



**REGULAR CITY COUNCIL MEETING AGENDA
TUESDAY, JANUARY 10, 2017, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.**

CITY COUNCIL:

Mayor Curtis W. Morris
Mayor Pro Tem Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebner
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 and ask to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

a. Members of the Audience

3. CONSENT CALENDAR

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

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

RESOLUTION 2017-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF DECEMBER 2016 AND JANUARY 2017.

b. Approval of minutes for the City Council Meeting of December 13th, 2016.

c. **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) (SECOND READING AND ADOPTION)**

RECOMMENDED ACTION: Waive full reading, read by title only and adopt Ordinance 1251.

- d. **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 (**SECOND READING AND ADOPTION**)

RECOMMENDED ACTION: Waive full reading, read by title only and adopt Ordinance 1252.

END OF CONSENT CALENDAR

4. PUBLIC HEARING

- a. **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 (**SECOND READING AND ADOPTION**)

RECOMMENDED ACTION: Waive full reading and read by title only and adopt Ordinance 1250.

5. OTHER BUSINESS

- a. Introducing Ordinance 1253 proposing Municipal Code Text Amendment of Chapter 10.18 of the San Dimas Municipal Code to prohibit the use of bicycles or wheeled toys on Bonita Avenue sidewalks between Walnut Avenue and Cataract Avenue and on San Dimas Avenue sidewalks between Bonita Avenue and Arrow Highway

ORDINANCE 1253, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, AMENDING CHAPTER 10.18 OF THE SAN DIMAS MUNICIPAL CODE TO DELETE THE REFERENCE TO “WOODEN SIDEWALKS” AND TO PROHIBIT BICYCLES AND WHEELED TOYS ON SIDEWALK SEGMENTS OF BONITA AVENUE AND SAN DIMAS AVENUE (**FIRST READING AND INTRODUCTION**)

RECOMMENDED ACTION: Waive full reading, read by title only and introduce Ordinance 1253.

- b. Update on the Downtown Project

6. ORAL COMMUNICATIONS

- a. Members of the Audience (Speakers are limited to five (5) minutes or as may be determined by the Chair.)
- b. City Manager
- c. City Attorney
- d. Members of the City Council
 - 1) Councilmembers' report on meetings attended at the expense of the local agency.
 - 2) Individual Members' comments and updates.

7. ADJOURNMENT

The next meeting will be January 24, 2017, at 7:00 p.m.



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.

Posting Statement: On January 6th, 2017 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

RESOLUTION 2017-01

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN DIMAS, CALIFORNIA, APPROVING
CERTAIN DEMANDS FOR THE MONTHS OF
2016 DECEMBER AND JANUARY 2017**

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 12/31/16 in the amount of \$520,086.14
checks (25992-157364); and Warrant Register 01/17/17 in the amount of \$1,148,359.58 checks
(157441-157499).

PASSED, APPROVED AND ADOPTED this 10th, day of January 2017.

Curtis W. Morris, Mayor City of San Dimas

ATTEST:

Debra Black, Assistant City Clerk

I, DEBRA BLACK, ASSISTANT CITY CLERK, HEREBY CERTIFY that
Resolution 2017-01 was approved by vote of the City Council of the City of San Dimas at its
regular meeting of January 10th, 2017 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Debra Black, Assistant City Clerk

