



SAN FERNANDO CITY COUNCIL  
REGULAR MEETING NOTICE AND AGENDA  
SEPTEMBER 4, 2018 – 6:00 PM  
CITY HALL COUNCIL CHAMBERS  
117 MACNEIL STREET  
SAN FERNANDO, CA 91340

**CALL TO ORDER/ROLL CALL**

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

**PLEDGE OF ALLEGIANCE**

Led by Director of Public Works/City Engineer Yazdan (Yaz) Emrani

**APPROVAL OF AGENDA**

**PRESENTATIONS**

- a) CITY OF SAN FERNANDO MARIACHI TESORO (MMAP) AWARDED 1<sup>ST</sup> PLACE AT THE INAUGURAL CALIFORNIA STATE FAIR YOUTH MARIACHI COMPETITION "MARIACHI PROUD"  
Director of Recreation and Community Services Julian J. Venegas
- b) PRESENTATION BY METRO ON THE EAST SAN FERNANDO VALLEY TRANSIT CORRIDOR  
Karen Swift, Los Angeles Metro Community Relations Manager

**DECORUM AND ORDER**

The City Council, elected by the public, must be free to discuss issues confronting the City in an orderly environment. Public members attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council ([SF Procedural Manual](#)). Any person

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making impertinent derogatory or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting, may be removed from the room if the Presiding Officer so directs the sergeant-at-arms and such person may be barred from further audience before the City Council.

**PUBLIC STATEMENTS – WRITTEN/ORAL**

There will be a three (3) minute limitation per each member of the audience who wishes to make comments relating to City Business. Anyone wishing to speak, please fill out the blue form located at the Council Chambers entrance and submit it to the City Clerk. When addressing the City Council please speak into the microphone and voluntarily state your name and address.

**CITY COUNCIL - LIAISON UPDATES****CONSENT CALENDAR**

Items on the Consent Calendar are considered routine and may be disposed of by a single motion to adopt staff recommendation. If the City Council wishes to discuss any item, it should first be removed from the Consent Calendar.

**1) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER**

Recommend that the City Council adopt Resolution No. 18-091 approving the Warrant Register.

**2) CONSIDERATION TO APPROVE THE DISPOSITION OF SURPLUS CITY-OWNED VEHICLES**

Recommend that the City Council:

- a. Declare all the items on the Surplus City-Owned Vehicle List as surplus; and
- b. Authorize the City Manager to dispose of surplus City-owned vehicles in accordance with Chapter 2, Article VI, Division 7, of the City of San Fernando Municipal Code.

**3) CONSIDERATION TO AUTHORIZE A NOTICE OF COMPLETION FOR THE SAN FERNANDO DOWNTOWN REVITALIZATION PROJECT, TRUMAN STREET FROM BRAND BOULEVARD TO SAN FERNANDO MISSION BOULEVARD, FEDERAL PROJECT NO. TCSP-09CA (005), JOB NO. 7579, PLAN NO. P-750**

Recommend that the City Council:

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- a. Accept the improvements as constructed by FS Contractors, Inc., and consider the work complete;
- b. Authorize the issuance and filing of the “Notice of Completion” with the Los Angeles County Office of the Registrar-Recorder/County Clerk; and
- c. Authorize the release of the five percent retention amount (\$12,341.05) after the 35-day lien period from the date the Notice of Completion is recorded.

**4) CONSIDERATION TO APPROVE A PURCHASE ORDER WITH VERSATILE INFORMATION PRODUCTS, INC. FOR THE PURCHASE OF VOICE RECORDERS**

Recommend that the City Council:

- a. Waive formal bid requirements and approve a Purchase Order with Versatile Information Products, Inc. of Riverside, California for the purchase of Puma 5 Digital Voice Recorders, Management Software, and Storage Servers in the amount of \$51,651.43; and
- b. Authorize the City Manager to execute the Purchase Order.

**5) CONSIDERATION TO APPROVE ADDITIONAL SCOPE OF WORK ASSOCIATED WITH THE REHABILITATION OF HUBBARD BOOSTER PUMP NO. 2**

Recommend that the City Council:

- a. Accept quote from General Pump for additional scope of work to rehabilitate Hubbard Booster Pump No. 2; and
- b. Authorize the City Manager, or designee, to increase Purchase Order 11771 in an amount not-to-exceed \$18,403.70.

**6) CONSIDERATION TO APPROVE A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE-PURCHASE AGREEMENT TO FINANCE THE ACQUISITION OF PARKING METERS AND RELATED EQUIPMENT**

Recommend that the City Council:

- a. Adopt Resolution No. 7887 approving the execution of a governmental lease-purchase agreement with ROC Leasing dba Real Lease for the financing of the acquisition of parking meters and related equipment; and

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- b. Authorize the City Manager to execute a 36-month Lease to Purchase Agreement with ROC Leasing LLC dba Real Lease (Contract No. 1890).

**PUBLIC HEARING****7) CONSIDERATION TO ADOPT AN ORDINANCE APPROVING A REQUEST FOR THE APPROVAL OF A TENTATIVE PARCEL MAP TO SUBDIVIDE A 15,800 SQUARE FOOT PROPERTY INTO THREE LOTS – TENTATIVE PARCEL MAP 2017-01 (NO. 74153); 927 SEVENTH STREET**

Recommend that the City Council:

- a. Conduct a Public Hearing;
- b. Pending public testimony, introduce for first reading, in title only, and waive further reading of Ordinance No. 1680, “An Ordinance of the City Council of the City of San Fernando, California, approving a request for the approval of a tentative parcel map to subdivide a 15,800 square foot property into three lots as follows: Parcel 1 will consist of approximately 3,879 square feet and Parcel 2 will consist of approximately 4,909 square feet and Parcel 3 will consist of approximately 4,910 square feet, each. The project site consists of a 79-foot by 200-foot lot and is located at the corner of Seventh Street and Macneil Street within the single-family residential zone (R-1 Zone)”; and
- c. Affirm the City’s determination that the proposed Ordinance is subject to the California Environmental Quality Act (CEQA), and that staff has conducted the appropriate environmental analysis in compliance with CEQA requirements. Based on that assessment, staff has adopted a mitigated negative declaration for the project. The environmental analysis notes possible short term impacts during the construction phase of the project which will be mitigated in order to provide less than a significant impact on the environment. The public review period for the Negative Declaration was from December 27, 2017 and ended on January 17, 2018.

**8) CONSIDERATION TO ADOPT AN ORDINANCE AND RESOLUTION AMENDING THE SAN FERNANDO MUNICIPAL CODE PERTAINING TO SERVING AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN CITY FACILITIES**

Recommend that the City Council:

- a. Conduct a Public Hearing;
- b. Receive presentation from City staff and pose questions to City staff;
- c. Receive comment from members of the public;



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- d. Pose follow-up questions to City staff following public comment;
- e. Close the public comment portion of the Public Hearing and commence deliberations on the matter;
- f. If it is the desire of the City Council, introduce for first reading, in title only, and waive further reading of Ordinance No. 1681, “An Ordinance of the City Council of the City of San Fernando, California, amending Section 54-18 (Intoxicating Liquor Prohibited) of Article I (General) of Chapter 54 (Parks and Recreation) of the San Fernando Municipal Code to authorize the presence and consumption of alcohol at City recreational facilities subject to permit conditions.”;
- g. Adopt Resolution No. 7885 adopting a Management Policy/Procedure for regulating the Serving and Consumption of Alcoholic Beverages in City Facilities; and
- h. Adopt Resolution No. 7886 adopting a processing fee for issuing an alcohol use permit.

**ADMINISTRATIVE REPORTS****9) CONSIDERATION TO DETERMINE A CITY POSITION ON THE 2018 LEAGUE OF CALIFORNIA CITIES RESOLUTIONS**

Recommend that the City Council discuss the two resolutions to be presented at the 2018 League of California Cities Annual Business Meeting and provide direction to the Voting Delegate regarding the City of San Fernando’s position on each resolution.

**10) DISCUSSION REGARDING BADGES FOR CITY COUNCILMEMBERS**

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

**11) DISCUSSION REGARDING VIOLATION OF CITY POLICY PERTAINING TO DONATIONS FROM EL SUPER, CITY COUNCIL DIRECTIVES, AND OTHER RULES AND PROCEDURES**

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

**12) DISCUSSION AND REQUEST TO PREPARE AND SUBMIT A LETTER IN SUPPORT OF ISRAEL AND PRIME MINISTER BENJAMIN NETANYAHU THAT CORRELATES WITH ROSH HASHANAH AND THE SABBATH OF YOM KIPPUR**

This item is placed on the agenda by Councilmember Jaime Soto.

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**13) DISCUSSION REGARDING THE ROLE OF CHIEFS OF POLICE WITH RESPECT TO THE U.S. CONSTITUTION AND THE BILL OF RIGHTS**

This item is placed on the agenda by Councilmember Jaime Soto.

**14) DISCUSSION REGARDING THE GREATER LOS ANGELES COUNTY VECTOR CONTROL DISTRICT PROGRAM AND SAFETY PROTOCOLS**

This item is placed on the agenda by Councilmember Jaime Soto.

**STAFF COMMUNICATION INCLUDING COMMISSION UPDATES****GENERAL COUNCIL COMMENTS****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 72 hours prior to the meeting.*

Elena G. Chávez, CMC

City Clerk

Signed and Posted: August 30, 2018 (5:00 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 website ([www.sfcity.org](http://www.sfcity.org)). These are also available for public reviewing prior to a meeting in the City Clerk Department. 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 Department 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 website 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 Department at (818) 898-1204 at least 48 hours prior to the meeting.*

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# **Regular Meeting**

# **San Fernando City Council**

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## AGENDA REPORT

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**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Alexander P. Meyerhoff, City Manager  
By: Nick Kimball, Deputy City Manager/Director of Finance

**Date:** September 4, 2018

**Subject:** Consideration to Adopt a Resolution Approving the Warrant Register

### RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 18-091 (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 special 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. Special 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 Deputy City Manager/Director of Finance 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 Deputy City Manager/Director of Finance 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. 18-091

**ATTACHMENT "A"****RESOLUTION NO. 18-091****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO ALLOWING AND APPROVING FOR PAYMENT DEMANDS PRESENTED ON DEMAND/ WARRANT REGISTER NO. 18-091****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 4<sup>th</sup> day of September, 2018.

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Sylvia Ballin, 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 4<sup>th</sup> day of September, 2018, by the following vote to it:

**AYES:**

**NOES:**

**ABSENT:**

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Elena G. Chávez, City Clerk



**EXHIBIT "A"**

**vchlist**  
**08/29/2018 10:59:14AM**

**Voucher List**  
**CITY OF SAN FERNANDO**

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Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
211423	9/4/2018	100066 ADS ENVIRONMENTAL SERVICES,INC	22206.52-0718		SEVEN (7) ADS D-SITE OVERFLOW MO	
			22206.52-0818	11720	072-360-0000-4260	903.00
			22291.22-0618	11720	SEVEN (7) ADS D-SITE OVERFLOW MO	
					072-360-0000-4260	903.00
				11718	JUNE-WASTEWATER FLOW MONITORII	
					072-360-0000-4260	910.00
					<b>Total :</b>	<b>2,716.00</b>
211424	9/4/2018	891969 ADVANCED PURE WATER SOLUTIONS	36495711-0918		DRINKING WATER	
					001-222-0000-4300	101.82
					<b>Total :</b>	<b>101.82</b>
211425	9/4/2018	892493 AG PRINTING & TROPHIES	082118		YOUTH BASKETBALL TROPHIES	
					017-420-1328-4300	1,652.75
					017-420-1334-4300	115.50
					<b>Total :</b>	<b>1,768.25</b>
211426	9/4/2018	892028 AHUMADA, ALEJANDRA	REIMB.		MILEAGE REIMB-WORK RELATED	
					001-420-0000-4390	27.04
					<b>Total :</b>	<b>27.04</b>
211427	9/4/2018	892646 ALVARADO, GLORIA	REIMB.		SENIOR CLUB REIMB FOR ITEMS PURI	
					004-2380	140.80
					<b>Total :</b>	<b>140.80</b>
211428	9/4/2018	890411 ARC DOCUMENT SOLUTIONS, LLC	9790840		PLAN COPIES-SF INFILTRATION PROJ	
			9821465		001-310-0000-4300	104.97
					PLAN COPIES-RESERVOIR 4	
					001-310-0000-4300	53.05
					<b>Total :</b>	<b>158.02</b>
211429	9/4/2018	892772 ARSENAL TOOL, LLC	30161	11791	REAR COMPRESSOR EXTENSION	
					070-383-0000-4310	2,145.12
					<b>Total :</b>	<b>2,145.12</b>
211430	9/4/2018	102530 AT & T	818-270-2203		PD NETWORK LINE-AUG 2018	

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211430	9/4/2018	102530 AT & T	(Continued)		001-222-0000-4220	215.72
					<b>Total :</b>	<b>215.72</b>
211431	9/4/2018	889037 AT&T MOBILITY	287277903027X0808201		MODEM FOR ELECTRONIC MESSAGE	
					001-310-0000-4220	142.09
					<b>Total :</b>	<b>142.09</b>
211432	9/4/2018	889913 BALLIN, SYLVIA	REIMB		WELLNESS BENEFIT REIMB, FY18-19	
					001-101-0101-4140	493.50
					<b>Total :</b>	<b>493.50</b>
211433	9/4/2018	892426 BEARCOM	4718312	11807	COMPUTER MAINTENANCE CONTRAC	
					001-135-0000-4260	7,173.35
					<b>Total :</b>	<b>7,173.35</b>
211434	9/4/2018	891301 BERNARDEZ, RENATE Z.	464		INTERPRETATION SERVICES-CC MTG	
					001-101-0000-4270	250.00
					<b>Total :</b>	<b>250.00</b>
211435	9/4/2018	892013 BERNSTEIN, DIANA	AUG 2018		ALL ABILITIES ART CLASS INSTRUCTO	
					017-420-1343-4260	250.00
					<b>Total :</b>	<b>250.00</b>
211436	9/4/2018	892981 BLUELINE DRONES	NONPO		RGSTR-UAS PROGRAM TRAINING COL	
					001-225-0000-4370	150.00
					<b>Total :</b>	<b>150.00</b>
211437	9/4/2018	889345 BSN SPORTS INC	902756663		ADJ BACKBOARD REPLACEMENT	
					001-423-0000-4300	462.00
					<b>Total :</b>	<b>462.00</b>
211438	9/4/2018	888800 BUSINESS CARD	073018		MOUNTS FOR AR-15 WEAPONS	
					001-222-0000-4300	49.39
			081718		LODGING-POST SBSLI CLASS 418 TR	
					001-225-0000-4370	321.42
					<b>Total :</b>	<b>370.81</b>

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
211439	9/4/2018	100580 CALIFORNIA STATE UNIVERSITY	NONPO		JOB FAIR ON 10/3/18 AT CAL STATE UN 001-222-0000-4270	150.00
					<b>Total :</b>	<b>150.00</b>
211440	9/4/2018	892464 CANON FINANCIAL SERVICES, INC	18865769	11827	CANON COPIERS LEASE PAYMENT-JUI 001-135-0000-4260	649.93
			19112032	11827	CANON COPIERS LEASE PAYMENT-AU 001-135-0000-4260	649.93
					<b>Total :</b>	<b>1,299.86</b>
211441	9/4/2018	892978 CARMEL MISSION INN	TRAVEL-180QQW		LODGING-ICI ROBBERY TRAINING IN C 001-224-0000-4360	739.15
					<b>Total :</b>	<b>739.15</b>
211442	9/4/2018	890286 CCMS INC	2018-10481		WORKER'S COMP ADMIN FEE 001-106-0000-4260	1,811.50
					<b>Total :</b>	<b>1,811.50</b>
211443	9/4/2018	887917 CHIASSON, COURTNEY JAMES	REIMB.		GROUND TRANSPORT-POST SBSLI CL 001-225-0000-4360	50.72
			TRAVEL		PER DIEM-POST SBSLI CLASS 418 001-225-0000-4370	125.00
					<b>Total :</b>	<b>175.72</b>
211444	9/4/2018	100731 CITY OF LOS ANGELES	74WP190000026	11830	FY 18-19 ASSSC OPERATION & MAINTENANCE 072-360-0629-4260	167,322.00
			74WP190000027	11831	FY 18-19 ASSSC CAPITAL PORTION-JUI 072-365-0629-4600	119,905.00
					<b>Total :</b>	<b>287,227.00</b>
211445	9/4/2018	101957 CITY OF LOS ANGELES	38SF180000002		FIRE SERVICES-SEPT 2018 001-500-0000-4260	233,762.75
					<b>Total :</b>	<b>233,762.75</b>
211446	9/4/2018	103029 CITY OF SAN FERNANDO	1001-1047		REIMB TO WORKER'S COMP ACCT 006-1038	29,868.36
					<b>Total :</b>	<b>29,868.36</b>
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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
211447	9/4/2018	103794 CSUN/ CENTER FOR	102SFV	11542	GIS SERVICES-MAY THRU JUNE 2018 072-360-0000-4270	1,144.00
				11542	070-382-0000-4270	1,750.00
				11542	070-383-0000-4270	610.00
					<b>Total :</b>	<b>3,504.00</b>
211448	9/4/2018	892872 DOUMANIAN & ASSOCIATES	28504		LEGAL SERVICES 001-112-0000-4270	825.00
					<b>Total :</b>	<b>825.00</b>
211449	9/4/2018	892845 EMRANI, YAZDAN T.	REIMB.		PER DIEM-ESRI CONF ON 07/10-07/13 I 001-310-0000-4370	45.00
					070-381-0000-4370	10.82
					072-360-0000-4360	10.81
					070-381-0000-4370	45.00
					072-360-0000-4360	45.00
					001-310-0000-4370	10.82
					<b>Total :</b>	<b>167.45</b>
211450	9/4/2018	892980 ESPINOZA JR, PEDRO	REIMB.		REIMB OF WORKBOOTS PURCHASED 043-390-0000-4310	100.00
					<b>Total :</b>	<b>100.00</b>
211451	9/4/2018	890879 EUROFINS EATON ANALYTICAL, INC	L0379485		WATER ANALYSIS-F725350 070-384-0000-4260	139.60
			L0379523		WATER ANALYSIS-F724881 070-384-0000-4260	50.00
			L0380182		WATER ANALYSIS-F726242 070-384-0000-4260	50.00
			L0396478		WATER ANALYSIS-F744432 070-384-0000-4260	76.60
			L0399937		WATER ANALYSIS-F747480 070-384-0000-4260	139.60
			L0400821		WATER ANALYSIS-F748116 070-384-0000-4260	139.60
			L0401087		WATER ANALYSIS-F748352 070-384-0000-4260	139.60
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211451	9/4/2018	890879 EUROFINS EATON ANALYTICAL, INC	(Continued) L0401748		WATER ANALYSIS-F749083 070-384-0000-4260	139.60
			L0401852		WATER ANALYSIS-F749818 070-384-0000-4260	159.60
			L0402064		WATER ANALYSIS-F750082 070-384-0000-4260	159.60
			L0402071		WATER ANALYSIS-F750076 070-384-0000-4260	24.00
			L0404930		WATER ANALYSIS-F752688 070-384-0000-4260	164.00
					<b>Total :</b>	<b>1,381.80</b>
211452	9/4/2018	887441 EWING IRRIGATION	5958766		MAT'LS TO REPLACE SPRINKLES-LP & 043-390-0000-4300	622.31
					<b>Total :</b>	<b>622.31</b>
211453	9/4/2018	892198 FRONTIER COMMUNICATIONS	209-151-4942-041191		CITY YARD AUTO DIALER 070-384-0000-4220	45.95
			818-361-2385-012309		MTA & CREDIT CARD PHONE LINES 007-440-0441-4220	103.44
			818-361-2472-031415		001-190-0000-4220 PW PHONE LINE	51.72
			818-361-7825-120512		070-384-0000-4220 HERITAGE PARK IRRIG SYSTEM	368.42
			818-831-5002-052096		001-420-0000-4220 PD ACTIVITIES PHONE LINE	51.72
			818-837-2296-031315		001-222-0000-4220 VARIOUS CITY HALL PHONE LINES	54.10
			818-837-7174-052096		001-190-0000-4220 PD SPECIAL ACTIVITES PHONE LINE	312.04
			818-838-4969-021803		001-222-0000-4220 PD ALARM PANEL	33.62
			818-898-7385-033105		001-222-0000-4220 LP PARK FAX LINE	106.94
					001-420-0000-4220	29.82

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211453	9/4/2018	892198 892198 FRONTIER COMMUNICATIONS	(Continued)		<b>Total :</b>	<b>1,157.77</b>
211454	9/4/2018	892173 FS CONTRACTORS, INC.	2409		SAN FERNANDO DOWNTOWN REVITAL 010-311-6676-4600	21,975.86
				11738	008-311-6676-4600	2,847.21
				11738	010-2037	-1,098.79
					008-2037	-142.37
					<b>Total :</b>	<b>23,581.91</b>
211455	9/4/2018	892172 FUEL SOLUTIONS INC.	18-1582		CNG FUEL STATION UPGRADE PROJE 010-310-3661-4600	858.88
				11359	010-320-3697-4600	214.72
				11359	<b>Total :</b>	<b>1,073.60</b>
211456	9/4/2018	887249 GALLS, LLC	010454749		UNIFORM EQUIPMENT 001-226-0230-4430	448.75
					<b>Total :</b>	<b>448.75</b>
211457	9/4/2018	891664 GOLDEN TOUCH CLEANING, INC	65396		JANITORIAL SERVICES CONTRACT#17 043-390-0000-4260	13,345.50
				11811	017-420-1399-4260	795.00
					<b>Total :</b>	<b>14,140.50</b>
211458	9/4/2018	892979 GROH, MARK	SF001		HEARING OFFICER-CITATION APPEALS 001-152-0000-4270	240.00
					<b>Total :</b>	<b>240.00</b>
211459	9/4/2018	890594 HEALTH AND HUMAN RESOURCE	187095		EAP-AUG 2018 001-106-0000-4260	235.30
					<b>Total :</b>	<b>235.30</b>
211460	9/4/2018	101482 HERNANDEZ, JAIME	081818		MUSIC-SENIOR CLUB DANCE ON 09/22 004-2380	1,100.00
					<b>Total :</b>	<b>1,100.00</b>
211461	9/4/2018	102307 HI WAY SAFETY RENTALS, INC.	77720		AREA CODE SIGN OVERLAY 070-383-0000-4310	53.25
			77730		SAFETY VESTS	

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211461	9/4/2018	102307 HI WAY SAFETY RENTALS, INC.	(Continued)		001-311-0000-4300	123.92
					Total :	177.17
211462	9/4/2018	101511 HINDERLITER DE LLAMAS & ASSOC.	0029666-IN	11826	CANNABIS REGULATION AND PERMITTING	8,500.00
					001-190-0000-4270	8,500.00
					Total :	8,500.00
211463	9/4/2018	101599 IMAGE 2000 CORPORATION	222934		SHIPPING CHARGE-ADMIN TONERS	21.00
			224063		001-190-0000-4300	21.00
					VARIOUS COPIER MAINT CONTRACT 0	723.35
					001-135-0000-4260	28.57
					072-360-0000-4450	146.81
			225008		001-135-0000-4260	13.00
					FREIGHT CHARGE-TONER WASTE TAN	932.73
					001-422-0000-4260	932.73
211464	9/4/2018	887740 INDUSTRIAL SHOE COMPANY	1100-1149382		SAFETY BOOTS	141.90
					043-390-0000-4310	141.90
					Total :	141.90
211465	9/4/2018	892682 IPS GROUP, INC.	35549		PARKING METER PROGRAM-JULY	273.50
					001-190-0000-4300	273.50
					Total :	273.50
211466	9/4/2018	101688 J & R AUDIO	3461	11835	SOUND/STAGE RENTAL FOR SPECIAL	2,600.00
					001-424-0000-4260	2,600.00
					Total :	2,600.00
211467	9/4/2018	101990 L.A. COUNTY METROPOLITAN	102395		MTA TAP CARDS-JULY 2018	1,106.00
					007-440-0441-4260	1,106.00
					Total :	1,106.00
211468	9/4/2018	102007 L.A. COUNTY SHERIFFS DEPT.	190089BL		INMATE MEAL PROGRAM-JULY 2018	740.67
					001-225-0000-4350	740.67
					Total :	740.67

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211469	9/4/2018	101971 L.A. MUNICIPAL SERVICES	004-750-1000		ELECTRIC-13003 BORDEN	717.23
			494-750-1000		070-384-0000-4210	48.64
			500-750-1000		WATER-12900 DRONFIELD	161.21
			594-750-1000		070-384-0000-4210	6,352.99
			657-750-1000		ELECTRIC-13655 FOOTHILL	16,470.91
			757-750-1000		070-384-0000-4210	92.61
					ELECTRIC-12900 DRONFIELD	23,843.59
					070-384-0000-4210	23,843.59
211470	9/4/2018	101837 LAKE NATOMA INN	TRAVEL		LODGING-POST SBSLI CLASS 418 TR	321.42
					001-225-0000-4370	321.42
					Total :	321.42
211471	9/4/2018	101852 LARRY & JOE'S PLUMBING	2062017-0001-02		MATLS FOR PLUMBING REPAIRS	31.94
			2062790-0001-02		043-390-0000-4300	9.79
					MISC SUPPLIES	41.73
					043-390-0000-4300	41.73
211472	9/4/2018	101872 LEAGUE OF CALIFORNIA CITIES	3692		INSTALLATION CEREMONY & DINNER	50.00
					001-101-0103-4370	50.00
					Total :	50.00
211473	9/4/2018	101920 LIEBERT CASSIDY WHITMORE	1459076		LEGAL SERVICES	784.00
			1459077		001-112-0000-4270	196.00
			1459078		L E G A L S E R V I C E S	9,170.00
			1459079		001-112-0000-4270	84.00
			1459080		001-112-0000-4270	84.00
					LEGAL SERVICES	84.00

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211473	9/4/2018	101920 LIEBERT CASSIDY WHITMORE	(Continued)			
			1459081		001-112-0000-4270 LEGAL SERVICES	465.00
			1464309		001-112-0000-4270 LEGAL SERVICES	245.00
			1464310		001-112-0000-4270 LEGAL SERVICES	5,527.00
			1464311		001-112-0000-4270 LEGAL SERVICES	870.00
			1464312		001-112-0000-4270 LEGAL SERVICES	37.00
			1464313		001-112-0000-4270 LEGAL SERVICES	3,774.00
					001-112-0000-4270	5,624.00
					<b>Total :</b>	<b>26,776.00</b>
211474	9/4/2018	889421 LOPEZ, ANTONIO G	REIMB		WELLNESS BENEFIT REIMB. FY18-19	
					001-101-0109-4140	412.50
					<b>Total :</b>	<b>412.50</b>
211475	9/4/2018	101974 LOS ANGELES COUNTY	JULY 2018	11816	ANIMAL CARE & CONTROL SERVICES-	
					001-190-0000-4260	7,779.19
					<b>Total :</b>	<b>7,779.19</b>
211476	9/4/2018	102005 LOS ANGELES COUNTY	DI180000031	11837	BRIDGE PREVENTIVE MAINTENANCE I	
					012-311-6674-4600	15,000.00
					<b>Total :</b>	<b>15,000.00</b>
211477	9/4/2018	890992 M & M PAPER COMPANY	IN6551		40 CASES OF COPY PAPER	
					001-190-0000-4300	1,403.60
					<b>Total :</b>	<b>1,403.60</b>
211478	9/4/2018	888242 MCI COMM SERVICE	7DL39365		ALARM LINE-1100 PICO	
					001-420-0000-4220	32.89
					<b>Total :</b>	<b>32.89</b>
211479	9/4/2018	102226 MISSION LINEN SUPPLY	507995944		LAUNDRY	

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211479	9/4/2018	102226 MISSION LINEN SUPPLY	(Continued)			
			508015867		001-225-0000-4350 LAUNDRY	124.63
			508034671		001-225-0000-4350 LAUNDRY	98.50
			508061416		001-225-0000-4350 LAUNDRY	93.58
					001-225-0000-4350	82.78
					<b>Total :</b>	<b>399.49</b>
211480	9/4/2018	892654 MONTEBELLO SPEAKER REPAIR	283		MOVIE NIGHT TECH SERVICES	
					001-424-0000-4260	175.00
					<b>Total :</b>	<b>175.00</b>
211481	9/4/2018	102303 NACHO'S ORNAMENTAL SUPPLY	INV186238		WELDING MATLS-PACOIMA WASH GAT	
					043-390-0000-4300	93.81
					<b>Total :</b>	<b>93.81</b>
211482	9/4/2018	892916 NADA BUS INC	48022		SENIOR TRIP TO SANTA BARBARA ON	
					004-2383	1,140.00
					<b>Total :</b>	<b>1,140.00</b>
211483	9/4/2018	102403 NOW IMAGE PRINTING	2018107		ENVELOPES	
			2018127		001-150-0000-4300 TEMPORARY 'NO PARKING' SIGNS	382.00
					070-383-0000-4310	569.35
					<b>Total :</b>	<b>951.35</b>
211484	9/4/2018	102423 OCCU-MED, INC.	0818901		EMPLOYEE PHYSICALS	
					001-106-0000-4260	876.00
					<b>Total :</b>	<b>876.00</b>
211485	9/4/2018	102432 OFFICE DEPOT	176327080001		OFFICE SUPPLIES	
			177650352001		001-222-0000-4300 OFFICE SUPPLIES	92.71
			177669212001		001-310-0000-4300 OFFICE SUPPLIES	149.02

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211485	9/4/2018	102432 OFFICE DEPOT	(Continued)			
					041-320-0000-4300	100.00
					043-390-0000-4300	100.00
					070-383-0000-4300	135.90
			179442863001		OFFICE SUPPLIES	
					001-130-0000-4300	60.83
			179451060001		OFFICE SUPPLIES	
					001-225-0000-4350	89.69
			179457754001		OFFICE SUPPLIES	
					001-225-0000-4350	310.86
			182067030001		TONERS	
					001-310-0000-4300	1,138.83
			18206790001		OFFICE SUPPLIES	
					001-310-0000-4300	7.25
			2171193160		CREDIT-OVERPAYMENT	
					070-381-0000-4300	-59.77
			2214030881		OFFICE SUPPLIES	
					001-225-0000-4350	110.76
					<b>Total :</b>	<b>2,236.08</b>
211486	9/4/2018	892572 OLIVAREZ MADRUGA	4650		LEGAL SERVICES	
					001-110-0000-4270	22,922.30
					072-360-0000-4270	3,148.67
					094-110-0000-4270	1,448.89
					073-110-0000-4270	40.00
					<b>Total :</b>	<b>27,559.86</b>
211487	9/4/2018	892850 PADILLA, ALBINA	2000131.003		SENIOR TRIP REFUND	
					004-2384	400.00
					<b>Total :</b>	<b>400.00</b>
211488	9/4/2018	892360 PARKING COMPANY OF AMERICA	INVM0012729	11834	DIAL A RIDE AND TROLLEY SERVICES-	
				11834	007-313-0000-4260	23,679.63
					008-313-0000-4260	23,679.63
					<b>Total :</b>	<b>47,359.26</b>
211489	9/4/2018	890324 PEREZ, JUAN	INV0025		REFEREE & SCORE KEEPER SVS FOR	

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211489	9/4/2018	890324 PEREZ, JUAN	(Continued)			
				11809	017-420-1328-4260	372.00
					<b>Total :</b>	<b>372.00</b>
211490	9/4/2018	102624 PITNEY BOWES	1008932237		MAINT FOR FOLDING	
					070-382-0000-4300	407.25
					072-360-0000-4300	407.25
					<b>Total :</b>	<b>814.50</b>
211491	9/4/2018	892708 ROYAL INDUSTRIAL SOLUTIONS	8901-764472		MISC SUPPLIES	
					043-390-0000-4300	32.85
					<b>Total :</b>	<b>32.85</b>
211492	9/4/2018	102929 ROYAL PAPER CORPORATION	4804295		JANITORIAL SUPPLIES	
			4808396		043-390-0000-4300	742.50
					JANITORIAL SUPPLIES	
					001-420-0000-4300	101.22
					001-422-0000-4300	101.22
					001-423-0000-4300	101.22
					001-424-0000-4300	101.20
					<b>Total :</b>	<b>1,147.36</b>
211493	9/4/2018	892856 SALAS, JUAN	REIMB.		SENIOR CLUB DANCE PRIZES	
					004-2380	171.90
					<b>Total :</b>	<b>171.90</b>
211494	9/4/2018	103057 SAN FERNANDO VALLEY SUN	10247		PUBLIC NOTICE-URGENCY ORD NO 16	
			10250		001-115-0000-4230	1,934.38
					AD-CITY OF SAN FERNANDO BIRTHDA	
					001-420-0000-4260	613.38
					<b>Total :</b>	<b>2,547.76</b>
211495	9/4/2018	892982 SECURITY OPERATIONS GROUP LLC	082018		RGSTR-COVERT ENTRY COURSE ON (	
					001-225-0000-4370	390.00
					<b>Total :</b>	<b>390.00</b>
211496	9/4/2018	103184 SMART & FINAL	20230		ICE-MOVIE NIGHT	
					004-2391	21.14

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211496	9/4/2018	103184 SMART & FINAL	(Continued) 33316		ICE-MOVIE NIGHT 004-2391	10.93
			36899		ICE-MOVIE NIGHT 004-2391	16.47
			42898		MOVIE NIGHT SUPPLIES 004-2391	37.98
			45043		SUPPLIES FOR SENIOR DANCE 004-2380	68.41
			45229		INMATE MEAL ITEMS 001-225-0000-4350	31.89
			45230		BREAK ROOM SUPPLIES 001-222-0000-4300	21.66
			47240		ENP SUPPLIES 004-2346	34.57
			47241		WRISTBANDS-LAYNE PARK CEREMON 001-420-0000-4300	7.69
			52354		BREAK ROOM SUPPLIES 004-2346	46.60
			52362		SUPPLIES-SENIOR DANCE 004-2380	224.53
			52443		SUPPLIES FOR SUMMER EVENT 001-424-0000-4300	122.67
			53159		TBC-SUPPLIES 004-2391	123.54
			59401		MATINEE REFRESHMENTS 004-2346	23.44
			59402		MATINEE SUPPLIES 004-2346	2.41
					<b>Total :</b>	<b>793.93</b>
211497	9/4/2018	103218 SOLIS, MARGARITA	05-12		PETTY CASH REIMB. 001-106-0000-4300	27.12
					001-152-0000-4300	21.76
					001-222-0000-4300	8.48
					001-224-0000-4360	10.00
					001-310-0000-4370	12.00

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211497	9/4/2018	103218 SOLIS, MARGARITA	(Continued)		017-420-1399-4300	82.78
					<b>Total :</b>	<b>162.14</b>
211498	9/4/2018	103251 STANLEY PEST CONTROL	063938		PEST CONTROL-PD STATION 043-390-0000-4260	94.00
			063962		PEST CONTROL-REC PARK 043-390-0000-4260	95.00
			072677		PEST CONTROL-PD 043-390-0000-4260	94.00
			072703		PEST CONTROL-REC PARK 043-390-0000-4260	95.00
					<b>Total :</b>	<b>378.00</b>
211499	9/4/2018	100532 STATE OF CALIFORNIA, DEPARTMENT OF JUSTICE	316759		LIVESCAN FINGERPRINTING-JULY 2018 004-2386	2,198.00
			318823		001-222-0000-4270 FINGERPRINTING-JULY2018	164.00
					001-106-0000-4270	192.00
					<b>Total :</b>	<b>2,554.00</b>
211500	9/4/2018	103090 SUSAN SAXE-CLIFFORD, PH.D.	18-0815-1		PROFESSIONAL SERVICES 001-222-0000-4270	450.00
					<b>Total :</b>	<b>450.00</b>
211501	9/4/2018	888946 TEKWERKS	21476	11804	WEBSITE HOSTING & MAINT-SEPT 2018 001-135-0000-4260	800.00
					<b>Total :</b>	<b>800.00</b>
211502	9/4/2018	103205 THE GAS COMPANY	084-220-3249-3		GAS-505 S HUNTINGTON 043-390-0000-4210	28.96
					<b>Total :</b>	<b>28.96</b>
211503	9/4/2018	101528 THE HOME DEPOT CRC, ACCT#603532202490	11440		MISC SUPPLIES 043-390-0000-4300	24.87
			11441		MATLS TO REPAIR FIRE HOSE CABINE 043-390-0000-4300	30.90

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211503	9/4/2018	101528 THE HOME DEPOT CRC, ACCT#603532202490	(Continued)			
			11442		GRAFFITI REMOVAL SUPPLIES	
					043-390-0000-4300	65.64
			33654		PAINT-PIONEER PARK MAINT	
					043-390-0000-4300	60.15
			5035653		MISC MATERIALS	
					070-383-0301-4300	195.79
			5974058		SALT & PALLET FEE	
					070-384-0301-4300	868.16
			6076149		REPLACEMENT BATTERIES-REC PARK	
					043-390-0000-4300	61.36
			6076150		PEST CONTROL	
					043-390-0000-4300	21.54
			61202		TREE MAINT MATERIALS	
					001-346-0000-4300	59.30
			7011788		CONCRETE-REPLACE MEASURE "A" S	
					001-370-0301-4300	17.88
			7060082		RED MARKING PAINT-USA'S	
					001-370-0301-4300	55.70
			7570601		MISC MAT'L-PD SHOOTING RANGE REI	
					043-390-0000-4300	49.43
			7570602		MISC SUPPLIES	
					043-390-0000-4300	16.47
			9254676		REPLACED PLANTS @ PD	
					043-390-0000-4300	40.41
					<b>Total :</b>	<b>1,567.60</b>
211504	9/4/2018	890817 THE WALKING MAN, INC.	E8941		DISTRIBUTION OF SUMMER BROCHUF	
					001-420-0000-4260	925.00
					<b>Total :</b>	<b>925.00</b>
211505	9/4/2018	890833 THOMSON REUTERS	838635717		DET INVESTIGATION TOOLS-JULY 2016	
					001-135-0000-4260	192.12
					<b>Total :</b>	<b>192.12</b>
211506	9/4/2018	103903 TIME WARNER CABLE	10369081018		CABLE-PD 08/18-09/17	
					001-222-0000-4260	231.50

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211506	9/4/2018	103903 TIME WARNER CABLE	(Continued)			
			196309081318		INTERNET SERVICES - 08/23-09/22	
					001-190-0000-4220	1,299.00
			28882080518		CABLE-LP PARK 08/13-09/12	
					001-420-0000-4260	185.64
					<b>Total :</b>	<b>1,716.14</b>
211507	9/4/2018	891125 TMC SHOOTING RANGE SPECIALIST	1497	11824	SHOOTING RANGE REPAIR	
					001-222-0000-4320	4,000.00
					<b>Total :</b>	<b>4,000.00</b>
211508	9/4/2018	892258 UNIFORM & ACCESSORIES	664414		CSO UNIFORM	
					001-222-0000-4300	155.45
					<b>Total :</b>	<b>155.45</b>
211509	9/4/2018	888241 UNITED SITE SERVICES OF CA INC	114-7130629		PORTABLE TOILETS-LAYNE PARK	
					043-390-0000-4260	461.69
			114-7131069		PORTABLE TOILET-501 FIRST	
					043-390-0000-4260	668.96
			114-7169058		PORTABLE TOILET-DRONFIELD	
					070-384-0000-4260	146.27
					<b>Total :</b>	<b>1,276.92</b>
211510	9/4/2018	889644 VERIZON BUSINESS	67838594		CITY HALL LONG DISTANCE	
					001-190-0000-4220	49.90
			67838595		CITY YARD LONG DISTANCE	
					070-384-0000-4220	14.97
			67838596		CITY HALL LONG DISTANCE	
					001-190-0000-4220	25.04
			67838597		POLICE LONG DISTANCE	
					001-222-0000-4220	114.28
			67838598		CITY YARD LONG DISTANCE	
					070-384-0000-4220	9.98
			67838599		PARKS LONG DISTANCE	
					001-420-0000-4220	15.62
			67839136		CITY YARD LONG DISTANCE	
					001-310-0000-4220	5.34

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211510	9/4/2018	889644 VERIZON BUSINESS	(Continued) 67839147		CITY HALL LONG DISTANCE 001-190-0000-4220	57.90
					<b>Total :</b>	<b>293.03</b>
211511	9/4/2018	100101 VERIZON WIRELESS-LA	9812470946		VARIOUS CELL PHONE PLANS 001-105-0000-4220 072-360-0000-4220 001-101-0111-4220 001-101-0107-4220 001-101-0103-4220	109.66 60.90 118.17 35.85 82.17
					<b>Total :</b>	<b>406.75</b>
211512	9/4/2018	103579 VICA	11876		LUNCHEON REGISTRATION 001-190-0000-4267	250.00
					<b>Total :</b>	<b>250.00</b>
211513	9/4/2018	103603 VULCAN MATERIALS COMPANY	71910326		COLD MIX 072-360-0000-4300	1,926.99
					<b>Total :</b>	<b>1,926.99</b>
211514	9/4/2018	892127 WE-DO EQUIPMENT REPAIR &	W150631 W150632		BORING TOOL REPAIR 041-320-0000-4320 SMALL BORING TOOL REPAIR 041-320-0000-4310	416.70 81.00
					<b>Total :</b>	<b>497.70</b>
211515	9/4/2018	888390 WEST COAST ARBORISTS, INC.	139054	11836	ANNUAL TREE TRIMMING SERVICES 011-311-0000-4260	1,982.00
					<b>Total :</b>	<b>1,982.00</b>
211516	9/4/2018	888442 WESTERN EXTERMINATOR COMPANY	6268247 6268424 6268425		PEST CONTROL-RUDY ORTEGA PARK 043-390-0000-4260 PEST CONTROL-LP PARK 043-390-0000-4260 PEST CONTROL- CITY HALL 043-390-0000-4260	56.50 58.00 91.50

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Voucher List  
CITY OF SAN FERNANDO

Page: 18

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
211516	9/4/2018	888442 WESTERN EXTERMINATOR COMPANY	(Continued) 6268426		PEST CONTROL-REC PARK 043-390-0000-4260	84.00
					<b>Total :</b>	<b>290.00</b>
211517	9/4/2018	889138 WIEDER, CAROL	082018		INTERPRETATION SERVICES-CC MTG 001-101-0000-4270	250.00
					<b>Total :</b>	<b>250.00</b>
211518	9/4/2018	891531 WILLDAN ENGINEERING	003-27398	11812	GENERAL ENGINEERING SERVICES 001-310-0000-4270	2,600.00
					<b>Total :</b>	<b>2,600.00</b>
211519	9/4/2018	889491 WILLDAN FINANCIAL SERVICES	010-38883	11325 11325 11325 11325	DEVELOPMENT OF AN IMPACT FEE ST 001-190-0000-4270 001-222-0000-4270 072-360-0000-4270 070-381-0000-4270	545.00 545.00 545.00 545.00
					<b>Total :</b>	<b>2,180.00</b>
211520	9/4/2018	892023 WINDSTREAM	70429054		PHONE SERVICE 08/18/18-09/17/18 001-222-0000-4220 001-420-0000-4220 070-384-0000-4220 001-190-0000-4220	667.07 919.13 497.88 1,806.90
					<b>Total :</b>	<b>3,890.98</b>
211521	9/4/2018	103716 WORKBOOT WAREHOUSE	4-29893 4-29894		SAFETY WORK BOOTS 041-320-0000-4310 SAFETY WORK BOOTS 043-390-0000-4310	248.35 248.35
					<b>Total :</b>	<b>496.70</b>
99 Vouchers for bank code :		bank3			<b>Bank total :</b>	<b>827,041.77</b>
99 Vouchers in this report					<b>Total vouchers :</b>	<b>827,041.77</b>

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08/29/2018 10:59:14AM

Voucher List  
CITY OF SAN FERNANDO

Page: 19

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
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Voucher Registers are not final until approved by Council.

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## AGENDA REPORT

**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Alexander P. Meyerhoff, City Manager  
By: Yazdan T. Emrani, P.E., Director of Public Works/City Engineer

**Date:** September 4, 2018

**Subject:** Consideration to Approve the Disposition of Surplus City-Owned Vehicles

### RECOMMENDATION:

It is recommended that the City Council:

- a. Declare all the items on the Surplus City-Owned Vehicle List as surplus (Attachment "A"); and
- b. Authorize the City Manager to dispose of surplus City-owned vehicles in accordance with Chapter 2, Article VI, Division 7, of the City of San Fernando Municipal Code.

### BACKGROUND:

1. Periodically, the City retires equipment as surplus City-owned personal property, which requires a formal disposition. In addition, the City has a Vehicle Replacement Program in place, which strategically rotates out older, damaged, less efficient, redundant, or non-functional vehicles and other rolling equipment from the City's fleet.
2. Chapter 2, Article VI, Division 7 of the San Fernando City Code requires the City Manager to inform the City Council of the condition of the item(s) proposed for disposition and obtain the determination of the Council that such item(s) is obsolete or surplus before proceeding with disposition.

### ANALYSIS:

An inventory of vehicles recommended to be designated as surplus along with the condition/reason for disposition is included as Attachment "A." The vehicles will be disposed of by public auction to the highest bidder. Public Works staff shall prepare "release of liability" forms, and process all related smog certification, transfer of ownership, and other documentation required to complete each transaction. All vehicles and equipment shall be sold

**Consideration to Approve the Disposition of Surplus City-Owned Vehicles**Page 2 of 2

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or auctioned in “as is” condition and the City shall provide no warranty and assume no liability for the condition or use of items sold or auctioned.

**BUDGET IMPACT:**

Proceeds from the disposal of surplus City-owned vehicles will be deposited into the Equipment Replacement Fund to offset the purchase of replacement vehicles. Proceeds from the disposal of surplus equipment will be returned to the Fund from which the original purchase was made.

**CONCLUSION:**

Staff recommends that the City Council authorize the City Manager to dispose of surplus City-Owned vehicles in accordance with Chapter 2, Article VI, and Division 7 of the San Fernando City Code.

**ATTACHMENT:**

A. Surplus Vehicles and Equipment List



## ATTACHMENT "A"

## MEMORANDUM

**To:** Yazdan T. Emrani, Director of Public Works / City Engineer

**From:** Frank Avila, Equipment & Materials Supervisor

**Date:** August 6, 2018

**Subject:** Surplus Vehicles and Equipment

The City currently has thirteen (13) pieces of rolling inventory stored at the City Yard ready for auction.

I am requesting approval to have them available for an on-line auction as per **Division 7. Surplus City-Owned Personal Property, Sec. 2-869, Bids; Sales; Exchanges**. They will be auctioned off to the public. The Public Works Department will prepare the "release of liability" forms and will handle all necessary transfer of ownership. Vehicles and equipment will be sold "as-is" and all necessary registration and smog will be the new owner's responsibility.

After approval, the following items will be available for inspection for a period of two weeks on line:

Veh./ Equip.#	Year	Make	Model	Vehicle ID#	Mileage	Reason for surplus
PW 3756	1999	Ford	F250 CNG	1FTPF27M4XKB13756	63490	Fuel system out dated; costly to upgrade.
PW 2487	1999	FORD	F350	1FTSW30S6XED92487	123008	Engine worn; costly to repair; not in use.
PW 4464	1992	CHEVROLET	C2500	1GBGC24K6NE194464	127776	Repairs not cost effective; replaced with equal CNG.
CE 6477	2000	FORD	CROWN VIC	2FAFP71W5YX146477	103191	Vehicle worn; replaced with all Electric vehicle.
EL 2073	1990	CHEVROLET	C2500	1GBGC24K7LE262073	93486	Repairs not cost effective; replaced with equal CNG.
PD 3030	2009	FORD	CROWN VIC	2FAHP71V19X143030	97819	B & W Engine worn; high maintenance costs.

**Yazdan T. Emrani, Director of Public Works / City Engineer****Surplus Vehicles and Equipment****Page 2 of 2**

<b>Veh./ Equip.#</b>	<b>Year</b>	<b>Make</b>	<b>Model</b>	<b>Vehicle ID#</b>	<b>Mileage</b>	<b>Reason for surplus</b>
PD 3031	2009	FORD	CROWN VIC	2FAHP71V39X143031	53548	B & W Engine worn; high maintenance costs.
PD 3032	2009	FORD	CROWN VIC	2FAHP71V59X143032	88345	B & W Engine worn; high maintenance costs.
PD 9474	2006	FORD	CROWN VIC	2FAHP71W46X109474	94260	K-9 unit; blown engine; replaced with equal.
PD 5333	1999	CHEVROLET	SUBURBAN	1GNGK26J2XJ35533	29499	Armored vehicle, Too expensive to maintain.
PD 9906	2004	FORD	CROWN VIC	2FAHP71W24X149906	121590	Spare K-9 not needed
PD 4993	2014	FORD	INTERCEPTOR	1FAHP2MK0EG154993	11335	Crashed B & W replaced with equal
PD 4994	2014	FORD	INTERCEPTOR	1FAHP2MK2EG154994	30934	Crashed B & W replaced with equal

Thank you.

Cc: Nick Kimball, Deputy City Manager / Director of Finance  
Rodrigo Mora, Public Works Superintendent





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## AGENDA REPORT

**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Alexander P. Meyerhoff, City Manager  
By: Yazdan T. Emrani, P.E., Director of Public Works/City Engineer

**Date:** September 4, 2018

**Subject:** Consideration to Authorize a Notice of Completion for the San Fernando Downtown Revitalization Project, Truman Street from Brand Boulevard to San Fernando Mission Boulevard, Federal Project No. TCSP-09CA (005), Job No. 7579, Plan No. P-750

### RECOMMENDATION:

It is recommended that the City Council:

- a. Accept the improvements as constructed by FS Contractors, Inc., and consider the work complete;
- b. Authorize the issuance and filing of the "Notice of Completion" (Attachment "A") with the Los Angeles County Office of the Registrar-Recorder/County Clerk; and
- c. Authorize the release of the five percent retention amount (\$12,341.05) after the 35-day lien period from the date the Notice of Completion is recorded.

### BACKGROUND:

1. On September 28, 2017, at 11:00 a.m., the Deputy City Clerk received and opened three (3) bids for construction of these improvements. Staff analyzed all bids and determined the bid from FS Contractors, Inc., to be the lowest responsive bid.
2. On October 16, 2017, the City Council awarded Contract No. 1871 to FS Contractors, Inc., (Contractor) in the amount of \$233,510, authorized City Engineer or his designee to execute a change order to the contract with FS Contractors, Inc., for Additive Alternate Work Item No. 16- for tree removal and stump grind complete in the amount of \$15,000, and approve change orders not to exceed 20% (\$49,702) of contract amount.
3. On January 8, 2018, a Notice to Proceed was issued to the Contractor.

**Consideration to Authorize a Notice of Completion for the San Fernando Downtown Revitalization Project, Truman Street from Brand Boulevard to San Fernando Mission Boulevard , Federal Project No. TCSP-09CA (005), Job No. 7579, Plan No. P-750**

Page 2 of 2

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4. On June 29, 2018, work was completed by the Contractor.

**ANALYSIS:**

This project included the following improvements:

- Purchase and installation of new bus shelter, bench and other related amenities;
- Purchase and installation of pedestrian lighting on existing street lights;
- Removal of sidewalk for the purpose of creating a planter area adjacent to the sidewalk with new irrigation and landscaping;
- Removal and replacement of curb and gutter;
- Removal and replacement of damaged and deteriorated sidewalk; and
- Replacement of curb ramps.

**BUDGET IMPACT:**

The project was funded through several funding sources, including Federal Transportation, Community, & System Preservation (TCSP) Grant and Measure R Funds. The construction cost was \$233,510 plus \$13,311.07 in change orders for a total construction cost of \$246,821.07. The total construction cost was within the total budget appropriation of \$298,212 for the construction of the project. Remaining funds will be unencumbered and made available to appropriate in future Capital Improvement Program budgets.

**CONCLUSION:**

The San Fernando Downtown Revitalization Project, Truman Street from Brand Boulevard to San Fernando Mission Boulevard is now complete. All work has been completed to staff satisfaction and is in conformance with the approved plans and specifications. Project acceptance and filing the Notice of Completion allows for the project to be closed out.

**ATTACHMENT:**

A. Notice of Completion

EXEMPT FROM RECORDING FEES PER GOVT  
CODE SECTION 6103

## ATTACHMENT "A"

### RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

#### City of San Fernando

Elena G. Chávez, City Clerk  
San Fernando City Hall  
117 Macneil Street  
San Fernando, CA 91340

Space Above This Line Reserved For The Recorder's Use

# NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion.

1. **NOTICE IS HEREBY GIVEN THAT:** work on the subject project has been completed, and it is recommended that a Notice of Completion be executed and recorded
2. **NAME AND ADDRESS OF OWNER:** City of San Fernando, a municipal corporation, 117 Macneil Street, San Fernando, CA 91340
3. **DESCRIPTION OF THE PUBLIC WORK:** Construction of the San Fernando Downtown Revitalization Project, Truman Street from Brand Boulevard, Federal Project no. TCSP-09CA (005), Job No. 7579, Plan No. P-750 consisted of the purchase and installation of pedestrian lighting on existing street lights, the removal of sidewalk for the purpose of creating a planter area adjacent to the sidewalk with new irrigation and landscaping, the removal and replacement of curb and gutter, the removal and replacement of damaged and deteriorated sidewalk, and the removal and replacement of curb ramps.
4. **DESCRIPTION OF PROPERTY:** The property on which said work of improvement was completed is in the City of San Fernando, County of Los Angeles, State of California, and is described as: Truman Street from Brand Boulevard to San Fernando Mission Boulevard
5. **ACCEPTED AND COMPLETED:** Work on said contract was completed and accepted on September 4, 2018
6. **NATURE OF OWNER'S INTEREST:** In fee
7. **NAME AND ADDRESS OF CONTRACTOR:** FS Contractors, Inc., 14838 Bledsoe Street, Sylmar, CA 91342
8. **DECLARATION:** I, Yazdan T. Emrani, duly appointed Director of Public Works/City Engineer of the City of San Fernando, have read the foregoing Notice of Completion, have made my verification on behalf of said City, and know the contents thereof to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Yazdan T. Emrani, P.E., Director of Public Works/City Engineer  
City of San Fernando, California  
(City Seal)

\_\_\_\_\_  
Date

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Yazdan T. Emrani, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

\_\_\_\_\_  
Julie M. Fernandez, Notary Public





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## AGENDA REPORT

**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Alexander P. Meyerhoff, City Manager  
**By:** Anthony Vairo, Police Chief

**Date:** September 4, 2018

**Subject:** Consideration to Approve a Purchase Order with Versatile Information Products, Inc. for the Purchase of Voice Recorders

### RECOMMENDATION:

It is recommended that the City Council:

- a. Waive formal bid requirements and approve a Purchase Order with Versatile Information Products, Inc. of Riverside, California for the purchase of Puma 5 Digital Voice Recorders, Management Software, and Storage Servers in the amount of \$51,651.43 (Attachment "A"); and
- b. Authorize the City Manager to execute the Purchase Order.

### BACKGROUND:

1. In recent years, transparency and accountability has been a major issue confronted by law enforcement agencies across the region and country. The San Fernando Police Department has been fortunate to have the trust and partnership of the local community and desires to continue to demonstrate the Department's commitment to serving the community with honor, integrity and transparency.
2. For many years, Officers have recorded interviews and statements in significant investigations using department digital recorders, typically by detectives and watch commanders. The recordings are downloaded to a CD and booked for evidentiary purposes.
3. Encounters during traffic enforcement stops, responses to calls for service and other important activities or critical incidents are only captured by the in vehicle video recorders that are most effective in line of sight situations, but less effective when the incident does not take place directly in view or earshot of the vehicle camera.

**Consideration to Approve a Purchase Order with Versatile Information Products, Inc. for the Purchase of Voice Recorders**Page 2 of 4

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4. Some large police departments in the region have moved toward body cameras; however, the cost for data storage for body cameras is prohibitive for a small department. A standard alternative commonly used by other police departments in Los Angeles County to enhance transparency and accountability is digital voice recorders.
5. When a digital recorder is used to capture interactions between the public and officers, it has been found to modify the behavior of the officer and the individual(s) contacted in a positive way. When complaints are made, data from the digital voice recorder can be accessed to assist with determining if the officer acted within Department policy and in a professional manner. Digital voice recorders also provide evidence in criminal cases leading to more successful prosecutions.

**ANALYSIS:**

Police Department staff researched digital voice recorder technology that is currently being used by other local agencies, with an emphasis on durability, ease of use, quality of recorded and stored data files, and management software available to index, store, and retrieve recordings for future use.

Staff contacted other local jurisdictions using digital voice recorder technology and discovered that many agencies have been using the Puma Digital Voice recorders for some time. The PUMA Recorder has several unique features, including automatic date, time, officers name and ID number stamps, patented software to download and store the recording on a server, ability to append the department case number and notes needed for the incident, and searchable data fields to retrieve files for future use. Data files are saved in a non-editable format that can be copied to a CD, USB and/or emailed to a requestor. 7

Staff also researched other products, including digital voice recording technology made by Sony, Olympus, Tascam and Marantz. However, none of the products researched offered the same level of durability, quality, and security features that are required for law enforcement use. Users from agencies that have had this technology in place for a while confirmed the superior durability and clear recording of conversations, statements, and interactions between officers and members of the public.

Some of the local agencies currently using this recorder and software include:

- Burbank Police Department
- Bell Gardens Police Department
- El Monte Police Department
- Glendale Police Department
- Glendora Police Department

**Consideration to Approve a Purchase Order with Versatile Information Products, Inc. for the Purchase of Voice Recorders**Page 3 of 4

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- Irwindale Police Department
- Manhattan Beach Police Department
- Port Hueneme Police Department
- South Gate Police Department
- Simi Valley Police Department
- UCLA Police Department
- Ventura County Sheriff's Department

The PUMA digital recorder equipment is designed exclusively for Versatile Information Products, Inc. (VIP, Inc., a Philips Company) to be used in conjunction with VIP, Inc.'s proprietary software management system. VIP is the only authorized retailer of the PUMA digital recorder equipment and associated proprietary software management system. Therefore, City Council is being asked to determine it is in the City's best interest to waive formal bidding requirements and award a Purchase Order to Versatile Information Products, Inc. to purchase the digital recorders and software management system.

