(C) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(h) 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), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 1.5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a

local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) “Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, “neighborhood” has the same meaning as set forth in Section 65589.5.

(4) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) 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), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Senate Bill 1069. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Senate Bill 1069, in which case Section 1 of this bill shall not become operative.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O



## Assembly Bill No. 2406

### CHAPTER 755

An act to add Section 65852.22 to the Government Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 2016. Filed with  
Secretary of State September 28, 2016.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2406, Thurmond. Housing: junior accessory dwelling units.

The Planning and Zoning Law authorizes a local agency to provide by ordinance for the creation of 2nd units in single-family and multifamily residential areas, as prescribed.

This bill would, in addition, authorize a local agency to provide by ordinance for the creation of junior accessory dwelling units, as defined, in single-family residential zones. The bill would require the ordinance to include, among other things, standards for the creation of a junior accessory dwelling unit, required deed restrictions, and occupancy requirements. The bill would prohibit an ordinance from requiring, as a condition of granting a permit for a junior accessory dwelling unit, additional parking requirements.

This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 65852.22 is added to the Government Code, immediately following Section 65852.2, to read:

65852.22. (a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence already built on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A sink with a maximum waste line diameter of 1.5 inches.

(B) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.

(C) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether the junior accessory dwelling unit is in compliance with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) For purposes of this section, the following terms have the following meanings:

(1) “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to allow local jurisdictions the ability to promulgate ordinances that create secure income for homeowners and secure housing for renters, at the earliest possible time, it is necessary for this act to take effect immediately.

**RESOLUTION 2016-59**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN DIMAS, CALIFORNIA, CASTING ITS VOTE(S) FOR  
COUNCILMEMBER TO REPRESENT CITIES WITHOUT  
PRESCRIPTIVE PUMPING RIGHTS ON THE BOARD OF THE  
SAN GABRIEL BASIN WATER QUALITY AUTHORITY**

**WHEREAS**, on September 22, 1992, Senate Bill 1679 was signed into law by Governor Pete Wilson authorizing the creation of the San Gabriel Basin Water Quality Authority; and

**WHEREAS**, the Board of the San Gabriel Basin Water Quality Authority is composed of seven members with three appointed members from each of the three municipal water districts, one elected city council person from cities in the San Gabriel Basin with prescriptive pumping rights, and one elected city council person from cities in the San Gabriel Basin without prescriptive pumping rights, and two appointed members representing water producers; and

**WHEREAS**, the City of San Dimas is one of the cities in the San Gabriel Basin without prescriptive pumping rights;

**WHEREAS**, the City of San Dimas may cast its vote(s) for a representative by resolution and delivered to the San Gabriel Basin Water Quality Authority no later than January 17, 2014 at 12:00 p.m.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN DIMAS,  
CALIFORNIA DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:**

**Section 1.** The City Council of the City of San Dimas casts its full vote(s) for Councilmember Margaret Clerk as the representative for cities in the San Gabriel Basin without prescriptive pumping rights.

**PASS, APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_.

\_\_\_\_\_  
Curtis W. Morris, Mayor City of San Dimas

**ATTEST:**

\_\_\_\_\_  
Debra Black, Assistant City Clerk

I, Debra Black, Assistant City Clerk, hereby certify that Resolution 2016-59 was adopted by the City Council of San Dimas at its regular meeting of XX, XXX by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Debra Black, Assistant City Clerk



## Agenda Item Staff Report

**To:** Honorable Mayor and Members of City Council  
*For the meeting of December 13, 2016*

**From:** Blaine Michaelis, City Manager

**Initiated by:** Mark W. Steres, City Attorney

**Subject:** Introduce Ordinance 1252 an Ordinance by the City Council of the City of San Dimas, California, Repealing and Replacing San Dimas Municipal Code Chapter 8.40 of Title 8 Regarding Residency Restrictions of Registered Sex Offenders

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### **BACKGROUND**

On November 7, 2006, the voters of the State of California overwhelmingly approved Proposition 83, the “Sexual Predator Punishment and Control Act,” commonly known as “Jessica’s Law,” so as to better protect Californians, and, in particular, to protect the State’s children from sex offenders. Proposition 83, codified as California Penal Code section 3003.5, prohibits any person who is required to register as a sex offender per California Penal Code sections 290 *et seq.* from residing within 2,000 feet of a public or private school or any park where children regularly gather (Cal. Penal Code § 3003.5(b)). In addition, Section 3003.5 expressly authorizes local regulation of sex offender residency restrictions (Cal. Penal Code § 3003.5(c)).

The City of San Dimas, like many other cities in the State of California, took up the State’s invitation and, in reliance of the authority set forth in California Penal Code subsection 3003.5(c), the City adopted Ordinance 1186, adding Chapter 8.40 to the San Dimas Municipal Code , entitled “Sex Offender Residency Restrictions” (the “Ordinance”).

The City’s Ordinance currently prohibits a sex offender from: (i) residing within 2,000 feet of a public or private school grade K through 12, or park; (ii) residing 1,000 feet of a child care center; (iii) residing 1,000 feet of another sex offender’s residency, including hotels, motels, or mobile home parks (iv) residing in a multi-unit development (e.g. apartment building, mobilehome park, etc) “if any separate dwelling unit within the

multiple dwelling is already occupied by a sex offender”; or (iii) residing in any guest room of a hotel or motel “if any separate guest room within the hotel or motel is already occupied by a sex offender”.

The City’s Ordinance defines sex offenders as “any person for whom registration is required pursuant to Section 290 of the California Penal Code, regardless of whether that person is on parole or probation”.

On March 2, 2015, the California Supreme Court issued its decision in the case of *In re Taylor*, (2015) 60 Cal. 4th 1019, which addressed the validity of the 2,000 foot residency restriction for sex offender parolees under Section 3003.5(b) of the Penal Code. The Supreme Court in *In re Taylor* ruled that blanket enforcement of section 3003.5 “as applied” in San Diego County was unconstitutional because (1) it deprived offenders of access to necessary services such as medical care, psychological treatment, and residential drug and alcohol counseling, (2) it excluded a vast majority of reasonably available affordable housing, threatening a dramatic increase in homeless and transient sex offenders, and (3) such increases in homelessness undermined monitoring efforts, and demonstrated that the regulations had no rational relationship to the government’s goals of protecting the public and the State’s children from sex offenders.

Most recently, on August 4, 2016, the Court of Appeal decided *People v. Lynch* (2016) 2 Cal.App.5<sup>th</sup> 524, which interpreted Penal Code section 3003.5 narrowly to apply only to parolees.

## **LEGAL CHALLENGES SINCE SUPREME COURT DECISION**

Since the Supreme Court decision in *In re Taylor*, an attorney has been actively filing lawsuits against cities challenging the city’s local residency distance restrictions adopted pursuant to Penal Code section 3003.5. The attorney has filed and served a total of 14 lawsuits challenging residency restrictions in 14 cities. Of that total, eight cases have settled in which five cities repealed (Grover Beach, Arcadia, Norwalk, Apple Valley and Tustin) and three cities (Gardena, Bell Gardens and Long Beach) significantly revised their ordinances. The remaining six cases were filed in August or later and have not yet been settled. One city, City of Murrieta, decided not to settle, but chose to fight the legal challenge to its local residency restrictions.

The plaintiff’s attorney in the Murrieta case requested that the court issue a Temporary Restraining Order (TRO) and then filed a motion for a Preliminary Injunction against the enforcement of the city’s residency restrictions. The trial court granted the TRO; and later, after reading the written briefs and hearing oral argument from both sides, issued a Preliminary Injunction against Murrieta enforcing its local residency restrictions. That case is still in litigation and pending the trial.

On November 15, 2016, the City of San Dimas was served with a complaint filed in U.S. District Court. The case, *Frank Lindsay v. San Dimas*, was filed by the same attorney and challenges San Dimas' Chapter 8.40 local residency distance restrictions.

### **RECOMMENDATION**

The proposed San Dimas Ordinance, attached, amends the San Dimas Municipal Code, Chapter 8.40, in a similar fashion as the three cities above (Gardena, Bell Gardens and Long Beach) that revised their ordinances following legal challenges to its local residency distance restrictions. The attorney for Frank Lindsay has indicated that, as with the other three cities, she will not object to the proposed revisions and that adoption of the proposed Ordinance will resolve the litigation.

The proposed Ordinance repeals all of the local distance restrictions challenged in the lawsuit but maintains the restriction that not more than one sex offender may reside within a dwelling unit of a single-family home, mobile home or a multi-family development, or within a guest room of a hotel or motel, unless those persons are legally related by blood, marriage or adoption. The proposed Ordinance also limits to a maximum of ten percent (10%) the number of dwelling units in which a sex offender may reside within a multi-family development or mobile home park development or within guest rooms in a hotel or motel.

Based upon all of the above, the City Attorney's office recommends that the City Council do as follows:

1. Waive further reading and introduce Ordinance 1252 entitled:

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SAN DIMAS,  
CALIFORNIA, REPEALING AND REPLACING SAN DIMAS MUNICIPAL  
CODE CHAPTER 8.40 OF TITLE 8 REGARDING RESIDENCY  
RESTRICTIONS OF REGISTERED SEX OFFENDERS**

Respectfully submitted,

Mark W. Steres  
City Attorney

Attachments:  
Ordinance 1251

## ORDINANCE 1252

### AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, REPEALING AND REPLACING SAN DIMAS MUNICIPAL CODE CHAPTER 8.40 OF TITLE 8 REGARDING RESIDENCY RESTRICTIONS OF REGISTERED SEX OFFENDERS

**WHEREAS**, on November 7, 2006, the voters of the State of California overwhelmingly approved Proposition 83, the “Sexual Predator Punishment and Control Act,” commonly known as “Jessica’s Law,” so as to better protect Californians, and, in particular, to protect the State’s children from sex offenders; and

**WHEREAS**, Proposition 83, codified as California Penal Code section 3003.5, prohibits any person who is required to register as a sex offender per California Penal Code sections 290 *et seq.* from residing within 2,000 feet of a public or private school or any park where children regularly gather (Cal. Penal Code § 3003.5(b)); and

**WHEREAS**, Section 3003.5 expressly authorizes local regulation of sex offender residency (Cal. Penal Code § 3003.5(c)); and

**WHEREAS**, in reliance on the authority set forth in California Penal Code subsection 3003.5(c) and its police power, the City of San Dimas, like many other cities in the State of California, adopted Ordinance 1186, adding Chapter 8.40 to the San Dimas Municipal Code , entitled “Sex Offender Residency Restrictions” (the “Ordinance”); and

**WHEREAS**, the Ordinance currently prohibits a sex offender from: (i) residing within 2,000 feet of a public or private school grade K through 12, or park; (ii) residing 1,000 feet of a child care center; (iii) residing 1,000 feet of another sex offender’s residency, including hotels, motels, or mobile home parks (iv) residing in a multi-unit development (*e.g.* apartment building, mobilehome park, etc) “if any separate dwelling unit within the multiple dwelling is already occupied by a sex offender”; or (iii) residing in any guest room of a hotel or motel “if any separate guest room within the hotel or motel is already occupied by a sex offender.” These restrictions may be referred to collectively as the “Residency Restrictions”); and

**WHEREAS**, the Ordinance currently provides that its restrictions apply to sex offenders, defined as “any person for whom registration is required pursuant to Section 290 of the California Penal Code, regardless of whether that person is on parole or probation”; and

**WHEREAS**, on March 2, 2015, the California Supreme Court issued its decision in the case of *In re Taylor*, (2015) 60 Cal. 4th 1019, which addressed the validity of the 2,000 foot residency restriction for sex offender parolees under Section 3003.5(b) of the Penal Code; and

**WHEREAS**, the *In re Taylor* court ruled that blanket enforcement of section 3003.5 “as applied” in San Diego County was unconstitutional because (1) it deprived offenders of access to necessary services such as medical care, psychological treatment, and residential drug and alcohol counseling, (2) it excluded a vast majority of reasonably available affordable housing, threatening a

dramatic increase in homeless and transient sex offenders, and (3) such increases in homelessness undermined monitoring efforts, and demonstrated that the regulations had no rational relationship to the government's goals of protecting the public and the State's children from sex offenders; and

**WHEREAS**, most recently, on August 4, 2016, the Court of Appeal decided *People v. Lynch* (2016) 2 Cal.App.5<sup>th</sup> 524, which interpreted Penal Code section 3003.5 narrowly to apply only to parolees; and

**WHEREAS**, the City Council finds that the recent court decisions bring into question the City's authority to enforce blanket residency distance restrictions; and

**WHEREAS**, the City Council finds that the proposed amendments to Chapter 8.40 will strike the appropriate balance between the concerns expressed in the court decisions, and the protection of the public.

**NOW, THEREFORE**, the CITY COUNCIL of the CITY OF SAN DIMAS, CALIFORNIA, does ordain as follows:

**SECTION 1.** The forgoing recitals are true and correct and incorporated herein by this reference.

**SECTION 2.** Chapter 8.40 (Sex Offender Residency Restrictions) of Title 8 (Health and Safety) of the San Dimas Municipal Code is hereby repealed and replaced with the following:

**8.40.010 Definitions**

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

A. "Hotel" or "motel" shall have those meanings as set forth in Chapter 18.08 of this Municipal Code.

B. "Mobile home" means a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the Vehicle Code. Mobile home includes a manufactured home, as defined in Section 18007 of the Health and Safety Code, and a mobile home, as defined in Section 18008 of the Health and Safety Code, but does not include a recreational vehicle, as defined in Section 799.29 of the Civil Code and Section 18010 of the Health and Safety Code or a commercial coach as defined in Section 18001.18 of the Health and Safety Code. Mobile home does not include a trailer or other recreational vehicle located in a recreational vehicle park.

C. "Mobile home park" means a residential land use where two or more mobile and/or manufactured home sites are rented, or held out for rent, to accommodate mobile and/or manufactured homes designed for permanent residency, with such homes not affixed to a permanent foundation.

