

March 13, 2012

AGENDA
REGULAR JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF DUARTE,
CITY COUNCIL AS SUCCESSOR AGENCY TO DISSOLVED
REDEVELOPMENT AGENCY OF CITY OF DUARTE,
AND DUARTE HOUSING AUTHORITY
TUESDAY, MARCH 13, 2012

7:00 p.m. – Regular Session

COUNCIL CHAMBERS, 1600 HUNTINGTON DRIVE, DUARTE, CALIFORNIA 91010

MISSION STATEMENT

With integrity and transparency, the City of Duarte provides exemplary public services in a caring and fiscally responsible manner with a commitment to our community's future

MAYOR/HOUSING AUTHORITY CHAIR JOHN FASANA
MAYOR PRO TEM/HOUSING AUTHORITY VICE CHAIR LIZ REILLY
COUNCILMEMBER/HOUSING AUTHORITY BOARD MEMBER MARGARET FINLAY
COUNCILMEMBER/HOUSING AUTHORITY BOARD MEMBER TZEITEL PARAS-CARACCI
COUNCILMEMBER/HOUSING AUTHORITY BOARD MEMBER PHIL REYES

City/Authority Staff:

Darrell George, City Manager/Housing Authority Executive Director
Kristen Petersen, Assistant City Manager/Housing Authority Assistant Executive Director
and Director of Administrative Services
Craig Hensley, Community Development Director
Cesar Monsalve, Interim Director of Parks and Recreation
Brian Villalobos, Director of Public Safety Services
Dan Slater, City Attorney/Housing Authority General Counsel
Marla Akana, City Clerk

ADDRESSING THE CITY COUNCIL AND HOUSING AUTHORITY:

If you wish to address the City Council or Housing Authority on any item on the Agenda, you should fill out a Speaker Card indicating which item or items on the Agenda you wish to speak about, and hand the card to the City Clerk. You will be called to the Podium when that item is heard by the City Council/Authority. If you wish to address the City Council or Housing Authority on any item that is not on the Agenda, but that is within the subject matter jurisdiction of the City or Authority, you may do so under the "Oral Communications" portion of the Agenda. At the podium, before starting your remarks, please state your name and city of residence for the record.

ADA ACCESSIBILITY NOTICE:

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, you should contact the City Manager's office at (626) 357-7931. Notification no later than 1:00 p.m. on the day preceding the meeting will enable the City to make reasonable arrangements to assist your accessibility to this meeting.

Note: Any documents distributed by the City/Authority to a majority of the City Council/Housing Authority Board less than 72 hours prior to the City Council/Authority meeting will be made available for public inspection at City Hall, 1600 Huntington Drive, Duarte, CA 91010, during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable law.

3/13/12

1. CALL TO ORDER OF CITY COUNCIL AND HOUSING AUTHORITY, AND NOTATION OF ANY ABSENCES
2. ADOPTION OF THE AGENDA
3. PLEDGE TO THE FLAG
4. MOMENT OF REFLECTION
5. FITNESS/MENTAL WARM-UP
6. SPECIAL ITEMS – Page 1
 - A. Recognition – Duarte Share Mentoring Program participants
 - B. Introduction of Youth @ Work Student Interns
 - C. Presentation by Mayor’s Youth Council – Duarte-Monrovia Youth Leadership Summit
 - D. Recognition – YMCA Youth and Government Program participants and advisors
 - E. Recognition – Steve Esbenshade, Retiring Engineering Division Manager
7. ANNOUNCEMENTS OF UPCOMING COMMUNITY EVENTS
Any person who wishes to make a brief announcement of a future community event that is open to the general public may do so at this time.
8. ORAL COMMUNICATIONS—ITEMS NOT ON THE AGENDA (30 MINUTES)
Any person wishing to speak on any issue that is not on the Agenda, but that is within the subject matter jurisdiction of the City or Authority, may do so at this time. The opportunity to speak is on a first come, first serve basis. Each person may speak once for no more than 3 minutes and there is a maximum of 30 minutes for all Oral Communications at this time. Under the Brown Act, members of the City Council, Authority, and staff can respond only with a brief reply to issues raised in Oral Communications, and no action on such matters may take place at this meeting.
9. ITEMS TO BE ADDED TO THE CONSENT CALENDAR (City Council/Housing Authority)
10. CONSENT CALENDAR (City Council/Housing Authority) – Page 3
All matters listed on the Consent Calendar are to be approved with one motion unless a member of the City Council/Authority removes an item for separate action. Any consent calendar item for which separate action is requested shall be heard as the next Agenda item.
 - A. City Council/Housing Authority – Approval of Minutes – February 28, 2012
 - B. City Council/Housing Authority – Approval of warrants – March 13, 2012
 - C. City Council/Housing Authority – Motion to introduce and/or adopt all resolutions and ordinances presented for consideration by title only and waive further reading
 - D. Review of declaration of local emergency declared on December 5, 2011, due to wind storm, and determination of need to continue declaration of local emergency, pursuant to Government Code Section 8630(c)
 - E. Release of cash bond in connection with Parcel Map No. 71106 for repair or replacement of survey monumentation at the Beckman Center, 1500 Duarte Road
 - F. Notice of absence by Ana Lisa Hernandez from Planning Commission meeting of February 21, 2012 (Receive and File)
 - G. City Council/City Manager Conference Attendance – California Contract Cities 53rd Annual Municipal Seminar, May 17-20, 2012, Indian Wells
11. ITEMS REMOVED FROM CONSENT CALENDAR (City Council/Housing Authority)
12. CONSENT CALENDAR (City Council as Successor Agency to Redevelopment Agency)
 - A. Approval of Minutes – February 28, 2012

13. PUBLIC HEARING – Page 12
General Plan Amendment 12-1 – 2008-2014 Housing Element – 2012 Revision
A proposed revision to the City’s existing Housing Element to address changes necessary to comply with State law and regional housing needs, and proposed recommendation to the City Council regarding its approval

12-R-06 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING GENERAL PLAN AMENDMENT 12-1, ADOPTING THE 2012 REVISION TO THE 2008-2014 HOUSING ELEMENT FOR THE CITY OF DUARTE, AND FINDING THAT THE ELEMENT IS CONSISTENT WITH THE EIR FOR THE DUARTE GENERAL PLAN UPDATE
14. BUSINESS ITEMS – Page 95
 - A. Award of contract to lowest responsible bidder All American Asphalt, Inc., in the amount of \$1,156,631.10 for Slurry Seal and Cape Seal Streets (Area 1)
 - B. Update on Duarte Transit System and Dial-A-Ride services
15. ORDINANCE – Page 107
Consideration of an ordinance to amend various Municipal Code provisions relating to City Commissions, including clarifying the terms of City commissioners, changing the term of the seats held by DUSD-recommended appointments to the Park and Recreation Commission and the Public Safety Commission to one year terms, changing the number of seats on the Economic Development Commission to be recommended by the Duarte Chamber of Commerce from three to two, changing the meetings of the Economic Development Commission and the Public Services Commission from bi-monthly to monthly, and other revisions

12-O-02 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE AMENDING VARIOUS SECTIONS WITHIN CHAPTERS 2.20, 2.22, 2.24, 2.27, 2.28, 2.29, AND 2.30 OF THE DUARTE MUNICIPAL CODE PERTAINING TO CITY COMMISSIONS (First Reading)
16. CONTINUATION OF ORAL COMMUNICATIONS
*Any person who did **not** speak during the initial 30 minute Oral Communications period earlier in the meeting, who wishes to speak on any issue that is not on the Agenda but that is within the subject matter jurisdiction of the City or Authority, may do so at this time. Each person may speak once for no more than 3 minutes. Under the Brown Act, the City Council, Authority, and staff can respond only with a brief reply to issues raised in Oral Communications and no action on such matters may take place at this meeting.*
17. ITEMS FROM CITY COUNCIL/AUTHORITY MEMBERS AND CITY MANAGER/EXECUTIVE DIRECTOR (AB 1234 reports on trips, conference attendance, and meetings)
18. ADJOURNMENT – In memory of Rae Gordon and Jose Diaz

MEMORANDUM

TO: City Council
FROM: City Manager
DATE: March 8, 2012
SUBJECT: Comments on Agenda Items, Meeting of March 13, 2012

ITEM 6.A. The City Council will recognize participants in the Duarte Share Mentoring Program. The Duarte Share Mentoring Program is a one-to-one adult to youth matching program that provides at-risk youth who reside within the Duarte Unified School District with a friend and role model who can help them improve their decision-making skills and their self-esteem. The success of the program is due to the many dedicated volunteer adult mentors who have taken time from their personal lives to help the program. Mentors spend personal time with their mentees including tutoring, shopping, going to movies, going to lunch and dinner, and just spending quality time together.

ITEM 6.B. The Youth @ Work Student Interns will be introduced at the Council meeting by Parks and Recreation staff. The Youth @ Work Student Intern program provides junior and senior year Duarte High School students with a volunteer opportunity to assist with day-to-day operations in a specific City department. The program has been very successful and has proven to be beneficial to not only the students, by presenting them with critical real-world work and programming experience, but also to City staff in need of assistance. Six students have been invited to attend the City Council meeting for introduction.