The proposal includes the purchase of the following:

- PUMA System Enterprise Edition Management Software.
- 34 voice recorders with carrying cases (30 assigned to each full time sworn employee and 4 for reserve officer shared usage).
- 8 docking stations for downloading recordings.
- 2 administrator user licenses.
- 35 user licenses for full-time sworn staff (Detectives, Patrol Officers, Sergeants and Lieutenants).
- 18 user licenses for Reserve Officer Staff.
- 1 PUMA 2U Server.
- Installation.
- 5-year service warranty contract.

**BUDGET IMPACT:**

A one-time enhancement in the amount of \$52,000 was approved by City Council and included in the Fiscal Year (FY) 2018-19 Adopted Budget to purchase Digital Voice Recorders for the Police Department (account # 001-225-0000-4500).

**Consideration to Approve a Purchase Order with Versatile Information Products, Inc. for the Purchase of Voice Recorders**Page 4 of 4

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**CONCLUSION:**

Based on staff's analysis of digital voice recorders that meet law enforcement requirements, the proposal from Versatile Information Products, Inc. was the only product determined to meet standards. VIP, Inc. is the sole developer and distributor for the PUMA Management Software Solution. In addition, VIP, Inc. is the Sole distributor for the PUMA 5 Digital Audio Recorder for Law Enforcement. Therefore, staff recommends that the City Council award a Purchase Order to VIP, Inc. in an amount not-to-exceed \$52,000 and authorize the City Manager to execute said Purchase Order for the PUMA 5 Digital Recorders and related equipment, software and server.

**ATTACHMENTS:**

- A. Versatile Information Products, Inc. Proposal
- B. VIP, Inc. Sole source letter
- C. Philips Company (Speech Processing Solutions) letter


**Versatile Information Products, Inc.**

3630 Park Sierra Drive

Riverside, CA 92505

800 794-4044 ph

951 352-4593 fax

## PUMA-5 Digital Recorders and Management Software

To: San Fernando Police Department  
 Attn: Sgt. Irwin Resenberg  
 Address: 910 1st Street  
 San Fernando, CA 91340  
 Phone: 818-898-1254  
 Email: [irosenberg@sfcity.org](mailto:irosenberg@sfcity.org)

Date: July 11, 2018  
 Estimate #: 181107-34P5-PMA-SRV-5YSC

Model Number	H/w	Qty.	Description	List Price	Extended Price
PUMA-5	H/w	34	PUMA-5 Digital Audio Recorder Package for Law Enforcement Includes: Digital Recorder in Metal Casing Custom Leather Holster w/ Kydex (Basket Weave) Modified Firmware for Law Enforcement Simple One-Button Record Activation Large Top-Facing Record Light Multi-Function: Non-Edit, Dictation, Tactical Real Time Encryption and PIN Security - Opt. Speech Recognition Ready Name or Officer ID Insertion E-mail Capabilities Noise Cancellation Stainless Steel Construction w/ Metal Battery Door  <u>PUMA-5 Accessories</u>	399.99	13,599.66
P5A-RS	H/w	0	Remote Swtich / Push Button Start-Stop	56.50	0.00
P5A-DS	H/w	8	Docking Station (Upload-Charge)	106.00	848.00
P5-LM	H/w	0	HQ Lapel Microphone	24.99	0.00
P5-TRM	H/w	0	Cell/Telephone Recording Microphone	24.99	0.00
P5A-LiB	H/w	0	Li-ion Battery - Spare	24.99	0.00
<u>PUMA Management Software</u>					
PUMA-MA	S/w	1	PUMA Enterprise Edition Management Application (Includes 2 x Administrator Licenses)	9,995.00	9,995.00
PUMA-UL20	Lic	20	PUMA Author License (1 - 20 Users)	200.00	4,000.00
PUMA-UL50	Lic	15	PUMA Author License (21 - 50 Users)	150.00	2,250.00
PUMA-UL51	Lic	0	PUMA Author License (50 + Users)	100.00	0.00
PUMA-UL-R	Lic	18	PUMA Author License (Reserves - Minimal Use License)	50.00	900.00
PUMA-MA-DPM	S/w	0	PUMA Digital Picture Management Module	4,995.00	0.00
PUMA-MA-DVM	S/w	0	PUMA Digital Video Management Module	6,995.00	0.00
<u>PUMA Server</u>					
VIP-PSRV	H/w	1	PUMA 2U Server Chassis with Storage Windows Server 2016 Standard 16-Core 64bit	5,270.00	5,270.00

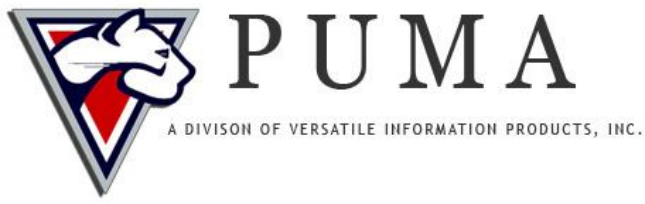
			RAID1 8x3.5" Hot-Swap SATA Drive Bays (2x1TB)		
			Intel Xeon Processor		
			16GB DDR4 Memory		
			Dual 740W Power Supply		
			Total Storage = 1TB		
			<b>SUBTOTAL:</b>		<b>\$36,862.66</b>
			<b>TAX:</b>	<b>10.00%</b>	<b>\$1,971.77</b>
			<b>SHIPPING:</b>		<b>\$100.00</b>
		<b>Qty.</b>	<b>Services</b>		
		1	Installation, Configuration, & Test (per day)	1,200.00	\$1,200.00
		1	User Training (per day)	1,000.00	\$1,000.00
		<b>Qty.</b>	<b>Contract</b>		
		1	1-Year PUMA Manufacturers Warranty	0.00	\$0.00
		1	1-Year PUMA Service Contract (8-5, M-F)	2,324.00	\$0.00
		1	2nd-Year PUMA Service Contract (8-5, M-F)	2,440.00	\$2,440.00
		1	3rd-Year PUMA Service Contract (8-5, M-F)	2,562.00	\$2,562.00
		1	4th-Year PUMA Service Contract (8-5, M-F)	2,690.00	\$2,690.00
		1	5th-Year PUMA Service Contract (8-5, M-F)	2,825.00	\$2,825.00
			<b>TOTAL:</b>		<b>\$51,651.43</b>

\*VIP is the Sole Vendor for PUMA-5 & PUMA Management Application

Validity of Quotation: 90 Days

Estimated Delivery: 2 - 4 weeks, contingent upon stock availability at time of order

Joshua Shepard  
Account Manager  
909-664-3572



January 1, 2018

To Whom It May Concern:

Versatile Information Products, Inc. located at 3630 Park Sierra Drive in Riverside California is the Sole Developer, Distributor, and Support Line for the PUMA Evidence Management Software Solution. In addition, Versatile Information Products, Inc. is the Sole Source Distributor for the PUMA-5 Digital Audio Recorder for Law Enforcement.

If you have any questions do not hesitate to contact me.

Thank you,

Joshua M. Shepard  
General Manager  
Versatile Information Products, Inc.  
3630 Park Sierra Drive  
Riverside, CA 92505  
(800) 794-4044 x301  
(951) 352-4593 Fax  
(909) 664-3572 Cell  
[j.shepard@versatileinformation.com](mailto:j.shepard@versatileinformation.com)





# PUMA

## THE PUMA ADVANTAGE

Are you considering the purchase of Digital Recorders or perhaps writing a staff report for your department? Please let us tell you the top reasons why law enforcement agencies have made PUMA Law Enforcement Digital Recorders their #1 choice when purchasing a Digital Recorder.

**Durable.** PUMA Digital Recorders are constructed with a Full-Body Stainless Steel Frame. This Stainless Steel Frame provides the durability needed for law enforcement use. PUMA recorders have a less than 1% return rate due to physical damage and provide your department longevity for their investment.

*Consumer grade recorders are often made entirely of plastic or with plastic components, these plastic components simply do not hold up to police use.*

**Custom.** PUMA Digital Recorders are the only recorders that offer a Custom Fit Kydex Holster. The Custom Kydex Holster is designed exclusively for the PUMA Digital Recorder and comes in several design styles and fastener types. When used with the PUMA Recorder, the only buttons exposed are the Record, Stop and Hold buttons. These exposed buttons are recessed, offering your officers the confidence that they will not inadvertently activate or deactivate a recording.

*Consumer grade models have no such holster and require officers to use a pocket or magazine holster. This requires that the officer remove the recorder each time they wish to make a recording, which is far from ideal for officer safety or simplicity.*

**Simple.** PUMA Digital Recorders offer One Button Recording. Officers can easily activate the PUMA Recorders without losing focus of the situation at hand, and irrespective of positioning. Regardless of where that officer is at within the recorder, pressing the Record Button starts a new recording every time, making an individual file for each contact, interview, report, etc.

*Consumer grade models often require a three step process for activating a recording which can lead to inadvertent stoppage, pauses or continuous recordings.*

**Functional.** PUMA Digital Recorders offer a Front Facing Record Button. With the front facing record and stop buttons, PUMA's can be worn and activated from any position. Officers can manipulate the record button while used on a tactical vest with our Molle Gear, on the Sam Browne with our Kydex Holster or in a Uniform Pocket.

*Consumer grade recorders often have small Record Buttons or Buttons that are located in hard-to-reach positions. This causes problems for an officer who is trying to activate the recorder on the fly or in high stress situations.*

**Visible.** PUMA Digital Recorders offer the largest Record Indicator Light. The optional Record Indicator Light while visible to your officer is eliminated from view to a Suspect, Interviewee or Witness.

**Continued...**



**Designed for Law Enforcement. PUMA Digital Recorders have modified Firmware for easier use in Law Enforcement.** PUMA Recorders have been meticulously reviewed and modified to reflect only the folders, modes and settings that would be usable within a Law Enforcement Environment. *Consumer model settings can become troublesome to officers and sometimes affect the quality or integrity of an audio recording. PUMA's completely eliminate this from the equation.*

**Automation. PUMA Digital Recorders allow for Officer ID, Name or Badge Number Identification and Automatic Time and Date Synchronization.** When added to a PUMA Record, an officer ID, Name or Badge Number is then transferred to the file name to quickly identify a particular officer's file. In addition, Time and Date is automatically synchronized every time an officer logs into PUMA. *Some consumer grade models do not allow adding any type of officer identifier nor does it allow for automated time and date synchronization.*

**Versatile. PUMA Digital Recorders offer 3 unique modes including Contact, Tactical and Dictation.** The PUMA can accomplish more tasks with less hardware. Easily transition from recording Non-Editable Contacts to Dictating Reports. Need to record covertly, activate Tactical mode and all Audio and Visual Indicators are turned off. *No other recorder on the market, professional or consumer model, offers this multi-functionality.*

**Indisputable. PUMA Digital Audio Files are recorded in a Non-Editable Format.** When recording in Contact or Tactical modes, PUMAs do not offer editing capabilities such as append, overwrite or insert. This helps to protect the integrity of the original recording. *Several consumer grade models allow the ability to Over Record, Insert or Append. In addition, audio files can be removed from the device, modified and imported as the original. This is not possible with the PUMA Solution.*

**Progressive. PUMA Digital Recorders can be used in conjunction with Speech Recognition.** With the addition of Dictation Mode, users now have the ability to incorporate Speech Recognition into their workflow. This promises to save countless time and money for agency and officer alike.

**Proven. PUMA is used in more Law Enforcement Agencies than any other Digital Recorder.** VIP has a long list of customers ranging from users who have just recently purchased to departments who implemented PUMAs 15+ years ago. PUMA continues to prove its value agency by agency and officer by officer. Please refer to our PUMA User List for a current list of departments.

**Versatile Information Products, Inc.**  
3630 Park Sierra Dr. Riverside, CA 92505  
1-800-794-4044  
[www.pumarecorders.com](http://www.pumarecorders.com)







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## AGENDA REPORT

**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Alexander P. Meyerhoff, City Manager  
By: Yazdan T. Emrani, P.E., Director of Public Works/City Engineer

**Date:** September 4, 2018

**Subject:** Consideration to Approve Additional Scope of Work Associated with the Rehabilitation of Hubbard Booster Pump No. 2

### RECOMMENDATION:

It is recommended that the City Council:

- a. Accept quote from General Pump (Attachment "A") for additional scope of work to rehabilitate Hubbard Booster Pump No. 2; and
- b. Authorize the City Manager, or designee, to increase Purchase Order (P.O.) 11771 in an amount not-to-exceed \$18,403.70.

### BACKGROUND:

1. In February 2018, staff requested quotes for the rehabilitation of Hubbard Booster Pump No. 2; only General Pump responded to request (quote amount: \$22,838).
2. Based on the quote received, an administrative Purchase Order (P.O. 11771) was awarded to General Pump for the rehabilitation of Hubbard Booster Pump No. 2 for \$22,838.
3. On July 10, 2018, General Pump ran into unforeseen issues while installing Hubbard Booster Pump No. 2 that required additional work not included in the original scope of work. The resulting change order caused the Purchase Order to exceed the City Manager's administrative purchasing authority.

### ANALYSIS:

Hubbard Booster Pumps No. 1 and No. 2 are the main mechanism for pushing water from the lower reservoirs to the upper reservoirs ensuring an adequate supply of water is available to

**Consideration to Approve Additional Scope of Work Associated with the Rehabilitation of Hubbard Booster Pump No. 2**Page 2 of 2

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meet the current demand. The reason for having two booster pumps at the Hubbard location is two-fold:

1. Capacity: To push water at a faster rate to fill the upper reservoirs if/when needed.
2. Redundancy: This serves as a back-up in case one of the Hubbard Booster Pumps breaks down.

Booster Pump No. 2 has been out of service for more than two months while it undergoes needed rehabilitation and repairs. Taking the necessary steps to bring Booster Pump No. 2 back on line is of critical importance due to the fact that Booster Pump No. 1 has electrical problems which causes it to shut down without notice; thereby necessitating staff to go to the booster pump and physically restart the unit. Further, if both booster pumps happen to be out of service simultaneously, it would be necessary to open the "Zone Valves," located on Glenoaks Blvd., in order to supply water to the entire City. This procedure is used only during emergency situations due to the pressure it puts on the lower water system and the potential triggering of main leaks.

**Unforeseen Issue with Hubbard Booster Pump No. 2.**

While installing the rehabilitated Booster Pump No. 2, General Pump was unable to obtain a proper seal between the discharge head and pre-existing sole plate. A proper seal is necessary in order to maintain an adequate amount of pressure within the booster pump "can" and also to keep water from leaking onto equipment preventing major damage. General Pump attempted different methods to properly seal the leak were unsuccessful.

**Resolution.**

It has been determined that the existing discharge head is not suitable and that it would be best to replace the current discharge head with a customized fabricated head suited specifically for a pressurized system such as Booster Pump No. 2. In regards to the sole plate, the existing plate is corroded and if repaired and re-used, General Pump cannot guarantee that the discharge head will properly seal and the system would function properly. Therefore, a new sole plate manufactured specifically for Booster Pump No. 2 will replace the current plate.

**BUDGET IMPACT:**

In order to complete the rehabilitation of Hubbard Booster Pump No. 2, an additional \$18,403.70 is needed to complete the unforeseen work stated above. Sufficient funding is available within the Fiscal Year 2018-2019 approved Water Enterprise Fund capital improvement program (070-385-0000-4300).

**Consideration to Approve Additional Scope of Work Associated with the Rehabilitation of Hubbard Booster Pump No. 2**Page 3 of 2

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**CONCLUSION:**

With the importance of keeping the City's water system running properly to meet the City's daily needs and in times of crisis, staff recommends that the City Council accept the quote from General Pump for additional scope of work to rehabilitate Hubbard Booster Pump No. 2 and authorize the City Manager, or designee, to increase P.O. 11771 in an amount not-to-exceed \$18,403.70.

**ATTACHMENT:**

A. General Pump Quote



159 N. ACACIA STREET · SAN DIMAS, CA 91773  
PHONE: (909) 599-9606 · FAX: (909) 599-6238

WELL & PUMP SERVICE SINCE 1952

Lic. #496765

City of San Fernando  
117 MacNeil Street  
San Fernando, CA 91340-2993

August 23, 2018

Attn: Ramiro Arias

**Subject: Hubbard Booster #2 Sole Plate Repair Estimate - Revised 1**

Dear Ramiro,

General Pump Company is pleased to submit the following estimates to repair the Hubbard Booster # 2 sole plate. During our installation of the booster pump assembly, on July 10<sup>th</sup> and 11<sup>th</sup>, our field crew attempted to seal the discharge head to the pre-existing sole plate using extra methods at no additional cost. General Pump Company prides ourselves in the relationship we have with the City of San Fernando, and we were committed to completing the task of your booster installation at the agreed upon "Not to Exceed" estimate mentioned in our June 5<sup>th</sup>, 2018 letter. During installation we learned your booster can is under pressure; and the unforeseen corroded condition of the sole plate and discharge head bolting was inadequate to seal the head.

We present the following estimate to repair the sole plate, with the option to replace the current discharge head with a fabricated head suited for a pressurized system, for your review. Please note, if you decide to repair the sole plate that we cannot fully guarantee the head will seal given that the can has approximately 5 psi of pressure. The existing discharge head provided by another company is for a well pump application. We have taken the liberty of providing the field labor for the removal of the booster assembly and sole plate at no additional cost to the City.

**Shop Labor:**

- |  |         |
|--|---------|
| • Load and unload materials as needed  | 4 Hours |
| • Pressure wash, heat, and clean sole plate for machine prep                                       | 5 Hours |
| • Disassemble head assembly, prep for handling   | 2 Hours |
| • Deliver/pick up sole plate and discharge head to San Dimas shop                                  | 8 Hours |
| • Machine face from the top of new sole plate  | 6 Hours |
| • Machine new fabricated discharge head base   | 4 Hours |
| • Clean base of discharge head, prep for assembly, handling  | 1 Hours |
| • Drill and tap steel sole plate to match<br>new discharge head and pressurized can mounting bolts | 4 Hours |
| • Paint & prep for re-installation, handling   | 2 Hours |

**Total Estimated Shop Labor 36 Hrs. @ \$105/hour      \$ 3,780.00**





### Field Labor (Portal to Portal)

- Mobilize crew, crane and equipment to site 2 Hours
- Disconnect pumping equipment to power supply 2 Hours
- Pull complete booster pump equipment, motor and shaft. 2 Hours
- Unbolt and remove sole plate and discharge assembly, return to shop 3 Hours

#### **Total DISCOUNTED Field Labor:**

**Three-Man Crew, Crane & Flat Bed – 9 Hrs. @ \$455.00/Hr. (\$ 4,095.00)**  
**Overtime - 1 Hrs. @ \$165/Hr. (\$ 165.00)**

- Mobilize crew and equipment to site, set up crane 2 Hours
- Land sole plate and bolt to booster pressurized can 2 Hours
- Align and set gasket and sealant to base of head/sole plate meeting 3 Hours
- Install a new complete booster pump assembly, motor and shaft. 2 Hours
- Connect a new pumping assembly to power supply, start and test pump 1½ Hours

#### **Total Estimated Field Labor:**

**Three-Man Crew, Crane & Flat Bed – 10½ Hrs. @ \$455.00/Hr. \$ 4,777.50**  
**Overtime - 2 Hrs. @ \$165/Hr. \$ 330.00**

### Materials (Taxable)

- Misc. shop materials, paint, assembly lube, sealant for installation prep \$ 342.00
- Estimated local sales tax (10%) \$ 34.20

**Total Estimated Materials and Taxes \$ 376.20**

### Optional Service

New fabricated discharge head for pressurized can, sole plate, head shaft, mechanical seal box, and discharge assembly **\$ 11,900.00**

### Outside Service

- Perform Field Balance of Pump and Motor (if necessary) \$ 1,500.00

**SubTotal Project Estimated \$ 22,663.70**  
**Discounted Labor Costs (-\$ 4,260.00)**

**Total Project Estimated Not to Exceed \$ 18,403.70**



GPC's Standard Terms and Conditions apply and all invoices are Net 30-days from date of invoice. GPC's estimated charges will not be exceeded without prior written authorization from the Owner. Warranty for work and materials are restricted to parts and materials replaced as part of this project.

**General Pump Company, Inc.** appreciates the opportunity to assist with this project and if you have any questions regarding the technical aspects of this project please do not hesitate to give me a call.

Regards,

*Ray Reece*

Ray Reece  
General Manager

*Luis Busso, P.G.*

Luis Busso  
Senior Project Geologist



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## AGENDA REPORT

**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Alexander P. Meyerhoff, City Manager  
By: Nick Kimball, Deputy City Manager/Director of Finance

**Date:** September 4, 2018

**Subject:** Consideration to Approve a Resolution Authorizing the Execution of a Lease-Purchase Agreement to Finance the Acquisition of Parking Meters and Related Equipment.

### RECOMMENDATION:

It is recommended that the City Council:

- a. Approve Resolution No. 7887 (Attachment "A") approving the execution of a governmental lease-purchase agreement with ROC Leasing dba Real Lease for the financing of the acquisition of parking meters and related equipment;
- b. Authorize the City Manager to execute a 36-month Lease to Purchase Agreement with ROC Leasing LLC dba Real Lease (Attachment "B" – Contract No. 1890).

### BACKGROUND:

1. On June 18, 2018, the City Council approved an agreement to purchase 100 single space smart parking meters from IPS Group, Inc. for \$53,070. These meters will be placed in the Courthouse/Civic Center Area.
2. On June 18, 2018, the City Council also authorized the City Manager to execute a 36-month Lease to Purchase Agreement with ROC Leasing LLC dba Real Lease, including changes recommended by the City Attorney, provided there are no changes to the basic terms of the agreement and the lease interest rate does not change by more than 50 basis points (0.50%).
3. The term of the Lease Agreement would not commence until all parking meter equipment was delivered to the City. The City received all equipment on August 16, 2018.
4. The new parking meters are scheduled to be installed in early September.

### ANALYSIS:

**Consideration to Approve a Resolution Authorizing the Execution of a Lease-Purchase Agreement to Finance the Acquisition of Parking Meters and Related Equipment.**Page 2 of 2

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Although the City Council has previously authorized the City Manager to execute the Lease to Purchase documents, the financier also requires a resolution from the City Council approving the agreement. Therefore, staff is presenting a resolution (Attachment "A") and final lease documentation (Attachment "B") for City Council approval.

Upon approval, the City Manager will execute the Lease documentation and the City will subsequently commence making lease payments.

**BUDGET IMPACT:**

The cost of the initial purchase of 100 meters (plus replacement parts) is \$53,070. The lease terms offered by ROC Leasing LLC dba Real Lease allow the City to spread the capital purchase over 36 months and pay the monthly lease payment from the projected increase in meter revenue. The cost of a three-year lease/purchase is \$1,560 per month at 5.4% interest and no pre-payment penalty if the City decides to pay off the lease early.

**CONCLUSION:**

Approval of the proposed resolution and lease-purchase documents will allow the City to upgrade the parking meter technology by spreading the initial capital purchase out over a 36-month period and offset the cost with increased meter revenue.

**ATTACHMENTS:**

- A. Resolution No. 7887
- B. Contract No. 1890 (this is the final contract that will replace the draft contract 1890 that was approved on June 18, 2018)

**ATTACHMENT "A"****RESOLUTION NO. 7887****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, APPROVING THE EXECUTION OF GOVERNMENTAL LEASE-PURCHASE AGREEMENT WITH ROC LEASING LLC DBA REAL LEASE FOR THE FINANCING OF THE CITY OF SAN FERNANDO'S ACQUISITION OF PARKING METERS AND RELATED EQUIPMENT**

**WHEREAS**, the City Council of the City of San Fernando ("City Council") wishes to authorize the negotiation, execution, and delivery of Governmental Lease-Purchase Agreement between the City of San Fernando and ROC Leasing LLC dba Real Lease in the principal amount not to exceed \$53,070;

**WHEREAS**, the City of San Fernando (hereinafter, "City" or alternatively "Lessee") is a municipal corporation and general law city organized under the laws of the State of California;

**WHEREAS**, Lessee is duly authorized by applicable law to acquire such items of personal property as are needed to carry out its governmental functions and to acquire such personal property by entering into lease-purchase agreements;

**WHEREAS**, Lessee hereby finds and determines that the execution of the Lease for the purpose of leasing with the option to purchase the property designated and set forth in Attachment 2 to the Lease is appropriate and necessary to the function and operations of the Lessee;

**WHEREAS**, ROC Leasing LLC dba Real Leas, (the "Lessor") shall act as Lessor under said Lease; and

**WHEREAS**, the Lease shall not constitute a general obligation indebtedness of the Lessee within the meaning of the Constitution and laws of the State.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:**

**SECTION 1.** The Lease, in substantially the form as presently before Lessee's governing body, the City Council, is hereby approved and the City Council hereby authorizes the City Manager, the Assistant City Manager or their designee to negotiate, enter into, execute, and deliver the Lease and related documents in substantially the form as presently before the City Council, with such changes therein as shall be approved by such officer, and which Lease will be available for public inspection at the offices of the City Clerk for the City of San Fernando as a public record.

**SECTION 2.** The Lessee shall, and the officers, agents and employees of the Lessee are hereby authorized and directed to take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution, and to carry out, comply with and perform the duties of the Lessee with respect to the Lease.

**SECTION 3.** The Lessee's obligations under the Lease shall be expressly subject to annual appropriation by Lessee; and such obligations under the Lease shall not constitute a general obligation of Lessee or indebtedness of Lessee within the meaning of the Constitution and laws of the State of California.

**SECTION 4.** All other related contracts and agreements necessary and incidental to the Lease are hereby authorized, ratified and approved.

**SECTION 5.** Lessee reasonably anticipates to issue not more than \$10,000,000 of tax-exempt obligations (other than "private activity bonds" which are not "qualified 501(c)(3) bonds") during the current calendar year and hereby designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

**SECTION 6.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Resolution. This Resolution shall take effect and be in full force immediately.

**PASSED, APPROVED, AND ADOPTED** this 4<sup>th</sup> day of September, 2018.

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Sylvia Ballin, Mayor

**ATTEST:**

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Elena G. Chávez, City Clerk

**APPROVED AS TO FORM:**

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Richard Padilla, Assistant City Attorney



**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 4<sup>th</sup> day of September, 2018, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

---

Elena G. Chávez, City Clerk

**GOVERNMENT OBLIGATION CONTRACT****Obligor**

City of San Fernando, California  
117 Macneil Street  
San Fernando, California 91344

**Obligee**

ROC Leasing LLC dba Real Lease  
1387 Fairport Road, Suite 1000  
Fairport, New York 14451

**Dated as of September 5, 2018**

This Government Obligation Contract dated as of the date listed above is between Obligor and Obligor listed directly above. Obligor desires to finance the purchase of the Equipment described in Exhibit A to Obligor and Obligor desires to have Obligor finance the purchase of the Equipment subject to the terms and conditions of this Contract which are set forth below.

**I. Definitions**

**Section 1.01 Definitions.** The following terms will have the meanings indicated below unless the context clearly requires otherwise:

"Additional Schedule" refers to the proper execution of additional schedules to Exhibit A and Exhibit B, as well as other exhibits or documents that may be required by the Obligor all of which relate to the financing of additional Equipment.

"Budget Year" means the Obligor's fiscal year.

"Commencement Date" is the date when Obligor's obligation to pay Contract Payments begins.

"Contract" means this Government Obligation Contract and all Exhibits attached hereto, all addenda, modifications, schedules, refinancings, guarantees and all documents relied upon by Obligor prior to execution of this Contract.

"Contract Payments" means the payments Obligor is required to make under this Contract as set forth on Exhibit B.

"Contract Term" means the Original Term and all Renewal Terms.

"Exhibit" includes the Exhibits attached hereto, and any "Additional Schedule", whether now existing or subsequently created.

"Equipment" means all of the items of Equipment listed on Exhibit A and any Additional Schedule, whether now existing or subsequently created, and all replacements, restorations, modifications and improvements.

"Government" as used in the title hereof means a State or a political subdivision of the State within the meaning of Section 103(a) of the Internal Revenue Code of 1986, as amended ("Code"), or a constituted authority or district authorized to issue obligations on behalf of the State or political subdivision of the State within the meaning of Treasury Regulation 1.103-1(b), or a qualified volunteer fire company within the meaning of section 150(e)(1) of the Code.

"Obligee" means the entity originally listed above as Obligor or any of its assignees.

"Obligor" means the entity listed above as Obligor and which is financing the Equipment through Obligor under the provisions of this Contract.

"Original Term" means the period from the Commencement Date until the end of the Budget Year of Obligor.

"Renewal Term" means the annual term which begins at the end of the Original Term and which is simultaneous with Obligor's Budget Year and each succeeding Budget Year for the number of Budget Years necessary to comprise the Contract Term.

"State" means the state which Obligor is located.

**II. Obligor Warranties**

**Section 2.01 Obligor represents, warrants and covenants as follows for the benefit of Obligor or its assignees:**

- (a) Obligor is an "issuer of tax exempt obligations" because Obligor is the State or a political subdivision of the State within the meaning of Section 103(a) of the Internal Revenue Code of 1986, as amended, (the "Code") or because Obligor is a constituted authority or district authorized to issue obligations on behalf of the State or political subdivision of the State within the meaning of Treasury Regulation 1.103-1(b), or a qualified volunteer fire company within the meaning of section 150(e)(1) of the Code.
- (b) Obligor has complied with any requirement for a referendum and/or competitive bidding.
- (c) Obligor has complied with all statutory laws and regulations that may be applicable to the execution of this Contract; Obligor, and its officer executing this Contract, are authorized under the Constitution and laws of the State to enter into this Contract and have used and followed all proper procedures of its governing body in executing and delivering this Contract. The officer of Obligor executing this Contract has the authority to execute and deliver this Contract. This Contract constitutes a legal, valid, binding and enforceable obligation of the Obligor in accordance with its terms.
- (d) Obligor shall use the Equipment only for essential, traditional government purposes.
- (e) Should the IRS disallow the tax-exempt status of the interest portion of the Contract Payments as a result of the failure of the Obligor to use the Equipment for governmental purposes, or should the Obligor cease to be an issuer of tax exempt obligations, or should the obligation of Obligor created under this Contract cease to be a tax exempt obligation for any reason, then Obligor shall be required to pay additional sums to the Obligor or its assignees so as to bring the after tax yield on this Contract to the same level as the Obligor or its assignees would attain if the transaction continued to be tax-exempt.
- (f) Obligor has never non-appropriated funds under a contract similar to this Contract.
- (g) Obligor will submit to the Secretary of the Treasury an information reporting statement as required by the Code.
- (h) Upon request by Obligor, Obligor will provide Obligor with current financial statements, reports, budgets or other relevant fiscal information.
- (i) Obligor shall retain the Equipment free of any hazardous substances as defined in the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et. seq. as amended and supplemented.
- (j) Obligor hereby warrants the General Fund of the Obligor is the primary source of funds or a backup source of funds from which the Contract Payments will be made.
- (k) Obligor presently intends to continue this Contract for the Original Term and all Renewal Terms as set forth on Exhibit B hereto. The official of Obligor responsible for budget preparation will include in the budget request for each Budget Year the Contract Payments to become due in such Budget Year, and will use all reasonable and lawful means available to secure the appropriation of money for such Budget Year sufficient to pay the Contract Payments coming due therein. Obligor reasonably believes that moneys can and will lawfully be appropriated and made available for this purpose.
- (l) Obligor has selected both the Equipment and the vendor(s) from whom the Equipment is to be purchased upon its own judgment and without reliance on any manufacturer, merchant, vendor or distributor, or agent thereof, of such equipment to the public.
- (m) Obligor owns free and clear of any liens any additional collateral pledged, subject only to the lien described herein; Obligor has not and will not, during the Contract Term, create, permit, incur or assume any levies, liens or encumbrances of any kind with respect to the Equipment and any additional collateral except those created by this Contract.

**Section 2.02 Escrow Agreement.** In the event both Obligor and Obligor mutually agree to utilize an Escrow Account, then immediately following the execution and delivery of this Contract, Obligor and Obligor agree to execute and deliver and to cause Escrow Agent to execute and deliver the Escrow Agreement. This Contract shall take effect only upon execution and delivery of the Escrow Agreement by the parties thereto. Obligor shall deposit or cause to be deposited with the Escrow Agent for credit to the Equipment Acquisition Fund the sum of N/A, which shall be held, invested and disbursed in accordance with the Escrow Agreement.

**III. Acquisition of Equipment, Contract Payments and the Purchase Option Price**

**Section 3.01 Acquisition and Acceptance.** Obligor shall be solely responsible for the ordering of the Equipment and for the delivery and installation of the Equipment. Execution of the Certificate of Acceptance or, alternatively, Payment Request and Equipment Acceptance Form, by a duly authorized representative of Obligor, shall constitute acceptance of the Equipment on behalf of the Obligor.

**Section 3.02 Contract Payments.** Obligor shall pay Contract Payments exclusively to Obligor or its assignees in lawful, legally available money of the United States of America. The Contract Payments shall be sent to the location specified by the Obligor or its assignees. The Contract Payments shall constitute a current expense of the Obligor and shall not constitute an indebtedness of the Obligor. The Contract Payments, payable without notice or demand, are due as set forth on Exhibit B. Obligor shall have the option to charge interest at the highest lawful rate on any Contract Payment received later than the due date for the number of days that the Contract Payment(s) were late, plus any additional accrual on the outstanding balance for the number of days that the Contract Payment(s) were late. Obligor shall also have the option, on monthly payments only, to charge a late fee of up to 10% of the monthly Contract Payment that is past due. Furthermore, Obligor agrees to pay any fees associated with the use of a payment system other than check, wire transfer, or ACH. Once all amounts due Obligor hereunder have been received, Obligor will release any and all of its rights, title and interest in the Equipment.

**SECTION 3.03 CONTRACT PAYMENTS UNCONDITIONAL.** Except as provided under Section 4.01, THE OBLIGATIONS OF OBLIGOR TO MAKE CONTRACT PAYMENTS AND TO PERFORM AND OBSERVE THE OTHER COVENANTS CONTAINED IN THIS CONTRACT SHALL BE ABSOLUTE AND UNCONDITIONAL IN ALL EVENTS WITHOUT ABATEMENT, DIMINUTION, DEDUCTION, SET-OFF, OR SUBJECT TO DEFENSE OR COUNTERCLAIM.

**Section 3.04 Purchase Option Price.** Upon thirty (30) days written notice, Obligor shall have the option to pay, in addition to the Contract Payment, the corresponding Purchase Option Price which is listed on the same line on Exhibit B. This option is only available to the Obligor on the Contract Payment date and no partial prepayments are allowed. If Obligor chooses this option and pays the Purchase Option Price to Oblige then Oblige will transfer any and all of its rights, title and interest in the Equipment to Obligor.

**Section 3.05 Contract Term.** The Contract Term shall be the Original Term and all Renewal Terms until all the Contract Payments are paid as set forth on Exhibit B except as provided under Section 4.01 and Section 9.01 below. If, after the end of the budgeting process which occurs at the end of the Original Term or any Renewal Term, Obligor has not non-appropriated as provided for in this Contract then the Contract Term shall be extended into the next Renewal Term and the Obligor shall be obligated to make all the Contract Payments that come due during such Renewal Term.

**Section 3.06 Disclaimer of Warranties.** OBLIGEE MAKES NO WARRANTY OR REPRESENTATION, EITHER EXPRESS OR IMPLIED, AS TO THE VALUE, DESIGN, CONDITION, MERCHANTABILITY, FITNESS FOR PARTICULAR PURPOSE OR ANY OTHER WARRANTY WITH RESPECT TO THE EQUIPMENT. OBLIGEE IS NOT A MANUFACTURER, SELLER, VENDOR OR DISTRIBUTOR, OR AGENT THEREOF, OF SUCH EQUIPMENT; NOR IS OBLIGEE A MERCHANT OR IN THE BUSINESS OF DISTRIBUTING SUCH EQUIPMENT TO THE PUBLIC. OBLIGEE SHALL NOT BE LIABLE FOR ANY INCIDENTAL, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGE ARISING OUT OF THE INSTALLATION, OPERATION, POSSESSION, STORAGE OR USE OF THE EQUIPMENT BY OBLIGOR.

#### **IV. Non-Appropriation**

**Section 4.01 Non-Appropriation.** If insufficient funds are available in Obligor's budget for the next Budget Year to make the Contract Payments for the next Renewal Term and the funds to make such Contract Payments are otherwise unavailable by any lawful means whatsoever, then Obligor may non-appropriate the funds to pay the Contract Payments for the next Renewal Term. Such non-appropriation shall be evidenced by the passage of an ordinance or resolution by the governing body of Obligor specifically prohibiting Obligor from performing its obligations under this Contract and from using any moneys to pay the Contract Payments due under this Contract for a designated Budget Year and all subsequent Budget Years. If Obligor non-appropriates, then all obligations of the Obligor under this Contract regarding Contract Payments for all remaining Renewal Terms shall be terminated at the end of the then current Original Term or Renewal Term without penalty or liability to the Obligor of any kind provided that if Obligor has not delivered possession of the Equipment to Oblige as provided herein and conveyed to Oblige or released its interest in the Equipment by the end of the last Budget Year for which Contract Payments were paid, the termination shall nevertheless be effective but Obligor shall be responsible for the payment of damages in an amount equal to the amount of the Contract Payments thereafter coming due under Exhibit B which are attributable to the number of days after such Budget Year during which Obligor fails to take such actions and for any other loss suffered by Oblige as a result of Obligor's failure to take such actions as required. Obligor shall immediately notify the Oblige as soon as the decision to non-appropriate is made. If such non-appropriation occurs, then Obligor shall deliver the Equipment to Oblige as provided below in Section 9.04. Obligor shall be liable for all damage to the Equipment other than normal wear and tear. If Obligor fails to deliver the Equipment to Oblige, then Oblige may enter the premises where the Equipment is located and take possession of the Equipment and charge Obligor for costs incurred. If Obligor non-appropriates under this section, then Obligor shall not purchase, lease or rent Equipment performing same or similar functions to those performed by the Equipment for a period of 360 days unless otherwise prohibited by public policy considerations.

#### **V. Insurance, Damage, Insufficiency of Proceeds**

**Section 5.01 Insurance.** Obligor shall maintain both property insurance and liability insurance at its own expense with respect to the Equipment. Obligor shall be solely responsible for selecting the insurer(s) and for making all premium payments and ensuring that all policies are continuously kept in effect during the period when Obligor is required to make Contract Payments. Obligor shall provide Oblige with a certificate of insurance which lists the Oblige and/or assigns as a loss payee and an additional insured on the policies with respect to the Equipment.

- Obligor shall insure the Equipment against any loss or damage by fire and all other risks covered by the standard extended coverage endorsement then in use in the State and any other risks reasonably required by Oblige in an amount at least equal to the then applicable Purchase Option Price of the Equipment. Alternatively, Obligor may insure the Equipment under a blanket insurance policy or policies.
- The liability insurance shall insure Oblige from liability and property damage in any form and amount satisfactory to Oblige.
- Obligor may self-insure against the casualty risks and liability risks described above. If Obligor chooses this option, Obligor must furnish Oblige with a certificate and/or other documents which evidences such coverage.
- All insurance policies issued or affected by this Section shall be so written or endorsed such that the Oblige and its assignees are named additional insureds and loss payees and that all losses are payable to Obligor and Oblige or its assignees as their interests may appear. Each policy issued or affected by this Section shall contain a provision that the insurance company shall not cancel or materially modify the policy without first giving thirty (30) days advance notice to Oblige or its assignees. Obligor shall furnish to Oblige certificates evidencing such coverage throughout the Contract Term.

**Section 5.02 Damage to or Destruction of Equipment.** Obligor assumes the risk of loss or damage to the Equipment. If the Equipment or any portion thereof is lost, stolen, damaged, or destroyed by fire or other casualty, Obligor will immediately report all such losses to all possible insurers and take the proper procedures to obtain all insurance proceeds. At the option of Oblige, Obligor shall either (1) apply the Net Proceeds to replace, repair or restore the Equipment or (2) apply the Net Proceeds to the applicable Purchase Option Price. For purposes of this Section and Section 5.03, the term Net Proceeds shall mean the amount of insurance proceeds collected from all applicable insurance policies after deducting all expenses incurred in the collection thereof.

**Section 5.03 Insufficiency of Net Proceeds.** If there are no Net Proceeds for whatever reason or if the Net Proceeds are insufficient to pay in full the cost of any replacement, repair, restoration, modification or improvement of the Equipment, then Obligor shall, at the option of Oblige, either (1) complete such replacement, repair, restoration, modification or improvement and pay any costs thereof in excess of the amount of the Net Proceeds or (2) apply the Net Proceeds to the Purchase Option Price and pay the deficiency, if any, to the Oblige.

**Section 5.04 Obligor Negligence.** Obligor assumes all risks and liabilities, whether or not covered by insurance, for loss or damage to the Equipment and for injury to or death of any person or damage to any property whether such injury or death be with respect to agents or employees of Obligor or of third parties, and whether such property damage be to Obligor's property or the property of others (including, without limitation, liabilities for loss or damage related to the release or threatened release of hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act, the Resource Conservation and Recovery Act or similar or successor law or any State or local equivalent now existing or hereinafter enacted which in any manner arise out of or are incident to any possession, use, operation, condition or storage of any Equipment by Obligor), which is proximately caused by the negligent conduct of Obligor, its officers, employees and agents.

**Section 5.05 Reimbursement.** Obligor hereby assumes responsibility for and agrees to reimburse Oblige for all liabilities, obligations, losses, damages, penalties, claims, actions, costs and expenses (including reasonable attorneys' fees) of whatsoever kind and nature, imposed on, incurred by or asserted against Oblige that in any way relate to or arise out of a claim, suit or proceeding, based in whole or in part upon the negligent conduct of Obligor, its officers, employees and agents, or arose out of installation, operation, possession, storage or use of any item of the Equipment, to the maximum extent permitted by law.

#### **VI. Title and Security Interest**

**Section 6.01 Title.** Title to the Equipment shall vest in Obligor when Obligor acquires and accepts the Equipment. Title to the Equipment will automatically transfer to the Oblige in the event Obligor non-appropriates under Section 4.01 or in the event Obligor defaults under Section 9.01. In such event, Obligor shall execute and deliver to Oblige such documents as Oblige may request to evidence the passage of legal title to the Equipment to Oblige.

**Section 6.02 Security Interest.** To secure the payment of all Obligor's obligations under this Contract, as well as all other obligations, debts and liabilities, plus interest thereon, whether now existing or subsequently created, Obligor hereby grants to Oblige a security interest under the Uniform Commercial Code constituting a first lien on the Equipment described more fully on Exhibit A. Furthermore, Obligor agrees that any other collateral securing any other obligation(s) to Oblige, whether offered prior to or subsequent hereto, also secures this obligation. The security interest established by this section includes not only all additions, attachments, repairs and replacements to the Equipment but also all proceeds therefrom. Obligor authorizes Oblige to prepare and record any Financing Statement required under the Uniform Commercial Code to perfect the security interest created hereunder. Obligor agrees that any Equipment listed on Exhibit A is and will remain personal property and will not be considered a fixture even if attached to real property.

#### **VII. Assignment**

**Section 7.01 Assignment by Oblige.** All of Oblige's rights, title and/or interest in and to this Contract may be assigned and reassigned in whole or in part to one or more assignees or sub-assignees by Oblige at any time without the consent of Obligor. No such assignment shall be effective as against Obligor until the assignor shall have filed with Obligor written notice of assignment identifying the assignee. Obligor shall pay all Contract Payments due hereunder relating to such Equipment to or at the direction of Oblige or the assignee named in the notice of assignment. Obligor shall keep a complete and accurate record of all such assignments.

**Section 7.02 Assignment by Obligor.** None of Obligor's right, title and interest under this Contract and in the Equipment may be assigned by Obligor unless Oblige approves of such assignment in writing before such assignment occurs and only after Obligor first obtains an opinion from nationally recognized counsel stating that such assignment will not jeopardize the tax-exempt status of the obligation.

**VIII. Maintenance of Equipment**

Section 8.01 Equipment. Obligor shall keep the Equipment in good repair and working order, and as required by manufacturer's and warranty specifications. If Equipment consists of copiers, Obligor is required to enter into a copier maintenance/service agreement. Obligatee shall have no obligation to inspect, test, service, maintain, repair or make improvements or additions to the Equipment under any circumstances. Obligor will be liable for all damage to the Equipment, other than normal wear and tear, caused by Obligor, its employees or its agents. Obligor shall pay for and obtain all permits, licenses and taxes related to the ownership, installation, operation, possession, storage or use of the Equipment. If any fees are required to be paid by the California Debt & Investment Advisory Commission then such fees shall be paid directly from the Obligor to the California Debt & Investment Advisory Commission. If the Equipment includes any titled vehicle(s), then Obligor is responsible for obtaining such title(s) from the State and also for ensuring that Obligatee is listed as First Lienholder on all of the title(s). Obligor shall not use the Equipment to haul, convey or transport hazardous waste as defined in the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et. seq. Obligor agrees that Obligatee or its Assignee may execute any additional documents including financing statements, affidavits, notices, and similar instruments, for and on behalf of Obligor which Obligatee deems necessary or appropriate to protect Obligatee's interest in the Equipment and in this Contract. Obligor shall allow Obligatee to examine and inspect the Equipment at all reasonable times.

**IX. Default**

Section 9.01 Events of Default defined. The following events shall constitute an "Event of Default" under this Contract:

- (a) Failure by Obligor to pay any Contract Payment listed on Exhibit B for fifteen (15) days after such payment is due according to the Payment Date listed on Exhibit B.
- (b) Failure to pay any other payment required to be paid under this Contract at the time specified herein and a continuation of said failure for a period of fifteen (15) days after written notice by Obligatee that such payment must be made. If Obligor continues to fail to pay any payment after such period, then Obligatee may, but will not be obligated to, make such payments and charge Obligor for all costs incurred plus interest at the highest lawful rate.
- (c) Failure by Obligor to observe and perform any warranty, covenant, condition, promise or duty under this Contract for a period of thirty (30) days after written notice specifying such failure is given to Obligor by Obligatee, unless Obligatee agrees in writing to an extension of time. Obligatee will not unreasonably withhold its consent to an extension of time if corrective action is instituted by Obligor. Subsection (c) does not apply to Contract Payments and other payments discussed above.
- (d) Any statement, material omission, representation or warranty made by Obligor in or pursuant to this Contract which proves to be false, incorrect or misleading on the date when made regardless of Obligor's intent and which materially adversely affects the rights or security of Obligatee under this Contract.
- (e) Any provision of this Contract which ceases to be valid for whatever reason and the loss of such provision would materially adversely affect the rights or security of Obligatee.
- (f) Except as provided in Section 4.01 above, Obligor admits in writing its inability to pay its obligations.
- (g) Obligor defaults on one or more of its other obligations.
- (h) Obligor becomes insolvent, is unable to pay its debts as they become due, makes an assignment for the benefit of creditors, applies for or consents to the appointment of a receiver, trustee, conservator, custodian, or liquidator of Obligor, or all or substantially all of its assets, or a petition for relief is filed by Obligor under federal bankruptcy, insolvency or similar laws, or is filed against Obligor and is not dismissed within thirty (30) days thereafter.

Section 9.02 Remedies on Default. Whenever any Event of Default exists, Obligatee shall have the right to take one or any combination of the following remedial steps:

- (a) With or without terminating this Contract, Obligatee may declare all Contract Payments and other amounts payable by Obligor hereunder to the end of the then current Budget Year to be immediately due and payable.
- (b) With or without terminating this Contract, Obligatee may require Obligor at Obligor's expense to redeliver any or all of the Equipment and any additional collateral to Obligatee as provided below in Section 9.04. Such delivery shall take place within fifteen (15) days after the Event of Default occurs. If Obligor fails to deliver the Equipment and any additional collateral, Obligatee may enter the premises where the Equipment and any additional collateral is located and take possession of the Equipment and any additional collateral and charge Obligor for costs incurred. Notwithstanding that Obligatee has taken possession of the Equipment and any additional collateral, Obligor shall still be obligated to pay the remaining Contract Payments due up until the end of the then current Original Term or Renewal Term. Obligor will be liable for any damage to the Equipment and any additional collateral caused by Obligor or its employees or agents.
- (c) Obligatee may take whatever action at law or in equity that may appear necessary or desirable to enforce its rights. Obligor shall be responsible to Obligatee for all costs incurred by Obligatee in the enforcement of its rights under this Contract including, but not limited to, reasonable attorney fees.

Section 9.03 No Remedy Exclusive. No remedy herein conferred upon or reserved to Obligatee is intended to be exclusive and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Contract now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or shall be construed to be a waiver thereof.

Section 9.04 Return of Equipment and Storage.

- (a) Surrender: The Obligor shall, at its own expense, surrender the Equipment, any additional collateral and all required documentation to evidence transfer of title from Obligor to the Obligatee in the event of a default or a non-appropriation by delivering the Equipment and any additional collateral to the Obligatee to a location accessible by common carrier and designated by Obligatee. In the case that any of the Equipment and any additional collateral consists of software, Obligor shall destroy all intangible items constituting such software and shall deliver to Obligatee all tangible items constituting such software. At Obligatee's request, Obligor shall also certify in a form acceptable to Obligatee that Obligor has complied with the above software return provisions and that they will immediately cease using the software and that they shall permit Obligatee and/or the vendor of the software to inspect Obligor's locations to verify compliance with the terms hereto.
- (b) Delivery: The Equipment and any additional collateral shall be delivered to the location designated by the Obligatee by a common carrier unless the Obligatee agrees in writing that a common carrier is not needed. When the Equipment and any additional collateral is delivered into the custody of a common carrier, the Obligor shall arrange for the shipping of the item and its insurance in transit in accordance with the Obligatee's instructions and at the Obligor's sole expense. Obligor at its expense shall completely sever and disconnect the Equipment and any additional collateral or its component parts from the Obligor's property all without liability to the Obligatee. Obligor shall pack or crate the Equipment and any additional collateral and all of the component parts of the Equipment and any additional collateral carefully and in accordance with any recommendations of the manufacturer. The Obligor shall deliver to the Obligatee the plans, specifications, operation manuals or other warranties and documents furnished by the manufacturer or vendor on the Equipment and any additional collateral and such other documents in the Obligor's possession relating to the maintenance and methods of operation of such Equipment and any additional collateral.
- (c) Condition: When the Equipment is surrendered to the Obligatee it shall be in the condition and repair required to be maintained under this Contract. It will also meet all legal regulatory conditions necessary for the Obligatee to sell or lease it to a third party and be free of all liens. If Obligatee reasonably determines that the Equipment or an item of the Equipment, once it is returned, is not in the condition required hereby, Obligatee may cause the repair, service, upgrade, modification or overhaul of the Equipment or an item of the Equipment to achieve such condition and upon demand, Obligor shall promptly reimburse Obligatee for all amounts reasonably expended in connection with the foregoing.
- (d) Storage: Upon written request by the Obligatee, the Obligor shall provide free storage for the Equipment and any additional collateral for a period not to exceed 60 days after the expiration of the Contract Term before returning it to the Obligatee. The Obligor shall arrange for the insurance described to continue in full force and effect with respect to such item during its storage period and the Obligatee shall reimburse the Obligor on demand for the incremental premium cost of providing such insurance.

**X. Miscellaneous**

Section 10.01 Notices. All notices shall be sufficiently given and shall be deemed given when delivered or mailed by registered mail, postage prepaid, to the parties at their respective places of business as first set forth herein or as the parties shall designate hereafter in writing.

Section 10.02 Binding Effect. Obligor acknowledges this Contract is not binding upon the Obligatee or its assignees unless the Conditions to Funding listed on the Documentation Instructions have been met to Obligatee's satisfaction, and Obligatee has executed the Contract. Thereafter, this Contract shall inure to the benefit of and shall be binding upon Obligatee and Obligor and their respective successors and assigns.

Section 10.03 Severability. In the event any provision of this Contract shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 10.04 Amendments, Addenda, Changes or Modifications. This Contract may be amended, added to, changed or modified by written agreement duly executed by Obligatee and Obligor. Furthermore, Obligatee reserves the right to directly charge or amortize into the remaining balance due from Obligor, a reasonable fee, to be determined at that time, as compensation to Obligatee for the additional administrative expense resulting from such amendment, addenda, change or modification requested by Obligor.

Section 10.05 Execution in Counterparts. This Contract may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 10.06 Captions. The captions or headings in this Contract do not define, limit or describe the scope or intent of any provisions or sections of this Contract.

Section 10.07 Master Contract. This Contract can be utilized as a Master Contract. This means that the Obligatee and the Obligor may agree to the financing of additional Equipment under this Contract at some point in the future by executing one or more Additional Schedules to Exhibit A and Exhibit B, as well as other exhibits or documents that may be required by Obligatee. Additional Schedules will be consecutively numbered on each of the exhibits which make up the Additional Schedule and all the terms and conditions of the Contract shall govern each Additional Schedule.

Section 10.08 Entire Writing. This Contract constitutes the entire writing between Obligatee and Obligor. No waiver, consent, modification or change of terms of this Contract shall bind either party unless in writing and signed by both parties, and then such waiver, consent, modification or change shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, representations, conditions, or warranties, express or implied, which are not specified herein regarding this Contract, the Equipment or any additional collateral, financed hereunder. Any terms and conditions of any purchase order or other documents submitted by Obligor in connection with this Contract which are in addition to or inconsistent with the terms and conditions of this Contract will not be binding on Obligatee and will not apply to this Contract.

Section 10.09 Designation as Qualified Tax-Exempt Obligation. Pursuant to Section 265(b)(3)(B)(i) of the Internal Revenue Code of 1986 as amended (the "Code"), the Obligor hereby specifically designates the Contract as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code. In compliance with Section 265(b)(3)(D) of the Code, the Obligor hereby represents that the Obligor will not designate more than \$10,000,000 of obligations issued by the Obligor in the calendar year during which the Contract is executed and delivered as such "qualified tax-exempt obligations". In compliance with the requirements of Section 265(b)(3)(C) of the Code, the Obligor hereby represents that the Obligor (including all subordinate entities of the Obligor within the meaning of Section 265(b)(3)(E) of the Code) reasonably anticipates not to issue in the calendar year during which the Contract is executed and delivered, obligations bearing interest exempt from federal income taxation under Section 103 of the Code (other than "private activity bonds" as defined in Section 141 of the Code) in an amount greater than \$10,000,000.

Section 10.10 Acceptance of Equipment Certification. By signing and attesting directly below, Obligor hereby certifies that the Equipment described directly below in Exhibit A has been delivered and installed in accordance with Obligor's specifications. Obligor further certifies that they have conducted such inspection and/or testing of the Equipment as it deems necessary and hereby acknowledges that it accepts the Equipment for all intended purposes.

Section 10.11 Resolution and Authorization. By signing and attesting directly below, Obligor hereby warrants and certifies that the Governing Body of the Obligor at either a special or regular meeting or through some other approved method of authorization has determined that this Contract is in the best interests of the Obligor and the Governing Body did at such meeting or through some other approval method approve the entering into of the Contract by the Obligor and specifically designated and authorized the individual(s) who have signed directly below to execute this Contract on Obligor's behalf along with any related documents (including any Escrow Agreement) necessary to the consummation of the transaction contemplated by the Contract.

Obligatee and Obligor have caused this Contract to be executed in their names by their duly authorized representatives listed below.

### City of San Fernando, California

### ROC Leasing LLC dba Real Lease

Signature

Alexander P. Meyerhoff, City Manager

Printed Name and Title

Signature

Printed Name and Title

### City of San Fernando, California

### Attested By Authorized Individual:

Signature

Elena G. Chavez, City Clerk

Printed Name and Title

**EXHIBIT A****DESCRIPTION OF EQUIPMENT**

**RE: Government Obligation Contract dated as of September 5, 2018, between ROC Leasing LLC dba Real Lease (Obligee) and City of San Fernando, California (Obligor)**

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Below is a detailed description of all the items of Equipment including quantity, model number and serial number where applicable:

One Hundred (100) M5 Smart Meters with Assorted Accessories

Physical Address of Equipment after Delivery : \_\_\_\_\_

**EXHIBIT B****PAYMENT SCHEDULE**

**RE: Government Obligation Contract dated as of September 5, 2018, between ROC Leasing LLC dba Real Lease (Obligee) and City of San Fernando, California (Obligor)**

Date of First Payment: At Closing  
 Original Balance: \$53,068.40  
 Total Number of Payments: Thirty-Six (36)  
 Number of Payments Per Year: Twelve (12)

<b>Pmt No.</b>	<b>Due Date</b>	<b>Contract Payment</b>	<b>Applied to Interest</b>	<b>Applied to Principal</b>	<b>*Purchase Option Price</b>
1	At Closing	\$1,600.25	\$0.00	\$1,600.25	\$52,712.50
2	5-Oct-18	\$1,600.25	\$245.63	\$1,354.62	\$51,291.91
3	5-Nov-18	\$1,600.25	\$239.17	\$1,361.08	\$49,866.48
4	5-Dec-18	\$1,600.25	\$232.67	\$1,367.58	\$48,436.19
5	5-Jan-19	\$1,600.25	\$226.14	\$1,374.11	\$47,001.03
6	5-Feb-19	\$1,600.25	\$219.59	\$1,380.66	\$45,560.98
7	5-Mar-19	\$1,600.25	\$213.00	\$1,387.25	\$44,116.02
8	5-Apr-19	\$1,600.25	\$206.38	\$1,393.87	\$42,666.13
9	5-May-19	\$1,600.25	\$199.72	\$1,400.53	\$41,211.30
10	5-Jun-19	\$1,600.25	\$193.04	\$1,407.21	\$39,751.51
11	5-Jul-19	\$1,600.25	\$186.32	\$1,413.93	\$38,286.75
12	5-Aug-19	\$1,600.25	\$179.58	\$1,420.67	\$36,816.99
13	5-Sep-19	\$1,600.25	\$172.80	\$1,427.45	\$35,342.22
14	5-Oct-19	\$1,600.25	\$165.98	\$1,434.27	\$33,862.43
15	5-Nov-19	\$1,600.25	\$159.14	\$1,441.11	\$32,377.59
16	5-Dec-19	\$1,600.25	\$152.26	\$1,447.99	\$30,887.69
17	5-Jan-20	\$1,600.25	\$145.35	\$1,454.90	\$29,392.72
18	5-Feb-20	\$1,600.25	\$138.41	\$1,461.84	\$27,892.65
19	5-Mar-20	\$1,600.25	\$131.43	\$1,468.82	\$26,387.47
20	5-Apr-20	\$1,600.25	\$124.42	\$1,475.83	\$24,877.16
21	5-May-20	\$1,600.25	\$117.38	\$1,482.87	\$23,361.70
22	5-Jun-20	\$1,600.25	\$110.30	\$1,489.95	\$21,841.07
23	5-Jul-20	\$1,600.25	\$103.19	\$1,497.06	\$20,315.26
24	5-Aug-20	\$1,600.25	\$96.04	\$1,504.21	\$18,784.25
25	5-Sep-20	\$1,600.25	\$88.87	\$1,511.38	\$17,248.02
26	5-Oct-20	\$1,600.25	\$81.65	\$1,518.60	\$15,706.56
27	5-Nov-20	\$1,600.25	\$74.40	\$1,525.85	\$14,159.84
28	5-Dec-20	\$1,600.25	\$67.12	\$1,533.13	\$12,607.85
29	5-Jan-21	\$1,600.25	\$59.81	\$1,540.44	\$11,050.57
30	5-Feb-21	\$1,600.25	\$52.45	\$1,547.80	\$9,487.98
31	5-Mar-21	\$1,600.25	\$45.07	\$1,555.18	\$7,920.07
32	5-Apr-21	\$1,600.25	\$37.65	\$1,562.60	\$6,346.81
33	5-May-21	\$1,600.25	\$30.19	\$1,570.06	\$4,768.19
34	5-Jun-21	\$1,600.25	\$22.69	\$1,577.56	\$3,184.19
35	5-Jul-21	\$1,600.25	\$15.17	\$1,585.08	\$1,594.79
36	5-Aug-21	\$1,600.25	\$7.59	\$1,592.66	\$0.00

**City of San Fernando, California**

Signature

Alexander P. Meyerhoff, City Manager

Printed Name and Title

\*Assumes all Contract Payments due to date are paid

Please list the Source of Funds (Fund Item in Budget) for the Contract Payments that come due under Exhibit B of this Contract.

