



SAN FERNANDO CITY COUNCIL  
SPECIAL MEETING NOTICE AND AGENDA  
FEBRUARY 22, 2016 – 6:00 PM  
CITY HALL – COUNCIL CHAMBERS  
117 MACNEIL STREET  
SAN FERNANDO, CA 91340

**NOTICE IS HEREBY GIVEN** that the San Fernando City Council will hold a Special Meeting on **Monday, February 22, 2016, at 6:00 p.m.**, in the Council Chambers, located at 117 Macneil Street, San Fernando, California.

**CALL TO ORDER/ROLL CALL**

Mayor Joel Fajardo  
Vice Mayor Sylvia Ballin  
Councilmember Robert C. Gonzales  
Councilmember Antonio Lopez  
Councilmember Jaime Soto

**PLEDGE OF ALLEGIANCE**

Mayor Joel Fajardo

**APPROVAL OF AGENDA**

**PUBLIC STATEMENTS – WRITTEN/ORAL**

There will be a three (3) minute limitation per each member of the audience who wishes to make comments in order to provide a full opportunity to every person who desires to address the City Council. Only matters contained in this notice may be considered.

**ADMINISTRATIVE REPORTS**

- 1) CONSIDERATION TO ADOPT RESOLUTION NO. 16-023 APPROVING THE WARRANT REGISTER**

**SAN FERNANDO CITY COUNCIL****Special Meeting Notice and Agenda –February 22, 2016**

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Recommend that the City Council adopt Resolution No. 16-023 approving the Warrant Register.

**2) DISCUSSION REGARDING THE CITY’S PARTICIPATION IN THE SAN FERNANDO VALLEY COUNCIL OF GOVERNMENTS MOBILITY ACADEMY**

This item is placed on the agenda by Mayor Joel Fajardo.

**PUBLIC HEARING****3) CONSIDERATION TO ADOPT ORDINANCE NO. U-1652, AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO EXTENDING AN INTERIM MORATORIUM ON THE APPLICATION FILING, PROCESSING, APPROVAL AND ISSUANCE OF PERMITS FOR MULTIPLE-FAMILY DWELLING PROJECTS THROUGH JANUARY 18, 2017**

It is recommended that the City Council:

- a. Conduct a Public Hearing; and
- b. Pending public testimony, waive full reading of Urgency Ordinance No. U-1652 and adopt by title only, “An Urgency Ordinance of the City Council of the City of San Fernando Extending an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects Through January 18, 2017”. This ordinance is introduced pursuant to Government Code Section 65858, and requires a four-fifths vote for adoption.

**ADJOURNMENT**

*I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 24 hours prior to the meeting.*

*Elena G. Chávez, CMC*

*City Clerk*

*Signed and Posted: February 18, 2016 (3:00 p.m.)*

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*Agendas and complete Agenda Packets (including staff reports and exhibits related to each item) are posted on the City’s Internet Web site ([www.sfcity.org](http://www.sfcity.org)). These are also available for public reviewing prior to a meeting in the City Clerk’s Office. Any public writings distributed by the City Council to at least a majority of the Councilmembers regarding any item on this regular meeting agenda will also be made available at the City Clerk’s Office at City Hall located at 117 Macneil Street, San Fernando, CA, 91340 during normal business hours. In addition, the City may also post such documents on the City’s Web Site at [www.sfcity.org](http://www.sfcity.org). In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification/accommodation to attend or participate in this meeting, including auxiliary aids or services please call the City Clerk’s Office at (818) 898-1204 at least 48 hours prior to the meeting.*

# **Special Meeting**

# **San Fernando City Council**

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## AGENDA REPORT

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**To:** Mayor Joel Fajardo and Councilmembers

**From:** Brian Saeki, City Manager  
By: Nick Kimball, Finance Director

**Date:** February 22, 2016

**Subject:** Consideration to Adopt Resolution No. 16-023- Approving the Warrant Register

### **RECOMMENDATION:**

It is recommended that the City Council adopt Resolution No. 16-023 (Attachment "A") approving the Warrant Register.

### **BACKGROUND:**

For each City Council meeting the Finance Department prepares a Warrant Register for Council approval. The Register includes all recommended payments for the City. Checks, other than handwritten checks, generally are not released until after the Council approves the Register. The exceptions are for early releases to avoid penalties and interest, excessive delays and in all other circumstances favorable to the City to do so. Handwritten checks are those payments required to be issued between Council meetings such as insurance premiums and tax deposits. Staff reviews requests for expenditures for budgetary approval and then prepares a Warrant Register for Council approval and or ratification. Items such as payroll withholding tax deposits do not require budget approval.

The Finance Director hereby certifies that all requests for expenditures have been signed by the department head, or designee, receiving the merchandise or services thereby stating that the items or services have been received and that the resulting expenditure is appropriate. The Finance Director hereby certifies that each warrant has been reviewed for completeness and that sufficient funds are available for payment of the warrant register.

### **ATTACHMENT:**

A. Resolution No. 16-023

**ATTACHMENT "A"****RESOLUTION NO. 16-023****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO ALLOWING AND APPROVING FOR PAYMENT DEMANDS PRESENTED ON DEMAND/ WARRANT REGISTER NO. 16-023****THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:**

1. That the demands (EXHIBIT "A") as presented, having been duly audited, for completeness, are hereby allowed and approved for payment in the amounts as shown to designated payees and charged to the appropriate funds as indicated.

2. That the City Clerk shall certify to the adoption of this Resolution and deliver it to the City Treasurer.

**PASSED, APPROVED, AND ADOPTED** this 22<sup>nd</sup> day of February, 2016.

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Joel Fajardo, Mayor

**ATTEST:**

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Elena G. Chávez, City Clerk

**STATE OF CALIFORNIA            )**  
**COUNTY OF LOS ANGELES    ) ss**  
**CITY OF SAN FERNANDO       )**

**I HEREBY CERTIFY** that the foregoing Resolution was approved and adopted at a regular meeting of the City Council held on the 22<sup>nd</sup> day of February, 2016, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

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Elena G. Chávez, City Clerk

**EXHIBIT "A"**

vchlist		Voucher List				Page: 1	
02/18/2016 8:50:08AM		CITY OF SAN FERNANDO					
Bank code :		bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount	
200155	2/22/2016	892146 CASTANEDA, JOANNE	35-0740-02		WATER ACCT REFUND-1503 CORONEL 070-2010	109.94	
					Total :	109.94	
200156	2/22/2016	892147 CASTILLON, SALVADOR	33-0505-02		WATER ACCT REFUND-709 PICO 070-2010	40.67	
					Total :	40.67	
200157	2/22/2016	892145 CHEN, AMI	52-4492-01		WATER ACCT REFUND-874 ORANGE G 070-2010	62.63	
					Total :	62.63	
200158	2/22/2016	892026 KTB CONSTRUCTION	NO. 7	11283	BRAND BLVD WATERWISE LANDSCAPI 011-311-0178-4600 011-2037	50,894.00 -5,089.40	
					Total :	45,804.60	
200159	2/22/2016	102003 LOS ANGELES COUNTY	RE-PW-16010707907	11292	INDUSTRIAL WASTE CHARGES 072-360-0000-4450	8,683.19	
			RE-PW-16010707889	11292	INDUSTRIAL WASTE CHARGES 072-360-0000-4450	1,605.76	
					Total :	10,288.95	
200160	2/22/2016	892148 MAZZA, SANDY LEE	50-4460-12		WATER ACCT REFUND-1076 N HUNTIN 070-2010	61.22	
					Total :	61.22	
200161	2/22/2016	892143 URIBE RIVERA, ROSARIO	62-1420-04		WATER ACCT REFUND-521 HARPS 070-2010	28.54	
					Total :	28.54	
200162	2/22/2016	892144 VALDEZ, VICTOR M	37-1785-02		WATER ACCT REFUND-700 MOTT 070-2010	73.99	
					Total :	73.99	
8 Vouchers for bank code :		bank3				Bank total :	56,470.54
						Page: 1	

vchlist		Voucher List				Page:	2
02/18/2016	8:50:08AM	CITY OF SAN FERNANDO					
<hr/>							
Bank code :		bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount	
8 Vouchers in this report						Total vouchers :	56,470.54

Voucher Registers are not final until approved by Council.

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## AGENDA REPORT

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**To:** City Councilmembers

**From:** Mayor Joel Fajardo

**Date:** February 22, 2016

**Subject:** San Fernando Valley Council of Governments (SFVCOG) Mobility Academy

### **RECOMMENDATION:**

It is recommended that the City Council:

- a. Approve participation in the SFVCOG Mobility Academy; and
- b. Approve three representatives to participate in the Mobility Academy:
  - i. A representative from the business community;
  - ii. A representative from the community-at-large; and
  - iii. A representative from City staff.

### **BACKGROUND:**

As part of its 2015-2016 Work Plan, the SFVCOG approved the creation of a Mobility Academy to better inform member communities on regional transportation issues. As such, the representative of each SFVCOG member city was asked to designate two to three community members to participate in the Mobility Academy. Participants are requested to attend five workshops focused on various regional transportation issues, including freeways/roads, mass transit, active transportation, airports/rail, and the future of mobility and transportation. The attached memorandum (Attachment "A") provides a summary of this program.

As the City's SFVCOG representative, I have identified three possible representatives to participate in the Mobility Academy – one representative from the business community, one from the community at-large, and a City staff representative.