ITEM 6.C. A presentation will be made by the Mayor's Youth Council highlighting the recent success of the Duarte-Monrovia Youth Leadership Summit.

ITEM 6.D. The City Council will recognize the participants and advisors of the YMCA Youth and Government Program. The Model Legislature and Court offered through the program teaches students important skills like public speaking, organization, problem solving, and time management, while at the same time giving them the opportunity to meet over 2,000 teens from all over California. This six-month program is a hands-on experience where teens have the chance to write bills, attend training conferences, and run for selected offices. They also have the unique opportunity of taking over the State Capitol and using the halls, chambers, and offices where real government is conducted. The 2011-12 Youth and Government Model Legislature and Court Delegates are Michael Arevalos, Austin Newton, Carmen Herrera, Haydee Velazquez, Guadalupe Valdez, Carlos Rosa, Jocelyn Torres, Evelyn Sanchez, Kevin Romero, Kevin Greenwood, Sean Hodgdon, David Pena, Samantha Gentile, Katherine Madrid, Mary Kenz, and Sarah Valerio. The advisors are Lindsey Acquazzino, Richard Kraut, Davis Newton, Jessica Hong, Nancy Shaputis, and Tzeitel Paras-Caracci.

ITEM 6.E. Long time employee Steve Esbenshade will be recognized, as he is retiring from his Engineering Division Manager position. Steve has provided outstanding service to the Duarte community, and has overseen many successful capital projects during his time served between May 1989 and March 2012.

ITEM 10.D (Consent Calendar). Clean-up efforts on behalf of staff are ongoing with regard to the wind storm damage occurring late last year. Thus, there is a need to continue the declaration of a local emergency.

ITEM 13. This is a Public Hearing to consider a General Plan Amendment to the Housing Element. The Housing Element covers the 2008-2014 planning period, and this revision includes minor changes affecting the properties to be rezoned to meet Regional Housings Needs requirements. The existing Housing Element calls for a rezoning to accommodate a minimum of 60 units at the Gold Line Station area specific plan, and the proposed change will raise this to a minimum of 80 units. There are also several text changes to ensure internal consistency. In addition, the Council will consider a resolution approving the General Plan Amendment, adopting the 2012 revision to the Housing Element, and finding that the element is consistent with the EIR for the Duarte General Plan Update.

ITEM 14.A. This business item recommends that the City Council award a contract to the lowest responsible bidder All American Asphalt, Inc., in the amount of \$1,156,631.10 for the project "Slurry Seal and Cape Seal Streets – Area 1." Boundaries of the project are all residential streets west of Highland Avenue from the north to the south City limits. There are two products being applied under this contract: 1) ARAM and 2) Type II Slurry Seal. Streets in poor condition will receive and ARAM/slurry seal combination, otherwise known as a cape seal. The balance of the streets within the project boundary, which were found in fair or good condition, will receive only a Type II slurry seal. All of the streets have had any failed pavement areas removed and replaced, and all pavement cracks ¼" or greater have been sealed with asphalt rubber under separate contracts.

Following the bid opening, we received a protest letter from Pavement Coatings Company who cited the fact that All American Asphalt failed to list the subcontractor who would be applying the ARAM portion of the project. The City Attorney has provided an opinion that any discrepancy in the listing of the subcontractor for the ARAM portion of the work is inconsequential and immaterial, in light of applicable law. Engineering staff and the City Attorney can provide additional information regarding the protest should it be discussed further at the meeting.

ITEM 14.B. This item provides the City Council with an overview of the possible implementation of a Dial-A-Ride system. Several times over the last 10 years or so, the question has come up as to whether Duarte can implement a Dial-A-Ride system. The answer continues to be the same: we do not currently have the ongoing resources to do both a Dial-A-Ride system and a Fixed Route system. Therefore, this item is meant to update the City Council on the City's existing Fixed Route transit services, give some examples of Dial-A-Ride programs in nearby communities, and discuss possible future programs that we may want to consider in the future, if additional funding is ever identified.

ITEM 15. This is a first reading of an Ordinance to consider amending Municipal Code provisions related to City Commissions, including clarifying the terms of City Commissioners, changing the term of the seats held by DUSD-recommended appointments to the Parks and Recreation and Public Safety Commissions to one-year terms, changing the number of seats on the Economic Development Commission recommended by the Duarte Chamber of Commerce from three to two, changing the meetings of the Economic Development and Public Services Commissions from bi-monthly to monthly, and other revisions.

Respectfully submitted,



Darrell J. George
City Manager



MEMORANDUM

TO: CITY COUNCIL

FROM: CESAR MONSALVE, RECREATION SUPERINTENDENT

SUBJECT: DUARTE SHARE MENTORING PROGRAM

DATE: 3/1/12

The Duarte Share Mentoring Program is a one-to-one adult to youth matching program that provides at-risk youth who reside within the Duarte Unified School District with a friend and role model who can help them improve their decision-making skills and their self-esteem. The Duarte Share Mentoring Program was established in 1997 and over the years it has enjoyed great success with most youth mentees graduating from high school, becoming productive citizens and many moving on to community colleges, trade schools and some to four-year universities.

The success of the program is due to the many dedicated volunteer adult mentors who have taken time from their personal lives to help the program. Mentors are enrolled in the program through an application and interview process. All prospective mentors are panel interviewed, fingerprinted and a thorough background check is made. Several of our adult mentors are current or past employees as well as school district staff and some are private citizens.

Mentors spend personal time with their mentees including tutoring, shopping, going to movies, going to lunch and dinner and just spending quality time together. Each month the Duarte Share Mentoring Program is able to present an activity for all of the mentors and their mentees to participate in, usually a field trip to places such as the Museum of Tolerance, Knott's Berry Farm, the Getty Museum, the Queen Mary and many more fun and educational places. The activities allow the kids to enjoy an activity that they may not be able to participate in on their own and it provides the mentors with another opportunity to be a friend and role model.

All of the program's current mentors have been invited to the March 13 Duarte City Council meeting to be recognized for their efforts.



MEMORANDUM

TO: CITY COUNCIL

FROM: CESAR MONSALVE, RECREATION SUPERINTENDENT

SUBJECT: YOUTH@WORK STUDENT INTERN PROGRAM

DATE: 2/29/12

The Youth@Work Student Intern program provides junior and senior year Duarte High School students with a volunteer opportunity to assist with day-to-day operations in a specific City department. The program has been very successful and has proven to be beneficial to not only the students by presenting them with critical real-world work and programming experience, but also to City staff in need of assistance.

Marilyn Mays, Teen Center Supervisor, coordinates this program and she has completed the recruitment, interviews and department assignment process. The students will work through June 2012. Twelve students applied and six were selected:

Parks and Recreation Office: Celeste Olvera and Cristina Jimenez
Facility Maintenance: Iris Velasco
Teen Center: Guadalupe Sanchez
Administration: Dominique Rogers
Public Safety: Monica Barrangan

All six students have been invited to attend the March 13, Duarte City Council meeting for introductions.

MINUTES

JOINT CITY COUNCIL/CITY COUNCIL AS SUCCESSOR AGENCY TO DISSOLVED REDEVELOPMENT AGENCY/HOUSING AUTHORITY OF THE CITY OF DUARTE REGULAR MEETING – FEBRUARY 28, 2012

CALL TO ORDER The City Council/City Council as Successor Agency to Dissolved Redevelopment Agency/Housing Authority of the City of Duarte met in a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Fasana called the meeting to order at 7:05 p.m.

RECORDATION OF ATTENDANCE The following were in attendance:
PRESENT: Finlay, Paras-Caracci (7:11 p.m.), Reilly, Reyes, Fasana
ABSENT: None
ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Slater

ADOPTION OF AGENDA Finlay moved, Reyes seconded to adopt the Agenda, and carried unanimously.

PLEDGE TO THE FLAG Reyna Diaz led the Pledge of Allegiance to the Flag.

MOMENT OF REFLECTION A moment of reflection was observed.

FITNESS/MENTAL WARM-UP Reyes and Finlay provided the warm-up.

SPECIAL ITEMS
Recognition – Martin Luther King, Jr., essay contest Karen Herrera introduced the winners of the Martin Luther King, Jr., essay contest. Mayor Fasana presented certificates to contest winners Lily Paris, Guadalupe Valdez, and Deanna Armstead.
Recognition – Sonja Tanner Public Safety Volunteer Brian Villalobos introduced Sonja Tanner and presented her a plaque in recognition of her 20 years of volunteer service to the Public Safety Department.

Presentation – Los Angeles Economic Development Comm. Bob Machuca, Los Angeles Economic Development Commission, presented a commendation on behalf of the Los Angeles County Board of Supervisors to the City for being selected as a finalist in the 2011 Most Business Friendly City competition.

Proclamation – Fix a Leak Week Mayor Fasana read and presented a Proclamation for Fix a Leak Week to Brian Barretto of Cal American Water, who provided additional information about the week of March 12-18, 2012.

Presentation – Public Safety Emergency Response Brian Villalobos presented an emergency preparedness overview including recent wind damage, activating the EOC, objectives, City Council's role, flow chart, public outreach strategies, emergency management plan, staff, public, and volunteer education/training, and community emergency response team.