Source of Funds : General Fund

**SEPTEMBER 5, 2018**

ROC Leasing LLC dba Real Lease (Obligee/Assignor) hereby gives notice of an Assignment between Obligee/Assignor and KS StateBank (Assignee) of the Government Obligation Contract (Contract) between Obligee/Assignor and City of San Fernando, California, dated as of September 5, 2018.

All Contract Payments coming due pursuant to the Contract shall be made to:

KS StateBank  
P.O. Box 69  
Manhattan, Kansas 66505-0069

**ROC Leasing LLC dba Real Lease, Obligee/Assignor**

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Signature

---

Printed Name and Title

---

**ACKNOWLEDGEMENT OF AND CONSENT TO ASSIGNMENT**

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City of San Fernando, California (Obligor) as party to a Government Obligation Contract dated as of September 5, 2018 between Obligor and ROC Leasing LLC dba Real Lease (Obligee), hereby acknowledges receipt of a Notice of Assignment dated September 5, 2018 whereby Obligee gave notice of its assignment to KS StateBank of its right to receive all Contract Payments due from Obligor under the Contract and hereby consents to that Assignment. Pursuant to the Notice of Assignment from Obligee, Obligor agrees to deliver all Contract Payments coming due under the Contract to:

KS StateBank  
P.O. Box 69  
Manhattan, Kansas 66505-0069

**City of San Fernando, California**

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Signature

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Alexander P. Meyerhoff, City Manager

---

Printed Name and Title



## INSURANCE REQUIREMENTS

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Pursuant to Article V of the Government Obligation Contract, you have agreed to provide us evidence of insurance covering the Equipment.

A Certificate of Insurance listing the information stated below should be sent to us no later than the date on which the equipment is delivered.

**Insured:**

City of San Fernando, California  
117 Macneil Street  
San Fernando, California 91344

**Certificate Holder:**

KS StateBank  
1010 Westloop, P.O. Box 69  
Manhattan, Kansas 66505-0069

**1. Equipment Description**

- ◆ One Hundred (100) M5 Smart Meters with Assorted Accessories
- ◆ Please include all applicable VIN's, serial numbers, etc.

**2. Physical Damage**

- ◆ All risk coverage to guarantee proceeds of at least \$53,068.40.

**3. Loss Payee**

- ◆ KS StateBank AOIA (and/or Its Assigns) MUST be listed as loss payee.

**Please forward certificate as soon as possible to:** Email: Moore@RealLease.com  
or  
Fax: (585) 419-9110

**Please complete the information below and return this form along with the Contract.**

---

**City of San Fernando, California**

**Insurance Company:** \_\_\_\_\_

**Agent's Name:** \_\_\_\_\_

**Telephone #:** \_\_\_\_\_

**Fax #:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City, State Zip:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**\*PREFERRED\***

\*As an additional payment option for Obligor, we are now providing the option of ACH (Automatic Clearing House). By completing this form, Obligor is authorizing Obligee to withdraw said payment amount on said date.

**DEBIT AUTHORIZATION**

I hereby authorize KS StateBank Government Finance Department to initiate debit entries, and, if necessary, to reinstate returned entries up to two additional times, to the account indicated below at the financial institution named below and to debit the same to such account for:

<b>Contract Number</b> 3353614	<b>Payment Amount</b> \$1,600.25	<b>Frequency of Payments</b> Monthly
<b>Beginning</b> _____ Month      Year	<b>Day of Month</b> 5th	

I acknowledge that the origination of ACH transactions to this account must comply with the provisions of U.S. law.

<b>Financial Institution Name</b>		<b>Branch</b>	
<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
<b>Routing Number</b>		<b>Account Number</b>	

**Type of Account**☐ Checking☐ Savings

This authority is to remain in full force and effect until KS StateBank has received written notification from any authorized signer of the account of its termination in such time and manner as to afford KS StateBank a reasonable opportunity to act on it.

<b>Obligor Name on Contract</b> City of San Fernando, California	
<b>Signature</b>	<b>Printed Name and Title</b>
<b>Tax ID Number</b> 95-6000779	<b>Date</b>

**PLEASE ATTACH COPY OF A VOIDED CHECK TO THIS FORM!**

**USA Patriot Act**

USA Patriot Act requires identity verification for all new accounts. This means that we may require information from you to allow us to make a proper identification.

# INVOICE

DATE SENT: 08-29-2018

**BILL TO:**

CITY OF SAN FERNANDO, CALIFORNIA  
ATTN: ACCOUNTS PAYABLE  
117 MACNEIL STREET  
SAN FERNANDO, CALIFORNIA 91344

**REMIT TO:**

KS STATEBANK  
GOVERNMENT FINANCE DEPARTMENT  
PO BOX 69  
MANHATTAN, KS 66505-0069  
FOR INQUIRIES: (585) 419-9190

ACCOUNT NUMBER	PAYMENT DATE	PAYMENT DUE DATE	TOTAL AMOUNT DUE
3353614	At Closing	At Closing	\$1,600.25

DESCRIPTION	AMOUNT
GOVERNMENT OBLIGATION CONTRACT DATED AS OF SEPTEMBER 5, 2018	PAYMENT AMOUNT: \$1,600.25
ONE HUNDRED (100) M5 SMART METERS WITH ASSORTED ACCESSORIES	
<i>Additional interest will be assessed on any payment received after the due date.</i>	
	\$1,600.25
	<b>TOTAL DUE</b>

# INVOICE

DATE SENT: 08-29-2018

**BILL TO:**

CITY OF SAN FERNANDO, CALIFORNIA  
ATTN: ACCOUNTS PAYABLE  
117 MACNEIL STREET  
SAN FERNANDO, CALIFORNIA 91344

**REMIT TO:**

KS STATEBANK  
GOVERNMENT FINANCE DEPARTMENT  
PO BOX 69  
MANHATTAN, KS 66505-0069  
FOR INQUIRIES: (585) 419-9190

ACCOUNT NUMBER	PAYMENT DATE	PAYMENT DUE DATE	TOTAL AMOUNT DUE
3353614	10-05-2018	10-05-2018	\$1,600.25

DESCRIPTION	AMOUNT
GOVERNMENT OBLIGATION CONTRACT DATED AS OF SEPTEMBER 5, 2018	PAYMENT AMOUNT: \$1,600.25
ONE HUNDRED (100) M5 SMART METERS WITH ASSORTED ACCESSORIES	
<i>Additional interest will be assessed on any payment received after the due date.</i>	
	\$1,600.25
	<b>TOTAL DUE</b>

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**8038 REVIEW FORM**

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The 8038 form attached hereto is an important part of the documentation package and must be properly filled out and submitted to the Department of the Treasury in order for you to receive the lower tax-exempt rate. Unless you instruct us otherwise, we have engaged a Paid Preparer to assist in the filling out of this form. The Paid Preparer has filled out the relevant portions of this form based on the current understanding of what is required by the Department of the Treasury. The responses on this 8038 form are based on the dates and amounts which you have requested (structure of the transaction) and which are on the Payment Schedule.

1. Please review our responses for accuracy. If anything is inaccurate, please contact our office so that we can make proper revisions.
2. If the information provided to you on this form is accurate, please sign where indicated and return with the document package.
3. If there are any changes to the structure of the transaction that occur prior to funding which require a change to the 8038 form, we will make such changes and provide notification to you.
4. We will return to you a copy of the 8038 form that was mailed to the Department of the Treasury.


For additional guidance on this 8038 form, you can refer to the Documentation Instructions located on the following government website: <http://www.irs.gov/app/picklist/list/formsInstructions.html>, or contact your local IRS office.

Form **8038-GC**  
(Rev. January 2012)Department of the Treasury  
Internal Revenue Service**Information Return for Small Tax-Exempt  
Governmental Bond Issues, Leases, and Installment Sales****► Under Internal Revenue Code section 149(e)**  
**Caution: If the issue price is \$100,000 or more, use Form 8038-G.**

OMB No. 1545-0720

<b>Part I Reporting Authority</b>		<b>Check box if Amended Return</b> <input type="checkbox"/>	
1 Issuer's name <b>City of San Fernando, California</b>		2 Issuer's employer identification number (EIN) <b>95 6000779</b>	
3 Number and street (or P.O. box if mail is not delivered to street address) <b>117 Macneil Street</b>		Room/suite	
4 City, town, or post office, state, and ZIP code <b>San Fernando, California 91344</b>		5 Report number (For IRS Use Only) <div style="border: 1px solid black; width: 100px; height: 20px;"></div>	
6 Name and title of officer or other employee issuer or designated contact person whom the IRS may call for more information <b>Mr. Nick Kimball, Deputy City Manager/Director of Finance</b>		7 Telephone number of officer or legal representative <b>(818) 898-7307</b>	

<b>Part II Description of Obligations</b> Check one: a single issue <input checked="" type="checkbox"/> or a consolidated return <input type="checkbox"/>			
8a Issue price of obligation(s) (see instructions)	<b>8a</b>	<b>54,004</b>	<b>88</b>
b Issue date (single issue) or calendar date (consolidated). Enter date in mm/dd/yyyy format (for example, 01/01/2009) (see instructions) ► <b>09/05/2018</b>			
9 Amount of the reported obligation(s) on line 8a that is:			
a For leases for vehicles	<b>9a</b>		
b For leases for office equipment	<b>9b</b>		
c For leases for real property	<b>9c</b>		
d For leases for other (see instructions).	<b>9d</b>	<b>54,004</b>	<b>88</b>
e For bank loans for vehicles	<b>9e</b>		
f For bank loans for office equipment	<b>9f</b>		
g For bank loans for real property.	<b>9g</b>		
h For bank loans for other (see instructions)	<b>9h</b>		
i Used to refund prior issue(s).	<b>9i</b>		
j Representing a loan from the proceeds of another tax-exempt obligation (for example, bond bank).	<b>9j</b>		
k Other	<b>9k</b>		
10 If the issuer has designated any issue under section 265(b)(3)(B)(i)(III) (small issuer exception), check this box ► <input checked="" type="checkbox"/>			
11 If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check this box (see instructions) ► <input type="checkbox"/>			
12 Vendor's or bank's name: <b>ROC Leasing LLC dba Real Lease</b>			
13 Vendor's or bank's employer identification number: <b>81 2458512</b>			

<b>Signature and Consent</b>	Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that I consent to the IRS's disclosure of the issuer's return information, as necessary to process this return, to the person that I have authorized above.				
		Signature of issuer's authorized representative	Date	Type or print name and title	
<b>Paid Preparer Use Only</b>	Print/Type preparer's name <b>H. Evan Howe</b>		Preparer's signature	Date <b>08/29/2018</b>	Check <input type="checkbox"/> if self-employed
	Firm's Name ► <b>Baystone Financial LLC</b>		Firm's EIN ► <b>48-1223987</b>		
	Firm's Address ► <b>12980 Metcalf, Suite 310, Overland Park, KS 66213</b>		Phone no. <b>(800) 752-3562</b>		

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**What's New**

The IRS has created a page on IRS.gov for information about the Form 8038 series and its instructions, at [www.irs.gov/form8038](http://www.irs.gov/form8038). Information about any future developments affecting the Form 8038 series (such as legislation enacted after we release it) will be posted on that page.

**Purpose of Form**

Form 8038-GC is used by the issuers of tax-exempt governmental obligations to provide the IRS with the information required by section 149(e) and to monitor the requirements of sections 141 through 150.

**Who Must File**

Issuers of tax-exempt governmental obligations with issue prices of less than \$100,000 must file Form 8038-GC.

Issuers of a tax-exempt governmental obligation with an issue price of \$100,000 or more must file Form 8038-G, Information Return for Tax-Exempt Governmental Obligations.

**Filing a separate return for a single issue.**

Issuers have the option to file a separate Form 8038-GC for any tax-exempt governmental obligation with an issue price of less than \$100,000.

An issuer of a tax-exempt bond used to finance construction expenditures must file a separate Form 8038-GC for each issue to give notice to the IRS that an election was made to

pay a penalty in lieu of arbitrage rebate (see the line 11 instructions).

**Filing a consolidated return for multiple issues.**

For all tax-exempt governmental obligations with issue prices of less than \$100,000 that are not reported on a separate Form 8038-GC, an issuer must file a consolidated information return including all such issues issued within the calendar year.

Thus, an issuer may file a separate Form 8038-GC for each of a number of small issues and report the remainder of small issues issued during the calendar year on one consolidated Form 8038-GC. However, if the issue is a construction issue, a separate Form 8038-GC must be filed to give the IRS notice of the election to pay a penalty in lieu of arbitrage rebate.



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## AGENDA REPORT

**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Alexander P. Meyerhoff, City Manager  
By: Timothy Hou, Director of Community Development  
Gerardo Marquez, Associate Planner

**Date:** September 4, 2018

**Subject:** Consideration to Adopt an Ordinance Approving a Request for the Approval of a Tentative Parcel Map to Subdivide a 15,800 Square Foot Property into Three Lots – Tentative Parcel Map 2017-01 (TPM No. 74153); 927 Seventh Street

### RECOMMENDATION:

It is recommended that the City Council:

- a. Conduct a Public Hearing;
- b. Pending public testimony, introduce for first reading, in title only, and waive further reading of Ordinance No. 1680 (Attachment "A"), "An Ordinance of the City Council of the City of San Fernando, California, approving a request for the approval of a tentative parcel map to subdivide a 15,800 square foot property into three lots as follows: Parcel 1 will consist of approximately 3,879 square feet and Parcel 2 will consist of approximately 4,909 square feet and Parcel 3 will consist of approximately 4,910 square feet, each. The project site consists of a 79-foot by 200-foot lot and is located at the corner of Seventh Street and Macneil Street within the single-family residential zone (R-1 Zone)"; and
- c. Affirm the City's determination that the proposed Ordinance is subject to the California Environmental Quality Act (CEQA), and that staff has conducted the appropriate environmental analysis in compliance with CEQA requirements. Based on that assessment, staff has adopted a mitigated negative declaration for the project. The environmental analysis notes possible short term impacts during the construction phase of the project which will be mitigated in order to provide less than a significant impact on the environment. The public review period for the Negative Declaration was from December 27, 2017 and ended on January 17, 2018.

### BACKGROUND:

1. A Public Hearing notice for the July 24, 2018, Planning and Preservation Commission Public

**Consideration to Adopt an Ordinance Approving a Request for the Approval of a Tentative Parcel Map to Subdivide a 15,800 Square Foot Property into Three Lots – Tentative Parcel Map 2017-01 (TPM No. 74153); 927 Seventh Street**

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Hearing to consider the Tentative Parcel Map was published in the Thursday, July 12, 2018, edition of *The San Fernando Valley Sun*.

2. The Planning and Preservation Commission approved Resolution No. 2018-006 at its public hearing on July 24, 2018, (Attachment “B”) recommending the City Council:
  - a. Adopt the proposed Tentative Parcel Map and approve the tentative parcel map to subdivide a 15,800 square foot property into three lots as follow: Parcel 1 will consist of approximately 3,879 square feet and Parcel 2 will consist of approximately 4,909 square feet and Parcel 3 will consist of approximately 4,910 square feet, each within R-1 Residential Zones; and
  - b. Affirm the City’s determination that the proposed Ordinance is subject to CEQA, staff has conducted the appropriate environmental analysis in compliance with the requirements of the California Environmental Quality Act (CEQA). Based on that assessment, staff has adopted a mitigated negative declaration for the project. The environmental analysis notes possible short term impacts during the construction phase of the project which will be mitigated in order to provide less than a significant impact on the environment.
3. A Public Hearing notice for the September 4, 2018, City Council Public Hearing was published in the August 23, 2018 edition of the *San Fernando Valley Sun*.
4. The applicant is Jose J. Martinez, 8241 Kinsey Street, Northridge, CA 91325.

**ANALYSIS:**

Project Overview.

The proposed project is a request for approval of Tentative Parcel Map 2017-001 which allows for the subdivision of a 79-foot by 200-foot lot or approximately 15,800 square foot property into three lots as follows: Parcel 1 will consist of approximately 3,879 square feet, Parcel 2 will consist of 4,909 square feet, and Parcel 3 will consist of approximately 4,910 square feet for the property at 927 Seventh Street in addition to a dedication to the public right-of-way. On April 26, 2017, Jose J. Martinez, submitted a Tentative Parcel Map application (Attachment “C”) seeking to allow for the subdivision of a single lot into three separate single family residential lots. In addition, the applicant would also dedicate a portion of the lot to the City which will be designated for sidewalk and parkway public right-of-way improvements.

The project site is currently improved with a single-family residence that will be demolished to accommodate the proposed new lot development along with a sidewalk and parkway

**Consideration to Adopt an Ordinance Approving a Request for the Approval of a Tentative Parcel Map to Subdivide a 15,800 Square Foot Property into Three Lots – Tentative Parcel Map 2017-01 (TPM No. 74153); 927 Seventh Street**

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public right of way dedication of approximately 2,104 square feet. The project site is located at the corner of Seventh Street and Macneil Street within the Single-Family Residential (R-1) Zone.

This project will be utilizing the currently adopted definition of lot area, per Ordinance No. 1675, (Attachment “D”) to meet the minimum development standards for a single family residential zoned lot. The current definition provides the methodology for calculating lot area, within the R-1 single family residential zone, by allowing the total area within lot lines up to the midpoint of all immediately abutting streets, alleys or highways be assumed towards the total lot area.

Environmental Review.

Staff has conducted the appropriate environmental analysis in compliance with the requirements of the California Environmental Quality Act (CEQA). Based on that assessment, staff has adopted a mitigated negative declaration for the project. The environmental analysis, entitled Mitigated Negative Declaration and Initial Study (Attachment “E”), notes possible short term impacts during the construction phase of the project which will be mitigated in order to provide less than a significant impact on the environment. The public review period for the Negative Declaration was from December 27, 2017 and ended on January 17, 2018.

Existing Conditions.

1. Location: The project site at 927 Seventh Street is a corner lot with street frontage along its southerly and easterly property lines facing Seventh Street and Macneil Street, respectively (Attachment “F”). Similarly zoned R-1 (Single Family Residential) lots are located along Macneil Street surrounding the project site as well as the project site’s northerly, easterly, and southerly property lines. Also, SP-5 (San Fernando Corridors Specific Plan Maclay District) zoned lots are located across an alley to the west of the project site. There is also a 22-foot wide alley that runs along the northern portion of the project site which will provide access to the future residential developments.
2. Lot Size: The project site consists of a rectangular-shaped lot 79-foot by 200-foot lot, approximately 15,800 square feet, located in the R-1 (Single Family Residential) zone.
3. Zoning and General Plan Designation: The property’s zoning of R-1 (Single Family Residential) is consistent with its General Plan Land Use Designation of Low Density Residential.

General Plan Consistency.

The proposed Tentative Parcel Map development is consistent with the goals and objectives of the San Fernando General Plan Land Use Element by providing new single-family residential

**Consideration to Adopt an Ordinance Approving a Request for the Approval of a Tentative Parcel Map to Subdivide a 15,800 Square Foot Property into Three Lots – Tentative Parcel Map 2017-01 (TPM No. 74153); 927 Seventh Street**

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development in an R-1 zoned lot, which allows for a single-family dwelling per lot at a density of zero to six dwelling units per acre (San Fernando General Plan Land Use Element Chart IV-1: Current Land Use Element Categories and Implementing Zones, Pg. IV-9). The proposed Tentative Parcel Map project is compatible with the surrounding land uses in the immediate area, which is comprised of existing single family residential dwellings. The density of the proposed project is equivalent to 5.44 dwelling units per acre, which is consistent with the City of San Fernando General Plan.

**Lot Design and Calculations.**

The newly developed parcels will be rectangular in shape and will all have access to the public right of way. All of the proposed lots will have onsite access exclusively from the alley which is directly adjacent to the project site. This design will ensure no additional driveway aprons along Macneil Street, thereby optimizing the provision of additional on-street parking. In addition, the applicant has agreed to dedicate a portion of the lot to the City which will be designated for sidewalk and parkway public right-of-way improvements. Staff applied the City's currently adopted definition of lot area, per Ordinance No. 1675, to meet the minimum development standards for a single family residential zoned lot (Table 1). The current definition provides the methodology for calculating lot area, within the R-1 single family residential zone, by allowing the total area within lot lines up to the midpoint of all immediately abutting streets, alleys or highways be assumed towards the total lot area.

**TABLE 1 – Conformance with Minimum Development Standards per Ordinance No. 1675**

	<b>Minimum Development Standards</b>	<b>Lot 1</b>	<b>Lot 2</b>	<b>Lot 3</b>
<b>Lot Area</b>	7,500 square feet	9,019 square feet	7,501 square feet	7,501 square feet
<b>Lot Width</b>	50 ft.; or 55 ft. for a corner lot	86 ft. 2 in.	71 ft. 8 in.	71 ft. 8 in.
<b>Lot Depth</b>	100 ft.	104 ft. 8 in.	104 ft. 8 in.	104 ft. 8 in.

Given the aforementioned parcel design analysis, staff has determined that the proposed site layout is appropriate, practical and efficient. The parcel design is appealing and will functionally integrate into the established neighborhood land use pattern. Therefore, it is staff's assessment that the overall parcel design would be consistent with the City's objectives for new residential development in the community.

**Consideration to Adopt an Ordinance Approving a Request for the Approval of a Tentative Parcel Map to Subdivide a 15,800 Square Foot Property into Three Lots – Tentative Parcel Map 2017-01 (TPM No. 74153); 927 Seventh Street**

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**Tentative Parcel Map.**

In accordance with the provisions established in the Subdivision Map Act, and the City's Subdivision Ordinance (Chapter 78), the applicant has submitted a request for approval of a tentative parcel map for the subdivision of a single family residentially zoned lot. Approval of the parcel map would allow for each dwelling unit to be sold separately. The proposed project is a request for the approval of a tentative parcel map to subdivide a 15,800 square foot property into three lots as followed: Parcel 1 will consist of approximately 3,879 square feet, Parcel 2 will consist of 4,909 square feet, and Parcel 3 will consist of approximately 4,910 square feet, each (Attachment "G").

Additionally, through the City's permit processing procedures, other City departments and divisions review and analyze project proposals and recommend appropriate conditions. The Public Works Department has reviewed the project and has recommended several on-site and off-site improvements (Attachment "H"). All improvements must be completed prior to obtaining an occupancy permit and final parcel map approval. All fees and comments from the Public Works Department shall be addressed prior to issuance of final certificate of occupancy.

**BUDGET IMPACT:**

There is minimal impact to approving the proposed Parcel Map. The applicant has paid all required planning fees to recover staff costs for reviewing and processing the application. The appropriate Building and Public Works fees (if applicable) will be paid when the applicant pulls permits to begin construction. Those fees are also set by City Council to recover staff costs for reviewing, processing, and inspecting construction plans and activities.

Additionally, the City's Municipal Code requires a subdivider to dedicate land, or pay a fee in lieu thereof, or do a combination of both, to provide for public park and recreational facilities. Therefore, an in-lieu fee ("Quimby" fee) is required as a condition of approval for the tentative parcel map.

**CONCLUSION:**

In light of the analysis, it is staff's assessment that the proposed subdivision meets all of the minimum development standards for a single family residentially zoned lot. The proposed subdivision will maintain the current makeup of the existing neighborhood, and will provide additional development of single family dwelling units. This supports the City's General Plan Housing Element Goal 1.0 Policy 1.2 which looks to maintain and enhance the quality of existing neighborhoods by maintaining the character of the established neighborhood through the development of new single-family residential units.

**Consideration to Adopt an Ordinance Approving a Request for the Approval of a Tentative Parcel Map to Subdivide a 15,800 Square Foot Property into Three Lots – Tentative Parcel Map 2017-01 (TPM No. 74153); 927 Seventh Street**

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Staff recommends that the City Council approve Tentative Parcel Map 2017-001 for the property located at 927 Seventh Street, pursuant to City Council Ordinance No. 1680.

**ATTACHMENTS:**

- A. Ordinance No. 1680
- B. Planning and Preservation Commission Resolution 2018-006 and Exhibit "A"
- C. Tentative Parcel Map Application and Vicinity Map
- D. Ordinance No. 1675
- E. Mitigated Negative Declaration and Initial Study
- F. Project Site Photos
- G. Site Plan
- H. Public Works Comments/Checklist

**ATTACHMENT "A"****ORDINANCE NO. 1680**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, APPROVING A REQUEST FOR THE APPROVAL OF A TENTATIVE PARCEL MAP TO SUBDIVIDE A 15,800 SQUARE FOOT PROPERTY INTO THREE LOTS AS FOLLOWS: PARCEL 1 WILL CONSIST OF APPROXIMATELY 3,879 SQUARE FEET AND PARCEL 2 WILL CONSIST OF APPROXIMATELY 4,909 SQUARE FEET AND PARCEL 3 WILL CONSIST OF APPROXIMATELY 4,910 SQUARE FEET, EACH. THE PROJECT SITE CONSISTS OF A 79-FOOT BY 200-FOOT LOT AND IS LOCATED AT THE CORNER OF SEVENTH STREET AND MACNEIL STREET WITHIN THE SINGLE-FAMILY RESIDENTIAL ZONE (R-1 ZONE)**

**WHEREAS**, an application has been filed by Jose J. Martinez, with the City to allow for the subdivision of a single lot into three separate single family residential lots. In addition, the applicant would also be dedicating a portion of the lot to the City which will be designated for sidewalk and parkway public right-of-way improvements. on an approximate 15,800 square foot site located at 927 Seventh Street within the R-1 single family residential zone; and

**WHEREAS**, notice of Public Hearing of the City Council of the City of San Fernando to consider the requested tentative parcel map was given in accordance with Government Code §66451.3; and

**WHEREAS**, notice of said tentative parcel map was submitted to appropriate agencies as required by the subdivision requirements of state law and the San Fernando Municipal Code, with the request for their review, comments, and requirements in accordance with Government Code §66455.7 and 66453); and

**WHEREAS**, pursuant to Government Code §66452.3, City staff prepared a written report recommending that the proposed subdivision be approved, and served a copy of that report upon the subdivider at least three (3) days prior to the aforementioned hearing; and

**WHEREAS**, pursuant to Government Code §66412.3, the Planning and Preservation Commission has considered the effect of the proposed development, on the housing needs of the region in which San Fernando is situated and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources; the approval of the proposed development represents the balance of these respective needs in a manner which is consistent with the City's obligation pursuant to its powers to protect the public health, safety and welfare.

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

**SECTION 1:** Pursuant to the California Environmental Quality Act (CEQA), staff has adopted a mitigated negative declaration for the project. The environmental analysis notes possible short term impacts during the construction phase of the project which will be mitigated in order to provide less than a significant impact on the environment. The public review period for the Negative Declaration was from December 27, 2017 and ended on January 17, 2018.

**SECTION 2:** Pursuant to Government Code §66473.5, the proposed development and provisions for its design and improvement are compatible with the objectives, policies, and general land uses and programs provided in the City's General Plan and any applicable specific plan; and

**SECTION 3:** Pursuant to Government Code §65567, the proposed development and the provisions for its design and improvements are compatible with the objectives, policies, and general land uses and programs provided in the City's local open space plan; and

**SECTION 4:** Pursuant to Government Code §66474, with the incorporation of those conditions attached as Exhibit "A":

- a. The proposed map is consistent with the applicable general and specific plans as specified in Government Code §65451.
- b. The design and improvements of the proposed subdivision are consistent with the General Plan.
- c. The site is physically suitable for the type of development contemplated by the proposed subdivision.
- d. The site is physically suitable for the proposed density of the development contemplated by the proposed subdivision.
- e. The design of the development and improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.
- f. The design of the development and improvements is not likely to cause serious public health problems.
- g. The design of the development or the type of improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed development.



**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of San Fernando at its regular meeting on this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Sylvia Ballin, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Richard Padilla, Assistant City Attorney

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

I, ELENA G. CHAVEZ, City Clerk of the City of San Fernando, do hereby certify that the foregoing Ordinance No. was adopted at a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_ 2018, and was carried by the following roll call vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

**EXHIBIT “A”**  
**CONDITIONS OF APPROVAL**

**PROJECT NO.** : **Tentative Parcel Map 2017-001**  
**PROJECT ADDRESS** : 927 Seventh Street, San Fernando, CA 91340  
(Los Angeles county Assessor’s Parcel No.: 2515-028-014)  
**PROJECT DESCRIPTION** : A request for the approval of a tentative parcel map to subdivide a 15,800 square foot property into three lots as follow: Parcel 1 will consist of approximately 3,879 square feet and Parcel 2 will consist of approximately 4,909 square feet and Parcel 3 will consist of approximately 4,910 square feet, each. The project site consists of a 79 foot by 200 foot lot and is located at the corner of Seventh Street and Macneil Street within the Single-Family Residential (R-1) Zone.

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**Tentative Parcel Map 2017-01 Conditions of Approval:**

The following are conditions for approval of the proposed subdivision upon review of the Tentative Parcel Map, and shall be complied within their entirety, as determined by the Community Development Department, prior to approval of the Final Parcel Map:

1. These conditions of approval and the attachments thereto are applicable to the land described in this application and shown on the tentative parcel map.
2. The proposed subdivision and final parcel map shall be in compliance with all of the provisions of Chapter 78 (Subdivisions) of the San Fernando Municipal Code and the State of California Subdivision Map Act (Government Code §66410 et seq.). The tentative parcel map shall be valid for a period of two (2) years from the date of approval, unless an extension is approved by the City of San Fernando. The applicant shall also comply with all other requirements of any applicable federal, state, or local law, ordinance, or regulation.
3. The final parcel map shall be prepared in accordance with the policies and procedures of the City of San Fernando, including final approval by the City Council. Such map shall be submitted to the Community Development Department and shall be approved for recording by the City Engineer and be recorded with the County Recorder prior to expiration of the tentative parcel map.
4. The applicant shall comply with the requirements for subdivision of the site as listed in the attached “Public Works Department Development/Improvement Review Checklist.” (See “Attachment 6”) Also, any approved revisions to the proposed subdivision shall be incorporated into the site plan submitted prior to approval of the final parcel map.

COA –TPM 2017-001

927 Seventh Street, San Fernando, CA 91340 (Cont'd)

Page 2

5. The City's residential development fee for parkland acquisition or enhancement ("Quimby fee") shall be paid in full prior to the recording of the final parcel map with the County of Los Angeles. The required development fee is calculated with a formula: land value per square foot times number of dwelling units times 235 square feet per unit. The Community development Department will establish land value by either an independent appraisal (at the applicant's expense) or by the applicant providing the Community Development Department with satisfactory proof of purchase.
6. A grading plan shall be reviewed and approved by the City Engineer. Existing grades abutting neighboring properties shall be maintained, unless otherwise approved by the City Engineer and the Community Development Department.
7. The applicant shall provide the Community Development Department with proof that the Conditions of Approval have been recorded with the Los Angeles County Clerk's Office.
8. Within thirty (30) days of approval of Tentative Parcel Map 2017-001 by the City Council, the applicant shall certify his or her acceptance of the conditions of approval or modifications thereto by signing a statement that he or she accepts and shall be bound by all of the conditions.
9. Indemnification. The property owner and developer shall indemnify, protect, hold harmless and defend the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. The duty to indemnify, protect, hold harmless and defend as described in this section above, also includes, without limitation, the duty to pay all reasonable attorneys fees, City staff time costs and other out-of-pocket expenses incurred by the City in the course of the property owner's or developer's defense of any effort attack, set aside, void, annul, recover monetary damages resulting from an approval of the City, or any agency or instrumentality thereof. City shall promptly notify both the property owner and developer of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense. The property owner and developer shall also defend, indemnify and hold harmless the City for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an environmental impact report or related environmental assessment) if made necessary through the initiation of the project.

**ATTACHMENT "B"****RESOLUTION NO. 2018-006**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN FERNANDO APPROVING A REQUEST FOR THE APPROVAL OF A TENTATIVE PARCEL MAP TO SUBDIVIDE A 15,800 SQUARE FOOT PROPERTY INTO THREE LOTS AS FOLLOW: PARCEL 1 WILL CONSIST OF APPROXIMATELY 3,879 SQUARE FEET AND PARCEL 2 WILL CONSIST OF APPROXIMATELY 4,909 SQUARE FEET AND PARCEL 3 WILL CONSIST OF APPROXIMATELY 4,910 SQUARE FEET, EACH. THE PROJECT SITE CONSISTS OF A 79 FOOT BY 200 FOOT LOT AND IS LOCATED AT THE CORNER OF SEVENTH STREET AND MACNEIL STREET WITHIN THE SINGLE-FAMILY RESIDENTIAL ZONE (R-1 ZONE).**

WHEREAS, an application has been filed by Julio J. Martinez, with the City to allow the construction of a four-unit residential condominium development. to allow for the subdivision of a single lot into three separate single family residential lots. In addition, the applicant would also be dedicating a portion of the lot to the city which will be designated for sidewalk and parkway public right of way improvements. on an approximate 15,800 square foot site located at 927 Seventh Street within the R-1 (Single Family Residential) zone; and

WHEREAS, notice of public hearing of the Planning Commission of the City of San Fernando to consider the requested tentative parcel map was given in accordance with Government Code §66451.3; and

WHEREAS, notice of said tentative parcel map was submitted to appropriate agencies as required by the subdivision requirements of state law and the San Fernando Municipal Code, with the request for their review, comments, and requirements in accordance with Government Code §66455.7 and 66453); and

WHEREAS, pursuant to Government Code §66452.3, City staff prepared a written report recommending that the proposed subdivision be approved, and served a copy of that report upon the subdivider at least three (3) days prior to the aforementioned hearing; and

WHEREAS, pursuant to Government Code §66412.3, the Planning Commission has considered the effect of the proposed development, on the housing needs of the region in which San Fernando is situated and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources; the approval of the proposed development represents the balance of these respective needs in a manner which is consistent with the City's obligation pursuant to its powers to protect the public health, safety and welfare; and

WHEREAS, the Planning Commission has considered all of the evidence presented in connection with the project, written and oral at the public hearing held on the 24th day of September 2018.

*Tentative Parcel Map 2017-001- 927 Seventh Street  
Resolution No.2018-006*

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds as follows:

SECTION 1: Pursuant to the California Environmental Quality Act (CEQA), staff has adopted a mitigated negative declaration for the project. The environmental analysis notes possible short term impacts during the construction phase of the project which will be mitigated in order to provide less than a significant impact on the environment. The public review period for the Negative Declaration was from December 27, 2017 and ended on January 17, 2018.

SECTION 2: Pursuant to Government Code §66473.5, the proposed development and provisions for its design and improvement are compatible with the objectives, policies, and general land uses and programs provided in the City's General Plan and any applicable specific plan; and

SECTION 3: Pursuant to Government Code §65567, the proposed development and the provisions for its design and improvements are compatible with the objectives, policies, and general land uses and programs provided in the City's local open space plan; and

SECTION 4: Pursuant to Government Code §66474, with the incorporation of those conditions attached as Exhibit "A":

- a. The proposed map is consistent with the applicable general and specific plans as specified in Government Code §65451.
- b. The design and improvements of the proposed subdivision are consistent with the General Plan.
- c. The site is physically suitable for the type of development contemplated by the proposed subdivision.
- d. The site is physically suitable for the proposed density of the development contemplated by the proposed subdivision.
- e. The design of the development and improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.
- f. The design of the development and improvements is not likely to cause serious public health problems.
- g. The design of the development or the type of improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed development.

*Tentative Parcel Map 2017-001- 927 Seventh Street  
Resolution No.2018-006*

BE IT FURTHER RESOLVED that based upon the foregoing, the Planning Commission hereby approves Tentative Parcel Map 2017-001, subject to the conditions to be attached as Exhibit "A".

PASSED, APPROVED AND ADOPTED this 24th Day of July 2018.

---

ALVIN DURHAM, VICE-CHAIRPERSON

ATTEST:

---

TIMOTHY HOU, SECRETARY TO THE PLANNING AND PRESERVATION COMMISSION

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

I, TIMOTHY HOU, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the 24<sup>th</sup> day of July 2018; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

TIMOTHY HOU, SECRETARY TO THE PLANNING COMMISSION

**EXHIBIT “A”**  
**CONDITIONS OF APPROVAL**

**PROJECT NO.** : **Tentative Parcel Map 2017-001**  
**PROJECT ADDRESS** : 927 Seventh Street, San Fernando, CA 91340  
(Los Angeles county Assessor’s Parcel No.: 2515-028-014)  
**PROJECT DESCRIPTION** : A request for the approval of a tentative parcel map to subdivide a 15,800 square foot property into three lots as follow: Parcel 1 will consist of approximately 3,879 square feet and Parcel 2 will consist of approximately 4,909 square feet and Parcel 3 will consist of approximately 4,910 square feet, each. The project site consists of a 79 foot by 200 foot lot and is located at the corner of Seventh Street and Macneil Street within the Single-Family Residential (R-1) Zone.

---

**Tentative Parcel Map 2017-01 Conditions of Approval:**

The following are conditions for approval of the proposed subdivision upon review of the Tentative Parcel Map, and shall be complied within their entirety, as determined by the Community Development Department, prior to approval of the Final Parcel Map:

1. These conditions of approval and the attachments thereto are applicable to the land described in this application and shown on the tentative parcel map.
2. The proposed subdivision and final parcel map shall be in compliance with all of the provisions of Chapter 78 (Subdivisions) of the San Fernando Municipal Code and the State of California Subdivision Map Act (Government Code §66410 et seq.). The tentative parcel map shall be valid for a period of two (2) years from the date of approval, unless an extension is approved by the City of San Fernando. The applicant shall also comply with all other requirements of any applicable federal, state, or local law, ordinance, or regulation.
3. The final parcel map shall be prepared in accordance with the policies and procedures of the City of San Fernando, including final approval by the City Council. Such map shall be submitted to the Community Development Department and shall be approved for recording by the City Engineer and be recorded with the County Recorder prior to expiration of the tentative parcel map.
4. The applicant shall comply with the requirements for subdivision of the site as listed in the attached “Public Works Department Development/Improvement Review Checklist.” (See “Attachment 6”) Also, any approved revisions to the proposed subdivision shall be incorporated into the site plan submitted prior to approval of the final parcel map.

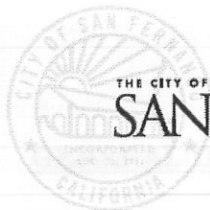
COA –TPM 2017-001

927 Seventh Street, San Fernando, CA 91340 (Cont'd)

Page 2

5. The City's residential development fee for parkland acquisition or enhancement ("Quimby fee") shall be paid in full prior to the recording of the final parcel map with the County of Los Angeles. The required development fee is calculated with a formula: land value per square foot times number of dwelling units times 235 square feet per unit. The Community development Department will establish land value by either an independent appraisal (at the applicant's expense) or by the applicant providing the Community Development Department with satisfactory proof of purchase.
6. A grading plan shall be reviewed and approved by the City Engineer. Existing grades abutting neighboring properties shall be maintained, unless otherwise approved by the City Engineer and the Community Development Department.
7. The applicant shall provide the Community Development Department with proof that the Conditions of Approval have been recorded with the Los Angeles County Clerk's Office.
8. Within thirty (30) days of approval of Tentative Parcel Map 2017-001 by the City Council, the applicant shall certify his or her acceptance of the conditions of approval or modifications thereto by signing a statement that he or she accepts and shall be bound by all of the conditions.
9. Indemnification. The property owner and developer shall indemnify, protect, hold harmless and defend the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. The duty to indemnify, protect, hold harmless and defend as described in this section above, also includes, without limitation, the duty to pay all reasonable attorneys fees, City staff time costs and other out-of-pocket expenses incurred by the City in the course of the property owner's or developer's defense of any effort attack, set aside, void, annul, recover monetary damages resulting from an approval of the City, or any agency or instrumentality thereof. City shall promptly notify both the property owner and developer of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense. The property owner and developer shall also defend, indemnify and hold harmless the City for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an environmental impact report or related environmental assessment) if made necessary through the initiation of the project.





THE CITY OF  
**SAN FERNANDO**  
INCORPORATED  
JAN. 26, 1911  
CALIFORNIA

# Community Development Department

117 Macneil Street San Fernando, CA 91340 · (818) 898-1227 · Fax: (818) 898-7329

## Tentative Parcel/Tract Map Application

Applicant Julio Martinez

(Please type or print.)

Site Address 927 7th San Fernando Ca 91340

Request (What is being applied for): Subdivision of existing  
15800 SF lot into 3 parcels

Assessor's Parcel Number (APN) 2515-028-014

Property Size (In square feet) 15800

Engineer/Surveyor

21308 Pathfinder Road, Suite 909-396-1131

Engineer/Surveyor Address

Diamond Bar, Cal 91765

Engineer/Surveyor Telephone No.

Present use of property R1

Proposed use subdivision into 3 lots

Applicant's Signature

Property Owner's Signature

Applicant Telephone No.

Property Owner's Name (type or print)

Applicant Mailing Address:

Property Owner's Mailing Address:

18241 Kipzie St

Northridge Ca 91325

Fax Number:

Email Address:

JulioM711@yahoo.com

### OFFICE USE ONLY

Date filed: 4/26/17

Accepted by: H. Quintana

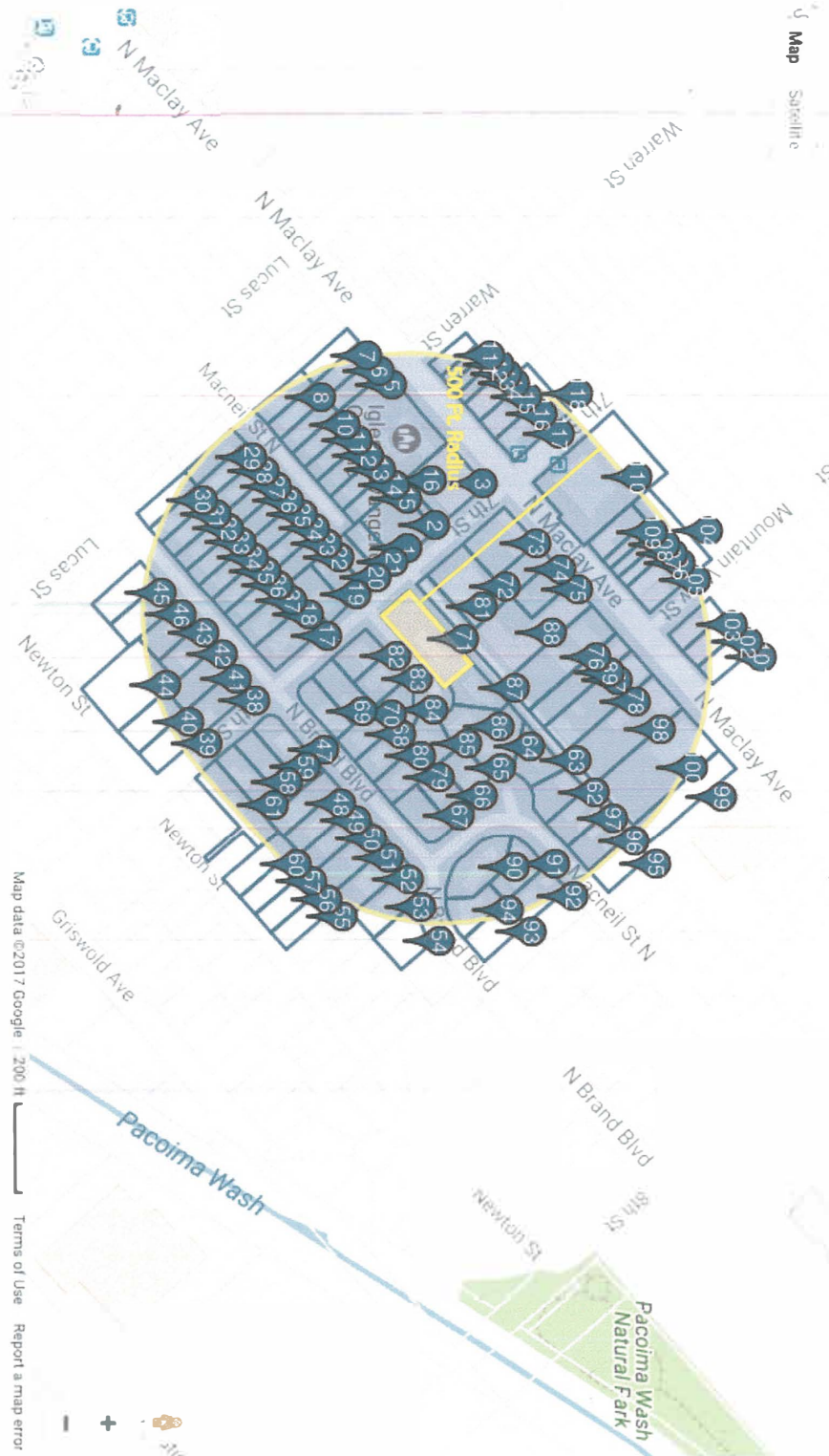
Case Number TPM2017-001

Zoning: R-1 GPA:

TPM NO. 74153

## RADIUS MAP

SCALE: 1" = 200'



## SITE ADDRESS:

30050 PACIFIC COAST HWY  
MALIBU CA 90265

## LEGAL DESCRIPTION:

APN: 2515-028-014

## PROPERTY OWNER(S):

L A COUNTY  
500 W TEMPLE ST #754  
LOS ANGELES CA 90012

MACLAY RANCHO LOT COM ON NE LINE OF SEVENTH ST  
SE 276.6 FT FROM MOST W COR OF BLK 101 TH SE ON SD  
NE LINE 79 FT WITH A UNIFORM DEPTH OF 200 FT NE AT  
R/A PART OF LOT BLK 101

RADIUS: 500 Feet

**N.P.S. + ASSOCIATES**

Address: 396 W. Avenue 44  
Los Angeles, CA 90065  
Telephone: (323) 801-6393

Email: [contact.npsassociates@gmail.com](mailto:contact.npsassociates@gmail.com)  
Website: [npsassociates.com](http://npsassociates.com)

**ATTACHMENT "D"****ORDINANCE NO. 1675**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA AMENDING SECTION 106-6 (DEFINITIONS) OF ARTICLE I (IN GENERAL) OF CHAPTER 106 (ZONING) OF THE SAN FERNANDO MUNICIPAL CODE TO PROVIDE ADDED CLARIFICATION REGARDING THE METHODOLOGY FOR CALCULATING LOT AREA WITHIN R-1 RESIDENTIAL ZONES.**

**The City Council of the City of San Fernando does hereby ordain as follows:**

**WHEREAS**, the City of San Fernando seeks to refine the methodology for computing lot area for certain residential projects located within the R-1 single family residential zone; and

**WHEREAS**, the refinements are not intended to apply to non-residential projects or projects located outside of the R-1 single family residential zone; and

**WHEREAS**, the refinements are not to be applied for the computation of lot area for the establishment of accessory dwelling units within the meaning of Section 106-358 (Regulation of Accessory Dwelling Units) of Division 2 (R-1 Single family, Residential Zone) of Article III (Zones) of Chapter 106 (Zoning) of the San Fernando Municipal Code.

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

**SECTION 1.** The definition of the term "lot area" as defined under Section 106-6 (Definitions) of Article I (In General) of Chapter 106 (Zoning) of the San Fernando Municipal Code is hereby amended in its entirety to now state the following:

*Lot area means the total area within the lot lines of a lot excluding any street, highway or alley right-of-way, except that in the case of lots in the R-1 single family residential zone, that area up to the midpoint of all immediately abutting streets, alleys or highways which would revert to the lot if the street, highway or alley were vacated may be assumed to be a portion of the lot. The foregoing notwithstanding, the alternative methodology for calculating lot area in the R-1 single family residential zone as set forth in the preceding sentence shall not be used for purposes of (i) any application or request to establish an accessory dwelling unit within the meaning of Section 106-358 (Regulation of Accessory Dwelling Units) of Division 2 (R-1 Single family, Residential Zone) of Article III (Zones) of Chapter 106 (Zoning) of the San Fernando Municipal Code; or (ii) calculating maximum lot coverage within the meaning of subdivision (6)(a) of Section 106-967 (Residential zoned property) of the San Fernando Municipal Code or any other provision of the same requiring the calculation of maximum lot coverage.*


**SECTION 2.** Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

**SECTION 3.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this 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 be declared unconstitutional. If for any reason any portion of this ordinance is found to be invalid by a court of competent jurisdiction, the balance of this ordinance shall not be affected.

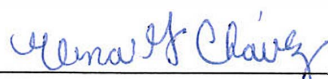
**SECTION 4.** Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local newspaper of general circulation and which is hereby designated for that purpose.

**SECTION 5.** CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.


**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of San Fernando at its regular meeting on this 7th day of May, 2018.

  
\_\_\_\_\_  
Sylvia Ballin, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Richard Padilla, Assistant City Attorney

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

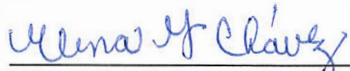
I, ELENA G. CHAVEZ, City Clerk of the City of San Fernando, do hereby certify that the foregoing Ordinance No. 1675 was adopted at a regular meeting of the City Council held on the 7th day of May, 2018, and was carried by the following roll call vote:

**AYES:**       Ballin, Fajardo, Gonzales, Lopez – 4

**NOES:**       None

**ABSENT:**    Soto – 1

**ABSTAIN:**   None



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



# **MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY**

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## **TENTATIVE PARCEL MAP No. 74153 927 SEVENTH STREET SAN FERNANDO, CALIFORNIA**



### **LEAD AGENCY:**

**CITY OF SAN FERNANDO  
COMMUNITY DEVELOPMENT DEPARTMENT  
117 MACNEIL STREET  
SAN FERNANDO, CALIFORNIA 91340**

### **REPORT PREPARED BY:**

**BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING  
2211 S. HACIENDA BOULEVARD, SUITE 107  
HACIENDA HEIGHTS, CALIFORNIA 91745**

**NOVEMBER 27, 2017**

CITY OF SAN FERNANDO  
MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY • TPM No. 74153, 927 SEVENTH STREET

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CITY OF SAN FERNANDO  
MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY • TPM NO. 74153, 927 SEVENTH STREET

## MITIGATED NEGATIVE DECLARATION

**PROJECT NAME:** Tentative Parcel Map (TTM) No. 74153

**ADDRESS:** 927 Seventh Street

**CITY & COUNTY:** San Fernando, Los Angeles County

**PROJECT:** The City of San Fernando Community Development Department (referred to hereinafter as the Lead Agency) is reviewing a proposed Tentative Parcel Map (TPM) that would allow for the construction of three single-family detached units. Parcel #1 will consist of approximately 4,790 square feet and, Parcel #2 and Parcel #3 will consist of approximately 4,453 square feet, each. Each lot will include a two-story single-family detached residential unit with an attached two-car garage. The project site is currently improved with a single-family residence that will be demolished to accommodate the proposed new development. The project site consists of a 79-foot by 200-foot lot or approximately 15,800 square feet. The project site is located at the corner of Seventh Street and Macneil Street within the Single-Family Residential (R-1) Zone. The site's address is 927 Seventh Street. As part of the project, the Applicant is requesting a zone variance to allow less than the allowed minimum lot size and lot dimensions. The Applicant for the proposed project is Jose J. Martinez, located at 8241 Kinsey Street Northridge, California 91325.

**FINDINGS:** The environmental analysis provided in the attached Initial Study indicates that the proposed project will not result in any significant adverse unmitigable impacts. For this reason, the City of San Fernando determined that a *Mitigated Negative Declaration* is the appropriate CEQA document for the proposed project. The following findings may be made based on the analysis contained in the attached Initial Study:

- The proposed project *will not* have the potential to degrade the quality of the environment.
- The proposed project *will not* have the potential to achieve short-term goals to the disadvantage of long-term environmental goals.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable, when considering planned or proposed development in the city.
- The proposed project *will not* have environmental effects that will adversely affect humans, either directly or indirectly.

The environmental analysis is provided in the attached Initial Study that was prepared for the proposed project.

---

Signature  
City of San Fernando Department of Community Development

---

Date



CITY OF SAN FERNANDO  
MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY • TPM NO. 74153, 927 SEVENTH STREET

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CITY OF SAN FERNANDO  
MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY • TPM NO. 74153, 927 SEVENTH STREET

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## SECTION 1 INTRODUCTION

### 1.1 PURPOSE OF INITIAL STUDY

---

The City of San Fernando Community Development Department (referred to hereinafter as the Lead Agency) is reviewing a proposed Tentative Parcel Map (TPM) that would allow for the construction of three single-family detached units. Parcel #1 will consist of approximately 4,790 square feet, Parcel # 2 will consist of approximately 4,453 square feet and, Parcel #2 and Parcel #3 will consist of approximately 4,453 square feet, each. Each lot will include a two-story single-family detached residential unit with an attached two-car garage. The project site is currently improved with a single-family residence that will be demolished to accommodate the proposed new development. The project site is located at the corner of Seventh Street and Macneil Street within the Single-Family Residential (R-1) Zone. The site's address is 927 Seventh Street. As part of the project, the Applicant is requesting a zone variance to allow less than the allowed minimum lot size and lot dimensions. The Applicant for the proposed project is Jose J. Martinez, located at 8241 Kinsey Street Northridge, California 91325.<sup>1</sup>

The proposed project is described in greater detail herein in Section 2. The proposed residential development is considered to be a project under the California Environmental Quality Act (CEQA) and therefore, is subject to the City's environmental review process.<sup>2</sup> The City of San Fernando (referred to herein as "the City") is the designated Lead Agency for the proposed project and the City will be responsible for the project's environmental review. Section 21067 of CEQA defines a Lead Agency as the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect on the environment.<sup>3</sup>

As part of the proposed project's environmental review, the City authorized the preparation of this Initial Study.<sup>4</sup> The primary purpose of CEQA is to ensure that decision-makers and the public understand the environmental implications of a specific action or project. The purpose of this Initial Study is to determine whether the proposed project will have the potential for significant adverse impacts on the environment once it is implemented. Pursuant to the CEQA Guidelines, additional purposes of this Initial Study include the following:

- To provide the City with information to use as the basis for deciding whether to prepare an environmental impact report (EIR), mitigated negative declaration, or negative declaration for a project;
- To facilitate the project's environmental assessment early in the design and development of the proposed project;

---

<sup>1</sup> Civil Trans Inc. *Site Plan (Prepared for Jose J. Martinez) 927 Seventh Street, San Fernando, California*. March 7, 2017.

<sup>2</sup> California, State of. *Title 14. California Code of Regulations. Chapter 3. Guidelines for the Implementation of the California Environmental Quality Act*. as Amended 1998 (CEQA Guidelines). § 15060 (b).

<sup>3</sup> California, State of. *California Public Resources Code. Division 13, Chapter 2.5. Definitions*. as Amended 2001. § 21067.

<sup>4</sup> Ibid. (CEQA Guidelines) § 15050.

- To eliminate unnecessary EIRs; and,
- To determine the nature and extent of any impacts associated the proposed project.

Although this Initial Study was prepared with consultant support, the analysis, conclusions, and findings made as part of its preparation, fully represent the independent judgment and position of the City of San Fernando in its capacity as the Lead Agency. Certain projects or actions undertaken by a Lead Agency (in this instance, the City) may require approvals or permits from other public agencies. These other agencies are referred to as responsible agencies and trustee agencies, pursuant to Sections 15381 and 15386 of the state CEQA Guidelines.<sup>5</sup> The City determined, as part of this Initial Study's preparation, that a mitigated negative declaration is the appropriate environmental document for the proposed project's CEQA review. This Initial Study and the *Notice of Intent to Adopt a Mitigated Negative Declaration* will be forwarded to responsible agencies, trustee agencies, and the public for review and comment. A 20-day public review period will be provided to allow these entities and other interested parties to comment on the proposed project and the findings of the Initial Study.<sup>6</sup>

## 1.2 INITIAL STUDY'S ORGANIZATION

---

The following annotated outline summarizes the contents of this Initial Study:

- *Section 1 Introduction*, provides the procedural context surrounding this Initial Study's preparation and insight into its composition. A checklist that summarizes the findings of the environmental analysis is summarized in this section.
- *Section 2 Project Description*, provides an overview of the existing environment as it relates to the project site and describes the proposed project's physical and operational characteristics.
- *Section 3 Environmental Analysis* includes an analysis of potential impacts associated with the construction and the subsequent occupancy of the proposed project. The analysis considers both the short-term (construction) impacts and the long-term (operational) impacts.
- *Section 4 Findings* summarizes the CEQA findings related to the proposed project's approval and subsequent implementation along with the mitigation measures that are identified in the environmental analysis which will be implemented as a means to address potential environmental impacts.
- *Section 5 References*, identifies the sources used in the preparation of this Initial Study.