### **ATTACHMENT:**

- A. SFVCOG Memorandum (dated January 27, 2016)



# San Fernando Valley Council of Governments

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## MEMORANDUM

DATE: January 27, 2016

TO: Board of Directors

FROM: John Bwarie, Executive Director

RE: **SFVCOG Mobility Initiative: Mobility Academy & Workshop**

As part of the adopted SFVCOG 2015-16 Work Plan, the Board approved two new activities related to education on and advancing the Board-defined transportation priorities. These two activities – the Mobility Workshop and Mobility Academy – though separate, can be done in coordination where the Academy feeds into the workshop. These activities are not intended to be widespread and sweeping, but rather, they are focused on educating key stakeholders, partners, and staff on mobility issues, opportunities, and priorities for this region. Further, the timing of these activities also coincides with the Metro Board's consideration of a potential ballot measure to raise the sales tax to fund transportation in the county, so the dates are scheduled to be current with that process.

These activities are intended to be inclusive within the existing contract of services and any additional funds needed would be raised to cover costs such as venue, materials, etc.

### Mobility Workshop

The purpose of the Mobility Workshop is to both provide tools to attendees to effectively support the mobility priorities of the SFVCOG as well as raise the profile of mobility opportunities and investment in the SFVCOG region. When attendees depart the half-day workshop, they will have tools in place to more effectively speak about and advocate for mobility in the region. The event will be in late April/early May, depending on other events/activities, but timing is positioned to coincide with the Metro Board's consideration of a potential ballot measure. The theme of the workshop is "Completing the Puzzle," related to both the role of mobility in the region's vitality and how to continue to advance priorities that enhance the quality of life of residents, businesses, and visitors.

The half-day morning session would have an opening plenary with a keynote speaker followed by panel workshops (potentially break-out sessions, depending on the venue). There would be no cost to attend, but it would be by invitation-only. Though no meal would be provided, light morning refreshments/coffee would be made available. (NOTE: This might change with an expanded program and speakers to include lunch, but only if funds are available to cover those costs.)

The content of the workshop would focus on the priority projects and issues of the SFVCOG, and speakers would be true experts in these topics to provide tools for attendees. Additionally, workshop activities would occur to share strategies to advance the goals of the SFVCOG and enhance the ability of the region's civic and community leaders to champion greater regional investment. Specific content will be developed as the event draws closer and invitations are sent out.

Guests would be invited to attend, as space is expected to be limited, and would fall into the following categories: Regional Leaders from LA County, Business & Civic Leaders in the SFVCOG Region, City Staff, and Transit Advocates. The goal would be to have 75-100 active participants for the event, in addition to SFVCOG Boardmembers.

### Mobility Academy

The purpose of this Mobility Academy is to educate a cohort of at least 30 local leaders on priority issues of the San Fernando Valley region. The Academy will be launched the 1st week of March on Wednesday mornings for three hours and continues for five sessions every other week: March 2, 16, & 30 and April 6 & 20. *(The last session of the academy will feed into the Workshop, which has a targeted date of late April/early May, pending review of any conflicts.) Sessions will rotate around the SFVCOG region and have presenters who are experts and technicians, not advocates.*

Participants would be designated, similar to a military service academy appointment, by letter from each Board member. Each Member is asked to nominate 2 to 3 attendees who will commit to the 5 sessions and actively participate in them. Attendees can be city staff, community advocates, business leaders, or others for whom a deeper understanding of the region's mobility issues would be valuable. It is expected that at least half of the attendees will be city/county staff. COG staff will work with each Member as requested to help identify and invite appropriate participants. Participants are expected to attend all 5 sessions and the workshop, and there is no cost to attend.

The general content of each session would include history of the topic/issue, the current status in various jurisdictions locally and nationally, funding/financing information for each topic, and activities that focus on regional issues and the future. This would not be designed as 3 hours of lecture, but rather, to be hands-on and interactive.

The five sessions would be as follows:

Session 1: Freeways, Streets, and the Automobile

Session 2: Mass Transit: Light Rail, Buses, and Subway

Session 3: Active Transportation: Bikes, Walking, First Mile/Last Mile

Session 4: Airports and Heavy Rail

Session 5: Future of Mobility

Speakers and presenters would be experts in their field from the private sector, a relevant agency or public office, and/or academia. Each Speaker would be invited based on their ability to provide insight into the content for that session, and not just an opinion on what should be done, but how things can be accomplished and why things are done the way they are (or are not).

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## AGENDA REPORT

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**To:** Mayor Joel Fajardo and Councilmembers

**From:** Brian Saeki, City Manager

By: Fred Ramirez, Community Development Director

**Date:** February 22, 2016

**Subject:** Consideration to Adopt Ordinance No. U-1652, An Urgency Ordinance of the City Council of the City of San Fernando Extending an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects Through January 18, 2017

### RECOMMENDATION:

It is recommended that the City Council:

- a. Conduct a Public Hearing; and
- b. Pending public testimony, waive full reading and adopt Urgency Ordinance No. U-1652 (Attachment "A") by title, "An Urgency Ordinance of the City Council of the City of San Fernando Extending an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects Through January 18, 2017", and waive further reading. This ordinance is introduced pursuant to Government Code Section 65858, and requires a four-fifths vote for adoption.

### BACKGROUND:

1. On January 19, 2016, the City Council conducted a public hearing and adopted Urgency Ordinance No. U-1650 (Attachment "B") establishing a temporary moratorium on the application filing, processing, approval and issuance of permits for Multiple-Family Dwelling Projects. The immediate purpose of the moratorium is to preserve the public peace, health and safety of the community within the meaning of Government Code Section 36937(b) as it relates to providing a reasonable time to study the City's aging infrastructure inclusive of sewer, streets, water, et cetera in order to determine the appropriate regulations inclusive of any applicable development fees that should be applied to future Multiple-Family Dwelling Projects, pursuant to Government Code Section 65858(b). As part of the urgency ordinance adoption, the City Council directed staff to review the current three or more dwelling unit threshold that is currently applicable under the interim moratorium to Multiple-Family Dwelling Projects in order to determine if said threshold should be increased without creating a significant adverse environmental impact on the City's

**Consideration to Adopt Ordinance No. U-1652, An Urgency Ordinance of the City Council of the City of San Fernando Extending an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects Through January 18, 2017**

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infrastructure.

2. On February 11, 2016, the City published the Notice of Public Hearing before the City Council on February 22, 2016, (Special Meeting) to consider adoption of an “Interim Ordinance Extending the Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects Through January 18, 2017” in the *Los Angeles Daily News*. (Attachment “C”.)
3. On February 16, 2016, the City made available this City Council report on the proposed moratorium extension, which describes the measures taken to alleviate the condition, which led to the adoption of Ordinance No. U-1652, pursuant to Government Code Section 65858(d). The report was posted on the City’s website at: [www.sfcity.org](http://www.sfcity.org). (Attachment “D”.)
4. The Urgency Ordinance adopted by the City Council on January 19, 2016, will expire on March 4, 2016. After discussion, the Council may adopt an extension to the ordinance by a four-fifths vote or take no action and let the 45-day Urgency Ordinance expire. The extension is for 10 months and 15 days as provided by State law, or until such earlier time that the City Council amends the City Zoning Ordinance to adopt new regulations for multiple family dwelling projects.

**ANALYSIS:**

City Authority.

The California Constitution Article XI, Section 7, enables the City of San Fernando (the “City”) to enact local planning and land use regulations. The authority to adopt and enforce zoning regulations is an exercise of the City’s police power to protect the public health, safety, and welfare.

California Government Code section 65858 authorizes the City Council to adopt an urgency ordinance for the immediate preservation of the public health, safety, or welfare, and to prohibit a land use that is in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning Commission, or Community Development Department is considering or studying or intends to study within a reasonable time.

The City expects additional requests to develop Multiple-Family Dwelling Projects (defined by City Zoning Ordinance as “dwelling consisting of three or more dwelling units per lot, including townhouses, condominiums, apartments”) will continue as demand for housing continues to increase locally, regionally, and at the State level. City Planning staff is recommending to the City Council that the current interim moratorium on the acceptance, processing, and approval

**Consideration to Adopt Ordinance No. U-1652, An Urgency Ordinance of the City Council of the City of San Fernando Extending an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects Through January 18, 2017**

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of new Multiple-Family Dwelling Projects be extended for another 10 months and 15 days in order to provide a reasonable period of time to: complete the study of current conditions of City infrastructure; review City Capital Improvement Program (CIP) projects related to sewer, streets, and water; consider current development fees and possible need for Development Impact Fees ("DIFs"); and, assess potential impacts of new Multiple-Family Dwelling Projects built by right under the current zoning regulations or as part the proposed San Fernando Corridors Specific Plan Update/TOD Overlay Zone Project.

Review of City Zoning Regulations

Multiple-Family Dwellings and Dwelling are defined in the City's Zoning Ordinance (Chapter 106 (Zoning), Article I, City Code Section 106-6 (Definitions)) as noted below:

*"Dwelling, multiple-family means a dwelling consisting of three or more dwelling units per lot, including townhouses, condominiums, apartments."*

*"Dwelling means a building containing one or more dwelling units. A group quarters or other building or portion thereof devoted primarily to rooming units shall not be considered to be a dwelling."*

The definition of Dwelling and Multiple-Family Dwelling have remained unchanged since the City's last comprehensive zoning ordinance update that occurred in June of 1987 (City Council Ordinance No. 1305).