D. “Multiple dwelling” means any building designed and used as a residence for 3 or more families living independently of each other. This includes apartment houses and condominiums, but does not include hotels or motels.

E. “Owner’s authorized agent” means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust or the manager, lessee, agent, servant, office or employee authorized to act for the owner for a property.

F. “Permanent resident” means any person who, as of a given date, obtained the right to occupy a dwelling including but not limited to a single-family dwelling, multiple dwelling, two-family dwelling, hotel, motel or mobile home for more than thirty consecutive days.

G. “Property owner” as applied to buildings and land means the owner of record of any parcel or real property as designated on the county assessor’s tax roll, or a holder of a subsequently recorded deed to the property, and shall include any part owner, joint owner, tenant, tenant in common, or joint tenant, of the whole or part of such a building or land.

H. “Responsible party” means the property owner and/or owner’s authorized agent.

I. “Sex offender” means any person for whom registration is required pursuant to Section 290 of the California Penal Code, regardless of whether that person is on parole or probation.

J. “Single-family dwelling” means any detached, semi-attached, or attached building designed and used as a residence for one family.

K. “Temporary resident” means any person who, for a period of thirty days or less, obtained the right to occupy a dwelling including, but not limited to, a hotel or motel.

L. “Two-family dwelling” means a building designed and used as a residence for two families living independently of each other. This includes duplexes.

8.40.020 Sex offender violation – One family dwellings

No sex offender shall be a permanent or temporary resident in a one-family dwelling already occupied by another sex offender, unless those persons are legally related by blood, marriage or adoption.

8.40.030 Sex offender violation – Two family dwellings

No sex offender shall be a permanent or temporary resident in a two-family dwelling already occupied by another sex offender, unless those persons are legally related by blood, marriage or adoption.

8.40.040 Sex offender violation – Multiple dwellings

No sex offender shall be a permanent or temporary resident in the same dwelling unit of a multiple dwelling already occupied by another sex offender, unless those persons are legally related by blood, marriage or adoption.

8.40.050 Sex offender violation – Multiple dwellings – Permanent Resident

No sex offender shall be a permanent or temporary resident in a multiple dwelling if ten percent of the total dwelling units within the multiple dwelling are already occupied by sex offenders (“occupied units”). Where this calculation results in a fractional number of occupied units that is below the halfway breakpoint (less than 0.5), the number of permissible occupied units will be rounded downward. Where it results in a fractional number of occupied units that is at or above the halfway breakpoint (greater than or equal to 0.5), the number of permissible occupied units will be rounded upward. Notwithstanding the above, a sex offender may be a permanent or temporary resident of an occupied unit within a multiple dwelling, without violating the restrictions contained herein, if the occupied unit is occupied by another sex offender legally related to the sex offender by blood, marriage or adoption.

8.40.060 Sex offender violation – Hotel/motel/rooms

No sex offender shall be a permanent or temporary resident in the same guest room of a hotel or motel, already occupied by another sex offender, unless those persons are legally related by blood, marriage or adoption.

8.40.070 Sex offender violation – Hotel/motel – Permanent resident

No sex offender shall be a permanent resident in any guest room of a hotel or motel, if ten percent of the total guest rooms within the hotel or motel are already occupied by sex offenders (“occupied units”). Where this calculation results in a fractional number of occupied units that is below the halfway breakpoint (less than 0.5), the number of permissible occupied units will be rounded downward. Where it results in a fractional number of occupied units that is at or above the halfway breakpoint (greater than or equal to 0.5), the number of permissible occupied units will be rounded upward. Notwithstanding the above, a sex offender may be a permanent or temporary resident of an occupied unit within a hotel or motel, without violating the restrictions contained herein, if the occupied unit is occupied by another sex offender legally related by blood, marriage or adoption to the sex offender.

8.40.080 Sex offender violation – Mobile home dwelling

No sex offender shall be a permanent or temporary resident in any mobile home sited in and upon a rented space located within a mobile home park wherein the mobile home is already occupied by a sex offender, unless those persons are legally related by blood, marriage or adoption.

8.40.090 Sex offender violation – Mobile home dwelling – Permanent resident

No sex offender shall be a permanent or temporary resident in any mobile home sited in and upon a rented space located within a mobile home park, if ten percent of the total mobile homes within the mobile home park are already occupied by sex offenders (“occupied units”). Where this calculation results in a fractional number of occupied units that is below the halfway breakpoint (less than 0.5), the number of permissible occupied units will be rounded downward. Where it results in a fractional number of occupied units that is at or above the halfway breakpoint (greater than or equal to 0.5), the number of permissible occupied units will be rounded upward. Notwithstanding the above, a sex offender may be a permanent or temporary resident of an occupied unit within a mobile home park, without violating the restrictions contained herein, if the occupied unit is occupied by another sex offender legally related by blood, marriage or adoption to the sex offender.

8.40.100 Responsible party violation—One-family dwellings.

No responsible party shall knowingly rent a one-family dwelling to, or allow occupancy, as a permanent or temporary resident, by more than one sex offender during any given period of tenancy, unless those persons are legally related by blood, marriage or adoption.

8.40.110 Responsible party violation—Two-family dwellings.

No responsible party shall knowingly rent a unit within a two-family dwelling to, or allow occupancy, as a permanent or temporary resident, by more than one sex offender during any given period of tenancy, unless those persons are legally related by blood, marriage or adoption.

8.40.120 Responsible party violation—Multiple dwellings. No responsible party shall knowingly rent a unit within a multiple dwelling to, or allow occupancy, as a permanent or temporary resident, by more than one sex offender during any given period of tenancy, unless those persons are legally related by blood, marriage or adoption.

8.40.130 Responsible party violation—Multiple dwellings – Multiple Units

No responsible party shall knowingly rent more than ten percent of the total dwelling units within a multiple dwelling to, or allow occupancy as a permanent or temporary resident by, a sex offender during any given period of tenancy (“occupied units”). Where this calculation results in a fractional number of occupied units that is below the halfway breakpoint (less than 0.5), the number of permissible occupied units will be rounded downward. Where it results in a fractional number of occupied units that is at or above the halfway breakpoint (greater than or equal to 0.5), the number of permissible occupied units will be rounded upward.

8.40.140 Responsible party violation—Hotel/motel.

No responsible party shall knowingly rent a guest room in a hotel or motel to, or allow occupancy, as a permanent or temporary resident, by more than one sex offender, unless those persons are legally related by blood, marriage or adoption.

8.40.150 Responsible party violation—Hotel/motel—Multiple rooms.

No responsible party shall knowingly rent more than ten percent of the total guest rooms in a hotel or motel to, or allow occupancy as a permanent or temporary resident by, a sex offender (“occupied units”). Where this calculation results in a fractional number of occupied units that is below the halfway breakpoint (less than 0.5), the number of permissible occupied units will be rounded downward. Where it results in a fractional number of occupied units that is at or above the halfway breakpoint (greater than or equal to 0.5), the number of permissible occupied units will be rounded upward.

8.40.160 Responsible party violation—Mobile home dwelling.

No responsible party shall knowingly rent a space for the location and placement of a mobile home, or allow occupancy as a permanent or temporary resident, by more than one sex offender during any given period of tenancy, unless those persons are legally related by blood, marriage, or adoption.

8.40.170 Responsible party violation—Mobile home park—Multiple spaces.

No responsible party shall knowingly rent more than ten percent of the total spaces for the location and placement of a mobile home to, or allow occupancy as a permanent or temporary resident by, a sex offender (“occupied units”). Where this calculation results in a fractional number of occupied units that is below the halfway breakpoint (less than 0.5), the number of permissible occupied units will be rounded downward. Where it results in a fractional number of occupied units that is at or above the halfway breakpoint (greater than or equal to 0.5), the number of permissible occupied units will be rounded upward.

8.40.180 Offenses constituting nuisances. Any two-family dwelling, hotel, motel, multiple dwelling, or one-family dwelling operated or maintained in a manner inconsistent with the occupancy requirements of this chapter are declared to be unlawful and are defined as and declared to be public nuisances per se that are injurious to the public health, safety, and welfare.

8.40.190 Nuisances—Recovery of abatement expenses.

A. In any civil action or proceeding, administrative proceeding, or special proceeding, including, but not limited to, those brought to abate a public nuisance, the prevailing party will be entitled to recovery of all staff time costs, costs of abatement, attorney’s fees and expenses, provided that attorneys’ fees will only be available in those actions or proceedings in which the city has provided notice at the commencement of such action or proceeding that it intends to seek and recover its own attorneys’ fees. In no action or proceeding will an award of attorneys’ fees exceed the amount of reasonable attorneys’ fees incurred by the city in the action or proceeding.

B. Moneys due the city pursuant to this chapter may be recovered in an appropriate civil action. Alternatively, such liability may be enforced by special assessment proceedings against the parcel of land upon which the nuisance existed, which proceedings must be conducted in a manner substantively similar to proceedings prescribed in Chapter 8.16 of this Municipal Code relating to assessment for abatement of property nuisances.

8.40.200 Penalties.

Every person who violates any provision of this chapter shall be guilty of a misdemeanor and shall be subject to the penalties as set forth in Chapter 1.12 of this Municipal Code. Each day that such violation exists shall be deemed a new and separate offense.

8.40.210 Criminal penalties do not satisfy administrative civil actions.

Neither the arrest, prosecution, conviction, imprisonment, nor payment of any fine for the violation of this chapter shall satisfy or diminish the authority of the city to institute administrative or civil actions seeking enforcement of any or all of the provisions of this chapter.

8.40.220 Timing of application of this chapter.

Notwithstanding anything to the contrary contained herein, this chapter shall apply to all sex offenders who establish a new residence within the city of San Dimas after the effective date of the ordinance codified in this chapter, and to all responsible parties who allow occupancy by a sex offender within the city of San Dimas after the effective date of this chapter. Nothing in this chapter is intended to limit the obligations of a sex offender to comply with the requirements of state law, including, but not limited to, California Penal Code Section 3003.5.

**SECTION 3.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of San Dimas hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**SECTION 4.** This Ordinance shall be in full force and effect thirty (30) days after its second reading and adoption.

**SECTION 5.** This Ordinance shall not apply to sex offenders who have established residence in violation of the Residency Restrictions of Title 8, Chapter 8.40 of the San Dimas Municipal Code prior to the effective date of this Ordinance. Any sex offender who changes residence after the effective date of this Ordinance must move to a residence whose location is in compliance with the Residency Restrictions.

**SECTION 6.** The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council of the city of San Dimas and shall cause a summary of this ordinance to be published in accordance with Government Code § 36933.

**PASSED, APPROVED and ADOPTED** at a regular meeting of the City Council on this \_\_\_\_\_ day of January, 2017.

\_\_\_\_\_  
Curtis W. Morris, Mayor City of San Dimas

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Debra Black Assistant City Clerk

\_\_\_\_\_  
Mark W. Steres City Attorney

I, DEBRA BLACK, ASSISTANT CITY CLERK of the City of San Dimas, do hereby certify that Ordinance 1252 was introduced at a regular meeting of the City Council of the City of San Dimas on the XX day of XXXX, and thereafter passed, approved and adopted at a regular meeting of said City Council held on the XX, day of XXXX, by the following vote:

**AYES:**

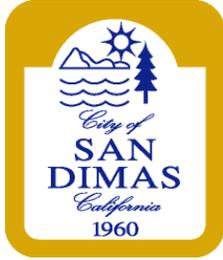
**NOES:**

**ABSENT:**

**ABSTAIN:**

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Debra Black, Assistant City Clerk



## Agenda Item Staff Report

**To:** Honorable Mayor and Members of City Council  
*For the meeting of December 13, 2016*

**From:** Blaine Michaelis, City Manager

**Initiated by:** Eric M. Beilstein, Building & Safety Division

**Subject:** **ORDINANCE 1250, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING SPECIFIED CHAPTERS OF TITLE 15 OF THE SAN DIMAS MUNICIPAL CODE AND ADOPTING BY REFERENCE, THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE, VOLUMES 1 & 2, THE 2016 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, THE 2016 EDITION OF THE CALIFORNIA PLUMBING CODE, THE 2016 EDITION OF THE CALIFORNIA ELECTRICAL CODE, THE 2016 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2016 EDITION OF THE CALIFORNIA FIRE CODE, AND THE 2016 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS, INCLUDING FEES AND PENALTIES**

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### SUMMARY

Amend Title 15 of the San Dimas Municipal Code (Buildings and Construction) by adopting by reference the 2016 Editions of the California Model Codes to regulate the construction, alteration, and occupancy of all buildings or structures in the City of San Dimas and be consistent with the California Health and Safety Code.

## **BACKGROUND**

The California Health and Safety Code establishes a Building Standards Commission, whose duties include approval, codification, and publication of building standards in a triennial edition of the California Building Standards Code, commonly called Title 24 and also establishes a date that these codes become effective throughout the State. The effective date for this triennial edition is January 1, 2017.

The adoption of these codes would regulate the fabrication, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, or other improvements to real property; maintenance of all buildings or structures in the City of San Dimas; and provision for issuance of permits and collection of fees therefore.

The Building Standards Code does *not* include the adoption of procedural ordinances by a City or other agency related to civil, administrative, or criminal procedures and remedies available for enforcing code violations.

## **RECOMMENDATION**

Introduce Ordinance 1250 and Set for Public Hearing on January 10, 2017 to adopt by reference the 2016 editions of the California model codes with various additions, deletions and additional administrative provisions.