The format and structure of this Initial Study generally reflects that of the Initial Study checklist, provided in Table 1-1.

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<sup>5</sup> California, State of. Public Resources Code Division 13. *The California Environmental Quality Act. Chapter 2.5, Section 21067 and Section 21069.* 2000.

<sup>6</sup> Ibid. *Chapter 2.6, Section 2109(b).* 2000.

### 1.3 INITIAL STUDY CHECKLIST

The environmental analysis provided in Section 3 of this Initial Study indicates that the proposed housing development will not result in any significant adverse unmitigable impacts on the environment. For this reason, the City has determined that a mitigated negative declaration is the appropriate CEQA document for the proposed project. The following findings may also be made, based on the analysis completed as part of this Initial Study's preparation:

- The proposed project *will not* have the potential to degrade the quality of the environment.
- The proposed project *will not* have the potential to achieve short-term goals to the disadvantage of long-term environmental goals.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable, when considering planned or proposed development in the immediate vicinity.
- The proposed project *will not* have environmental effects that will adversely affect humans, either directly or indirectly.

The findings of this Initial Study are summarized in Table 1-1 provided below and on the following pages.

**Table 1-1  
Summary (Initial Study Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>Section 3.1 Aesthetic Impacts.</b> <i>Would the project:</i>				
<b>a)</b> Have a substantial adverse affect on a scenic vista?				<b>X</b>
<b>b)</b> Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?				<b>X</b>
<b>c)</b> Result in a substantial degradation of the existing visual character or quality of the site and its surroundings?				<b>X</b>
<b>d)</b> Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?		<b>X</b>		
<b>Section 3.2 Agriculture and Forestry Resources Impacts.</b> <i>Would the project:</i>				
<b>a)</b> Convert Prime Farmland, Unique Farmland or Farmland of state wide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				<b>X</b>

**Table 1-1**  
**Summary (Initial Study Checklist)**

<b>Environmental Issues Area Examined</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>b)</b> Conflict with existing zoning for agricultural use, or a Williamson Act contract?				<b>X</b>
<b>c)</b> Would the project conflict with existing zoning for or cause rezoning of, forest land (as defined in Public Resources Code §4526), or zoned timberland production (as defined by Government Code §51104(g))?				<b>X</b>
<b>d)</b> Would the project result in the loss of forest land or the conversion of forest land to a non-forest use?				<b>X</b>
<b>e)</b> Involve other changes in the existing environment that, due to their location or nature, may result in conversion of farmland to non-agricultural use?				<b>X</b>
<b>Section 3.3 Air Quality Impacts.</b> <i>Would the project:</i>				
<b>a)</b> Conflict with or obstruct implementation of the applicable air quality plan?				<b>X</b>
<b>b)</b> Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		<b>X</b>		
<b>c)</b> Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			<b>X</b>	
<b>d)</b> Expose sensitive receptors to substantial pollutant concentrations?			<b>X</b>	
<b>e)</b> Create objectionable odors affecting a substantial number of people?				<b>X</b>
<b>Section 3.4 Biological Resources Impacts.</b> <i>Would the project have a substantial adverse effect:</i>				
<b>a)</b> Either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U. S. Fish and Wildlife Service?				<b>X</b>
<b>b)</b> On any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				<b>X</b>
<b>c)</b> On federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				<b>X</b>

**Table 1-1  
Summary (Initial Study Checklist)**

<b>Environmental Issues Area Examined</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>d)</b> In interfering substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites?				<b>X</b>
<b>e)</b> In conflicting with any local policies or ordinances, protecting biological resources, such as a tree preservation policy or ordinance?				<b>X</b>
<b>f)</b> By conflicting with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				<b>X</b>
<b>Section 3.5 Cultural and Tribal Resources Impacts.</b> <i>Would the project:</i>				
<b>a)</b> Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines?				<b>X</b>
<b>b)</b> Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines?				<b>X</b>
<b>c)</b> Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				<b>X</b>
<b>d)</b> Disturb any human remains, including those interred outside of formal cemeteries?				<b>X</b>
<b>Section 3.6 Geology Impacts.</b> <i>Would the project result in or expose people to potential impacts involving:</i>				
<b>a)</b> The exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault (as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault), ground –shaking, liquefaction, or landslides?			<b>X</b>	
<b>b)</b> Substantial soil erosion or the loss of topsoil?			<b>X</b>	
<b>c)</b> Location on a geologic unit or a soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				<b>X</b>
<b>d)</b> Location on expansive soil, as defined in California Building Code (2001), creating substantial risks to life or property?				<b>X</b>
<b>e)</b> Soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				<b>X</b>



**Table 1-1  
Summary (Initial Study Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>Section 3.7 Greenhouse Gas Emissions Impacts.</b> <i>Would the project</i>				
<b>a)</b> Result in the generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			<b>X</b>	
<b>b)</b> Increase the potential for conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gasses?			<b>X</b>	
<b>Section 3.8 Hazards and Hazardous Materials Impacts.</b> <i>Would the project:</i>				
<b>a)</b> Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				<b>X</b>
<b>b)</b> Create a significant hazard to the public or the environment or result in reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		<b>X</b>		
<b>c)</b> Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				<b>X</b>
<b>d)</b> Be located on a site, which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5, and as a result, would it create a significant hazard to the public or the environment?				<b>X</b>
<b>e)</b> Be located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?				<b>X</b>
<b>f)</b> Within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area?				<b>X</b>
<b>g)</b> Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency response plan or emergency evacuation plan?				<b>X</b>
<b>h)</b> Expose people or structures to a significant risk of loss, injury, or death involving wild lands fire, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?				<b>X</b>
<b>Section 3.9 Hydrology and Water Quality Impacts.</b> <i>Would the project:</i>				
<b>a)</b> Violate any water quality standards or waste discharge requirements?			<b>X</b>	

**Table 1-1**  
**Summary (Initial Study Checklist)**

<b>Environmental Issues Area Examined</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>b)</b> Substantially deplete groundwater supplies or interfere substantially with groundwater recharge in such a way that would cause a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			<b>X</b>	
<b>c)</b> Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on or off-site?				<b>X</b>
<b>d)</b> Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in flooding on-or off-site?				<b>X</b>
<b>e)</b> Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?		<b>X</b>		
<b>f)</b> Substantially degrade water quality?			<b>X</b>	
<b>g)</b> Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				<b>X</b>
<b>h)</b> Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?				<b>X</b>
<b>i)</b> Expose people or structures to a significant risk of flooding because of dam or levee failure?				<b>X</b>
<b>j)</b> Result in inundation by seiche, tsunami, or mudflow?				<b>X</b>
<b>Section 3.10 Land Use and Planning Impacts.</b> <i>Would the project:</i>				
<b>a)</b> Physically divide an established community, or otherwise result in an incompatible land use?				<b>X</b>
<b>b)</b> Conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			<b>X</b>	
<b>c)</b> Conflict with any applicable habitat conservation or natural community conservation plan?				<b>X</b>

**Table 1-1**  
**Summary (Initial Study Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>Section 3.11 Mineral Resources Impacts.</b> <i>Would the project:</i>				
<b>a)</b> Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				<b>X</b>
<b>b)</b> Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				<b>X</b>
<b>Section 3.12 Noise Impacts.</b> <i>Would the project result in:</i>				
<b>a)</b> Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				<b>X</b>
<b>b)</b> Exposure of people to or generation of excessive ground-borne noise levels?				<b>X</b>
<b>c)</b> Substantial permanent increase in ambient noise levels in the project vicinity above noise levels existing without the project?			<b>X</b>	
<b>d)</b> Substantial temporary or periodic increases in ambient noise levels in the project vicinity above levels existing without the project?		<b>X</b>		
<b>e)</b> For a project located with an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				<b>X</b>
<b>f)</b> For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				<b>X</b>
<b>Section 3.13 Population and Housing Impacts.</b> <i>Would the project:</i>				
<b>a)</b> Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?			<b>X</b>	
<b>b)</b> Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			<b>X</b>	
<b>c)</b> Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			<b>X</b>	
<b>Section 3.14 Public Services Impacts.</b> <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives in any of the following areas:</i>				
<b>a)</b> Fire protection services?		<b>X</b>		

**Table 1-1  
Summary (Initial Study Checklist)**

<b>Environmental Issues Area Examined</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>b) Police protection services?</b>		<b>X</b>		
<b>c) School services?</b>				<b>X</b>
<b>d) Other governmental services?</b>			<b>X</b>	
<b>Section 3.15 Recreation Impacts.</b> <i>Would the project:</i>				
<b>a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</b>			<b>X</b>	
<b>b) Affect existing recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?</b>			<b>X</b>	
<b>Section 3.16 Transportation Impacts.</b> <i>Would the project:</i>				
<b>a) Cause a conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit)?</b>			<b>X</b>	
<b>b) Exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency for designated roads or highways?</b>				<b>X</b>
<b>c) A change in air traffic patterns, including either an increase in traffic levels or a change in the location that results in substantial safety risks?</b>				<b>X</b>
<b>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)</b>		<b>X</b>		
<b>e) Result in inadequate emergency access?</b>				<b>X</b>
<b>f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</b>				<b>X</b>
<b>Section 3.17 Utilities Impacts.</b> <i>Would the project:</i>				
<b>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</b>		<b>X</b>		

**Table 1-1  
Summary (Initial Study Checklist)**

<b>Environmental Issues Area Examined</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>b)</b> Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?		<b>X</b>		
<b>c)</b> Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			<b>X</b>	
<b>d)</b> Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			<b>X</b>	
<b>e)</b> Result in a determination by the provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			<b>X</b>	
<b>f)</b> Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?			<b>X</b>	
<b>g)</b> Comply with federal, state, and local statutes and regulations related to solid waste?				<b>X</b>
<b>Section 3.18 Mandatory Findings of Significance.</b> <i>The approval and subsequent implementation of the proposed project:</i>				
<b>a)</b> Will not have the potential to degrade the quality of the environment, with the implementation of the recommended standard conditions and mitigation measures included herein.				<b>X</b>
<b>b)</b> Will not have the potential to achieve short-term goals to the disadvantage of long-term environmental goals, with the implementation of the recommended standard conditions and mitigation measures referenced herein.				<b>X</b>
<b>c)</b> Will not have impacts that are individually limited, but cumulatively considerable, when considering planned or proposed development in the immediate vicinity, with the implementation of the recommended standard conditions and mitigation measures contained herein.				<b>X</b>
<b>d)</b> Will not have environmental effects that will adversely affect humans, either directly or indirectly, with the implementation of the recommended standard conditions and mitigation measures contained herein.				<b>X</b>



## SECTION 2 PROJECT DESCRIPTION

### 2.1 PROJECT LOCATION

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The City of San Fernando is located in the northeast portion of the San Fernando Valley in Los Angeles County. The City has a total land area of 2.4 square miles and is surrounded by the City of Los Angeles on all sides. Major physiographic features located in the vicinity of the City include the San Gabriel Mountains (three miles to the north), the Pacoima Wash (along the eastern side of the City), Hansen Lake (three miles to the southeast of the City), and the Los Angeles Reservoir (four miles to the northwest).<sup>7</sup> The City of San Fernando is located 22 miles from downtown Los Angeles. Other communities located near San Fernando include Sylmar, Sun Valley, Mission Hills, and Pacoima.<sup>8</sup> These latter named communities are also part of the City of Los Angeles.

Regional access to the City of San Fernando and the project site is possible from three freeways located in the area: the Interstate 5 Freeway (I-5), the State Route 118 (SR-118), and the Interstate 210 Freeway (I-210). The I-5 Freeway is located to the southwest of the City with ramp connections at South Brand Boulevard and San Fernando Mission Boulevard. State Route 118 (the Ronald Reagan Freeway) is located to the east of the City and has ramp connections at San Fernando Road and Glenoaks Boulevard. Finally, the I-210 Freeway is located to the north of the City and provides ramp connections at Maclay Street and Hubbard Street.<sup>9</sup> The location of the City in a regional context is shown in Exhibit 2-1. A citywide map is provided in Exhibit 2-2.

The project site is located in the northernmost portion of the City, one block east of Maclay Avenue north of Seventh Street. The project site consists of a 79-foot by 200-foot lot or approximately 15,800 square feet. The project site is located at the corner of Seventh Street and Macneil Street within the Single Family Residential (R-1) Zone. The site's address is 927 Seventh Street. The assessor's parcel number (APN) that is applicable to the project site is 2515-028-014.<sup>10</sup> The location of the project site is shown in Exhibit 2-3.

### 2.2 ENVIRONMENTAL SETTING

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The City is urbanized with little vacant land remaining though there are a number of underutilized or vacant parcels that present opportunities for more intensive infill development. The development patterns in San Fernando were largely influenced by the City's location along major thoroughfares that served as regional transportation routes prior to the construction of the nearby freeways. Commercial development extends along the major arterial roadways, industrial uses are concentrated along railroad corridors, and residential neighborhoods are located behind the commercial development that have frontage along the major arterials. The project site is currently improved with a single-family residence that will be demolished to accommodate the proposed new development. An aerial photograph of the project site and the surrounding area is provided in Exhibit 2-4.

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<sup>7</sup> Delorme Maps, 2009.

<sup>8</sup> These communities are communities that are part of the City of Los Angeles.

<sup>9</sup> Civil Trans Inc. *Site Plan (Prepared for Jose J. Martinez) 927 Seventh Street, San Fernando, California*. March 7, 2017.

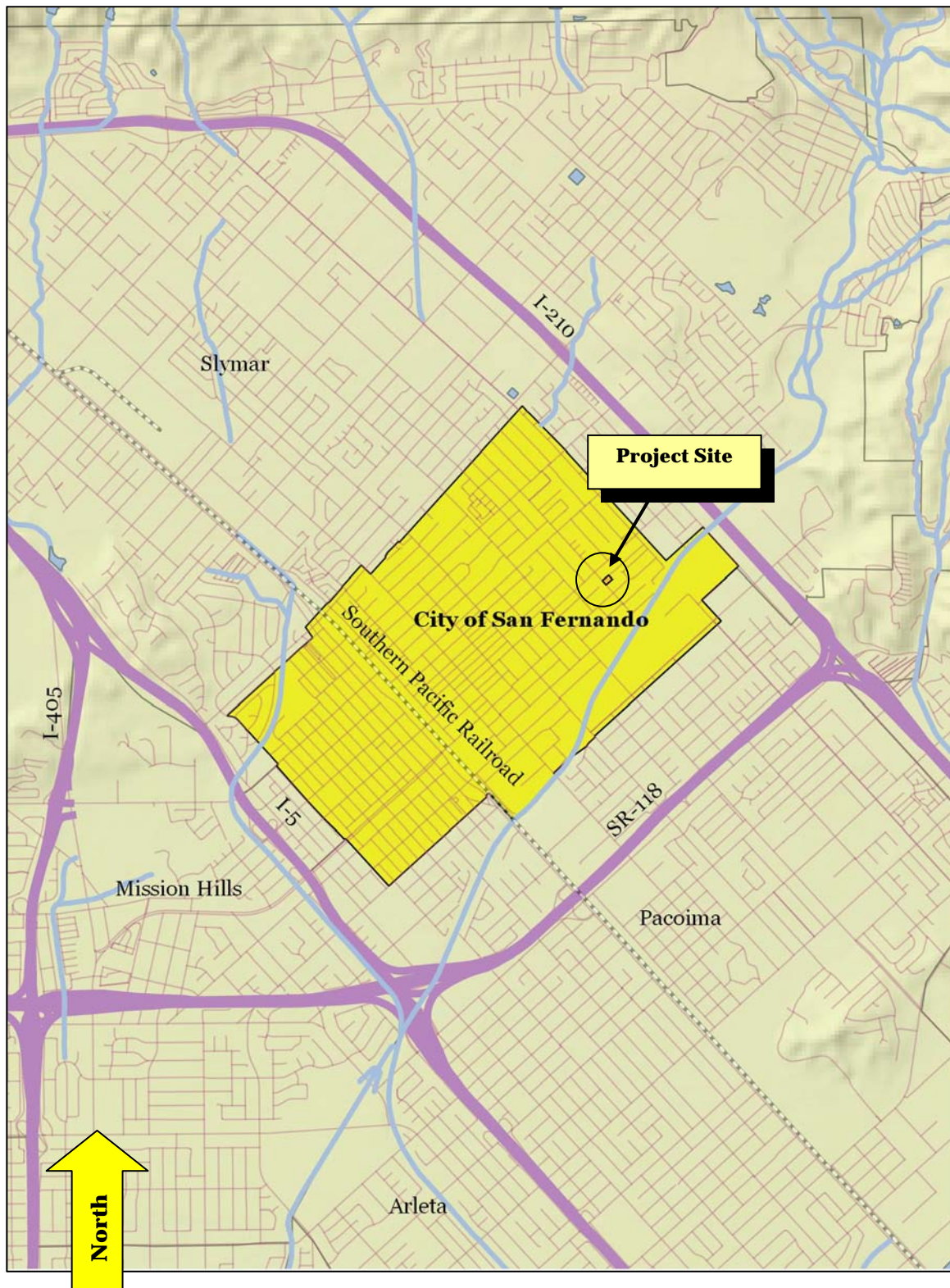
<sup>10</sup> Ibid.



## EXHIBIT 2-1 REGIONAL LOCATION

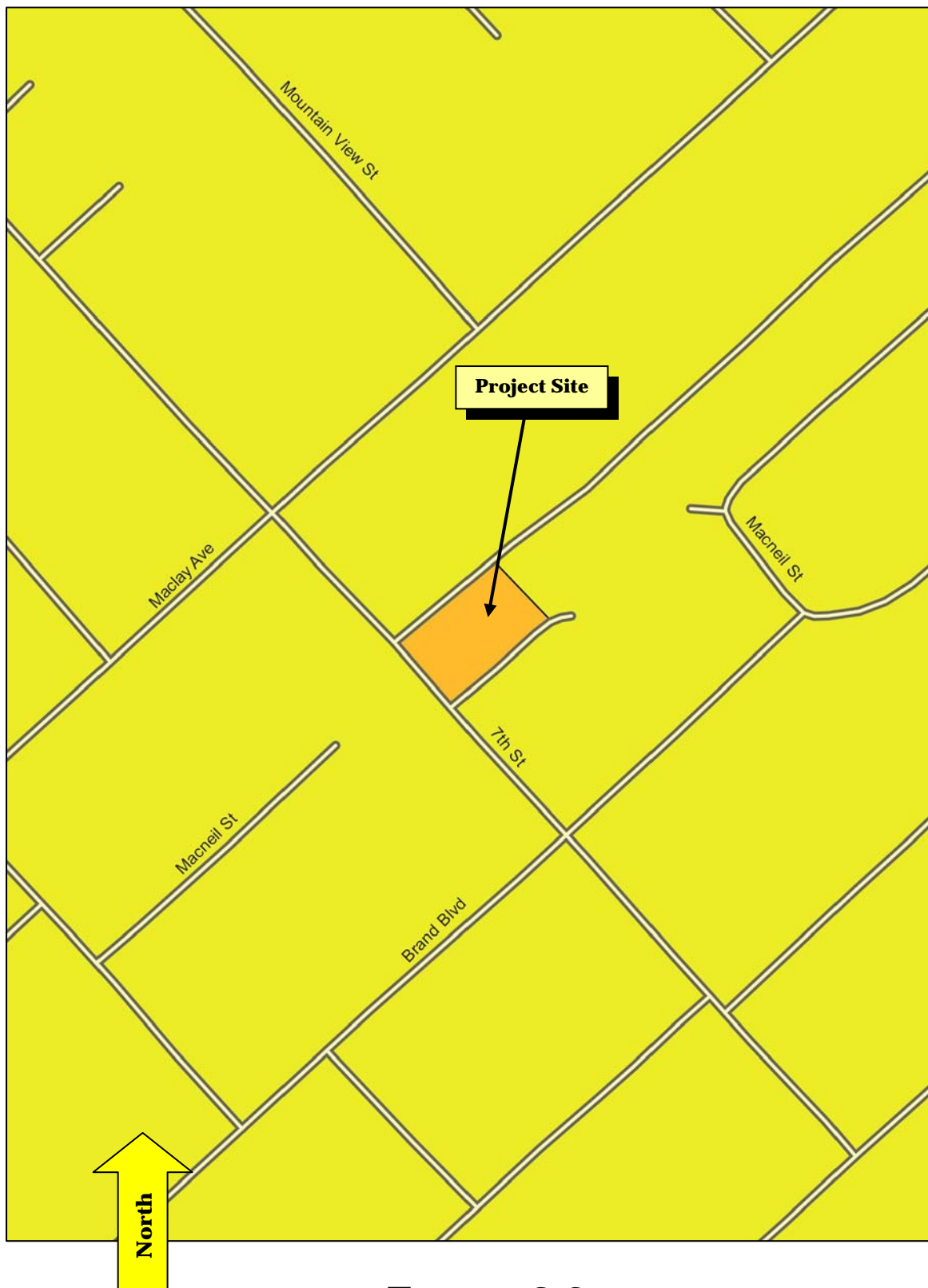
SOURCE: DELORME MAPS, 2009





**EXHIBIT 2-2**  
**PROJECT SITE'S LOCATION IN THE CITY OF SAN FERNANDO**  
SOURCE: QUANTUM GIS





**EXHIBIT 2-3**  
**VICINITY MAP**  
SOURCE: QUANTUM GIS



**EXHIBIT 2-4**  
**AERIAL PHOTOGRAPH**  
SOURCE: GOOGLE MAPS

## 2.3 PROJECT DESCRIPTION

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The proposed project involves the construction of three single-family detached units. To facilitate this future development, the existing parcel will be subdivided into three separate parcels corresponding to the three individual single-family units.<sup>11</sup> As a result, the approval of a tentative parcel map (TPM 74153) will be required. The proposed project will consist of the following elements:

- The project site is currently developed as a single-family home. The existing unit will be demolished so as to accommodate the three new single-family units. The existing parcel will then be subdivided into three separate parcels (referred to herein as Parcel #1, Parcel #2, and Parcel #3).<sup>12</sup>
- Parcel #1 will consists of approximately 4,790 square feet. This site will be occupied by a 1,755 square-foot single-family residence. Open space will total 63 percent of the total site area and will include front yard, rear yards, side yards, and the patio area. The total lot coverage of the proposed single-family home will be 37 percent.<sup>13</sup>
- Parcel #2 will consist of approximately 4,453 square feet. This site will be occupied by a 1,567 square-foot single-family residence. Open space will total 65 percent of the total site area and will include front yard, rear yards, side yards, and the patio area. The total lot coverage of the proposed single-family home will be 35 percent.<sup>14</sup>
- Parcel #3 will consist of approximately 4,453 square feet. This site will be occupied by a 1,567 square-foot single-family residence. Open space will total 65 percent of the total site area and will include front yard, rear yards, side yards, and the patio area. The total lot coverage of the proposed single-family home will be 35 percent.<sup>15</sup>
- Access to the individual units will be provided by driveways that will connect along the west side of Macneil Street. The driveways will connect to the garages that will include two enclosed parking spaces.<sup>16</sup>
- The entire project site consists of a 79-foot by 200-foot lot or approximately 15,800 square feet. As part of the project, the Applicant is requesting a zone variance to allow less than the allowed minimum lot size and lot dimensions.<sup>17</sup>

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<sup>11</sup> Civil Trans Inc. *Site Plan (Prepared for Jose J. Martinez) 927 Seventh Street, San Fernando, California*. March 7, 2017.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

The building elements for each phase are summarized in Table 2-1 provided on the following page. The site plan is provided in Exhibit 2-5.

**Table 2-1**  
**Overview of Proposed Project**

<b>Parcel</b>	<b>Net Area (in sq. ft.)</b>	<b>Bldg. Area (in sq. ft.)</b>	<b>Lot Coverage</b>	<b>Open Space</b>
Parcel #1	4,782.5	1,755	37%	63%
Parcel #2	4,452.5	1,567	35%	65%
Parcel #3	4,452.5	1,567	35%	65%

Source: Civil Trans Inc. *Site Plan*. March 7, 2017.

## **2.4 OBJECTIVES OF THE PROJECT & DISCRETIONARY ACTIONS**

The objectives the City seeks to accomplish as part of the proposed project's implementation are described below.

- To further facilitate new residential infill development to provide new housing opportunities for various income groups;
- To ensure that new development conforms to the City's General Plan land use policies; and,
- To ensure that the project's environmental impacts are mitigated to the greatest extent possible.

A discretionary decision is an action taken by a government agency (for this project, the government agency is the City of San Fernando) that calls for an exercise of judgment in deciding whether to approve a potential development. For this project, the City of San Fernando must approve the following discretionary approvals:

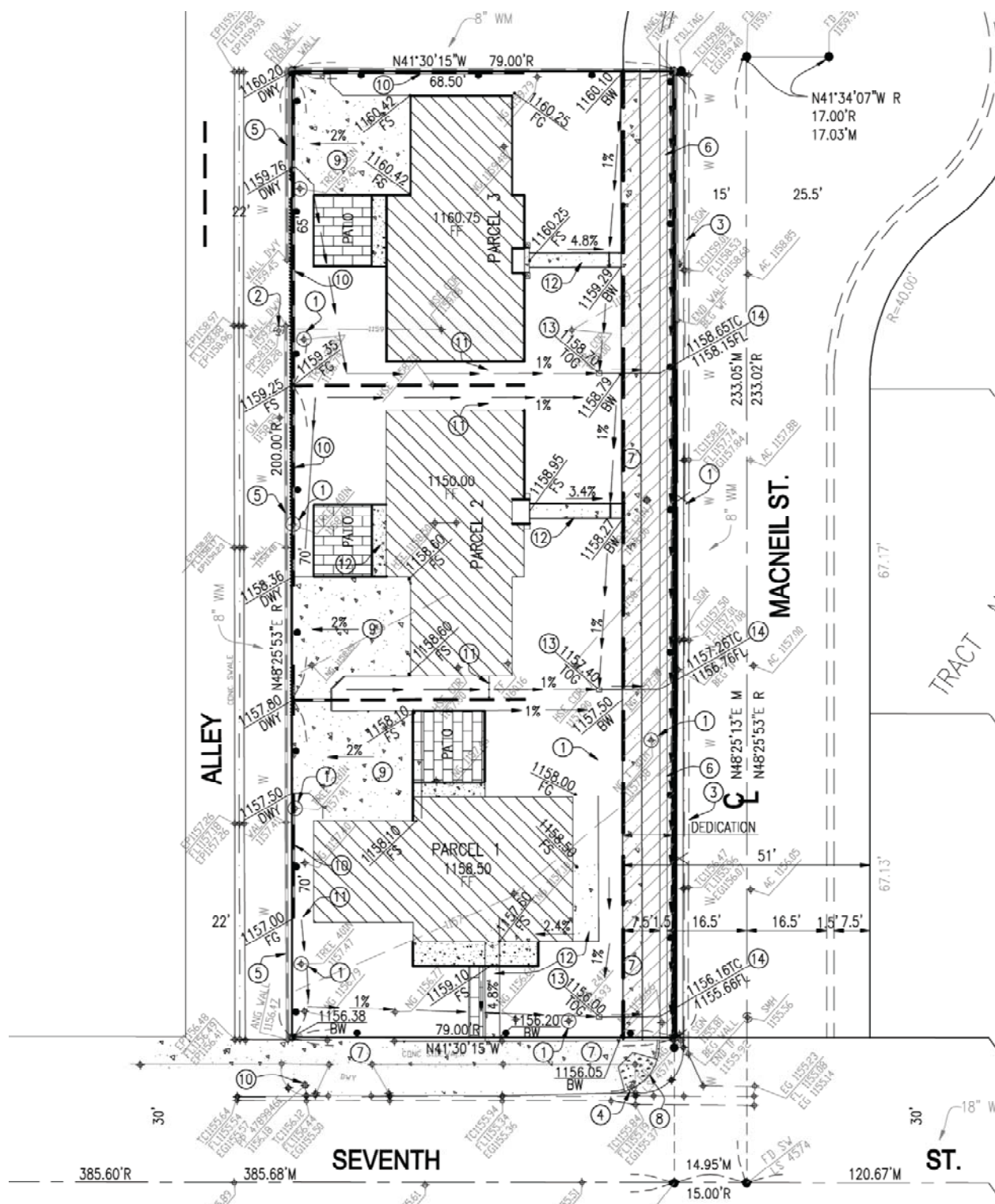
- A tentative parcel map (TPM) will be required to subdivide the existing parcel into three separate parcels to correspond to the individual single-family homes;
- A Zone Variance will be required because the newly created lots will not meet the minimum the minimum lot size requirements of 7,000 square feet for single-family residential development; and,
- The City will be required to adopt the Mitigated Negative Declaration (MND) and the Mitigation Monitoring and Reporting Program (MMRP).

Other permits required for the project will include grading permits, building permits, and occupancy permits from the City and utility connection permits from the utility providers.





CITY OF SAN FERNANDO  
MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY • TPM NO. 74153, 927 SEVENTH STREET



## EXHIBIT 2-5

### SITE PLAN

SOURCE: CIVIL TRANS INC

## SECTION 3 ENVIRONMENTAL ANALYSIS

This section of the Initial Study analyzes the potential environmental impacts that may result from the proposed project's implementation. The issue areas evaluated in this Initial Study include:

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Aesthetics (Section 3.1);</li> <li>• Agricultural and Forestry Resources (Section 3.2);</li> <li>• Air Quality (Section 3.3);</li> <li>• Biological Resources (Section 3.4);</li> <li>• Cultural and Tribal Resources (Section 3.5);</li> <li>• Geology and Soils (Section 3.6);</li> <li>• Greenhouse Gas Emissions; (Section 3.7);</li> <li>• Hazards and Hazardous Materials (Section 3.8);</li> </ul> | <ul style="list-style-type: none"> <li>• Hydrology and Water Quality (Section 3.9);</li> <li>• Land Use and Planning (Section 3.10);</li> <li>• Mineral Resources (Section 3.11);</li> <li>• Noise (Section 3.12);</li> <li>• Population and Housing (Section 3.13);</li> <li>• Public Services (Section 3.14);</li> <li>• Recreation (Section 3.15);</li> <li>• Transportation (Section 3.16);</li> <li>• Utilities (Section 3.17); and,</li> <li>• Mandatory Findings of Significance (Section 3.18)</li> </ul> |
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The environmental analysis included in this section of the Initial Study reflects the Initial Study Checklist format used by the City of San Fernando Community Development Department in its environmental review process. Under each issue area, an analysis of impacts is provided in the form of questions and answers. The analysis contained herein, provides a response to the individual questions. The Initial Study will assist the City in making a determination as to whether there is a potential for significant or adverse impacts on the environment associated with the implementation of the proposed project as described in Section 2, herein. For the evaluation of potential impacts, questions are stated and an answer is provided according to the analysis undertaken as part of this Initial Study's preparation. To each question, there are four possible responses:

- *No Impact.* The proposed project *will not* have any measurable environmental impact on the environment.
- *Less Than Significant Impact.* The proposed project *may have* the potential for affecting the environment, although these impacts will be below levels or thresholds that the City or other responsible agencies consider to be significant.
- *Less Than Significant Impact With Mitigation.* The proposed project *may have* the potential to generate impacts that will have a significant impact on the environment. However, the level of impact may be reduced to levels that are less than significant with the implementation of mitigation measures.
- *Potentially Significant Impact.* The proposed project may result in environmental impacts that are significant.

### 3.1 AESTHETIC IMPACTS

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#### 3.1.1 THRESHOLDS OF SIGNIFICANCE

According to the City of San Fernando, acting as Lead Agency, a project may be deemed to have a significant adverse aesthetic impact if it results in any of the following:

- A substantial adverse effect on a scenic vista;
- Substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway;
- A substantial degradation of the existing visual character or quality of the site and its surroundings; or,
- A new source of substantial light and glare that would adversely affect day or nighttime views in the area.

#### 3.1.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project affect a scenic vista?* • *No Impact.*

The proposed project involves the construction of three single-family detached units. The project's implementation will require a new Tentative Parcel Map (TPM No. 74153) that would subdivide the existing parcel into three parcels. Parcel #1 will consist of approximately 4,790 square feet, and Parcel #2 and Parcel #3 will consist of approximately 4,453 square feet, each. Each lot will include a two-story single-family detached residential unit with an attached two-car garage. The project site is currently improved with a single-family residence that will be demolished to accommodate the proposed new development.<sup>18</sup> The City's local relief is generally level and ranges from 1,017 feet above mean sea level (AMSL) to 1,250 feet AMSL. This generally level topography is due to the City's location over an alluvial fan that is the result of the deposition of water-borne materials from the mountains and hillside areas located to the north of the City (the City is located in the northeastern portion of the San Fernando Valley near the south-facing base of the San Gabriel Mountains).<sup>19</sup> The dominant scenic vistas from the project area include the views of the Santa Susana Mountains, located to the west, and the San Gabriel Mountains located to the north. No protected views are present in the immediate area that could be affected by the proposed project.<sup>20</sup> As a result, no impacts are anticipated.

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<sup>18</sup> Civil Trans Inc. *Site Plan (Prepared for Jose J. Martinez) 927 Seventh Street, San Fernando, California*. March 7, 2017.

<sup>19</sup> City of San Fernando. *San Fernando Parking Lots Draft Environmental Impact Report*. February 20, 2008.

<sup>20</sup> United State Geological Survey. *San Fernando 7 1/2 Minute Quadrangle*. Release Date March 25, 1999

*B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? • No Impact.*

There are no designated scenic highways in the vicinity of the project site. In addition, the vegetation that is present consists of species most commonly found in an urban environment. The site is currently developed and does not contain any scenic rock outcroppings. Lastly, the project site does not contain any buildings listed in the State or National registrar (refer to Section 3.5). As a result, no impacts will occur.

*C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings? • No Impact.*

The implementation of the proposed project will not degrade the existing character or quality of the site and surrounding neighborhood. The project is a request to subdivide the site into three parcels and develop the three new parcels with three new single-family dwellings. The three new single-family homes will feature modern architecture and will include new drought tolerant landscaping and paved surfaces. As a result, no impacts will occur.

*D. Would the project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? • Less Than Significant Impact with Mitigation.*

Residential development such as that being proposed is considered to be a light sensitive receptor and, as a result, care must be taken as part of any future planning to avoid light trespass and spill over onto neighboring residential property. Potential sources of light and glare that may result from the proposed project include decorative lighting, security lighting, interior lighting, and vehicle headlights. Unprotected lighting from the future single-family homes could, in the absence of mitigation, affect those residences located near the project sites. Other sources of lighting may include vehicle headlights. Mitigation measures have been identified in Section 3.1.4 that will be effective in reducing potential light and glare impacts to levels that are less than significant.

### **3.1.3 CUMULATIVE IMPACTS**

The potential aesthetic impacts related to views, aesthetics, and light and glare is site specific. Furthermore, the analysis determined that future residential development arising from the implementation of the proposed project would not result in any significant adverse view shed impacts. As a result, no cumulative aesthetic impacts are anticipated. Mitigation measures that will be effective in reducing potential light and glare impacts are required.

### **3.1.4 MITIGATION MEASURES**

The following mitigation measures will reduce the proposed project's light and glare impacts to levels that are less than significant:



*Mitigation Measure 1 (Aesthetic Impacts).* The Applicant shall prepare and submit an outdoor lighting plan (which includes a photometric analysis) pursuant to the City's Lighting Ordinance (Chapter 106-834, Lighting) to the Community Development Department that includes a foot-candle map illustrating the amount of light from the project site at adjacent light sensitive receptors. The outdoor lighting plan shall be subject to final review and approval by the Community Development Department. Landscape lighting shall be designed as an integral part of the project. Lighting levels shall respond to the type, intensity, and location of use. Safety and security for pedestrians and vehicular movements must be anticipated. Light fixtures shall have cut-off shields to prevent light spill and glare into adjacent areas.

*Mitigation Measure 2 (Aesthetic Impacts).* The exterior window glazing of the proposed apartment structures shall be constructed of materials that consist of non-reflective tinted glass (no mirror-like tints or films).

## **3.2 AGRICULTURE AND FORESTRY RESOURCES**

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### **3.2.1 THRESHOLDS OF SIGNIFICANCE**

According to the City of San Fernando, acting as Lead Agency, a project may be deemed to have a significant impact on agriculture resources if it results in any of the following:

- The conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance;
- A conflict with existing zoning for agricultural use or a Williamson Act contract;
- A conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code §4526), or zoned timberland production (as defined by Government Code §51104(g));
- The loss of forest land or the conversion of forest land to a non-forest use; or,
- Changes to the existing environment that due to their location or nature may result in the conversion of farmland to non-agricultural uses.

### **3.2.2 ANALYSIS OF ENVIRONMENTAL IMPACTS**

*A. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? • No Impact.*

The proposed project involves the construction of three single-family detached units. The project's implementation will require a new Tentative Parcel Map (TPM No. 74153) that would subdivide the existing parcel into three parcels. Each lot will include a two-story single-family detached residential unit with an attached two-car garage. The project site is occupied by an existing single-family residence. No agricultural activities are located within the project site or on adjacent parcels, nor does the City of San

Fernando General Plan or Zoning Ordinance provide for any agricultural land use designation.<sup>21</sup> The majority of the City is underlain by the Hanford Soils Association (two percent to five percent slopes). This soil classification is considered to be a *prime farmland soil* in the rural portions of the Antelope Valley only. In the urbanized areas of Los Angeles County, this soil is not designated as a “*prime farmland soil, unique farmland soil, or a soil of statewide importance.*” As a result, the proposed project’s implementation will not impact any protected farmland soils.<sup>22</sup>

*B. Would the project conflict with existing zoning for agricultural use or a Williamson Act contract? • No Impact.*

No agricultural activities are presently located within the project site or in the immediate area.<sup>23</sup> In addition, the project sites are not subject to a Williamson Act contract. As a result, no impacts on existing or future Williamson Act contracts will result from the proposed project’s implementation.

*C. Would the project conflict with existing zoning for or cause rezoning of, forest land (as defined in Public Resources Code Section 4526), or zoned timberland production (as defined by Government Code § 51104(g))? • No Impact.*

San Fernando is located within a larger urban area and no forest lands are located within the City or in the surrounding area. In addition, the City of San Fernando General Plan does not specifically provide for any forest land protection.<sup>24</sup> As a result, no impacts on forest land or timber resources will result from the proposed project’s implementation.

*D. Would the project result in the loss of forest land or the conversion of forest land to a non-forest use? • No Impact.*

The project site is located within an urban area. No forest land is located within the City nor does the City of San Fernando General Plan provide for any forest land protection. No loss or conversion of forest lands will result from the proposed development. As a result, no impacts are anticipated with the proposed project’s implementation.

*E. Would the project involve other changes in the existing environment that, due to their location or nature, may result in conversion of farmland to non-agricultural use? • No Impact.*

No agricultural activities or farmland uses are located within the City or within the project site.<sup>25</sup> As indicated previously, the project site and the adjacent properties are currently developed and no agricultural activities are located within the site or in the surrounding area. The proposed project will not involve the conversion of any existing farmland area to urban uses and no impacts are anticipated.

<sup>21</sup> City of San Fernando. *San Fernando General Plan Land Use Element*. 1987.

<sup>22</sup> California, State of. Department of Conservation. *Farmland Mapping and Monitoring Program*. July 13, 1995.

<sup>23</sup> Blodgett Baylosis Environmental Planning. *Site Survey*. November 16, 2017.

<sup>24</sup> City of San Fernando. *San Fernando General Plan Conservation Element, Chapter 3*. January 1987. Page CON-12

<sup>25</sup> United State Geological Survey. *San Fernando 7 1/2 Minute Quadrangle*. Release Date March 25, 1999.

### 3.2.3 CUMULATIVE IMPACTS

The analysis determined that there is no remaining agricultural or forestry resources in the City. The analysis also determined that the implementation of the proposed project would not result in any significant adverse impacts of agriculture or forestry resources. As a result, no cumulative impacts on agricultural or farmland resources will occur.

### 3.2.4 MITIGATION MEASURES

The analysis of agricultural and forestry resources indicated that no significant adverse impacts on these resources would occur as part of the proposed project's implementation. As a result, no mitigation measures are required.

## 3.3 AIR QUALITY

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### 3.3.1 THRESHOLDS OF SIGNIFICANCE

According to the City of San Fernando, acting as Lead Agency, a project will normally be deemed to have a significant adverse environmental impact on air quality, if it results in any of the following:

- A conflict with the obstruction of the implementation of the applicable air quality plan;
- A violation of an air quality standard or contribute substantially to an existing or projected air quality violation;
- A cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard;
- The exposure of sensitive receptors to substantial pollutant concentrations; or,
- The creation of objectionable odors affecting a substantial number of people.

The South Coast Air Quality Management District (SCAQMD) has established quantitative thresholds for short-term (construction) emissions and long-term (operational) emissions for criteria pollutants. These criteria pollutants include the following:

- *Ozone (O<sub>2</sub>)* is a nearly colorless gas that irritates the lungs, damages materials, and vegetation. O<sub>2</sub> is formed by photochemical reaction (when nitrogen dioxide is broken down by sunlight).
- *Carbon monoxide (CO)*, a colorless, odorless toxic gas that interferes with the transfer of oxygen to the brain, is produced by the incomplete combustion of carbon-containing fuels emitted as vehicle exhaust.

- *Nitrogen dioxide (NO<sub>2</sub>)* is a yellowish-brown gas, which at high levels can cause breathing difficulties. NO<sub>2</sub> is formed when nitric oxide (a pollutant from burning processes) combines with oxygen.
- *PM<sub>10</sub> and PM<sub>2.5</sub>* refers to particulate matter less than ten microns and two and one-half microns in diameter, respectively. Particulates of this size cause a greater health risk than larger-sized particles since fine particles can more easily be inhaled.

### 3.3.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

#### A. *Would the project conflict with or obstruct implementation of the applicable air quality plan?* • *No Impact.*

The City of San Fernando is located within the South Coast Air Basin, which covers a 6,600-square-mile area within Orange County, non-desert portions of Los Angeles County, Riverside County, and San Bernardino County. Air quality in the basin is monitored by the South Coast Air Quality Management District (SCAQMD) at various monitoring stations located throughout the region.<sup>26</sup> Measures to improve regional air quality are outlined in the SCAQMD's Air Quality Management Plan (AQMP).<sup>27</sup> The South Coast Air Basin (SCAB) has experienced poor air quality to the area's topography as well as meteorological influences that have often lead to the creation of inversion layers that prevent the dispersal of pollutants. Two consistency criteria that may be referred to in determining a project's conformity with the AQMP is defined in Chapter 12 of the Air Quality Management Plan (AQMP) and Section 12.3 of the SCAQMD's CEQA Air Quality Handbook. Consistency Criteria 1 refers to a project's potential for resulting in an increase in the frequency or severity of an existing air quality violation or a contribution to the continuation of an existing air quality violation. Criteria 2 refers to the project's potential for exceeding the assumptions included in the AQMP or other regional growth projections relevant to the AQMP's implementation.<sup>28</sup>

The proposed project involves the construction of three single-family detached units. The project's implementation will require a new Tentative Parcel Map (TPM No. 74153) that would subdivide the existing parcel into three parcels.<sup>29</sup> The proposed project is not considered by the SCAQMD to be a regionally significant project since it is a residential infill development. The proposed three unit project will not significantly affect any regional population, housing, and employment projections prepared for the City by the SCAG due to the project's size.<sup>30</sup> Finally, the project is not subject to the requirements of the Air Quality Management Plan's PM<sub>10</sub> Program, which is limited to the desert portions of the South Coast Air Basin. As a result, the proposed project would not be in conflict with, or result in an obstruction

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<sup>26</sup> South Coast Air Quality Management District, *Final 2007 Air Quality Plan*, Adopted June 2007.

<sup>27</sup> Ibid.

<sup>28</sup> South Coast Air Quality Management District. *CEQA Air Quality Handbook*. April 1993 [as amended 2009]. Table 11-4.

<sup>29</sup> Civil Trans Inc. *Site Plan (Prepared for Jose J. Martinez) 927 Seventh Street, San Fernando, California*. March 7, 2017.

<sup>30</sup> These projections are critical in the development of policies for the Growth Management Plan, the Regional Transportation Plan, and ultimately, the Air Quality Management Plan.

of, the applicable 2016 AQMP. The proposed project will not result in any impacts related to the implementation of the AQMP.

*B. Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation? • Less than Significant Impact with Mitigation.*

Pollutants regulated by the Federal and State Clean Air Acts correspond to the following three categories: criteria air pollutants; toxic air contaminants, and global warming and ozone-depleting gases. Pollutants in each of these categories are monitored and regulated differently. Criteria air pollutants are measured by ambient air sampling and refer to those pollutants that are subject to both Federal and State ambient air quality standards as a means to protect public health. The Federal and State standards have been established at levels to ensure that human health is protected with an adequate margin of safety. For some criteria pollutants, such as carbon monoxide, there are also secondary standards designed to protect the environment, in addition to human health. Toxic air contaminants are typically measured at the source and their evaluation and control is generally site or project-specific. Finally, global warming and ozone-depleting gases are not monitored. Specific National Ambient Air Quality Standards (NAAQS) have been promulgated by the Federal government. The California Air Resources Board (CARB) has also established ambient air quality standards for six of the pollutants regulated by the EPA (CARB has not established standards for PM<sup>2.5</sup>). Some of the California ambient air quality standards are more stringent than the national ambient air quality standards as well as additional standards for sulfates, vinyl chloride, and visibility.<sup>31</sup> Table 3-1 lists the current national and California ambient air quality standards for each criteria pollutant.

**Table 3-1  
National and California Ambient Air Quality Standards**

<b>Pollutants</b>	<b>National Standards</b>	<b>State Standards</b>
Lead (Pb)	1.5 µg/m <sup>3</sup> (calendar quarter)	1.5 µg/m <sup>3</sup> (30-day average)
Sulfur Dioxide (SO <sub>2</sub> )	0.14 ppm (24-hour)	0.25 ppm (1-hour) 0.04 ppm (24-hour)
Carbon Monoxide (CO)	9.0 ppm(8-hour) 35 ppm(1-hour)	9.0 ppm (8-hour) 20 ppm (1-hour)
Nitrogen Dioxide (NO <sub>2</sub> )	0.053 ppm (annual average)	0.25 ppm (1-hour)
Ozone (O <sub>3</sub> )	0.12 ppm (1-hour)	0.09 ppm (1-hour)
Fine Particulate Matter (PM <sub>10</sub> )	150 µg/m <sup>3</sup> (24-hour)	50 µg/m <sup>3</sup> (24-hour)
Sulfate	None	25 µg/m <sup>3</sup> (24-hour)
Visual Range	None	10 miles (8-hour) w/humidity < 70 percent

Source: South Coast Air Quality Management District. 2010

<sup>31</sup> South Coast Air Quality Management District, *Final 2016 Air Quality Plan*, Adopted March 2017.

The proposed project would also be considered to have a significant effect on air quality if it violates any AAQS, contributes substantially to an existing air quality violation, or exposes sensitive receptors to substantial pollutant concentrations. In addition to the federal and state AAQS thresholds, there are daily and quarterly emissions thresholds for construction and operation of a proposed project established by the SCAQMD. Projects in the SCAB generating construction-related emissions that exceed any of the following emissions thresholds are considered to be significant under CEQA.

- 75 pounds per day of reactive organic compounds;
- 100 pounds per day of nitrogen dioxide;
- 550 pounds per day or 24.75 of carbon monoxide;
- 150 pounds per day of PM<sub>10</sub>; or,
- 150 pounds per day of sulfur oxides.

The proposed project would have a significant effect on air quality if any of the operational emissions “significance” thresholds for criteria pollutants are exceeded:

- 55 pounds per day of reactive organic compounds;
- 55 pounds per day of nitrogen dioxide;
- 550 pounds per day of carbon monoxide;
- 150 pounds per day of PM<sub>10</sub>; or,
- 150 pounds per day of sulfur oxides.

The proposed project’s implementation will result in both short-term (construction-related) emissions and long-term (operational) emissions. Short-term airborne emissions will occur during the construction phases of the project and include the following:

- Activities related to land clearance, grading, and excavation will result in fugitive dust emissions;
- Equipment emissions associated with the use of construction equipment during site preparation and construction activities will be generated. This construction equipment is generally diesel-powered, resulting in high levels of nitrogen oxide [NOx] and particulate emissions; and,
- Delivery vehicles and workers commuting to and from the construction site will generate mobile emissions.

The project site’s improvement period is expected to last approximately one year and would include the demolition of the existing single-family residence, site preparation, and grading, and the construction of the three new single-family units. The analysis of daily construction (site improvement) and operational emissions was prepared utilizing the California Emissions Estimator Model (CalEEMod Version 2016.3.1). As shown in Table 3-2, daily construction (site improvement) emissions are not anticipated to exceed the SCAQMD significance thresholds. Adherence to the mitigation provided in 3.3.4 will reduce construction impacts to levels that are less than significant.

Long-term emissions refer to those air quality impacts that will occur once the proposed project has been constructed and is operational. These impacts will continue over the operational life of the project. The

long-term air quality impacts associated with the proposed project include mobile emissions associated with vehicular traffic. The analysis of long-term operational impacts also used the CalEEMod Version 2016.3.1 computer model.

**Table 3-2**  
**Estimated Daily Construction (Site Improvement) Emissions**

<b>Construction Phase</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>SO<sub>2</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
Demolition (on-site)	1.06	9.42	7.77	0.01	0.62	0.59
Demolition (off-site)	0.05	0.03	0.50	--	0.11	0.03
<b>Total Demolition Phase</b>	<b>1.11</b>	<b>9.45</b>	<b>8.27</b>	<b>0.01</b>	<b>0.73</b>	<b>0.62</b>
Site Preparation (on-site)	0.78	9.75	4.25	--	0.44	0.38
Site Preparation (off-site)	0.02	0.01	0.25	--	0.05	0.01
<b>Total Site Preparation</b>	<b>0.80</b>	<b>9.76</b>	<b>4.50</b>	<b>--</b>	<b>0.49</b>	<b>0.39</b>
Grading (on-site)	1.06	9.42	7.77	0.01	1.37	1.00
Grading (off-site)	0.05	0.03	0.50	--	0.11	0.03
<b>Total Grading</b>	<b>1.11</b>	<b>9.45</b>	<b>8.27</b>	<b>0.01</b>	<b>1.48</b>	<b>1.03</b>
Building Construction (on-site)	1.08	11.03	7.75	0.01	0.70	0.65
Building Construction (off-site)	--	--	0.05	--	--	--
<b>Total Building Construction</b>	<b>1.08</b>	<b>11.03</b>	<b>7.80</b>	<b>0.01</b>	<b>0.70</b>	<b>0.65</b>
Paving (on-site)	0.83	7.84	7.14	0.01	0.44	0.41
Paving (off-site)	0.08	0.06	0.80	--	0.20	0.05
<b>Total Paving</b>	<b>0.91</b>	<b>7.90</b>	<b>7.94</b>	<b>0.01</b>	<b>0.64</b>	<b>0.46</b>
Architectural Coatings (on-site)	1.09	1.83	1.84	--	0.12	0.12
Architectural Coatings (on-site)	--	--	--	--	--	--
<b>Total Architectural Coatings</b>	<b>1.09</b>	<b>1.83</b>	<b>1.84</b>	<b>--</b>	<b>0.12</b>	<b>0.12</b>
<b>Maximum Daily Emissions</b>	<b>1.11</b>	<b>11.03</b>	<b>8.27</b>	<b>0.01</b>	<b>1.48</b>	<b>1.03</b>
<b>Daily Thresholds</b>	<b>75</b>	<b>100</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>

Source: CalEEMod Version 2016.3.1.

Long-term emissions refer to those air quality impacts that will occur once the development is operational and occupied and these impacts will continue over the operational life of the project. The long-term air quality impacts associated with the proposed project includes the following:

- Mobile emissions associated with vehicular traffic;
- On-site stationary emissions related to the operation of household equipment; and,
- Off-site stationary emissions associated with the generation of energy (natural gas and electrical).

The analysis of long-term operational impacts also used a computer model developed by the California Air Resources Board (CARB). The computer model requires the knowledge of a number of independent

variables to ascertain project emissions, such as trip generation rates, size of the project, worker trip characteristics, and others.<sup>32</sup> As indicated in Table 3-3, the long-term operational emissions will be below thresholds considered by the SCAQMD to be significant.

**Table 3-3**  
**Estimated Operational Emissions in lbs/day**

<b>Emission Source</b>	<b>ROG</b>	<b>NO<sub>2</sub></b>	<b>CO</b>	<b>SO<sub>2</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
Area-wide (lbs/day)	0.90	0.06	1.77	--	0.23	0.23
Energy (lbs/day)	--	0.02	0.01	--	--	--
Mobile (lbs/day)	0.06	0.30	0.81	--	0.27	0.06
<b>Total (lbs/day)</b>	<b>0.97</b>	<b>0.39</b>	<b>2.59</b>	<b>--</b>	<b>0.45</b>	<b>0.29</b>
<b>Daily Thresholds</b>	<b>55</b>	<b>55</b>	<b>55o</b>	<b>15o</b>	<b>15o</b>	<b>55</b>

Source: CalEEMod Version 2016.3.1.

As indicated in Table 3-3, the projected long-term emissions are below thresholds considered to represent a significant adverse impact. Since the project area is located in a non-attainment area for ozone and particulates, the applicant will be required to ensure that the grading and building contractors adhere to all pertinent provisions of SCAQMD Rule 403 pertaining to the generation of fugitive dust during grading and/or the use of equipment on unpaved surfaces.<sup>33</sup> The contractors will be responsible for being familiar with, and implementing any pertinent best available control technology (BACT) measures.

The approach used in the analysis of the proposed project's impacts on sensitive receptors utilized a number of screening tables that identified maximum allowable emissions (in pounds per day) at a specified distance to a receptor. The pollutants that are the focus of the LST analysis include the conversion of NO<sub>x</sub> to NO<sub>2</sub>; carbon monoxide (CO) emissions from construction and operations; PM<sub>10</sub> emissions from construction and operations; and PM<sub>2.5</sub> emissions from construction and operations. The use of the "look-up tables" is permitted since each of the construction (site improvement) phases will involve the disturbance of less than five acres of land area.

**Table 3-4**  
**Local Significance Thresholds Exceedance SRA 7 for Sites Under 1 Acre**

<b>Emissions</b>	<b>Project Emissions (lbs/day)</b>	<b>Type</b>	<b>Allowable Emissions Threshold (lbs/day) and a Specified Distance from Receptor (in meters)</b>				
			<b>25</b>	<b>50</b>	<b>100</b>	<b>200</b>	<b>500</b>
NO <sub>x</sub>	11.03	Construction	<b>80</b>	81	94	122	191
CO	8.27	Construction	<b>498</b>	732	1,158	2,227	7,267
PM <sub>10</sub>	1.48	Construction	<b>4</b>	13	26	54	136
PM <sub>2.5</sub>	1.03	Construction	<b>3</b>	4	8	18	68

Source: CalEEMod Version 2016.3.1.

<sup>32</sup> California Air Resources Board.

<sup>33</sup> South Coast Air Quality Management District. *Rule 403, Fugitive Dust*. As Amended June 3, 2005.



As indicated in Table 3-4, the proposed project will not exceed any LSTs based on the information included in the Mass Rate LST Look-up Tables provided by the SCAQMD. For purposes of the LST analysis, the receptor distance used was 25 meters, since the nearest sensitive receptor (single-family residential) is located adjacent to the project site. As indicated in the table, the proposed project will not exceed any LSTs based on the information included in the Mass Rate LST Look-up Tables.

*C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? • Less than Significant Impact.*

As indicated previously, the SCAB is non-attainment for ozone. The long-term emissions from the proposed development will result in daily emissions that will not exceed the SCAQMD's thresholds. Reactive organic gasses (ROG) are precursors for the formation of ozone. As indicated in the preceding section, the projected ROG emissions are also below the SCAQMD's thresholds of significance (refer to Table 3-2 and Table 3-3). As a result, the cumulative air quality impacts are considered to be less than significant.

*D. Would the project expose sensitive receptors to substantial pollutant concentrations? • Less than Significant Impact.*

Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality and typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate.<sup>34</sup> These population groups are generally more sensitive to poor air quality. The residential uses contemplated as part of the proposed project's implementation are considered to be sensitive receptors. The following are applicable local emission concentration standards for carbon monoxide.

- California one-hour carbon monoxide standard of 20.0 ppm; or,
- California eight-hour carbon monoxide standard of 9.0 ppm.

The proposed project's trip generation will not be significant enough to result in a carbon monoxide "hot spot" that could lead to an exceedance of the State's 1-hour or 8-hour carbon monoxide standards. As indicated in the traffic generation analysis (refer to Section 3.16), the proposed project's traffic generation will not lead to any significant impact on area intersections.<sup>35</sup> As a result, no impacts related to the creation of a carbon monoxide "hot-spots" are anticipated. The SCAQMD also regulates levels of air toxics through a permitting process that covers both construction and operation. The SCAQMD has adopted Rule 1401 for both new and modified sources that use materials classified as air toxics. The SCAQMD CEQA Guidelines for permit processing consider the following types of projects significant:

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<sup>34</sup> South Coast Air Quality Management District. *CEQA Air Quality Handbook, Appendix 9*. 2004 (as amended).

<sup>35</sup> Ibid.

- Any project involving the emission of a carcinogenic or toxic air contaminant identified in SCAQMD Rule 1401 that exceeds the maximum individual cancer risk of one in one million or 10 in one million if the project is constructed with best available control strategy for toxics (T-BACT) using the procedures in SCAQMD Rule 1401;
- Any project that could accidentally release an acutely hazardous material or routinely release a toxic air contaminant posing an acute health hazard; and,
- Any project that could emit an air contaminant that is not currently regulated by SCAQMD rule, but that is on the federal or state air toxics list.

The proposed project involves the construction of three residential units and the proposed development will not result in any toxic emissions. As a result, the potential impacts on sensitive receptors are considered to be less than significant.

*E. Would the project create objectionable odors affecting a substantial number of people? • No Impact.*

The SCAQMD has identified those land uses that are typically associated with odor complaints. These uses include activities involving livestock, rendering facilities, food processing plants, chemical plants, composting activities, refineries, landfills, and businesses involved in fiberglass molding.<sup>36</sup> No significant odor emissions are anticipated given the nature and extent of the proposed residential development. As a result, no order-related impacts are anticipated.

### **3.3.3 CUMULATIVE IMPACTS**

The proposed project's would not result in any new exceedance of air pollution standards nor contribute significantly to an existing air quality violation. Furthermore, the analysis determined that the proposed project would not result in any significant adverse impacts. As a result, no significant adverse cumulative air quality impacts will occur.