In January of 2005, the City Council adopted the City of San Fernando's Corridors Specific Plan ("Specific Plan") pursuant to City Ordinance No. 1562. The Specific Plan, amongst other things, established development standards for residential land uses within the Specific Plan, planning area including: allowable densities, floor area ratios, and permitted residential land uses ([http://www.ci.san-fernando.ca.us/sfold/news/specific\\_plan/csp-overview.htm](http://www.ci.san-fernando.ca.us/sfold/news/specific_plan/csp-overview.htm)).

Furthermore, as part of the proposed 2016 update of the Corridors Specific Plan currently underway, the City is considering amending the applicable development standards for residential land uses. Some of the proposed changes under the Specific Plan Update include: requiring a conditional use permit for all new residential projects in the plan area; establishing new maximum densities where previously none existed; lowering the maximum density in some districts; lowering the maximum height from four to three stories in most of the new zoning districts and sub-districts; and modifying the building height for new projects within the existing R-3 (Multiple Family) zone to maintain the overall character of neighborhood. The City is currently in the process of preparing a Program Environmental Impact Report (EIR) (<http://www.ci.san-fernando.ca.us/todoverlay/Notice%20of%20Preparation%20for%20Specific%20Plan%20Amendment%20EIR.pdf>).

**Consideration to Adopt Ordinance No. U-1652, An Urgency Ordinance of the City Council of the City of San Fernando Extending an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects Through January 18, 2017**

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Urgency Ordinance and City Measures to Alleviate Condition

On January 19, 2016, the City Council adopted Urgency Ordinance No. U-1650 establishing a temporary moratorium on the on the application filing, processing, approval and issuance of permits for Multiple-Family Dwelling Projects.

Since the adoption of Urgency Ordinance No. U-1650, City Public Works and Planning staff have taken various steps in order to research and study the current condition of the City's infrastructure capacity and identify any potential impact to City infrastructure associated with the construction of new Multiple-Family Dwelling Projects under current zoning regulations and those contemplated under the proposed Corridors Specific Plan Update/TOD Overlay Zone Project.

These steps include, but are not limited to, the following:

- City Planning staff, working with Sargent Town Planning and Meridian Consultants, has begun the process of preparing the Program EIR for the San Fernando Corridors Specific Plan Update that will evaluate amongst other things, any potential environmental impacts to the City's infrastructure (i.e., sewer, streets, water, etc.) related to 20-year projections for new commercial, industrial, and residential development within the specific plan study/planning area.

The Program EIR preparation process was initiated in late December 2015 with the circulation of the Notice of Preparation on December 21, 2015 and the Scoping Meeting held on January 7, 2016. Currently, City staff and the consultants are conducting the baseline studies necessary to prepare the Program EIR. It is anticipated that a draft of the Program EIR will be released for public review during the second quarter of 2016.

- City Public Works Staff is undertaking the following actions:
  - a) System-Wide Infrastructure – Development Impact Fee Study
    - a. Preparation of a Development Impact Fee (DIF) to address development impacts on public infrastructure; Categories being considered include those for sewer, drainage, traffic, parks, general government facilities, and police. The Study was initiated in February 2016 and is expected to take 4-6 months to complete. Pending completion, the study will be considered by the City Council for possible adoption.
  - b) Wastewater System
    - a. Completion of Closed Circuit Television (CCTV) inspection and cleaning of the City's sewer system. This information will be used to develop a list of point repairs and/or replacement of pipe segments;

**Consideration to Adopt Ordinance No. U-1652, An Urgency Ordinance of the City Council of the City of San Fernando Extending an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects Through January 18, 2017**

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- b. Integration of CCTV into the City's geographic information system (GIS) – expected completion in spring 2016;
- c. Acquisition of a new wastewater jetter vehicle valued at approximately \$250,000. This equipment will be used to undertake routine maintenance and/or emergency removal of potential blockages in the City wastewater system (purchase approved by City Council in February 2015);
- d. Initiation of wet weather flow monitoring equipment at key locations throughout the City. This information will be used to identify water infiltration (due to cracked pipes or manholes) and possible capacity issues; Installation will take place in February and run for two (2) months at a minimum;
- e. Installation of overflow sensor equipment at key locations throughout the City. This system provides alert notifications prior to potential wastewater overflows, helping to prevent them prior to their occurrence. Installation will take place in February 2016 and run for two (2) years at a minimum;
- f. Installation of new pipe segments in conjunction with the resurfacing of twelve (12) street segments in the City; and
- g. If necessary and pending the outcome of wet weather flow monitoring and additional engineering analysis, the installation of sewer capital improvements in identified locations.

c) Water System

- a. Installation of new pipe segments in conjunction with the resurfacing of twelve (12) street segments in the City;
- b. Acquisition of a new water distribution vehicle valued at approximately \$150,000. This equipment will be used to undertake routine maintenance and/or system improvements to water pipelines and infrastructure (purchase approved by City Council in November 2014); and
- c. Preparation of 2015 Urban Water Management Plan as an update to the 2010 Urban Water Management Plan; projected completion before July 1, 2016.

d) Street System

- a. Resurfacing of twelve (12) street segments in the City. Six (6) locations are expected to start in April 2016, the remaining six (6) locations will start in summer 2016; and
- b. Participation in the Total Road Improvement Program that will help expedite needed improvements to the local road and traffic infrastructure, which is expected to be approved in spring 2016.

**Consideration to Adopt Ordinance No. U-1652, An Urgency Ordinance of the City Council of the City of San Fernando Extending an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects Through January 18, 2017**

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Alternate Unit Count Threshold

Per City Council direction, staff reviewed the potential to apply an alternate unit-count threshold for this moratorium. In staff's view, the City will need the aforementioned water and sewer studies to be completed to conclusively determine whether an alternate threshold will create a significant adverse environmental impact on the City's infrastructure.

As noted in the 2014 Sewer System Management Plan (SSMP) Final Report, one of the primary objectives of the report is to identify "areas of the current system capacity deficiencies, if any, and areas of necessary upgrades or new systems based upon future growth and development anticipated by the General Plan [and associated 2005 Corridors Specific Plan]". (Executive Summary of 2014 SSMP, Pg. 1.) Therefore, a determination on whether a feasible alternate unit-count threshold is possible is contingent on the aforementioned studies related to assessment of current demand and future needs for our sewer and water infrastructure.

However, separate and apart from the question of adverse impacts, if at any time the City Council wishes to raise the threshold number of units and thereby allow more projects to fall outside of the moratorium, the City Council has authority to amend the ongoing moratorium by a subsequent ordinance approved by a four-fifths vote.

Request for Extension of Temporary Moratorium

As previously noted in the January 19, 2016 City Council Staff Report (Attachment "B"), multiple factors continue to affect the City Council consideration of the proposed moratorium extension including:

- Decades of deferred maintenance on the City's infrastructure including streets, water, sewer and lighting, which have accompanied utility rate increases in water and sewer infrastructure and associated short and long-term Capital Improvement Program (CIP) projects to upgrade said utilities;
- Pending participation in the Total Road Improvement Program, which will help expedite needed improvements to the local road and traffic infrastructure, which is expected to be approved in spring 2016;
- Pending completion of City Council-approved, 100% Closed Circuit Television (CCTV) assessment of City sewer system and implementation of identified point repairs and/or design of replacement of sewer line segments, which are to be initiated in spring 2016;
- Fee Study for City Services (projected completion by June of 2016) including possible creation of Development Impact Fees ("DIFs") to address project impacts on City infrastructure;

**Consideration to Adopt Ordinance No. U-1652, An Urgency Ordinance of the City Council of the City of San Fernando Extending an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects Through January 18, 2017**

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- Renewed interest in the development of multiple-family dwelling projects within the City's multiple family dwelling zones including R-3 (Multiple Family) zoned properties on Park Avenue, Jessie Street, First Street, and Harding Avenue and within the City's SP-4 (Corridors Specific Plan) zone which includes the commercial corridors on Maclay Avenue, San Fernando Road, and Truman Street;
- "Multiple-Family Dwelling Projects" approved over the past five years (Attachment "B"); and,
- Proposed update of the San Fernando Corridors Specific Plan and associated Program EIR (projected completion by July 2016) as part of the proposed TOD Overlay Zone Project that will be considering the total number and potential zoning districts where multiple-family dwelling projects could be developed within the amended specific plan area and any potential environmental impacts that includes review of the potential impacts to City infrastructure.

At this time, however, staff requires more data to make a final determination on the potential impact(s) of new Multiple Family Dwelling Projects on the City's infrastructure. In order to develop the most appropriate mitigation measures, development impact fees, and necessary capital improvement plan schedule to address current needs and projected future growth under the City's current zoning regulations and proposed Specific Plan Update, it is staff's assessment that an extended moratorium, preserving the status quo, would provide sufficient time for staff to evaluate options and provide the City Council with a recommendation on a long-term solution to the issue. Without the extension of the temporary moratorium, staff would be required to use the current zoning regulations to review and process new Multiple Family Dwelling Project applications of varying density and overall size that may cause adverse impacts to the City's infrastructure and detrimentally affect the public health, safety, and general welfare.

**CEQA Compliance.**

The proposed Urgency Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA). Based on that assessment, the proposed Urgency Ordinance has been determined to be exempt from CEQA review pursuant to Title 14, Sections 15061(b)(3), 15306, 15308, and 15378 of the California Code of Regulations.