ANNOUNCEMENTS Finlay requested that the meeting be adjourned in memory of Ray Camp. Reyes requested that the meeting be adjourned in memory of Fred Rue.

Joanne Gee, Duarte Library, announced teen program, résumé and interview workshops, and basket weaving program.

Karen Herrera announced Kiwanis magic show on April 1, and upcoming community events in the months of February and March.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.
Ken Bell – Allegations, District Attorney findings.
Reyna Diaz – Insurance mistake, no theft.
Henry Baltazar – Superintendent’s letter, no apology.
Steve Hernandez – Ethical investigation, character.
Lois Gaston – School Board meeting, move forward.
Roy Torres – Swim team coach, East Los Angeles.
Rodney Jefferson – Citrus student government program.

CONSENT CALENDAR
(City Council/Housing Authority)

Finlay moved, Reyes seconded to approve the Consent Calendar (City Council/Housing Authority), as follows, and carried unanimously.
Approve Items A, B, C, D, F, G, H.
Remove Item E.

ITEM REMOVED
Item E – Social Program Agmt

Brian Villalobos presented a staff report about the Social Program Agreement with the Los Angeles County Board of Supervisors for financial assistance pertaining to crime prevention, and outlined the programs that will benefit.

Item E – Approved

Reyes moved, Paras-Caracci seconded to approve Item E, and carried unanimously.

CONSENT CALENDAR
(City Council as Successor Agency)

Paras-Caracci moved, Reilly seconded to approve the Consent Calendar (City Council as Successor Agency), as follows, and carried unanimously.
Approve Item A.

BUSINESS ITEM
2011/12 Mid-Year Budget

Kristen Petersen provided a detailed report about the 2011/12 mid-year budget projections, and discussed projected general fund revenues and expenditures, other City funds, general fund reserves, and proposed amendments.

Finlay moved, Paras-Caracci seconded to receive and file the 2011/12 mid-year budget report, and approve the budget amendments as outlined in Attachment 2 of the staff report, and carried unanimously.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

GEORGE: Attended annual City Manager/Sheriff conference where it was announced that the Sheriff’s contract will be increased by 2.3-3.5%, and the Liability Trust Fund surcharge will be reinstated.

REYES: Announced Santa Teresita 5K run on March 10, requested a report on the senior transportation issue, thanked staff for the response regarding cost of towing, requested a report about the 14-month permit process for Slaw Dogs, requested a report on veteran’s flags and banners, attended NALEO Health

Institute in San Francisco and would like the resolution previously adopted regarding wellness to be on the Agenda for a discussion about how to move forward, attended Foothill Workforce Investment Board meeting and San Gabriel Valley Economic Partnership breakfast, requested a report on the COG situation regarding the executive director and conflict of interest, thanked Councilmember Finlay for the action regarding incorporation of East Los Angeles, and thanked Deputy Frederickson for his years of service.

PARAS-CARACCI: Attended the California YMCA Youth and Government Day and would like to recognize the 16 delegates and volunteer advisors for the program, thanked all who participated in the Youth Summit and she hopes the Mayor's Youth Council can make a presentation about it at a Council Meeting, and attended the science field trip at City of Hope for Duarte High School students.

FINLAY: Announced All-Schools Talent Show on March 24 at the PAC, attended City of Hope science event, PTA Founder's Day at Royal Oaks School, and Robert Moreno Athletic Center grand opening, and announced that Fiat and the 99¢ Only Store will be opening soon.

REILLY: Attended Lemonade Brigade event, Chamber networking breakfast about organizing, and City of Hope science event, met with the seniors at the Senior Center, and attended the Youth and Family Committee meeting.

FASANA: Attended the Youth Summit and stated it was a great event, stated Michael Cacciotti was re-elected to a term on the SCAQMD at the Regional City Selection Committee meeting, attended a Blue and Gold Cub Scout event for Pack 188 at Royal Oaks School, provided information to the City Manager for distribution regarding the COG audit and organizational structure, stated a task force will be appointed to resolve the conflict of interest issue, noted COG held a strategic planning event to set three-year goals, and regarding the School District, stated he appreciates the error being found and reported, he appreciates the City's partnership with the School District, he hopes the School District has resources to televise its meetings in the future, and thanked his colleagues who have served on the School Board.

ADJOURNMENT

Finlay moved, Reyes seconded to adjourn the meeting at 9:38 p.m., in memory of Ray Camp and Fred Rue, and carried unanimously.

Mayor John Fasana

ATTEST:

City Clerk

2/28/12

005



CITY COUNCIL AGENDA REPORT

DATE: FEBRUARY 29, 2012

PROJECT: CITY OF HOPE BECKMAN CENTER

SUBJECT: RELEASE OF CASH BOND IN CONNECTION WITH PARCEL MAP NO.71106 FOR REPAIR OR REPLACEMENT OF SURVEY MONUMENTATION AT THE BECKMAN CENTER 1500 DUARTE ROAD DUARTE, CALIFORNIA

FROM: TERESA RENTERIA, ASSISTANT CIVIL ENGINEER

RECOMMENDED ACTION

Release of cash deposit for the amount of \$2,200.00 to City of Hope Corporate Real Estate 1500 Duarte Road Duarte, CA 91010.

BACKGROUND

On April 2010 the City Council of Duarte approved Parcel Map No. 71106 for the development of the Arnold and Mabel Beckman Center for Cancer Immunotherapeutic and Tumor Immunology, a five-story 108,000 square foot facility that opened fall of 2009. The cash bond was received to guarantee the repair or construction of survey monumentation and tie points in compliance with the standards prescribed in the California Business & Professions Code Section 8771.

ANALYSIS

All conditions of the Public Right of Way Permit have been met and the work has been completed and accepted by the Engineering Division.

ALTERNATIVES CONSIDERED

The alternative to this Council action would be to retain the cash deposit. The City of Duarte Development Code (DDC) Section 19.78.080, A., states, in the event of failure to complete improvements, the Council may “determine that the improvement work or any part of the work is uncompleted and may cause to be forfeited to the City, the sum of money or bond(s) given for the faithful performance of the work as may be necessary to complete the work”. These conditions have been met; therefore, retention of the deposits would be in violation of the DDC.

CONCLUSION

All of the improvements have been completed and acceptable by the Engineering Division. Therefore, staff recommends that the Bond in the amount of \$2,200.00 be released to the City of Hope Corporate Real Estate 1500 Duarte Road Duarte, CA 91010.

RECEIVED
MAR - 5 2012
CITY OF DUARTE



MEMORANDUM

TO: CITY COUNCIL
FROM: COMMISSIONER Ana Lisa Hernandez
SUBJECT: NOTICE OF ABSENCE FROM Planning COMMISSION MEETING
DATE: Tues 02.21.2012

REASON FOR ABSENCE

ACCIDENT VACATION
 SICKNESS OTHER *
 DEATH IN FAMILY

DATE OF MEETING ABSENCE TUES 02.21.2012

* EXPLANATION OF ABSENCE Surgery

Ana Lisa Hernandez
Signature

* * * * *

Absence noted by City Council

Date

MEMORANDUM

TO: Mayor and Councilmembers

FROM: Darrell J. George, City Manager

DATE: March 8, 2012

SUBJECT: Conference Attendance – City Council Meeting of March 13, 2012



California Contract Cities Association
53rd Annual Municipal Seminar
May 17-20, 2012
Indian Wells, California
Registration: \$320



RECEIVED
FEB 27 2012
CITY OF DUARTE

53rd ANNUAL MUNICIPAL SEMINAR

MAY 17 — 20, 2012

RENAISSANCE ESMERALDA

RESORT & SPA

Indian Wells, California

CCCA Vice President and Seminar Chair

Diane J. Martinez

Councilmember, City of Paramount



SEMINAR REGISTRATION INFORMATION

A paid registration is required for each conference attendee, spouse/partner and/or guest. If more space is required, copy form. Registrants are solely responsible for compliance with the requirements of Government Code Sections 53232.2 and 53232.3 (AB 1234) regarding reimbursement of expenses associated with attendance at this event.

To accommodate conference delegates and participants, hotel headquarters (Renaissance Esmeralda Resort) reservations will be given to registered delegates and participants. NO EXCEPTIONS WILL BE MADE.

MEMBER AND NON-MEMBER REGISTRATION DESCRIPTIONS

MEMBER REGISTRATION designed for Member Cities, Associate Members, PAC Members, County personnel and affiliates contributing financially to the seminar.

NON-MEMBER REGISTRATION designed for non-member cities, and affiliates who do not contribute financially to the seminar.

REGISTRATION TYPES AND COST

IMPORTANT INFORMATION: Name badges must be worn at all conference programs/activities. Replacement badges may be purchased for \$20.00 each. **NO EXCEPTIONS.**

	<u>Member</u>	<u>Non-Member</u>
(DOUBLE) Conference Delegate and Guest: Includes seminar registration material, official seminar program, gift and admission for two to all of the following seminar programs/activities: Friday Lunch, Saturday Breakfast, Saturday Lunch and Saturday Installation Banquet	\$550	\$600
(SINGLE) Conference Delegate: Includes seminar registration material, official seminar program, gift and admission for one to all of the following seminar programs/activities: Friday Lunch, Saturday Breakfast, Saturday Lunch and Saturday Installation Banquet	\$320	\$370
(PARTIAL) Conference Delegate: Includes seminar registration material, official program, gift and <u>admission to all business sessions only.</u> No meal venues.	\$200	\$250

Note: The Thursday night Welcome Buffet Dinner and Sunday Brunch are hosted by friends of Contract Cities

Individual tickets for members and non-members may be purchased as follows:

Fri Lunch.....\$55.00 Sat Breakfast\$35.00 Sat Lunch\$55.00 Sat Banquet\$75.00

REGISTRATION DEADLINE DATE

Deadline for seminar registration is Monday, May 7, 2012. No cancellations accepted or refunds given after this date. Call our staff office regarding cancellations (letter must follow).