Respectfully submitted,

Eric M. Beilstein, Supt. of Bldg & Safety

Attachments:  
Ordinance 1250

## ORDINANCE 1250

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING SPECIFIED CHAPTERS OF TITLE 15 OF THE SAN DIMAS MUNICIPAL CODE AND ADOPTING BY REFERENCE, THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE, VOLUMES 1 & 2, THE 2016 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, THE 2016 EDITION OF THE CALIFORNIA PLUMBING CODE, THE 2016 EDITION OF THE CALIFORNIA ELECTRICAL CODE, THE 2016 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2016 EDITION OF THE CALIFORNIA FIRE CODE, AND THE 2016 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS, INCLUDING FEES AND PENALTIES**

**WHEREAS**, the California Health and Safety Code establishes a Building Standards Commission, whose duties include approval, codification, and publication of building standards in a triennial edition of the California Building Standards Code, commonly called Title 24; and

**WHEREAS**, the Building Standards Commission also establishes a date that these codes become effective throughout the State; and

**WHEREAS**, the effective date for this triennial edition is January 1, 2017; and

**WHEREAS**, the adoption of these codes would regulate the fabrication, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, or other improvements to real property; maintenance of all buildings or structures in the City of San Dimas; and provision for issuance of permits and collection of fees therefore; and

**WHEREAS**, the Building Standards Code does *not* include the adoption of procedural ordinances by a City or other agency related to civil, administrative, or criminal procedures and remedies available for enforcing code violations.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN DIMAS DOES HEREBY ORDAIN AS FOLLOWS:**

**All references to a prior code shall mean to apply to the corresponding provisions of the newly adopted code.**

**Section 15.02.010** of the San Dimas Municipal Code is hereby repealed and replaced in its entirety as follows:

**15.02.010 Uniform Administrative Code** Except as otherwise amended in this chapter, Chapter 1, Division II of the 2016 California Building Code is adopted as the San Dimas Administrative Code and may be cited as such.

**15.02.020 Amendments.**

The following amendments are made to the San Dimas administrative code:

**Section [A] 101.4 Referenced Standards is amended to read as follows:**

**“The other codes listed in Section 101.4.1 through 101.4.6 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. All references to a specific code shall be deemed to refer to the latest adopted San Dimas codes and standards.”**

**Section [A] 113.3 Qualifications, is amended to read as follows:**

“In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the technical code, there shall be and is hereby created a board of appeals consisting of the members of the Development Plan Review Board. The building official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The Board of Appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.”

**Section [A] 114.1 Unlawful Acts, is amended to read as follows:**

“No person, firm or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done contrary to or in violation of any of the provisions of said code or any order issued by the board of appeals or building official thereunder. Any person violating the provisions of this section is guilty of a misdemeanor or an infraction for each day such violation continues.”

**Section [A] 105.2 Work exempt from permit is amended by deleting subsection (12) window awnings.**

**Section [A] 105.4 Validity of permit is amended by adding the statement as follows:**

“No building permit may be issued for any development unless the proposed construction is consistent with the GENERAL PLAN OF THE CITY OF SAN DIMAS.”

**Section 304.2, Permit Fees**, is amended to read as follows:

“Building permit fees shall be paid in the amount fixed from time to time by the City Council by resolution. The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire extinguishing systems and any other permanent equipment.”

**Section 304.3, Plan Review Fees**, is amended to read as follows:

“When a plan or other data are required to be submitted by Subsection (b) of Section 302, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fee shall be in the amount fixed from time to time by the City Council by resolution. When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be paid.”

**Section 304.5.2, Fee** is hereby amended to read:

“An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from the penalty prescribed by law”.

**Chapter 3, Fee Tables 3-A through 3-H** are hereby deleted.

**Section 15.04.010** of the San Dimas Municipal Code is hereby repealed and replaced in its entirety as follows:

**15.04.010 Adoption.**

Except as provided in this Chapter, those certain building codes known and designated as the California Building Code, 2016 Edition, Volumes 1 and 2, including Appendix Chapters "C," Agricultural Buildings "F," Rodentproofing "I," Patio Covers and "J," Grading based on the 2015 International Building Code as published by the International Code Council, shall be and become the Building Codes of the City of San Dimas for regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every buildings and/or structures or any appurtenances connected or attached to such buildings or structures throughout the City. The California Building Code and its appendix chapters will be on file for public examination in the office of the Building Official.

**Section 15.04.020** of the San Dimas Municipal Code is hereby amended as follows:

**15.04.020 Amendments and additions**

The following section of the California Building Code (CBC) Chapter 1, "Scope and Administration, Division I, California Administration," is amended as follows:

**1.8.8 Appeals Board. Subsection 1.8.8** is hereby deleted in its entirety.

The following portions and sections of "Chapter 1, Scope and Administration, Division II, Scope and Administration" are hereby amended as follows:

The following language shall be added to Subsection 101.2 "Scope":

In order to properly maintain and safeguard healthful living conditions and comply with all provisions of the Building Codes, it is hereby declared unlawful to use any streetcars, boxcars, house cars, motor bus bodies, or similar means of conveyance or structures of similar nature of construction, for places of habitation, residence, or place of business in this City. However, nothing contained herein shall prohibit the use of any house trailer or mobile home for places of abode or habitation in an approved mobile home park, providing such structures comply with all other conditions and requirements of this Code.

The following language shall be added to Subsection 102.1 "General":

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Code or any part thereof is in conflict with the Fire Code, the most restrictive shall be applicable.

**Subsection 105.2 "Work exempt from permit"** is hereby amended as follows:

Item 02 (Fences) under "Building" is hereby amended to read "Fences not over 6 feet high".

Item 04 (Retaining walls) under "Building" is hereby amended to read "Retaining walls

Item 10 (Shade cloth structures) under "Building" is hereby deleted in its entirety.

Item 12 (Window awnings) under "Building" is hereby deleted in its entirety.

**Subsection 105.3.2** "Time limitation of application" is hereby adopted and amended to read as follows:

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation. Plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing the circumstances beyond the control of the applicant having prevented action from being taken. An application shall not be extended more than once. An application shall not be extended if this Code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. All plans submitted for review prior to the effective date of this Ordinance shall expire by limitation within 180 days of application with no extensions.

**Subsection 105.5** "Expiration" is hereby adopted and amended to read as follows:

Every permit issued by the Building Official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further, that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this Section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.

**Subsection 105.5.1** "Expiration of demolition permit" is hereby adopted and amended to read as follows:

A demolition permit shall expire by limitation and become null-and-void 60 days after the date on which the permit was issued. The Building Official may extend the validity of the permit for a period not exceeding 180 days beyond the initial 60 day limit upon written request by the applicant filed with the Building Official prior to the expiration date of the original permit.

**Subsection 105.5.2** "Expiration of permit for legalizing unpermitted structures" is hereby adopted and amended to read as follows:

Notwithstanding any provision of Section 105.5, if a building permit was issued in order to bring an unpermitted structure or other unlawful, substandard, or hazardous condition into compliance with any applicable law, ordinance, rule or regulation, such permit shall expire by limitation and become null-and-void 90 days after the date on which the permit was issued. The Building Official may extend the validity of the permit for a period not exceeding 90 days beyond the initial 90 day limit upon written request filed with the Building Official prior to the expiration date of the original permit.

**Subsection 107.5** "Retention of construction documents" is hereby amended by adding the following language:

Before final inspection, electronic images of all plans, engineering calculations, and records that are submitted for the purpose of obtaining a building permit shall be submitted at the request of the Building Official. Electronic images shall be based on the Building Division's Electronic Archiving Policy.

**Section 109** "Fees" is hereby adopted and amended as follows:

**Subsection 109.2** "Schedule of permit fees" is hereby amended by adding the following language:

When submittal documents are required by Section 302.2 of the Uniform Administrative Code, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The plan review fee shall be 100 percent of the building, electrical, mechanical and plumbing work permit fee as required in accordance with the fee schedule established by resolution of the City Council. When the City retains a private entity or person to perform plan review, the plan review fee shall be in an amount sufficient to defray the cost of such services, but in no

case shall the plan review fee be less than the amount specified in this Section.

**Subsection 109.4** "Work commencing before permit issuance" is hereby deleted and replaced in its entirety as follows:

**109.4 Work commencing before permit issuance.** Whenever work for which a permit is required by this Code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be as required, as in accordance with the schedule as established by the applicable governing authority. The minimum investigation fee shall be the same as the minimum fee set forth in accordance with the schedule as established by the applicable governing authority (double fee). The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this Code or the technical codes nor from the penalty prescribed by law.

**Subsection 109.6** "Refunds" is hereby deleted and replaced in its entirety as follows:

**109.6 Refunds.** The Building Official may authorize up to 100 % refunding of a fee paid hereunder which was erroneously paid or collected. The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code. The Building Official may authorize refunding of not more than 80 percent of plan review fee has been paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any examination time has been expanded. The Building Official shall not authorize the refunding of any fee paid except upon written request filed by the original permittee not later than 180 days after the date of payment.

**Section 110** "Inspections" is adopted and amended by adding the following subsection:

**110.1.1 Workmanship.** It is the intention of the City that all construction carried on under the review of the Building Division is of good quality. The Building Official shall be empowered to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint in all cases shall not be below normal standard for the use applied. The proper grading of walks, drives, and yards shall be required when being installed with the work requiring a building permit. A minimum thickness of 3½ inches for

flat concrete work and 2 inches for asphalt paving shall be required. All exterior flat concrete work shall include such breaks for expansion as deemed necessary by the Building Official.

**Subsection 110.3.5** "Lath and gypsum board inspection" is hereby amended by deleting the "exception" in its entirety.

**Subsection 110.3.8** "Other inspections" is hereby amended by adding the following language:

A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. To obtain a reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee in accordance with a fee schedule adopted by this jurisdiction. In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

**Subsection 110.5** "Inspection requests" is hereby deleted and replaced in its entirety as follows:

**110.5 Inspection requests.** It shall be the duty of the person doing the work authorized by the permit to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be requested in writing or by telephone at the option of the Building Official. It shall be the duty of the person requesting any inspections required by either this Code or the technical codes to provide access to and means for inspection of the work.

**Section 111** "Certificate of Occupancy" is hereby adopted and amended by adding the following subsection:

**111.5 Utility release.** The following minimum requirements shall be completed prior to any occupancy or utilities connected:

(1) Written clearance from the Fire and Public Works Departments and Planning and Business License Divisions.

- (2) The following when applicable:
- (a) Electronic imaging of plans received (if required).
  - (b) Verification of school fees paid.
  - (c) Grading certificate received.
  - (d) All plan review fees paid.
  - (e) Sewer assessment fees paid.
  - (f) Hazard materials statements received.
  - (g) Subcontractor's list received.

The following sections of the California Building Code (CBC), are amended as follows:

**Section 3109.4.1 Barrier height and clearances** is amended to read as follows:

The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structures is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches.

**Appendix I Section I104.2 Footings** is eliminated in its entirety.

**Appendix J Section J103.2** Exception (1) is amended to read:

Grading in an isolated, self-contained area, provided there is no danger to the public, that such grading will not adversely affect adjoining properties, and is less than a total of fifty (50) cubic yards (cut and fill).

**Section J110 Erosion Control** is hereby amended by adding:

J 110.3 Stormwater Management and Discharge. All construction sites are subject to the latest requirements of the City of San Dimas enforced National Pollution Discharge Elimination System (NPDES), Best Management Practices (BMPs), and applicable pollution control and erosion protection measures pursuant to Chapter 14.11 of the San Dimas Municipal Code.

**Section 15.44.010** of the San Dimas Municipal Code is hereby repealed and replaced in its entirety as follows:

**15.44.010 Adoption.**

Except as provided in this Chapter, the California Electrical Code, 2016 Edition, based on the 2015 National Electrical Code as published by the National Fire Protection Association, shall be and become the Electrical Code of the City of San Dimas, regulating all installation, arrangement, alteration, repair, use, and other operation of electrical wiring, connections, fixtures, and other electrical appliances on premises within the City. The California Electrical Code is on file for public examination in the office of the Building Official.

**Chapter 15.46** is hereby added to Title 10 ("Buildings and Construction") of the San Dimas Municipal Code to read as follows:

**Chapter 15.46**

**GREEN BUILDING STANDARDS CODE**

**Sections:**

**15.46.010 Adoption.**

**15.46.020 Green Building Standards Code amendments.**

**15.46.010 Adoption.**

Except as provided in this Chapter, the California Green Standards Code, 2016 Edition as published by the California Building Standards Commission, shall be and become the Green Building Standards Code of the City, regulating and controlling the planning, design, operation, use and occupancy of every newly constructed building or structure in the City. The California Green Building Standards Code shall be on file for public examination in the office of the Building Official.

**15.46.020 Green Building Standards Code amendments.**

The 2013 Edition of the California Green Building Standards Code is hereby adopted with no amendments.

**Sections 15.28.010 and 15.28.020** of the San Dimas Municipal Code are hereby repealed and replaced in their entirety as follows:

**15.28.010 Adoption.**

Except as provided in this Chapter, the California Mechanical Code, 2016 Edition, based on the 2015 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), shall be and become the Mechanical Code of the City, regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances. The California Mechanical Code is on file for public examination in the office of the Building Official.

**15.28.020 Mechanical Code amendments.**

The 2016 Edition of the California Mechanical Code is hereby adopted with no amendments.

**Sections 15.48.010 and 15.48.020** of the San Dimas Municipal Code are hereby repealed and replaced in their entirety as follows:

**15.48.010 Adoption.**

Except as provided in this chapter, the California Plumbing Code, 2016 Edition, based on the 2015 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), shall be and become the Plumbing Code of the City of San Dimas, regulating erection, installation, alteration, repair, relocation, replacement, maintenance, or use of plumbing systems within the City. The California Plumbing Code will be on file for public examination in the office of the Building Official.

**15.48.020 Plumbing Code amendments.**

The 2016 Edition of the California Plumbing Code is adopted with no amendments.