**BUDGET IMPACT:**

Extension of the Interim Moratorium on the application filing, processing, approval and issuance of permits for Multiple-Family Dwelling Projects will have an impact on future site plan review application revenues and associated construction permit revenues that would otherwise

**Consideration to Adopt Ordinance No. U-1652, An Urgency Ordinance of the City Council of the City of San Fernando Extending an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects Through January 18, 2017**

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result from new approvals and permits for Multiple Family Dwelling Projects. However, these revenue losses may be offset to some extent by the reduction in City-incurred costs to public infrastructure. These City costs would result from the new construction occurring without appropriate mitigation measures incorporated into the project and new development impact fees not being in place at the time of approval in order to be charged to new development to offset project impacts.

**CONCLUSION:**

As noted above, the Urgency Ordinance No. U-1650, adopted by the City Council on January 19, 2016, will expire on March 4, 2016. After discussion, the City Council may adopt an extension to the ordinance by a four-fifths vote or take no action and let the 45-day urgency ordinance expire.

If adopted, the Urgency Ordinance No. U-1652 (Attachment "A") will take effect on March 3, 2016, for an additional period of 10 months and 15 days. The proposed Urgency Ordinance would preserve the status quo for a reasonable time while the City continues to study what type of zoning or other regulatory requirements and/or fees are appropriate as related to the acceptance, processing, and approval of applications and issuance of permits to construct Multiple-Family Dwelling Projects within the City of San Fernando.

Based on the reasons noted above, staff and the City Attorney recommend that the City Council adopt Urgency Ordinance No. U-1652 at this time in order to extend an interim moratorium (Urgency Ordinance No. U-1650) on the application filing, processing, approval and issuance of permits for Multiple-Family Dwelling Projects through January 18, 2017.

The proposed extension of the interim moratorium includes the following exceptions to the temporary moratorium for previously City-approved Multiple-Family Dwelling Projects:

- Multiple-Family Dwelling Projects that have been deemed approved by the City prior to the effective date of this temporary moratorium as it pertains to any required Site Plan Review Application for any by-right project under the City's Zoning Ordinance.
- Multiple-Family Dwelling Projects that have been deemed approved by the City prior to the effective date of this temporary moratorium that required a zone change, discretionary permit that was reviewed by the Planning and Preservation Commission and subsequently reviewed and approved by the City Council.

**Consideration to Adopt Ordinance No. U-1652, An Urgency Ordinance of the City Council of the City of San Fernando Extending an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects Through January 18, 2017**

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**ATTACHMENTS:**

- A. Urgency Ordinance No. U-1652
- B. January 19, 2016, Staff Report to the City Council (Re: Urgency Ordinance No. U-1650)
- C. February 11, 2016 Notice of Public Hearing
- D. Status Report on Urgency Ordinance No. U-1650

**ATTACHMENT “A”****URGENCY ORDINANCE NO. U-1652****AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, EXTENDING AN INTERIM MORATORIUM ON THE APPLICATION FILING, PROCESSING, APPROVAL AND ISSUANCE OF PERMITS FOR MULTIPLE-FAMILY DWELLING PROJECTS THROUGH JANUARY 18, 2017**

**WHEREAS**, California Constitution Article XI, Section 7, enables the City of San Fernando (the “City”) to enact local planning and land use regulations; and

**WHEREAS**, the authority to adopt and enforce zoning regulations is an exercise of the City’s police power to protect the public health, safety, and welfare; and

**WHEREAS**, the City desires to ensure that residential development occurs in an orderly manner, in accordance with the goals and objectives of the General Plan; and

**WHEREAS**, pursuant to California Government Code section 65580 et seq. (Housing Elements), the Regional Housing Need Assessment (RHNA) Allocation Plan—prepared by the Southern California Association of Governments and approved by the state Department of Housing and Community Development—has identified for the City of San Fernando a housing growth need of 217 units projected from 2014 to 2021; and

**WHEREAS**, based on existing and anticipated development, the City continues to make quantifiable progress toward achieving its assigned share of housing units; and

**WHEREAS**, the City’s General Plan 2013-2021 Housing Element and 2005 San Fernando Corridors Specific Plan (the “Specific Plan”) envision, among other things, residential development potential along major commercial corridors, in Zone R-3 (Multiple Family), and near the Metrolink Station, and the City is now in the process of updating the Specific Plan and preparing an environment impact report (EIR); and

**WHEREAS**, a Sanitary Sewer System Management Plan Report prepared for the City in 2013 identified the need for a System Evaluation and Capacity Assurance Plan to assess the hydraulic capacity of major sewers, and to develop and implement a sewer master plan; and in March of 2014, the City completed the *Final Report for the Sewer Master Plan*, which included goals to identify system deficiencies, needed upgrades based on current and future growth needs as well as mapping of said infrastructure, and a timeframe for developing a short and long-term Capital Improvement Program (CIP) to make said needed repairs, upgrades, and accommodate projected growth; and

**WHEREAS**, the City Public Works Department 2011 *Proposal to Increase Water and Sewer Rates* identified nitrate removal from two active water wells that draw from the Sylmar

Groundwater Basin and provide the community with potable water as a reason for rate increase; and

**WHEREAS**, the 2010 City of San Fernando Urban Water Management Plan notes that the City's groundwater rights are fixed at 3,405 Acre Feet per Year (AFY); and

**WHEREAS**, the 2005 Specific Plan and the proposed 2015 Specific Plan facilitate multiple family dwelling projects that may increase water demand, which may require additional groundwater production and water purchase; and

**WHEREAS**, drought conditions in California and the statewide 25 percent water use reduction mandate for cities requires the City of San Fernando to reduce its water consumption; and

**WHEREAS**, the reliability of the City's water supply is based on capacity and condition of its infrastructure, as well as demand, which is affected by land use regulations; and

**WHEREAS**, every two years, the City prepares a Pavement Management System ("PMS") that evaluates roads and classifies their condition. The 2014 PMS rated approximately 32 percent of the City's streets at below 55 (out of 100), which is "Fair" with "moderate distress; severe weathering," and altogether identified approximately \$17.8 million in deferred street maintenance; and

**WHEREAS**, during Fiscal Year 2015-16, approximately \$2.9 million has been budgeted for road-related improvements that include design and construction for 12 streets, plus traffic, pedestrian safety, streetscape, and bicycle improvements, and aided by the City's participation in the Total Road Improvement Program utilizing Measure R Local Return Transportation funds; and

**WHEREAS**, the City's short and long-term Capital Improvements Program (CIP) foresees multi-year, multi-million dollar projects to improve roads, sidewalks and landscaping, in conjunction with water well and water main upgrades, storm drain, and sewer infrastructure—in accordance with state Water Board-required Sewer System Management Plan (SSMP) and Storm Water Pollution Prevention Plan (SWPPP)—as well as traffic safety, parks and facilities; and

**WHEREAS**, the City Council desires to study the demands of development on the City's infrastructure; and to study the potential need for additional public facilities to accommodate future development; and to consider impact fees commensurate with the demands of new development to protect the public health, safety and welfare; and

**WHEREAS**, the City Council recognizes that City Staff must analyze the data from these assessments, improvement plans, and complete the Specific Plan environmental review process (i.e., preparation of a Program Environmental Impact Report), and respond with appropriate potential regulations and mitigation measures; and

**WHEREAS**, the City seeks to continue to suspend the approval of multiple-family dwelling project to provide time to study and develop regulations, mitigation measures, and engineering and planning practices that will balance development with infrastructure capacity; and

**WHEREAS**, the City desires to acknowledge those development projects that have substantially received the approvals they require to permit construction; and

**WHEREAS**, the City Council desires to direct Community Development Department Staff and Public Works Department Staff to conduct the necessary studies and to report their findings to both the Planning and Preservation Commission and the City Council within a reasonable time; and

**WHEREAS**, Government Code section 65858 authorizes the City Council to adopt an urgency ordinance for the immediate preservation of the public health, safety, or welfare, and to prohibit a land use that is in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning and Preservation Commission, or the Community Development Department is considering or studying or intends to study within a reasonable time; and

**WHEREAS**, on January 19, 2016, the City Council instituted a 45-day moratorium on new multiple-family dwelling projects by adopting Urgency Ordinance No. U-1650, which will expire by operation of law on March 4, 2016; and

**WHEREAS**, this Ordinance serves as the City's written report describing the measures taken to alleviate the conditions which led to the adoption of Urgency Ordinance No. U-1650, in accordance with Government Code section 65858(d). These measures include the following:

- A. Since the adoption of Urgency Ordinance No. U-1650, City Public Works and Planning Staff have begun to research and study the condition of the City's infrastructure and to identify potential impacts to infrastructure related to new Multiple-Family Dwelling Projects under current zoning regulations and those contemplated under the proposed Corridors Specific Plan Update/TOD Overlay Zone Project.
- B. Planning Staff and the City's planning consultant have begun preparation of the Program Environmental Impact Report (Program EIR) for the San Fernando Corridors Specific Plan Update to evaluate potential environmental impacts to the City's infrastructure (i.e., sewer, water, streets, etc.) based on 20-year projections for new commercial, industrial, and residential development within the specific plan study/planning area.
- C. The Program EIR's Notice of Preparation was circulated on December 21, 2015. A Scoping Meeting was held on January 7, 2016. City staff and the consultants are conducting the baseline studies for the Program EIR. It is anticipated that a draft of

the Program EIR will be released for public review during the second quarter of 2016.