12/31/2016

PREPAID

WARRANT REGISTER

Ck#'s 25992-157364

Total: \$520,086.14

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA								
26006	12/31/16	OLAZABAL/BRENDA	.00001 REFUND RENTAL DEPOSIT	500.00				N M 001.341.002
26007	12/31/16	RODE/PAIGE	11263 SR CENTER SUPPLIES	38.95				N M 001.4420.013.003
26007	12/31/16	RODE/PAIGE	11263 DRIVER TDS 10725-11/	100.00				N M 072.4120.434.000
26007	12/31/16	RODE/PAIGE	11263 SENIOR BOUTIQUE	9.00				N M 001.4420.013.009
				147.95				
*CHECK TOTAL								
26008	12/31/16	BELL/TREVOR	.00002 COMPUTER LOAN PROGR	1,515.99				N M 001.117.199
26009	12/31/16	STBELCRAFT	11310 DEPOSIT FOR BONITA	2,569.34				N M 012.4841.692.007
26010	12/31/16	SAN DIMAS EMPLOYEES	15995 REIMB. SDEA LUNCH 12/	283.00				N M 001.4190.020.000
26011	12/31/16	WARD/LATOYIA	12039 TUTION REIMBURSEME	2,000.00				N M 001.4190.020.005
26012	12/31/16	SECRETARY OF STATE	11280 FEE FOR CERTIF. CANCEL	5.00				N M 001.4190.020.000
26013	12/31/16	SECRETARY OF STATE	11280 FEE FOR CERTIF. CANCEL	5.00				N M 001.4190.020.000
26014	12/31/16	TIME WARNER CABLE	11669 0255547	38.19				N M 001.4212.033.000
26014	12/31/16	TIME WARNER CABLE	11669 0011494	114.59				N M 001.4190.020.034
*CHECK TOTAL								
26015	12/31/16	SAN DIMAS PAYROLL/CI	16050 P/E 12/17/16	164,962.67				N M 001.110.004
26016	12/31/16	AFLAC	11077 CANCER INS. DEC 2016	525.12				N M 001.210.004
26016	12/31/16	AFLAC	11077 SPEC EVENT INS. DEC	177.72				N M 001.210.004
26016	12/31/16	AFLAC	11077 ACCIDENT INS. DEC	284.04				N M 001.210.004
26016	12/31/16	AFLAC	11077 HOSPITAL INS. DEC	277.26				N M 001.210.004
26016	12/31/16	AFLAC	11077 VISION INS. DEC	112.40				N M 001.210.004
26016	12/31/16	AFLAC	11077 OPTIONAL BENE. DEC	1,376.52				N M 001.4190.200.002
*CHECK TOTAL								
26017	12/31/16	CALLIF	15048 EMP DED JAN 2017	6,042.42				N M 001.212.004
26017	12/31/16	CALLIF	15048 CITY PORTION JAN 2017	2,831.60				N M 001.212.004
26017	12/31/16	CALLIF	15048 RETIRE FEES JAN 2017	2,211.41				N M 001.4190.200.005
26017	12/31/16	CALLIF	15048 ADMIN FEES JAN 2017	60,901.69				N M 001.4190.200.002
*CHECK TOTAL								
26018	12/31/16	DELTA DENTAL INSURAN	15140 CITY PORTION JAN 2017	786.03				N M 001.212.001
26019	12/31/16	DELTA DENTAL OF CALI	11973 EMP DED JAN 2017	42.53				N M 001.210.004
26019	12/31/16	DELTA DENTAL OF CALI	11973 CITY PORTION JAN 20	2,544.59				N M 001.212.001
26019	12/31/16	DELTA DENTAL OF CALI	11973 EMP BYMT JAN 2017	2,686.46				N M 001.4190.200.002
*CHECK TOTAL								
26020	12/31/16	HARTFORD LIFE	13081 EMP DED JAN 2017	599.92				N M 001.210.004
26020	12/31/16	HARTFORD LIFE	13081 CITY PORTION JAN 20	3,539.16				N M 001.4190.200.018
*CHECK TOTAL								

Disbursement Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA								
26021	12/31/16	INLAND EMPIRE UNITED	EMP DED DEC 2016	270.00				N M 001.210.004
26022	12/31/16	LINCOLN NATIONAL LIFE	EMP DED P/E 12/17/16	1,241.74	*CHECK	TOTAL		N M 001.210.004
26023	12/31/16	NATIONWIDE RETIREMENT	EMP DED P/E 12/17/16	7,840.27	*CHECK	TOTAL		N M 001.210.004
26024	12/31/16	PERS RETIREMENT	EMP PORTION P/E 12/17/16	12,082.08	*CHECK	TOTAL		N M 001.210.004
26024	12/31/16	PERS RETIREMENT	CITY OR BENE P/E 12/17/16	53.94	*CHECK	TOTAL		N M 001.210.004
26024	12/31/16	PERS RETIREMENT	OPTIONAL BENE P/E 12/17/16	97.04	*CHECK	TOTAL		N M 001.210.004
26024	12/31/16	PERS RETIREMENT	EMP CONTR BENE P/E 12/17/16	1,972.03	*CHECK	TOTAL		N M 001.210.004
26024	12/31/16	PERS RETIREMENT	CITY PORTION P/E 12/17/16	1,015.81	*CHECK	TOTAL		N M 001.210.004
26024	12/31/16	PERS RETIREMENT	OPTIONAL BENE P/E 12/17/16	1,652.45	*CHECK	TOTAL		N M 001.210.004
26025	12/31/16	LEGAL SHIELD	EMP DED DEC 2016	233.34	*CHECK	TOTAL		N M 001.210.004
26026	12/31/16	U.S. BANK	EMP DED P/E 12/17/16	844.65	*CHECK	TOTAL		N M 001.210.014
26027	12/31/16	VANTAGEPOINT TRANSFE	ICMA/EMP DED P/E 12/17/16	1,021.73	*CHECK	TOTAL		N M 001.210.004
26028	12/31/16	VANTAGEPOINT TRANSFE	EMP DED P/E 12/17/16	2,185.00	*CHECK	TOTAL		N M 001.210.004
26029	12/31/16	WAGE WORKS INC	UNREIMB MEDICAL P/E 12/17/16	856.25	*CHECK	TOTAL		N M 001.210.004
26030	12/31/16	WAGE WORKS INC	ADMIN. FEE/OPT. BENE DEC	47.00	*CHECK	TOTAL		N M 001.210.004
26030	12/31/16	WAGE WORKS INC	ADMIN. FEE/OPT. BENE DEC	50.00	*CHECK	TOTAL		N M 001.210.004
26031	12/31/16	HINDERLITHER DE LLAMA	4TH QTR SALES TAX	7,690.32	*CHECK	TOTAL		N M 001.4190.020.007
26032	12/31/16	VISION SERVICE PLAN	EMP DED JAN 2017	17.08	*CHECK	TOTAL		N M 001.210.004
26032	12/31/16	VISION SERVICE PLAN	VISION INSN CITY JAN	947.18	*CHECK	TOTAL		N M 001.210.004
26032	12/31/16	VISION SERVICE PLAN	EMP BYMT JAN 2017	49.96	*CHECK	TOTAL		N M 001.4190.200.002
26032	12/31/16	VISION SERVICE PLAN	EMP BYMT JAN 2017	1,014.16	*CHECK	TOTAL		N M 001.4190.200.002