**Chapter 10.50** is hereby added to Title 15 ("Buildings and Construction") of the San Dimas Municipal Code to read as follows:

**Chapter 15.50**

**RESIDENTIAL CODE**

**Sections:**

**15.50.010 Adoption.**

**15.50.020 Residential Code amendments.**

**15.50.010 Adoption.**

Except as provided in this Chapter, the California Residential Code, 2016 Edition, based on the 2015 International Residential Code, as published by the California Building Standards Commission, shall be and become the Residential Building Code of the City, regulating construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every detached one- and two-family dwelling and townhouse not more than three stories above grade in height with a separate means of egress and structures accessory thereto in the City. The California Residential Code will be on file for public examination in the office of the Building Official.

**10.50.020 Residential Code amendments.**

The following portions and sections of Chapter 1, Scope and Application, Division I "California Administration," and Division II "Administration" are hereby amended as follows:

#### **1.8.4.1 Permits**

Exception 2 is hereby deleted in its entirety.

**1.8.8 Appeals Board.** Section 1.8.8 is hereby deleted in its entirety.

**1.8.9 Unsafe Buildings or Structures.** Section 1.8.9 is hereby deleted in its entirety.

**Section R105 "Permits"** is hereby amended as follows:

Item 9 (fences) under "Building" is hereby amended to read "Fences not over 6 feet high".

Item 9 (window awnings) under "Building" is hereby deleted in its entirety.

**Section R109 "Inspection"** is hereby adopted and amended by adding the following subsection:

**R109.0.1 Workmanship.** It is the intention of the City that all construction carried on under the review of the Building Division is of good quality. The Building Official shall be empowered to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint in all cases shall not be below normal standard for the use applied. The proper grading of walks, drives, and yards shall be required when being installed with the work requiring a building permit. A minimum thickness of 3½ inches for flat concrete work and 2 inches for asphalt paving shall be required. All exterior flat concrete work shall include such breaks for expansion as deemed necessary by the Building Official.

**Subsection R109.1.5 "Other inspections"** is hereby amended by adding the following language:

A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. To obtain a reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee in accordance with a fee schedule adopted by this jurisdiction. In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

**Chapter 10.51** is hereby added to Title 15 ("Buildings and Construction") of the San Dimas Municipal Code to read as follows:

**Chapter 15.51**

**FIRE CODE**

**Sections:**

**15.51.010 Adoption.**

Except as provided in this Chapter, the California Fire Code, 2016 Edition, based on the 2015 International Fire Code, as published by the California Building Standards Commission, shall be and become the Fire Code of the City, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City. The California Fire Code will be on file for public examination in the office of the Building Official.

**SEVERABILITY.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

**SECTION X. EFFECTIVE DATE AND PUBLICATION.** 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 (GC§40806) in the City of San Dimas hereby designated for that purpose.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of San Dimas this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

Curtis W. Morris, Mayor City of San Dimas

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Debra Black, Assistant City Clerk

\_\_\_\_\_  
Mark Steres, City Attorney

I, DEBRA BLACK, ASSISTANT CITY CLERK of the City of San Dimas, do hereby certify that Ordinance XXXX was introduced at a regular meeting of the City Council of the City of San Dimas on the XX day of XXXX, 20XX, and thereafter passed, approved and adopted at a regular meeting of said City Council held on the XX day of XXXX, 20XX, by the following vote:

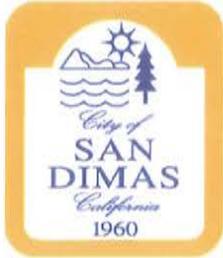
**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Debra Black, Assistant City Clerk



## Agenda Item Staff Report San Dimas Successor Agency

**To:** Honorable Chair and Members of the Agency  
*For the meeting of December 13, 2016*

**From:** Blaine Michaelis, Executive Director *BM*

**Subject:** **Adopt provisions and take action to close-out the Historic Tax Credit Program for the Walker House Renovation Project**

### SUMMARY

In 2008 the City's Redevelopment Agency initiated a process to secure eligibility to sell tax credits for historic restoration projects. The eligibility included the establishment of LLC's and the formation of a lease arrangement to allow a tax credit buying partner (in this case Sherwin Williams the paint company) to provide financial resources toward our project to renovate/restore the Walker House.

The provisions needed to be in place for a minimum of 5 years (6 calendar tax years). The requirements of the tax credit program have been met. Sherwin Williams has terminated their relationship, the final tax return has been filed and it is time to dissolve the entities created and used to establish this program.

The program has resulted in a net benefit of \$1.6 million which has been used to establish a source of funds for the building maintenance and operating costs of the Walker House.

### ACTION ITEMS

Authorize:

1. The completion and filing of the Certificate of Cancellation for the Walker House Master Tenant LLC
2. Authorize the execution of the Termination of Lease between the Walker House Owner LLC and the Walker House Master Tenant LLC

3. Authorize the execution of the Termination of Lease between the City of San Dimas and the Walker House Owner LLC
4. Authorize the execution of a Quit Claim Deed to remove the Walker House Master Tenant LLC from title and to affirm the City of San Dimas as the sole owner of the Walker House.
5. Authorize the execution of a Quit Claim Deed to remove the Walker House Owner LLC from title and to affirm the City of San Dimas as the sole owner of the Walker House.

Authorize the Executive Director to do what is necessary to complete these actions to close-out the Historic Tax Credit Program.

**RECOMMENDATION**

Receive presentation from staff.

Authorize the Executive Director to complete the 5 action items to close out the Historic Tax Credit Program for the Walker House.

Attachments:

Certificate of Cancellation

Termination of Lease(s)

Quit Claim Deed(s)



**Secretary of State  
Certificate of Cancellation  
Limited Liability Company (LLC)**

LLC-4/7

**IMPORTANT** — [Read Instructions](#) before completing this form.

There is **no Fee** for filing a Certificate of Cancellation

Copy Fees - First page \$1.00 & .50 for each attachment page  
Certification Fee - \$5.00

This Space For Office Use Only

**1. Limited Liability Company Name** (Enter the exact name of the LLC as it is recorded with the Secretary of State)

WALKER HOUSE MASTER TENANT, LLC

**2. 12-Digit Secretary of State File Number**

200835810268

**3. Dissolution** (California LLCs ONLY: Check the box if the vote to dissolve was made by the vote of **ALL** the members.)

The dissolution was made by a vote of **ALL** of the members of the California Limited Liability Company.

**Note:** If the above box is not checked, a **Certificate of Dissolution** (Form LLC-3) must be filed prior to or together with this Certificate of Cancellation. (California Corporations Code section 17707.08(a).)

**4. Tax Liability Statement** (Do not alter Tax Liability Statement)

All final returns required under the California Revenue and Taxation Code have been or will be filed with the California Franchise Tax Board.

**5. Cancellation Statement** (Do not alter Cancellation Statement)

Upon the effective date of this Certificate of Cancellation, the Limited Liability Company's registration is cancelled and its powers, rights and privileges will cease in California.

**6. Read and Sign Below** ([See Instructions](#) for Signature Requirements)

By signing this document, I certify that the information is true and that I am authorized by California law to sign.

SEE ATTACHED SIGNATURE PAGE

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type or Print Name

**SIGNATURE PAGE  
TO  
CERTIFICATE OF CANCELLATION  
LIMITED LIABILITY COMPANY (LLC)  
(FORM LLC-4/7)  
OF  
WALKER HOUSE MASTER TENANT, LLC  
a California limited liability company**

**MANAGER:**

WALKER HOUSE MANAGER, LLC,  
a California limited liability company

By:     Redevelopment (Successor) Agency of the  
          City of San Dimas, California  
Its:     Sole Member

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

City of San Dimas  
245 East Bonita Ave.  
San Dimas, CA 91773  
Attention: Blaine Michaelis

## TERMINATION OF LEASE

THIS TERMINATION OF LEASE (this "Termination") is made and entered into as of November \_\_, 2016 (the "Effective Date"), by Walker House Owner, LLC, a California limited liability company ("Master Landlord"), and Walker House Master Tenant, LLC, a California limited liability company (the "Master Tenant"), with reference to the following facts:

A. Master Landlord and Master Tenant entered into that certain Master Lease dated December 23, 2008[, together with that certain Memorandum of Ground Lease dated \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and recorded \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, in the Los Angeles County Recorder's Office, as Instrument No. \_\_\_\_\_] (the "Lease").

B. The parties hereto desire to terminate the Lease.

NOW, THEREFORE, in consideration of the mutual agreements of the parties, as set forth herein, and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties hereto hereby agree as follows:

1. Termination of Lease The Lease is hereby terminated and shall be of no further force or effect. From and after the Effective Date, no party shall have any rights or obligations under the Lease.

2. Entire Agreement. This Termination constitutes the entire agreement and understanding between the parties hereto. This Termination supersedes all prior written or oral agreements or understandings between the parties as of the date hereof.

3. Counterparts. This Termination may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Facsimile signatures may be accepted as original signatures for all purposes.

4. Governing Law. This Termination shall be governed by the laws of the State of California.

[Signature pages follow.]

IN WITNESS WHEREOF, the undersigned have set their hands and seals as of the date first written above.

**MASTER LANDLORD:**

Walker House Owner, LLC, a California limited liability company,

By: Walker House Manager, LLC, a California limited liability company  
Its: Manager

By: Redevelopment (Successor) Agency of the City of Sand Dimas, California

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

**MASTER TENANT:**

Walker House Master Tenant, LLC, a California limited liability company,

By: Walker House Manager, LLC, a California limited liability company  
Its: Manager

By: Redevelopment (Successor) Agency of the City of Sand Dimas, California

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

**NOTARY ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA            )  
  )  
COUNTY OF \_\_\_\_\_ )        SS.

On \_\_\_\_\_, 2016, before me, \_\_\_\_\_, a Notary Public in and for said State, personally appeared, \_\_\_\_\_, who proved to me the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity(ies) upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

[SEAL]

**NOTARY ACKNOWLEDGMENT**

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STATE OF CALIFORNIA            )  
  )  
COUNTY OF \_\_\_\_\_ )        SS.

On \_\_\_\_\_, 2016, before me, \_\_\_\_\_, a Notary Public in and for said State, personally appeared, \_\_\_\_\_, who proved to me the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity(ies) upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

[SEAL]

## EXHIBIT A

THE LAND REFERRED TO HEREIN IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

ALL OF LOTS 445, 448 AND 451, AND THE EAST ONE-HALF OF LOT 454 OF THE TOWN OF SAN DIMAS, IN THE CITY OF SAN DIMAS, AS PER MAP RECORDED IN BOOK 16 PAGES 53 AND 54 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

Bocarsly Emden Cowan Esmail & Arndt, LLP  
633 West Fifth Street, 64th Floor  
Los Angeles, CA 90071  
Attention: Robert F. Cowan, Esq.

## TERMINATION OF LEASE

THIS TERMINATION OF LEASE (this "Termination") is made and entered into as of November \_\_, 2016 (the "Effective Date"), by City of San Dimas, a public body, corporate and politic (the "Lessor") and Walker House Owner, LLC, a California limited liability company (the "Lessee"), with reference to the following facts:

A. Lessor and Lessee entered into that certain Ground Lease dated December 23, 2008[,together with that certain Memorandum of Ground Lease dated \_\_\_\_\_, \_\_\_\_\_ and recorded \_\_\_\_\_, \_\_\_\_\_, in the Los Angeles County Recorder's Office, as Instrument No. \_\_\_\_\_] (the "Lease").

B. The parties hereto desire to terminate the Lease.

NOW, THEREFORE, in consideration of the mutual agreements of the parties, as set forth herein, and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties hereto hereby agree as follows:

1. Termination of Lease The Lease is hereby terminated and shall be of no further force or effect. From and after the Effective Date, no party shall have any rights or obligations under the Lease.

2. Entire Agreement. This Termination constitutes the entire agreement and understanding between the parties hereto. This Termination supersedes all prior written or oral agreements or understandings between the parties as of the date hereof.

3. Counterparts. This Termination may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Facsimile signatures may be accepted as original signatures for all purposes.

4. Governing Law. This Termination shall be governed by the laws of the State of California.

[Signature pages follow.]

IN WITNESS WHEREOF, the undersigned have set their hands and seals as of the date first written above.

**LESSOR:**

City of San Dimas, a public body, corporate and politic,

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

**LESSEE:**

Walker House Owner, LLC, a California limited liability company,

By: Walker House Manager, LLC, a California limited liability company  
Its: Manager

By: Redevelopment (Successor) Agency of the City of Sand Dimas, California

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

**NOTARY ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA                    )  
  )  
COUNTY OF \_\_\_\_\_ )            SS.

On \_\_\_\_\_, 2016, before me, \_\_\_\_\_, a Notary Public in and for said State, personally appeared, \_\_\_\_\_, who proved to me the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity(ies) upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

[SEAL]

**NOTARY ACKNOWLEDGMENT**

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STATE OF CALIFORNIA                    )  
  )        SS.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 2016, before me, \_\_\_\_\_, a Notary Public in and for said State, personally appeared, \_\_\_\_\_, who proved to me the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity(ies) upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

[SEAL]

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**QUITCLAIM DEED**

**RECORDING REQUESTED BY:**

**AND WHEN RECORDED, MAIL TO:**

City of San Dimas  
245 East Bonita Ave.  
San Dimas, CA 91773  
Attention: Blaine Michaelis

---

(Space Above For Recorder's Use Only)

**QUITCLAIM DEED**

**THE UNDERSIGNED, WALKER HOUSE MASTER TENANT, LLC**, a California limited liability company, **DECLARES: DOCUMENTARY TRANSFER TAX IS \$ -0-** (Consideration Less Than \$100)

**FOR A VALUABLE CONSIDERATION**, receipt of which is hereby acknowledged, **WALKER HOUSE MASTER TENANT, LLC**, a California limited liability company does hereby **REMISE, RELEASE AND FOREVER QUITCLAIM TO** the **CITY OF SAN DIMAS**, a public body, corporate and politic all of its right, title and interest in and to the real property described on Exhibit A attached hereto.