### **3.3.4 MITIGATION MEASURES**

The analysis of potential air quality impacts indicated that no significant adverse operational impacts would result from the proposed project's implementation. However, the following measures will be required to further mitigate potential short-term construction related emissions.

*Mitigation Measure 3 (Construction Emissions).* All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

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<sup>36</sup> South Coast Air Quality Management District. *CEQA Air Quality Handbook, Appendix 9*. 2004 (as amended).

## 3.4 BIOLOGICAL RESOURCES

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### 3.4.1 THRESHOLDS OF SIGNIFICANCE

According to the City of San Fernando, acting as Lead Agency, a project may be deemed to have a significant adverse impact on biological resources if it results in any of the following:

- A substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service;
- A substantial adverse effect on any riparian habitat or other sensitive natural plant community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- A substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means;
- A substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites;
- A conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or,
- A conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

### 3.4.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?* • No Impact.

The proposed project involves the construction of three single-family detached units. The project's implementation will require a new Tentative Parcel Map (TPM No. 74153) that would subdivide the existing parcel into three parcels. Each lot will include a two-story single-family detached residential unit with an attached two-car garage. The project site is currently improved with a single-family residence that will be demolished to accommodate the proposed new development.<sup>37</sup> As indicated in the preceding sections, the City is located in an urbanized area. No native habitat remains in the vicinity of the project site due to the areas past development. There are six medium sized trees located along the site's west and

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<sup>37</sup> Civil Trans Inc. *Site Plan (Prepared for Jose J. Martinez) 927 Seventh Street, San Fernando, California.* March 7, 2017.

south sides though none of these trees are protected heritage trees. There are no sensitive or unique biological resources located within the adjacent properties.<sup>38</sup> As a result, no impacts on any candidate, sensitive, or special status species will result from proposed project.

*B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? • No Impact.*

There are no native or natural riparian plant habitats found within the project site or in the adjacent properties. No “blue line” streams are located within or adjacent to the project site. The nearest designated “blue-line” stream is the Pacoima Wash, located approximately 1,261 feet to the southeast. The Pacoima Wash is concrete lined at this location and is used for flood control purposes. As a result, no impacts on natural or riparian habitats will result from the proposed project’s implementation.

*C. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? • No Impact.*

The project site and the adjacent properties do not contain any natural wetland habitat. No “blue line” streams are located within or adjacent to the project site.<sup>39</sup> As a result, the proposed project will not impact any protected wetland area or designated blue-line stream.

*D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites? • No Impact.*

The project site is currently occupied by a single-family residence. This existing unit will be demolished to accommodate the construction of the proposed three single-family units. As indicated in the preceding section, the adjacent properties are developed and do not contain any natural or native vegetation.<sup>40</sup> No natural open space areas are located on-site or in the surrounding area that would potentially serve as an animal migration corridor. As a result, no impacts are anticipated.

*E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? • No Impact.*

The project site and the adjacent properties do not contain any protected habitat. The project site is currently occupied by a single-family residence. This existing unit will be demolished to accommodate the construction of the proposed three single-family units. As a result, the proposed project is not in conflict with any local policies or ordinances protecting biological resources and no impacts are anticipated.

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<sup>38</sup> City of San Fernando. *San Fernando General Plan, Chapter 3, Conservation Element*. Page CON-12. January 6, 2004.

<sup>39</sup> Ibid.

<sup>40</sup> Blodgett Baylosis Environmental Planning. *Site Survey*. November 16, 2017.

*F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? • No Impact.*

As indicated previously, the project site is located within an urbanized setting, and no natural habitat is found within the adjacent areas. In addition, the site is not located within an area governed by a habitat conservation or community conservation plan.<sup>41</sup> As a result, no impacts on local, regional, or state habitat conservation plans will result from the proposed project's implementation.

### **3.4.3 CUMULATIVE IMPACTS**

The impacts on biological resources are typically site specific. The proposed project will not involve any loss of protected habitat. Furthermore, the analysis determined that the proposed project will not result in any significant adverse impacts. As result, the proposed project's implementation would not result in an incremental loss or degradation of those protected habitats found in the Southern California region. As a result, no cumulative impacts on biological resources will be associated with the proposed project's implementation.

### **3.4.4 MITIGATION MEASURES**

The analysis indicated that the proposed project would not result in any significant adverse impacts on biological resources. As a result, no mitigation measures are required.

## **3.5 CULTURAL AND TRIBAL RESOURCES**

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### **3.5.1 THRESHOLDS OF SIGNIFICANCE**

According to the City of San Fernando, acting as Lead Agency, a project will normally have a significant adverse impact on cultural resources if it results in any of the following:

- A substantial adverse change in the significance of a historical resource as defined in §15064.5 of the state's CEQA Guidelines;
- A substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the State's CEQA Guidelines;
- The destruction of a unique paleontological resource, site or unique geologic feature; or,
- The disturbance of any human remains, including those interred outside of formal cemeteries.

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<sup>41</sup> United State Geological Survey. *San Fernando 7 1/2 Minute Quadrangle*. Release Date March 25, 1999.

### 3.5.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the State CEQA Guidelines? • No Impact.*

The proposed project involves the construction of three single-family detached units. The project's implementation will require a new Tentative Parcel Map (TPM No. 74153) that would subdivide the existing parcel into three parcels. Each lot will include a two-story single-family detached residential unit with an attached two-car garage. The project site is currently improved with a single-family residence that will be demolished to accommodate the proposed new development.<sup>42</sup> Historic structures and sites are defined by local, State, and Federal criteria. A site or structure may be historically significant if it is locally protected through a local general plan or historic preservation ordinance. In addition, a site or structure may be historically significant according to State or Federal criteria even if the locality does not recognize such significance. The state, through the Office of Historic Preservation, also maintains an inventory of those sites and structures that are considered to be historically significant. Finally, the U.S. Department of the Interior has established specific guidelines and criteria that indicate the manner in which a site, structure, or district is to be defined as having historic significance and in the determination of its eligibility for listing on the National Register of Historic Places.

A single location is recorded on the National Register of Historic Places: the Casa de Lopez Adobe located at 1100 Pico Street. In addition to its designation as a national historical site, it is also a State and County historical site. The City also completed a comprehensive historic resources preservation program. An initial step of this process involved the completion of a citywide inventory of potential historically significant properties. The survey was completed by Cultural Resources Management LLC in 2002. The survey identified over 230 potentially significant historic sites including two that may be eligible for the National Register. The survey also identified a single potential National Register Historic District. The project site is not included on this list. As a result, the proposed project's implementation will not result in any impacts on historic resources.

- B. *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the State CEQA Guidelines? • No Impact.*

The region in and around the City of San Fernando was home to the Gabrielino Indians. One of the largest Indian settlements was located near the existing San Fernando Mission. The village of Achooykomenga was reportedly one of the largest communities in the San Fernando Valley. The exact location of this village is unknown. The early baptismal register from the mission also identifies a settlement in what is now Pacoima.<sup>43</sup> The great majority of the potential development sites in the City were previously disturbed and no archaeological resources were reported during previous grading and excavation activities in the area.<sup>44</sup> In addition, the project site has undergone extensive disturbances as part of past construction activities. No significant archaeological sites are likely to be discovered during

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<sup>42</sup> Civil Trans Inc. *Site Plan (Prepared for Jose J. Martinez) 927 Seventh Street, San Fernando, California.* March 7, 2017.

<sup>43</sup> McCawley, William. *The First Angelinos, The Gabrielino Indians of Los Angeles.* 1996.

<sup>44</sup> United State Geological Survey. *San Fernando 7 1/2 Minute Quadrangle.* Release Date March 25, 1999.

grading activities due to the degree of past disturbance.<sup>45</sup> As a result no impacts on archaeological resources are anticipated from the proposed project.

*C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? • No Impact.*

The potential for paleontological resources in the area is considered low due to the character of subsurface soils (recent alluvium) and the amount of disturbance associated with the previous development on the site.<sup>46</sup> As a result, no impacts are anticipated.

*D. Would the project disturb any human remains, including those interred outside of formal cemeteries? • No Impact.*

The only cemetery near the project sites is located adjacent to the San Fernando Mission. The cemetery is located at 1160 Stranwood Avenue next to the San Fernando Mission grounds. While there are approximately 2,400 individuals interred in the San Fernando Mission cemetery, its distance from the project site make any unintentional disturbance of burials unlikely. No other cemeteries are located within the City. As a result, the proposed construction activities are not anticipated impact any interred human remains.

### **3.5.3 CUMULATIVE IMPACTS**

The potential environmental impacts related to cultural resources are site specific. Furthermore, the analysis herein also determined that the proposed project would not result in any impacts on cultural resources. As a result, no cumulative impacts will occur as part of the proposed project's implementation.

### **3.5.4 MITIGATION MEASURES**

The analysis of potential cultural resources impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

## **3.6 GEOLOGY**

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### **3.6.1 THRESHOLDS OF SIGNIFICANCE**

According to the City of San Fernando, acting as Lead Agency, a project may be deemed to have a significant adverse impact on the environment if it results in the following:

- The exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault (as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the California Geological Survey for

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<sup>45</sup> City of San Fernando. [Final] General Plan Environmental Impact Report. Section 4.12, Page 4.12-1.

<sup>46</sup> Ibid. Page 4.12-2.

the area or based on other substantial evidence of a known fault), ground shaking, liquefaction, or landslides;

- Substantial soil erosion resulting in the loss of topsoil;
- The exposure of people or structures to potential substantial adverse effects, including location on a geologic unit or a soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse;
- Locating a project on an expansive soil, as defined in the California Building Code, creating substantial risks to life or property; or,
- Locating a project in, or exposing people to potential impacts, including soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

### 3.6.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

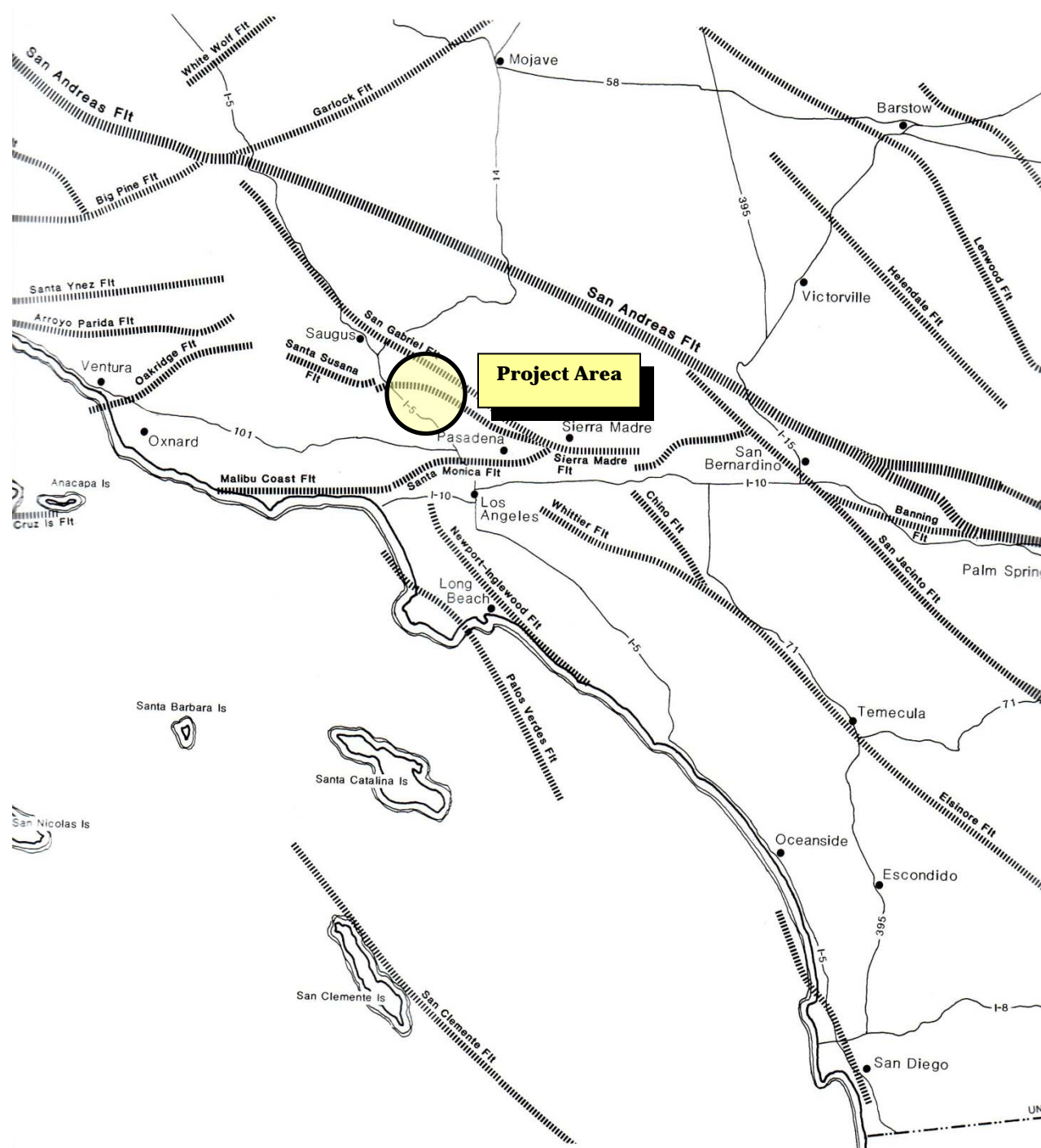
- A. *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault (as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault), ground-shaking, liquefaction, or landslides?* • *Less than Significant Impact.*

The San Fernando region is bisected by numerous faults. Many of which are still considered to be active and many more unknown blind thrust faults are also likely to be present in the area.<sup>47</sup> The most probable major sources of a significant earthquake affecting the San Fernando area include the San Andreas Fault zone, located approximately five miles to the northwest, and the Sierra Madre Fault zone, located approximately two miles to the north and southwest. Both the San Andreas and Sierra Madre zones have been recognized for some time as being active. The 1971 San Fernando earthquake occurred on a branch of the Sierra Madre fault zone, and has resulted in the entire length of the Sierra Madre fault zone being considered potentially active. Both the San Andreas and Sierra Madre zones have been associated with surface rupturing as well as significant ground shaking effects. However, no active faults are known to exist in the City.<sup>48</sup> Table 3-5 identifies major earthquake faults within the surrounding region as well as their characteristics. The locations of the major faults in the Los Angeles region are shown in Exhibit 3-1.

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<sup>47</sup> U.S. Geological Survey, *Evaluating Earthquake Hazards in the Los Angeles Region - An Earth Science Perspective*, USGS Professional Paper 1360, 1985.





**EXHIBIT 3-1**  
**FAULTS IN THE SOUTHERN CALIFORNIA REGION**  
 SOURCE: UNITED STATES GEOLOGICAL SURVEY

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**Table 3-5**  
**Major Active Earthquake Faults Located in the Region**

Name	Type of Fault	Length	Most Recent Surface Rupture	Slip Rate/Year	Fault Rupture Interval
Chatsworth	Reverse	20 km	Late Quaternary	Unknown	Unknown
Mission Hills	Reverse	10 km	Possibly Holocene	0.5 mm	Unknown
Northridge Hills	Reverse	25 km	Late Quaternary	Unknown	Unknown
San Andreas	lateral/strike slip	1,200 km	1857	20 to 35 mm	140 years
San Fernando	Thrust	17 km	1971	5 mm	200 years
San Gabriel	lateral/strike slip	140 km	Holocene (recent) to Late Quaternary	1 to 5 mm	Unknown
Santa Susana	Thrust	38 km	1971	5 – 7mm	Unknown
Sierra Madre	Reverse	75 km	Holocene	0.36 to 0.44 mm	2,000 years
Raymond	Left Lateral	26 km	Holocene	0.1 to 0.22 mm	4,500 years
Verdugo	Reverse	21 km	Holocene	0.5 mm	Unknown

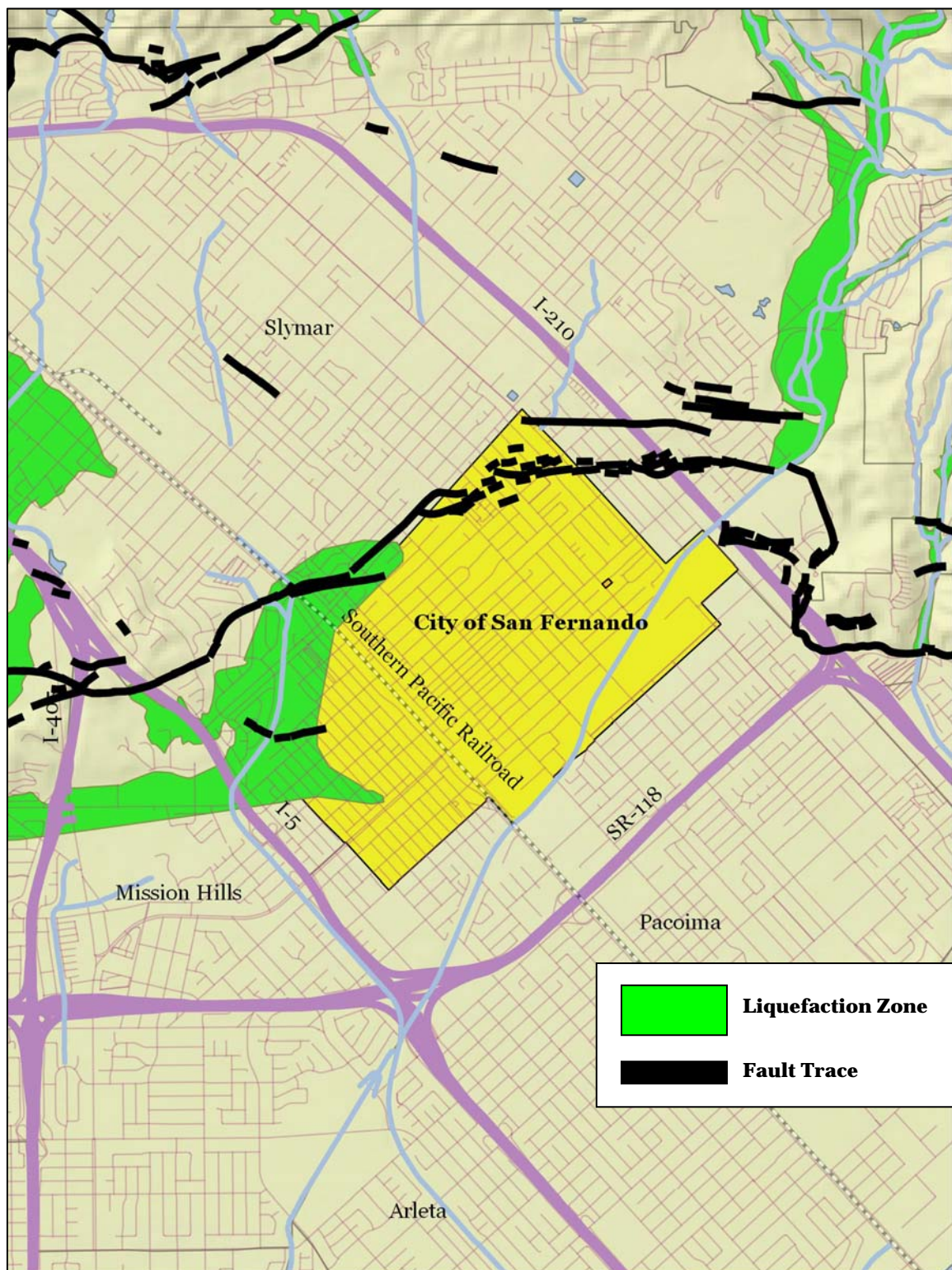
Source: United States Geological Survey. Southern California Earthquake Center. 2004.

All of the faults identified in Table 3-5 are located outside of the City's corporate boundaries. As a result, surface rupture is not anticipated to occur in the vicinity of the project site in the event of an earthquake from the known faults in the surrounding region. Furthermore, no areas of the City are included within an Aquist-Priolo Special Studies Zone. As a result, no surface rupture impacts will likely impact the proposed project site. According to the Seismic Zones Hazard Map prepared for the San Fernando 7 1/2 Minute Quadrangle, the project site is located outside an area where there is an elevated risk for liquefaction. A Seismic Hazard Zone Map is provided in Exhibit 3-2 on the following page. As a result, the impacts are considered to be less than significant. The project site will continue to be exposed to potential ground shaking in the event of an earthquake. The degree of ground shaking is dependent on the location of the earthquake epicenter, the earthquake's intensity, and a number of other variables. For the project area, the degree of impact will not be significantly different from that anticipated for the surrounding areas. As a result, the proposed impacts are considered to be less than significant.

*B. Would the project expose people or structures to potential substantial adverse effects, including substantial soil erosion or the loss of topsoil? • Less than Significant Impact*

The proposed project involves the construction of three single-family detached units. The project's implementation will require a new Tentative Parcel Map (TPM No. 74153) that would subdivide the existing parcel into three parcels. Each lot will include a two-story single-family detached residential unit with an attached two-car garage.

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**EXHIBIT 3-2**  
**SEISMIC HAZARDS MAP**

SOURCE: CALIFORNIA DEPARTMENT OF CONSERVATION AND QUANTUM GIS

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The project site is currently improved with a single-family residence that will be demolished to accommodate the proposed new development.<sup>49</sup> The project site is largely covered over with impervious surfaces. The future development arising as part of the proposed project's implementation will involve the continued covering of the site with impervious materials. As a result, the potential soil erosion impacts associated with future development are considered to be less than significant.

*C. Would the project expose people or structures to potential substantial adverse effects, including location on a geologic unit or a soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? • No Impact.*

Recent studies completed by the CGS Seismic Hazard Zones Mapping Program indicate the project site is not located within an area subject to potential slope failure.<sup>50</sup> The site is also located on relatively level terrain that has previously undergone development. As a result, no impacts due to potential unstable soils are anticipated.

*D. Would the project result in or expose people to potential impacts, including location on expansive soil, as defined in Uniform Building Code (2012), creating substantial risks to life or property? • No Impact.*

The United States Department of Agriculture's (USDA) Web Soil Survey was consulted to determine the nature of the soils that underlie the project site. According to the USDA Web Soil Survey, the site is underlain by Urban Land-Palmview-Tujunga complex soils.<sup>51</sup> The Urban Land-Palmview-Tujunga complex soils are not prone to shrinking and swelling. Soils that are prone to shrinking and swelling become sticky when wet and expand according to the moisture content present at the time. The shrinking and swelling of soils is influenced by the amount of clay present in the underlying soils.<sup>52</sup> Clay is not present in the composition of the underlying soils.<sup>53</sup> As a result, no impacts regarding expansive soils will occur.

*E. Would the project result in or expose people to potential impacts, including soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? • No Impact.*

No septic tanks will be used as part of any future residential development. The proposed project will be required to connect with the nearby sanitary sewer system. As a result, no impacts associated with the use of septic tanks will occur as part of the proposed project's implementation.

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<sup>49</sup> Civil Trans Inc. *Site Plan (Prepared for Jose J. Martinez) 927 Seventh Street, San Fernando, California.* March 7, 2017.

<sup>50</sup> California Division of Mines and Geology. *Preliminary Map of Seismic Hazard Zones.* 1998.

<sup>51</sup> United States Department of Agriculture. *Web Soil Survey.* <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

<sup>52</sup> Natural Resources Conservation Service Arizona. *Soil Properties Shrink/Swell Potential.*  
[http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/az/soils/?cid=nrcs144p2\\_065083](http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/az/soils/?cid=nrcs144p2_065083)

<sup>53</sup> United States Department of Agriculture. *Web Soil Survey.* <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>



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### 3.6.3 CUMULATIVE IMPACTS

The potential cumulative impact related to earth and geology is typically site specific. Furthermore, the analysis herein determined that the proposed project would not result in significant adverse impacts related to landform modification, grading, or the destruction of a geologically significant landform or feature. As a result, no cumulative earth and geology impacts will occur as part of the proposed project's implementation.

### 3.6.4 MITIGATION MEASURES

The analysis determined that the proposed project would not result in any significant adverse impacts related to earth and geology would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

## 3.7 GREENHOUSE GAS EMISSIONS

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### 3.7.1 THRESHOLDS OF SIGNIFICANCE

A project may be deemed to have a significant adverse impact on greenhouse gas emissions if it results in any of the following:

- The generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and,
- The potential for conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases.

### 3.7.2 ENVIRONMENTAL ANALYSIS

*3.7.A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? • Less than Significant Impact.*

The State of California requires CEQA documents to include an evaluation of greenhouse gas (GHG) emissions, or gases that trap heat in the atmosphere. GHG are emitted by both natural processes and human activities. Examples of GHG that are produced both by natural and industrial processes include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O). The accumulation of GHG in the atmosphere regulates the earth's temperature. Without these natural GHG, the Earth's surface would be about 61°F cooler.<sup>54</sup> However, emissions from fossil fuel combustion have elevated the concentrations of GHG in the atmosphere to above natural levels.

The SCAQMD has established a threshold of significance of 10,000 metric tons of CO<sub>2</sub>E (MTCO<sub>2</sub>E) per year for new development. Table 3-6 summarizes annual greenhouse gas (CO<sub>2</sub>E) emissions from build-

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<sup>54</sup> California, State of. OPR Technical Advisory – CEQA and Climate Change: Addressing Climate Change through the California Environmental Quality Act (CEQA) Review. June 19, 2008.

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out of the proposed project.<sup>55</sup> Carbon dioxide equivalent, or CO<sub>2</sub>E, is a term that is used for describing different greenhouse gases in a common and collective unit. As indicated in Table 3-6, the CO<sub>2</sub>E total for the project is 375 pounds per day or 0.17 MTCO<sub>2</sub>E per day. This translates into an annual emission of 62 MTCO<sub>2</sub>E, which is below the aforementioned thresholds. Therefore, the project's GHG impacts are less than significant.

**Table 3-6**  
**Greenhouse Gas Emissions Inventory**

Source	GHG Emissions (Lbs/Day)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> E
Long-term Area Emissions	57.62	--	--	57.97
Long-term Energy Emissions	34.89	--	--	35.10
Long-term Mobile Emissions	281.96	0.01	--	282.31
Total Long-term Emissions	<b>374.47</b>	<b>0.01</b>	--	<b>375.38</b>

Source: CalEEMod Version 2016.3.1.

*3.7.B. Would the project conflict an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases? • Less than Significant Impact.*

The proposed project would incorporate a number of several design features that are consistent with the California Office of the Attorney General's recommended policies and measures to reduce GHG emissions. A list of the Attorney General's recommended measures and the project's conformance with each are listed in Table 3-7. The new on-site improvements will incorporate sustainable practices that include water, energy, and solid waste efficiency measures.

**Table 3-7**  
**Project Consistency With the Attorney General's Recommendations**

Attorney General's Recommended Measures	Project Compliance	% Reduction
Smart growth, jobs/housing balance, transit-oriented development, and infill development through land use designations, incentives and fees, zoning, and public-private partnerships.	<b>Compliant.</b> The proposed project will facilitate new infill development in an urban area.	10%-20%
Create transit, bicycle, and pedestrian connections through planning, funding, development requirements, incentives and regional cooperation; create disincentives for auto use.	<b>Compliant.</b> As part of the proposed improvements, a new sidewalk and landscaping will be installed.	5%
Energy- and water-efficient buildings and landscaping through ordinances, development fees, incentives, project timing, prioritization, and other implementing tools.	<b>Compliant.</b> The new homes will employ newer efficient utilities and plumbing fixtures. The project will also be required to install modern storm water runoff controls.	10%

<sup>55</sup> The CalEEMod Air Quality Worksheets are provided in Appendix A.

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**Table 3-7**  
**Project Consistency With the Attorney General's Recommendations**

<b>Attorney General's Recommended Measures</b>	<b>Project Compliance</b>	<b>% Reduction</b>
Waste diversion, recycling, water efficiency, energy efficiency and energy recovery in cooperation with public services, districts and private entities.	<b>Compliant.</b> The project's contractors will be required to adhere to the use of sustainability practices involving solid waste generation and disposal.	0.5%
Urban and rural forestry through tree planting requirements and programs; preservation of agricultural land and resources that sequester carbon; heat island reduction programs.	<b>Compliant.</b> The project will involve the installation of landscaping. It should be noted that the City is a built-out urban community and contains no natural resource areas such as forests, wildlife habitat, or agricultural land.	0.5%
Regional cooperation to find cross-regional efficiencies in GHG reduction investments and to plan for regional transit, energy generation, and waste recovery facilities.	<b>Compliant.</b> Refer to responses above.	NA
<b>Total Reduction Percentage:</b>		<b>36.0%</b>

1. Emissions Reductions obtained from Appendix B of the CEQA and Climate Change white paper, prepared by CAPCOA (2008).  
Source: Office of the Attorney General, *Sustainability and General Plans: Examples of Policies to Address Climate Change, 2010*.

AB 32 requires the reduction of GHG emissions to 1990 levels, which would require a minimum 28 percent reduction in "business as usual" GHG emissions for the entire State. Additionally, Governor Edmund G. Brown signed into law Executive Order (E.O.) B-30-15 on April 29, 2015, the Country's most ambitious policy for reducing Greenhouse Gas Emissions. Executive Order B-30-15 calls for a 40 percent reduction in greenhouse gas emissions below 1990 levels by 2030.<sup>56</sup> The proposed project will not involve or require any variance from an adopted plan, policy, or regulation governing GHG emissions. As the proposed project would reduce its GHG emissions by 36 percent (refer to Table 3-7), the potential GHG impacts are considered to be less than significant.

### 3.7.3 CUMULATIVE IMPACTS

The analysis herein also determined that the proposed project would not result in any significant impacts related to the emissions of greenhouse gases. As a result, no significant adverse cumulative impacts will result from the proposed project's implementation.

### 3.7.4 MITIGATION MEASURES

The analysis of potential impacts related to greenhouse gas emissions indicated that no significant impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

<sup>56</sup> Office of Governor Edmund G. Brown Jr. *New California Goal Aims to Reduce Emissions 40 Percent Below 1990 Levels by 2030*.  
<http://gov.ca.gov/news.php?id=18938>

## **3.8 HAZARDS AND HAZARDOUS MATERIALS**

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### **3.8.1 THRESHOLDS OF SIGNIFICANCE**

According to the City of San Fernando, acting as Lead Agency, a project may be deemed to have a significant adverse impact on risk of upset and human health if it results in any of the following:

- The creation of a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials;
- The creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- The generation of hazardous emissions or the handling of hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school;
- Locating the project on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 resulting in a significant hazard to the public or the environment;
- Locating the project within an area governed by an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or a public use airport;
- Locating the project in the vicinity of a private airstrip that would result in a safety hazard for people residing or working in the project area;
- The impairment of the implementation of, or physical interference with, an adopted emergency response plan or emergency evacuation plan; or,
- The exposure of people or structures to a significant risk of loss, injury or death involving wild land fire, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands.

### **3.8.2 ANALYSIS OF ENVIRONMENTAL IMPACTS**

- A. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?* • No Impact.

The proposed project involves the construction of three single-family detached units. The project's implementation will require a new Tentative Parcel Map (TPM No. 74153) that would subdivide the existing parcel into three parcels. Each lot will include a two-story single-family detached residential unit with an attached two-car garage. The project site is currently improved with a single-family residence that



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will be demolished to accommodate the proposed new development.<sup>57</sup> Hazardous chemicals and materials used on-site once the units are occupied will be limited to common household chemicals that are generally used in maintenance and cleaning. Because of the nature of the proposed residential use, no hazardous or acutely hazardous materials will be emitted. As a result, no impacts are anticipated.

*B. Would the project create a significant hazard to the public or the environment, or result in reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? • Less than Significant Impact with Mitigation.*

Future development arising as part of the proposed project's implementation will include three residential units. The use of hazardous materials for the residential development will consist of those commonly found in a household setting for routine maintenance and cleaning. In the event that future excavation and asphalt removal activities encounter potentially hazardous materials, mitigation measures have been incorporated into Section 3.8.4. Adherence to the mitigation measures will reduce the potential impacts to levels that are less than significant.

*C. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? • No impact.*

Hazardous chemicals and materials used on-site will be limited to common household maintenance and cleaning products. Because of the nature of the proposed use, no hazardous or acutely hazardous materials will be emitted. As a result, no impacts concerning a release of hazardous materials are anticipated.

*D. Would the project be located on a site, which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5, and, as a result, would it create a significant hazard to the public or the environment? • No Impact.*

The proposed project site is not included on a hazardous sites list compiled pursuant to California Government Code Section 65962.5.<sup>58</sup> No Cortese sites are found in the City. As a result, no impacts will occur with respect to locating the project on a site included on a hazardous list pursuant to the government code.

*E. Would the project be located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area? • No Impact.*

The project sites are not located within two miles of an operational public airport. Whiteman Airport is located 2.10 miles to the southeast of the project site. Whiteman Airport is a Los Angeles County-owned general aviation airport. Other major airports in the surrounding region include Burbank-Glendale Airport (located approximately seven miles to the southeast), Los Angeles International Airport (located

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<sup>57</sup> Civil Trans Inc. *Site Plan (Prepared for Jose J. Martinez) 927 Seventh Street, San Fernando, California.* March 7, 2017.

<sup>58</sup> California, State of, Department of Toxic Substances Control, *DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List)*, 2009.

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approximately 24 miles to the south), and Van Nuys Airport (located approximately six miles to the south).<sup>59</sup> The proposed residential units will not be tall enough to interfere with aircraft operations. In addition, the project site is located outside of the Runway Protection Zone (RPZ) of Whiteman Airport. Future development arising as part of the proposed project's implementation will not present a safety hazard to aircraft and/or airport operations at a public use airport. As a result, no impacts are anticipated.

*F. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? • No Impact.*

The project sites are not located within two miles of an operational private airstrip. As indicated previously, Whiteman Airport is located 2.10 miles to the southeast of the project site.<sup>60</sup> As a result, the proposed project will not present a safety hazard related to aircraft and/or airport operations at a private use airstrip.

*G. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? • No Impact.*

At no time will any adjacent major through streets be closed to traffic during the construction phases. Subsequent to obtaining development entitlements from the Planning and Preservation Commission, a staging plan for the proposed construction will be submitted as part of building permit plan check review process for approval by the Public Works Department. The construction plan will be required to identify the location of all on-site utility facilities as well as trash containers, construction vehicle parking areas, and the staging area for debris removal and the delivery of building materials. Construction hours will also be required to comply with the current San Fernando City Code Standards. As a result, no impacts are associated with the proposed project's implementation.

*H. Would the project expose people or structures to a significant risk of loss, injury or death involving wild lands fire, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands? • No Impact.*

The entire City is urbanized and the majority of the parcels are developed.<sup>61</sup> There are no areas of native vegetation found within the development site or in the surrounding properties that could provide a fuel source for a wildfire. As a result, there are no impacts associated with potential wildfires from off-site locations.

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<sup>59</sup> Google Earth (the distances were calculated using the measuring tool).

<sup>60</sup> Ibid.

<sup>61</sup> United State Geological Survey. *San Fernando 7 1/2 Minute Quadrangle*. Release Date March 25, 1999.

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### 3.8.3 CUMULATIVE IMPACTS

The potential impacts related to hazardous materials are site specific. Furthermore, the analysis herein also determined that the implementation of the proposed project would not result in any significant unmitigable impacts related to hazards and/or hazardous materials. As a result, no significant adverse cumulative impacts related to hazards or hazardous materials will result from the proposed project's implementation.

### 3.8.4 MITIGATION MEASURES

The following measures are required to ensure that any hazardous materials that may be encountered during the interior improvements are properly handled:

*Mitigation Measure 4 (Hazards and Hazardous Materials).* Should hazardous materials be encountered during the construction phases, the contractors shall comply with existing regulations regarding the proper removal, handling, and disposal to prevent undue risks to the public.

*Mitigation Measure 5 (Hazards and Hazardous Materials).* The building contractors must adhere to all requirements governing the handling, removal, and disposal of hazardous substances and materials that may be encountered during construction activities.

## 3.9 HYDROLOGY AND WATER QUALITY

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### 3.9.1 THRESHOLDS OF SIGNIFICANCE

According to the City of San Fernando, acting as Lead Agency, a project may be deemed to have a significant adverse environmental impact on water resources or water quality if it results in any of the following:

- A violation of any water quality standards or waste discharge requirements;
- A substantial depletion of groundwater supplies or interference with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level;
- A substantial alteration of the existing drainage pattern of the site or area through the alteration of the course of a stream or river in a manner that would result in substantial erosion or siltation on or off-site;
- A substantial alteration of the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in flooding on or off-site;

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- The creation or contribution of water runoff that would exceed the capacity of existing or planned storm water drainage systems or the generation of substantial additional sources of polluted runoff;
- The substantial degradation of water quality;
- The placement of housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary, Flood Insurance Rate Map, or other flood hazard delineation map;
- The placement of structures within 100-year flood hazard areas that would impede or redirect flood flows;
- The exposure of people or structures to a significant risk of flooding as a result of dam or levee failure; or,
- The exposure of a project to inundation by seiche, tsunami or mudflow.

### 3.9.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

*A. Would the project violate any water quality standards or waste discharge requirements? • Less than Significant Impact.*

The proposed project involves the construction of three single-family detached units. The project's implementation will require a new Tentative Parcel Map (TPM No. 74153) that would subdivide the existing parcel into three parcels. Each lot will include a two-story single-family detached residential unit with an attached two-car garage. The project site is currently improved with a single-family residence that will be demolished to accommodate the proposed new development.<sup>62</sup> As part of the development, certain improvements will be installed that will affect the amount of potential storm water runoff.<sup>63</sup> The major source of potential water pollution is related to sheet runoff capturing surface pollutants that are then conveyed into the local storm water system that is composed of gutters, drains, catch basins and pipes. This storm water infrastructure collects the rainwater runoff and ultimately deposits everything it gathers, including contaminants and debris, into the ocean. Trash, animal waste, chemicals, and other pollutants are transported untreated through the storm water system where it is ultimately conveyed to the regional storm drain system.

The proposed project will be required to conform to the City's stormwater management requirements through the preparation and submittal of a Standard Urban Stormwater Mitigation Plan (SUSMP), which shall include the applicable Low Impact Development (LID) requirements set forth in the municipal code as an element of the SUSMP. The LID will also identify post-construction best management practices (BMPs) that will be the responsibility of the applicant to implement, operate, and maintain over the life of the project. Compliance with the above mentioned requirements will reduce the impacts related to water

<sup>62</sup> Civil Trans Inc. *Site Plan (Prepared for Jose J. Martinez) 927 Seventh Street, San Fernando, California*. March 7, 2017.

<sup>63</sup> The first 3/4 inches of rainfall from any storm shall be treated and infiltrated through the use of vegetated swales.

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quality standards and waste discharge requirements to levels that are considered to be less than significant.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge in such a way that would cause a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of a pre-existing nearby well would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? • Less Than Significant Impact.*

The proposed three unit residential development will require footing and other substructures though this excavation will not be deep enough to interfere with groundwater supplies. The proposed multiple-family residential development is projected to consume approximately 780 gallons per day on a daily basis. This consumption rate assumes 260 gallons per day per unit. In addition, the proposed project will utilize low-flush toilets and other water conservation devices as a means to reduce water consumption. As a result, the potential impacts are anticipated to be less than significant.

- C. Would the project substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site? • No Impact.*

The project site is currently improved with a single-family residence that will be demolished to accommodate the proposed new development.<sup>64</sup> No natural drainage or riparian areas remain within the project site due to the past development in the area. As indicated previously, impervious surfaces (internal driveways, parking areas, etc.) may result in the generation of stormwater runoff. However, the project will be properly drained and is not expected to result in erosion or siltation on- or off-site. On-site improvements will include the re-grading and re-paving of the accessible paths of travel and parking, which will ensure that the site will be graded so that stormwater runoff will be directed to the curbs and gutters. As a result, no impacts are anticipated.

- D. Would the project substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner, which would result in flooding on-or off-site? • No Impact.*

There are no natural lakes or streams within or adjacent to the project site. The project sites are located in the midst of an existing residential neighborhood and no natural drainage features are found within the project site or the adjacent parcels.<sup>65</sup> As a result, no impacts are anticipated.

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<sup>64</sup> Civil Trans Inc. *Site Plan (Prepared for Jose J. Martinez) 927 Seventh Street, San Fernando, California.* March 7, 2017.

<sup>65</sup> United State Geological Survey. *San Fernando 7 1/2 Minute Quadrangle.* Release Date March 25, 1999.

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- E. Would the project create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?*  
• *Less than Significant Impact with Mitigation.*

The proposed project involves the construction of three single-family detached units. The project site is currently improved with a single-family residence that will be demolished to accommodate the proposed new development.<sup>66</sup> Following development, approximately 35 percent of the site will consist of impervious surfaces. Once occupied, sheet flow from rain will flow off-site into the adjacent curbs and gutters in the absence of mitigation. As part of the site's development, certain improvements will be installed that will affect the amount of potential storm water runoff. The first 0.75 inches of rainfall from any storm shall be treated and infiltrated through the use of vegetated swales. Mitigation has been recommended as a means to control potential storm water runoff in Section 3.9.4. Adherence to the recommended mitigation measures will reduce the potential impacts to levels that are less than significant.

- F. Would the project otherwise substantially degrade water quality?* • *Less than Significant Impact.*

The major source of potential water pollution in the vicinity of the project sites is related to sheet runoff capturing surface pollutants that are then conveyed into the local storm water system that is composed of gutters, drains, catch basins, and pipes. This storm water infrastructure collects the rainwater runoff and ultimately deposits everything it gathers, including contaminants and debris, into the ocean. Trash, animal waste, chemicals, and other pollutants are transported untreated through the storm water system where it collects in the beach environment. Nevertheless, the proposed project, like all development or re-development within the City, will be required to conform to Chapter 52 (Stormwater Management and Discharge Control) of the City of San Fernando Municipal Code. As indicated in the municipal code, the proposed project will be required to conform to the City's stormwater management requirements through the preparation and submittal of a Standard Urban Stormwater Mitigation Plan (SUSMP), which shall include the applicable Low Impact Development (LID) requirements of the municipal code as an element of the SUSMP. Compliance with the above mentioned requirements will reduce the impacts related to stormwater to levels that are considered to be less than significant.

- G. Would the project place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?* • *No Impact.*

The project site is not located within a designated flood hazard area as identified by Federal Emergency Management Agency (FEMA).<sup>67</sup> As a result, no housing will be placed within a designated flood zone since neither site is located within a flood hazard area, as defined by FEMA's Flood Insurance Rate Maps

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<sup>66</sup> Civil Trans Inc. *Site Plan (Prepared for Jose J. Martinez) 927 Seventh Street, San Fernando, California.* March 7, 2017.

<sup>67</sup> Federal Emergency Management Agency. *Interim Maps for AR Zone.* 2012

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(FIRM).<sup>68</sup> Therefore, no impacts related to flood flows are associated with the proposed project's implementation.

*H. Would the project place within a 100-year flood hazard area, structures that would impede or redirect flood flows? • No Impact.*

As indicated previously, the City is not located within a designated 100-year flood hazard area as defined by FEMA.<sup>69</sup> As a result, the future development contemplated as part of the proposed project's implementation will not impede or redirect the flows of potential floodwater, since it is not located within a flood hazard area. Therefore, no flood-related impacts are anticipated with the proposed project's implementation.

*I. Would the project expose people or structures to a significant risk of flooding as a result of dam or levee failure? • No Impact.*

There are three dams located in the vicinity of the City that include the Hansen Dam, the Lopez Dam, and the Los Angeles Reservoir Dam. The U.S. Army Corps of Engineers has prepared emergency plan maps indicating the potential inundation area for the Hansen and Lopez Dams. The potential inundation area for the Hansen Dam is located south of the dam, outside the City boundaries. The potential inundation area includes a small portion of the northeasterly corner of the City though the site is located outside the inundation area. The Los Angeles Reservoir Dam is located to the southwest of the City and the potential inundation area is located further south of the reservoir. Since the project sites are located outside the potential inundation area of these reservoirs, no impacts are anticipated.

*J. Would the project result in inundation by seiche, tsunami, or mudflow? • No Impact.*

The City is located inland from the Pacific Ocean and the project area would not be exposed to the effects of a tsunami. No reservoirs or volcanoes are located near the City that would present seiche or volcanic hazards. In addition, there are no surface water bodies in the immediate area of the project site that would result in a potential seiche hazards.<sup>70</sup> As a result, no impacts related to seiche, tsunami, or mudflows will result from the implementation of the proposed project.

### **3.9.3 CUMULATIVE IMPACTS**

The potential impacts related to hydrology and storm water runoff are typically site specific. Furthermore, the analysis determined that the implementation of the proposed project would not result in any significant adverse impacts. As a result, no cumulative impacts are anticipated.

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<sup>68</sup> Federal Emergency Management Agency. *Interim Maps for AR Zone*. 2012

<sup>69</sup> Ibid.

<sup>70</sup> United State Geological Survey. *San Fernando 7 1/2 Minute Quadrangle*. Release Date March 25, 1999.

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### 3.9.4 MITIGATION MEASURES

As indicated previously, the site's hydrological characteristics will not substantially change. Mitigation has been recommended as a means to comply with CWA and NPDES requirements.

*Mitigation Measure 6 (Hydrology and Water Quality).* The Applicant will be required to submit a grading and drainage plan for on-site as well as elevations along the adjacent lots. The Applicant will also be required to submit a hydrology study that indicates how the area will drain down to the Seventh Street storm drain.

*Mitigation Measure 7 (Hydrology and Water Quality).* Treatment of storm flows will be required to reduce or eliminate the particulate matter washed into the storm drain system in order to obtain a storm water discharge permit in accordance with NPDES requirements.

*Mitigation Measure 8 (Hydrology and Water Quality).* Prior to issuance of building permits, a Storm Water Management Plan utilizing Best Management Practices to control or reduce the discharge of pollutants to the maximum extent practicable shall be prepared and approved by the Public Works Director.

*Mitigation Measure 9 (Hydrology and Water Quality).* Future development must demonstrate compliance to the pertinent NPDES requirements concerning industrial wastewater discharges prior to issuance of the building permits.

## 3.10 LAND USE

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### 3.10.1 THRESHOLDS OF SIGNIFICANCE

According to the City of San Fernando, acting as Lead Agency, a project may be deemed to have a significant impact on land use and development if it results in any of the following:

- The disruption or division of the physical arrangement of an established community;
- A conflict with an applicable land use plan, policy or regulation of the agency with jurisdiction over the project; or,
- A conflict with any applicable conservation plan or natural community conservation plan.

### 3.10.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project physically divide or disrupt an established community or otherwise result in an incompatible land use?* • No Impact.

The project site is currently improved with a single-family residence that will be demolished to accommodate the proposed new development. The proposed project involves the construction of three



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single-family detached units. The project's implementation will require a new Tentative Parcel Map (TPM No. 74153) that would subdivide the existing parcel into three parcels. Each lot will include a two-story single-family detached residential unit with an attached two-car garage. The project site is currently improved with a single-family residence that will be demolished to accommodate the proposed new development.<sup>71</sup> As a result, no impacts will result from the proposed project's implementation with respect to the division of an established community.

*B. Would the project conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? • Less than Significant Impact.*

The project's implementation will require a new Tentative Parcel Map (TPM No. 74153) that would subdivide the existing parcel into three parcels. Each lot will include a two-story single-family detached residential unit with an attached two-car garage. The project site is currently improved with a single-family residence that will be demolished to accommodate the proposed new development.<sup>72</sup> The applicable General Plan designation for the project site is Low Density Residential while the applicable zoning designation is Single-Family Residential (R-1). A zoning map for the project site and the surrounding area is provided in Exhibit 3-3. For this project, the City of San Fernando must approve the following discretionary approvals:

- A tentative parcel map (TPM) will be required to subdivide the existing parcel into three separate parcels to correspond to the individual single-family homes; and,
- A Zone Variance will be required because the newly created lots will not meet the minimum the minimum lot size requirements of 7,500 square feet for single-family residential development.

Given the proposed project's overall consistency with the existing land uses in the area and the City's general plan in terms of use, the impacts related to the proposed project's implementation are less than significant.

*C. Will the project conflict with any applicable habitat conservation plan or natural community conservation plan? • No Impact.*

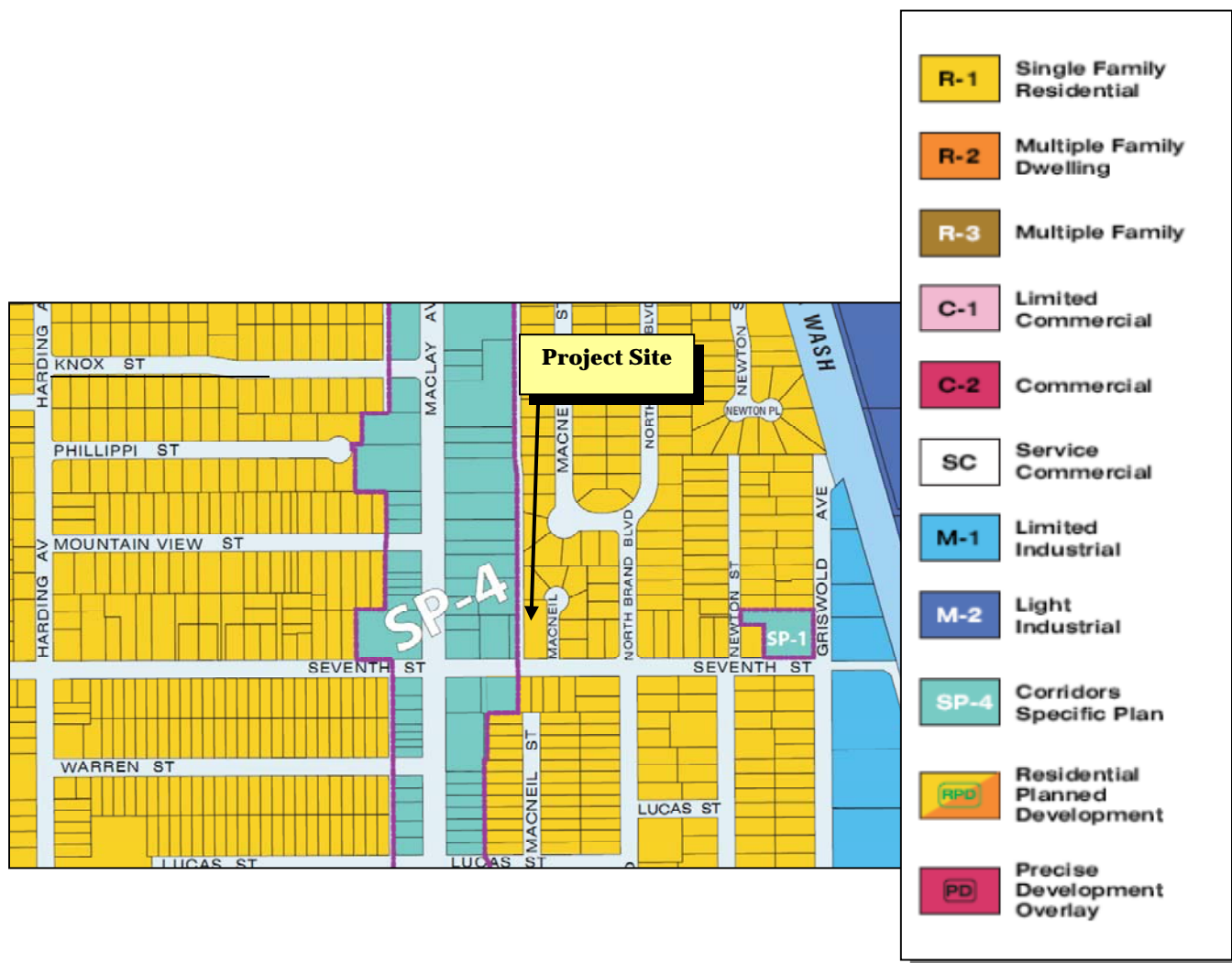
No natural open space areas are located within the proposed project site or in the surrounding area. In addition, no adjacent properties are subject to habitat conservation plans. The project sites and the surrounding parcels are not subject to a habitat conservation plan or local coastal plan (LCP).<sup>73</sup> Finally, there are no designated Significant Ecological Areas (SEAs) located within one mile of the City. As a result, the proposed project will not result in any impact on a habitat conservation plan or natural community conservation plan.

<sup>71</sup> Civil Trans Inc. *Site Plan (Prepared for Jose J. Martinez) 927 Seventh Street, San Fernando, California.* March 7, 2017.

<sup>72</sup> Ibid.

<sup>73</sup> Blodgett Baylosis Environmental Planning. *Site Survey.* November 16, 2017.

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**EXHIBIT 3-3**  
**ZONING MAP**  
SOURCE: CITY OF SAN FERNANDO

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### 3.10.3 CUMULATIVE IMPACTS

The potential cumulative impacts with respect to land use are site specific. Furthermore, the analysis determines that the proposed project will not result in any significant adverse impacts. As a result, no significant adverse cumulative land use impacts will occur.

### 3.10.4 MITIGATION MEASURES

The analysis determined that no significant adverse impacts on land use and planning would result from the implementation of the proposed project. As a result, no mitigation measures are required.

## 3.11 MINERAL RESOURCES

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### 3.11.1 THRESHOLDS OF SIGNIFICANCE

According to the City of San Fernando, acting as Lead Agency, a project may be deemed to have a significant adverse impact on energy and mineral resources if it results in any of the following:

- The loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or,
- The loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

### 3.11.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

*A. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents or the state? • No Impact.*

There are no oil wells located within or near either project site. Furthermore, the project sites are not located within a Significant Mineral Aggregate Resource Area (SMARA) nor are they located in an area with active mineral extraction activities.<sup>74</sup> As a result, no impacts on existing mineral resources will result from the proposed project's implementation.

*B. Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? • No Impact.*

There are no mineral, oil, or energy extraction and/or generation activities located within either project site. Review of maps provided by the California Department of Conservation indicated that there are no oil wells located within the project site or in the vicinity. Thus, the proposed project will not result in any effects on mineral resources in the region.

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<sup>74</sup> Blodgett Baylosis Environmental Planning. *Site Survey*. November 16, 2017.

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### **3.11.3 CUMULATIVE IMPACTS**

The potential impacts on mineral resources are site specific. Furthermore, the analysis determined that the proposed project would not result in any impacts on mineral resources. As a result, no cumulative impacts will occur.

### **3.11.4 MITIGATION MEASURES**

The analysis of potential impacts related to mineral resources indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

## **3.12 NOISE**

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### **3.12.1 THRESHOLDS OF SIGNIFICANCE**

According to the City of San Fernando, acting as Lead Agency, a project may be deemed to have a significant impact on the environment if it results in any of the following:

- The exposure of persons to, or the generation of, noise levels in excess of standards established in the local general plan, noise ordinance or applicable standards of other agencies;
- The exposure of people to, or generation of, excessive ground-borne noise levels;
- A substantial permanent increase in ambient noise levels in the vicinity of the project above levels existing without the project;
- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;
- Locating within an area governed by an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or private use airport, where the project would expose people to excessive noise levels; or,
- Locating within the vicinity of a private airstrip that would result in the exposure of people residing or working in the project area to excessive noise levels.

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### 3.12.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? • No Impact.*

Noise levels may be described using a number of methods designed to evaluate the “loudness” of a particular noise. The most commonly used unit for measuring the level of sound is the decibel (dB). Zero on the decibel scale represents the lowest limit of sound that can be heard by humans. The eardrum may rupture at 140 dB. In general, an increase of 3.0 dB in the ambient noise level is considered to represent the threshold for human sensitivity. In other words, increases in ambient noise levels of 3.0 dB or less are not generally perceptible to persons with average hearing abilities. Noise levels associated with common everyday activities are outlined in Exhibit 3-4.<sup>75</sup>

Noise may be generated from a point source, such as a piece of construction equipment, or from a line source, such as a road containing moving vehicles. Because the area of the sound wave increases as the sound gets further and further from the source, less energy strikes any given point over the surface area of the wave. This phenomenon is known as “spreading loss.” Due to spreading loss, noise attenuates (decreases) with distance. Objects that block the line-of-sight from the noise source, attenuate the noise source if the receptor is located within the “shadow” of the blockage (such as behind a sound wall). If a receptor is located behind the wall, but has a view of the source, the wall will do little to attenuate the noise.<sup>76</sup> The current noise environment within the project area is dominated by traffic noise emanating from Seventh Street and other local streets.<sup>77</sup> As part of the future residential development, insulation and other design measures will be required to reduce the interior ambient noise levels to 45 dB Community Noise Equivalent Level or (“CNEL”) or less. The cumulative traffic will not be great enough to result in a measurable or perceptible increase in traffic noise (it typically requires a doubling of traffic volumes to increase the ambient noise levels to 3.0 dBA or greater). As a result, the proposed project’s implementation will not result in any noise impacts.

- B. *Would the project result in exposure of people to or generation of excessive ground-borne noise levels? • No Impact.*

As part of future multiple-family residential development, insulation, and other design measures will be required to reduce the interior ambient noise levels to 45 CNEL or less. The additional vehicle trips that will be generated by the three units on a daily basis will be distributed throughout the City. The cumulative traffic will not be great enough to result in a measurable or perceptible increase in traffic noise (it typically requires a doubling of traffic volumes to increase the ambient noise levels to 3.0 dBA or greater). As a result, the proposed project will not result in any impacts.

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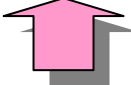
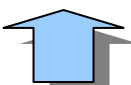
<sup>75</sup> Bugliarello, et. al., *The Impact of Noise Pollution*, Chapter 127, 1975.

<sup>76</sup> Ibid.

<sup>77</sup> Blodgett Baylosis Environmental Planning. *Site Survey*. November 16, 2017.