- D. In February, Public Works Staff commenced a System-Wide Infrastructure – Development Impact Fee Study to analyze impacts of development on sewer, drainage, traffic, parks, government facilities, and police. The study is expected to take four to six months to complete, followed by consideration by the City Council.
- E. The Closed-Circuit Television (CCTV) inspection and cleaning of the City’s sewer system has been completed and will be used to develop a list of point repairs and replacement of pipe segments. This year the CCTV data will be integrated into the City’s Geographic Information System (GIS).
- F. The City Council has approved the purchase of a wastewater jetter vehicle to undertake maintenance and emergency removal of blockages in the wastewater system.
- G. This month, the City will initiate wet weather flow monitoring equipment at key locations to identify water infiltration (due to cracked pipes or manholes) and possible capacity issues.
- H. This month, the City will install overflow sensor equipment at key locations to provide alert notifications to prevent wastewater overflows.
- I. The City plans to install new pipe segments (both water and sewer) in conjunction with the resurfacing of 12 street segments.
- J. The City Council has approved the purchase of a water distribution vehicle to undertake maintenance and system improvements to water pipelines.
- K. Staff have commenced preparation of the 2015 Urban Water Management Plan as an update to the 2010 Urban Water Management Plan.
- L. The City will resurface 12 street segments. Six are planned for April 2016, and the rest will start in summer 2016.
- M. The City’s participation in the Total Road Improvement Program is expected to be approved this spring 2016 and will expedite needed improvements to road and traffic infrastructure.

WHEREAS, State law authorizes the extension of an urgency ordinance for 10 months and 15 days.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.**     Recitals. The above recitals are true and correct and incorporated herein by reference.

**SECTION 2.**     Definition. The term “Dwelling, multiple-family” shall be as defined in Zoning Ordinance section 106-6.

**SECTION 3.**     Moratorium.

A. The City Council declares a moratorium on the application filing, processing, approval and issuance of permits for any multiple-family dwelling project.

B. The moratorium shall be effective for the 10-month and 15-day period commencing March 3, 2016 and ending January 18, 2017, or until earlier termination by the City Council. The moratorium may be subsequently extended for one year in accordance with Government Code section 65858.

**SECTION 4.**     Moratorium Exemption. The moratorium shall not apply to any project that has secured at least one of the following approvals prior to the effective date of this ordinance:

(i) Site Plan Review.

(ii) Zone change.

**SECTION 5.**     Hardship Exemption.

A. The City Council has the authority but no obligation to grant exemptions from the provisions of this Urgency Ordinance where it finds that strict adherence to the moratorium would result in extreme hardship to either the developer or property owner. The City Council may consider any factor relevant to this determination. A finding that the moratorium deprives the owner of all economically viable use of the property shall constitute extreme hardship.

B. Written requests for hardship exemptions shall be filed with the Community Development Department and shall state the grounds for the exemption and provide supporting documentation. The City Council is not required to consider the request any sooner than two weeks after it was filed. The City Council shall approve, approve with conditions, or deny the request by resolution.

**SECTION 6.**     Urgency Findings. This Urgency Ordinance is adopted as an urgency measure pursuant to Government Code Section 65858 and is justified based upon the recitals herein, all evidence in the record, and on the following findings:

**A. There is a current and immediate threat to the public health, safety, or welfare, and the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare:**

A report to the City Council by the Public Works Director, dated August 3, 2015, details the need to inspect 74 percent of the City's sanitary sewer system (approximately 164,000 feet in length) with remote-controlled cameras, to locate damaged pipes and generally to assess the system's condition. The City's sewer system provides wastewater service to approximately 25,000 people, in addition to many commercial and industrial customers. The City's Capital Improvements Program (CIP) has budgeted nearly \$1.4 million for sewer capacity improvements in accordance with the state Water Board-required Sewer System Management Plan (SSMP), which identified \$10.7 million in sewer maintenance and improvement costs.

In addition, the CIP foresees projects to improve roads, sidewalks and landscaping, in conjunction with water, sewer, and storm drain infrastructure, in accordance with the state Water Board-required Storm Water Pollution Prevention Plan (SWPPP), as well as traffic safety, parks and facilities.

Multiple factors have affected the City's sewer infrastructure including decades of deferred maintenance, the need to implement a Fats, Oils, and Greases Control Plan, and the need to design and upgrade the existing system to meet deficient capacity and accommodate growth. Insufficient sewer capacity can cause sewage backups into homes, and sewage poses a significant threat to human health. The City must complete its system-wide inspection, assessment, and any required sewer capacity improvements before the approval of more multiple family dwelling projects places further demands on the system. Approving new multi-unit projects before this work is accomplished would create greater uncertainty as it relates to project related impacts to our sewer system, and as such presents a current and immediate threat to health and safety.

Multiple factors also affect the City's continued access to sufficient water supply which comes from local groundwater and imported water. Reliability of the City's water supply is based on the capacity and condition of infrastructure. Such conditions are affected by, among other things: groundwater contaminants, water well maintenance, and years of deferred maintenance, in general. Furthermore, reliable water supply is impacted by seasonal demand affected by drought, and by population growth under land use regulations, including those in the Specific Plan and proposed amendments.

Deferred maintenance of the City's street infrastructure have resulted in repairs totaling approximately \$17.8 million. The average citywide roadway conditions are rated Good with slight distress and weathering, while 32 percent of streets have an overall pavement condition rating of below 55, which is Fair with moderate distress and/or severe weathering. Hence, any further demand on the City's roadways from new multiple family dwelling projects requires further analysis, and development and consideration of mitigation measures, impact fees, and short and long-term planning to maintain and reduce deterioration of the City's roadways.

The City Council finds that the establishment of new multiple family dwelling projects within the City, before the City has completed its analysis of the current state of the City's infrastructure, presents a current and immediate threat to health and safety.

The approval of additional permits or other land use entitlement for new multiple-family dwelling projects would result in that threat to public health, safety, or welfare because, without the benefit of new regulations and engineering and planning practices in place (e.g. impact fees and mitigation measures), the demands of the new development threaten to harm or overwhelm the City's infrastructure. This includes roads, traffic controls, water, sewer, and storm drains.

**B. The continued approval of the development of multiple-family housing projects would have a specific, adverse impact upon the public health or safety:**

The continued approval of the development of multiple-family dwelling projects have the potential to strain public safety, schools, roads, water and sewers in the City in the absence of adequate analysis of the state of the City's infrastructure and need for additional public facilities. The demands of new development threaten to harm or overwhelm the City's infrastructure. This includes roads, traffic controls, water, sewer, and storm drains, which are or will be improved as part of the CIP.

Insufficient sewer capacity can cause sewage backups into homes, and sewage poses a significant threat to human health. In addition, insufficient water supply may result in lack of emergency water services to fight fires and limits citywide access to potable water for residential, commercial and industrial uses.

Overall infrastructure capacity may be further exacerbated by new approvals of multiple-family dwelling projects before the City has completed its assessment and repair of the sewer, water, and street systems and can implement new development impact fees, and improve standards that mitigate impacts on these types of infrastructure.

**C. This interim moratorium is necessary to mitigate or avoid the specific, adverse impact identified above:**

The City Council finds that a temporary moratorium on the application filing, processing, approval and issuance of permits for multiple-family dwelling projects is necessary to allow the City sufficient time to study and develop comprehensive regulations, mitigation measures, and engineering and planning practices that will balance development with infrastructure capacity and other public facilities.

When a city prepares to adopt new development regulations, there is the risk of a rush of new development applications in an attempt to beat the new regulations. The moratorium on multiple-family dwelling project permits, while the City studies and updates its current regulations, would prevent such applications from defeating the purpose of any new regulations the City may consider.

**D. There is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impact identified above as well or better, with a less burdensome or restrictive effect, than the adoption of the proposed interim moratorium:**

This moratorium will afford the City a reasonable amount of time to complete its analysis of the state of the City's infrastructure, determine the need for additional public facilities to accommodate future development, and develop appropriate potential regulations, mitigation measures, and impact fees commensurate with the demands of the new development.

Faced with the choice of allowing new multiple-family dwelling projects to proceed without the benefit of this vital analysis, or suspending such approvals for the term of this moratorium, the City finds that only the proposed suspension will mitigate or avoid the specific, adverse impacts identified in the findings above. Accordingly, the City Council finds that there is no feasible alternative to this interim moratorium.

**SECTION 7.** CEQA. This Urgency Ordinance is exempt from the California Environmental Quality Act ("CEQA") based on the following:

A. This Urgency Ordinance is not a "project" within the meaning of Section 15378 of the CEQA Guidelines as it has no potential for resulting in a physical change in the environment, either directly or indirectly.

B. This Urgency Ordinance is categorically exempt from CEQA under Section 15306 of the CEQA Guidelines, as it provides for basic data collection and research regarding the City's infrastructure and development regulations, and is limited to information gathering leading to an action which the City has not yet approved or funded.

C. This Urgency Ordinance is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines, as it is a regulatory action by the City and authorized by the Zoning Ordinance and Government Code Section 65858 to assure the maintenance and protection of the environment and adoption of contemplated legislation, regulation, and policies.

D. This Urgency Ordinance is not subject to CEQA under the general rule set forth in Section 15061(b)(3) of the CEQA Guidelines that CEQA only applies to projects which have the potential for causing a significant effect on the environment. For the reasons described above, it can be seen with certainty that there is no possibility that this Urgency Ordinance will have a significant effect on the environment.

**SECTION 8.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency Ordinance, or any part thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

**SECTION 9.** Effective Date. Effective Date. If adopted by at least four-fifths vote of the City Council, this Urgency Ordinance shall be effective commencing March 3, 2016.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of San Fernando at a special meeting on this 22nd day of February, 2016.