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S	ACCOUNT
BANK OF AMERICA									
26033	12/31/16	ARELLANO/CONNIE	REIMB. HOLIDAY SUPPLIES	77.25				N	M 001.4420.034.010
26033	12/31/16	ARELLANO/CONNIE	REIMB. X-MAS DECORATIONS	49.81				N	M 001.4420.033.000
26033	12/31/16	ARELLANO/CONNIE	REIMB. FIRST AID SUPPLY	38.15				N	M 001.4410.033.000
				156.25	*CHECK TOTAL				
156898	12/31/16	OLAZABAL/BRENDA	WR #156898 VOID- LOST	500.00CR				N	M 001.341.002
157244	12/31/16	HDL COREN & CONE	WRONG VENDOR/VOID	7,690.32CR				N	M 001.4190.020.007
157364	12/31/16	GOLDEN STATE WATER	C 16325 18256100001	49,904.86CR				N	M 053.4410.022.004
BANK OF AMERICA									
TOTAL				520,086.14					

ACS FINANCIAL SYSTEM
01/03/2017 10:37:39
WARRANT DATE VENDOR
REPORT TOTALS:

Disbursement Journal
DESCRIPTION AMOUNT CLAIM INVOICE PO# F 9 S ACCOUNT
520,086.14

RECORDS PRINTED - 000143

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
001	GENERAL FUND	546,873.04
008	LANDSCAPE PARCEL TAX	16,715.20
012	INFRASTRUCTURE DEPT	47,569.34
053	GOVT COSTS MAINT	47,913.79
072	PROP LOCAL TRAFFIC	1,100.00
075	LANDSCAPE MAINTENANCE	1,138.66
110	TRUST AND AGENCY	
	TOTAL ALL FUNDS	520,086.14

BANK RECAP:

BANK	NAME	DISBURSEMENTS
	CHEK BANK OF AMERICA	520,086.14
	TOTAL ALL BANKS	520,086.14

01/17/2017

WARRANT REGISTER

Ck#'s 157441-157499

Total: \$1,148,359.58

WARRANT DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA							
157441	01/17/17	A & I REPROGRAPHICS	619.38		RC00053861		N D 001.4311.018.000
157442	01/17/17	ABC SUPPLY CO INC	108.35		55597985		N D 053.4410.023.000
157443	01/17/17	ACCO ENGINEERED SYST	2,034.00		673099		N D 001.4411.015.000
157443	01/17/17	ACCO ENGINEERED SYST	2,708.27	*CHECK	TOTAL		N D 001.4412.015.000
157444	01/17/17	ACT 1 CONSTRUCTION,	358,685.34		7		N D 012.4841.692.007
157444	01/17/17	ACT 1 CONSTRUCTION,	21,914.28		7		N D 007.4341.041.003
157444	01/17/17	ACT 1 CONSTRUCTION,	416,371.39	*CHECK	TOTAL		N D 012.210.006
157445	01/17/17	ALLIANT INSURANCE SE	6,979.55		10/1-12/31/16		N D 110.213.014
157446	01/17/17	AMERIPRIDE UNIFORM	22.60		1401516202		N D 001.4410.029.000
157446	01/17/17	AMERIPRIDE UNIFORM	9.56		1401516210		N D 001.4311.029.000
157446	01/17/17	AMERIPRIDE UNIFORM	22.60		1401520960		N D 001.4410.029.000
157446	01/17/17	AMERIPRIDE UNIFORM	4.80		1401525832		N D 001.4342.031.000
157446	01/17/17	AMERIPRIDE UNIFORM	38.45		1401525832		N D 001.4341.029.000
157446	01/17/17	AMERIPRIDE UNIFORM	4.80		1401530707		N D 001.4342.031.000
157446	01/17/17	AMERIPRIDE UNIFORM	38.45	*CHECK	TOTAL		N D 001.4341.029.000
157447	01/17/17	BALDWIN/DEREK	8.10				N D 001.4150.012.000
157448	01/17/17	BLACK/DEBRA	201.31.42				N D 001.4120.021.000
157449	01/17/17	BOGAR/BETTY	100.00				N D 001.367.011
157449	01/17/17	BOGAR/BETTY	110.00	*CHECK	TOTAL		N D 001.367.002
157450	01/17/17	BRYANT/ARIEL	69.03				N D 001.4420.033.000
157451	01/17/17	BSN SPORTS INC	139.22		98480807		N D 001.4420.033.000
157452	01/17/17	CALIFORNIA CHAMBER O	271.74		11076653		N D 001.4190.033.000
157453	01/17/17	COSTCO WHOLESAL	53.07		12/20/2016		N D 001.4420.033.000
157453	01/17/17	COSTCO WHOLESAL	63.98	*CHECK	TOTAL		N D 001.4420.033.000
157454	01/17/17	CSG CONSULTANTS INC	3,315.00		B161025		N D 001.4311.020.001
157455	01/17/17	DIAMOND DANCEWEAR	2,371.25				N D 110.213.148
157455	01/17/17	DIAMOND DANCEWEAR	2,141.68				N D 110.213.148
157455	01/17/17	DIAMOND DANCEWEAR	6,319.13	*CHECK	TOTAL		N D 012.4841.692.007
157456	01/17/17	DJP ENGINEERING INC	4,400.00		16017-6		N D 012.4841.692.007