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**Noise Levels – in dBA**

 <b>Serious Injury</b>	165	
	160	
	155	
	150	
 <b>Pain</b>	145	
	140	<i>sonic boom</i>
	135	
	130	
	125	<i>jet take off at 200 ft.</i>
	120	
 <b>Discomfort</b>	115	<i>music in night club interior</i>
	110	<i>motorcycle at 20 ft.</i>
	105	<i>power mower</i>
	100	
	95	<i>freight train at 50 ft.</i>
	90	<i>food blender</i>
 <b>Physical Injury</b>	85	<i>electric mixer, light rail train horn</i>
	80	
	75	
	70	<i>portable fan, roadway traffic at 50 ft.</i>
	65	
	60	<i>dishwasher, air conditioner</i>
	55	
	50	<i>normal conversation</i>
	45	<i>refrigerator, light traffic at 100 ft.</i>
	40	
	35	<i>library interior (quiet study area)</i>
	30	
 <b>Threshold of Hearing</b>	25	
	20	
	15	
	10	<i>rustling leaves</i>
	5	
	0	

## EXHIBIT 3-4 NOISE LEVELS ASSOCIATED WITH COMMON ACTIVITIES

Source: Blodgett Baylosis Environmental Planning

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*C. Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? • Less than Significant Impact.*

The proposed project will consist of residential uses and the activities typically associated with such uses will not generate significant increases in the ambient noise levels. Traffic noise generated by the proposed project will not result in a measurable or discernible increase in the ambient noise levels. The additional traffic on area roadways will result in noise level increases of less than 3.0 dBA, as indicated previously. As a result, the potential impact associated with the proposed project's adoption and subsequent implementation is less than significant.

*D. Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? • Less than Significant Impact with Mitigation.*

Noise due to project construction would be intermittent and the intensity of the construction noise would vary. Exhibit 3-5 also characterized noise levels associated by various types of construction equipment. The noise levels depicted in Exhibit 3-5 indicate the average noise levels from a single piece of construction equipment at a distance of 50 feet. Composite construction noise is best characterized by Bolt, Beranek, and Newman.<sup>78</sup> In this study, the noisiest phases of construction are anticipated to be 89 dBA as measured at a distance of 50 feet from the construction activity. This value takes into account both the number of pieces and spacing of the heavy equipment typically used in a construction effort. In later phases during building erection, noise levels are typically reduced from these values and the physical structures further break up line-of-sight noise. However, as a worse-case scenario, the 89 dBA value was used as an average noise level for the construction activities. These impacts will be short-term and cease once construction has been completed. All construction activities must conform to the City's noise control regulations. Mitigation measures have been included in Section 3.12.4 as a means to reduce potentially significant short-term construction noise impacts. The impacts will be less than significant with adherence to the required mitigation.

*E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? • No Impact.*

The project sites are not located within two miles of an operational public airport. Whiteman Airport is located 2.10 miles to the southeast of the project site. Whiteman Airport is a Los Angeles County-owned general aviation airport. Other major airports in the surrounding region include Burbank-Glendale Airport (located approximately seven miles to the southeast), Los Angeles International Airport (located approximately 24 miles to the south), and Van Nuys Airport (located approximately six miles to the south).<sup>79</sup> As a result, no impacts related to the exposure of persons to aircraft noise from a public use airport are anticipated.

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<sup>78</sup> USEPA, Protective Noise Levels. 1971.

<sup>79</sup> Google Earth (the distances were calculated using the measuring tool).

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			Noise Levels – in dBA				
			70	80	90	100	110
Equipment Powered by Internal Combustion Engines	Earth Moving Equipment	Compactors (Rollers)					
		Front Loaders					
		Backhoes					
		Tractors					
		Scrapers, Graders					
		Pavers					
		Trucks					
	Materials Handling Equipment	Concrete Mixers					
		Concrete Pumps					
		Cranes (Movable)					
		Cranes (Derrick)					
	Stationary Equipment	Pumps					
		Generators					
		Compressors					
Impact Equipment		Pneumatic Wrenches					
		Jack Hammers					
		Pile Drivers					
Other Equipment		Vibrators					
		Saws					

## EXHIBIT 3-5 TYPICAL CONSTRUCTION NOISE LEVELS 50-FEET FROM THE NOISE SOURCE

Source: Blodgett Baylosis Environmental Planning



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*F. Within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? • No Impact.*

The City is not located within two miles of an operational *private* airstrip. As indicated in the previous section, Whiteman Airport is located 2.10 miles to the southeast of the project site and is a general aviation facility owned by Los Angeles County. Other major airports in the surrounding region include Burbank-Glendale Airport (located approximately seven miles to the southeast), Los Angeles International Airport (located approximately 24 miles to the south), and Van Nuys Airport (located approximately six miles to the south). As a result, no impacts related to the exposure of persons to aircraft noise from a private airstrip will result from the proposed project.

### **3.12.3 CUMULATIVE IMPACTS**

The analysis indicated the proposed project would not result in any significant adverse cumulative noise impacts. As a result, no significant adverse cumulative noise impacts will occur.

### **3.12.4 MITIGATION MEASURES**

Potential short term noise impacts may result from the construction of the proposed project. However, these impacts can be mitigated to a level of insignificance by the following measures:

*Mitigation Measure 10 (Construction Noise Control).* The project shall comply with the City of San Fernando Noise Control Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

*Mitigation Measure 11 (Construction Noise Control).* Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.

*Mitigation Measure 12 (Construction Noise Control).* Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously.

*Mitigation Measure 13 (Construction Noise Control).* The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

*Mitigation Measure 14 (Construction Noise Control).* The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

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### 3.13 POPULATION AND HOUSING

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#### 3.13.1 THRESHOLDS OF SIGNIFICANCE

According to the City of San Fernando, acting as Lead Agency, a project may be deemed to have a significant impact on housing and population if it results in any of the following:

- A substantial growth in the population within an area, either directly or indirectly related to a project;
- The displacement of a substantial number of existing housing units, necessitating the construction of replacement housing; or,
- The displacement of substantial numbers of people, necessitating the construction of replacement housing.

#### 3.13.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project induce substantial population growth in an area, either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? • Less Than Significant Impact.*

The proposed project involves the construction of three single-family detached units. The project's implementation will require a new Tentative Parcel Map (TPM No. 74153) that would subdivide the existing parcel into three parcels. Each lot will include a two-story single-family detached residential unit with an attached two-car garage. The project site is currently improved with a single-family residence that will be demolished to accommodate the proposed new development.<sup>80</sup> According to the United States Census Bureau, the average household size is 3.94 persons per household. Assuming an average household size of 3.94 persons per unit, the potential build-out population of the three unit subdivision will be 12 persons. This increase is well within SCAG's population estimates for the City of San Fernando. In addition, the project is in conformance with SCAG's regional sustainable development policies that promote infill development. As a result, the potential impacts are considered to be less than significant.

B. *Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? • Less than Significant Impact.*

The project site is presently occupied by a single-family dwelling. This dwelling unit must be demolished to accommodate the proposed project. All of the units that are proposed will be market-rental units. Furthermore, the existing unit will be replaced by three new units. The implementation of the proposed project will aid the City in meeting their Regional Housing Needs Assessment (RHNA) goal and will provide the City with much needed housing options. As a result, the potential impacts are considered to be less than significant.

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<sup>80</sup> Civil Trans Inc. *Site Plan (Prepared for Jose J. Martinez) 927 Seventh Street, San Fernando, California.* March 7, 2017.

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*C. Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? • Less than Significant Impact.*

As indicated in the previous subsection, there is a single-family residential unit located within the project site. This unit is a market-rental unit. Furthermore, the existing unit will be replaced by three new units, which will provide the City with much needed housing options. The project Applicant (or current property owner) must comply with all pertinent State regulations governing the eviction of tenants if the existing residence is a rental unit. As a result, the potential population displacement impacts are considered to be less than significant.

### **3.13.3 CUMULATIVE IMPACTS**

The analysis of potential population and housing impacts indicated that no significant impacts would result from the proposed project's implementation. As a result, no significant cumulative impacts related to population and housing will occur. The proposed project's impacts on water and sewer services are analyzed in Section 3.17.

### **3.13.4 MITIGATION MEASURES**

The analysis of potential population and housing impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. Future residential development will conform to the requirements of the City of San Fernando Zoning Ordinance and the San Fernando General Plan. As a result, no mitigation measures are required.

## **3.14 PUBLIC SERVICES**

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### **3.14.1 THRESHOLDS OF SIGNIFICANCE**

According to the City of San Fernando, acting as Lead Agency, a project may be deemed to have a significant adverse impact on public services if it results in any of the following:

- A substantial adverse physical impact associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impact in order to maintain acceptable service ratios, response times, or other performance objectives relative to *fire protection services*;
- A substantial adverse physical impact associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impact in order to maintain acceptable service ratios, response times, or other performance objectives relative to *police protection services*;
- A substantial adverse physical impact associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impact

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in order to maintain acceptable service ratios, response times, or other performance objectives relative to *school services*; or,

- A substantial adverse physical impact associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impact in order to maintain acceptable service ratios, response times, or other performance objectives relative to *other government services*.

### 3.14.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives relative to fire protection services?* • *Less than Significant Impact with Mitigation.*

The City of San Fernando is served by the City of Los Angeles Fire Department that operates from three nearby fire stations. The stations are located in the neighboring communities of the City of Los Angeles. The existing stations that serve the City are identified in Table 3-8.

**Table 3-8**  
**First Response Fire Stations Serving the City of San Fernando**

Station Number/Address	Distance from the City
Station # 75. 15345 San Fernando Mission Blvd, Mission Hills	2.72 miles sw
Station #91. 14430 Polk St., Sylmar	1.65 miles nw
Station #98. 13035 Van Nuys Blvd., Pacoima	1.67 miles se

Source: City of Los Angeles Fire Department

The Fire Department currently reviews all new development plans, and future development will be required to conform to all fire protection and prevention requirements, including, but not limited to, building setbacks, emergency access, fire hydrants, interior sprinklers, and etc. The proposed new single-family residential units will potentially result in an incremental increase in the demand for emergency services. For this reason, the mitigation has been included in Section 3.14.4. The implementation of the mitigation will reduce the level of impact to less than significant.

- B. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives relative to police protection?* • *Less than Significant Impact with Mitigation.*

Law enforcement services in the City are provided by the San Fernando Police Department that was established following incorporation. The Police Department operates from a facility located at 910 First

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Street in the Civic Center complex. As part of the Police Department's annual review, demand shall be evaluated and resources allocated as necessary. The proposed residential development will potentially result in an incremental increase in the demand for law enforcement services. For this reason, mitigation has been included in Section 3.14.4. The implementation of the mitigation will reduce the level of impact to less than significant.

*C. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, or other performance objectives relative to school services? • No Impact.*

Public educational services in or within close proximity of the City are provided by the Los Angeles Unified School District that operates a total of nine schools that serve City residents. Facilities that serve local residents include one high school, two middle schools six elementary schools, and a continuation school. One middle school is located within the City's corporate limits. These existing schools have a combined enrollment of 12,061 students.

The project will consist of three single-family residential units. As stated in Section 3.13.2.A, the project will add an additional 12 residents to the City. According to the United States Census Bureau, approximately 29.4 percent of the City's residents are under the age of 18. Assuming 29.4 percent of the 12 new residents are under the age of 18, the project has the potential to add four new students to LAUSD schools. The school enrollment impacts will be off-set by school fees that will be paid by the developer. As a result, no impacts on schools are anticipated.

*D. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives relative to other governmental services? • Less Than Significant impact.*

The addition of three new housing units will translate into an incremental increase in the demand for other governmental services. However, the proposed project is consistent with the growth projections developed for the City by the Southern California Association Governments (SCAG). In addition, any impact may be partially offset by the increase in the taxes and an increase in the assessed valuation of the property. As a result, the potential impacts associated with the proposed project's adoption and subsequent implementation, are considered to be less than significant.

### **3.14.3 CUMULATIVE IMPACTS**

The future development contemplated as part of the proposed project's implementation will result in an incremental increase in the demand for police and fire service calls. As a result, no cumulative impacts are anticipated.

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### 3.14.4 MITIGATION MEASURES

The analysis of public service impacts indicated that potentially significant adverse impacts on fire and law enforcement services may result from the proposed project's approval and subsequent implementation. As a result, the following mitigation, with respect to public services, is required.

*Mitigation Measure 15 (Public Services).* The proposed project will be subject to review and approval by the City of Los Angeles Fire Department to ensure that fire safety and fire prevention measures are incorporated into the project. In addition, the Fire Department will be required to review and approve any evacuation plan as well as the on-site circulation to ensure that emergency vehicles can easily access the site.

*Mitigation Measure 16 (Public Services).* The proposed project will be subject to review and approval by the San Fernando Police Department to ensure that public safety measures are incorporated into the project. In addition, the Police Department will be required to review and approve any security plan.

## 3.15 RECREATION IMPACTS

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### 3.15.1 THRESHOLDS OF SIGNIFICANCE

According to the City of San Fernando, acting as Lead Agency, a project may be deemed to have a significant adverse impact on the environment if it results in any of the following:

- The use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or,
- The construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

### 3.15.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?* • *Less than Significant Impact.*

The City of San Fernando Parks and Recreation Department operates five public parks. These include La Palmas Park (505 South Huntington Street), Layne Park (120 North Huntington Street), Recreation Park (208 Park Avenue), Pioneer Park (828 Harding Avenue), and Heritage Park (2025 Forth Street). The department is also responsible for the maintenance and operation of the Casa de Lopez Adobe located at 1100 Pico Street. These existing parks have a total useable land area of approximately 34.13 acres. The current recreational open space ratio in the City is 0.9 acres per 1,000 residents.

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The increase in population that will result with the project's occupation may result in an incremental increase in usage of parks and recreational facilities. However, the project Applicant will be required to pay park and recreation fees to the City to offset any potential impacts to the City's parks and recreation facilities. Payment of park and recreation fees or other in-lieu park development fees will reduce potential impacts to levels that are less than significant.

*B. Would the project affect existing recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? • Less than Significant Impact.*

As indicated in the previous section, the implementation of the proposed project would not physically affect any existing parks and recreational facilities in the City. The nearest public park is Pioneer Park, located one-quarter of a mile to the northwest of the project site. The proposed three-unit subdivision will be restricted to the project site and will not directly affect the aforementioned park. Any increase in usage of City park facilities will be offset by the payment of in-lieu park development fees. As a result, the potential impacts are considered to be less than significant.

### **3.15.3 CUMULATIVE IMPACTS**

The analysis determined the proposed project would not result in any potential impact on recreational facilities and services. As a result, no cumulative impacts on recreational facilities would result from the proposed project's implementation.

### **3.15.4 MITIGATION MEASURES**

The analysis of potential impacts related to parks and recreation indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

## **3.16 TRANSPORTATION & CIRCULATION**

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### **3.16.1 THRESHOLDS OF SIGNIFICANCE**

According to the City of San Fernando, acting as Lead Agency, a project will normally have a significant adverse impact on traffic and circulation if it results in any of the following:

- A conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit;

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- A conflict with an applicable congestion management program, including but not limited to, level of service standards and travel demand measures, or other standards established by the County congestion management agency for designated roads or highways;
- Results in a change in air traffic patterns, including either an increase in traffic levels or a change in the location that result in substantial safety risks;
- Substantially increases hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);
- Results in inadequate emergency access; or,
- A conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

### 3.16.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project cause a conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit)? • Less than Significant Impact.*

In order to evaluate the quantity of traffic generated by the proposed project, ITE traffic generation factors from the 9<sup>th</sup> Edition of the Traffic Generation Manual (2012) were applied to the proposed single-family residential development for the daily and the morning and evening peak periods. The trip rates assumed a given generation on a *per unit basis*. Table 3-9 indicates the trip generation for the proposed project. The proposed project, at full occupancy is projected to generate 28 trips per day. Of this total, two trips will occur during the morning peak hour (AM peak hour) and three trips will occur during the evening (PM peak hour).

**Table 3-9**  
**Weekday Trip Generation (Trips/Day)**

Project Component	Daily Trip Ends	Peak Hour Traffic Volumes	
		AM Peak Hour	PM Peak Hour
ITE 210 – Single-family Residential	9.52 trips/unit	0.75 trips/unit	1 trips/unit
Proposed Project – 3 DU	28 trips	2 trips	3 trips

Source: Institute of Transportation Engineers. Trip Generation 9<sup>th</sup> Edition. 2012

The additional 28 daily trips, two AM peak hour trips and three PM peak hour trips will not degrade the Macneil Street and Seventh Street intersection's level of service. As indicated in the previous sections, the City is obligated under state law, to fulfill the RHNA requirements that have been assigned to the City. As



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part of the RHNA's development, SCAG relied on growth projections developed as part of the Regional Transportation Plan (RTP). These growth projections were evaluated in the environmental studies prepared for both the RHNA and RTP.

The proposed single-family residential development will potentially result in an incremental increase in traffic. These trips will be distributed throughout the City and the level of service of individual intersections will not be significantly affected. As a result, the potential impacts are considered to be less than significant.

*B. Would the project result in a conflict with an applicable congestions management program, including but not limited to, level of service standards and travel demand measures, or other standards established by the County congestion management agency for designated roads or highways? • No Impact.*

The Los Angeles County Congestion Management Program (CMP) was developed in response to California Proposition 111, approved June 1990, and is intended to address regional congestion by linking land use, transportation, and air quality decisions. The CMP document identifies the County's CMP System which includes arterial roadways and all freeways and requires that the traffic impact of individual development projects of potentially regional significance be analyzed. Per CMP guidelines, a traffic impact analysis is conducted where:

- At CMP arterial monitoring intersections, including freeway on-ramp or off-ramps, the proposed Project will add 50 or more vehicle trips during either AM or PM peak weekday peak hours.
- At CMP mainline freeway monitoring locations, the proposed Project will add 150 or more vehicle trips, in either direction, during either AM or PM peak hours.

Once occupied, the project will result in two AM peak hour trips and three PM peak hour trips. The project will not add more than 50 peak hour trips to any CMP monitored intersection. As a result, no impact will occur.

*C. Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in the location that results in substantial safety risks? • No Impact.*

The proposed three unit single-family residential development will not alter air traffic patterns. As a result, no impacts will result.

*D. Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? • Less than Significant Impact with Mitigation.*

The proposed project will not involve any significant alterations to the existing roadway configurations. As a result, no impacts on the design or operation of the existing right-of-way facilities will occur.

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Furthermore, the project will not result in an incompatible use because the use that is contemplated for the site is consistent with the surrounding development (residential). Mitigation is provided in order to maintain adequate visibility at the three driveways. Adherence to the mitigation included in Section 3.16.4 will reduce potential impacts to levels that are less than significant.

*E. Would the project result in inadequate emergency access? • No Impact.*

At no time will Seventh Street or Macneil Street be closed to traffic during the construction phases. Subsequent to obtaining development entitlements from the Planning and Preservation Commission, a staging plan for the proposed construction will be submitted as part of building permit plan check review process for approval by the Public Works Department. The construction plan will be required to identify the location of all on-site utility facilities as well as trash containers, construction vehicle parking areas, and the staging area for debris removal and the delivery of building materials. Construction hours will also be required to comply with the current San Fernando City Code Standards. Finally, the construction plan must identify specific provisions for the regulation of construction vehicle ingress and egress to the site during construction as a means to provide continued through-access for pedestrian and vehicles visiting the surrounding residential neighborhood. All of the construction activities and staging areas will be located on-site. As a result, the proposed project's implementation will not result in any impacts.

*F. Would the project result in a conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? • No Impact.*

There are bus stops located in the vicinity of the project site. In addition, there are no bicycle lanes located along Macneil Street or Seventh Street. Lastly, the project's implementation will not require the removal of the existing sidewalks and crosswalks. Therefore, no impacts to public transit, bicycle, or pedestrian facilities will result.

### **3.16.3 CUMULATIVE IMPACTS**

The future development contemplated as part of the proposed project's implementation will result in an incremental increase in City wide traffic. However, the residential units address an existing need contemplated in the SCAG's RTP. As a result, no accumulative impacts are anticipated.

### **3.16.4 MITIGATION MEASURES**

The analysis of potential impacts related to traffic and circulation indicated that the following mitigation would be required as a means to mitigate potential adverse impacts that would result from the proposed project.

*Mitigation Measure 17 (Transportation and Circulation).* Landscaping must not block the line-of-sight between the driveways and Macneil Street. Trees, plants, and shrubs with dense branches will be prohibited from being planted along the site's eastern boundaries. Smaller vegetation must be planted within the aforementioned area.

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## 3.17 UTILITIES

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### 3.17.1 THRESHOLDS OF SIGNIFICANCE

According to the City of San Fernando, acting as Lead Agency, a project may be deemed to have a significant adverse impact on utilities if it results in any of the following:

- An exceedance of the wastewater treatment requirements of the applicable Regional Water Quality Control Board;
- The construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts;
- The construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- An overcapacity of the storm drain system causing area flooding;
- A determination by the wastewater treatment provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand;
- The project will be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs; or,
- Non-compliance with federal, state, and local statutes and regulations relative to solid waste.

### 3.17.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? • Less than Significant Impact with Mitigation.*

The Sewer Division performs maintenance of the City's sanitary sewer system by scheduled routine cleaning of sewer main lines and manholes and is made up of approximately 40 miles (215,915 linear feet) of mains and over 800 manholes. Additionally, the City contracts with the City of Los Angeles for sewage treatment and disposal. The City of San Fernando is located within the service boundaries of the Hyperion Treatment Plant.<sup>81</sup> The Hyperion Water Reclamation Plant is the City's oldest and largest wastewater treatment facility. The plant has been operating since 1894. The plant has been expanded and improved numerous times over the last 100+ years. On average 275 million gallons of wastewater enters the Hyperion Water Reclamation Plant on a dry weather day. Because the amount of wastewater entering HWRP can double on rainy days, the plant was designed to accommodate both dry and wet weather days with a maximum daily flow of 450 million gallons of water per day (MGD)

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<sup>81</sup> City of Los Angeles, Sanitation Department. *Hyperion Water Reclamation Plant*.  
[https://www.lacitysan.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-cw/s-lsh-wwd-cw-p/s-lsh-wwd-cw-p-hwrp?\\_afdf.ctrl-state=15luqtk4wv\\_4&\\_afdfLoop=26107576355866458#!](https://www.lacitysan.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-cw/s-lsh-wwd-cw-p/s-lsh-wwd-cw-p-hwrp?_afdf.ctrl-state=15luqtk4wv_4&_afdfLoop=26107576355866458#!)

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and peak wet weather flow of 800 MGD. The Hyperion Water Reclamation Plant provides primary and secondary treatment.<sup>82</sup>

The future residential development contemplated under the proposed project (three units) is anticipated to generate approximately 780 gallons of effluent daily. This effluent generation assumes a rate of 260 gallons per day, per unit. No new off-site *treatment facilities* will be required to meet the projected demand. Mitigation has been identified in Section 3.17.4 that calls for the upgrading of local infrastructure that is required to serve the project. As a result, no significant impacts on regional treatment facilities are anticipated.

*B. Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts? • Less than Significant Impact with Mitigation.*

The City of San Fernando provides water service to a geographic area of 2.42 square miles and a population of approximately 24,600. The City's water distribution system provides approximately one billion gallons of water on an annual basis within its service area. Water may be derived from three sources that include local groundwater drawn from the Sylmar Groundwater Basis, imported water from the Metropolitan Water District (MWD), and emergency water from the City of Los Angeles.<sup>83</sup> The nearest water lines to the project site include an 18-inch line in Seventh Street and an eight-inch line in Macneil Street. The future residential development (three units) is anticipated to consume approximately 1,431 gallons of water on a daily basis. This water consumption rate assumes a rate of 477 gallons per day, per unit. Based on the City's 2015 Urban Water Management Plan, the City is projected to have an adequate supply of local and imported ground water and will continue to accommodate future increases in demand.<sup>84</sup>

The waste treatment facilities are described in the previous section. Sewer lines are located within Seventh Street and Macneil Street. The future residential development contemplated under the proposed project (three units) is anticipated to generate approximately 780 gallons of effluent daily. This effluent generation assumes a rate of 260 gallons per day, per unit. The project's civil engineer will submit a Utility Plan that will determine the adjacent sewer line's capacity. The implementation of the mitigation identified in Section 3.17.4 will reduce the level of impact to less than significant.

*C. Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? • Less than Significant Impact.*

The City of San Fernando is served by the Los Angeles County Flood Control District (LACFCD), which operates and maintains regional and municipal storm drainage facilities. The City works with the

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<sup>82</sup> City of Los Angeles, Sanitation Department. *Hyperion Water Reclamation Plant*.  
[https://www.lacitysan.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-cw/s-lsh-wwd-cw-p/s-lsh-wwd-cw-p-hwrp?\\_afdf.ctrl-state=15luqtk4wv\\_4&\\_afLoop=26107576355866458#](https://www.lacitysan.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-cw/s-lsh-wwd-cw-p/s-lsh-wwd-cw-p-hwrp?_afdf.ctrl-state=15luqtk4wv_4&_afLoop=26107576355866458#)

<sup>83</sup> City of San Fernando. Annual Water Quality Report 2009. 2011

<sup>84</sup> SA Associates. *City of San Fernando 2015 Urban Water Management Plan*. Report dated May 2016.

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(LACFCD) in making local drainage plans and improvements. As part of the site's development, certain improvements will be installed that will affect the amount of potential storm water runoff. The major source of potential water pollution is related to sheet runoff capturing surface pollutants that are then conveyed into the local storm water system that is composed of gutters, drains, catch basins, and pipes. This storm water infrastructure collects the rainwater runoff and ultimately deposits everything it gathers, including contaminants and debris, into the ocean. Trash, animal waste, chemicals, and other pollutants are transported untreated through the storm water system where it is ultimately conveyed to the regional storm drain system.

The proposed project will be required to conform to the City's stormwater management requirements through the preparation and submittal of a Standard Urban Stormwater Mitigation Plan (SUSMP), which shall include the applicable Low Impact Development (LID) requirements set forth in the municipal code as an element of the SUSMP. The LID will also identify post-construction best management practices (BMPs) that will be the responsibility of the applicant to implement, operate, and maintain over the life of the project. Compliance with the above mentioned requirements will reduce the impacts related to water quality standards and waste discharge requirements to levels that are considered to be less than significant.

*D. Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? • Less than Significant Impact.*

Water in the project area is supplied by the City of San Fernando Water Department. The nearest water lines to the project site include an 18-inch line in Seventh Street and an eight inch water line in Macneil Street. The future residential development (three units) is anticipated to consume approximately 1,431 gallons of water on a daily basis. This water consumption rate assumes a rate of 477 gallons per day, per unit. The City's local groundwater supply is provided by four water wells and imported supplies are available from a connection to an MWD line. The City's water distribution system consists of approximately 5,000 service connections and a 66.5 mile system of water lines. According to the most recent water master plan prepared for the City, the reliability of the local water supply is anticipated to remain consistent or near the 3,405 acre feet/year (AFY) allocation. As a result, the potential impacts are considered to be less than significant.

*E. Would the project result in a determination by the provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? • Less than Significant Impact.*

Water in the project area is supplied by the City of San Fernando Water Department. The City's water distribution system consists of approximately 5,000 service connections and a 66.5 mile system of water lines. The future residential development (three units) is anticipated to consume approximately 1,431 gallons of water on a daily basis. This water consumption rate assumes a rate of 477 gallons per day, per unit. According to the most recent water master plan prepared for the City, the reliability of the local water supply is anticipated to remain consistent or near the 3,405 acre feet/year (AFY) allocation. As a result, the potential impacts are considered to be less than significant.

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*F. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? • Less than Significant Impact.*

Municipal solid waste collection services within San Fernando are provided by Crown Disposal Company Inc. under contract. Crown Disposal Co., Inc. currently has an exclusive contract with the City of San Fernando to provide waste and recycling services for all residential, commercial, and industrial customers, including construction and demolition hauling services. The proposed three residential units possible under the proposed project's implementation are projected to generate 36 pounds of solid waste on a daily basis assuming 12 pounds of solid waste per day, per unit. The projected increase in solid waste will be within the maximum capacity of the Bradley Landfill. As a result, the potential solid waste impacts from future development are considered to be less than significant.

*G. Would the project comply with federal, state, and local statutes and regulations related to solid waste? • No Impact.*

Future residential development, like all other development in the City, will be required to adhere to all pertinent ordinances related to waste reduction and recycling. As a result, no adverse waste impact on regulations pertaining to solid waste generation will result from the proposed project's implementation.

### **3.17.3 CUMULATIVE IMPACTS**

The potential impacts related to water line and sewer line capacities are site specific. Furthermore, the analysis herein also determined that the proposed project would not result in any significant adverse impact on local utilities. The ability of the existing sewer and water lines to accommodate the projected demand from future related projects will require evaluation on a case-by-case basis. As a result, no cumulative impacts on utilities will occur.

### **3.17.4 MITIGATION MEASURES**

The analysis of utilities impacts indicated that there would potentially significant impacts requiring mitigation. The following mitigation would be required as a means to mitigate potential adverse impacts that would result from the proposed project.

*Mitigation Measure 18 (Utility).* The Applicant must submit a Utility Plan showing all existing public utilities and any proposed relocations/realignments. Also the plan must identify any proposed relocation of sewer laterals, water service, water meter, and fire hydrant and how they line up with proposed development.

*Mitigation Measure 19 (Utility).* The Applicant will be required to submit an Off-site Improvement Plan with quantities and cost estimate, including all utilities and improvements in the public right-of-way (sidewalk, driveway, curb and gutter), parkway trees, street improvements, striping, etc. A cost estimate must also be prepared by a California Registered Civil Engineer based on mutually agreed unit prices.

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*Mitigation Measure 20 (Utility).* The Applicant shall submit a Water and Sewer Study to ensure current systems meet proposed development's future demands. Any proposed solution to any water and sewer capacity issues must be reviewed by the Public Works Director or his or her designee and must also be consistent with any applicable mitigation measure as noted in the project's mitigation monitoring plan.

### **3.18 MANDATORY FINDINGS OF SIGNIFICANCE**

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The following findings can be made regarding the mandatory findings of significance set forth in Section 15065 of the CEQA Guidelines based on the results of this environmental assessment:

- The approval and subsequent implementation of the proposed project *will not* have the potential to degrade the quality of the environment, with the implementation of the mitigation measures included herein.
- The approval and subsequent implementation of the proposed project *will not* have the potential to achieve short-term goals to the disadvantage of long-term environmental goals, with the implementation of the mitigation measures referenced herein.
- The approval and subsequent implementation of the proposed project *will not* have impacts that are individually limited, but cumulatively considerable, when considering planned or proposed development in the immediate vicinity, with the implementation of the mitigation measures contained herein.
- The approval and subsequent implementation of the proposed project *will not* have environmental effects that will adversely affect humans, either directly or indirectly, with the implementation of the mitigation measures contained herein.
- The Initial Study indicated there is no evidence that the proposed project will have an adverse effect on wildlife resources or the habitat upon which any wildlife depends.



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## SECTION 4 CONCLUSIONS

### 4.1 FINDINGS

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The Initial Study determined that the proposed project is not expected to have significant adverse environmental impacts, with the implementation of the mitigation measure. The following findings can be made regarding the mandatory findings of significance set forth in Section 15065 of the CEQA Guidelines based on the results of this initial study:

- The proposed project *will not* have the potential to degrade the quality of the environment, with the implementation of the mitigation measures included herein.
- The proposed project *will not* have the potential to achieve short term goals to the disadvantage of long-term environmental goals, with the implementation of the mitigation measures referenced herein.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable, when considering planned or proposed development in the immediate vicinity, with the implementation of the mitigation measures contained herein.
- The proposed project *will not* have environmental effects that will adversely affect humans, either directly or indirectly, with the implementation of the mitigation measures contained herein.

In addition, pursuant to Section 21081(a) of the Public Resources Code, findings must be adopted by the decision-maker coincidental to the approval of a Mitigated Negative Declaration, which relates to the Mitigation Monitoring Program. These findings shall be incorporated as part of the decision-maker's findings of fact, in response to AB 3180 and in compliance with the requirements of the Public Resources Code. In accordance with the requirements of Section 21081(a) and 21081.6 of the Public Resources Code, the City of San Fernando can make the following additional findings:

- A Mitigation Reporting and Monitoring Program will be required; and,
- An accountable enforcement agency or monitoring agency shall be identified for the Mitigation Measures adopted as part of the decision-maker's final determination.





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## SECTION 5 REFERENCES

### 5.1 PREPARERS

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BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING  
2211 S. Hacienda Boulevard  
Suite 107  
Hacienda Heights, CA 91745  
(626) 336-0033

Marc Blodgett, Project Manager  
Bryan Hamilton, Project Planner  
Liesl Sullano, Project Planner

### 5.2 REFERENCES

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Aerial view of 927 Seventh Street



View of from Seventh Street and Macneil Street



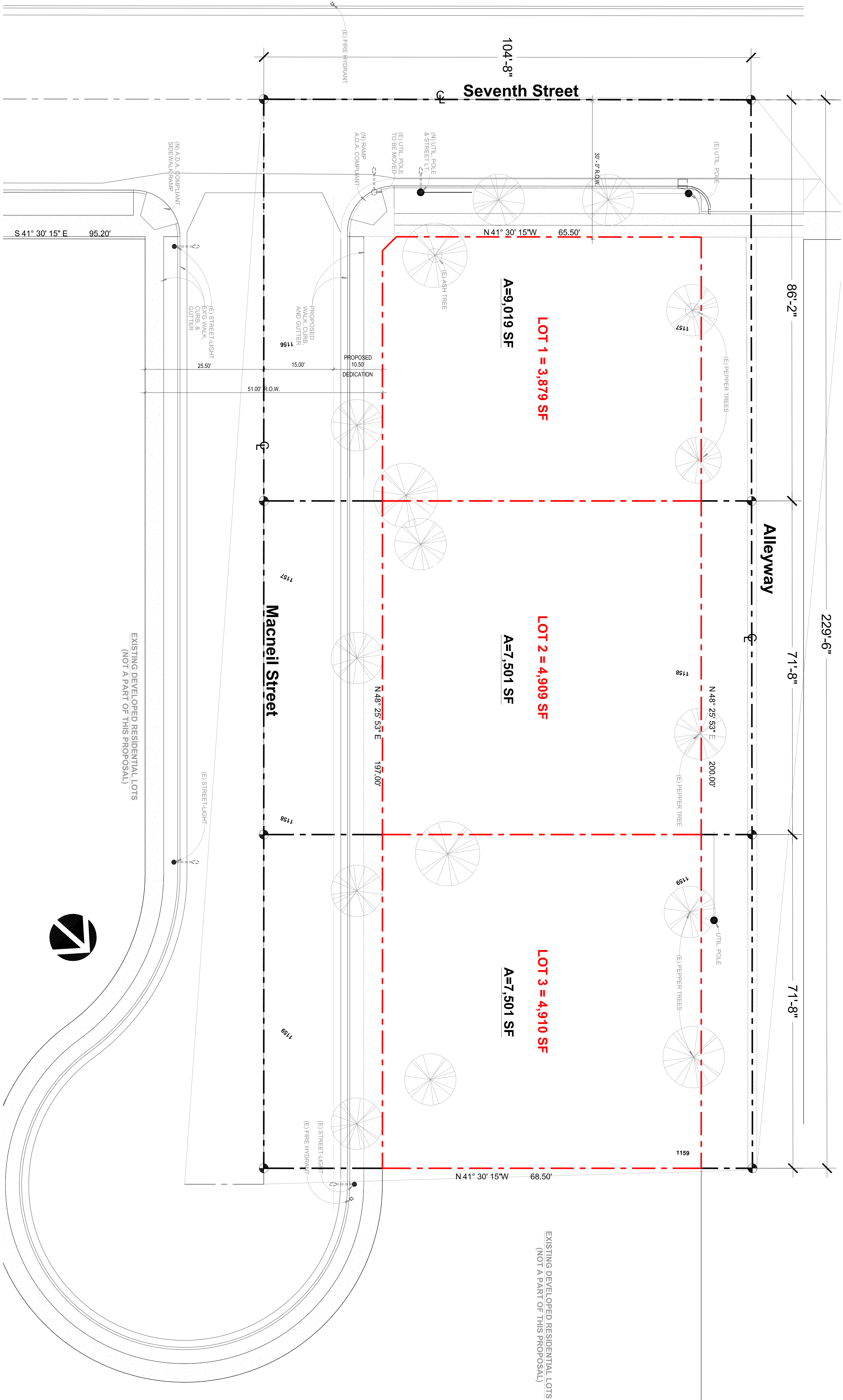


View of the alley abutting 927 Seventh Street



View from the end of Macneil Street





PROPOSED PARCEL LAYOUT & SITE PLAN  
1" = 10'-0"

# 3-LOT SUBDIVISION RESIDENCE PRELIMINARY DESIGN

927 Seventh Street, San Fernando, CA 91340

Julio Martinez  
782 Griswold Ave  
San Fernando, Ca 91340

REVISIONS	
#	Description

DATE:	15/07/1
DATE:	2017-02-22
DATE:	EG8
CHECKED:	P A PM
SCALE:	1" = 10'-0"

PROPOSED  
SITE PLAN

A100

# CITY OF SAN FERNANDO PUBLIC WORKS DEPARTMENT

## DEVELOPMENT / IMPROVEMENT REVIEW CHECK LIST

**DRAFT**

PROJECT: SPR 2015-20

Three Single Family Residences

DATE: 11/08/17 (Revised)

PROJECT ADDRESS: <u>927 Seventh Street</u>					
ITEM		REQUIRED?		COMPLIED?	COMMENTS
		YES	NO		
1.	Site plan must show:				
	a. Existing building or structure	✓			
	b. Existing public improvements (concrete sidewalk driveways, curbs and gutters, parkway trees, street lights, hydrants, etc.) including existing and proposed dimensions, square footage, etc.	✓			
	c. Existing utilities (gas, sewer, water, storm drains, catch basins, power poles).	✓			
2.	Submit offsite improvement plan.	✓			See #28.
3.	Prior to issuance of building permit:				
	a Pay sewer capital facility charge.	✓			<p>Developer is given Sewer Capital Facility fee credit for one unit due to existing SFR.</p> <p>Developer must pay Sewer Capital Facility fee for two new additional SFR units:  <math>2 \times \\$1,798^* =</math> <b>\$3,596*</b></p>
	b Pay water capital facility charge.	✓			<p>Upgrade existing galvanized <math>\frac{3}{4}</math>" WM service located on 7<sup>th</sup> Street to copper one  Developer may keep the water meter on its current Seventh Street location or request to relocate it to Macneil Street at Developer's expense.</p> <p>No additional water capital fees will be assessed for the existing service.</p> <p><b>The water capital fee for the additional two <math>\frac{3}{4}</math>" WM:</b>  <math>2 \times \\$945^* =</math> <b>\$1,890*</b></p>
	c Pay water service installation charge.	✓			<p>Upgrade existing galvanized <math>\frac{3}{4}</math>" WM service located on 7<sup>th</sup> Street to copper one  Developer may keep the water meter on its current Seventh Street location or request to relocate it to Macneil Street at Developer's expense.</p> <p>Water meter installation fee for upgrade of existing <math>\frac{3}{4}</math>" WM: <b>\$1,821*</b></p> <p>The water installation fee for the additional two <math>\frac{3}{4}</math>" WM:  <math>2 \times \\$1,821^* =</math> <b>\$3,642*</b>  <b>Total water installation fees due: \$5,463*</b></p>
	d Pay fire service installation deposit.		✓		

**DRAFT****PROJECT ADDRESS: 927 Seventh Street**

ITEM		REQUIRED?		COMPLIED?	COMMENTS
		YES	NO		
e	Pay fire hydrant installation deposit.		✓		Unless fire hydrant is required by City of Los Angeles Fire Department.
f	Pay plan check fee (Offsite).	✓			
g	Pay inspection fee (Offsite).	✓			
h	Provide labor and material bond.	✓			Developer shall provide a Public Improvement Bond for off-site improvements of proposed development to the Public Works Department. Public Improvement Bond shall include but not be limited to permit and construction costs incurred for the relocation of the power pole at Seventh Street and N. Macneil Street; construction of new sidewalk, new wheel chair ramp, new parkway (including trees, landscape and irrigation), curb and gutter; street pavement, and street striping, legends, and markings. Public Improvement Bond shall be paid prior to issuance of building permit. Public Improvement Bond shall cover the costs of all these construction items. Amount of bond shall be determined by the Public Works Department.
i	Provide performance bond.		✓		
4.	Is there existing sewer house connection to property?	✓			There is a sewer lateral connection for existing single family residence. Developer may reconnect the new house on the corner of Seventh Street and Macneil to this existing lateral or may cap the existing lateral if developer chooses to run another lateral on Macneil Street.  Each of the proposed homes must have their own separate sewer lateral connection. Cross connections or lateral sharing is not allowed, NO EXCEPTIONS.
5.	Is there existing water service to the property?	✓			
6.	Provide separate water service for each building or separate ownership.	✓			Each dwelling unit must have its own water service.
7.	Provide separate sewer connection for each building.	✓			Each dwelling unit must have its own sewer lateral. See #4
8.	Underground all utilities to each unit/building.	✓			Underground all lighting and utilities.
9.	Cap off existing sewer connection that will no longer be used.	✓			
10.	Abandon all existing water service and install new copper ones per plan.	✓			
11.	Upgrade existing substandard hydrant to 6-inch wet barrel hydrant (4"X 2.5" outlet).	✓			
12.	Install new hydrant per City standard.		✓		Unless required by City of Los Angeles Fire Department.
13.	Satisfy City of Los Angeles Fire Dept. fire flow requirements.	✓			Obtain clearance from City of Los Angeles Fire Department.



**DRAFT****PROJECT ADDRESS:** 927 Seventh Street

ITEM		REQUIRED?		COMPLIED?	COMMENTS
		YES	NO		
14.	Provide City approved backflow device for the domestic water service and/or landscape irrigation, provide proof that said equipment has been tested by a certified tester.		✓		
15.	Remove existing driveway approach that will no longer be used. Replace depressed curb.	✓			<i>Remove existing driveway on Seventh Street and reconstruct with new sidewalk and landscaped parkway.</i>
16.	Construct PCC driveway approach 6-inch thick per City Standard.		✓		<i>Unless garage will no longer be accessed through the alley and developer has submitted plans for new locations of proposed driveways.</i>
17.	Construct wheel chair ramp per City Standard.	✓			<i>Construct new wheel chair ramp with truncated dome per City Standards.</i>

**DRAFT****PROJECT ADDRESS:** 927 Seventh Street

ITEM		REQUIRED?		COMPLIED?	COMMENTS
		YES	NO		
18.	Remove and replace broken/damaged concrete sidewalk adjacent to property.	✓			<p><i>On Seventh Street, remove bricks from parkway and plant visible sod or drought tolerant plants. Proposed parkway landscape other than visible sod, must be submitted to Public Works department for approval prior to any installation. On Seventh Street remove and replace approximately 75 sf of sidewalk</i></p> <p><i>The following will require submittal of plans signed and stamped by a registered engineer and/or landscaped surveyor where applicable.</i></p> <p><i>On Macneil Street, dedicate approximately 10.5 ft x200 ft notch to City of San Fernando and construct new sidewalk, curb &amp; gutter, and street improvements per City Standards. This dedication must be recorded in LA County Assessor's Office. Submit proof to City of said recordation.</i></p> <p><i>Said Right-Of-Way dedication to the City will allow Macneil Street to provide a 4 foot sidewalk, a 3 foot parkway, a 6 inch curb with a 1 foot gutter, an 8 foot street parking lane (including 1 foot gutter), and a 10 foot travel lane on both sides of the 1000 block o N. Macneil Street as noted on Macneil Street Typical Section detail of proposed plan. Permits and construction costs incurred for said work shall be paid at the expense of the Developer.</i></p> <p><i>Said Right-Of-Way dedication to the City will also require the relocation of the power pole located on the corner north of Seventh Street and west of Macneil Street to meet Edison and City Standards. Permits and construction costs incurred for said work shall be paid at the expense of the Developer.</i></p> <p><i>On Macneil Street plant landscape in new parkway per layout and plants approved by Public Works department. Tree species shall be determined by Public Works department.</i></p> <p><i>On Macneil Street construct new street improvement extending it from existing AC to new curb face per approved plans. A minimum 2 inch AC cap will be required. Developer's engineer must sign and stamp proposed street improvements plans.</i></p>

**DRAFT****PROJECT ADDRESS: 927 Seventh Street**

ITEM		REQUIRED?		COMPLIED?	COMMENTS
		YES	NO		
19.	Remove and replace broken curb/gutter adjacent to property.	✓			Remove existing curb on Macneil Street and construct new monolithic curb and gutter on Macneil at new location per City approval and dedication noted in #18, Remove and replace curb and gutter approximately 200 lf.
20.	Plant parkway trees per City Standard and City Master Tree Plan.	✓			Plant <u>2</u> trees on Seventh Street and <u>6</u> trees on Macneil Street. Species of trees shall be determined by Public Works department and planted per City Standards.
21	Construct tree wells per City Standard with tree grates.	✓			Construct landscaped parkway in sidewalk on Seventh Street and Macneil Street.
22	A permit from the Public Works Dept. (Engineering Division) is required for all offsite improvements.	✓			
23.	All on-site pavement shall be minimum of 3-inch AC on 4 inch CAB or 6-inch PCC pavement without soil recommendation.	✓			
24.	Construct trash enclosure, nominal size 5 feet X 9 feet with PCC slab and 6-inch PCC curb with 6-inch PCC apron.		✓		
25.	Verify that clarifier/grease trap intercepts effluent before entry into the sewer lateral.		✓		
26.	Federal NPDES Requirements				
	a. Provide a SWPPP that incorporates construction BMP's in compliance with Federal NPDES.	✓			See attached BMP's suggested for use during construction.
	b. Provide a SUSMP that incorporates design elements and facility BMP's in compliance with Federal NPDES.	✓			
27.	Comply with all applicable existing conditions of approval for the proposed development.	✓			

**DRAFT****PROJECT ADDRESS:** 927 Seventh Street

ITEM	REQUIRED?		COMPLIED?	COMMENTS
	YES	NO		
28.				<p>Additional requirements:</p> <p><i>*Sewer and Water Capital and Installation fees are subject to change. The latest fee will be assessed prior to sign off for building permit.</i></p> <p><b>The addresses for the three new Single Family Residential homes are 1003, 1017, and 1025 Macneil Street.</b></p> <ul style="list-style-type: none"> <li>For land Subdivision, please submit <b>Parcel Map</b> for review and approval. Final Parcel Map must be recorded and a mylar copy of the recorded Parcel Map must be submitted to Public Works <b>PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.</b></li> <li>Submit <b>Utility Plan</b> showing all existing public utilities and any proposed relocations/realignments. Also show any proposed relocation of sewer laterals, water service, water meter, and fire hydrant and how they line up with development.</li> <li>Submit <b>Off-site Street Improvement Plan</b> with <b>quantities</b> and <b>cost estimate</b>, include all utilities and improvements in the public right-of-way (sidewalk, driveway, curb and gutter, wheel chair ramps, parkway trees, street improvements, striping, etc). Cost Estimate to be prepared by a California Registered Civil Engineer based on mutually agreed unit prices.</li> <li>Submit <b>ALTA survey</b> and incorporate as part of the project drawings. Perform full property survey. Include any vacation and dedication description.</li> <li>Submit <b>Grading and Drainage Plan</b> for on-site as well as elevations along the adjacent lots. Show how development will drain to Seventh Street and Macneil Street and how the differential flow will be mitigated.</li> <li>Submit <b>Soils Report</b> for on-site.</li> <li>Comply with applicable federal NPDES requirements.</li> <li><b>IT IS THE RESPONSIBILITY OF THE DEVELOPER TO SUBMIT ANY STUDIES OR PLANS NOTED ON THIS CHECKLIST PRIOR TO ISSUANCE OF BUILDING PERMIT AND INCORPORATE ALL THESE ITEMS IN THE FINAL SET OF PLANS AND COMPLY WITH SAID REQUIREMENTS PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.</b></li> </ul>


  
PUBLIC WORKS DEPARTMENT


  
DATE



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## AGENDA REPORT

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**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Alexander P. Meyerhoff, City Manager  
By: Julian J. Venegas, Director of Recreation and Community Services

**Date:** September 4, 2018

**Subject:** A Public Hearing to Consider and Approve an Ordinance and Resolution Amending the San Fernando Municipal Code Pertaining to Serving and Consumption of Alcoholic Beverages in City Facilities

### RECOMMENDATION:

It is recommended that the City Council:

- a. Open the public hearing;
- b. Receive presentation from City staff and pose questions to City staff;
- c. Receive comment from members of the public;
- d. Pose follow-up questions to City staff following public comment;
- e. Close the public comment portion of the public hearing and commence deliberations on the matter;
- f. If it is the desire of the City Council, introduce for first reading, in title only, and waive further reading of Ordinance No. 1681 (Attachment "A"), "An Ordinance of the City Council of the City of San Fernando, California, amending Section 54-18 (Intoxicating Liquor Prohibited) of Article I (General) of Chapter 54 (Parks and Recreation) of the San Fernando Municipal Code to authorize the presence and consumption of alcohol at City recreational facilities subject to permit conditions.";
- g. Adopt Resolution No. 7885 (Attachment "B") adopting a Management Policy/Procedure for regulating the Serving and Consumption of Alcoholic Beverages in City Facilities; and
- h. Adopt Resolution No. 7886 (Attachment "C") adopting a processing fee for issuing an alcohol use permit.

**A Public Hearing to Consider and Approve an Ordinance and Resolution Amending the San Fernando Municipal Code Pertaining to Serving and Consumption of Alcoholic Beverages in City Facilities**Page 2 of 3

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**BACKGROUND:**

1. On May 21, 2018, the City Council formed an Ad Hoc committee (Councilmembers Fajardo and Gonzales) to discuss a proposed ordinance and policy for allowing the serving and consumption of alcoholic beverages in City facilities.
2. On June 26, 2018, the Ad Hoc Committee met to address the issue related to such a policy.
3. On August 28, 2018, the Ad Hoc Committee finalized the Ordinance (Attachment "A") and the policy governing the serving and consumption of alcoholic beverages in City Facilities.

**ANALYSIS:**

In order, for the City to permit the serving and consumption of alcoholic beverages the San Fernando Municipal Code regulating alcohol use in City facilities must be amended. Currently, Chapter 54, Article I, Section 54-18 states "Intoxicating Liquor Prohibited." The amendment of Section 54-18 allows for the City Council to regulate the conditions where alcoholic beverages would be allowed in City Facilities. Ordinance No. 1681 details the amendments that would take effect and sets a mechanism to develop the policies and procedures needed to regulate the serving and consumption of alcoholic beverages.

This Ordinance is specific to in-door recreational facilities, including the San Fernando Regional Pool. Should the City Council desire to permit serving and consumption of alcohol at outdoor venues (such as an Open Street event), it may do so at a later date by resolution.

Staff researched the alcohol use policies from several municipalities to determine a best practice for serving and consumption of alcoholic beverages. The policies reviewed were from the cities of San Gabriel, Diamond Bar, and South Pasadena. The Ad Hoc Committee's discussion led to base San Fernando's alcohol use policy after the standards established by the City of San Gabriel.

Resolution No. 7885 (Attachment "B") details the policy that would take effect upon approval. The use of alcohol in a City facility is exclusively by written permission in advance for a minimum of 14 days before the event. Failure to comply with any regulations results in immediate revocation of the permission to serve and consume alcohol and terminates the event.



**A Public Hearing to Consider and Approve an Ordinance and Resolution Amending the San Fernando Municipal Code Pertaining to Serving and Consumption of Alcoholic Beverages in City Facilities**Page 3 of 3

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**BUDGET IMPACT:**

All applicants requesting an Alcohol Use Permit would pay a fee associated with the administrative cost for reviewing and processing the application. Presently the Fiscal Year (FY) 2018-2019 Annual Fee Schedule does not account for an Alcohol Use Permit fee. The prepared Resolution establishes a fee of \$75 for residents and \$95 for non-residents under the Recreation and Community Services Department fee schedule. The Fee was derived by conducting a Fee Schedule Worksheet that takes into account staff's time and their labor distribution associated with the approval process (Exhibit "1" of Attachment "C").

Event rentals like birthdays, quinceañeras, anniversaries, etc. average 85 per fiscal year. The Alcohol Use Permit fee has the potential to generate more than \$7,000 per fiscal year.

**CONCLUSION:**

It is recommended that the City Council adopt Ordinance No. 1681 amending Section 54-18 of Article I in Chapter 54 of the San Fernando Municipal Code to control alcohol use in City facilities; adopt Resolution No. 7885 regulating the Serving and Consumption of Alcohol Beverages in City Facilities; and adopt Resolution No. 7886 establishing an Alcohol Use Permit Fee for the administrative cost associated with processing such permits.

**ATTACHMENTS:**

- A. Ordinance No. 1681
- B. Resolution No. 7885
- C. Resolution No. 7886

**ATTACHMENT "A"****ORDINANCE NO. 1681**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, AMENDING SECTION 54-18 (INTOXICATING LIQUOR PROHIBITED) OF ARTICLE I (IN GENERAL) OF CHAPTER 54 (PARKS AND RECREATION) OF THE SAN FERNANDO MUNICIPAL CODE TO AUTHORIZE THE PRESENCE AND CONSUMPTION OF ALCOHOL AT CITY RECREATIONAL FACILITIES SUBJECT TO PERMIT CONDITIONS**

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

**SECTION 1.** The Recitals set forth above are true and correct and incorporated into this Ordinance.

**SECTION 2.** Section 54-18 (Intoxicating Liquor Prohibited) of Article I (In General) of Chapter 54 (Parks and Recreation) of the San Fernando Municipal Code is hereby amended in its entirety to now state the following:

**54-18 Regulation of Alcoholic Beverages at City Recreational Facilities.**

- (a) Except as otherwise authorized under the terms, conditions and restrictions set forth under a valid and unexpired alcoholic beverage permit issued by the city as referenced under subsection (b) of this Section below, no person shall bring into or upon any park, playground, recreation center or any other recreational facility of the city any alcoholic beverage or consume any such alcoholic beverage in or upon any such park, playground recreation center or other recreational facility of the city. For purposes of this section, the term "alcoholic beverages" means and includes alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes, either alone or when diluted, mixed or combined with other substances.
- (b) The City Council, by resolution may establish and from time-to-time amend, written policies and procedures for the issuance of temporary city permits authorizing, subject to conditions, the presence and consumption of alcoholic beverages at any one or more of the various in-door facilities referenced under subsection (a), above. The City Council, by resolution, may also suspend any existing policies and procedures pending the adoption of updated and amended policies and procedures. Such city policies and procedures may include, without limitation, requirements that the permittee (i) obtain appropriate licenses from the California

Department of Alcoholic Beverage Control; (ii) provide security from a duly licensed security firm pre-approved by the San Fernando Police Department at the permittee's sole cost and expense; (iii) obtain special event insurance satisfactory to the city, naming the city as an additional insured for certain anticipated liabilities and risks associated with the presence and consumption of alcoholic beverages on city property; (iv) indemnify, defend and hold harmless the city from certain liabilities and risks associated with the presence and consumption of alcoholic beverages on city property; and/or (v) provide a security deposit to the city. The foregoing requirements are not exhaustive of the requirements that the city may impose under the City Council-approved policies and procedures.

- (c) Until such time as the City Council approves the written policies and procedures referenced under subsection (b) of this Section, above, no alcoholic beverage permits may be issued by the city and the city shall be under no obligation to accept or process applications for alcoholic beverage permits while the approval of policies and procedures by the City Council remains pending or at any such time thereafter when existing policies and procedures have been suspended by resolution of the City Council.

**SECTION 3. CEQA.** The City Council finds that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CCR, Title 14, Chapter 3 ("CEQA Guidelines"), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

**SECTION 4. Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance 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 Ordinance. The City Council declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 5. Effective Date.** In accordance with Government Code section 36937, this ordinance shall take effect and be in force thirty (30) days from passage and adoption.

**SECTION 6. Certification.** The City Clerk is hereby authorized and directed to certify to the passage of this Ordinance by the City Council and shall cause it to be published or posted as required by law.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of San Fernando a regular meeting held on \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Sylvia Ballin, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Richard Padilla, Assistant City Attorney

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

I, ELENA G. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2018 and was carried by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**ATTACHMENT “B”****RESOLUTION NO. 7885****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN FERNANDO, CALIFORNIA, ADOPTING A MANAGEMENT  
POLICY/PROCEDURE FOR REGULATING THE SERVING AND  
CONSUMPTION OF ALCOHOLIC BEVERAGES IN CITY  
FACILITIES**

**WHEREAS**, The City Council has amended Section 54-18 of Article I of Chapter 54 of the San Fernando Municipal Code to regulate the serving and consumption of alcoholic beverages in City facilities on September 4, 2018; and

**WHEREAS**, the City Council has determined a necessity to develop a policy and procedure to authorize applicants desire to serve and consume alcohol at events held in a City facility; and

**WHEREAS**, the proposed Policy/Procedure regulates the application process detailing the requirements an applicant must meet for the issuance of an Alcohol Use Permit.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** The City Council hereby establishes the Management Policy/Procedure for Regulating the Serving and Consumption of Alcoholic Beverages in City Facilities, attached hereto as Exhibit “1” and incorporated herein by this reference.

**PASSED, APPROVED, AND ADOPTED** this 4<sup>th</sup> day of September, 2018.

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Sylvia Ballin, Mayor

**ATTEST:**

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Elena G. Chavez, 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 the 4<sup>th</sup> day of September, 2018, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Elena G. Chavez, City Clerk

## POLICY/PROCEDURE

SUBJECT	ISSUANCE	
REGULATING THE SERVING AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN CITY FACILITIES	ORIGINAL DATE SEPTEMBER 4, 2018	EFFECTIVE SEPTEMBER 4, 2018
	CURRENT DATE SEPTEMBER 4, 2018	EFFECTIVE SEPTEMBER 4, 2018
CATEGORY	POLICY NO.	SUPERSEDES
MANAGEMENT	RCS-	

### MANAGEMENT POLICY/PROCEDURES

#### SECTION I. PURPOSE

The City Council has amended Section 54-18 of Article I of Chapter 54 of the San Fernando Municipal Code to regulate the serving and consumption of alcoholic beverages in City facilities on September 4, 2018.

The City Council has determined a necessity to develop a policy and procedure to authorize applicants desire to serve and consume alcohol at events held in a City facility. This Policy/Procedure regulates the application process detailing the requirements an applicant must meet for the issuance of an Alcohol Use Permit.

#### SECTION II. STATEMENT OF POLICY

The use of alcohol in a city facility is exclusively by written permission in advance and must comply with applicable law and the provisions of this Use Policy. Failure to comply with any regulations will result in immediate revocation of the permission to use alcohol and termination of the event. Additional regulations and specifications may be required in the facility use permit for any event.