Registration Form on Reverse

HOTEL RESERVATION FORM

All reservation requests must be guaranteed with a major credit card or accompanied by the first night's deposit. In order for the reservation to be processed and confirmed, proof of seminar registration must be provided. Deposits are refundable **if cancelled with ten (10) day notice prior to arrival date**. Upon arrival, the deposit will be applied to your final night's stay. Early departure must be noted at check-in, or additional charges will apply.

All reservations must be received at Renaissance Esmeralda by **April 19, 2012**. **LIMITED ROOMS THIS YEAR.** Reservations received after this date will be confirmed on a space available basis at the group rate offered if available.

Name _____ Shared with (if any) _____
 City/Firm _____ Marriott Rewards # _____
 Address _____ Business Phone _____
 City/State/Zip _____ Business Fax _____
 Email _____
 Arrival Date _____ Departure Date _____

SPECIAL REQUESTS

Please note any special room requests at time of reservation

Room Type	Rate	# of Rms Req.	Arrival	Departure
KING	\$215.00			
DOUBLE/DBL	\$215.00			

Estimated time of arrival at the Resort: _____ AM / PM

Taxes & Fees: Room tax – 13.25% currently
 Current California Tourism Fee – .25¢
**Please note that taxes and fees may change without notice*

Resort Fee: **OPTIONAL** at \$10.00 per day. Please advise front desk when checking in to decline fee.

ALL RESORT GUEST ROOMS ARE NON SMOKING

Please note: To secure your room reservation, **CHECK-IN TIME IS 4:00 PM** – **CHECK-OUT TIME IS 11 AM**
 Room type preferences, although noted, are not guaranteed.

Credit Card utilized for final payment: (Please circle one)

AMERICAN EXPRESS DINERS CLUB JCB VISA
 CARTE BLANCHE DISCOVER CARD MASTER CARD

Credit Card # _____ Exp. Date _____

Signature _____ Today's Date _____

You may fax your completed reservation form and proof of seminar registration to CCCA Group Housing at (760) 773-9250 or mail to Renaissance Esmeralda Resort, 44-400 Indian Wells Lane, Indian Wells, CA 92210 or call (800) 266-9432.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Duarte will conduct a public hearing on Tuesday, March 13, 2012, at 7:00 p.m. in the City Hall Council Chambers, 1600 Huntington Drive, Duarte, California, to consider the following:

General Plan Amendment 12-1:
Amendment to the Housing Element of the Duarte General Plan. GPA 12-1 is a minor change to the Housing Element approved in April 2011. The Housing Element is a chapter of the City's General Plan that addresses local housing policy. Cities in California are required to update their housing elements every five years to address local housing needs. The housing element covers the 2008-2014 planning period, and this revision includes minor changes affecting the properties to be rezoned to meet Regional Housing Needs requirements. The State of California Department of Housing & Community Development (HCD) has determined that the Draft Housing Element is in substantial compliance with State Housing Element law, conditional upon final approval by the City Council.

As part of the Duarte General Plan update, a Final Environmental Impact Report (SCH #2007031064) was certified in 2007, based on EIA (Initial Study) #240. The FEIR addressed impacts associated with the long-term implementation of the General Plan, and all potentially significant effects associated with General Plan implementation could be avoided or reduced to levels considered less than significant. Section 15168(c)(2) of the Guidelines states that if a project is proposed that has been the subject of a prior certified EIR or adopted Negative Declaration, and if the city finds that pursuant to Section 15162, no new effects could occur or new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. Therefore, the City Council is also considering findings of conformance with the existing General Plan FEIR.

Any interested party may appear in person, or by agent, and be heard. If this matter is challenged in court, there will be a limit to only those issues that were raised at the Public Hearing described in this Notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing. Written correspondence may be sent to Duarte City Hall, City Clerk's Office, 1600 Huntington Drive, Duarte, CA 91010.

For further information regarding this application, please contact Craig Hensley in the Community Development Department, Monday through Thursday at (626) 357-7931, ext. 238, between the hours of 7:30 a.m. and 6:00 p.m.

Marla Akana
City Clerk

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2/27/12



CITY COUNCIL STAFF REPORT

To: Mayor and City Council

Date: March 13, 2012

Project: General Plan Amendment 12-1
Duarte 2008-2014 Housing Element – 2012 revision

SUMMARY

The 2008-2014 Housing Element for the City of Duarte was adopted by City Council in April 2011. The Housing Element included a list of four local properties to be rezoned to meet the City's regional housing needs allocation. One of the properties included in that list is located at 1415, & 1423-1437 Huntington Drive (two vacant lots owned by the Duarte Housing Authority and the Burger King property).

In September 2011, the City Council chose not to approve a proposed zone change of the properties located at 1415, & 1423-1437 Huntington Drive. This zone change was associated with an affordable housing project proposed by Abode Communities.

When the City Council voted to deny the zone change request, it also directed Staff to immediately prepare an amendment to the Housing Element to remove the location from the list of required rezones and to place all remaining needs for affordable housing and rezoning at the area surrounding the future Gold Line Station.

This proposed change to the Housing Element is minor. The existing Housing Element calls for a rezoning to accommodate a minimum of 60 units at the Gold Line Station area specific plan and the proposed change will raise this to a minimum of 80 units. In addition, there are several text changes necessary to ensure internal consistency.

State Government Code Section 65588 (b) requires that the Housing Element of the General Plan be updated every few years depending on State prescribed provisions. This amendment is minor, but is necessary to bring the Housing Element for the 2008 to 2014 time period into conformance with the update cycle for the Southern California Association of Governments (SCAG) region.

The State Department of Housing and Community Development (HCD) has reviewed the proposed changes and on January 20, 2012 issued a letter that found the Element in compliance with State requirements. The proposed City of Duarte 2008-2014 Housing Element attached as Attachment A - Exhibit 1.

BACKGROUND

State Requirements and Housing Element Response

The purpose of the Housing Element, consistent with the state Guidelines, is to: 1) preserve and improve housing and neighborhoods; 2) provide adequate housing sites; 3) assist in providing affordable housing; 4) remove governmental and other constraints to housing investment; and 5) promote fair and equal housing opportunities. It is important to note that the City must identify potential sites appropriate for various types of housing within City boundaries; however, the Housing Element does not require that these housing units actually be constructed. In other words, the City must plan for these units in terms of having available sites that could feasibly be used for housing.

California Housing Element law requires all local governments in the state to adequately plan to meet their existing and projected housing needs, including their fair share of the regional housing need (Regional Housing Needs Assessment or RHNA).

The Southern California Association of Governments (SCAG) has determined the projected housing need for its region for the 2008-2014 Housing Element cycle, and has allocated this housing need to each jurisdiction by income category. This RHNA represents the minimum number of housing units each community is required to plan for by providing "adequate sites" through the general plan and zoning. Each locality's RHNA is distributed among income categories to address the required provision for planning for all income levels. The RHNA for Duarte is shown in Table 1. The Table also shows the RHNA credits, which are the units constructed or entitled through 2010, which was prior to the existing Housing Element being adopted.

In the existing Housing Element, the City agreed to complete the following zone changes to meet future housing needs:

1. **Huntington Drive/Pops Road** - .56 acres, 42 affordable senior units plus one manager unit (Zoning – Specific Plan:High Density Residential)
2. **City Center Specific Plan (Phase 1)** – 1.68 acres, 60 affordable family units (Zoning – Specific Plan:High Density Residential)
3. **Gold Line Specific Plan Transit Oriented Development (Phase 1)** – 6.6 acres, 60 affordable family units (Zoning – Specific Plan: Mixed Use)
4. **Santa Teresita** – 12 acres, 48 independent living senior units (Zoning: Specific Plan)

Of the 367 units required as part of Duarte's 2008-2014 RHNA obligation: 177 units have already been constructed; 58 units can be accommodated on existing vacant properties already zoned for residential use; and 171 units will be addressed by the required rezoning (See Table 1).

To date, the City has addressed items 1 & 4, by rezoning the Huntington Drive/Pops Road property and the Santa Teresita property, each by specific plan. Both of these zone changes were accomplished in 2011.

With the changes proposed by this amendment, the only remaining rezoning will be the Gold Line Station area that would be rezoned to accommodate a minimum of 80 units. The City has received a grant from METRO for planning near the future station and that process is scheduled to begin within the next two to three months.