\_\_\_\_\_  
Joel Fajardo, Mayor

**ATTEST:**

\_\_\_\_\_  
Elena G. Chávez, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Rick R. Olivarez, City Attorney

**STATE OF CALIFORNIA** )  
**COUNTY OF LOS ANGELES** ) **SS.**  
**CITY OF SAN FERNANDO** )

I, ELENA CHÁVEZ, City Clerk of the City of San Fernando, do hereby certify that the foregoing Ordinance was adopted at a special meeting of the City Council held on the 22nd day of February, 2016, and was carried by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Elena G. Chávez, City Clerk



## AGENDA REPORT

**To:** Mayor Joel Fajardo and Councilmembers

**From:** Brian Saeki, City Manager  
By: Fred Ramirez, Community Development Director

**Date:** January 19, 2016

**Subject:** Consideration to Adopt Urgency Ordinance No. U-1650 of the City of San Fernando Making Findings and Establishing an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects

### RECOMMENDATION:

It is recommended that the City Council:

- a. Conduct a Public Hearing; and
- b. Pending public testimony, waive full reading and adopt Urgency Ordinance No. U-1650 (Attachment "A") by title, "An Urgency Ordinance of the City Council of the City of San Fernando Instituting An Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects." This Ordinance is introduced pursuant to Government Code Section 36937(b) and requires a four-fifths (4/5ths) vote for adoption.

### BACKGROUND:

1. On November 6, 2015, the City Council considered a request brought forth by Vice Mayor Sylvia Ballin for a "Moratorium on Any Multi-Unit Housing of Four Units or More". As part of the City Council discussion, concerns were raised about the potential impact of multiple family dwellings projects to the City's aging infrastructure inclusive of streets, water, sewer, lighting, et cetera. Subsequent to discussion, the City Council voted to direct City Staff and the City Attorney to bring back an urgency ordinance regarding multiple-family dwelling projects for consideration at the December 7, 2015 City Council Meeting.
2. On December 7, 2015, the City Council held a public hearing to discuss the possibility of implementing Urgency Ordinance No. 1649 that would have established a moratorium on the development of any new Multiple Family Dwelling Projects of three or more

**Consideration to Adopt Urgency Ordinance No. U-1650 of the City of San Fernando Making Findings and Establishing an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects**

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units. Subsequent to City Council discussion a vote resulting in a vote of three in favor and two against the proposed urgency ordinance. Pursuant to Government Code 36937(b) the urgency ordinance was unable to garner the four-fifths vote for adoption and implementation.

3. Vice Mayor Ballin has requested that the item be placed on the agenda in order to allow the City Council to reconsider adoption of an urgency ordinance instituting an interim moratorium (Urgency Ordinance No. U-1650) on the application filing, processing, approval and issuance of permits for Multiple-Family Dwelling Projects. This urgency ordinance is introduced pursuant to Government Code Section 36937(b) and requires a four-fifths (4/5ths) vote for adoption.

The accompanying City analysis and conclusion have remained the same except for the identification of two new proposed multiple-family dwelling projects at 112 Alexander Street and 208 Jessie Street that were submitted on December 22, 2015 and discussed in further detail below in the preceding section noting the number of multiple family dwelling projects submitted for City review and approval from 2010-2015.

**ANALYSIS:**

City Authority.

The California Constitution Article XI, Section 7, enables the City of San Fernando (the "City") to enact local planning and land use regulations. The authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare.

California Government Code section 65858 authorizes the City Council to adopt an urgency ordinance for the immediate preservation of the public health, safety, or welfare, and to prohibit a land use that is in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning Commission, or Community Development Department is considering or studying or intends to study within a reasonable time.

City Definitions of Multiple Family Dwelling and Dwelling.

Multiple-Family Dwellings and Dwelling are defined in the City's Zoning Ordinance (Chapter 106 (Zoning), Article I, City Code Section 106-6 (Definitions)) as noted below:

*"Dwelling, multiple-family means a dwelling consisting of three or more dwelling units per lot, including townhouses, condominiums, apartments."*

**Consideration to Adopt Urgency Ordinance No. U-1650 of the City of San Fernando Making Findings and Establishing an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects**

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*“Dwelling means a building containing one or more dwelling units. A group quarters or other building or portion thereof devoted primarily to rooming units shall not be considered to be a dwelling.”*

The definition of Dwelling and Multiple-Family Dwelling have remained unchanged since the City’s last comprehensive zoning ordinance update that occurred in June of 1987 (City Council Ordinance No. 1305).

Multiple-Family Dwelling Projects (2010-2015).

The following Multiple-Family Dwelling Projects have been entitled and/or built in the past five (5) years:

- 131 Park Ave. = 61 Units (Planning Commission Approved in 2010; Built in 2013)
- 1422 San Fernando Rd. = 20 Units (Council Approved in 2011; Built in 2013)
- 124 Harding Ave. = 29 Units (Council Approved in 2012; Built in 2015)
- 1501-1529 First St./Fermore St. = 100 Units (Council Approved in 2012; Not Yet Built)
- 1011 Seventh St. = 16 Units (By-Right Project-City Approved in 2013; Built in 2014)
- 1140-1148 San Fernando Rd. = 101 Units (Council Approved in 2014; Not Yet Built)
- 1407 Celis St. = 6 Units (By-Right Project-City Approved in 2015; Not Yet Built)
- 1001 Glenoaks Blvd. = 6 Units (City Review 2015; Requires Commission/Council Approval)
- 112 Alexander St. = 14 Units (Site Plan Review currently underway; Requires City Staff Review and approval)
- 208 Jessie St. = 14 Units (Site Plan Review currently underway; Requires City Staff Review and approval)

Reasons for Considering A Moratorium Now.

Multiple factors affect council consideration of the proposed moratorium including:

- Decades of deferred maintenance on the City’s infrastructure including streets, water, sewer and lighting, which have accompanied utility rate increases in water and sewer

**Consideration to Adopt Urgency Ordinance No. U-1650 of the City of San Fernando Making Findings and Establishing an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects**

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infrastructure and associated short and long-term Capital Improvement Program (CIP) projects to upgrade said utilities;

- Pending participation in the Total Road Improvement Program, which will help expedite needed improvements to the local road and traffic infrastructure, which is expected to be approved in spring 2016;
- Pending completion of City Council-approved, 100% Closed Circuit Television (CCTV) assessment of City sewer system and implementation of identified point repairs and/or design of replacement of sewer line segments, which are to be initiated in spring 2016;
- Fee Study for City Services (projected completion by June of 2016) including possible creation of Development Impact Fees ("DIFs") to address project impacts on City infrastructure;
- Renewed interest in the development of multiple-family dwelling projects within the City's multiple family dwelling zones including R-3 (Multiple Family) zoned properties on Park Avenue, Jessie Street, First Street, and Harding Avenue and within the City's SP-4 (Corridors Specific Plan) zone which includes the commercial corridors on Maclay Avenue, San Fernando Road, and Truman Street;
- "Multiple-Family Dwelling Projects" approved over the past five years; and,
- Proposed update of the San Fernando Corridors Specific Plan and associated Environmental Impact Report (projected completion by July of 2016) as part of the proposed TOD Overlay Zone Project that will be considering the total number and potential zoning districts where multiple-family dwelling projects could be developed within the amended specific plan area and any potential environmental impacts that includes review of the potential impacts to City infrastructure.

The City expects additional request to develop Multiple-Family Dwelling Projects (defined by City Zoning Ordinance as "dwelling consisting of three or more dwelling units per lot, including townhouses, condominiums, apartments") will continue as demand for housing continues to increase local, regionally, and at the state level. City Planning staff is seeking a moratorium on the acceptance, processing, and approval of new Multiple-Family Dwelling Projects in order to provide a reasonable period of time to: study current conditions of City infrastructure; review City CIP projects related to streets, water, and sewer; consider current development fees and possible need for DIFs; and, assess potential impacts of new Multiple-Family Dwelling Projects built by right under the current zoning regulations or as part the proposed San Fernando Corridors Specific Plan Update/TOD Overlay Zone Project.

**Consideration to Adopt Urgency Ordinance No. U-1650 of the City of San Fernando Making Findings and Establishing an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects**

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Based on the reasons noted above, the City Staff and the City Attorney recommend that the City Council adopt the attached Urgency Ordinance No. U-1650 at this time in order to establish a temporary moratorium on the acceptance, processing, and approval of applications and issuance of permits to construct Multiple-Family Dwelling Projects. The proposed Urgency Ordinance includes the following exceptions to the temporary moratorium for previously city-approved Multiple-Family Dwelling Projects:

- Multiple-Family Dwelling Projects that have been deemed approved by the City prior to the effective date of this temporary moratorium as it pertains to any required Site Plan Review Application for any by-right project under the City's Zoning Ordinance.
- Multiple-Family Dwelling Projects that have been deemed approved by the City prior to the effective date of this temporary moratorium that required a zone change, discretionary permit that was reviewed by the Planning and Preservation Commission and subsequently reviewed and approved by the City Council.

**CEQA Compliance.**

The proposed Urgency Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA). Based on that assessment, the proposed Urgency Ordinance has been determined to be exempt from CEQA review pursuant to Title 14, Sections 15061(b)(3), 15306, 15308, and 15378 of the California Code of Regulations.