WARRANT DATE VENDOR
BANK OF AMERICA

Disbursement Journal

DESCRIPTION AMOUNT

157466	01/17/17	L.A. COUNTY SHERIFF'	14307	NOV CONTRACT SERVI	17,966.58
157466	01/17/17	L.A. COUNTY SHERIFF'	14307	9.5% LIABILITY INS	43,424.73
				518,493.72	
157467	01/17/17	LA COMBE/CLAIRE	.00002	REFUND CUSTOMER W/DREW	10.50
157468	01/17/17	LEPE/MAURO	14068	NOV,DEC LANDSCAPE SVC	130.00
157469	01/17/17	LOWE'S HOME IMPROVEM	10479	LIGHT BULBS,REPL.LEAD	19.49
157470	01/17/17	LUNDEN/JOSIE	.00001	REFUND, CUSTOMER W/DREW	46.50
157471	01/17/17	MC LAY SERVICES INC	14580	CABLE DRAIN 3 CLEAN O	695.00
157471	01/17/17	MC LAY SERVICES INC	14580	NOV/DEC,16PREV.MAINTEN	208.00
157471	01/17/17	MC LAY SERVICES INC	14580	DEC,16 PREV.MAINTENAN	105.00
				1,008.00	
157472	01/17/17	MYFLEETCENTER.COM	12278	SVC, LABOR, RPR UNIT	178.93
157472	01/17/17	MYFLEETCENTER.COM	12278	SVC, LABOR, RPR UNIT#	113.15
				292.08	
157473	01/17/17	NATIONWIDE SPORTS PH	11311	PIC PACK PICTURE PACK	109.00
157474	01/17/17	NETFILE	10996	4TH QTR SUBSCRIPTIO	1,600.00
157475	01/17/17	NEW MILLENNIUM CONST	11095	ROOF MOD BONITA PRO	1,737.58
157476	01/17/17	OFFICE SOLUTIONS	10885	LABEL DT	8.65
157477	01/17/17	PARADISE EMBROIDERY	10398	GILDAN COTTON T-SHIRT	499.22
157477	01/17/17	PARADISE EMBROIDERY	10398	YOUTH TEE COTTON	156.69
				655.91	
157478	01/17/17	PARTIES UNLIMITED	15032	PARTY MEALS 1/20/17	915.60
157479	01/17/17	PAVECO CONSTRUCTION	11815	PVMT REPAIRS	1,533.65
157479	01/17/17	PAVECO CONSTRUCTION	11815	PVMT REPAIRS	3,579.61
157479	01/17/17	PAVECO CONSTRUCTION	11815	PVMT REPAIRS	1,749.86
157479	01/17/17	PAVECO CONSTRUCTION	11815	PVMT REPAIRS	3,328.51
157479	01/17/17	PAVECO CONSTRUCTION	11815	PAVEMENT REPAIRS	1,346.48
157479	01/17/17	PAVECO CONSTRUCTION	11815	PAVEMENT REPAIRS	3,328.51
				14,3866.62	
157480	01/17/17	PITNEY BOWES INC	15095	RENT CHR 1/1-3/31/20	257.74
157481	01/17/17	POMONA VALLEY TRANSP	15387	3RD QTR GET-ABOUT	44,448.00
157481	01/17/17	POMONA VALLEY TRANSP	15387	3RD QTR GET-ABOUT	61,229.00
157481	01/17/17	POMONA VALLEY TRANSP	15387	3RD QTR CAPITAL	107,923.00

F 9 S ACCOUNT

PO#

CLAIM INVOICE

N D	001.4210.020.016				
N D	001.4210.020.014				
N D	001.367.002				
M D	034.4802.015.000				
N D	001.4410.033.000				
N D	001.367.002				
N D	053.4410.023.000				
N D	001.4430.015.000				
N D	053.4410.023.000				
N D	001.4342.020.001				
N D	001.4342.020.001				
N D	001.4420.034.003				
N D	001.4190.020.002				
N D	012.4841.692.007				
N D	001.4190.030.000				
M D	001.4420.034.003				
M D	001.4420.034.003				
M D	001.4420.013.003				
N D	001.4341.933.000				
N D	002.4841.553.000				
N D	001.4341.933.000				
N D	002.4841.553.000				
N D	002.4841.553.000				
N D	002.4841.553.000				
N D	001.4190.019.000				
N D	072.4125.423.000				
N D	072.4125.445.000				
N D	072.4125.041.001				

171795NH
171795NH
*CHECK TOTAL

02440

51945
7376
7377
*CHECK TOTAL

856999
857339
*CHECK TOTAL

975

4852

2018

I-01079194

15261
15789
*CHECK TOTAL

SAN DIMAS 2922
SAN DIMAS 2922
SAN DIMAS 2923
SAN DIMAS 2923
SAN DIMAS 2924
SAN DIMAS 2924
*CHECK TOTAL

1002696231

*CHECK TOTAL

Disbursement Journal
DESCRIPTION AMOUNT
CLAIM INVOICE
1,148,359.58

RECORDS PRINTED - 000165

Disbursement Journal

FUND RECAP:
 FUND DESCRIPTION

 001 GENERAL FUND
 002 STATE GAS TAX
 003 WALKER HOUSE LLC FUND
 007 CITY WIDE PARKING DISTRICT
 008 LANDSCAPE MAINTENANCE
 012 LANDSCAPE MAINTENANCE
 027 CIVIC CENTER PARKING DIST
 034 HOUSING AUTHORITY 1-12
 053 AIR QUALITY MAINT & OPERATIO
 071 PROP C LOCAL TRANSPORTATION
 072 PROP C LOCAL TRANSPORTATION
 075 LANDSCAPE MAINTENANCE DIST
 110 TRUST AND AGENCY
 TOTAL ALL FUNDS