#### SECTION III. DEFINITION

When appearing in this policy, the following term shall have the corresponding definition.

- **"Alcohol Use"** refers to any beverage that contains any amount of alcohol.

#### SECTION IV. PROCEDURE

1. A non-refundable Alcohol Use permitted fee of \$75 for residents and \$95 for non-residents shall be paid when alcohol is served in a City Facility.
2. Security is required to be present at all events at which alcohol is served. The applicant shall be responsible for procuring and paying for security officers through a private security agency licensed to operate in the City of San Fernando. Private events that serve alcohol with 100 guests or less are required to have one (1) security guard. Private events serving alcohol with 100 guests or more are required to have two (2) security guards. Events may be required to have additional security, as determined by the Director of Recreation and Community Services.

3. Proof of security must be filed with the City of San Fernando no later than the date of final payment or 14 days prior to the event.
4. Alcohol shall not be served to minors under the age of 21. The user's failure to comply, monitor, and enforce this provision is grounds for terminating the activity immediately and forfeiture of the refundable deposit and all of the facility fees.
5. Injuries caused to any person as a result of alcoholic beverages being served and/or consumed on City premises, including but not limited to Recreation Park, Las Palmas Park, San Fernando Regional Pool, Casa de Lopez Adobe, and Rudy Ortega Sr. Park shall be the sole responsibility of the organization, its sponsor or the adult representative, who as a condition of signing the use permit for the facility agree to indemnify the City for any such injuries.
6. Permission to serve alcohol shall not be granted for any event where the majority (50% plus one) of guests in attendance will be under the age of 21.
7. Alcohol may neither be served nor sold prior to the scheduled start time of the event nor until the approved security officer(s) arrive(s) at a facility unless the requirement for security has been waived altogether.
8. Alcohol may not be served nor consumed outside of the room approved for use. Serving or consuming alcohol on patios adjoining the room approved for use is permitted.
9. License Requirements (when alcohol is to be sold)
  - a. No sales or requests for donations for alcohol are permitted without a license from the State Alcoholic Beverage Control (ABC) Board.
  - b. A copy of the rental application must be furnished to ABC when applying for this license.
  - c. A copy of the ABC license must be furnished to the Recreation and Community Services Department a minimum of 14 days prior to the event.
  - d. A copy of the ABC license must be posed in plain public view near the bar, or other location, where the alcohol is being served.
  - e. Non-Profit Organizations: A one-day alcohol beverage permit can only be issued to Non-Profit organizations and only if the proceeds are going back to that Non-Profit organization.
  - f. Private Parties: Private parties (i.e., weddings, anniversaries, birthdays, meetings or any event use other than a Non-Profit organization) shall not sell alcohol on their own. The sale of alcohol at private event is ONLY permitted by a licensed caterer and or restaurant with a type 47 or 48 license.
  - i. Complimentary Alcohol Services: The serving of complimentary alcohol (i.e., hosted bar, beer, wine) at a private event, the applicant must provide a minimum of two (2) security guards and insurance identifying the City. The insurance requirements are detailed in Section V. Liability and Insurance below.



**POLICY/PROCEDURE: REGULATING THE SERVING AND  
CONSUMPTION OF ALCOHOLIC BEVERAGES IN CITY FACILITIES**

- ii. Hiring a licensed caterer or restaurant with a type 47 or 48 liquor license to dispense complimentary alcohol at a private event may alleviate the necessity to hire security guards. The determination to waive security guards shall be based on the nature of the event, or the risk involved, or both.
- g. The service of alcohol at any event is limited to a maximum of five (5) consecutive hours.
- h. All alcohol must be distributed from behind a table or bar by an adult, over the age of 21 who is responsible for ensuring that no minors are served. The server must also ensure that guests are not over-served.
- i. When serving champagne/wine, all bottles must be opened in the kitchen prior to serving. Open champagne/wine bottles may not be left on the tables or any other location easily accessible to minors. Open alcohol containers are not allowed to be placed on the tables.

**SECTION V. LIABILITY AND INSURANCE**

All users of the facility shall procure and maintain, at their own expense and for the duration of the event, covered, comprehensive general liability and property damage liability insurance, against all claims for injuries against persons or damages to property which may arise from or in connection with the use of the facility by the user, its agents, representatives or employees in the amount of one million dollars (\$1,000,000.00), combined single limit. (If alcohol is to be served, insurance coverage shall include coverage for serving alcohol beverages).

1. All of the applicant's insurance shall:
  - a. Name the City of San Fernando, its employees, officials, agents, (collectively hereinafter "City and City personnel") as additional or co-insured on an endorsement.
  - b. Contain no special limitations on the scope of protection afforded to City and City personnel.
  - c. Be the primary insurance and any insurance maintained by City or City personnel shall be in excess of the user's insurance and shall not contribute with it.
  - d. Shall be "date of occurrence" rather than "claims made" insurance.
  - e. Shall apply separately to each insured against the limits of the insurer's liability.
  - f. Shall be written by insurance companies qualified to do business in California and rated "A" or better in the most recent edition of the Best Rating Guide and a financial category Class III or better. It's the discretion of the City to wave such requirements due to unique circumstances.
  - g. The applicant's policy must include a 30-day written cancellation notice.
2. Certificate of Insurance: The City of San Fernando requires the following information on all certificates and/or additional insured endorsements:

**POLICY/PROCEDURE: REGULATING THE SERVING AND  
CONSUMPTION OF ALCOHOLIC BEVERAGES IN CITY FACILITIES**

- a. Wording must read exactly, with no exceptions accepted: "Additional Insured: the City of San Fernando, its officials, employees, and agents."
  - b. Additional insured endorsements must accompany the Certificate of Insurance and indicate policy number, date, name of insurance company and name of "insured."
  - c. The certificate must be an original. No copies will be accepted.
  - d. The Certificate of Insurance must be filed with the City of San Fernando not later than the date of final payment or 14 days prior to the event, whichever is earlier. If a certificate is not on file by this date, insurance fees will be added to the final payment.
  - e. The insurance coverage must include verbiage that covers the serving of alcohol beverages.
3. Indemnification Clause: To the full extent permitted by law, user shall defend, indemnify and hold harmless City, its officials, employees and agents, from any liability, claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, actual attorney fees incurred by City, court costs, interest, defense costs including expert witness fees and any other costs or expenses of any kind whatsoever without restriction or limitation incurred in relation to, as a consequence of or arising out of or in any way attributable actually, allegedly or impliedly, in whole or in part to the use of facility by user. All obligations under this provision are to be paid by the user as the City incurs them.
  4. If the applicant is unable to provide adequate insurance, the City, for a fee, will make available Tenant/User insurance coverage.
  5. The insurance requirements set forth above are inapplicable when planned attendance is less than 25 people, and the event consists of a meeting utilizing facility tables and chairs only, and no alcohol is to be served.

**SECTION VI. AUTHORITY**

By order of City Council Motion (Item No. \_\_\_\_), Policy adopted by the City Council on \_\_\_\_\_.

**ATTACHMENT “C”****RESOLUTION NO. 7886****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN FERNANDO, CALIFORNIA, ADOPTING A PROCESSING  
FEE FOR ISSUING AN ALCOHOL USE PERMIT**

**WHEREAS**, The City Council has amended Section 54-18 of Article I of Chapter 54 of the San Fernando Municipal Code to regulate the serving and consumption of alcoholic beverages in City facilities on September 4, 2018; and

**WHEREAS**, the City Council approved Resolution No. 7885 regulating the application process and adopted the Alcohol Use Policy that allows the serving and consumption of alcoholic beverages at events held in a City facility on September 4, 2018; and

**WHEREAS**, the Alcohol Use Policy requires applicants to pay a fee (\$75 for residents and \$95 for non-residents) for processing the Alcohol Use Permit (Exhibit “1”); and

**WHEREAS**, the Fiscal Year 2018-2019 Annual Fee Schedule does not account for an Alcohol Use Permit fee.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** Establishes an Alcohol Use Application processing fee of \$75 for residents and \$95 for non-residents (Exhibit “1”). For purposes of this Resolution, the term “resident” shall mean a natural person whose principal place of residence is within the City of San Fernando. The term “non-resident” shall refer to any other natural person or any other legal entity, organization or association of persons.

**Section 2.** The Recreation and Community Services Department will administer the application process for the serving and consumption of alcoholic beverages in City facilities.

**PASSED, APPROVED, AND ADOPTED** this 4<sup>th</sup> day of September, 2018.

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Sylvia Ballin, Mayor

**ATTEST:**

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Elena G. Chavez, 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 the 4<sup>th</sup> day of September, 2018, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Elena G. Chavez, City Clerk

**EXHIBIT "1"**

Agency: **City of San Fernando**

Department: **420 - Recreation and Community Services**

Fiscal Year: **2018-2019**

**Alcohol Use Application Processing Fee  
Cost Summary**

	Position Title	# of FTE	Fully Burdened	Total Hours per Unit	Total Cost
1	Recreation and Comm. Svcs Director	1.00	\$244.50	0.08	\$20.38
2	Office Specialist	1.00	\$131.24	0.50	\$65.62
3	Recreation Leader II	1.00	\$35.42	0.25	\$8.86
4	0	1.00	\$0.00	-	\$0.00
5	0	1.00	\$0.00	-	\$0.00
6	0	1.00	\$0.00	-	\$0.00
				0.83	
	<b>Total Cost to Process an Alcohol Application</b>				<b>\$94.85</b>

**Recommended Fees:****Resident****Non-Resident****Cost Recovery**

80% \$ 75.00

100% \$ 95.00





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## AGENDA REPORT

**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Alexander Meyerhoff, City Manager

**Date:** September 4, 2018

**Subject:** Consideration to Determine a City Position on the 2018 League of California Cities Resolutions

### RECOMMENDATION:

It is recommended that the City Council discuss the two resolutions to be presented at the 2018 League of California Cities ("League") Annual Business Meeting and provide direction to the Voting Delegate regarding the City of San Fernando's position on each resolution.

### BACKGROUND:

1. The League 2018 Annual Conference is scheduled for September 12-13, 2018, in Long Beach, California. An important part of the Annual Conference is the Annual Business Meeting; at this meeting, the League membership considers and takes action on resolutions that establish League policy.
2. On July 2, 2018, the City Council designated Vice Mayor Antonio Lopez as the Voting Delegate and Councilmember Joel Fajardo as the Alternate Voting Delegate for the League's General Assembly meeting on September 13, 2018.
3. In July 2018, staff received the 2018 Annual Conference Resolutions Packet (Attachment "A") to be considered during the business meeting at the Annual Conference. Resolutions submitted to the General Assembly must be concurred by five cities or by city officials from at least five or more cities.
4. This item has been carried over from the City Council meetings of August 6, 2018 and August 20, 2018.

### ANALYSIS:

The League encourages each City Council to consider the resolutions and determine the City position on each. There are two resolutions that will be considered during the League's General Assembly meeting:

**Consideration to Determine a City Position on the 2018 League of California Cities Resolutions**Page 2 of 4

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1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE LEAGUE TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE AND EXPLORE THE PREPARATION OF A BALLOT MEASURE AND/OR CONSTITUTIONAL AMENDMENT THAT WOULD FURTHER STRENGTHEN LOCAL DEMOCRACY AND AUTHORITY

*Summary:* This Resolution states that the League of California Cities should assess the vulnerabilities to local authority, control and revenue and explore the preparation of a ballot measure and or constitutional amendment that would give the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

*Background:* The City of Beverly Hills is sponsoring this resolution in reaction to their concerns over measures coming from the Legislature and the initiative process attempting to roll back local control and hinder cities from providing optimal services to their residents.

As examples, the city cites the 2017-2018 legislative cycle, the Legislature introduced bills such as Senate Bill 649 (Hueso) Wireless Telecommunications Facilities, and AB 252 (Ridley Thomas) proposing to prohibit taxes on video streaming services, and more recently Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing. SB 649 was vetoed by the Governor and SB 827 died in policy committee, however if these measures had been signed into law they would have impinged on the ability of a local government to be responsive to the needs of their constituents.

The city maintains that "local government, when done right, is the best form of democracy precisely because it is closest to home. A ballot measure and/or constitutional amendment would provide the state's voters an opportunity to further strengthen local authority and maintain the role of local democracy to best preserve their local quality of life while still leaving the appropriate issues at the county, regional or state legislature depending on the topic."

*Fiscal Impact:* By requesting the League to "assess" vulnerabilities and "explore" the preparation of a ballot measure that would further protect local authority, there are no proposals to be quantified. But it is presumed that the League would not pursue a measure that did not have positive impacts of further protecting local authority.

For the League as an organization, however, the fiscal impact of sponsoring a ballot measure can be very expensive. It can take several million dollars to qualify a measure via signature gathering, and much more to fund an effective campaign and overcome organized opposition.

**Consideration to Determine a City Position on the 2018 League of California Cities Resolutions**Page 3 of 4

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**2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA FOOD AND AGRICULTURE CODE § 11501.1 THAT PREVENTS LOCAL GOVERNMENTS FROM REGULATING PESTICIDES**

Summary: This resolution seeks to have the state and the League study the negative impacts of anticoagulant rodenticides and address the inability of cities to regulate the use of rodenticides and pesticides.

Specifically related to anticoagulant rodenticides, the resolution would encourage the state to fund research into the negative impacts and a potential restriction or ban; direct the League to consider creating a task force to study and report on the unintended negative consequences; encourage cities and property owners to eliminate use; and encourage cities to join advocacy efforts. In addition, the resolution would direct the League to endorse repeal of a statute that preempts local regulation of pesticides.

Background: The City of Malibu is sponsoring this resolution out of concern about the effect of a certain type of rodent control (anticoagulant rodenticides) has on other wildlife. According to the City, anticoagulant rodenticides disrupt the blood clotting process and therefore cause rodents to die from bleeding or hemorrhaging. This rodenticide is commonly used on rats, mice, gophers, and squirrels. Predator animals that eat rodents can be exposed to anticoagulant rodenticides if they consume animals that have eaten the bait. These animals include owls, hawks, bobcats, bears, foxes, coyotes, and mountain lions. Furthermore, pets can also be exposed to anticoagulant rodenticides if they eat the bait or consume animals that have eaten the bait.

Some cities have passed “ceremonial resolutions” locally. For example, the City of Malibu has two ordinances in place to discontinue use of rodenticides and traps in city-owned parks, roads, and facilities, as well as encourage businesses and property owners not to use anticoagulant rodenticides on their property.

*Fiscal Impact:* Costs to cities would include using alternative methods of rodent control and studying the efficacy. Since the resolution encourages, but does not mandate action by cities, city costs would be taken on voluntarily.

**BUDGET IMPACT:**

There is no fiscal impact associated with taking a position on each resolution. The intended outcomes of the proposed resolutions are to increase local control and protect public health, respectively.

**Consideration to Determine a City Position on the 2018 League of California Cities Resolutions**Page 4 of 4

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**CONCLUSION:**

Staff recommends that the City Council discuss the proposed resolutions and provide direction to the Voting Delegate regarding the City's position on each resolution.

**ATTACHMENT:**

A. 2018 League Annual Conference Resolutions Packet (REVISED)



**\*REVISED**

## *Annual Conference Resolutions Packet*

### *2018 Annual Conference Resolutions*



*Long Beach, California*

*September 12 – 14, 2018*

*\*This packet has been updated to clarify the distinction between the support received from cities and support received from individual city officials for the proposed resolutions.*

## INFORMATION AND PROCEDURES

**RESOLUTIONS CONTAINED IN THIS PACKET:** The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, two resolutions have been introduced for consideration at the Annual Conference and referred to League policy committees.

**POLICY COMMITTEES:** Five policy committees will meet at the Annual Conference to consider and take action on the resolutions referred to them. The committees are: Environmental Quality, Governance, Transparency & Labor Relations; Housing, Community & Economic Development; Revenue and Taxation; and Transportation, Communication & Public Works. The committees will meet from 9:00 – 11:00 a.m. on Wednesday, September 12, at the Hyatt Regency Long Beach. The sponsors of the resolutions have been notified of the time and location of the meeting.

**GENERAL RESOLUTIONS COMMITTEE:** This committee will meet at 1:00 p.m. on Thursday, September 13, at the Hyatt Long Beach, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

**ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY:** This meeting will be held at 12:30 p.m. on Friday, September 14, at the Long Beach Convention Center.

**PETITIONED RESOLUTIONS:** For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, September 13. Resolutions can be viewed on the League's Web site: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: [mdesmond@cacities.org](mailto:mdesmond@cacities.org) or (916) 658-8224

## **GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS**

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

### **Guidelines for Annual Conference Resolutions**

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
  - (a) Focus public or media attention on an issue of major importance to cities.
  - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
  - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
  - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

## LOCATION OF MEETINGS

### **Policy Committee Meetings**

Wednesday, September 12, 9:00 – 11:00 a.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

### **The following committees will be meeting:**

1. Environmental Quality
2. Governance, Transparency & Labor Relations
3. Housing, Community & Economic Development
4. Revenue & Taxation
5. Transportation, Communication & Public Works

### **General Resolutions Committee**

Thursday, September 13, 1:00 p.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

### **Annual Business Meeting and General Assembly Luncheon**

Friday, September 14, 12:30 p.m.

Long Beach Convention Center

300 East Ocean Boulevard, Long Beach



## KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3
		1 - Policy Committee Recommendation to General Resolutions Committee		
		2 - General Resolutions Committee		
		3 - General Assembly		

### ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
2	Repeal Preemption of Regulating Pesticides			

### GOVERNANCE, TRANSPARENCY & LABOR RELATIONS POLICY COMMITTEE

		1	2	3
1	Local Municipal Authority, Control, and Revenue			

### HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE

		1	2	3
1	Local Municipal Authority, Control, and Revenue			

### REVENUE & TAXATION POLICY COMMITTEE

		1	2	3
1	Local Municipal Authority, Control, and Revenue			

### TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE

		1	2	3
1	Local Municipal Authority, Control, and Revenue			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: [www.cacities.org](http://www.cacities.org). The entire Resolutions Packet will be posted at: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

### **KEY TO ACTIONS TAKEN ON RESOLUTIONS (*Continued*)**

Resolutions have been grouped by policy committees to which they have been assigned.

#### **KEY TO REVIEWING BODIES**

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

#### **KEY TO ACTIONS TAKEN**

- |     |   |
|-----|---|
| A   | Approve   |
| D   | Disapprove  |
| N   | No Action   |
| R   | Refer to appropriate policy committee for study             |
| a   | Amend+  |
| Aa  | Approve as amended+   |
| Aaa | Approve with additional amendment(s)+                       |
| Ra  | Refer as amended to appropriate policy committee for study+ |
| Raa | Additional amendments and refer+                            |
| Da  | Amend (for clarity or brevity) and Disapprove+              |
| Na  | Amend (for clarity or brevity) and take No Action+          |
| W   | Withdrawn by Sponsor  |

#### **ACTION FOOTNOTES**

- \* Subject matter covered in another resolution
- \*\* Existing League policy
- \*\*\* Local authority presently exists

#### **Procedural Note:**

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Resolution Process](#).

**1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE LEAGUE TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE AND EXPLORE THE PREPARATION OF A BALLOT MEASURE AND/OR CONSTITUTIONAL AMENDMENT THAT WOULD FURTHER STRENGTHEN LOCAL DEMOCRACY AND AUTHORITY**

Source: City of Beverly Hills

Concurrence of five or more cities/city officials

Cities: Duarte; Oceanside

City Officials: Sho Tay, Mayor, Arcadia; Emily Gabel-Luddy, Mayor, Burbank; Steven Scharf, Council Member, Cupertino; Alan Wapner, Mayor pro Tem, Ontario; Lydia Kou, Council Member, Palo Alto; Bill Brand, Mayor, Redondo Beach; David Terrazas, Mayor, Santa Cruz; Michael Goldman, Council Member, Sunnyvale; Patrick Furey, Mayor, Torrance; Lauren Meister, Council Member, West Hollywood

Referred to: Governance, Transparency & Labor Relations; Housing, Community & Economic Development; Revenue and Taxation; and Transportation, Communication & Public Works Policy Committees

**WHEREAS**, the State of California is comprised of diverse communities that are home to persons of differing backgrounds, needs, and aspirations; yet united by the vision that the most accessible, responsive, effective, and transparent form of democratic government is found at the local level and in their own communities; and

**WHEREAS**, subsidiarity is the principle that democratic decisions are best made at the most local level best suited to address the needs of the People, and suggests that local governments should be allowed to find solutions at the local level before the California Legislature imposes uniform and overreaching measures throughout the State; and

**WHEREAS**, the California Constitution recognizes that local self-government is the cornerstone of democracy by empowering cities to enact local laws and policies designed to protect the local public health, safety and welfare of their residents and govern the municipal affairs of charter cities; and

**WHEREAS**, over recent years there have been an increasing number of measures introduced within the Legislature or proposed for the state ballot, often sponsored by powerful interest groups and corporations, aimed at undermining the authority, control and revenue options for local governments and their residents; and

**WHEREAS**, powerful interest groups and corporations are willing to spend millions in political contributions to legislators to advance legislation, or to hire paid signature gatherers to qualify deceptive ballot proposals attempting to overrule or silence the voices of local residents and their democratically-elected local governments affected by their proposed policies; and

**WHEREAS**, powerful interest groups and corporations propose and advance such measures because they view local democracy as an obstacle that disrupts the efficiency of

implementing corporate plans and increasing profits and therefore object when local residents—either through their elected city councils, boards of supervisors, special district boards, or by action of local voters—enact local ordinances and policies tailored to fit the needs of their individual communities; and

**WHEREAS**, public polling repeatedly demonstrates that local residents and voters have the highest levels of confidence in levels of government that are closest to the people, and thus would be likely to strongly support a ballot measure that would further strengthen the ability of communities to govern themselves without micromanagement from the state or having their authority undermined by deep-pocketed and powerful interests and corporations.

**RESOLVED** that the League of California Cities should assess the increasing vulnerabilities to local authority, control and revenue and explore the preparation of a ballot measure and/or constitutional amendment that would give the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy to best preserve their local quality of life.

## **Background Information on Resolution No. 1**

**Source:** City of Beverly Hills

### **Background:**

The relationship between the state and cities functions best as a partnership where major policy issues are approached by the state with careful consideration of the varied conditions among the state's 482 cities and 58 counties. There should be an appreciation of the importance of retaining local flexibility to tailor policies to reflect the needs and circumstances of the local community. Still, cities have had to respond to state legislation that undermines the principle of "local control" over important issues such as land use, housing, finance, infrastructure, elections, labor relations and other issues directly affecting cities.

Alexis de Tocqueville's "Democracy in America" examined the operation of the principle of subsidiarity in the early 19<sup>th</sup> century. Subsidiarity is an organizing principle that states matters should be handled by the smallest, lowest or least centralized competent authority. Tocqueville wrote that "Decentralization has not only an administrative value, but also a civic dimension, since it increases the opportunities for citizens to take interest in public affairs; it makes them get accustomed to using freedom." Tocqueville's works were first published in 1835 with a second volume published in 1840. The United States had a population of just 17 million people in 1840, less than 50% of the population of California today and yet there was value found in decentralization.

Another consideration is to examine how the European Union ("EU") operates. There are two prime guiding principles for the EU. The first is principle of conferral, which states that the EU should act only within the limits of the competences conferred on it by the treaties. The second, which is relevant to this resolution, is the principle of subsidiarity, which states that the EU should act only where an objective cannot be sufficiently achieved by the member states acting alone. Sacramento should operate in a similar manner and only govern when objectives need to be achieved at a much larger level than a local government.

For years, Governor Jerry Brown himself has spoken on the principle of "subsidiarity." Governor Brown has asserted for numerous years that local officials should have the flexibility to act without micromanagement from Sacramento.

Legislation introduced in both 2017 and 2018 by the state legislature has continually threatened local control in flagrant opposition to the principle of subsidiarity. This has included, but not been limited to, Senate Bill 649 (Hueso) Wireless Telecommunications Facilities ("SB 649") in 2017; AB 252 (Ridley-Thomas) Local government: taxation: prohibition: video streaming services ("AB 252") in 2017; and Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus ("SB 827") in 2018.

SB 649 would have applied to all telecommunications providers and the equipment they use, including "micro-wireless," "small cell," and "macro-towers," as well as a range of video and cable services. The bill would have allowed the use of "small cell" wireless

antennas and related equipment without a local discretionary permit in all zoning districts as a use by-right, subject only to an administrative permit. Additionally, SB 649 provided a de facto CEQA exemption for the installation of such facilities and precluded consideration by the public for the aesthetic, nuisance, and environmental impacts of these facilities. SB 649 would have also removed the ability for cities to obtain fair and reasonable compensation when authorizing the use of public property and rights of way from a “for profit” company for this type of use.

SB 649 passed out of the State Assembly by a vote of 46-16-17 and out of the State Senate by a vote of 22-10-8 despite over 300 cities and 47 counties in California providing letters of opposition. Ultimately, Governor Brown vetoed the bill as he believed “that the interest which localities have in managing rights of way requires a more balanced solution than the one achieved in this bill.” It is strongly believed that the issue of wireless telecommunications facilities is not over and it is anticipated that legislation will be introduced on this topic in January 2019.

Another example of an incursion into local control was AB 252, which would have prohibited any tax on the sale or use of video streaming services, including sales and use taxes and utility user taxes. Over the last two decades, voters in 107 cities and 3 counties have adopted measures to modernize their Utility User Tax (“UUT”) ordinances. Of these jurisdictions, 87 cities and 1 county approved ordinances to allow a UUT on video providers. Prior to its first Committee hearing, AB 252 received opposition letters from 37 cities, the League of California Cities, South Bay Council of Governments, California Contract Cities Association, and nine other organizations. This bill failed in the Assembly Revenue and Taxation Committee 8-0-2, which the author of the Committee chaired.

More recently, SB 827 would have overridden local control on housing development that was within ½ mile of a major transit stop or ¼ mile from a high-quality bus corridor as defined by the legislation with some limitations. On April 17, 2018, SB 827 failed in the Senate Transportation and Housing Committee 4-6-3 but was granted reconsideration. State legislators have indicated they will continue to introduce legislation that will override local zoning ordinances for the development of affordable housing in conjunction with mixed use and/or luxury condominium/apartment housing.

These are just three examples of the increasing attempts by Sacramento to supersede local control. Presently, there are discussions occurring in Sacramento to ban cities from creating their own municipal broadband or to prohibit local ordinances over the regulation of shared mobility devices such as dockless electric scooters. These decisions should remain with each individual jurisdiction to decide based on the uniqueness of their community and the constituents that live in each city.

Often fueled by the actions of special interest groups, Sacramento is continually attempting to overreach their authority with various incursions on local control. The desire in Sacramento to strip communities of their ability to make decisions over issues which should remain at the local level seems to intensify each state legislative cycle. Increasingly, legislation is being introduced with a “one-size-fits-all” approach which is detrimental in a

state with over 40 million residents that have extremely diverse communities from the desert to the sea, from the southern to the northern borders.

Loren King in the book “Cities, Subsidiarity and Federalism” states, “Decisions should be made at the lowest feasible scale possible”. The proposed resolution directs the League of California Cities to assess the increasing vulnerabilities to local authority, control and revenue. It also directs the League of California Cities to explore the preparation of a ballot measure and/or constitutional amendment which would aim to ensure that decisions are made as close to home as possible.

Local government, when done right, is the best form of democracy precisely because it is closest to home. A ballot measure and/or constitutional amendment would provide the state’s voters an opportunity to further strengthen local authority and maintain the role of local democracy to best preserve their local quality of life while still leaving the appropriate issues at the county, regional or state legislature depending on the topic. Any ballot measure and/or constitutional amendment should institutionalize the principle of subsidiarity, while encouraging inclusive regional cooperation that recognizes the diversity of California’s many individual communities. The time has come to allow the residents of California’s voters to decide if they prefer top down governance from Sacramento or bottom up governing from their own locally elected officials.

## **League of California Cities Staff Analysis on Resolution No. 1**

Staff: Dan Carrigg, Johnnie Pina  
Committees: Governance, Transparency and Labor Relations  
Housing, Community & Economic Development  
Revenue & Taxation  
Transportation, Communication and Public Works

### **Summary:**

This Resolution states that the League of California Cities should assess the vulnerabilities to local authority, control and revenue and explore the preparation of a ballot measure and or constitutional amendment that would give the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

### **Background:**

The City of Beverly Hills is sponsoring this resolution in reaction to their concerns over measures coming from the Legislature and the initiative process attempting to roll back local control and hinder cities from providing optimal services to their residents.

As examples, the city cites the 2017-2018 legislative cycle, the Legislature introduced bills such as Senate Bill 649 (Hueso) Wireless Telecommunications Facilities, and AB 252 (Ridley-Thomas) proposing to prohibit taxes on video streaming services, and more recently Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing. SB 649 was vetoed by the Governor and SB 827 died in policy committee, however if these measures had been signed into law they would have impinged on the ability of a local government to be responsive to the needs of their constituents.

The city maintains that "local government, when done right, is the best form of democracy precisely because it is closest to home. A ballot measure and/or constitutional amendment would provide the state's voters an opportunity to further strengthen local authority and maintain the role of local democracy to best preserve their local quality of life while still leaving the appropriate issues at the county, regional or state legislature depending on the topic."

### **Fiscal Impact:**

By requesting the League to "assess" vulnerabilities and "explore" the preparation of a ballot measure that would further protect local authority, there are no proposals to be quantified. But it is presumed that the League would not pursue a measure that did not have positive impacts of further protecting local authority.

For the League as an organization, however, the fiscal impact of sponsoring a ballot measure can be very expensive. It can take several million dollars to qualify a measure via signature gathering, and much more to fund an effective campaign and overcome organized opposition.

### **Comments:**

- 1) Ballot measure advocacy is a settled aspect of California's political process. This year's November ballot is an example of that, with proposals ranging from dividing California



into three states, restoring rent control, repealing transportation funding, to funding housing and water bonds. Three other measures are not on the November ballot after their sponsors spent millions gathering signatures to qualify measures, then leveraged last-minute legislative deals in exchange for pulling them from the ballot.

- 2) Most major stakeholder organizations in Sacramento have realized that they cannot rely on legislative advocacy alone to protect their interests, but must develop and maintain the capacity to protect their interests in the ballot process as well.
- 3) The League has been engaged in ballot advocacy for nearly 20 years. In the early 2000's, city officials were angered by repeated state raids of local revenues. These concerns led to the League—for the first time in its then 100-year history—developing a ballot advocacy infrastructure that included forming and fundraising for an issues political action committee (PAC), establishing a network of regional managers, and building a coalition with other organizations that ultimately led to the passage of Prop. 1A of 2004. Over the years, the League's successful campaigns include the passage of Proposition 1A and Proposition 99 and the defeat of Propositions 90 and 98.

**a. Yes on Proposition 1A (2004)**

As a result of the passage of Prop 1A, local government revenues that otherwise would have been raided by the state legislature were kept in local coffers. This resulted in increased funding for public safety, health, libraries, parks and other locally delivered services. Proposition 1A PASSED WITH 83.7% OF THE VOTE.

**b. No on Proposition 90 (2006)**

Prop. 90 was a well-financed special interest-backed initiative that sought to eliminate most of local governments' land use decision making authority. Led by the League, the opposition educated voters on how this measure's far reaching provisions would have cost taxpayers billions of dollars by driving up the cost of infrastructure projects, prevented voters and state and local agencies from enacting environmental protections, jeopardized public safety services and more. Proposition 90 FAILED WITH 52.4% OF THE VOTERS VOTING NO.

**c. No on Proposition 98 Yes on Proposition 99 (2008)**

Given the hidden agendas within Prop 98, our message was not always an easy one to communicate to the electorate. The No on 98/ Yes on 99 campaign was able to educate voters on the important differences between both measures. As a result, important eminent domain reforms were enacted and both land use decision making and rent control were preserved within our communities. Proposition 98 FAILED WITH 61.6% OF THE VOTERS VOTING NO. Proposition 99 PASSED BY 61% OF THE VOTE.

**d. Yes on Proposition 22 (2010)**

As a result of the passage, local governments have been able to pay for infrastructure investment, create local jobs and avoid devastating cuts in our communities. Proposition 22 APPROVED BY 60.7% OF VOTERS.

- 4) While the League has been able to recently defeat several major legislative proposals aimed at undermining local authority, and avoid a battle over the Business Roundtable's measure in November due to the "soda tax" deal, the threats to local authority and revenue remain a constant concern. Other interest groups may be emboldened by some of the recent "deals" cut by ballot proponents and seek to implement similar strategies for the 2020 ballot. The next Governor may also have different philosophies than Governor Jerry Brown on "subsidiarity."
- 5) The League's President opted to send this resolution to four policy committees for several reasons: (a) the recent major threats to local control covered broad policy areas: telecom, land use, contracting, and revenue; and (b) having this issue vetted broadly within the League policy process will provide a better assessment of the depth of concern for the vulnerability to local control within the membership
- 6) If the membership chooses to approve this measure, it is strongly advisable to retain continued flexibility for the League to "assess" vulnerabilities and "explore" options. Any ballot initiative consideration must be approached very carefully by the organization. It is a difficult and very expensive endeavor that can have additional political ramifications. For 120 years the League's core mission has been to protect local control - and it has gone to the ballot successfully before to do so -- but any such effort must be approached thoughtfully, prudently and cautiously.

### **Existing League Policy:**

Related to this Resolution, existing policy provides:

- The League of California Cities' Mission Statement is, "To expand and protect local control for cities through education and advocacy. To enhance the quality of life for all Californians"
- The League of California Cities' Summary of Existing Policy and Guidelines states, "We Believe
  - Local self-governance is the cornerstone of democracy.
  - Our strength lies in the unity of our diverse communities of interest.
  - In the involvement of all stakeholders in establishing goals and in solving problems.
  - In conducting the business of government with openness, respect, and civility.
  - The spirit of public service is what builds communities.
  - Open decision-making that is of the highest ethical standards honors the public trust.
  - Cities are the economic engine of California.
  - The vitality of cities is dependent upon their fiscal stability and local autonomy.
  - The active participation of all city officials increases the League's effectiveness.
  - Focused advocacy and lobbying is most effective through partnerships and collaboration.
  - Well-informed city officials mean responsive, visionary leadership, and effective and efficient
  - city operations."
- Click here to view the [Summary of Existing Policy and Guiding Principles 2018](#).

**Support:**

The following letters of concurrence were received: Steven Scharf, Cupertino City Council Member; Michael S. Goldman, Sunnyvale City Council; Lydia Kou, Palo Alto City Council Member; David Terrazas, Mayor of Santa Cruz; Peter Weiss, Mayor of Oceanside; Alan D. Wapner, Mayor pro Tem of Ontario; Patrick Furey, Mayor of Torrance; Lauren Meister, West Hollywood Council Member; Liz Reilly, Duarte Mayor Pro Tem; Bill Brand, Mayor of Redondo Beach; Sho Tay, Mayor of Arcadia; Emily Gabel-Luddy, Mayor of Burbank.

**2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA FOOD AND AGRICULTURE CODE § 11501.1 THAT PREVENTS LOCAL GOVERNMENTS FROM REGULATING PESTICIDES**

Source: City of Malibu

Concurrence of five or more cities/city officials

Cities: Agoura Hills; Calabasas; Moorpark

City Officials: Brett Lee, Mayor pro Tem, Davis; Catherine Carlton, Council Member, Menlo Park; Suza Francina, Council Member, Ojai; Carmen Ramirez, Mayor pro Tem, Oxnard; Tom Butt, Mayor, Richmond; Lindsay Horvath, Council Member, West Hollywood

Referred to: Environmental Quality

**WHEREAS**, anticoagulant rodenticides are poisonous bait products that are poisoning 80 to 90% of predator wildlife in California. These poisons cause painful, internal hemorrhaging in non-target animals, including pets, that accidentally ingest the products. Approximately 10,000 children under the age of six are accidentally poisoned by anticoagulant rodenticides each year nationwide; and

**WHEREAS**, in response to these harms, the California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Despite collecting data for almost four years after this ban, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides; and

**WHEREAS**, the state of California currently only recognizes the harm posed by second-generation anticoagulant rodenticides, which are prohibited in state wildlife habitat areas but are still available for agricultural purposes and by certified applicators throughout the state of California; and

**WHEREAS**, first-generation anticoagulant rodenticides are still available to the public and used throughout California without limitation; and

**WHEREAS**, nonpoisonous rodent control methods, such as controlling trash, sealing buildings, setting traps, erecting raptor poles and owl boxes, and removing rodent nesting areas are also effective rodent control methods; and

**WHEREAS**, the state of California preempts cities from regulating pesticides; and

**WHEREAS**, many cities across California have passed resolutions restricting pesticide use on city property and have expressed the desire to ban the use of pesticides within their jurisdictions.

**NOW, THEREFORE, BE IT RESOLVED** by the General Assembly of the League of California Cities, assembled in Long Beach, California on September 14, 2018, to do as follows:

1. Encourage the state of California to fund and sponsor further research into the negative impacts of anticoagulant rodenticides to determine whether the use of these products should be further restricted or banned statewide.
2. Direct the League of California Cities staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impact of anticoagulant rodenticides;
3. Encourage cities throughout California to eliminate use of anticoagulant rodenticides as part of their maintenance program in city-owned parks, lands, and facilities and to report on the effectiveness of other rodent control methods used in in their maintenance program;
4. Encourage property owners throughout California to eliminate use of anticoagulant rodenticides on their properties;
5. Encourage cities throughout California to join in these advocacy efforts to mitigate the unintended negative impacts of anticoagulant rodenticides;
6. Endorse a repeal of California Food and Agriculture Code § 11501.1 to end local preemption of regulating pesticides; and
7. Call for the Governor and the Legislature to work with the League of California Cities and other stakeholders to consider and implement this reform.

## **Background Information on Resolution**

Source: City of Malibu

Background:

### **A. Anticoagulant rodenticides are unnecessarily destructive and dangerous**

Anticoagulant rodenticides contain lethal agents that disrupt the normal blood clotting or coagulation process causing dosed rodents to die from uncontrolled bleeding or hemorrhaging. Deaths typically occur between four days and two weeks after rodents begin to feed on the bait. Animals commonly targeted by anticoagulant rodenticides include rats, mice, gophers and squirrels. Non-target predator wildlife victims, which are exposed to an 80-90% risk of poisoning, include owls, hawks, bobcats, bears, foxes, coyotes, and mountain lions. The endangered species at risk of poisoning include fishers, spotted owls, and San Joaquin foxes. The use of anticoagulant rodenticides not only harms rodents, but it commonly harms pets, such as dogs, cats, and bunnies, and other wildlife that mistakenly eat the bait through primary poisoning or that unknowingly consume animals that have ingested the anticoagulant rodenticide through secondary poisoning. Children also suffer poisoning by mistakenly ingesting anticoagulant rodenticides.

California recognizes the grave harm that can be caused by anticoagulant rodenticides and has partially restricted access to second-generation anticoagulant rodenticides by the public:

Because of documented hazards to wildlife, pets and children, the California Department of Pesticide Regulation has restricted public access to some of these materials in California. As of July 1, 2014, rodenticide products containing the active ingredients brodifacoum, bromadiolone, difethialone and difenacoum are only to be used by licensed applicators (professional exterminators).<sup>1</sup>

California has also prohibited the use of these ingredients in any “wildlife habitat area,” which is defined as “any state park, state wildlife refuge, or state conservancy.”<sup>2</sup>

The United State Environmental Protection Agency<sup>3</sup> and the California Department of Pesticide Regulation<sup>4</sup> have both documented in detail the damage to wildlife from second-generation anticoagulant rodenticides in support of the 2014 consumer ban on the purchase and use of the products. While first-generation anticoagulant rodenticides are less toxic, they are far more abundant due to their continued availability to all members of public.<sup>4</sup> The California Department of Fish & Wildlife was tasked with collecting data on poisoning incidents to ascertain the effectiveness of the restrictions on second-generation anticoagulant rodenticides. After almost four years of collecting data, there was no evidence supporting a reduction in the number of poisonings.

<sup>1</sup> <https://www.wildlife.ca.gov/living-with-wildlife/rodenticides>.

<sup>2</sup> Cal. Food and Agric. Code § 12978.7.

<sup>3</sup> <https://www.epa.gov/rodenticides/restrictions-rodenticide-products>

<sup>4</sup> [https://www.cdpr.ca.gov/docs/registration/reevaluation/chemicals/brodifacoum\\_final\\_assess.pdf](https://www.cdpr.ca.gov/docs/registration/reevaluation/chemicals/brodifacoum_final_assess.pdf)

Recent studies by the University of California, Los Angeles and the National Park Service on bobcats have shown that first-generation anticoagulant rodenticide poisoning levels similar to the second-generation anticoagulant rodenticides poisoning levels.<sup>5</sup> A comprehensive study of 111 mountain lions in 37 California counties found first-generation anticoagulant rodenticides in the liver tissue of 81 mountain lions (73% of those studied) across 33 of the 37 counties, and second-generation anticoagulant rodenticides in 102 mountain lions (92% of those studied) across 35 of the 37 counties.<sup>6</sup> First-generation anticoagulant rodenticides were identified as contributing to the poisoning of Griffith Park mountain lion, P-22, (who was rescued), and the deaths of Newbury Park mountain lion, P-34, and Verdugo Hills mountain lion, P-41.

This data demonstrates the inadequacy of current legislative measures to ameliorate the documented problem caused by both second-generation and first-generation anticoagulant rodenticides.

**B. State law preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides**

A general law city may not enact local laws that conflict with general state law.<sup>7</sup> Local legislation that conflicts with state law is void.<sup>8</sup> A local law conflicts with state law if it (1) duplicates, (2) contradicts, or (3) enters a field that has been fully occupied by state law, whether expressly or by implication. A local law falling into any of these categories is “preempted” and is unenforceable.

State law expressly bars local governments from regulating or prohibiting pesticide use. This bar is codified in the California Food and Agricultural Code § 11501.1(a):

This division and Division 7 . . . are of statewide concern and occupy the whole field of regulation regarding the registration, sale, transportation, or use of pesticides to the exclusion of all local regulation. Except as otherwise specifically provided in this code, no ordinance or regulation of local government, including, but not limited to, an action by a local governmental agency or department, a county board of supervisors, or a city council, or a local regulation adopted by the use of an initiative measure, may prohibit or in any way attempt to regulate any matter relating to the registration, transportation, or use of pesticides, and any of these ordinances, laws or regulations are void and of no force or effect.

State law also authorizes the state to take action against any local entity that promulgates an ordinance or regulation that violates § 11501.1(a).<sup>9</sup> The statute was specifically adopted to overrule a 30 year old court decision in *People v. County of Mendocino*,<sup>10</sup> which had held that a

<sup>5</sup> L. E. K. Serieys, et al, “Anticoagulant rodenticides in urban bobcats: exposure, risk factors and potential effects based on a 16-year study,” *Ecotoxicology* (2015) 24:844–862.

<sup>6</sup> J. Rudd, et al, “Prevalence of First-Generation and Second-Generation Rodenticide Exposure in California Mountain Lions,” Proceeding of the 28<sup>th</sup> Vertebrate Pest Conference, February 2018.

<sup>7</sup> Cal. Const. art. XI § 7.

<sup>8</sup> *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal. 4th 729, 743.

<sup>9</sup> Cal. Food and Agric. Code § 11501.1, subd. (b).

<sup>10</sup> *People ex rel. Deukmejian v. County of Mendocino* (1984) 36 Cal. 3d 476.

local regulation prohibiting aerial application of phenoxy herbicides was not then preempted by state or federal law.<sup>11</sup>

The use of pesticides is broadly regulated by state law. In the language of preemption law, the state “occupies the field,” leaving no room for additional local law on the subject. Accordingly, a city’s ban on the use of anticoagulant rodenticides would be unenforceable.

**C. California should repeal the preemption in Cal. Food and Agric. Code § 11501.1 to provide cities with the authority to decide how to regulate pesticides within their own jurisdictions based on local concerns**

The state of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

Recognizing that cities’ power to “make and enforce within its limits all local, police, sanitary, and other ordinances and regulations” is presently preempted by the general laws of the state, cities throughout California request that the state provide cities with the authority to decide how to deal with rodents based on their land use.

Depending on such land use, cities may decide to allow the use of nonpoisonous control methods, non-anticoagulant rodenticides, or anticoagulant rodenticides, if necessary. Nonpoisonous methods to control rodent pests, include sealing entrances to buildings, sanitizing property, removing rodent habitats, such as ivy or wood piles, setting traps, and erecting raptor poles or owl boxes. For example, a recent landmark study by Ventura County established that installing raptor poles for hawks and owls was more effective than anticoagulant rodenticides in reducing the damage to water control levees caused by ground squirrel burrows. Burrows decreased by 66% with the change.<sup>12</sup>

The ultimate goal is to allow cities to address their local concerns with the input of community members at open and public meetings. Presently, cities are unable to adequately address local concerns; they are limited to encouraging or discouraging behavior.

**D. Conclusion**

The negative effects from the use of anticoagulant rodenticides across California has garnered the interest of cities and community members to remedy the problem. By presenting this resolution to the League of California Cities, the City of Malibu hopes to organize support and gain interest at the state level to repeal the preemption in Cal. Food and Agric. Code § 11501.1 to provide cities with the authority to regulate pesticides based on individual, local concerns.

<sup>11</sup> *IT Corp. v. Solano County Bd. Of Supervisors* (1991) 1 Cal. 4th 81, fn. 9; *Turner v. Chevron USA Inc.*, 2006 WL 1314013, fn. 14 (unpublished).

<sup>12</sup> <http://vcportal.ventura.org/BOS/District2/RaptorPilotStudy.pdf>



## **League of California Cities Staff Analysis on Resolution No. 2**

Staff: Erin Evans-Fudem  
Committee: Environmental Quality

### **Summary:**

This resolution seeks to have the state and the League study the negative impacts of anticoagulant rodenticides and address the inability of cities to regulate the use of rodenticides and pesticides.

Specifically related to anticoagulant rodenticides, the resolution would encourage the state to fund research into the negative impacts and a potential restriction or ban; direct the League to consider creating a task force to study and report on the unintended negative consequences; encourage cities and property owners to eliminate use; and encourage cities to join advocacy efforts. In addition, the resolution would direct the League to endorse repeal of a statute that preempts local regulation of pesticides.

### **Background:**

The City of Malibu is sponsoring this resolution out of concern about the effect of a certain type of rodent control (anticoagulant rodenticides) has on other wildlife. According to the City, anticoagulant rodenticides disrupt the blood clotting process and therefore cause rodents to die from bleeding or hemorrhaging. This rodenticide is commonly used on rats, mice, gophers, and squirrels. Predator animals that eat rodents can be exposed to anticoagulant rodenticides if they consume animals that have eaten the bait. These animals include owls, hawks, bobcats, bears, foxes, coyotes, and mountain lions. Furthermore, pets can also be exposed to anticoagulant rodenticides if they eat the bait or consume animals that have eaten the bait.

Some cities have passed “ceremonial resolutions” locally. For example, the City of Malibu has two ordinances in place to discontinue use of rodenticides and traps in city-owned parks, roads, and facilities, as well as encourage businesses and property owners not to use anticoagulant rodenticides on their property.

### **Fiscal Impact:**

Costs to cities would include using alternative methods of rodent control and studying the efficacy. Since the resolution encourages, but does not mandate action by cities, city costs would be taken on voluntarily.

Fiscal impact to the League would include costs associated with the task force, scientific research, and educating League staff and members. For the task force, the League may incur costs associated with staffing, convening, and educating a task force to study anticoagulant rodenticides, as well as the cost of writing a report. This could include a need for outside experts with knowledge of pesticides and their ecological impacts. League resources would also be utilized to support proposals to repeal the statute preempting local regulation of pesticides; however, this cost may be absorbed with existing staff resources.

**Comments:**

*Pesticides are regulated by federal and state governments.* The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) reserves for the federal government authority over pesticide labeling. States can adopt stricter labeling requirements and can effectively ban sale and use of pesticides that do not meet state health or safety standards.<sup>1</sup> For 51 years, California has reserved regulation of pesticides for the state only, preempting local regulation.<sup>2</sup> This preemption has been ratified and confirmed in subsequent court decisions and legislation. However, County Agricultural Commissioners work to enforce the state laws. Local governments may regulate or restrict pesticide use in their own operations, including use in municipal buildings or parks.<sup>34</sup>

*Broad direction.* This resolution would direct the League to take a position allowing broad local discretion over pesticide regulation in general. Because the regulation of anticoagulant rodenticides is largely based in science, additional or outside expertise may be needed to ensure full understanding of the science behind rodent control methods. The resolution itself is not limited to allowing local governments to regulate anticoagulant rodenticides, which this resolution otherwise targets.

*Rodent control methods.* There are numerous methods of controlling rodents, including lethal traps, live traps, and poison baits. There are two generations of rodenticide poisons because after rodents became resistant to the first generation, the second was developed. The U.S. Environmental Protection Agency (U.S. EPA) provides the following information below related to the science and use of anticoagulant rodenticides:

Most of the rodenticides used today are anticoagulant compounds that interfere with blood clotting and cause death from excessive bleeding. Deaths typically occur between four days and two weeks after rodents begin to feed on the bait.

First-generation anticoagulants include the anticoagulants that were developed as rodenticides before 1970. These compounds are much more toxic when feeding occurs on several successive days rather than on one day only. Chlorpophacinone, diphacinone and warfarin are first-generation anticoagulants that are registered to control rats and mice in the United States.

Second-generation anticoagulants were developed beginning in the 1970s to control rodents that are resistant to first-generation anticoagulants. Second-generation anticoagulants also are more likely than first-generation anticoagulants to be able to kill after a single night's feeding. These compounds kill over a similar course of time but tend to remain in animal tissues longer than do first-generation ones. These properties mean that second-generation products pose greater risks to nontarget species that might feed on bait only once or that might feed upon animals that have eaten the bait. Due to these

<sup>1</sup> California Department of Pesticide Regulation (CDPR), *A Guide to Pesticide Regulation in California: 2017 Update*, pg. 9, <https://www.cdpr.ca.gov/docs/pressrls/dprguide/dprguide.pdf>.

<sup>2</sup> California Food and Agriculture Code § 11501.1 (1967).

<sup>3</sup> CDPR, *A Guide to Pesticide Regulation in California: 2017 Update*, pg. 9, <https://www.cdpr.ca.gov/docs/pressrls/dprguide/dprguide.pdf>.

<sup>4</sup> County Agricultural Commissioners work with CDPR to enforce state laws. CDPR, *A Guide to Pesticide Regulation in California: 2017 Update*, pg. 13, <https://www.cdpr.ca.gov/docs/pressrls/dprguide/dprguide.pdf>.

risks, second-generation anticoagulant rodenticides no longer are registered for use in products geared toward consumers and are registered only for the commercial pest control and structural pest control markets. Second-generation anticoagulants registered in the United States include brodifacoum, bromadiolone, difenacoum, and difethialone.

Other rodenticides that currently are registered to control mice include bromethalin, cholecalciferol and zinc phosphide. These compounds are not anticoagulants. Each is toxic in other ways.<sup>5</sup>

*Legislative attempts to ban.* Several legislative measures have been introduced to ban the use of certain anticoagulant rodenticides (AB 1687, Bloom, 2017. AB 2596, Bloom, 2016). However, neither of these measures were heard and failed to pass key legislative deadlines.

### **Existing League Policy:**

The League does not have policy related to pesticides or rodenticides.

Related to federal regulation, League policy states:

- The League supports flexibility for state and local government to enact environmental and other standard or mandates that are stronger than the federal standards. However, the League reserves the right to question or oppose stronger standards on the merits. The League also opposes legislation that prohibits state and local governments from enacting stricter standards.

### **Support:**

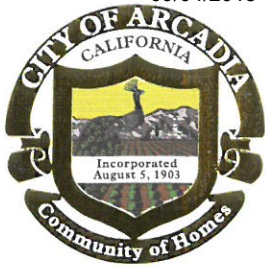
The following letters of concurrence were received: William Koehler, Mayor of Agoura Hills; Fred Gaines, Mayor of Calabasas; Brett Lee, Mayor Pro Tem of Davis; Catherine Carlton, Menlo Park City Council Member; Janice Parvin, Mayor of Moorpark; Suza Francina, Ojai City Council Member; Carmen Ramirez, Oxnard City Council Member; Tom Butt, Mayor of Richmond; Lindsey Horvath, West Hollywood City Council Member

<sup>5</sup> U.S. EPA, Restrictions on Rodenticide Products, <https://www.epa.gov/rodenticides/restrictions-rodenticide-products>

# **LETTERS OF CONCURRENCE**

## **Resolution No. 1**

**Local Municipal Authority, Control and Revenue**



# City of Arcadia

## Office of the City Council

Sho Tay  
*Mayor*

April A. Verlato  
*Mayor Pro Tem*

Peter M. Amundson  
*Council Member*

Tom Beck  
*Council Member*

Roger Chandler  
*Council Member*

July 10, 2018

General Resolutions Committee  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**SUBJECT: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING  
VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE**

Dear Committee:

As the Mayor of the City of Arcadia, I support the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure and/or constitutional amendment that would provide the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) Wireless Telecommunications Facilities or the more recently introduced Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a state ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that prohibits constituents in local jurisdictions from passing a soda tax for twelve years; trumping the will of the people should they wish to support such a measure. However, as a result the passage of that Assembly Bill, the state ballot initiative was pulled from the November 2018 ballot.

These continual incursions into local control by the state legislature, and powerful interest groups, should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the state of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons, I strongly support this resolution.

Sincerely,

Sho Tay  
Mayor, City of Arcadia

cc: City of Arcadia City Council  
Vice Mayor John Mirisch, City of Beverly Hills



CITY OF BURBANK

---

OFFICE OF THE MAYOR

July 11, 2018

General Resolutions Committee  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**SUBJECT: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING  
VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE**

Dear Committee:

As the Mayor of the City of Burbank, on my own behalf, I support the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure and/or constitutional amendment that would provide the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) Wireless Telecommunications Facilities or the more recently introduced Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a state ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that banned on constituents in local jurisdictions from passing a soda tax for twelve years; trumping the will of the people should they wish to support such a measure. However, as a result the passage of that Assembly Bill, the state ballot initiative was pulled from the November 2018 ballot.

These continual incursions into local control by the state legislature, and powerful interest groups, should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the state of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons I strongly support this resolution.

Sincerely,

A handwritten signature in black ink that reads "Emily Gabel-Luddy". The signature is written in a cursive, flowing style.

Emily Gabel-Luddy  
Mayor, City of Burbank

cc: Vice Mayor John Mirisch, City of Beverly Hills  
Jennifer Quan, League Regional Public Affairs Manager (via email)

From: Steven Scharf <scharf.steven@gmail.com>  
Sent: Sunday, July 08, 2018 8:34 PM  
To: Cindy Owens  
Subject: Letter of Support for California League of Cities Resolution

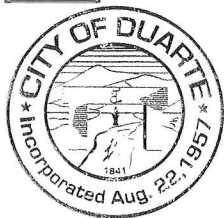
Dear Ms. Cowens,

I was forwarded your email requesting support for a resolution in support of "the preparation of a ballot measure and/or state constitutional amendment that would strengthen local authority and preserve the role of local democracy at the local level as the state legislature is continually attempting to override the local authority of cities."

Speaking only for myself, and not on behalf of the City of Cupertino or other Cupertino City Council Members, I hereby give my support for such a measure. You may use my name as a supporter.

Sincerely,  
Steven Scharf  
Cupertino City Council Member





# City of Duarte

1600 Huntington Drive | Duarte, CA 91010 | Bus. 626.357.7931 | Fax 626.358.0018 | [www.accessduarte.com](http://www.accessduarte.com)

July 10, 2018

General Resolutions Committee  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

Mayor  
John Fasana

Mayor Pro Tem  
Liz Reilly

Councilmembers  
Margaret E. Finlay  
Samuel Kang  
Tzeitel Paras-Caracci

City Manager  
Darrell J. George

## 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL, AND REVENUE

Dear Committee:

The City of Duarte supports the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure that would provide the State's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) (Wireless Telecommunications Facilities) or the more recently introduced Senate Bill 827 (Wiener) (Planning and Zoning: Transit-Rich Housing Bonus) that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a State ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that banned constituents in local jurisdictions from passing a soda tax for twelve years, trumping the will of the people should they wish to support such a measure. However, as a result of the passage of that Assembly Bill, the State ballot initiative was pulled from the November 2018 ballot.

These continual incursions into local control by the State legislature and powerful interest groups should be prohibited in areas where it is unwarranted, and does not best serve the unique communities that make up the State of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons, the City of Duarte strongly supports this resolution.

Sincerely,

Liz Reilly  
Mayor Pro Tem

cc: Vice Mayor John Mirisch, City of Beverly Hills



# CITY OF OCEANSIDE

MAYOR  
PETER WEISS

July 10, 2018

COUNCIL MEMBERS  
JACK FELLER  
JEROME KERN  
CHARLES "CHUCK" LOWERY  
ESTHER SANCHEZ

General Resolutions Committee  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**SUBJECT: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE  
INCREASING VULNERABILITIES TO LOCAL MUNICIPAL  
AUTHORITY, CONTROL AND REVENUE**

Dear Committee:

I'm writing on behalf of the City of Oceanside to support the League of California Cities' ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure and/or constitutional amendment that would provide the State's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) Wireless Telecommunications Facilities, or the more recently introduced Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a state ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that banned constituents in local jurisdictions from passing a soda tax for twelve years, trumping the will of the people should they wish to support such a measure. However, as a result the passage of that Assembly Bill, the state ballot initiative was pulled from the November 2018 ballot.

These continual incursions into local control by the state legislature and powerful interest groups should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the state of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons, I strongly support this resolution.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Weiss".

Peter Weiss  
MAYOR

cc: Vice Mayor John Mirisch, City of Beverly Hills

**CITY OF**

303 EAST "B" STREET, CIVIC CENTER

ONTARIO

**ONTARIO**

CALIFORNIA 91764-4105

(909) 395-2000  
FAX (909) 395-2070PAUL S. LEON  
MAYORALAN D. WAPNER  
MAYOR PRO TEMJIM W. BOWMAN  
DEBRA DORST-PORADA  
RUBEN VALENCIA  
COUNCIL MEMBERSSCOTT OCHOA  
CITY MANAGERSHEILA MAUTZ  
CITY CLERKJAMES R. MILHISER  
TREASURER

July 10, 2018

General Resolutions Committee  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814**Re: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING  
VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND  
REVENUE**

Dear Committee Members,

As Mayor pro Tem for the City of Ontario, I support the Annual Conference Resolution proposed by the City of Beverly Hills calling for the League of California Cities to explore the preparation of a ballot measure and/or constitutional amendment that would provide the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

In recent years, the state legislature has aggressively ramped up its efforts to wrestle authority away from local government. In the past session alone, we saw egregious and unprecedented attacks on local control with several bills that strike at the heart of local government. These bills, including Senate Bill 649 (Hueso – Wireless Telecommunications Facilities) and Senate Bill 827 (Wiener – Planning and Zoning: Transit-Rich Housing Bonus) show a blatant contempt for the ability of local governments to meet the needs of the local community.