**BUDGET IMPACT:**

Approval of this Urgency Ordinance is not expected to have any direct impact on the City's budget during the initial 45-day period, as the City staff time and the legal fees from the City Attorney's office for work on a permanent ordinance amendment would be covered under the current budget. Potential future extensions may result in a reduction in City General Fund revenue attributed to permit and development fees associated with new construction of Multiple-Family Dwelling Projects.

**CONCLUSION:**

Based on the aforementioned analysis, it is recommended that the City Council adopt the Urgency Ordinance No. U-1650 (Attachment "A"). The Urgency Ordinance allows City Staff and the City Attorney to study: the City infrastructure's current capacity and long-term service delivery needs; implementation of a multi-year CIP to address current on long-term infrastructure capacity needs; complete fee study update and review of possible DIFs to offset possible infrastructure impacts from Multiple-Family Dwelling Projects; and identify possible

**Consideration to Adopt Urgency Ordinance No. U-1650 of the City of San Fernando Making Findings and Establishing an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects**

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opportunities to use Specific Plan Update as part of TOD Overlay Zone Project and associated EIR as a way of further identifying infrastructure impacts and needed mitigation measures resulting from new projects within the specific plan, planning area. In addition to the aforementioned analysis, City staff will undertake the following after City Council approval of the Urgency Ordinance:

- Issue a written status report to the City Council within 35 days describing the measures taken to alleviate the conditions which led to the adoption of the proposed Urgency Ordinance; and
- Notice a Public Hearing to occur within 45 days that will consider the extension of the proposed Urgency Ordinance if necessary.

**ATTACHMENT:**

A. Urgency Ordinance No. U-1650

*to February 22, 2016 City Council Staff Report*

**URGENCY ORDINANCE NO. U-1650**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, INSTITUTING AN INTERIM MORATORIUM ON THE APPLICATION FILING, PROCESSING, APPROVAL AND ISSUANCE OF PERMITS FOR MULTIPLE-FAMILY DWELLING PROJECTS**

**WHEREAS**, California Constitution Article XI, Section 7, enables the City of San Fernando (the "City") to enact local planning and land use regulations; and

**WHEREAS**, the authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare; and

**WHEREAS**, the City desires to ensure that residential development occurs in an orderly manner, in accordance with the goals and objectives of the General Plan; and

**WHEREAS**, pursuant to California Government Code section 65580 et seq. (Housing Elements), the Regional Housing Need Assessment (RHNA) Allocation Plan—prepared by the Southern California Association of Governments and approved by the state Department of Housing and Community Development—has identified for the City of San Fernando a housing growth need of 217 units projected from 2014 to 2021; and

**WHEREAS**, based on existing and anticipated development, the City continues to make quantifiable progress toward achieving its assigned share of housing units; and

**WHEREAS**, the City's General Plan 2013-2021 Housing Element and 2005 San Fernando Corridors Specific Plan (the "Specific Plan") envision, among other things, residential development potential along major commercial corridors, in Zone R-3 (Multiple Family), and near the Metrolink Station, and the City is now in the process of updating the Specific Plan and preparing an environment impact report (EIR); and

**WHEREAS**, a Sanitary Sewer Management Plan Report prepared for the City in 2013 identified the need for a System Evaluation and Capacity Assurance Plan to assess the hydraulic capacity of major sewers, and to develop and implement a sewer master plan; and in March of 2014, the City completed the *Final Report for the Sewer Master Plan*, which included goals to identify system deficiencies, needed upgrades based on current and future growth needs as well as mapping of said infrastructure, and a timeframe for developing a short and long-term Capital Improvement Program (CIP) to make said needed repairs, upgrades, and accommodate projected growth; and

**WHEREAS**, the City Public Works Department 2011 *Proposal to Increase Water and Sewer Rates* identified nitrate removal from two active water wells that draw from the Sylmar Groundwater Basin and provide the community with potable water as a reason for rate increase; and

**WHEREAS**, the 2010 City of San Fernando Urban Water Management Plan notes that the City's groundwater rights are fixed at 3,405 Acre Feet per Year (AFY); and

**WHEREAS**, the 2005 Specific Plan and the proposed 2015 Specific Plan facilitate multiple family dwelling projects that may increase water demand, which may require additional groundwater production and water purchase; and

**WHEREAS**, drought conditions in California and the statewide 25 percent water use reduction mandate for cities requires the City of San Fernando to reduce its water consumption; and

**WHEREAS**, the reliability of the City's water supply is based on capacity and condition of its infrastructure, as well as demand, which is affected by land use regulations; and

**WHEREAS**, every two years, the City prepares a Pavement Management System ("PMS") that evaluates roads and classifies their condition. The 2014 PMS rated approximately 32 percent of the City's streets at below 55 (out of 100), which is "Fair" with "moderate distress; severe weathering," and altogether identified approximately \$17.8 million in deferred street maintenance; and

**WHEREAS**, during Fiscal Year 2015-16, approximately \$2.9 million has been budgeted for road-related improvements that include design and construction for 12 streets, plus traffic, pedestrian safety, streetscape, and bicycle improvements, and aided by the City's participation in the Total Road Improvement Program utilizing Measure R Local Return Transportation funds; and

**WHEREAS**, the City's short and long-term Capital Improvements Program (CIP) foresees multi-year, multi-million dollar projects to improve roads, sidewalks and landscaping, in conjunction with water well and water main upgrades, storm drain, and sewer infrastructure—in accordance with state Water Board-required Sewer System Management Plan (SSMP) and Storm Water Pollution Prevention Plan (SWPPP)—as well as traffic safety, parks and facilities; and

**WHEREAS**, the City Council desires to study the demands of development on the City's infrastructure; and to study the potential need for additional public facilities to accommodate future development; and to consider impact fees commensurate with the demands of new development to protect the public health, safety and welfare; and

**WHEREAS**, the City Council recognizes that City Staff must analyze the data from these assessments, improvement plans, and complete the Specific Plan environmental review process (i.e., preparation of a Program Environmental Impact Report), and respond with appropriate potential regulations and mitigation measures; and

**WHEREAS**, the City seeks to suspend the approval of multiple-family residential development to provide time to study and develop regulations, mitigation measures, and engineering and planning practices that will balance development with infrastructure capacity; and

**WHEREAS**, the City desires to acknowledge those development projects that have substantially received the approvals they require to permit construction; and

**WHEREAS**, the City Council desires to direct Community Development Department Staff and Public Works Department Staff to conduct the necessary studies and to report their findings to both the Planning and Preservation Commission and the City Council within a reasonable time; and

**WHEREAS**, Government Code section 65858 authorizes the City Council to adopt an urgency ordinance for the immediate preservation of the public health, safety, or welfare, and to prohibit a land use that is in conflict with a contemplated general plan update, specific plan update, or zoning proposal that the City Council, Planning and Preservation Commission, or the Community Development Department is considering or studying or intends to study within a reasonable time.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.**     Recitals. The above recitals are true and correct and incorporated herein by reference.

**SECTION 2.**     Definition. The term “Dwelling, multiple-family” shall be as defined in Zoning Ordinance section 106-6.

**SECTION 3.**     Moratorium.

A. The City Council declares a moratorium on the application filing, processing, approval and issuance of permits for any multiple-family dwelling project.

B. The moratorium shall be effective for the period set forth in this Urgency Ordinance unless extended or repealed by the City Council.

**SECTION 4.** Moratorium Exemption. The moratorium shall not apply to any project that has secured at least one of the following approvals prior to the effective date of this ordinance:

- (i) Site Plan Review Application.
- (ii) Zone change.

**SECTION 5.**     Hardship Exemption.

A. The City Council has the authority but no obligation to grant exemptions from the provisions of this Urgency Ordinance where it finds that strict adherence to the moratorium would result in extreme hardship to either the developer or property owner. The City Council may consider any factor relevant to this determination. A finding that the moratorium deprives the owner of all economically viable use of the property shall constitute extreme hardship.

B. Written requests for hardship exemptions shall be filed with the Community Development Department and shall state the grounds for the exemption and provide supporting documentation. The City Council is not required to consider the request any sooner than two weeks after it was filed. The City Council shall approve, approve with conditions, or deny the request by resolution.

**SECTION 6.** Urgency Findings. This Urgency Ordinance is adopted as an urgency measure pursuant to Government Code Section 65858 and is justified based upon the recitals herein, all evidence in the record, and on the following findings:

**A. There is a current and immediate threat to the public health, safety, or welfare, and the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare:**

A report to the City Council by the Public Works Director, dated August 3, 2015, details the need to inspect 74 percent of the City's sanitary sewer system (approximately 164,000 feet in length) with remote-controlled cameras, to locate damaged pipes and generally to assess the system's condition. The City's sewer system provides wastewater service to approximately 25,000 people, in addition to many commercial and industrial customers. The City's Capital Improvements Program (CIP) has budgeted nearly \$1.4 million for sewer capacity improvements in accordance with the state Water Board-required Sewer System Management Plan (SSMP), which identified \$10.7 million in sewer maintenance and improvement costs.

In addition, the CIP foresees projects to improve roads, sidewalks and landscaping, in conjunction with water, sewer, and storm drain infrastructure, in accordance with the state Water Board-required Storm Water Pollution Prevention Plan (SWPPP), as well as traffic safety, parks and facilities.

Multiple factors have affected the City's sewer infrastructure including decades of deferred maintenance, the need to implement a Fats, Oils, and Greases Control Plan, and the need to design and upgrade the existing system to meet deficient capacity and accommodate growth. Insufficient sewer capacity can cause sewage backups into homes, and sewage poses a significant threat to human health. The City must complete its system-wide inspection, assessment, and any required sewer capacity improvements before the approval of more multiple family dwelling projects places further demands on the system. Approving new multi-unit projects before this work is accomplished would create greater uncertainty as it relates to project related impacts to our sewer system, and as such presents a current and immediate threat to health and safety.