DISBURSEMENTS
 574,564.13
 10,226.63
 82,926.41
 342,518.52
 787.76
 3,084.70
 109,322.22
 1,367.31
 13,888.68
 1,148,359.58

BANK RECAP:
 BANK NAME

 CHEK BANK OF AMERICA
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DISBURSEMENTS
 1,148,359.58
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**CITY COUNCIL STUDY SESSION MINUTES
TUESDAY, DECEMBER 13, 2016, 6:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
CONFERENCE ROOM
245 E. BONITA AVE.**

CITY COUNCIL:

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

STAFF:

City Manager Blaine Michaelis
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 6:00 p.m.

ORAL COMMUNICATIONS

None.

STUDY SESSION – Update and direction on the Downtown Renovation Project

Mr. Stevens reported that the Council had previously discussed revising the downtown business identification signs from the design that was originally approved as a part of the downtown project. The Council had authorized staff to hire a consultant to develop some preliminary designs. He presented to the Council two concept designs prepared by the graphic designer.

Mr. Stevens also presented that with either design there is a decision to be made as to the size of each sign panel. He added that the size of the panels will dictate the letter size and how many panels can be accommodated on each of the 5 sign posts. He added that staff is looking for feedback on the preferred style, colors and panel size.

Councilmember Templeman commented that he prefers the green and yellow colors as opposed to the brown which he feels is over used throughout the City.

In response to a question as to why the businesses in the Wagon Wheel building are not included Mr. Stevens reminded the Council of the policy previously agreed to by the Council was to only include retail and service businesses and not office businesses due to the limited number of panels available.

There was discussion on the height of the sign posts and the number of panels that could be included at various heights.

Councilmember Bertone commented that he preferred the train depot style design. In response to a question Mr. Stevens commented that elements and colors of each of the two styles are interchangeable.

After discussion the consensus of the Council was a preference for design "A" but with the cut-out letter design of "B" and they prefer the green and yellow color scheme. They consensus was also to present only one design concept to the merchants. Mr. Stevens commented that staff will conduct a merchants meeting in January to present the design to the downtown merchants.

Audience member Gil Gonzalez asked if the signs would block the buildings. Mr. Stevens replied that the signs would have very limited visibility impact on the buildings.

Mr. Stevens also asked the Council to reaffirm the policy on which businesses would be included on the signs. The Council consensus was that they do not have any concerns with the criteria of who can be included on the signs.

Mr. Michaelis asked the Council if they had a desire to name the plaza area being created with the project. The consensus of the Council was that they would like to think about whether it is necessary to name the plaza.

Councilmember Badar commented that he has heard from several business owners that they are unhappy with the trees that have been planted and the rust on the grates. Mr. Patel responded that the trees are currently dormant and that is why the trees look bare and that the grates will be cleaned up towards the end of the project.

ADJOURNMENT

The meeting adjourned at 7:00 p.m.

Ken Duran, City Clerk

Curtis W. Morris, Mayor



**REGULAR CITY COUNCIL AND
SUCESSOR AGENCY MEETING MINUTES
TUESDAY, DECEMBER 13, 2016, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.**

CITY COUNCIL:

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

STAFF:

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

CALL TO ORDER AND FLAG SALUTE

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

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

Gil Gonzalez resident asked the Council, as individual Councilmembers, not to endorse any candidates in the upcoming municipal election. He also asked the Council to consider asking the Chamber of Commerce to use a town hall format for the candidate's forum instead of questions submitted in advance.

Jamielin Moreto ASB President San Dimas High School, announced events and activities at the high school.

Ben Heist resident expressed concern with the proposed rezoning of the property from San Dimas Ave. to Cataract due to the increase in traffic on Allen Ave. Mr. Stevens commented that a community meeting will be held this Thursday to provide additional information on the project and receive public input.

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 22nd, 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

Ms. Bruns provided an amended staff report for item 3 (c) award of contract for Via Verde Park improvement project. She reported that upon further review of the bid alternate relating to the product substitution for the playground surfacing there is a need to increase the recommended bid award amount and overall project budget. The new bid award amount is \$462,245.10 and the new total project budget allocation is \$590,053.61. In addition she reported that the bidder Principals Contracting, Inc. submitted a letter withdrawing their bid. Staff recommends awarding the bid to Micon Construction, Inc. in the amount of \$462,245.10, increasing the project budget allocation to \$590,053.61 and accepting the letter of bid withdrawal from Principals Contracting Inc.

MOTION: Motion/second by Councilmember Ebner/Bertone to approve the consent calendar with the amended staff recommendation for item 3 (c). The motion passed by unanimous vote. **(5-0)**

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

PUBLIC HEARING

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.