Proposed Revisions

Based on the City Council direction to locate all remaining RHNA rezoning requirements at Phase 1 of the Gold Line Specific Plan TOD site, Staff and the consultant Karen Warner Associates approached State HCD to discuss the change. HCD agreed to a proposed adjustment that would revise the rezoning requirement to guarantee zoning to accommodate a minimum of 80 units at the Gold Line Station area. The entire proposed Gold Line Station area project is about 19 acres in size and the area discussed as Phase 1 is the 6.6 acre parcel adjacent to the tracks. The proposed 80 units would, most likely, be on a portion of the 6.6 acre property. At minimum, the area would need to be zoned to permit 30 dwelling units per acre; however, based on the urban nature desired for the area and the General Plan Land Use development philosophy, a density significantly higher than 30 dwelling units per acre is likely.

**TABLE 1
COMPARISON OF SITE INVENTORY AND RHNA**

Income Category	RHNA	RHNA Credits	Vacant Sites	Additional Second Units	Rezone Sites**	Remaining RHNA
Very Low (<50% AMI)	92	80			42	(30)
Low (51%-80% AMI)	58	2		10	80***	(34)
Moderate (81%-120% AMI)	63	0	9		1	53
Above Moderate (>120% AMI)	154	95	49		48	(38)
Total Units	367	177	58	10	171	(49)

** Includes 42 very low and 1 moderate income units at Pops Road (SCPH); 80 low income units in Phase 1 of Gold Line TOD; and 48 above moderate income independent living units at Santa Teresita.

***A portion of the 80+ affordable units in the Gold Line TOD may be targeted to moderate income households. The City will, however, require a minimum of 50 units to be restricted to low income households to ensure fulfillment of its RHNA obligations.



Table 1 shows the necessary rezoning to meet RHNA requirements. The current element proposes rezoning of the City Center area to accommodate 60 units and the Gold Line Station area to accommodate 60 units; so the rezoning was to accommodate 120 total units, a number well above the RHNA requirement. When the last Housing Element was adopted (2011) the City and HCD had agreed to provide rezoning above the RHNA requirement, since there was some question as to whether or not the Gold Line Station area could be rezoned prior to 2014. Since then, the City has received the METRO grant to go forward with zoning for the Gold Line Station area, the total amount of units to be accommodated through rezoning reduced from 120 to 80. In other words, the change is removing the City Center area from the list of sites to be rezoned and adding 20 additional units to the Gold Line Station area; from 60 in the current Housing Element to 80 in the proposed revision.

With the proposed change, the City will be exceeding its RHNA requirement by 49 units, but will be able to take credit for this rezoning in the next Housing Element that must be adopted by October 2013.

The proposed change to the Gold Line Station area specific plan increasing the minimum number of units to be accommodated to 80 is in compliance with the 2007 General Plan that calls for a up to 120 units. The reason that the Housing Element is proposing only 80 units is that it allows the City additional flexibility, in that, the area rezoned for the 80 units must be zoned at a minimum of 30 units per acre.

Environmental documentation on the Housing Element is provided through the document *Finding of Consistency with General Plan EIR* (see Attachment A – Exhibit 2).

RECOMMENDATION

Staff recommends that City Council approve the 2012 revision to the 2008-2014 Housing Element by adopting Resolution 12-06.

Respectfully Submitted,



Craig Hensley, AICP
Community Development Director

Assisted by: Karen Warner
Karen Warner Associates

ATTACHMENTS

Attachment "A": Resolution 12 - 06
Exhibit "1" Draft 2008-2014 Housing Element (2012 Revision)
Exhibit "2": *Finding of Consistency with General Plan*
Attachment "B": Redline copy of pages in Housing Element with changes



RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING GENERAL PLAN AMENDMENT 12-1, ADOPTING THE 2012 REVISION TO THE 2008-2014 HOUSING ELEMENT FOR THE CITY OF DUARTE, AND FINDING THAT THE ELEMENT IS CONSISTENT WITH THE EIR FOR THE DUARTE GENERAL PLAN UPDATE

WHEREAS, Section 65588 of the State Government Code requires a periodic review and update of the Housing Element of the City's General Plan; and

WHEREAS, the proposed update of the Housing Element identifies housing needs in the community and programs to achieve the housing goals, policies and objectives of the City; and

WHEREAS, the City initiated an update to the Housing Element of the General Plan for the 2008-2014 planning period; and

WHEREAS, a notice of the public hearing was published in the local newspaper, posted at three public locations and provided on the City's website; and

WHEREAS, on March 13, 2012, the City Council of the City of Duarte conducted a public hearing; and

WHEREAS, the City Council considered the information provided by City staff, and public testimony. This Resolution is based upon the evidence presented at the City Council public hearing on March 13, 2012. Such evidence includes, without limitation, the staff report submitted by the Community Development Department; and

NOW, THEREFORE, the City Council of the City of Duarte, based on the preceding findings, hereby forwards the 2008-2014 Housing Element of the General Plan and the Findings of Consistency with the General Plan to the City Council with recommendation for approval, and resolves as follows:

SECTION 1: The 2008-2014 Housing Element – 2012 revision of the General Plan is adopted as shown in attached Exhibit 1.

SECTION 2: The 2008-2014 Housing Element of the General Plan is determined to be consistent with the EIR prepared for the 2007 General Plan Update as previously approved by City Council on August 14, 2007 as shown in the Finding of Consistency with the General Plan EIR in attached Exhibit 2.

PASSED, APPROVED, AND ADOPTED this 13th day of March, 2012.

Mayor John Fasana

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution No. 12-06 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 13th day of March, 2012, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:



2008-2014 Housing Element City of Duarte



Adopted: April 2011

Amended Draft: Jan 2012

The entire 2008-2014 Housing Element is not copied as part of this packet. It is available at Duarte City Hall, and in the back of the City Council Chambers in the Public Folder for access during the March 13, 2012, City Council Meeting.

**FINDING OF CONSISTENCY WITH GENERAL PLAN EIR
City of Duarte 2008-2014 Housing Element**

March 2012

The City of Duarte proposes adoption of an updated Housing Element of the City's General Plan. The updated Element covers the 2008-2014 planning period for the Southern California Association of Governments (SCAG) region. The Element proposes goals and programs to meet the City's anticipated housing needs through 2014.

Adoption of a housing element is considered a "project" under the California Environmental Quality Act (CEQA). Environmental review is required pursuant to CEQA (Public Resources Code Section 21000 et seq.), the State CEQA Guidelines (Section 15000 et seq. of Title 14 of the California Code of Regulations). This document serves as the project environmental documentation pursuant to CEQA.

Statement of Purpose

The City of Duarte, as Lead Agency, has authorized preparation of this Finding of Consistency for the housing element of the general plan.

The purpose of this document is to demonstrate and find that the proposed project was subject to prior environmental review pursuant to CEQA Guidelines, and that no change in circumstances has occurred with respect to the proposed project or the environment affected by the project that would alter prior environmental findings, conclusions, or mitigation measures.

Background

The California State Legislature has identified the attainment of a decent home and suitable living environment for every Californian as the State's major housing goal. Recognizing the important role of local planning programs in the pursuit of this goal, the Legislature has mandated that all cities and counties prepare a housing element as part of their comprehensive General Plans. Section 65302 (c) and 65583 of the Government Code set forth the specific components to be contained in a community's housing element.

State law requires housing elements to be periodically (four, five or eight years)

as prescribed in statute to reflect a community's changing housing needs. Duarte's current update covers the 2008-2014 planning period for the SCAG region.

The existing housing element was adopted in 2007 as a part of the comprehensive updated of the entire Duarte General Plan.

On August 14, 2007, the City of Duarte City Council certified the Final Program Environmental Impact Report (FEIR) for the Duarte General Plan Update (State Clearinghouse No. 2007031064) and adopted by resolution a comprehensive update of the Duarte General Plan.

The General Plan and FEIR for the General Plan Update contemplated the subsequent update of the City's housing element, as it is a component of the general plan that is updated on a more frequent basis than the balance of the general plan.

Legal Requirements

The CEQA Guidelines, Section 15152 (Tiering) encourages tiering of environmental analyses to eliminate repetitive discussion and focus on the actual issues "ripe for decision" (CEQA Guidelines, Section 15152[b]) at the time a project is considered. Further, the Guidelines allow for use of a single EIR to describe more than one project, "if such projects are essentially the same in terms of environmental impact" (CEQA Guidelines, Section 15153[a]). Finally, Section 15162(b) of the Guidelines states that where prior environmental documentation for a project or related projects has been prepared, the Lead Agency shall review changes to the project and associated environmental conditions to determine whether to prepare subsequent environmental documentation or conclude that no further documentation is required based on the factors outlined in Section 15162(a), described below.

Per Section 15162 of the CEQA Guidelines, when an EIR or negative declaration for a prior project has been prepared, a subsequent EIR is required for subsequent, related actions if:

- 1) Substantial changes are proposed in a project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects; or

- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d) Mitigation measures or alternatives which are substantially different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

As noted above, if none of these circumstances exist, then the Lead Agency “shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation” (CEQA Guidelines, Section 15162[b]). The City of Duarte has determined that no further documentation is necessary or required, as the proposed housing element addresses issues that were duly considered in the FEIR analysis for the General Plan Update. The subsequent sections of this Finding of Consistency support this determination.