Multiple factors also affect the City's continued access to sufficient water supply which comes from local groundwater and imported water. Reliability of the City's water supply is based on the capacity and condition of infrastructure. Such conditions are affected by, among other things: groundwater contaminants, water well maintenance, and years of deferred maintenance, in general. Furthermore, reliable water supply is impacted by seasonal demand

affected by drought, and by population growth under land use regulations, including those in the Specific Plan and proposed amendments.

Deferred maintenance of the City's street infrastructure have resulted in repairs totaling approximately \$17.8 million. The average citywide roadway conditions are rated Good with slight distress and weathering, while 32 percent of streets have an overall pavement condition rating of below 55, which is Fair with moderate distress and/or severe weathering. Hence, any further demand on the City's roadways from new multiple family dwelling projects requires further analysis, and development and consideration of mitigation measures, impact fees, and short and long-term planning to maintain and reduce deterioration of the City's roadways.

The City Council finds that the establishment of new multiple family development within the City, before the City has completed its analysis of the current state of the City's infrastructure, presents a current and immediate threat to health and safety.

The approval of additional permits or other land use entitlement for new multi-unit residential development would result in that threat to public health, safety, or welfare because, without the benefit of new regulations and engineering and planning practices in place (e.g. impact fees and mitigation measures), the demands of the new development threaten to harm or overwhelm the City's infrastructure. This includes roads, traffic controls, water, sewer, and storm drains.

**B. The continued approval of the development of multiple-family housing projects would have a specific, adverse impact upon the public health or safety:**

The continued approval of the development of multiple-family dwelling projects have the potential to strain public safety, schools, roads, water and sewers in the City in the absence of adequate analysis of the state of the City's infrastructure and need for additional public facilities. The demands of new development threaten to harm or overwhelm the City's infrastructure. This includes roads, traffic controls, water, sewer, and storm drains, which are or will be improved as part of the CIP.

Insufficient sewer capacity can cause sewage backups into homes, and sewage poses a significant threat to human health. In addition, insufficient water supply may result in lack of emergency water services to fight fires and limits citywide access to potable water for residential, commercial and industrial uses.

Overall infrastructure capacity may be further exacerbated by new approvals of multiple-family dwelling projects before the City has completed its assessment and repair of the sewer, water, and street systems and can implement new development impact fees, and improve standards that mitigate impacts on these types of infrastructure.

**C. This interim moratorium is necessary to mitigate or avoid the specific, adverse impact identified above:**

The City Council finds that a temporary moratorium on the application filing, processing, approval and issuance of permits for multiple-family dwellings is necessary to allow the City sufficient time to study and develop comprehensive regulations, mitigation measures, and engineering and planning practices that will balance development with infrastructure capacity and other public facilities.

When a city prepares to adopt new development regulations, there is the risk of a rush of new development applications in an attempt to beat the new regulations. The moratorium on multi-unit residential development permits, while the City studies and updates its current regulations, would prevent such applications from defeating the purpose of any new regulations the City may consider.

**D. There is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impact identified above as well or better, with a less burdensome or restrictive effect, than the adoption of the proposed interim moratorium:**

This moratorium will afford the City a reasonable amount of time to complete its analysis of the state of the City's infrastructure, determine the need for additional public facilities to accommodate future development, and develop appropriate potential regulations, mitigation measures, and impact fees commensurate with the demands of the new development.

Faced with the choice of allowing new multi-unit residential development to proceed without the benefit of this vital analysis, or suspending such approvals for the term of this moratorium, the City finds that only the proposed suspension will mitigate or avoid the specific, adverse impacts identified in the findings above. Accordingly, the City Council finds that there is no feasible alternative to this interim moratorium.

**SECTION 7.** CEQA. This Urgency Ordinance is exempt from the California Environmental Quality Act ("CEQA") based on the following:

A. This Urgency Ordinance is not a "project" within the meaning of Section 15378 of the CEQA Guidelines as it has no potential for resulting in a physical change in the environment, either directly or indirectly.

B. This Urgency Ordinance is categorically exempt from CEQA under Section 15306 of the CEQA Guidelines, as it provides for basic data collection and research regarding the City's infrastructure and development regulations, and is limited to information gathering leading to an action which the City has not yet approved or funded.

C. This Urgency Ordinance is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines, as it is a regulatory action by the City and authorized by the Zoning Ordinance and Government Code Section 65858 to assure the maintenance and protection of the environment and adoption of contemplated legislation, regulation, and policies.

D. This Urgency Ordinance is not subject to CEQA under the general rule set forth in Section 15061(b)(3) of the CEQA Guidelines that CEQA only applies to projects which have the

potential for causing a significant effect on the environment. For the reasons described above, it can be seen with certainty that there is no possibility that this Urgency Ordinance will have a significant effect on the environment.

**SECTION 8.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency Ordinance, or any part thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

**SECTION 9.** Effective Date. Pursuant to Government Code section 36937, this Urgency Ordinance shall become effective immediately upon adoption if adopted by at least four-fifths vote of the City Council and shall be in effect for 45 days from the date of adoption unless extended by the City Council as provided for in Government Code section 65858.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of San Fernando at its regular meeting on this 19<sup>th</sup> day of January, 2016.

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Joel Fajardo, Mayor

**ATTEST:**

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Elena G. Chávez, City Clerk

**APPROVED AS TO FORM:**

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Rick R. Olivarez, City Attorney

**STATE OF CALIFORNIA** )  
**COUNTY OF LOS ANGELES** ) SS.  
**CITY OF SAN FERNANDO** )

I, ELENA CHÁVEZ, City Clerk of the City of San Fernando, do hereby certify that the foregoing Ordinance was adopted a regular meeting of the City Council held on the 19<sup>th</sup> day of January, 2016, and was carried by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Elena G. Chávez, City Clerk

**PROOF OF PUBLICATION AFFIDAVIT  
(2015.5 C.C.P.)**

STATE OF CALIFORNIA,  
County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the

Daily News

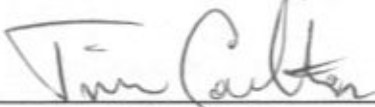
a newspaper of general circulation published 7 times weekly in the County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of May 26, 1983, Case Number Adjudication #C349217; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit: February 11, 2016

all in the year 20 16

I certify (or declare) under penalty of perjury that the forgoing is true and correct.

Dated at Woodland Hills,

California, this 11th day of Feb, 20 16



Signature

**Proof of Publication of**

Notice of A Public Meeting

(DAILY NEWS)  
**NOTICE OF A PUBLIC MEETING BEFORE  
THE CITY OF SAN FERNANDO CITY COUNCIL**  
A public meeting on this matter will be conducted by the City of San Fernando City Council on:  
**DATE:** Monday, February 22, 2016 (Special Meeting)  
**TIME:** 6:00 p.m.  
**HEARING LOCATION:** City Hall Council Chambers, 117 Macneil Street, San Fernando, CA  
**PROJECT LOCATION:** City-wide  
**APPLICATION:** Consideration to Adopt Interim Ordinance (Ordinance No. U-1652) Extending the Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects Through January 18, 2017  
**PROJECT PROPONENT:** City of San Fernando  
**PROJECT DESCRIPTION:**

Notice is hereby given that the City Council of the City of San Fernando will conduct a special meeting to consider adoption of an interim ordinance (Ordinance No. U-1652) extending the moratorium temporarily prohibiting the application filing, processing, approval and issuance of permits for Multiple-Family Dwelling Projects through January 18, 2017.

The proposed Urgency Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA). Based on that assessment, the proposed Urgency Ordinance has been determined to be exempt from CEQA review pursuant to Title 14, Sections 15061(b)(3), 15306, 15308, and 15378 of the California Code of Regulations.

If you wish to challenge the action taken on this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of San Fernando at, or prior to, the public meeting.

For further information regarding this Project, please contact Community Development Director Fred Ramirez at (818) 898-1227 or by written correspondence to: City of San Fernando, Community Development Department, 117 Macneil Street, San Fernando, CA 91340-2993.

/s/ **FRED RAMIREZ**  
Community Development Director  
Publish February 11, 2016



# SAN FERNANDO

## STATUS REPORT ON URGENCY ORDINANCE NO. U-1650

**Date:** February 11, 2016

**Subject:** Status Report on Urgency Ordinance No. U-1650 Prepared Pursuant to California Government Code Section 65858(d) Regarding the Temporary Moratorium on the Acceptance, Processing, and Approval of Applications and Issuance of Permits to Multiple Family Dwelling Projects.

This Status Report on Urgency Ordinance No. U-1650 is being prepared pursuant to California Government Code Section 65858(d). The attached Draft Ordinance No. U-1652 (Attachment "A") is the Status Report as required under State law. Ordinance No. U-1652 is titled as "An Urgency Ordinance of the City Council of the City of San Fernando Extending an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects Through January 18, 2017".

**ATTACHMENT:**

A. Urgency Ordinance No. U-1652

**Posted at:**

- City Hall Bulletins
- City Website: [www.sfcity.org](http://www.sfcity.org)

**Posted by:** Fred Ramirez, Community Development Director

A handwritten signature in blue ink, appearing to read "Fred Ramirez", is placed next to the name of the Community Development Director.