*[remainder of page intentionally left blank]*

*[next page signature page]*

**IN WITNESS WHEREOF**, the undersigned has executed this document as of the day and year indicated.

Dated: \_\_\_\_\_

Walker House Master Tenant, LLC,  
a California limited liability company,

By: Walker House Manager, LLC, a  
California limited liability company  
Its: Manager

By: Redevelopment (Successor)  
Agency of the City of Sand Dimas,  
California

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

**NOTARY ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA                    )  
  )        SS.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 2016, before me, \_\_\_\_\_, a Notary Public in and for said State, personally appeared, \_\_\_\_\_, who proved to me the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity(ies) upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

[SEAL]

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**QUITCLAIM DEED**

**RECORDING REQUESTED BY:**

**AND WHEN RECORDED, MAIL TO:**

City of San Dimas  
245 East Bonita Ave.  
San Dimas, CA 91773  
Attention: Blaine Michaelis

---

(Space Above For Recorder's Use Only)

**QUITCLAIM DEED**

**THE UNDERSIGNED, WALKER HOUSE OWNER, LLC, a California limited liability company, DECLARES: DOCUMENTARY TRANSFER TAX IS \$ -0- (Consideration Less Than \$100)**

**FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, WALKER HOUSE OWNER, LLC, a California limited liability company, does hereby REMISE, RELEASE AND FOREVER QUITCLAIM TO the CITY OF SAN DIMAS, a public body, corporate and politic all of its right, title and interest in and to the real property described on Exhibit A attached hereto.**

*[remainder of page intentionally left blank]*

*[next page signature page]*

**IN WITNESS WHEREOF**, the undersigned has executed this document as of the day and year indicated.

Dated: \_\_\_\_\_

Walker House Owner, LLC,  
a California limited liability company,

By: Walker House Manager, LLC, a  
California limited liability company  
Its: Manager

By: Redevelopment (Successor)  
Agency of the City of Sand Dimas,  
California

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

**NOTARY ACKNOWLEDGMENT**

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STATE OF CALIFORNIA            )  
  )  
COUNTY OF \_\_\_\_\_ )       SS.

On \_\_\_\_\_, 2016, before me, \_\_\_\_\_, a Notary Public in and for said State, personally appeared, \_\_\_\_\_, who proved to me the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity(ies) upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

[SEAL]

## EXHIBIT A

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ALL OF LOTS 445, 448 AND 451, AND THE EAST ONE-HALF OF LOT 454 OF THE TOWN OF SAN DIMAS, IN THE CITY OF SAN DIMAS, AS PER MAP RECORDED IN BOOK 16 PAGES 53 AND 54 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY



**CITY OF SAN DIMAS PUBLIC FACILITIES  
FINANCING CORPORATION  
TUESDAY, DECEMBER 08, 2015  
SAN DIMAS COUNCIL CHAMBERS  
245 E. BONITA AVENUE**

---

**PRESENT:**

President Curtis W. Morris  
Councilmember Emmett Badar  
Councilmember Denis Bertone  
Councilmember John Ebner  
Councilmember Jeff Templeman

Secretary/Treasurer Blaine Michaelis  
Assistant City Manager Ken Duran  
City Attorney Mark Steres  
Assistant City Clerk Debra Black

**1. CALL TO ORDER**

Chairman Morris called the meeting of the San Dimas Public Facilities Financing Corporation to order at 8:46 p.m.

**2. 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.

**3. APPROVAL OF MINUTES FOR MEETING OF DECEMBER 09, 2014.**

**MOTION:** A Motion was made by Councilmember Ebner seconded by Councilmember Templeman to approve the minutes of December 9, 2014.

For the public's benefit Mayor Morris asked City Manager Blaine Michaelis to explain the function of the San Dimas Public Facilities Finance Corporation.

**4. ELECTION OF OFFICERS**

Mr. Michaelis provided the explanation and recommended that Curtis Morris be appointed President, Jeff Templeman Vice-President and Blaine Michaelis Secretary.

**MOTION:** A motion was made by Councilmember Bertone, seconded by Councilmember Ebner to appoint Curtis Morris as President, Jeff Templeman as Vice-President and Blaine Michaelis as Secretary.

**5. MEMBERS OF THE CORPORATION**

There were no comments.

**6. ADJOURNMENT**

Chairman Morris adjourned the meeting at 8:48 p.m.

---

Secretary/Treasurer

---

Debra Black, Assistant City Clerk



**SAN DIMAS HOUSING AUTHORITY MINUTES  
TUESDAY, DECEMBER 8, 2015  
SAN DIMAS COUNCIL CHAMBERS  
245 E. BONITA AVENUE**

---

**PRESENT:**

Chairman Curtis W. Morris  
Councilmember Emmett Badar  
Councilmember Denis Bertone  
Councilmember John Ebiner  
Councilmember Templeman

Executive Director Blaine Michaelis  
Assistant City Manager Ken Duran  
City Attorney Mark Steres  
Assistant City Clerk Debra Black

**CALL TO ORDER**

Chairman Morris called the meeting to order at 8:48 p.m.

**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.

**APPROVAL OF MINUTES**

- a. Approval of Minutes from December 9, 2014

**MOTION:** A motion was made by Councilmember Bertone, seconded by Councilmember Ebiner to approve the minutes of December 9, 2014. The motion carried unanimously. **(5-0)**

- a. Submittal of the San Dimas Housing Authority Annual Audit and Annual Report for FY 14-15

**RECOMMENDATION:** Receive and file both reports.

Assistant City Manager Ken Duran presented staff's report on these items.

**MOTION:** A motion was made by Councilmember Badar, seconded by Councilmember Templeman receive and file the Annual Audit and Annual Report for FY 14-15. The motion carried by five to zero vote. **(5-0)**

- b. Approval of Administrative Services Agreement between the City of San Dimas and the Housing Authority.

**MOTION:** A motion was made by Councilmember Bertone, seconded by Councilmember Ebiner to approve the Administrative Agreement with estimated cost of reimbursement of \$65,500 for this current fiscal year.

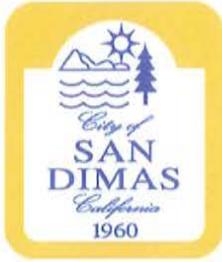
**MEMBERS OF THE AUTHORITY**

No comments made.

**Chairman Morris** adjourned the meeting of the San Dimas Housing Authority at 8:52 p.m. and reconvened the regular meeting of the San Dimas City Council.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Assistant City Clerk



## San Dimas Housing Authority Agenda Item Staff Report

**To:** Chairman and Board of the San Dimas Housing Authority  
*For the meeting of December 13, 2016*

**From:** Blaine Michaelis, Executive Director

**Initiated by:** Ken Duran, Assistant Executive Director

**Subject:** Submittal of San Dimas Housing Authority Annual Audit and Housing Successor Annual Report

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### **BACKGROUND**

In 2014 State legislation was adopted requiring housing successor agencies to former redevelopment agencies, in our case the San Dimas Housing Authority, receive an annual report. The purpose of the report is to provide the Authority and public with a report on the housing assets and activities for a given fiscal year. Information for the report is generated from an independent financial audit and staff. There is specific statutorily required information which is must be included in the audit and report. Attached is a copy of the independent audit and annual report.

The audit was conducted by the independent audit firm LSL for compliance with the type of compliance requirements described in the California Health and Safety Code sections applicable to California Housing Successor Agencies. In summary the audit opinion finds that the Housing Successor is in compliance, in all material respects, with the types of compliance requirements of the Code and with all internal controls over compliance.

The Annual Report is for activities for FY 2015-16 ending June 30, 2016. The report only covers the assets and activities from the former redevelopment agency, which does not include assets or activities for the Charter Oak Mobile Home Park which was not a former agency asset and has always been a separate asset of the Housing Authority.

The primary activities of the Housing Successor for the fiscal year were the continued operations of the Monte Vista Apartments; sale of the Authority owned income restricted Grove Station Units and evaluation of redevelopment options for the Taylor property. As of the end of the fiscal year five of the original ten Grove Station units had been sold, with three additional units

sold so far this current fiscal year. The Authority also retained the services of an architect to design plans and a cost estimate for a replacement home on the Taylor property. The Authority also continued to manage the Monte Vista Apartment complex.

One requirement of the audit and Annual Report is to determine if the Authority has an excess amount of surplus revenue. Excess surplus is defined as any unencumbered surplus over \$1,000,000 or the total of four years' worth of deposits, whichever is greater. The audit concluded that for the first time the Authority does have an excess surplus in the amount of \$702,629. The increase in the surplus last year was due to additional revenue received from the repayment of the SERAF loan and proceeds from the sale of the Grove Station units and the corresponding reduction in debt for those two obligations. The State Health and Safety Code requires that the Authority expend excess surplus funds for eligible low and moderate housing programs or projects within 3 years of when the excess surplus is reported. As a part of next year's budget process staff will begin to prepare recommendations for new projects and programs for the housing program.

The audit and report will also be posted on the City's website, per the requirement of the legislation.

### **RECOMMENDATION**

Staff recommends that the Housing Authority Board receive and file the audit and Successor Annual Report.

Respectfully submitted,



Ken Duran  
Assistant Executive Director

Attachments: LSL Audit  
Housing Successor Annual Report



CPAs AND ADVISORS

## INDEPENDENT AUDITORS' REPORT ON COMPLIANCE WITH APPLICABLE REQUIREMENT AND ON INTERNAL CONTROL OVER COMPLIANCE

To the Honorable Mayor and Members of the City Council  
City of San Dimas, California

### **Report on Compliance for the Housing Successor**

We have audited the City of San Dimas Housing Successor's (Housing Successor) compliance with the type of compliance requirements described in the California Health and Safety Code sections applicable to California Housing Successor Agencies for the year ending June 30, 2016.

#### ***Management's Responsibility***

Management is responsible for compliance with the California Health and Safety Code sections applicable to California Housing Successor Agencies.

#### ***Auditor's Responsibility***

Our responsibility is to express an opinion on the Housing Successor's compliance with the California Health and Safety Code sections applicable to California Housing Successor Agencies. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in the *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred above that could have a direct and material effect on Housing Successor occurred. An audit includes examining, on a test basis, evidence about the Housing Successor's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for the Housing Successor. However, our audit does not provide a legal determination of the Housing Successor's compliance with those requirements.

#### ***Opinion***

In our opinion, the Housing Successor complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on its Housing Successor for the year ending June 30, 2016.

### **Report on Internal Control over Compliance**

Management of the Housing Successor is responsible for establishing and maintaining effective internal control over compliance with the type of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Housing Successor's internal control over compliance with the types of requirements that could have a direct and material effect on the Housing Successor to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance and to test and report on internal controls over compliance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance.





To the Honorable Mayor and Members of the City Council  
City of San Dimas, California

Accordingly, we do not express an opinion on the effectiveness of the Housing Successor's internal control over compliance.

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance of California Health and Safety Code sections applicable to California Housing Successor Agencies on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that a material noncompliance with a type of compliance requirement of California Health and Safety Code sections applicable to California Housing Successor Agencies will not be prevented, or detected and corrected on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

#### **Noncompliance**

In verifying compliance with all Housing Element requirements, we noted the City had not filed the Annual Progress Report with the Housing and Community Development (HCD) timely. In accordance with Section 65400 of the Government Code, if the Housing Successor is a City or County, not a Housing Authority, it must provide by April 1 of each year an Annual Progress Report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development.

#### **Report on Excess/Surplus Calculation**

We have audited the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the City of San Dimas as of and for the year ended June 30, 2016, and have issued our report thereon dated October 14, 2016, which contained an unmodified opinion on those financial statements. Our audit was conducted for the purpose of forming an opinion on the financial statements as a whole. The accompanying report on excess/surplus calculation is presented for purposes of additional analysis only and is not a required part of the financial statements. Such information is the responsibility of management and was derived from the financial statements. The report on excess/surplus calculation has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of California Health and Safety Code sections applicable to California Housing Successor Agencies. Accordingly, this communication is not suitable for any other purpose.

*Lance, Soll & Loughard, LLP*

Brea, California  
October 14, 2016

CITY OF SAN DIMAS HOUSING SUCCESSOR

COMPUTATION OF HOUSING SUCCESSOR  
EXCESS/SURPLUS (HSC 34176.1)

	Low and Moderate Housing Funds All Project Area July 1, 2015	Low and Moderate Housing Funds All Project Area July 1, 2016
Opening Fund Balance	\$ 5,137,605	\$ 4,252,366
Less Unavailable Amounts:		
Land held for resale	\$ (3,588,368)	\$ (1,816,609)
SERAF loans	(968,176)	(733,128)
	<u>(4,556,544)</u>	<u>(2,549,737)</u>
Available Housing Successor Funds	581,061	1,702,629
Limitation (greater of \$1,000,000 or four years deposits)		
Aggregate amount deposited for last four years:		
2015 - 2016	\$ -	\$ 107,228
2014 - 2015	129,033	129,033
2013 - 2014	101,478	101,478
2012 - 2013	108,021	108,021
2011 - 2012	124,571	-
<b>Total</b>	<b><u>\$ 463,103</u></b>	<b><u>\$ 445,760</u></b>
<b>Base Limitation</b>	<b><u>\$ 1,000,000</u></b>	<b><u>\$ 1,000,000</u></b>
Greater amount	<u>1,000,000</u>	<u>1,000,000</u>
<b>Computed Excess/Surplus</b>	<b><u>None</u></b>	<b><u>\$ 702,629</u></b>

**HOUSING SUCCESSOR ANNUAL REPORT  
REGARDING THE  
LOW AND MODERATE INCOME HOUSING ASSET FUND  
FOR FISCAL YEAR 2015-2016 PURSUANT TO  
CALIFORNIA HEALTH AND SAFETY CODE SECTION 34176.1(f)  
FOR THE  
CITY OF SAN DIMAS – HOUSING  
AUTHORITY**

This Housing Successor Annual Report (Report) regarding the Low and Moderate Income Housing Asset Fund (LMIHAF) has been prepared pursuant to California Health and Safety Code Section 34176.1(f) and is dated as of December 13, 2016. This Report sets forth certain details of the City of San Dimas Housing Authority activities during Fiscal Year 2015-2016. The purpose of this Report is to provide the governing body of the Housing Successor an annual report on the housing assets and activities of the Housing Successor under Part 1.85, Division 24 of the California Health and Safety Code, in particular sections 34176 and 34176.1 (Dissolution Law).