Analysis

The 2007 FEIR for the General Plan Update examined the environmental effects associated with the adoption and long-term implementation of the City of Duarte General Plan Update. The purpose of the 2007 FEIR was to review conditions, analyze potential environmental impacts, identify General Plan policies and implementation measures that serve as mitigation, and identify additional mitigation measures to reduce potentially significant effects of the proposed General Plan Update. A key assumption for both the General Plan and General Plan EIR was that the goals, policies, and implementation measures contained in the General Plan will be implemented. With that as an underlying assumption, all General Plan policies and implementation measures were included as mitigation measures in the FEIR. This was intended to ensure execution of policies and implementation measures, as well as provide comprehensive environmental review of all mitigation measures.

Since certification of the 2007 FEIR, the City has prepared an update to the housing element of the general plan. The intent of the policies and programs proposed in the 2008-2014 housing element are similar to those provided for in the 2007 element and the planning period for the general plan analyzed with the 2007 FEIR was 2005-2020 which coincides with the planning period for the housing element update.

The change addressed in this General Plan Amendment is minor in nature and creates no additional impacts that warrant mitigation. The current housing element sets a program to change the zoning of the City Center specific plan area to high density residential accommodating a minimum of 60 dwelling units and also the Gold Line Station specific plan area (Phase 1) to high density residential accommodating a minimum of 60 dwelling units. This amendment removes the proposed rezoning of the City Center area and changes the Gold Line Station specific plan area (Phase 1) from a change accommodating 60 units to 80 units. The overall impact is a reduction of overall rezoning by 40 units. As it relates specifically to the Gold Line Station area specific plan, the current 2007 General Plan EIR evaluated the impact of this area with 120 units. Any impacts of the proposed rezoning for 80 units addressing the housing needs of the community have been adequately addressed and mitigated as part of the General Plan EIR.

Project Description

Housing Element law requires that each city and county develop local housing programs to meet its "fair share" of existing and future housing needs for all income groups. The Southern California Association of Governments (SCAG) has determined the projected housing need for its region for the 2008-2014 Housing Element cycle and has determined that Duarte is responsible for providing adequate sites for 367 total units. This unit need is distributed across all income levels.

The 2008-2014 Housing Element proposes to address the required "Available Sites for Housing" so as to accommodate Duarte's share of regional housing needs using a combination of the methods, including: residential units constructed during the RHNA "gap period" (January 2006-October 2010); residential projects with planning entitlements; vacant sites currently zoned for residential development; and residential second units. The City's residential sites capacity from the these sources provides for 245 additional units, including 80 very low, 12 low, 9 moderate and 144 above moderate income units. Because this represents a shortfall in sites necessary to fulfill Duarte's RHNA for 367 housing units, the draft Housing Element establishes a rezoning program. The following properties would be slated for rezoning under this plan:

- **Huntington Drive/Pops Road** - .56 acres, 42 affordable senior units plus one manager unit (Zoning – Specific Plan:High Density Residential)

- **Gold Line Specific Plan Transit Oriented Development (Phase 1)** – 6.6 acres, 80 affordable units (Zoning – Specific Plan: Mixed Use)
- **Santa Teresita** – 12 acres, 48 independent living senior units (Zoning: Specific Plan)

The housing element also sets forth the City's goals, policies and programs to address identified housing needs. The Element's 19 housing programs define the specific actions the City will undertake to achieve the stated goals and policies, and are organized around the City's five housing goals as follows:

EXISTING AFFORDABLE HOUSING

1. Housing Code Enforcement and Abatement
2. City Residential Housing Rehabilitation Program
3. County **Single-Family Rehabilitation Loan Program**
4. Multi-family Substantial Rehabilitation Program
5. Preservation of Assisted Rental Housing

REMOVAL OF GOVERNMENTAL CONSTRAINTS

6. Density Bonus
7. Zoning for Special Needs
8. Monitor Application of Design Review Process

EQUAL HOUSING OPPORTUNITIES AND SPECIAL NEEDS

9. Fair Housing Program
10. Accessible Housing
11. Senior Shared Housing Program
12. Homeless Services Strategy

ASSIST IN DEVELOPMENT AND PROVISION OF AFFORDABLE HOUSING

13. Affordable Housing Development Assistance
14. Inclusionary Housing Ordinance
15. Homeownership Assistance
16. Section 8 Rental Assistance
17. Sustainable Development and Green Programs

PROVISION OF ADEQUATE SITES

18. Rezoning to Accommodate Higher Densities
19. Second Units

Findings of Consistency

Based on the above analysis, the City of Duarte hereby makes the following findings:

- On August 14, of 2007, the City of Duarte City Council certified the Final Program Environmental Impact Report (FEIR) for the Duarte General Plan

Update (State Clearinghouse No. 2007031064). The City Council also adopted by resolution a comprehensive update of the Duarte General Plan.

- Adoption of the 2008-2014 Housing Element will not result in any new or increased environmental effects and no new mitigation measures are required.
- Between 2008 and 2011, City of Duarte staff and consultants prepared revisions to the Housing Element to conform to the requirements of State Law. Pursuant to Section 15162(a)(1) of the CEQA Guidelines, the proposed Draft 2008-2014 Housing Element does not constitute "substantial changes" to the project.
- Since certification of the 2007 FEIR, only minor redevelopment activity has occurred in the City of Duarte, and that activity has occurred consistent with General Plan land use policy. Thus, pursuant to Section 15162(a)(2) of the CEQA Guidelines, no substantial changes have occurred regarding the circumstances under which the project is to be undertaken.
- Pursuant to Section 15162(a)(3) of the CEQA Guidelines, no new information suggests that the project will have any additional significant effects not previously identified, nor any significant effects will be more severe than previously shown, and no mitigation measures previously identified as infeasible are now feasible.

Based on the analysis contained in this document and the above findings, the City of Duarte hereby determines that the scope of environmental impact associated with the adoption of the 2008-2014 Housing Element was fully and adequately addressed in the 2007 FEIR for the Duarte General Plan Update. No further environmental documentation is required.

SECTION 3 HOUSING CONSTRAINTS

State law requires all cities to review both governmental and non-governmental constraints to the maintenance and production of housing for all income levels. Since local governmental actions can restrict the development and increase the cost of housing, State law requires the Housing Element to "address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Government code 65583 c (3)). The following section analyzes the potential constraints on housing production in the City, including physical constraints, governmental constraints, and market constraints including land and financing cost.

A. MARKET CONSTRAINTS

1. Land and Development Costs

The unavailability of land in the San Gabriel Valley, including Duarte, results in land cost being very expensive. The price of raw land, environmental requirements and the necessary public improvements are key components of the total cost of housing. Notwithstanding that there are very few vacant lots remaining in Duarte, the median price of houses has declined from \$489,500 in March 2007 to \$385,000 in March 2008, a 21.35% decrease. This can make housing affordable for some people.

2. Home Financing Issues

The sub-prime mortgage scheme, which was touted as a means to put new home buyers into housing, turned out to be a fiasco which, in many instances resulted in foreclosures which we continue to see today. One of the bright spots in making housing affordable at this time is financing for the end user. Interest rates, which are determined by national policies and economic conditions are at an all time low. When interest rates are high, there is little local governments can do to affect these rates. Duarte has and will continue to participate in "First-Time Homebuyers Programs" which provide lower interest rates to low income first-time homebuyers. These programs include the Mortgage Credit Certificate (MCC) and the Home Ownership Program (HOP). These programs are administered by the Los Angeles County Community Development Commission.

The Community Reinvestment Act (CRA), enacted by Congress in 1977 is intended to encourage depository institutions to help meet the credit needs of the communities in which they operate including low- and moderate-income neighborhoods, consistent with safe and sound banking operations. The CRA requires that each insured depository institution's record in helping meet the credit needs of its entire community be evaluated periodically. That record is taken into account in considering an institution's application for deposit facilities,

including mergers and acquisitions. CRA examinations are conducted by the federal agencies that are responsible for supervising depository institutions. The result of this act has been a greater willingness on the part of lending institutions to participate with cities and counties in housing programs which assist low and moderate income persons. These programs include first-time homebuyers and housing rehabilitation loan programs.

3. Construction Cost

The cost of building materials and labor cost have the most impact on housing construction cost. It has been estimated that these costs account for approximately 40 to 50 percent of the sales price of a new home. World wide demand for construction material, as in the case of China and India accelerating their construction activity, and higher oil prices, has led to higher construction cost as a percentage of overall housing cost. This percentage has increased in most cases but is tempered momentarily, because of the slowdown in home construction resulting from the sub-prime debacle. Labor cost which will be discussed under Governmental Constraints is another reason for higher construction cost. The California Legislature passed a law in 2001 which requires that prevailing wage be paid for any project in which a governmental agency, including a city or redevelopment agency, participates. This new State law increased construction cost by about 20% for such projects.

One factor related to construction costs is the number of units built at one time. As that number increases, overall costs generally decrease as builders are able to take advantage of economies of scale. Also, a reduction in amenities and quality of materials could result in lower sales prices. It should be noted that the uniform building code protects the property owner and community by requiring certain baseline standards to be met regardless of the quality of building materials. Pre-fabricated factory built housing may provide for lower priced housing by reducing construction and labor costs. As pre-fabricated factory built housing is becoming more aesthetically pleasing, more communities are accepting it.