Mr. Stevens presented the staff report on this item.

Mr. Stevens responded to questions regarding the parking requirements for second dwelling units.

Mr. Stevens responded to a question in regards to the rationale for requiring a 20' separation between the 2nd unit and the main house. He commented that a 20' separation would allow for some yard space for the main unit.

Mayor Morris opened the public hearing.

Gil Gonzalez resident expressed concern with not charging a sewer fee. Mr. Stevens clarified that the City would still charge a permit fee but the State law precludes the City from charging a capacity fee.

Mr. Gonzalez asked if other covenants on the property would still apply. Mr. Stevens responded that lot coverage and set-back requirements would still apply.

Mayor Morris closed the public hearing.

Mr. Duran read the ordinance by title.

Councilmember Templeman expressed concern with the requirement for rental restrictions to low and very low income renters. Mr. Stevens responded that that was a requirement the City adopted years ago to discourage the building of 2nd units for rental purposes.

There was discussion on the income restriction for rental units. Mayor Morris commented that he likes the addition of the exclusion of seniors, disabled and caregivers to not having to meet the income test. Councilmember Templeman commented that he understands the reasons for the restriction but as a matter of principal he feels the property owners should have the right to rent to who they want to.

MOTION: Motion/second by Councilmember Bertone/Badar to waive further reading and introduce Ordinance 1251.

The motion passed by unanimous vote. **(5-0)**

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

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.

Mr. Duran read Resolution 2016-59 by title.

Councilmember Badar commented that he has nothing against Councilmember Clark but feels that the City Council should have reviewed the other candidates.

MOTION: Motion/second by Councilmember Bertone/Ebner to waive further reading and adopt Resolution 2106-59.

The motion passed by four to one vote with Councilmember Badar voting no. **(4-1)**

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

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.

Mr. Steres presented the staff report on this item.

In response to a question Mr. Steres clarified that all distance requirements are being repealed in the municipal code however, distance requirements in the State Penal Code would still apply. He also clarified that being added to the code is a restriction that no more than 10% of units in multi-family complexes or hotels could be occupied by registered sex offenders. He further added that the 10% number was used by other cities who revised their codes.

Mr. Stevens commented that most large multi-family complexes are within 2,000' of a school or park so in those cases none of the units could be occupied by registered sex offenders.

Councilmember Bertone commented that he felt 10% was too lenient and could not support the change.

Mr. Duran read Ordinance 1252 by title.

MOTION: Motion/second by Councilmember Templeman/Badar to waive further reading and introduce Ordinance 1252.

The motion passed by four to one vote with Councilmember Bertone voting no. **(4-1)**

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

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.

Mr. Stevens presented the staff report on this item.

Mr. Duran read Ordinance 1250 by title.

MOTION: Motion/second by Councilmember Badar/Templeman to waive further reading and introduce Ordinance 1250 and set a public hearing and second reading for January 10, 2017. The motion passed by five to zero vote. (**5-0**)

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

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.

Mr. Michaelis presented the staff report on this item.

MOTION: Motion/second by Councilmember Bertone/Ebner to authorize the Executive Director to complete and file the Certificate of Cancellation for the Walker House Tenant LLC; authorize the execution of the Termination of Lease between the Walker House Owner LLC and the Walker House Master Tenant LLC; authorize the execution of the Termination of the Lease between the City of San Dimas and the Walker House Owner LLC; 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 and 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.

The motion passed by five to zero vote. (**5-0**)

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

Mayor Morris recessed the City Council meeting at 8:30 p.m. and convened the meetings of the San Dimas Public Facilities Financing Authority and the San Dimas Housing Corporation. Mayor Morris reconvened the City Council meeting at 8:45 p.m.

ORAL COMMUNICATIONS

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

Gil Gonzalez resident commented on the recent Oakland fire and his concern for a City's liability on building and planning matters. Mayor Morris responded the City has errors and omissions insurance coverage for actions of employees.

- b. City Manager

- 1) Downtown Project Update

Mr. Patel provided a presentation and update on the downtown renovation project.

- 2) Report regarding questions brought up at the November 22, 2016, council meeting regarding the Grove Station and Village Walk Homeowners Associations

Mr. Michaelis reported that staff has provided a report to the speaker at the previous City Council meeting who raised questions the Village Walk and Grove Station Homeowners Associations and has offered to meet with him to further answer questions.

- c. City Attorney

No report.

- d. Members of the City Council

- 1) Reappointment of Public Safety Commissioners

MOTION: Motion/second by Councilmember Badar/Bertone to reappoint Kevin Burke and Josh Hibbard

The motion passed by five to zero vote. **(5-0)**

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

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

None to report.

- 3) Individual members' comments and updates.

Councilmember Templeman wished everyone a Merry Christmas and Happy New Year.

Councilmember Ebiner commented that there is a house on 1st St. that has recently been renovated and will be featured on the television show “Vintage Flip” and that many people are fixing up homes in the town core.

Councilmember Badar commented that earlier this evening the Public Safety Commission took food to the local fire stations and sheriff’s station as a token of thanks for what they do for the community. He also commented that he attended the Mosquito Abatement District meeting with Councilmember Templeman and was pleased with the great appreciation the Board showed Councilmember Templeman for his 20 years of service on the Board.