The following Report is based upon information prepared by Housing Successor staff and information contained within the independent financial audit of the Low and Moderate Income Housing Asset Fund in the City of San Dimas, Financial Statements for Fiscal Year 2015-2016 as prepared by Lance, Soll & Lunghard, LLP, of which Audit is separate from this annual summary Report; further, this Report conforms with and is organized into sections I. through XI., inclusive, pursuant to Section 34176.1(f) of the Dissolution Law:

- I. **Amount Deposited into LMIHAF:** This section provides the total amount of funds deposited into the LMIHAF during the Fiscal Year. Any amounts deposited for items listed on the Recognized Obligation Payment Schedule (ROPS) must be distinguished from the other amounts deposited.
- II. **Ending Balance of LMIHAF:** This section provides a statement of the balance in the LMIHAF as of the close of the Fiscal Year. Any amounts deposited for items listed on the ROPS must be distinguished from the other amounts deposited.
- III. **Description of Expenditures from LMIHAF:** This section provides a description of the expenditures made from the LMIHAF during the Fiscal Year. The expenditures are to be categorized.
- IV. **Statutory Value of Assets Owned by Housing Successor:** This section provides the statutory value of real property owned by the Housing Successor, the value of loans and grants receivables, and the sum of these two amounts.

- V. **Description of Transfers:** This section describes transfers, if any, to another housing successor agency made in previous Fiscal Year(s), including whether the funds are unencumbered and the status of projects, if any, for which the transferred LMIHAF will be used. The sole purpose of the transfers must be for the development of transit priority projects, permanent supportive housing, housing for agricultural employees or special needs housing.
- VI. **Project Descriptions:** This section describes any project for which the Housing Successor receives or holds property tax revenue pursuant to the ROPS and the status of that project.
- VII. **Status of Compliance with Section 33334.16:** This section provides a status update on compliance with Section 33334.16 for interests in real property acquired by the former redevelopment agency prior to February 1, 2012. For interests in real property acquired on or after February 1, 2012, provide a status update on the project.
- VIII. **Description of Outstanding Obligations under Section 33413:** This section describes the outstanding inclusionary and replacement housing obligations, if any, under Section 33413 that remained outstanding prior to dissolution of the former redevelopment agency as of February 1, 2012 along with the Housing Successor's progress in meeting those prior obligations, if any, of the former redevelopment agency and how the Housing Successor's plans to meet unmet obligations, if any.
- IX. **Income Test:** This section provides the information required by Section 34176.1(a)(3)(B), or a description of expenditures by income restriction for five year period, with the time period beginning January 1, 2014 and whether the statutory thresholds have been met. However, reporting of the Income Test is not required until 2019.
- X. **Senior Housing Test:** This section provides the percentage of units of deed-restricted rental housing restricted to seniors and assisted individually or jointly by the Housing Successor, its former redevelopment Agency, and its host jurisdiction within the previous 10 years in relation to the aggregate number of units of deed-restricted rental housing Assisted individually or jointly by the Housing Successor, its former Redevelopment Agency and its host jurisdiction within the same time period. For this Report the ten-year period reviewed is January 1, 2006 to January 1, 2016
- XI. **Excess Surplus Test:** This section provides the amount of excess surplus in the LMIHAF, if any, and the length of time that the Housing Successor has had excess surplus, and the Housing Successor's plan for eliminating the excess surplus.

This Report is to be provided to the Housing Successor's governing body by December 31, 2016 In addition, this Report and the former redevelopment agency's pre-dissolution Implementation Plan are to be made available to the public on the City's website at [cityofsandimas.com](http://cityofsandimas.com).

**I. AMOUNT DEPOSITED INTO LMIHAF**

A total of \$129,033 was deposited into the LMIHAF during the Fiscal Year. Of the total funds deposited into the LMIHAF, a total of \$0 was designated for items listed on the ROPS.

**II. ENDING BALANCE OF LMIHAF**

At the close of the Fiscal Year, the ending balance in the LMIHAF was \$1,702,629 of which \$606,668 is designated for items listed on the ROPS.

**III. DESCRIPTION OF EXPENDITURES FROM LMIHAF**

The following is a description of expenditures from the LMIHAF by category:

		Fiscal Year
Monitoring & Administration Expenditures		\$18,590
Homeless Prevention and Rapid Rehousing Services Expenditures		
Housing Development Expenditures		\$973,878
<ul style="list-style-type: none"> <li>➤ Expenditures on Low Income Units</li> <li>➤ Expenditures on Very-Extremely Low Income Units</li> <li>➤ Total Housing Development Expenditures</li> </ul>		
<b>Total LMIHAF Expenditures in Fiscal Year TOTAL EXPENDITURES</b>		<b>\$992,468</b>

**IV. STATUTORY VALUE OF ASSETS OWNED BY HOUSING SUCCESSOR IN LMIHAF**

Under the Dissolution Law and for purposes of this Report, the “statutory value of real property” means the value of properties formerly held by the former redevelopment agency as listed on the housing asset transfer schedule approved by the Department of Finance as listed in such schedule under Section 34176(a)(2), the value of the properties transferred to the Housing Successor pursuant to Section 34181(f), and the purchase price of property(ies) purchased by the Housing Successor. Further, the value of loans and grants receivable is included in these reported assets held in the LMIHAF.

The following provides the statutory value of assets owned by the Housing Successor.

	<b>As of End of Fiscal Year</b>
<b>Statutory Value of Real Property Owned by Housing Authority</b>	<b>\$2,585,864</b>
<b>Value of Loans and Grants Receivable</b>	<b>\$733,128</b>
<b>Total Value of Housing Successor Assets</b>	<b>\$3,318,992</b>

**V. DESCRIPTION OF TRANSFERS**

The Housing Successor did not make any LMIHAF transfers to other Housing Successor(s) under Section 34176.1(c)(2) during the Fiscal Year.

**VI. PROJECT DESCRIPTIONS**

The Housing Successor does not receive or hold property tax revenue pursuant to the ROPS.

The following is a description of project(s) for which the Housing Successor receives or holds property tax revenue pursuant to the ROPS as well as the status of the project(s):

<b>Project Name</b>	<b>Status of Project</b>
Grove Station Project :	In 2015-16 the 10 units were marketed and agreements to sell five of the units have been reached. Five units have closed escrow by the end of the 15-16 fiscal year.
	The remaining five units are continuing to be marketed and we look to sell them in FY 16-17.

**VII. STATUS OF COMPLIANCE WITH SECTION 33334.16**

Section 34176.1 provides that Section 33334.16 does not apply to interests in real property acquired by the Housing Successor on or after February 1, 2012; however, this Report presents a status update on the project related to such real property.

With respect to interests in real property acquired by the former redevelopment agency *prior* to February 1, 2012, the time periods described in Section 33334.16 shall be deemed to have commenced on the date that the Department of Finance approved the property as a housing asset in the LMIHAF; thus, as to real property acquired by the former redevelopment agency now held by the Housing Successor in the LMIHAF, the Housing Successor must initiate activities consistent with the development of the real property for the purpose for which it was acquired within five years of the date the DOF approved such property as a housing asset.

The following provides a status update on the real property or properties housing asset(s) that were acquired prior to February 1, 2012 and compliance with five-year period:

<b>Address of Property</b>	<b>Date of Acquisition</b>	<b>Deadline to Initiate Development Activity</b>	<b>Status of Housing Successor Activity</b>
Monte Vista Apartments	7/4/96		City continues to operate L&M apartments.
Taylor Property	9/17/01		No new activity.

The following provides a status update on the project(s) for property or properties that have been acquired by the Housing Successor using LMIHAF on or after February 1, 2012:

<b>Address of Property</b>	<b>Date of Acquisition</b>	<b>Deadline to Initiate Development Activity</b>	<b>Status of Housing Successor Activity</b>
Various E Commercial	4 units 2012-13, 6 units 2013-14		FY 2015-16 Five of the ten units have been sold and we will continue to market the remaining units in FY 16-17 until sold.

## VIII. DESCRIPTION OF OUTSTANDING OBLIGATIONS PURSUANT TO SECTION 33413

**Replacement Housing:** According to the 2010-2015 Implementation plan for the former redevelopment agency, no Section 33413(a) replacement housing obligations were transferred to the Housing Successor. The former redevelopment agency's Implementation Plans are posted on the City's website at [cityofsandimas.com](http://cityofsandimas.com).

**Inclusionary/Production Housing.** According to the 2010-2015 Implementation Plan for the former redevelopment agency, no Section 33413(b) inclusionary/production housing obligations were transferred to the Housing Successor. The former redevelopment agency's Implementation Plans are posted on the City's website at [cityofsandimas.com](http://cityofsandimas.com)

## IX. EXTREMELY-LOW INCOME TEST

Section 34176.1(a)(3)(B) requires that the Housing Successor must require at least 30% of the LMIHAF to be expended for development of rental housing affordable to and occupied by households earning 30% or less of the AMI. If the Housing Successor fails to comply with the Extremely-Low Income requirement in any five-year report, then the Housing Successor must ensure that at least 50% of the funds remaining in the LMIHAF be expended in each fiscal year following the latest fiscal year following the report on households earning 30% or less of the AMI until the Housing Successor demonstrates compliance with the Extremely-Low Income requirement. This information is not required to be reported until 2019 for the 2014 – 2019 period.

## X. SENIOR HOUSING TEST

The Housing Successor is to calculate the percentage of units of deed-restricted rental housing restricted to seniors and assisted by the Housing Successor, the former redevelopment agency and/or the City within the previous 10 years in relation to the aggregate number of units of deed-restricted rental housing assisted by the Housing Successor, the former redevelopment agency and/or City within the same time period. If this percentage exceeds 50%, then the Housing Successor cannot expend future funds in the LMIHAF to assist additional senior housing units until the Housing Successor or City assists and construction has commenced on a number of restricted rental units that is equal to 50% of the total amount of deed-restricted rental units.

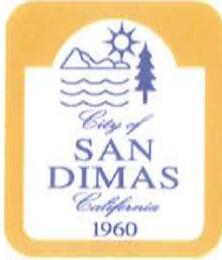
The following provides the Housing Successor's Senior Housing Test for the 10 year period of January 1, 2006 to January 1, 2016:

<b>Senior Housing Test January 1, 2006 to January 1, 2016</b>	
<b># of Assisted Senior Rental Units</b>	<b>10</b>
<b># of Total Assisted Rental Units</b>	<b>10</b>
<b>Senior Housing Percentage</b>	<b>100%</b>

#### **XI. EXCESS SURPLUS TEST**

Excess Surplus is defined in Section 34176.1(d) as an unencumbered amount in the account that exceeds the greater of one million dollars (\$1,000,000) or the aggregate amount deposited into the account during the Housing Successor's preceding four Fiscal Years, whichever is greater.

The following page provides the Excess Surplus test for the preceding four Fiscal Years. The LMIHAF has an Excess Surplus of \$702,629 due to the sale of five Grove Station units as of Fiscal Year 2015-2016.



## San Dimas Housing Authority Agenda Item Staff Report

**To:** Chairman and Board of the San Dimas Housing Authority  
*For the meeting of December 13, 2106*

**From:** Blaine Michaelis, Executive Director

**Initiated by:** Ken Duran, Assistant Executive Director

**Subject:** Approval of Administrative Services Agreement between the City of San Dimas and the San Dimas Housing Authority

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### **BACKGROUND**

With the dissolution of redevelopment agencies, HSC Section 34176 provided that a City Council could elect to retain the housing assets and functions of a dissolved redevelopment agency. On January 24, 2012 the City Council of the City of San Dimas adopted Resolution No. 2012-06 electing to have the San Dimas Housing Authority retain the housing assets and functions of the dissolved San Dimas Redevelopment Agency.

Shortly after the assets and functions were transferred many of the programs and functions were curtailed due to the elimination of new funding from tax increment set-aside funds. However, there were programs and functions that needed to be maintained for the continued operations of the housing assets. Since that time there have also been new programs and functions that have been added.

The personnel, equipment and facilities to maintain the Authority's functions have been absorbed by existing City staff and operations. When the Council approved the FY 14-15 Annual Capital and Operating Budget they approved the concept of the Housing Authority reimbursing the City for the personnel and expenses for managing the Housing Authority functions. To effectuate the reimbursement the City and Authority need to enter into an annual Administrative Services Agreement.

The current programs and functions of the Authority include:

- Oversight of management and maintenance of the Monte Vista Apartments.

- Oversight of the sale of the Grove Station units.
- Mobile Home Rehab Grant program.
- Planning for the reconstruction of the house on the Taylor property.
- Accounting, treasurer, public meeting coordination and clerical support for the general Authority functions.

In the future there may other programs and functions taken on by the Authority that will need additional support.

The attached Agreement includes an exhibit which provides an estimate of the personnel hours and costs of this year's reimbursement. The estimated number of personnel hours is very conservative. The total cost based upon the estimate is \$73,730. The City will be reimbursed based upon the actual costs at the end of the year.

### **RECOMMENDATION**

Staff recommends that the Housing Authority Board approve the attached Administrative Services Agreement with an estimate of \$73,730.