Unfortunately, these bills are likely only the beginning. As such, there is a need for a ballot measure and/or constitutional amendment to clearly enshrine the role of local government in regulating local issues. The passage of the proposed resolution by the City of Beverly Hills recognizes that it is local government, not the state legislature, that best understands the local community and is therefore best-situated to regulate and respond to local issues. For these reasons, I strongly support this resolution.

Sincerely,

Alan D. Wapner  
Mayor pro Tem – City of Ontario

cc: Vice Mayor John Mirisch, City of Beverly Hills

# City of Palo Alto

*Office of the Mayor and City Council*

July 11, 2018

General Resolutions Committee  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**Re: EXPLORING A RESOLUTION TO RESPOND TO INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY**

Dear Committee Members:

As one Councilmember of the City of Palo Alto, and in my individual capacity and not on behalf of the Council as a body, or the City, I write to support the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills. This resolution asks the League to explore the preparation of a ballot measure and/or constitutional amendment that would provide voters an opportunity to further strengthen local authority and preserve the role of local democracy. If the resolution passes, I encourage the League to ensure any potential measure includes both charter and general law cities.


State legislation introduced in both 2017 and 2018 has continually threatened to erode local control. Whether this was SB 649 (Hueso) Wireless Telecommunications Facilities or the more recently introduced SB 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a state ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that banned on constituents in local jurisdictions from passing a soda tax for twelve years; trumping the will of the people should they wish to support such a measure. However, as a result the passage of that Assembly Bill, the state ballot initiative was pulled from the November 2018 ballot.

These continual incursions into local control by state legislature, and powerful interest groups, should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the state of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons I support this resolution.

Sincerely,

DocuSigned by:  
  
5DE1B1835F4F408

Lydia Kou  
Councilmember, City of Palo Alto

cc:  
Palo Alto City Council  
Mayor John Mirisch, City of Beverly Hills  
James Keene, Palo Alto City Manager

P.O. Box 10250  
Palo Alto, CA 94303  
650.329.2477  
650.328.3631 fax





**Bill Brand**  
Mayor

415 Diamond Street, P.O. BOX 270  
Redondo Beach, California 90277-0270  
[www.redondo.org](http://www.redondo.org)

tel 310 372-1171  
ext. 2260  
fax 310 374-2039

July 9, 2018

General Resolutions Committee  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**SUBJECT: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE**

Dear Committee:

As Mayor of Redondo Beach, I support the League of California Cities Annual Conference Resolution proposed by the City of Beverly Hills calling for the LCC to explore the preparation of a ballot measure and/or constitutional amendment that would provide the State's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the Legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) Wireless Telecommunications Facilities, or the more recently introduced Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, The State Legislature is continuing to introduce proposals that impinge on the ability of local governments to institute discretionary legislation that is responsive to the needs of their communities.

These continual incursions into local control by the State Legislature, and powerful special interest groups, should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the State of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons I strongly support this resolution.

Sincerely,

Bill Brand

cc: Vice Mayor John Mirisch, City of Beverly Hills



## MAYOR AND CITY COUNCIL

809 Center Street, Room 10, Santa Cruz, CA 95060 • (831) 420-5020 • Fax: (831) 420-5011 • [citycouncil@cityofsantacruz.com](mailto:citycouncil@cityofsantacruz.com)

July 9, 2018

General Resolutions Committee  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING  
VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL, AND REVENUE**

Dear General Resolutions Committee Members:

As Mayor of the City of Santa Cruz, I support the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure and/or constitutional amendment that would provide the State's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the Legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) Wireless Telecommunications Facilities or the more recently introduced Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a State ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that banned constituents of local jurisdictions from passing a soda tax for twelve years, trumping the will of the people should they wish to support such a measure. However, as a result the passage of that Assembly Bill, the State ballot initiative was pulled from the November 2018 Ballot.

These continual incursions into local control by the State Legislature and powerful interest groups should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the State of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons I strongly support this resolution.

Sincerely,

David Terrazas  
Mayor

cc: Vice Mayor John Mirisch, City of Beverly Hills

**From:** Michael Goldman <miklg@yahoo.com>  
**Sent:** Saturday, July 07, 2018 4:37 PM  
**To:** Cindy Owens  
**Subject:** Letter of Support for California League of Cities Resolution

Dear Ms. Cowens,

I was forwarded your email requesting support for a resolution in support of "the preparation of a ballot measure and/or state constitutional amendment that would strengthen local authority and preserve the role of local democracy at the local level as the state legislature is continually attempting to override the local authority of cities."

Speaking solely on my own behalf, I hereby give my whole-hearted support for such a measure. The essence of democracy is the control by the people of their community. As public servants, we elected officials serve the democratically expressed will of the public.

Sincerely,

Michael S. Goldman

Sunnyvale City Council, Seat 7





# CITY OF TORRANCE

PATRICK J. FUREY  
MAYOR

July 5, 2018

General Resolutions Committee  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**SUBJECT: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING  
VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND  
REVENUE**

Dear Committee:

As Mayor of the City of Torrance, I support the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure that would provide the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) Wireless Telecommunications Facilities or the more recently introduced Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a state ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that banned on constituents in local jurisdictions from passing a soda tax for twelve years; trumping the will of the people should they wish to support such a measure. However, as a result the passage of that Assembly Bill, the state ballot initiative was pulled from the November 2018 ballot.

These continually incursions into local control by the state legislature, and powerful interest groups, should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the state of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons I strongly support this resolution.

Sincerely

Patrick J. Furey  
Mayor

cc: Vice Mayor John Mirisch, City of Beverly Hills



# CITY OF WEST HOLLYWOOD

CITY HALL  
8300 SANTA MONICA BLVD.  
WEST HOLLYWOOD, CA  
90069-6216  
TEL: (323) 848-6460  
FAX: (323) 848-6562

TTY: For hearing impaired  
(323) 848-6496

## CITY COUNCIL

JOHN J. DURAN  
*Mayor*

JOHN D'AMICO  
*Mayor Pro Tempore*

JOHN HEILMAN  
*Councilmember*

LINDSEY P. HORVATH  
*Councilmember*

LAUREN MEISTER  
*Councilmember*

July 11, 2018

### General Resolutions Committee

League of California Cities

1400 K Street, Suite 400

Sacramento, CA 95814

**SUBJECT: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE  
INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY,  
CONTROL AND REVENUE**

Dear Committee:

As a Councilmember of the City of West Hollywood, I support the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure and/or constitutional amendment that would provide the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

During the current 2017-2018 regular session of the California Legislature, legislators introduced several pieces of legislation that have attempted to erode local control. Whether this was Senate Bill (SB) 649 (Hueso) Wireless Telecommunications Facilities, or more recently SB 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus, which was defeated in Committee, legislators continue to introduce proposals that impinge on the ability of local governments to self-determine.

Another good example of how the Legislature takes actions that are detrimental to local governments' control is the legislative compromise between the Legislature and beverages' manufacturers who agreed to withdraw their ballot initiative in exchange for the approval of Assembly Bill (AB) 1838 (Committee on Budget): Local government: taxation: prohibition: groceries, (Chapter 61, Statutes of 2016). As you know, AB 1838 basically prohibited the adoption of a local "soda tax" by any municipality for the next twelve years.





CITY OF  
WEST HOLLYWOOD

General Resolutions Committee  
League of California Cities  
July 11, 2018  
Page two of two

These incursions into local control by the Legislature, and powerful interest groups, should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the state of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons I strongly support this resolution.

Sincerely,

Lauren Meister,  
Councilmember

cc: Vice Mayor John Mirisch, City of Beverly Hills



## **LETTERS OF CONCURRENCE**

### **Resolution No. 2**

**Repeal Preemption of Regulating Pesticides**





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*"Gateway to the Santa Monica Mountains National Recreation Area"*

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July 10, 2018

The Honorable Rich Garbarino  
League of California Cities  
1400 K Street  
Sacramento, CA 95814

Re: RESOLUTION OF LEAGUE OF CALIFORNIA CITIES DECLARING ITS  
CONTRACT TO SUPPORT THE REPEAL OF PREEMPTION IN  
CALIFORNIA FOOD AND AGRICULTURE CODE §11501.1 THAT  
PREVENTS LOCAL GOVERNMENTS FROM REGULATING PESTICIDES

Dear President Garbarino:

The City of Agoura Hills supports the proposed above referenced resolution that supports the repeal of preemption in California Food and Agriculture Code §11501.1 that prevents local Governments from regulating pesticides.

Accordingly, we concur in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on September 14, 2018.

As the gateway to the Santa Monica Mountains we have been witness to the harmful effects of anticoagulant rodenticides on wildlife in our community, and surrounding areas.

For this reason, the City of Agoura Hills is supportive of this resolution, and requests the league's support.

Sincerely,

A handwritten signature in blue ink, appearing to read "William D. Koehler".

WILLIAM D. KOEHLER  
Mayor - City of Agoura Hills

cc: Ms. Meg Desmond - [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
Ms. Mary Linden - [mlinden@malibucity.org](mailto:mlinden@malibucity.org)  
Mr. Greg Ramirez - [gramirez@ci.agoura-hills.ca.us](mailto:gramirez@ci.agoura-hills.ca.us)

*CITY of CALABASAS*

FRED GAINES

Mayor

July 9, 2018

**ORIGINAL BY U.S. MAIL****VIA EMAIL [mdesmond@cacities.org](mailto:mdesmond@cacities.org)**

The Honorable Rich Garbarino, President  
League of California Cities  
1400 K Street  
Sacramento, CA 95814

Re: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS  
COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA  
FOOD AND AGRICULTURE CODE §11501.1 THAT PREVENTS LOCAL  
GOVERNMENTS FROM REGULATING PESTICIDES

Dear President Garbarino:

The City of Calabasas supports the proposed resolution to support the repeal of the preemption clause in California Food and Agriculture Code Section 11501.1 regarding pesticide use and regulation so that each city in the State of California is able to decide how to regulate pesticides within their own jurisdiction to adequately address local concerns.

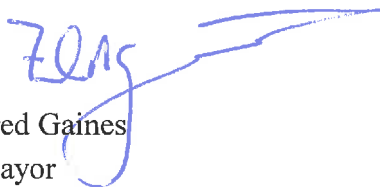
Accordingly, we concur in the submission by the City of Malibu of the above-referenced resolution for consideration by the League of Cities General Assembly at its annual meeting on September 14, 2018.

The City of Calabasas has identified the devastating effect of anticoagulant rodenticides on wildlife in our community and on the ecosystem in our native Santa Monica Mountains. While our City has adopted resolutions and implemented programs to discourage the use of the pesticides by our residents and businesses, we are limited by State law from taking more effective actions.

The Honorable Rich Garbarino, President  
League of California Cities  
July 9, 2018  
Page 2

The City of Calabasas is in strong support of providing cities across the State of California with the authority to regulate pesticides based on local concerns in the communities and supports the proposed Resolution.

Sincerely,



Fred Gaines  
Mayor

cc: Mary Linden (MLinden@malibucity.org)



July 13, 2018

The Honorable Rich Garbarino, President  
League of California Cities  
1400 K Street  
Sacramento, California 95814

RE: A Resolution of the League of California Cities Declaring Its Commitment to Support the  
Repeal of Preemption in California Food and Agriculture Code § 11501.1 That Prevents  
Local Governments from Regulating Pesticides

Dear President Garbarino:

Anticoagulant rodenticides poison unintended targets, including predator wildlife in California and pets that ingest the products. These poisons cause painful, internal hemorrhaging in non-target animals. In addition, approximately 10,000 children under the age of six are accidentally poisoned each year nationwide.

The California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Despite collecting data for almost four years after this ban, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides due to this partial restriction of the supply.

Currently, State law preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides. In my official capacity as a city councilmember I support the proposed resolution to repeal the preemptive clause in California Food and Agriculture Code Section 11501.1 to provide cities across the state of California with the authority to regulate pesticides based on the local concerns in their communities. The State of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

I concur with the submission of this resolution at the League of California Cities General Assembly at its annual meeting in Long Beach on September 14, 2018.

Sincerely,

Brett Lee  
Mayor Pro Tem



July 5, 2018

The Honorable Rich Garbarino, President  
League of California Cities  
1400 K Street  
Sacramento, California 95814

RE: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS COMMITMENT TO  
SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA FOOD AND AGRICULTURE CODE §  
11501.1 THAT PREVENTS LOCAL GOVERNMENTS FROM REGULATING PESTICIDES

Dear President Garbarino,

Anticoagulant rodenticides are products that are poisoning 80% to 90% of predator wildlife in our cities and throughout California. These poisons cause painful, internal hemorrhaging in non-target animals - including pets - that ingest the products either directly or from consuming poisoned rodents. In addition, approximately 10,000 children under the age of six are accidentally poisoned each year nationwide.

My own mother lost a dearly loved pet dog, who was poisoned when it ate a poisoned rat!

The California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Despite collecting data for almost four years after this ban, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides due to this partial restriction of the supply.

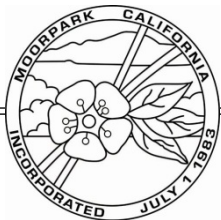
State law now preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides. I support the proposed resolution to repeal the preemptive clause in California Food and Agriculture Code Section 11501.1 to provide cities across the state of California with the authority to regulate pesticides based on the local concerns in their communities. The State of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

I concur with the submission of this resolution at the League of California Cities General Assembly at its annual meeting in Long Beach on September 14, 2018.

Sincerely,

Catherine Carlton

Environmental Committee Vice Chair for the League of California Cities



# CITY OF MOORPARK

799 Moorpark Avenue, Moorpark, California 93021

Main City Phone Number (805) 517-6200 | Fax (805) 532-2205 | moorpark@moorparkca.gov

July 12, 2018

The Honorable Rich Garbarino, President  
League of California Cities  
1400 K Street  
Sacramento, CA 95814

**RE: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS  
COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA  
FOOD AND AGRICULTURE CODE § 11501.1 THAT PREVENTS LOCAL  
GOVERNMENTS FROM REGULATING PESTICIDES**

Dear President Garbarino:

The City of Moorpark supports the above referenced resolution being brought to a vote at the upcoming League of California Cities Conference on September 14, 2018.

As a community surrounded by the beauty of the Santa Monica Mountains and its wildlife, the City adopted a resolution in 2013 urging Moorpark residents and businesses to not use anticoagulant rodenticides in Moorpark. In 2014, the City applauded passage of AB 2657, which removed many second generation anticoagulant rodenticides from the state.

However, as we are all unfortunately aware, scientific research continues to find anticoagulant rodenticides in non-target animals, including the natural predators that help regulate rodent populations and endangered species throughout California. Accordingly, the City has supported subsequent legislative proposals to ban all anticoagulant rodenticides statewide, including AB 2422, which is currently stalled in the state legislature.

The City further believes that local governments should have the opportunity to regulate pesticide usage within their jurisdictions if the communities they represent desire to do so. Therefore, the City supports the above referenced resolution being brought to a vote.

Yours truly,

Janice Parvin  
Mayor

Resolution of the League of California Cities re: Anticoagulant Rodenticides  
Page 2

cc: City Council  
City Manager  
Assistant City Manager  
Assistant to the City Manager  
League of California Cities, Meg Desmond ([mdesmond@cacities.org](mailto:mdesmond@cacities.org))  
City of Malibu, Mary Linden ([MLinden@malibucity.org](mailto:MLinden@malibucity.org))

Councilmember Suza Francina  
City of Ojai  
401 South Ventura Street, Ojai, CA 93023  
Email: [Suzaojaicitycouncil@gmail.com](mailto:Suzaojaicitycouncil@gmail.com)  
Cell: 805 603 8635

July 9, 2018

The Honorable Rich Garbarino, President  
League of California Cities  
1400 K Street  
Sacramento, California 95814

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS  
COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA  
FOOD AND AGRICULTURE CODE § 11501.1 THAT PREVENTS LOCAL  
GOVERNMENTS FROM REGULATING PESTICIDES

Dear President Garbarino,

Anticoagulant rodenticides are products that are poisoning 80 to 90% of predator wildlife in California. These poisons cause painful, internal hemorrhaging in non-target animals including pets that ingest the products either directly or from consuming poisoned rodents. In addition, approximately 10,000 children under the age of six are accidentally poisoned each year nationwide.

The California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Despite collecting data for almost four years after this ban, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides due to this partial restriction of the supply.

Currently, State law preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides. In my official capacity as a city councilmember I support the proposed resolution to repeal the preemptive clause in California Food and Agriculture Code Section 11501.1 to provide cities across the state of California with the authority to regulate pesticides based on the local concerns in their communities. The State of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

I concur with the submission of this resolution at the League of California Cities General Assembly at its annual meeting in Long Beach on September 14, 2018.

Sincerely,  
Suza Francina  
Councilmember, City of Ojai

**Carmen Ramírez**  
Mayor Pro Tem

**City Council**

300 West Third Street  
Oxnard, California 93030  
City (805) 385-7430  
City Fax (805) 385-7595  
carmen4oxnard@gmail.com



July 12, 2018

The Honorable Rich Garbarino, President  
League of California Cities  
1400 K Street  
Sacramento, California 95814

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS  
COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA  
FOOD AND AGRICULTURE CODE § 11501.1 THAT PREVENTS LOCAL  
GOVERNMENTS FROM REGULATING PESTICIDES

Dear President Garbarino,

I write as one council member of the City of Oxnard regarding the state law that preempts general law cities such as ours from regulating the use of pesticides. Our city is heavily impacted with environmental burdens associated with pesticide use as well as other industrial toxins, which affect the health of the people, wildlife and our environment. Oxnard residents are requesting that the use of pesticides in our public spaces be curtailed and restricted. This would include anticoagulant rodenticides, products that are poisoning 80 to 90% of predator wildlife in California. These poisons cause painful, internal hemorrhaging in non-target animals including pets that ingest the products either directly or from consuming poisoned rodents. In addition, approximately 10,000 children under the age of six are accidentally poisoned each year nationwide.

The California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Despite collecting data for almost four years after this ban, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides due to this partial restriction of the supply.

Currently, State law preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides. In my official capacity as a city councilmember I support the proposed resolution to repeal the preemptive clause in California Food and Agriculture Code Section 11501.1 to provide cities across the state of California with the authority to regulate pesticides based on the local concerns in their communities. The State of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

**Carmen Ramírez**  
Mayor Pro Tem

**City Council**

300 West Third Street  
Oxnard, California 93030  
City (805) 385-7430  
City Fax (805) 385-7595  
carmen4oxnard@gmail.com



Letter to President Garbarino  
July 12, 2018  
Page two

I concur with the submission of this resolution at the League of California Cities General Assembly at its annual meeting in Long Beach on September 14, 2018. Thank you very much for your attention to this.

Sincerely,

A handwritten signature in black ink that reads "Carmen Ramirez". The signature is written in a cursive, flowing style.

Carmen Ramirez



*Bay Front. Home Front. Out Front.*

July 6, 2018

The Honorable Rich Garbarino  
President, League of California Cities  
1400 K Street  
Sacramento, California 95814

Re: In Support to Repeal the Preemption in California Food and Agriculture Code § 11501.1 that  
Prevents Local Governments from regulating pesticides

Dear President Garbarino,

Anticoagulant rodenticides poison 80% to 90% of predator wildlife in California. These poisons cause painful, internal hemorrhaging in non-target animals including pets that ingest the products either directly or from consuming poisoned rodents. In addition, approximately 10,000 children under the age of six are accidentally poisoned each year nationwide.

The California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Currently, State law preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides, which has minimized the impact of the State's ban. Despite collecting data for almost four years, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides due to the partial restriction of the supply.

As a member of the League of California Cities' Environmental Quality Policy Committee, I support the proposed resolution to repeal the preemptive clause in California Food and Agriculture Code Section 11501.1 to provide cities across the state of California with the authority to regulate pesticides based on the local concerns in their communities. The State of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

I concur with the submission of this resolution at the League of California Cities General Assembly at its annual meeting in Long Beach on September 14, 2018.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Butt', with a stylized flourish at the end.

Mayor Tom Butt  
Richmond, California





# CITY OF WEST HOLLYWOOD

CITY HALL  
8300 SANTA MONICA BLVD.  
WEST HOLLYWOOD, CA  
90069-6216  
TEL: (323) 848-6460  
FAX: (323) 848-6562

TTY: For hearing impaired  
(323) 848-6496

## CITY COUNCIL

JOHN J. DURAN  
*Mayor*

JOHN D'AMICO  
*Mayor Pro Tempore*

JOHN HEILMAN  
*Councilmember*

LINDSEY P. HORVATH  
*Councilmember*

LAUREN MEISTER  
*Councilmember*

July 13, 2018

The Honorable Rich Garbarino, President  
League of California Cities  
1400 K Street  
Sacramento, CA 95814

RE: A Resolution of the League of California Cities Declaring its Commitment to Support the Repeal of Preemption in California Food and Agriculture Code § 11501.1 that Prevents Local Governments from Regulating Pesticides

Dear President Garbarino,

I am writing to express my support for the above-mentioned resolution to repeal the preemptive clause in California Food and Agriculture Code Section 11501.1 in order to give cities across California the authority to regulate and/or prohibit the use of pesticides in their local communities. I concur with the submission of the proposed resolution to the League of California Cities General Assembly annual meeting on September 14, 2018.

Granting local governments the ability to self-regulate pesticide use better enables cities to protect the health and safety of the public, animals, and the environment. Given that no two cities are identical, local governments must have the power to take a systematic approach to pesticide use and regulation that fits the specific needs of their city. Repealing this section of the code will provide cities the opportunity to act in the best interest of their jurisdiction to set a standard of regulation that offers comprehensive protection, better formulated to protect a community's individual needs.

The City of West Hollywood is in strong support of environmentally-sensitive pest management practices that minimize risk to people, companion and wild animals, resources, and the environment. As the proposed resolution explains, anticoagulant rodenticides have devastating effects on wildlife. The City of West Hollywood has implemented an Integrated Pest Management Program that supports environmentally-sensitive pest management while protecting the health and safety of the public. This policy is in compliance with the State and Federal regulations while catering to and prioritizing the needs of the City of West Hollywood.

Sincerely,

Lindsey Horvath  
Councilmember

cc: Meg Desmond, League of CA Cities  
Councilmember Laura Z. Rosenthal, City of Malibu  
Elizabeth Shavelson, Assistant to the City Manager, City of Malibu  
Mary Linden, Executive Assistant, City of Malibu





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## AGENDA REPORT

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**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Councilmember Joel Fajardo

**Date:** September 4, 2018

**Subject:** Discussion Regarding Badges for City Councilmembers

### RECOMMENDATION:

I have placed this on the agenda for discussion and City Council consideration to rescind the current City Council Identification Badges and Business Cards policy (Attachment "A").

### BUDGET IMPACT:

There is no impact to the budget by discussing this item. Additional future costs to be determined based on City Council direction.

### ATTACHMENTS:

- A. 2014 Policy re City Council Identification Badges and Business Cards
- B. 2007 Advisory from State Attorney General Brown Jr.
- C. SFPD Badge Image

CITY OF SAN FERNANDO		POLICY/PROCEDURE
NUMBER		SUBJECT  CITY COUNCIL IDENTIFICATION BADGES AND BUSINESS CARDS
ORIGINAL ISSUE  October 6, 2014	EFFECTIVE  October 6, 2014	
CURRENT ISSUE	EFFECTIVE	
SUPERSEDES		CATEGORY  COUNCIL POLICY AND MANAGEMENT POLICY/PROCEDURE

### **Section 1. Purpose**

To establish general guidelines for the issuance and use of City Council identification badges and business cards.

### **Section 2. General Policy**

City Councilmembers should have proper credentials (i.e., identification badges and business cards) to identify her/himself to an employee, citizen or property owner in the general course of business or in the event of a local emergency.

### **Section 3. Provisions**

- A. Issuance: Upon election to the City Council, the City Manager will provide Councilmembers with an identification badge and business cards.
- B. Use: The City-issued identification shall be used for the Councilmember to identify her/himself to the general public in the course of day-to-day business and shall only be displayed for use in an official capacity. In the event of an emergency, the Councilmember may identify her/himself to emergency personnel for the purpose of observing and accessing the scene as permitted by emergency personnel.
- C. Inappropriate Use: City issued identification shall not be used for a wrongful exercise of authority, malicious purpose, personal gain, willful deceit, or any other similar purpose. Under no circumstances shall a badge be used to identify oneself as a law enforcement officer or to suggest or imply that the badgeholder has law enforcement authority. Any such use may result in criminal penalties.
- D. Lost or Stolen Identification: Should a Councilmember misplace, lose or have her/his badge stolen, it shall be immediately reported to the City Manager.
- E. Return of Identification Badge: Upon leaving office, a Councilmember shall return the identification badge to the City.

### **Section 4. Responsibility for Enforcement**

The City Manager has overall responsibility for the enforcement of this City policy.

### **Section 5. Authority**

By order of City Council adopted on October 6, 2014.

**ATTACHMENT "B"****TO BE PUBLISHED IN THE OFFICIAL REPORTS****OFFICE OF THE ATTORNEY GENERAL  
State of California****EDMUND G. BROWN JR.  
Attorney General**


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OPINION	:	No. 06-307
	:	
of	:	July 30, 2007
	:	
EDMUND G. BROWN JR.	:	
Attorney General	:	
	:	
MARC J. NOLAN	:	
Deputy Attorney General	:	
	:	

---

THE HONORABLE ROD PACHECO, DISTRICT ATTORNEY, COUNTY OF RIVERSIDE, has requested an opinion on the following questions:

1. Does a sheriff's gift of an honorary badge to a private citizen violate California law?
2. Does a sheriff's gift of an honorary badge to a private citizen confer peace officer status on the recipient or give him or her the powers of a peace officer?
3. If a sheriff's gift of an honorary badge to a private citizen violates California law, would the sheriff or the county be subject to civil liability for an injury resulting from the recipient's subsequent misuse of the badge?

## CONCLUSIONS

1. A sheriff's gift of an honorary badge to a private citizen violates California law if (1) the badge falsely purports to be authorized, or would deceive an ordinary reasonable person into believing that it is authorized, for use by a peace officer or (2) the badge indicates membership in an organization whose name would reasonably be understood to imply that the organization is composed of law enforcement personnel when, in fact, less than 80 percent of the members of the organization are law enforcement personnel, active or retired, and the sheriff has knowledge of such fact.

2. A sheriff's gift of an honorary badge to a private citizen does not confer peace officer status on the recipient or give him or her the powers of a peace officer.

3. If a sheriff's gift of an honorary badge to a private citizen violates California law, the sheriff would be subject to civil liability for an injury resulting from the recipient's subsequent misuse of the badge if the injury was proximately caused by the sheriff's own negligent or wrongful act in providing the badge; the county would be subject to civil liability if the sheriff's negligent or wrongful act occurred within the scope of his or her employment.

## ANALYSIS

Peace officers are provided badges by their employing agencies so that they may identify themselves to the public and show their law enforcement authority. (See Gov. Code, § 26690 [sheriff and deputy sheriff]; Pen. Code, § 830.10 [uniformed peace officer]; Veh. Code, § 2257 [California Highway Patrol officer].)<sup>1</sup> We have previously concluded that a person who is not a peace officer, such as a county public defender's investigator, "may not display a peace officer's badge, a badge which falsely purports to be a peace officer's badge, or a badge which so resembles a peace officer's badge as would deceive an ordinary reasonable person into believing that it is being used by one who by law is given the authority of a peace officer." (68 Ops.Cal.Atty.Gen. 11, 15 (1985).) We have also recognized that a law enforcement official is not barred from creating "purely honorary positions, so long as no official status is sought to be conferred and no official or official-looking identification is authorized." (59 Ops.Cal.Atty.Gen. 97, 102 (1976).)

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<sup>1</sup> All further references to the Penal Code are by section number only.

Here, we are informed that a sheriff has distributed honorary badges to private citizens. We are asked three questions in connection with this practice: under what circumstances, if any, does the practice violate California law, would the recipients have peace officer status or powers, and would the sheriff or the county be civilly liable for any subsequent misuse of an honorary badge by a recipient?

1. Violation of California Law

In addressing the first question, we examine the provisions of two statutes. Subdivision (c) of section 538d provides:

Any person who willfully wears, exhibits, or uses, or who willfully makes, sells, loans, gives, or transfers to another, any badge, insignia, emblem, device, or any label, certificate, card, or writing, which falsely purports to be authorized for the use of one who by law is given the authority of a peace officer, or which so resembles the authorized badge, insignia, emblem, device, label, certificate, card, or writing of a peace officer as would deceive an ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of a peace officer, is guilty of a misdemeanor, except that any person who makes or sells any badge under the circumstances described in this subdivision is subject to a fine not to exceed fifteen thousand dollars (\$15,000).<sup>2</sup>

Section 146c states in part:

Every person who designates any nongovernmental organization by any name, including, but not limited to any name that incorporates the term “peace officer,” “police,” or “law enforcement,” that would reasonably be understood to imply that the organization is composed of law enforcement personnel, when, in fact, less than 80 percent of the voting members of the organization are law enforcement personnel or firefighters, active or retired, is guilty of a misdemeanor.

Every person who solicits another to become a member of any organization so named, of which less than 80 percent of the voting members are law enforcement personnel or firefighters, or to make a contribution

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<sup>2</sup> Subdivision (c) of section 538e contains a similar prohibition with respect to badges that resemble those worn by “an officer or member of a fire department or a deputy state fire marshal.”

thereto or subscribe to or advertise in a publication of the organization, or who sells or gives to another any badge, pin, membership card, or other article indicating membership in the organization, knowing that less than 80 percent of the voting members are law enforcement personnel or firefighters, active or retired, is guilty of a misdemeanor.

In our 1985 opinion, 68 Ops.Cal.Atty.Gen. 11, *supra*, we focused upon whether a county public defender's investigator, a person who was not a peace officer, could display a badge in light of the prohibition of section 538d. While we were not concerned with the legality of the furnishing of the badge to the investigator, our prior discussion is helpful here in examining the scope of a sheriff's authority in giving honorary badges to private citizens. We stated that section 538d prohibited:

. . . (1) the display of a badge which "falsely purports to be authorized for the use of one who by law is given the authority of a peace officer" or (2) the display of a badge which "so resembles the authorized badge" of a peace officer "as would deceive an ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of a peace officer." This paragraph would forbid a person who is not a peace officer from using a badge designed or inscribed in such a manner that it "falsely purports" to be the genuine article, e.g., a badge with the words "Police Officer." This paragraph also would prohibit the use of a badge which "resembles" an authorized peace officer's badge, e.g., a badge shaped or inscribed similarly to that of the sheriff's department's badge. Under this last provision the ultimate test is whether an "ordinary reasonable person" would be deceived by the use of the similar badge.

A county public defender's investigator may not display a peace officer's badge or a badge which on its face purports to be a peace officer's badge. We turn then to the question of when a badge "resembles" a peace officer's badge thus making its display illegal under section 538d.

The purpose of the prohibition is to prevent confusion among members of the general public as to the identity or authority of a person exhibiting a badge. In 27 Ops.Cal.Atty.Gen. 213, 214 (1956) we concluded that a private patrolman may wear a badge and cautioned that "it should be as distinguishable from those of the authorized peace officers as is possible so as not to cause confusion." [Citation.]

Peace officer badges are usually designed in the shapes of shields or stars or combinations of both such forms. The general public associates these



designs with police officers, sheriff's deputies and other law enforcement officers. County public defender's investigators' badges similarly fashioned would resemble peace officers' badges and would likely deceive an ordinary reasonable person into believing that the investigators have the authority of peace officers. In our view a county public investigator's badge should not be in the form of a shield or a star. It has been suggested that the inscription "Public Defender's Investigator" upon the face of a shield or star badge would preclude any possible misunderstanding on the part of an ordinary person. This, of course, would be a question of fact depending upon the opportunity or ability of the ordinary reasonable person to see or read the badge and to comprehend its function. Badges are often "flashed," i.e., briefly exhibited, and persons may react to a badge "through fear or respect." [Citation.] The circumstance under which it is displayed or any statements made by the person showing it will be factors in deciding whether such badge deceives someone into believing the one exhibiting it is indeed a peace officer.

(*Id.* at pp. 13-14, fns. omitted.)

Here, we presume that a sheriff would *not* provide to a private citizen an actual deputy sheriff's badge or an honorary badge that falsely purports to be authorized for peace officer use. Instead, we address whether an honorary badge may so resemble a genuine badge that an ordinary reasonable person would believe it is authorized for use by a peace officer. The factors we enumerated in our 1985 opinion are pertinent to that inquiry, i.e., whether the badge is in the shape of a shield or a star or similar design commonly associated with peace officer badges and whether the words on the badge indicate or disclaim official peace officer identity. Since the prohibition is designed "to prevent confusion among members of the general public as to the identity or authority of a person exhibiting a badge," we reaffirm our earlier view that an honorary badge should be "as distinguishable as possible" from badges used by peace officers. (68 Ops.Cal.Atty.Gen., *supra*, at p. 14; see 27 Ops.Cal.Atty.Gen., *supra*, at p. 214.) Stated differently, the more an honorary badge resembles an authorized peace officer badge in shape, markings, and other indicia that connote genuineness, the more likely the badge will deceive an ordinary reasonable person, and the more likely that a person furnishing or displaying the badge will be found to have violated section 538d.

It bears noting that, as we observed in our earlier opinion, "[t]he circumstance under which [the badge] is displayed or any statements made by the person showing it will be factors in deciding whether such badge deceives someone into believing the one exhibiting it is indeed a peace officer." (68 Ops.Cal.Atty.Gen., *supra*, at p. 14.) Here, because a sheriff who provides an honorary badge will not in most cases participate in its display by the recipient, we believe that, depending upon the circumstances, a recipient may

violate California law while the sheriff may not. For example, if the badge, when viewed in isolation, is of a shape and design that could not reasonably be mistaken for an authentic peace officer badge, the sheriff would not run afoul of section 538d, even if the recipient later were to display the badge for an improper purpose and did so in such a way, i.e., quickly and with an assertion of authority, that would deceive a member of the public into believing that the badge was authentic. We note that in the latter circumstances, the recipient would, in all likelihood, also be guilty of a misdemeanor under section 538d, subdivision (b)(2), which prohibits any person from wearing or using a false or misleading badge “for the purpose of fraudulently impersonating a peace officer or fraudulently inducing the belief that he or she is a peace officer.”

As for section 538d’s requirement that the person furnishing the badge must do so “willfully,” we find here that the sheriff need not intend to defraud or deceive for this element of the offense to be satisfied. “The word ‘willfully’ when applied to the intent with which an act is done or omitted means with a purpose or willingness to commit the act or to make the omission in question. The word ‘willfully’ does not require any intent to violate the law, or to injure another, or to acquire any advantage.” (§ 7, subd. (1).) In *People v. Johnson* (1998) 67 Cal.App.4th 67, 72, the court observed:

As a general rule, a statute proscribing willful behavior is a general intent offense. [Citations.] A statute which includes “willfully” language may nevertheless define a specific intent offense if the statute includes other language requiring a specific intent. [Citations.] However, “willfully” language without any additional specific intent language denotes a general intent offense. [Citations.] The only intent required for a general intent offense is the purpose or willingness to do the act or omission. [Citation.] The term “willful” requires that the prohibited act or omission occur intentionally. [Citation.]

As relevant to our question, section 538d prohibits any person from “willfully” providing a false or misleading badge to another but contains no other intent language. It thus describes a general intent offense; no specific intent or other mental state is required.

As for the word “falsely,” as used in section 538d, we find that it does not impose a requirement that the sheriff intend that the badge be used by the recipient in a manner similar to how a peace officer would use the badge. Rather than modifying or qualifying the sheriff’s intent, the word “falsely” describes one type of badge that would violate the statute – i.e., one that falsely purports to be authorized for peace officer use. As discussed above, one may violate the law by willfully providing a badge that so resembles a genuine badge that it would deceive an ordinary reasonable person. Given our assumption that a sheriff would not knowingly provide a genuine badge or one that falsely purports to

be authorized for peace officer use, our focus in this analysis is upon whether a sheriff may be subject to criminal liability for providing an honorary badge that is deceptive because of its resemblance to an official badge. Of course, if the honorary badge *did* falsely purport to be authorized, the gift of such a badge would violate the terms of section 538d.

We also find that the standard “as would deceive an ordinary reasonable person into believing that it is authorized,” as used in section 538d, is sufficiently definite to satisfy the applicable constitutional requirements. (See *Tobe v. City of Santa Ana* (1994) 9 Cal.4th 1069, 1106-1107 [penal statute must provide adequate notice of the conduct proscribed and not invite “arbitrary or discriminatory enforcement”].) In *Davis v. Municipal Court* (1966) 243 Cal.App.2d 55, the court rejected a vagueness challenge to section 146c, discussed below, that prohibits the designation of a nongovernmental organization by a name “including, but not limited to any name which incorporates the term ‘peace officer,’ ‘police,’ or ‘law enforcement,’ which would reasonably be understood to imply” that the organization was composed of peace officers. The court observed:

We do not agree that the phrase “reasonably be understood to imply” fails to meet the constitutional standard required. The rule is well established that although the words of a particular statute may not mean “the same thing to all people, all the time, everywhere,” they do not offend the requirements of due process if they “give adequate warning of the conduct proscribed and mark ‘ . . . boundaries sufficiently distinct for judges and juries fairly to administer the law . . . . That there may be marginal cases in which it is difficult to determine the side of the line on which a particular fact situation falls is not sufficient reason to hold the language too ambiguous to define a criminal offense . . . .’” [Citations.] The language complained of does give adequate warning of the conduct proscribed and does furnish a sufficiently distinct standard for the administration of the statute.

(*Id.* at p. 58.)

Similarly, here, we believe that the phrase “as would deceive an ordinary reasonable person into believing that it is authorized,” as used in section 538d, is sufficiently descriptive since it directly follows and refers to a badge “which so resembles” an authorized badge. This deception requirement may be understood to encompass the physical characteristics of the badge in question, such as its similarity to an authorized badge in shape, size, design, coloring, and markings. Thus, we find that the statutory language provides adequate notice of the conduct prohibited – i.e., providing or displaying an unauthorized badge that is likely to deceive – and does not invite arbitrary or discriminatory enforcement. (See *Tobe v. City of Santa Ana*, *supra*, 9 Cal.4th at p. 1107.)

Turning next to the requirements of section 146c, quoted above and as further analyzed in *Davis v. Municipal Court*, *supra*, 243 Cal.App.2d 55, we find that an honorary badge would come within the scope of this statute if the badge indicated membership in an organization designated by any name “that would reasonably be understood to imply that the organization was composed of law enforcement personnel, when, in fact, less than 80 percent of the voting members of the organization were law enforcement personnel or firefighters, active or retired.” The statute subjects “every person” to criminal liability who sells or gives to another such a badge, provided the person giving the badge does so with knowledge that the designated organization is not composed of the requisite number of law enforcement personnel. And consistent with our analysis of a similar standard used in section 538d, we do not find the “reasonably be understood to imply” standard to be so vague as to render the statute void for failure to provide adequate notice of the conduct it proscribes. (See *Davis v. Municipal Court*, *supra*, 243 Cal.App.2d at p. 58.)

We thus conclude in answer to the first question that a sheriff’s gift of an honorary badge to a private citizen violates California law if (1) the badge falsely purports to be authorized, or would deceive an ordinary reasonable person into believing that it is authorized, for use by a peace officer or (2) the badge indicates membership in an organization whose name would reasonably be understood to imply that the organization is composed of law enforcement personnel when, in fact, less than 80 percent of the organization are law enforcement personnel, active or retired, and the sheriff has knowledge of such fact.

## 2. Peace Officer Status and Powers

We next consider whether a sheriff’s gift of an honorary badge to a private citizen confers peace officer status on the recipient or gives him or her the powers of a peace officer. We conclude that such a gift would not confer such status or powers.

Attaining the status of a “peace officer” depends upon a lawful appointment to a statutorily designated peace officer position. (See, e.g., 86 Ops.Cal.Atty.Gen. 112, 113, 117 (2002).) In this regard, section 830 provides:

Any person who comes within the provisions of this chapter and who otherwise meets all standards imposed by law on a peace officer is a peace officer, and notwithstanding any other provision of law, no person other than those designated in this chapter is a peace officer. The restriction of peace officer functions of any public officer or employee shall not affect his or her status for purposes of retirement.

“This chapter” (§§ 830-832.9) includes specific references to various full-time and reserve law enforcement officers, but a private citizen’s possession of an honorary badge does not make the person a holder of any of those enumerated positions.<sup>3</sup>

Section 830 also specifies that a person appointed as a peace officer, whatever the particular classification, must meet all applicable “standards imposed by law.” For example, Government Code section 1031 requires peace officer candidates to meet certain “minimum standards,” including the possession of “good moral character as determined by a thorough background investigation” *before* attaining peace officer status. (See *County of Riverside v. Superior Court* (2002) 27 Cal.4th 793, 806 [“If the minimum standards are to have any real meaning, a candidate has to meet the standards *prior to* becoming a peace officer”].) The mere receipt of an honorary badge would not satisfy such legal standards.

Nor would an individual possessing an honorary badge have the authority to exercise peace officer powers, such as the powers to arrest, serve a search warrant, or carry a concealed weapon. As we have previously observed, the proper exercise of such powers depends upon, among other things, whether the officer has satisfied applicable training requirements. (See 86 Ops.Cal.Atty.Gen. 112, 113-115 (2003); 85 Ops.Cal.Atty.Gen. 203, 207 (2002); 80 Ops.Cal.Atty.Gen. 293, 294-295 (1997); see also 51 Ops.Cal.Atty.Gen. 110, 112 (1968).) Significantly, section 832 provides in relevant part:

(a) Every person described in this chapter as a peace officer shall satisfactorily complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training. On or after July 1, 1989, satisfactory completion of the course shall be demonstrated by passage of an appropriate examination developed or approved by the commission. Training in the carrying and use of firearms shall not be required of any peace officer whose employing agency prohibits the use of firearms.

(b)(1) Every peace officer described in this chapter, prior to the exercise of the powers of a peace officer, shall have satisfactorily completed the course of training described in subdivision (a).

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<sup>3</sup> Because we are concerned with the gift of an honorary badge, we may assume that a sheriff who provides such a badge to a private citizen would not intend to appoint the recipient to an actual peace officer position or classification or bestow upon the recipient any sort of official status. (Cf. 59 Ops.Cal.Atty.Gen., *supra*, at pp. 101-103 [appointment of reserve or special deputy sheriffs]; see also 56 Ops.Cal.Atty.Gen. 390, 391-394 (1973); 31 Ops.Cal.Atty.Gen. 121, 122-125 (1958).)

(2) Every peace officer described in Section 13510 or in subdivision (a) of Section 830.2 may satisfactorily complete the training required by this section as part of the training prescribed pursuant to Section 13510.

(c) Persons described in this chapter as peace officers who have not satisfactorily completed the course described in subdivision (a), as specified in subdivision (b), shall not have the powers of a peace officer until they satisfactorily complete the course.

The receipt of an honorary badge would not constitute compliance with these specified training prerequisites for exercising peace officer powers.

We thus conclude in answer to the second question that a sheriff's gift of an honorary badge to a private citizen does not confer peace officer status on the recipient or give him or her the powers of a peace officer.

### 3. Civil Liability

As discussed above, we presume for purposes of this opinion that a sheriff who provides an honorary badge to a private citizen would not *intend* for it to be used in an unlawful manner, i.e., to impersonate a peace officer, and likewise would not intend that it be displayed in a manner that results in injury to another person. The final question to be resolved is whether a sheriff or the county, as the employing agency, would be subject to civil liability for an injury resulting from a private citizen's subsequent misuse of an honorary badge that is unlawfully deceptive within the meaning of section 538d or section 146c. For example, may civil liability be imposed if the recipient uses the badge to falsely imprison another person? We conclude that the sheriff would be subject to civil liability for an injury suffered in connection with a recipient's subsequent misuse of the badge if the injury is proximately caused by the sheriff's own negligent or wrongful act in providing the badge; the county's civil liability would depend upon whether the sheriff's negligent or wrongful act occurred within the scope of his or her employment.

The tort liability of public officials, such as a sheriff, and the agencies that employ them, such as a county, is governed by the California Tort Claims Act (Gov. Code, §§ 810-998.3; "Act"), which "'confine[s] potential governmental liability to rigidly delineated circumstances.'" (*Zelig v. County of Los Angeles* (2002) 27 Cal.4th 1112, 1127-1128, quoting *Brown v. Poway Unified School Dist.* (1993) 4 Cal.4th 820, 829.) Except as otherwise provided by statute, a public employee is liable for injuries caused by his or her acts or omissions to the same extent as a private person. (Gov. Code, § 820, subd. (a).) "To

establish liability in negligence, it is a fundamental principle of tort law that there must be a legal duty owed to the person injured and a breach of that duty which is the proximate cause of the resulting injury. [Citation.]” (*Jacoves v. United Merchandising Corp.* (1992) 9 Cal.App.4th 88, 114.)

“Although a statute that provides solely for a criminal penalty does not *create* a civil liability, the significance of the statute in a civil suit for negligence involves its formulation of a standard of conduct that the court then adopts in the determination of such liability. [Citation.]” (*Michael R. v. Jeffrey B.* (1984) 158 Cal.App.3d 1059, 1067.) Stated differently, while the violation of a criminal statute does not, in itself, establish that a person alleged to have been negligent actually owed a duty to the person ultimately injured, or that the person’s actions were the proximate cause of the injury ultimately suffered (see, e.g., *Richards v. Stanley* (1954) 43 Cal.2d 60, 62-63; *Hyde v. Avalon Air Transport, Inc.* (1966) 243 Cal.App.2d 88, 92), such a violation may give rise to a presumption of negligence if, under the circumstances, the person’s injuries resulted from an act that the criminal statute was designed to prevent and the person was within the class for whose protection the statute was adopted (Evid. Code, § 669; *Quiroz v. Seventh Ave. Center* (2006) 140 Cal.App.4th 1256, 1285-1286; *Galvez v. Frields* (2001) 88 Cal.App.4th 1410, 1420). As we have previously concluded, the purpose of the prohibition of section 538d is “to prevent confusion among members of the general public as to the identity or authority of a person exhibiting a badge” (68 Ops.Cal.Atty.Gen., *supra*, at p. 14), and we believe that a similar purpose is evident from the text of section 146c.

While the Act provides immunity for a public employee’s discretionary acts (Gov. Code, § 820.2), a sheriff would clearly lack the discretion to provide a deceptive badge to a private citizen in violation of California law.<sup>4</sup> Of course, to prevail on a claim for damages here, the injured party must also establish that the sheriff’s negligence or other wrongful action was a proximate cause of the injury. (See *Talbott v. Csakany* (1988) 199 Cal.App.3d 700, 706-707 [proximate cause required entrusting another with means of causing injury that was not otherwise available].) Assuming proximate cause is established, however, the immunity generally provided to public employees from liability for the actions of third parties is unavailable. (Gov. Code, § 820.8 [“Except as otherwise provided by statute, a public employee is not liable for an injury caused by the act or omission of another person. Nothing in this section exonerates a public employee from liability for injury

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<sup>4</sup> And, although this discussion concerns private citizen recipients of honorary badges, we note that even law enforcement personnel are not immune from liability for false arrest or false imprisonment. (See Gov. Code, § 820.4; *Asgari v. City of Los Angeles* (1997) 15 Cal.4th 744, 752-753; *Sullivan v. County of Los Angeles* (1974) 12 Cal.3d 710, 719.)

proximately caused by his own negligent or wrongful act or omission.”].)<sup>5</sup> In other words, while the sheriff would be immunized from liability for the acts of the badge recipient for actions brought against the sheriff under a theory of vicarious liability, he or she would be potentially liable based upon his or her own negligent conduct in providing the badge.

As for the potential vicarious liability of the county as the sheriff’s employing governmental agency, “[a] public entity is liable for injury proximately caused by an act or omission of an employee . . . within the scope of his employment if the act or omission would, apart from this section, have given rise to a cause of action against that employee . . . .” (Gov. Code, § 815.2, subd. (a); see *Lisa M. v. Henry Mayo Newhall Memorial Hospital* (1995) 12 Cal.4th 291, 296; *Sullivan v. County of Los Angeles* (1974) 12 Cal.3d 710, 717; *Ross v. San Francisco Bay Area Rapid Transit Dist.* (2007) 146 Cal.App.4th 1507, 1514; *Hoblitzell v. City of Ione* (2003) 110 Cal.App.4th 675, 680-681; 59 Ops.Cal.Atty.Gen., *supra*, at pp. 103-104.) Thus, if the sheriff’s negligence were shown, the determination of the county’s liability would depend upon whether, in the particular circumstances, the sheriff had acted within the scope of his or her employment in giving the honorary badge to the private citizen. An employee’s act or omission is “within the scope of his employment” if it is “typical of or broadly incidental to” or “a generally foreseeable consequence of” the public entity’s work or enterprise. (*Lisa M. v. Henry Mayo Newhall Memorial Hospital*, *supra*, 12 Cal.4th at pp. 297-301; *Farmers Ins. Group v. County of Santa Clara* (1995) 11 Cal.4th 992, 1003-1007; *Hoblitzell v. City of Ione*, *supra*, 110 Cal.App.4th at pp. 681-686.)

We thus conclude in answer to the third question that if a sheriff’s gift of an honorary badge to a private citizen violates California law, the sheriff would be subject to civil liability for an injury resulting from the recipient’s subsequent misuse of the badge if the injury was proximately caused by the sheriff’s own negligent or wrongful act in providing the badge; the county would be subject to civil liability if the sheriff’s negligent or wrongful act occurred within the scope of his or her employment.

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<sup>5</sup> Whether this or other Act immunities or defenses might apply, or whether any legal duty or proximate cause could conceivably be shown, in the situation where a *non-deceptive* honorary badge is furnished, which the recipient later uses to cause an injury, is beyond the scope of this opinion.



**ATTACHMENT "C"**







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## AGENDA REPORT

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**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Councilmember Joel Fajardo

**Date:** September 4, 2018

**Subject:** Discussion Regarding Violation of City Policy Pertaining to Donations from El Super, City Council Directives, and Other Rules and Procedures

### RECOMMENDATION:

I have placed this on the agenda to discuss the recent violation of City policy as it relates to receiving donations from El Super. I would also like to discuss violation of City Council directives in general, and allow a general discussion of other rules and procedures the City Council may want looked into.

### BUDGET IMPACT:

There is no impact to the budget by discussing this item. Additional future costs to be determined based on City Council direction.

### ATTACHMENTS:

- A. Resolution No. 7700 Regarding Endorsement of El Super Boycott
- B. Memo from SF Police Chief Regarding National Night Out 2018 Donations

**ATTACHMENT "A"****RESOLUTION NO. 7700****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN FERNANDO REGARDING ENDORSEMENT OF EL  
SUPER BOYCOTT**

**WHEREAS**, United Food and Commercial Workers (UFCW) represents hundreds of employees at El Super stores throughout Southern California; and

**WHEREAS**, the UFCW has called a consumer boycott of El Super markets in protest of El Super's refusal to negotiate a fair contract for these workers; and

**WHEREAS**, El Super employs low-wage and predominantly Latino workers from this community who have been working without a fair union agreement since September 2013; and

**WHEREAS**, El Super workers are fighting for good jobs in our community, seeking adequate paid sick leave, seniority rights, guaranteed 40-hour work-weeks for full-time employees, and a fair wage; and

**WHEREAS**, El Super implemented its "last, best, and final offer" without fulfilling its bargaining obligations and workers told them it was unacceptable by voting overwhelmingly to reject it and authorizing their union to call a strike if necessary; and

**WHEREAS**, on December 12, 2014, El Super workers voted – by a more than 3-1 majority – in favor of continued UFCW representation; and

**WHEREAS**, after the recertification vote, the union promptly sent a letter to the company asking for them to return to the bargaining table; and

**WHEREAS**, El Super denied the request to meet its legal bargaining obligations; and

**WHEREAS**, Fermin Rodriguez, a cashier with nine years of quality service with the company and who was an outspoken supporter of the El Super workers' both at the bargaining table and on the picket line, was recently terminated by the employer for his statements in support of his fellow workers; and

**WHEREAS**, it is unfortunate to learn that Fermin Rodriguez has lost his job and we ask that El Super reconsider their actions and provide his employment back; and

**WHEREAS**, Community Groups, including the East LA Community Corp, Pueblo y Salud, Strategic Action for a Just Economy, and Strategic Concepts in Organizing and Policy Education have endorsed the UFCW's boycott, as they found that El Super is not only disrespectful to its workforce but to the community which it serves; and

**WHEREAS**, the following cities and Neighborhood Development Councils representing areas within the City that are served by El Super markets have adopted resolutions endorsing the El Super boycott:

- City of Huntington Park
- City of Lynwood
- City of Cudahy
- Central Alameda Neighborhood Council
- Community and Neighbors for Ninth District Unity
- Empowerment Congress Central Area Neighborhood Development Council
- Empowerment Congress North Area Neighborhood Development Council
- Empowerment Congress Southeast Area Neighborhood Development Council
- Empowerment Congress West Area Neighborhood Development Council
- Highland Park Neighborhood Council
- Mid-City Neighborhood Council
- Pacoima Neighborhood Council
- Park Mesa Heights Community Council
- South Central Neighborhood Council
- United Neighborhood Council
- Voices of 90037
- Watts Neighborhood Council
- West Adams Neighborhood Council
- Zapata-King Neighborhood Council

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** The City of San Fernando endorses the call for a consumer boycott of El Super markets.

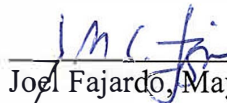
**SECTION 2.** The City of San Fernando recommends supporting the boycott by prohibiting the City from accepting donations from El Super markets until the boycott is resolved.

**SECTION 3.** The City of San Fernando supports the creation of good jobs in our communities that provide living wages, adequate paid sick leave, seniority protections, and enough guaranteed hours so full-time workers can earn enough to support their families.


**SECTION 4.** The City of San Fernando calls upon El Super to negotiate a fair union contract that meets those goals.

**SECTION 5.** The City of San Fernando calls upon El Super markets to uphold and maintain the highest standards with respect to the cleanliness and maintenance of their facilities in the interest of this community's public health.

**PASSED, APPROVED AND ADOPTED** this 8<sup>th</sup> day of September, 2015.

  
Joel Fajardo, Mayor

**ATTEST:**

  
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 8<sup>th</sup> day of September, 2015, by the following vote to wit:

**AYES:**           Fajardo, Ballin, Gonzales, Lopez, Soto – 5

**NOES:**           None

**ABSENT:**       None

  
Elena G. Chávez, City Clerk



MEMORANDUM

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**To:** Alexander Meyerhoff, City Manager

**From:** Anthony Vairo, Chief of Police

**Date:** August 22, 2108

**Subject:** National Night Out 2018 donations

The National Night Out Event is held under the San Fernando Police Department's non-profit advisory council, The San Fernando Police Advisory Council (SFPAC), and co-hosted by the Police Department and SFPAC. The event is a nationally recognized and sponsored event conducted under the auspices of the National Association of Town Watch (NATW). It is held in communities throughout the United States, including military installations and US Territories. Regionally, we have the most successful and well attended event and last year we were recognized by the National Association of Town Watch for our efforts.

All donations for the National Night Out are sought using San Fernando Police Advisory Council letterhead, with the authority and approval of the Police Advisory Council, a non-profit 501 (c) 3 corporation. All letters are sent under the signature of the Chief of Police and the President of the Police Advisory Council. All donations are received by the Police Advisory Council as a non-profit, non-city entity.

This year, over \$15,000 in cash donations were received as well as donations of services and products above these cash contributions, including donated lighting, staging, labor to erect and take down this staging and much more making this event likely a near \$60,000 event without City funding. Amongst these donations were potato chips from Frito Lay Corporation, hot dog buns from Bimbo Bakeries USA, hot dogs from Farmer John, and free drinks from Keurig Dr Pepper. Only condiments, in essence ketchup and mustard along with ice were provided by El Super/Latina Bodega Corporation. The Latina Bodega Corporation helped to make the contacts to obtain the donations of the buns and chip but they were not donated by this corporation.

Last year, the buns, potato chips, mustard, ketch up and paper goods were all donated by Sam's Club through a \$2,000 community grant. Unfortunately, they are no longer in our city and were unable to assist us. Donations were sought from Smart and Final and Vallarta; however, these requests were unsuccessful.

The event this year benefitted over 1,400 people providing free entertainment, free giveaways, free drinks and free hot dogs for the participants.





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## AGENDA REPORT

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**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Councilmember Jaime Soto

**Date:** September 4, 2018

**Subject:** Discussion and Request to Prepare and Submit a Letter in Support of Israel and Prime Minister Benjamin Netanyahu that Correlates with Rosh Hashanah and the Sabbath of Yom Kippur

### **RECOMMENDATION:**

I have placed this on the agenda for City Council discussion.

### **BUDGET IMPACT:**

There is no impact to the budget by discussing this item. Additional future costs to be determined based on City Council direction.





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## AGENDA REPORT

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**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Councilmember Jaime Soto

**Date:** September 4, 2018

**Subject:** Discussion Regarding the Role of Chiefs of Police with Respect to the U.S. Constitution and the Bill of Rights

**RECOMMENDATION:**

I have placed this on the agenda for City Council discussion.

**BUDGET IMPACT:**

There is no impact to the budget by discussing this item. Additional future costs to be determined based on City Council direction.





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## AGENDA REPORT

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**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Councilmember Jaime Soto

**Date:** September 4, 2018

**Subject:** Discussion Regarding the Greater Los Angeles County Vector Control District Program and Safety Protocols

**RECOMMENDATION:**

I have placed this on the agenda for City Council discussion.

**BUDGET IMPACT:**

There is no impact to the budget by discussing this item. Additional future costs to be determined based on City Council direction.