Councilmember Bertone wished everyone a Merry Christmas and Healthy New Year.

Mayor Morris expressed his deep appreciation for the entire city staff for what they do day in and day out for the City.

ADJOURNMENT

The meeting adjourned at 9:10 p.m. to the next meeting on January 10, 2017, 5:00 p.m. joint study session with the Planning Commission.

Ken Duran, City Clerk

Curtis W. Morris, Mayor



Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
For the meeting of January 10, 2017

From: Blaine Michaelis, City Manager

Initiated by: Community Development

Subject: **WAIVE FULL READING OF AND ADOPT 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)**

BACKGROUND

At the City Council meeting of December 13, 2016 further reading of the ordinance in full was waived and the above referenced Ordinance 1251 was introduced by the following (5-0) vote:

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

FINDINGS

Ordinance 1251 is presented this evening for adoption.

RECOMMENDATION

It is recommended that the City Council waive full reading of and adopt 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)

Respectfully submitted,

Attachments:
Ordinance 1251

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 10th, day of January 2017.

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 13th, day of December, 2016, and thereafter passed, approved and adopted at a regular meeting of said City Council held on the 10th, day of January, 2017, 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.



Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
For the meeting of

From: Blaine Michaelis, City Manager

Initiated by: City Clerk Department

Subject: **WAIVE FULL READING OF AND ADOPT ORDINANCE 1252, AN ORDINANCE 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**

BACKGROUND

At the City Council meeting of December 13th, further reading of the ordinance in full was waived and the above referenced Ordinance 1252 was introduced by the following 4-1 vote:

AYES: Badar, Ebner, Templeman, Morris
NOES: Bertone
ABSENT: None
ABSTAIN: None

FINDINGS

Ordinance 1252 is presented this evening for adoption.

RECOMMENDATION

It is recommended that the City Council waive full reading of and adopt 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.

Respectfully submitted,

Debra Black, Assistant City Clerk

Attachments:
Ordinance 1252

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.5th 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 10th, 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 13th, day of December 2016 and thereafter passed, approved and adopted at a regular meeting of said City Council held on the 10th, day of January 2017, by the following vote:

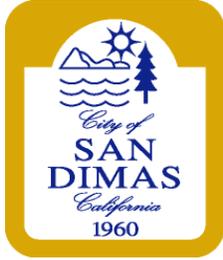
AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Black, Assistant City Clerk



Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
For the meeting of January 10, 2017

From: Blaine Michaelis, City Manager

Initiated by: Eric M. Beilstein, Building & Safety Division

Subject: **ORDINANCE NO. 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**

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. The vote of the December 13, 2016 motion to set for public hearing was unanimous.

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.

The adoption of the California Building Standards Codes 2016 edition will aid the Building Official in administrative, organizational and enforcement rules and regulations for the technical codes which regulate the site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within the City.

We are proposing to adopt the same administrative amendments to the code that we have used for the last 6 years and not make any changes to the technical provisions.

RECOMMENDATION

Introduce Ordinance 1250 and conduct Public Hearing to consider adopting by reference the 2016 editions of the California model codes with various additions, deletions and additional administrative provisions. Close public hearing and adopt Ordinance 1250

Respectfully submitted,

Eric M. Beilstein, Supt. of Bldg & Safety

Attachments:

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 and 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 10th day of January, 2017.

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 1250 was introduced at a regular meeting of the City Council of the City of San Dimas on the 13th day of December, 2016, and thereafter passed, approved and adopted at a regular meeting of said City Council held on the 10th day of January, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Black, Assistant City Clerk



Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
For the Meeting of January 10, 2016

From: Blaine Michaelis, City Manager

Initiated by: Krishna Patel, Director of Public Works *KRP*

Subject: Introducing Ordinance 1253 proposing Municipal Code Text Amendment of Chapter 10.18 of the San Dimas Municipal Code to prohibit the use of bicycles or wheeled toys on Bonita Avenue sidewalks between Walnut Avenue and Cataract Avenue and on San Dimas Avenue sidewalks between Bonita Avenue and Arrow Highway.

SUMMARY

The proposed Municipal Code Text Amendment of Chapter 10.18 of the San Dimas Municipal Code is to update Sections 10.18.020 and 10.18.040 to reflect sidewalk changes as a result of the Bonita Avenue Boardwalk Streetscape Replacement and Renovation Project.

BACKGROUND

In 1975, the City of San Dimas established Chapter 10.18 of the municipal code prohibiting bicycles and wheeled toys to be operated on wooden sidewalks. When Chapter 10.18 was established the only wooden sidewalks in the City were along Bonita Avenue from San Dimas Avenue to Cataract Avenue. The intention of the ban was to keep the downtown core inviting to pedestrians and promote the downtown business by keeping bicycles and wheeled toys off the downtown wooden sidewalks.

The City is currently constructing the Bonita Avenue Boardwalk Streetscape Replacement and Renovation Project (“Renovation Project”) in order to revitalize the City’s downtown core. As a

part of the project, the wooden sidewalks were removed to create an inviting ambience and pedestrian friendly environment and in their place concrete sidewalks were installed (variable concrete sidewalks from 5 to 24 feet wide).