Respectfully submitted,



Ken Duran, Assistant Executive Director

Attachments: Administrative Services Agreement

**ADMINISTRATIVE SERVICES AGREEMENT**

This Agreement entered into this 13<sup>th</sup> day of December, 2016 by and between the City of San Dimas, hereinafter referred to as "City" and the San Dimas Housing Authority, hereinafter referred to as "Authority".

**WITNESSETH**

**WHEREAS**, the City has the personnel, supplies and equipment required for the operation of the Authority's housing properties and programs.

**WHEREAS**, the Authority is desirous of utilizing said personnel, supplies and equipment.

**NOW, THEREFORE**, in consideration of the foregoing recital, the parties hereby do agree as follows:

1. Authority contracts with the City to provide personnel, supplies and equipment to maintain the effective operation of the Authority's housing properties and programs.
2. City agrees to provide Authority with adequate personnel, supplies and equipment. (see Attachment A)
3. This agreement may be terminated upon 30 days written notice by either party with the incurred charges to date due upon termination.
4. This agreement shall provide for services rendered from July 1, 2016 through June 30, 2017.
5. Authority agrees to pay the City annually based upon the actual hours of work performed by the personnel as estimated in Attachment A.

CITY OF SAN DIMAS

SAN DIMAS HOUSING AUTHORITY

BY: \_\_\_\_\_

Mayor

BY: \_\_\_\_\_

Chairman

ATTEST:

\_\_\_\_\_

Deputy City Clerk

**ADMINISTRATIVE SERVICES AGREEMENT  
BETWEEN  
CITY OF SAN DIMAS AND SAN DIMAS HOUSING AUTHORITY  
ESTIMATED BUDGET FY 16 - 17**

	<u>HOURS</u>	<u>RATE</u>	<u>COST</u>
<b>ADMINISTRATIVE SERVICES</b>			
CITY MANAGER	72	\$149.17	\$10,740.24
ASSISTANT CITY MANAGER	60	\$115.28	\$6,916.80
ADMINISTRATIVE SERVICES MANAGER	30	\$74.40	\$2,232.00
ASSISTANT CITY CLERK	6	\$47.36	\$284.16
ACCOUNTING SUPERVISOR	30	\$57.41	\$1,722.30
<b>COMMUNITY DEVELOPMENT</b>			
ASSISTANT CITY MANAGER OF COMMUNITY DEV	90	\$126.48	\$11,383.20
ADMINISTRATIVE AIDE	240	\$51.19	\$12,285.60
HOUSING INTERN		\$15.61	\$19,009.00
<b>PARKS AND RECREATION</b>			
FACILITIES MANAGER	9	\$83.95	\$755.55
FACILITIES SUPERVISOR	12	\$47.70	\$572.40
FACILITIES MAINTENANCE WORKER	24	\$46.91	\$1,125.84
<b>TOTAL PERSONNEL</b>			<b>\$67,027.09</b>
<b>OVERHEAD 10%</b>			<b>\$6,702.71</b>
<b>TOTAL EXPENDITURES</b>			<b>\$73,729.80</b>

*RATES ARE PRODUCTIVE HOURLY RATES  
NUMBER OF HOURS ARE ESTIMATES*



## San Dimas Housing Authority Agenda Item Staff Report

**To:** Chairman and Board of the San Dimas Housing Authority  
*For the meeting of December 13, 2016*

**From:** Blaine Michaelis, Executive Director

**Subject:** Receive and File Audit of Financial Statements for Charter Oak Mobile Home Park

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### **BACKGROUND**

The Housing Authority has an Agreement with Bessire & Casenhiser, Inc. (B&C) to provide property management services for the Authority owned Charter Oak Mobile Home Park. The accounting structure in the Agreement calls for B&C to maintain a dedicated account for all revenue and expenditures for the property. Rents collected are deposited in the account and operations and management expenditures are withdrawn from the account. Staff meets with B&C annually to review the annual operating budget for the Park.

In October staff retained the services of the audit firm of Maginnis, Knechtel & McIntyre to audit the financial statements maintained by B&C for year ending June 30, 2016. The attached audit report is the result of the audit. The audit Opinion finds that the financial statements present fairly, in all material respects, the financial position of the Park, in accordance with generally accepted accounting principles. In other words, there were no findings or notes reported in the audit.

Any excess revenue over operating expenditures collected annually is used to pay the annual bond payments first and any additional surplus funds are retained in accounts for required reserves and contingencies as bond requirements and additional surplus funds.

### **RECOMMENDATION**

Staff recommends that the Housing Authority Board receive and file the audit of financial statements for the Charter Oak Mobile Home Park.



October 24, 2016

To the City of San Dimas

We have audited the financial statements of 339 Charter Oak Mobile Home Estates for the year ended June 30, 2016, and have issued our report thereon dated October 24, 2016. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated August 9, 2016. Professional standards also require that we communicate to you the following information related to our audit.

#### Significant Audit Findings

##### *Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by 339 Charter Oak Mobile Home Estates are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during FY 2015-2016. We noted no transactions entered into by the Company during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected.

The financial statement disclosures are neutral, consistent, and clear.

##### *Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

##### *Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole.

*Disagreements with Management*

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

*Management Representations*

We have requested certain representations from management that are included in the management representation letter dated October 24, 2016.

*Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Company's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

*Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Company's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

As discussed in prior year's audit, management has agreed to reevaluate the reserves.

This information is intended solely for the use of the shareholders and management of 339 Charter Oak Mobile Home Estates and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

*Maguire's Knottel & Mc Intyre, P.C.*

**339 CHARTER OAK  
MOBILE HOME ESTATES**

**FINANCIAL STATEMENTS**

**For the year ended  
June 30, 2016**

**339 CHARTER OAK MOBILE HOME ESTATE**

**June 30, 2016**

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## INDEPENDENT AUDITOR'S REPORT

To the City of San Dimas

We have audited the accompanying financial statements of 339 Charter Oak Mobile Home Estates as of June 30, 2016, which comprise the balance sheet as of June 30, 2016, and the related statements of operations, retained earnings, and cash flows for the year then ended, and the related notes to the financial statements.

### ***Management's Responsibility for the Financial Statements***

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### ***Auditor's Responsibility***

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

***Opinion***

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of 339 Charter Oak Mobile Home Estates, as of June 30, 2016, and the results of its operations and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

**Report on Supplementary Information**

Our audit was conducted for the purpose of forming an opinion on the financial statements as a whole. The schedule of operating costs is presented for purposes of additional analysis and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.

*Maguiness Ensell + McIntyre, LLP*

Pasadena, California  
October 24, 2016

**339 Charter Oak Mobile Home Estates**

**BALANCE SHEET**

June 30, 2016

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**ASSETS**

Current assets	
Cash	\$ <u>100,769</u>

**LIABILITIES AND STOCKHOLDERS' EQUITY**

Current liabilities	
Security deposits and other current liabilities	\$ 3,466
Stockholders' equity	
Retained earnings	<u>97,303</u>
Total liabilities and stockholders' equity	<u>\$ 100,769</u>

See accompanying notes to financial statements.

**339 Charter Oak Mobile Home Estates**

**STATEMENT OF OPERATIONS**

For the year ended June 30, 2016

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Revenue		
Base rent income	\$	1,418,596
Tenant reimbursement and other income		<u>222,793</u>
		1,641,389
Expenses		
Property maintenance		422,495
General and administrative		20,853
Management fees		<u>54,493</u>
Total expense		<u>497,841</u>
Net income	\$	<u><u>1,143,548</u></u>

See accompanying notes to financial statements.

**339 Charter Oak Mobile Home Estates**

**STATEMENT OF RETAINED EARNINGS**

For the year ended June 30, 2016

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Balance June 30, 2015	\$	292,126
Net income		1,143,548
Distributions		<u>(1,338,371)</u>
Balance June 30, 2016	\$	<u>97,303</u>

See accompanying notes to financial statements.

**339 Charter Oak Mobile Home Estates**

**STATEMENT OF CASH FLOWS**

For the year ended June 30, 2016

Cash flows from operating activities:	
Net income	\$ 1,143,548
Adjustments to reconcile net income to net cash provided by operating activities:	
Increase in:	
Security deposits and other current liabilities	<u>5,427</u>
Net cash provided by operating activities	1,148,975
Cash flows (used) by financing activities:	
Distributions	<u>(1,338,371)</u>
Net (decrease) in cash	(189,396)
Cash at beginning of year	<u>290,165</u>
Cash at end of year	<u>\$ 100,769</u>

See accompanying notes to financial statements.

## 339 CHARTER OAK MOBILE HOME ESTATES

### NOTES TO FINANCIAL STATEMENTS

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#### 1 **Organization and summary of significant accounting policies**

##### Nature of business

The City of San Dimas Housing Authority ("Owner") is the sole owner of the 339 Charter Oak Mobile Home Estates ("Company"). The Company operates a mobile home park in San Dimas, California which leases space on an individual basis.

##### Method of accounting

The financial statements of the Company have been prepared on the accrual basis. The significant accounting policies followed are described below to enhance the usefulness of the financial statements to the reader.

##### Rental revenue

Rental revenue from real estate property is determined when earned in accordance with the terms of the respective leases. Included in revenue from properties on the statement of operations are certain tenant reimbursements determined in accordance with the lease agreements.

##### Use of estimates

The preparation of financial statements in conformity with generally accepted accounting principles accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Actual results could differ from those estimates.

##### Concentration of credit risk

The Company conducts business in California. Financial instruments which potentially subject the Company to concentrations of credit risk are cash accounts in financial institutions. At times, the Company has no cash balances in excess of the federally insured \$250,000 limit at a single financial institution. Management believes the Company is subject to minimal risk as it places its cash with high credit quality financial institutions.

##### Management's review

Management has evaluated subsequent events through October 24, 2016, the date the financial statements were available to be issued.

## 339 CHARTER OAK MOBILE HOME ESTATES

### NOTES TO FINANCIAL STATEMENTS

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#### **2 Property management fees**

On August 9, 2005, the Owner and Bessire & Cashenhiser, Inc. ("Property Manager") entered into an agreement for the purpose of managing and operating of the Company. The Property Manager earned property management fees of \$54,493 for the year ended June 30, 2016.

#### **3 Commitments and contingencies**

In the normal course of business, from time to time, Company is involved in legal actions relating to the ownership and operations of its real estate property. In management's opinion, the liabilities, if any, that may ultimately result from such legal actions are not expected to have a material adverse effect on Company's financial position, results of operations, or liquidity.

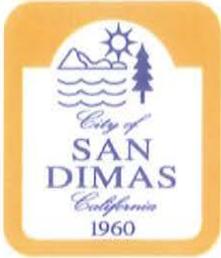
## Supplemental Information

### 339 Charter Oak Mobile Home Estates

#### SCHEDULE OF OPERATING COSTS

For the year ended June 30, 2016

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Property management fee	\$ 51,360	\$ 54,493	\$ (3,133)
Onsite management service	103,225	102,751	474
Tenant reimbursed utility	218,980	219,840	(860)
Property management - ground & landscaping	26,730	20,466	6,264
Buildings - general	7,550	3,579	3,971
Property management - pool/jacuzzi	25,625	47,050	(21,425)
Property management - utilities	12,570	13,254	(684)
Building maintenance - parking/streets/patios	13,800	15,555	(1,755)
Vehicle repair & maintenance	2,600	1,496	1,104
Advertising	4,500	3,980	520
Other expense	13,995	14,409	(414)
Insurance	6,000	968	5,032
	<u>\$ 486,935</u>	<u>\$ 497,841</u>	<u>\$ (10,906)</u>



## Agenda Item Staff Report

**To:** Honorable Mayor and Members of City Council  
*For the meeting of December 13, 2016*

**From:** Blaine Michaelis, City Manager 

**Subject:** Report regarding questions brought up at the November 22, 2016 council meeting regarding the Grove Station and Village Walk Home Owners Associations

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### SUMMARY

At the November 22, 2016 city council meeting Mr. Ryan Vienna provided comments and observations during the second public comment portion of the agenda related to the city and issues with the Village Walk and Grove Station Home Owners Associations. We have prepared this summary in response to those questions and comments.

This staff report has been provided to Mr. Vienna so that he has the information prior to this council meeting, along with an invitation to meet with senior staff regarding his concerns and issues. Therefore we do not see a reason to review this information at the city council meeting unless desired by the city council.

### BACKGROUND

November 22, 2016, Mr. Vienna expressed concern and disappointment regarding the city's actions associated with the Home Owners Association process for the Grove Station and Village Walk developments. He noted difficulties with refuse facilities and refuse service as well as watering and landscape maintenance responsibilities. The issues and concerns expressed November 22, 2016 can benefit from a broader context, background and perspective.

### **Formation of the HOA's**

In the preferred circumstance the City wanted a single HOA for the entire project to precisely avoid these types of debates. The initial challenge to establishing a single

HOA came from Olson (the developer of Village Walk) desiring to have FHA financing available for their buyers. FHA had regulations prohibiting HOA consolidations in projects where there had been foreclosure in the prior twelve months (which occurred with the front buildings). After much discussion with Olson, their attorneys and the City Attorneys (Ken Brown & Bill Pham) it was determined they could proceed with the separate HOA but they added in the merger opportunity which could allow the Grove Station portion to merge into the Village Walk portion after the FHA requisite period of time (one year as we recall). We were unable to compel the future merger and still comply with the FHA guidelines. John Reekstein of Olson regularly reached out to the Grove Station Board and made a lot of effort to facilitate this merger but in the end the Grove Station Board voted against the merger. We assume the Village Walk CC&Rs still allow this but obviously Olson is long gone. None of this one HOA versus two was considered at the time of the Olson Tentative Tract Map as it did not occur until they were preparing the CC&Rs and the Final map.