B. GOVERNMENTAL CONSTRAINTS

1. Land Use General Plan Designations

A city's Comprehensive General Plan is the constitution for development within the community. The Land Use Element, one of the seven State mandated elements of the General Plan sets forth the city's goals, policies and programs for guiding physical development within the city. The Circulation, Open Space, Conservation, Noise, and Safety Elements help determine land use areas within the community. The Housing Element has become a significant component in shaping the land use makeup within the community. State law also requires that the General Plan be internally consistent and that zoning and development standards be consistent with the General Plan. While the General Plan is general in nature, its implementation, through zoning, subdivision, and other development codes are more specific.

The City of Duarte's 2007 Land Use Element provides for the following range of intensities for residential development:

- Very Low Density Residential 0 to 3.5 dwelling units per acre
- Low Density Residential 1 to 6 dwelling units per acre
- Medium Density Residential 7 to 21 dwelling units per acre
- High Density Residential 21 to 28 dwelling units per acre
- Planned Unit Development (an overlay zone) – residential density is determined by the underlying zone
- Hospital (H) – any residential use requiring a license from the State or County; residential facilities for employees; temporary housing for persons on hospital-related business, caretaker or operator with a conditional use permit
- Specific Plan - two new mixed use specific plan areas (Gold Line area and City Center area) were added as part of the 2007 General Plan update to provide expanded areas for higher density and affordable housing, and to promote land use patterns that reduce vehicle trips and greenhouse gas emissions.

The 2005 – 2020 General Plan Land Use Element provided substantial additional areas for higher density housing and mixed use development. The recently adopted Development Code update (November 2010), along with new specific plans, establish development standards and procedures to facilitate the development envisioned under the General Plan.

2. Development Standards

The City's Development Code implements the General Plan and contains development standards for each zoning district consistent with the land use designations of the General Plan. The City recently completed a comprehensive update of the Development Code to provide consistency with the newly adopted General Plan, and to implement new Housing Element requirements. Table H 3-1 illustrates Duarte's residential General Plan Designations and corresponding Zoning Districts.

**TABLE H 3-1
GENERAL PLAN AND ZONING CONSISTENCY**

Land Use Designation	Corresponding Zoning Districts	Acres
Very Low Density Residential	R-1F, R-1D, R-1B	120
Low Density Residential	R-1A, R-1,	645
Medium Density Residential	PUD, R-MH, R-2, R-3	89
High Density Residential	R-4	52
Administrative Professional	C-P	4
Neighborhood Commercial	C-1	3
General (and Freeway) Commercial	C-2	92
Hospital	H	78
R&D	R&D	15
Industrial	M-1	53
Public School	P-F	80
City Owned Facilities	P-F	12
County Owned Facilities	P-F	2
Edison, Flood Control, Railroad	O	95
Streets and Freeway	None	478
Parks	O	39
Wilderness Areas	O	422
National Forest	O	1,909
Planned Communities and areas	Varies	131
City Center Mixed Use Area	SP	11
Gold Line Station Area Development	SP	19
Total Acres		4,349

Source: Duarte 2005 – 2020 General Plan

The updated Code provides for the following residential districts:

- **Very Low Density:** The Very Low Density land use designation provides for large lot single-family detached homes along with equestrian uses. This designation allows a maximum density of 3.5 units per net acre. Zoning Districts that correspond with this land use designation are: R-1F

(80,000 sq. ft. lots), the R -1D (20,000 sq. ft. lots) and the R-1B (10,000 sq. ft. lots).

- **Low Density:** The Low Density land use designation is the predominant residential area within the city and can be found throughout the community. This designation allows a maximum density of 6 units per acre. Zoning Districts that correspond with this land use designation are the R -1A (7,500 sq. ft. lots) and R -1 (6,500 sq. ft. lots)
- **Medium Density:** Zoning Districts that correspond with the Medium Density land use designation include Planned Unit Development (PUD), R-MH (Mobile Home Park), R-2 and R-3. The R-2 zone provides for one or two family detached or attached dwellings; the R-3 zone provides for denser multiple family dwellings, mixed detached and attached residential developments, PUDs and duplexes. The Medium Density designation allows up to 21 units per acre.
- **High Density:** The R-4 zone corresponds to the High Density land use district, and provides for up to 28 units per acre. More recent developments in High Density areas have provided only 17 du/ac because units tended to be large townhomes, 2-story buildings rather than the 3 or 4 stories needed to achieve the higher densities, and developers have elected to provide larger unit sizes and greater amenities.
- **Hospital:** The Hospital designation is intended to accommodate hospitals, medical offices, rest homes, and residential uses requiring a state or county license. Two areas have the Hospital designation: City of Hope and Santa Teresita.
- **Planned Communities and Areas:** The 2005-2020 General Plan eliminated the Planned Development and Overlay designation and replaced it with Specific Plan designations for those projects which already have a Specific Plan.
- **Specific Plan:** The specific plan is a tool designed to provide flexibility, innovative use of land resources and development, a variety of housing and other development types, and an effective and safe method of pedestrian and vehicular circulation. Each specific plan establishes comprehensive site design and architectural standards; standards for parking and signage may also be provided. Duarte requires all new specific plans to incorporate sustainable design approaches. The 2005-2020 General Plan identifies the following two new specific plan areas:
 - ❖ **City Center Area Specific Plan:** The intent of developing a specific plan for City Center is to create a unique area within the center of the community as a gathering spot where Duarte residents and business owners can come together to live, socialize

and shop. The specific plan to implement this objective will provide flexibility in providing vertical and/or horizontal mixed high density and commercial uses. The high density residential component of the Plan is not anticipated to exceed 165 dwelling units and 165,000 sq. ft. of commercial uses. The Plan will also provide unique parking standards, sufficient residential densities, housing types and appropriate pedestrian friendly design to provide the needed synergy to make this project work economically and visually in the short and long term.

- ❖ **Gold Line Station Area Specific Plan:** Extension of the Metro Gold Line east to Azusa, scheduled for completion in 2014, will add six additional stations, including one in Duarte. The Gold Line Station specific plan identified in Duarte's General Plan encompasses 19 acres and is planned for mixed use transit oriented development. The conceptual site plan provides a transit village that has a higher focus on residential uses with opportunity sites for job-intensive office uses, hotel, retail, and urban park space; 120 multiple-family units are provided for under the Plan.

Duarte's residential development standards are summarized in Table H-3-2. As part of the 2010 update of the Development Code, the City increased permitted building heights from 35 feet to 40 feet in the R-3 zone, and to 50 feet in the R-4 zone. Multi-family parking requirements were also reduced from 2.5 spaces to 2 spaces per unit. Revisions to the multi-family height and parking standards will better enable development to achieve the maximum densities permitted under the General Plan.

**TABLE H 3-2
RESIDENTIAL DEVELOPMENT STANDARDS**

Zone District	Min. Lot Area (Sq. Ft.)	Density (du/acre)	Max. Height	Min. Yard Setback			Max. Lot Coverage	Min. Parking Spaces per Unit	Open Space per Unit
				Front	Side	Rear			
R-1	6,500	6.7 (1 du/ 6,500 sf)	35' or 2 stories	20'	5'	10-20'	35-40%	SF: 2/du MF: 2/du +2 spaces for ev 4 dus for guest & overflow parking	--
R-2	8,000	14.5 (1 du/ 3,000 sf)	35' or 2 stories	20'	5'	10-20'	55%		--
R-3	9,000	21 (1 du/ 2,074 sf)	40' or 3 stories	30'	5'	20-25'	50%		Private space: 1 st floor- 100 sf 2 nd floor- 200 sf Common space: 200 sf
R-4	10,000	28 (1 du/ 1,555 sf)	50' or 4 stories	30'	5'	20-25'	60%		
SP*	By plan	964	50'	By plan	By plan	By plan	By plan	.75/du	By plan

SP* this row is for the Andres Duarte 80 unit Specific Plan development. It illustrates that the City has established special development standards to provide affordable housing. Because this was a Specific Plan, this project was built at a density of 45 du/ac, well beyond typical city standards.

In order to specifically facilitate the development of affordable housing, the City utilizes three primary regulatory mechanisms: Development Agreements, Density Bonuses, and Inclusionary Housing Requirements.

Development Agreements

The Duarte Redevelopment Agency assists in the development of new affordable housing units by entering into Disposition and Development Agreements (DDA) or Owner Participation Agreements (OPA) with developers. DDAs or OPAs may provide for the disposition of Agency-owned land at a price which can support the development of units at an affordable housing cost for lower and moderate income households. These agreements may also provide for financial assistance or regulatory relief from density, parking and other standards in exchange for affordable housing. Through such agreements, the City assists for-profit and non-profit developers in providing housing in Duarte by reducing the costs and/or time involved in the development process.

Density Bonus for Affordable Housing

Consistent with Government Code Sections 65915 through 65918, the City's Development Code (Chapter 19.64) outlines provisions for density bonuses and incentives for projects which provide for one of the following:

- ✓ 10 percent of the total units for lower income households; or
- ✓ 5 percent of the total units for very low income households; or
- ✓ A senior citizen housing development or mobilehome park that limits residency based on age requirements for housing for older persons; or
- ✓ 10 percent of the total dwelling units in a condominium for moderate income households.