DISCUSSION

The newly constructed concrete sidewalks along Bonita Avenue have become very inviting for pedestrians, bicyclists and skateboarders. With the Renovation Project almost completed, and in order to maintain the spirit of the existing Ordinance, a municipal code text amendment is required. The Renovation Project's removal of the wooden boardwalks on Bonita Avenue makes portions of Chapter 10.18 of the Municipal Code invalid with any reference to "wooden sidewalks". Having cyclists, skateboarders and/or roller skates etc. share the new sidewalk with pedestrians creates conflicts and is contradictory to the City Council's vision to initiate the Renovation Project.

Currently, two sections in Chapter 10.18 of the San Dimas Municipal Code make reference to "wooden" sidewalks. They are:

Chapter 10.18.020: Wooden sidewalk – Operation prohibited.

No person shall use or operate any bicycle or wheeled toy upon any wooden sidewalk.

Chapter 10.18.040: Parking restrictions.

No person shall park or leave any bicycle or wheeled toy upon any street or alley, nor upon any wooden sidewalk in such manner as to obstruct or hinder the free passage of pedestrians or other vehicles or devices permitted to use the same. Any bicycle or wheeled toy found in violation of this section may be impounded by the police department and returned to the owner under such reasonable conditions as may be established by the chief of police.

After review of this existing text language contained within Chapter 10.18, Staff recommends updating the two sections in order to more accurately reflect the area described in the Municipal Code and ensure enforceability as follows:

Amendment to Section 10.18.020

To maintain pedestrian safety and to promote downtown business, Staff recommends deleting the reference to "wooden sidewalk" in Section 10.18.020 and adding Bonita Avenue sidewalks between Walnut Avenue and Cataract Avenue.

Additionally, since the California Vehicle Code Section 21560(G), defers decisions in allowing bicycles and wheeled toys on any sidewalk to the local jurisdiction and with the growing use of bicycles and wheeled toys on sidewalk areas in the live work areas on San Dimas Avenue (between Bonita and Arrow Highway), Staff also recommends to further extend the prohibition of bicycle and wheeled toys for section 10.18.020 as follows:

10.18.020 – Specific Sidewalks – Operation is prohibited

No person shall use or operate any bicycle or wheeled toy upon any sidewalk within the following areas:
Bonita Avenue between Walnut Avenue and Cataract Avenue and San Dimas Avenue between Bonita
Avenue and Arrow Highway.

Amendment to Chapter 10.18.040

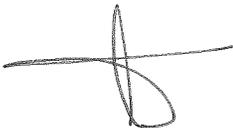
Staff recommends that section 10.18.040 be modified by eliminating the word “wooden” in this section. This would prohibit bicycles or wheeled toys on any sidewalk in any such manner that obstructs pedestrian traffic.

The provision of this Ordinance shall be enforced by the Los Angeles County Sheriff’s Department. Violation by any persons within areas mentioned in section 10.18.020 fall under General Penalty of the Municipal Code 1.12.030, which is classified as an infraction and shall be punishable by a fine.

RECOMMENDATION

Staff recommends that City Council introduce for first reading an Ordinance amending Chapter 10.18 of the San Dimas Municipal Code by amending sections 10.18.020 and 10.18.040.

Respectfully submitted,



Krishna Patel
Public Works Director

01-17-01 kp/tb

Attachments: Ordinance 1253

ORDINANCE 1253

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, AMENDING CHAPTER 10.18 OF THE SAN DIMAS MUNICIPAL CODE TO DELETE THE REFERENCE TO “WOODEN SIDEWALKS” AND TO PROHIBIT BICYCLES AND WHEELED TOYS ON SIDEWALK SEGMENTS OF BONITA AVENUE AND SAN DIMAS AVENUE

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 revise Municipal Code Section 10.18.020 and 10.18.040 in response to the recent renovation project Construction Contract No. 2016-01, Bonita Avenue Streetscape Replacement and Renovation Project; and

WHEREAS, the Amendment would affect the eligible areas of the City; and

WHEREAS, the proposed Municipal Code Text Amendment will not adversely affect the adjoining businesses, cycling community, safety in the downtown core, or be detrimental to the area; and

WHEREAS, the proposed Municipal Code Text Amendment will further the safety and general welfare of the City and the proposed changes are minor and are in line with the general theme of the existing municipal code; and

NOW, THEREFORE, the CITY COUNCIL of the CITY OF SAN DIMAS does hereby ordain as follows:

Section 1. Section 10.18.020 of Chapter 10.18 of the San Dimas Municipal Code is hereby amended to read as follows:

10.18.020 Specific Sidewalks - Operation prohibited.

No person shall use or operate any bicycle or wheeled toy upon any sidewalk within the following areas: Bonita Avenue between Walnut Avenue and Cataract Avenue and San Dimas Avenue between Bonita Avenue and Arrow Highway.

Section 2. Section 10.18.040 of Chapter 10.18 of the San Dimas Municipal Code is hereby amended to read as follows:

10.18.040 Parking restrictions.

No person shall park or leave any bicycle or wheeled toy upon any street or alley, nor upon any sidewalk in such manner as to obstruct or hinder the free passage of pedestrians or other vehicles or devices permitted to use the same. Any bicycle or wheeled toy found in violation of this section may be impounded by the police department and returned to the owner under such reasonable conditions as may be established by the chief of police.

Section 3. 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 4. 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 XX day of XXXX, 2017.

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 1253 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