For reasons of their own, Olson determined to include most if not all of the common area in the Village Walk Association. In arriving at HOA dues we do not know what factors they took into consideration regarding apportioning some of these costs (if any) to Grove Station. These reviews are conducted between the developer and DRE without city involvement or participation. Our recollection is that Olson took all (or most) of the common area to facilitate maintenance and attractiveness (and maybe control) for their product/community and partly as a way to facilitate the future merger. They were not required to do so by the City. It is likely the Grove Station analysis to determine HOA costs contains some overlap of these responsibilities. We believe Olson set up the Village Walk common areas so that the only HOA responsibility left to Grove Station was exterior maintenance of the front buildings.

### **Trash enclosures**

Grove Station originally had two trash enclosure that were built (by Fox or the receiver), and used for a couple years and presumably paid for by the Grove Station HOA prior to the Olson project being constructed. These were demolished and relocated by Olson to accommodate two of the middle group of buildings in their revised site design. We also recall working with waste Management regarding the five enclosures that Olson built to verify that there were adequate facilities because Olson was trying to get rid of one of them or to redesign it. We are pretty sure we also had some discussion with Olson about individual refuse pick up for their project vs. common pick up but their garages were not large enough to accommodate individual pick up.

All trash enclosures are located in the common area which Olson chose to take full responsibility for when they set up the Village Walk HOA. The current trash situation reflects the design and intent Olson used in the establishment of the Village Walk HOA including the requirements and financial relationships as they exist today.

All this being said, there is opportunity – perhaps even necessity – for both parties to work out a mutually agreeable solution to the refuse matters and issues.

Staff feels the need to point out the more significant future issue – as the project ages there are likely other common area costs and maintenance that need to be shared in a fair way – i.e. future pavement resurfacing, striping, etc.

#### Grove Station/Landscaping:

##### **General Background**

The landscaping along the front of the project includes a mix of planters that were installed by the receiver as part of the effort to finish the front units. As the project neared completion staff met with the developer to review the landscaping for compliance with the approved plans and to confirm future maintenance responsibilities. This included determining which planters and irrigation systems were on which water meters.

Staff reviewed the 2006 irrigation plan from the Grove Station Development plans, as well as conducted a site visit and an irrigation system check, in order to verify Mr. Vienna's comments.

Attached please find copies of two sections of that irrigation plan as well as two photos. On the "Phase 2" plan we have identified the point of connection for the irrigation controller and the water meter located at the north end of the development. The City receives a monthly invoice for the water meter located here, with a meter address of 222 S. San Dimas Avenue. The photos identify the locations of the irrigation controller and electrical pedestal.

On the plans, we have identified the landscape areas that are irrigated and maintained by others, as noted in Orange. The areas highlighted in Yellow are irrigated and maintained by the City, and the four Blue dots on the plan indicate trees that are irrigated by others, but are trimmed under City contract. This is consistent with City maintained trees located in parkways throughout the City. The current landscape and irrigation responsibilities are consistent with the approved maintenance plan established with the developer.

The November 22 public comments described areas and locations that would be good to confirm with Mr. Vienna so that we can clarify the specific location(s) he was verbally describing. Staff is available to meet with Mr. Vienna at his convenience.

##### **Observations**

The November 22 public comments expressed concern to the point of a complaint that community members have been failed by the City of San Dimas in this instance. Disappointment was expressed with a lack of city and staff response.

The general HOA issues were first brought up some time ago by Mr. Vienna and staff responded to his questions at that time. We were left with the impression that no further response was needed. Also staff has had no requests for information regarding the trash enclosures or refuse service or landscaping and irrigation responsibilities at all until the November 22, 2016 comments.

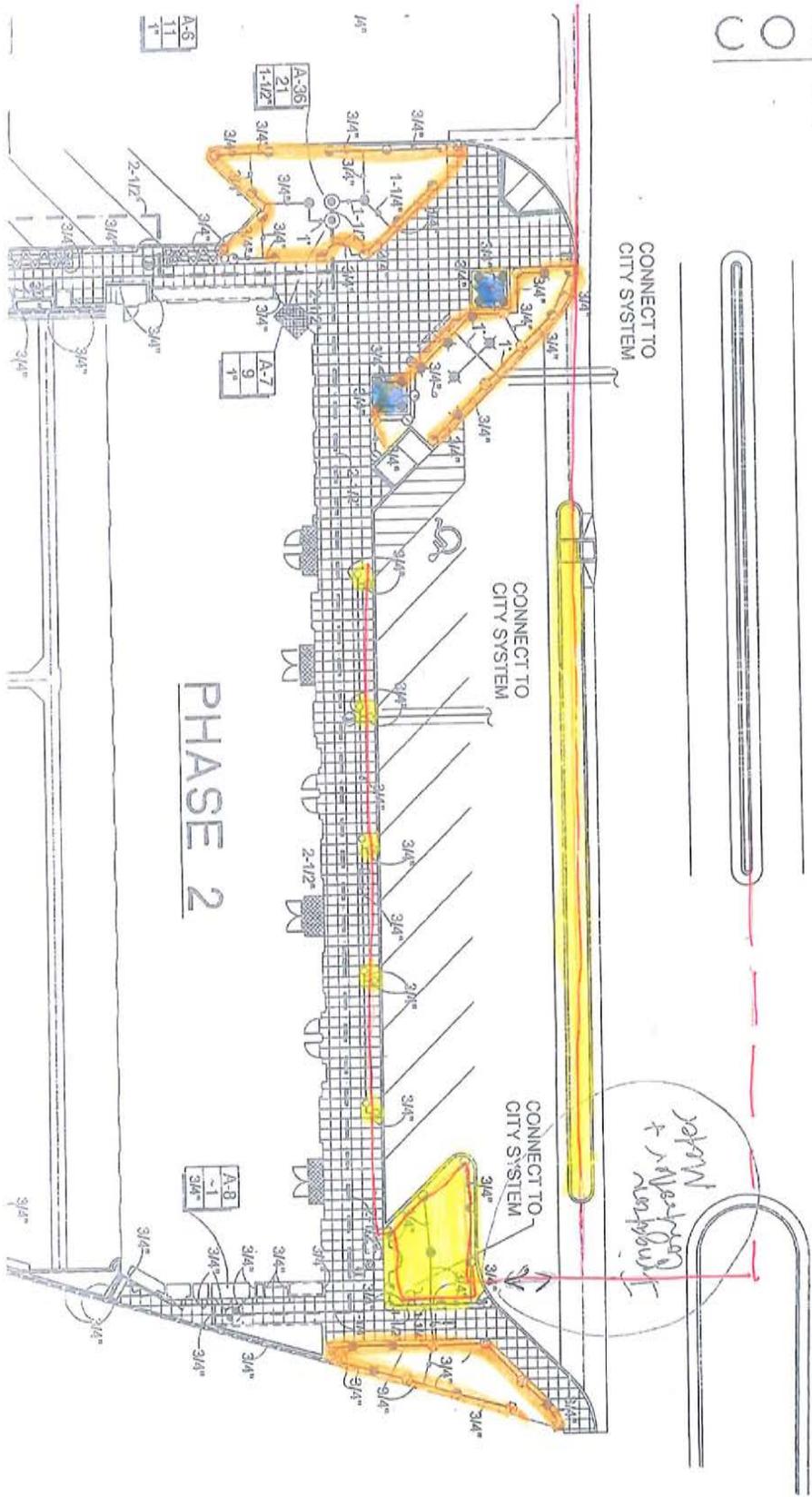
May we respectfully offer that staff can only be of assistance when we are contacted regarding a concern. May we also emphasize that effective problem solving is always benefited by an understanding that reflects the broadest context of any matter. The senior staff of the city is available to meet with Mr. Vienna at a mutually agreeable time to provide context, information, background, and our collective municipal experience with working on issues of interest or concern.

**RECOMMENDATION**

Receive this report – ask questions of staff as desired.

C: Mr. Ryan Vienna Village Walk Homeowners Association

# COMMERCIAL STREET

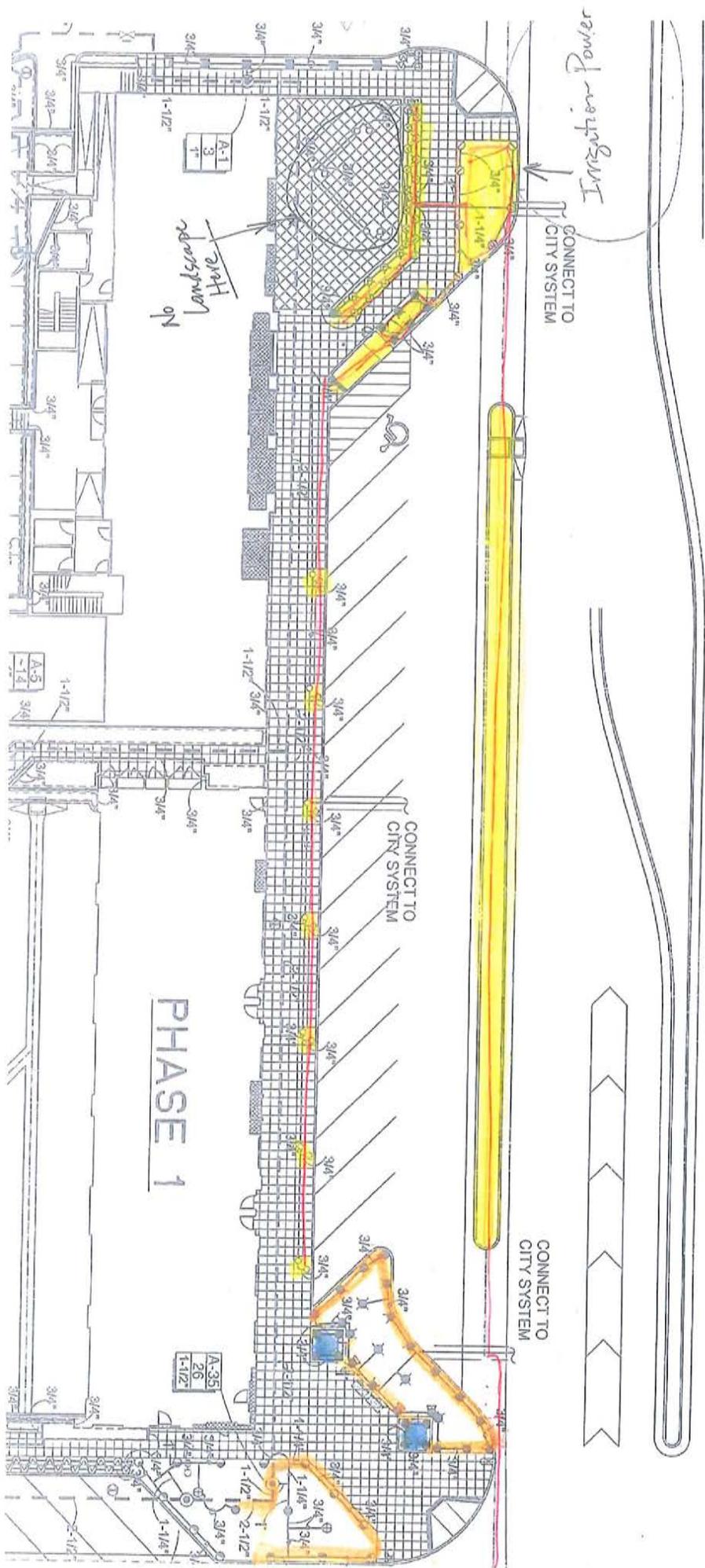


Orange = Their Water + Maintenance (City Maintains trees in front sections - Blue)

Yellow = Our Water + Maintenance



SAN DIMAS AVE.

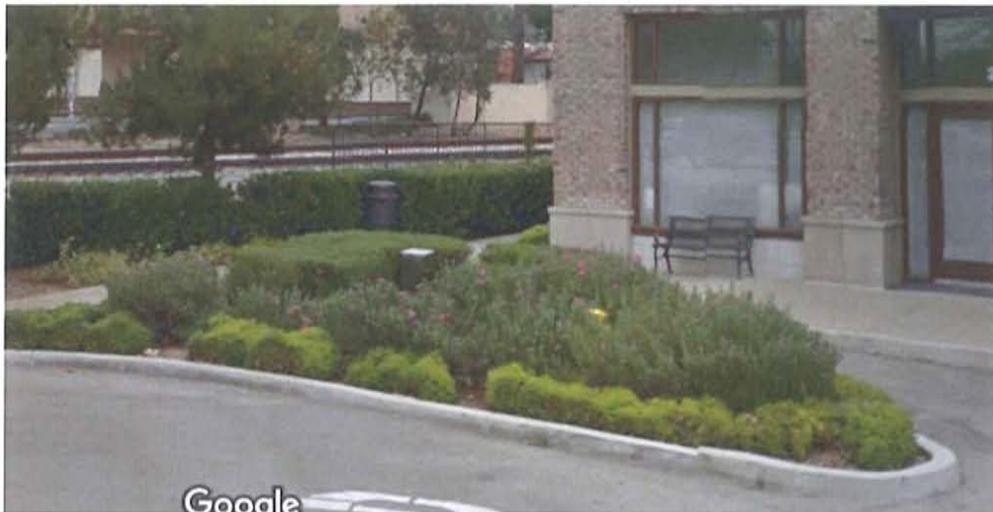


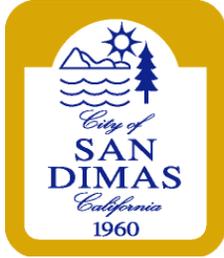
**GROVE STATION**

South End – Electrical Service (brown pedestal)



North End – Irrigation Controller (stainless steel pedestal)





## Agenda Item Staff Report

**To:** Honorable Mayor and Members of City Council  
*For the meeting of December 13, 2016*

**From:** Blaine Michaelis, City Manager

**Subject:** Reappoint Public Safety Commissioners to another term

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### **SUMMARY**

**Commissioners Kevin Burke and Josh Hibbard are eligible to be appointed to serve an additional 2 year term on the Public Safety Commission. They are both interested in continuing their service on the Commission.**

### **RECOMMENDATION**

Pleasure of the council.