The amount of density bonus varies according to the amount by which the percentage of affordable housing units exceeds the established minimum percentage, but generally ranges from 20-35 percent above the specified General Plan density. In addition to the density bonus, eligible projects may receive 1-3 additional development incentives, depending on the proportion of affordable units and level of income targeting.

For housing projects that are restricted specifically for very low and low income seniors, Duarte provides for density increases above the minimum specified under State density bonus law. The City Council may grant an additional discretionary bonus up to two times the density provided for in the General Plan. For example, where 40 units are allowed based on general plan density, an additional 40 units may be permitted under this provision. The senior housing density bonus was utilized to increase densities from 28 to 52 units/acre in the Andres Duarte affordable senior housing project developed by Southern California Presbyterian Homes.

Inclusionary Housing

In May 2005, the City adopted an Inclusionary Housing Ordinance as a tool to help in the provision of affordable housing in conjunction with the overall increase in residential units. Chapter 19.30 of the new Development Code delineates the City's inclusionary housing provisions, which can be summarized as follows:

- Ownership housing: 15% of all new or substantially rehabilitated units in projects with four or more units must be affordable to moderate income households.
- Multi-family rental housing: 15% of all new or substantially rehabilitated units in projects with ten or more units must be affordable to very low, low and moderate income households, with at least 40% of these inclusionary units affordable to very low income households.
- Any additional units authorized through a density bonus are not counted in determining the required number of inclusionary units.
- Residential developments which the Redevelopment Agency enters into a redevelopment agreement are exempt from the inclusionary requirements.

As an incentive to provide deeper affordability, the City allows a reduction in the inclusionary requirement as follows:

- If very low income units are provided instead of required moderate income units, a credit of two units for every one unit is provided.
- If low income units are provided instead of required moderate income units, a credit of 1.5 units for every one unit is provided.

The City allows developers the option of paying a fee in lieu of providing the inclusionary units, which is in turn deposited into an Inclusionary Housing Trust Fund. The in-lieu fee amount is currently \$6.50 per square foot of gross building area for both single and multi-family projects. The Housing Trust Fund currently (Jan 2011) has a balance of \$492,404.35 that the City intends on spending on one of its pipeline affordable housing projects. With the exception of two affordable housing projects, all other projects subject to the City's inclusionary ordinance have elected to pay the in-lieu fee.

3. Provision for a Variety of Housing

Housing element law specifies that jurisdictions identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of various types of housing for all economic segments of the population, including multi-family rental housing, manufactured housing, second dwelling units, single room occupancies, emergency shelters, and transitional and supportive housing. Table H-3-3 summarizes the variety of housing types permitted within Duarte's zoning districts.

**TABLE H 3-3
HOUSING TYPES BY RESIDENTIAL ZONE CATEGORY**

Housing Types Permitted	Zoning District									
	R-1	R-2	R-3	R-4	R-MH	C-P/ C-G	M	PF	H	
Single-Family Dwellings	P	P	P	P						
Duplex		P	P	P						
Multi-Family Dwellings			P	P						
Manufactured Housing	P	P	P	P						
Second Dwelling Units	P									
Single Room Occupancy (SRO)						PC				
Transitional and Supportive Housing										
Multi-Family			P	P						
Group Housing			PC	PC		PC				
Emergency Shelters							P	P	P	
Farmworker Housing	N/A									

P = Permitted Use PC = Planning Commission review subject to a CUP N/A = Not Applicable

Manufactured Housing

Section 19.10.080 of Duarte's Development Code specifies that manufactured housing is considered a single-family dwelling and is subject to the same property development and design standards. The manufactured housing must be on a permanent foundation, have a minimum roof pitch of 4 to 12 inches, and a minimum roof overhang of 12 inches.

Second Dwelling Units

The passage of AB 1866 (effective July 2003) requires local governments to use a ministerial process for second unit applications for the purpose of facilitating production of affordable housing. AB 1866 does allow cities to impose development standards on second units addressing issues such as building size, parking, height, setbacks, and lot coverage. Consistent with AB 1866, Duarte has eliminated the CUP requirement, and now allows second units up to 700 square feet in size by right in all R-1 zones on minimum 6,000 square foot parcels. (Larger second units up to 1,200 square feet in size are also permitted, provided the unit is deed restricted to be affordable to low income households). The City has further facilitated second unit development by eliminating the need for additional covered parking, allowing the one additional parking space to be uncovered and provided in tandem with existing off-street parking.

Single Room Occupancy (SROs)

While the Duarte Development Code does not define Single Room Occupancy (SRO), it provides for SROs within the C-2 commercial zone with a conditional use permit in the form of motels. The city currently has two motels in the C-2 zone on Huntington Drive which are operated as SROs: the 16 unit Duarte Rancho Inn and the 80 unit Duarte Inn. SROs can provide a valuable form of affordable private housing for lower-income individuals, seniors, and persons with disabilities. An SRO unit usually is small, between 200 to 350 square feet. These units provide a valuable source of affordable housing and can serve as an entry point into the housing market for formerly homeless people.

Transitional and Supportive Housing

SB 2, effective January 2008, amended Housing Element law regarding planning and approval for transitional and supportive housing. Specifically, SB 2 requires transitional and supportive housing to be treated as a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone. For example, if the transitional housing is a multi-family use proposed in a multi-family zone, then zoning should treat the transitional housing the same as other multifamily uses in the proposed zone.

Transitional housing is defined as temporary housing (generally six months to two years) for a homeless individual or family who is transitioning to permanent housing. This housing can take several forms, including group housing or multi-family units, and often includes a supportive services component to allow individuals to gain necessary life skills in support of independent living. The Duarte Development Code accommodates transitional housing within several zoning districts depending on the project's physical structure: 1) "residential care facilities," defined as shared living quarters which provide 24 hour care for

occupants, are conditionally permitted in the R-3, R-4, C-G and C-P zones; 2) "multi-family residential" is permitted by right in the R-3 and R-4 zone districts.

Supportive housing is generally defined as permanent, affordable housing with on-site services that help residents transition into stable, more productive lives. Services may include childcare, after-school tutoring, career counseling, etc. Most transitional housing includes a supportive services component. The City of Duarte regulates supportive housing as a residential use, provided supportive services are ancillary to the primary use.

Emergency Shelters

SB 2 also requires the Housing Element to address new planning and approval requirements for emergency shelters. Jurisdictions with an unmet need for emergency shelters for the homeless are required to identify a zone(s) where emergency shelters will be allowed as a permitted use without a conditional use or other discretionary permit. The identified zone must have sufficient capacity to accommodate the shelter need, and at a minimum provide capacity for at least one year-round shelter. Permit processing, development and management standards for emergency shelters must be objective and facilitate the development of, or conversion to, emergency shelters.

As discussed in the homeless section of the Housing Element Needs Assessment (Chapter II), in January 2009, the City of Duarte in cooperation with the San Gabriel Valley COG and the Los Angeles Homeless Alliance, conducted a homeless count. The count identified eight (8) homeless within the Duarte city limits. Given that Duarte has no emergency shelters within its City limits, Duarte can be considered to have an unmet need for an emergency shelter.

Pursuant to SB 2, Duarte staff conducted a review of its zoning districts and determined the Industrial (M), P-F (Public Facilities), and H (Hospital) zones are the most conducive to provision of an emergency homeless shelter by right. As part of the 2010 update of its Development Code, the City added emergency shelters as a permitted use in the M, P-F, and H zone districts.

The M zone provides sufficient capacity for provision of an emergency shelter. A total of 53 acres is zoned for light industrial use, with 35 of these acres located in the Lewis Business Park northeast of the planned Gold Line station. Within the Lewis Business Park, 2.34 acres of vacant land remains for development. In addition, approximately 50,000 square feet of built industrial space is vacant, providing potential for retrofit as an emergency shelter. This area is serviced with infrastructure adequate for both industrial and emergency shelter use. Public transit serves this area and a hospital is across the street on Duarte Road.

The M zone is suitable for an emergency shelter in that it is limited to low-intensity industrial activities. More specifically, the Development Code describes

the M district as one that provides for uses that do not involve substantial truck traffic or outdoor fabrication or assembly, do not produce noticeable odors, and do not involve operations normally considered hazardous within an urban environment. Development standards within the M district are appropriate to facilitate emergency shelters, and can be summarized as follows:

- Height: 50 feet
- Floor Area Ratio: 0.5
- Front Yard Setback: 10 feet
- Rear Yard Setback: 5 feet if abutting alley, 25 feet if abutting residential, 0 if non-residential
- Side Yard Setback (interior): 25 ft if abutting residential, 0 if non-residential
- Side Yard Setback (street side): 15 feet

Farm Employee Housing

The Census identifies 19 Duarte residents employed in farming, fishing and forestry occupations, representing only 0.2 percent of the City's labor force. No agricultural land remains in the City. Therefore, given the extremely limited presence of farmworkers in the community, the City has not identified a need for specialized farmworker housing beyond overall programs for housing affordability.

4. Development Fees and Exactions

Like cities throughout California, the City of Duarte collects development fees to recover some of the capital costs of providing community services and the administrative cost associated with processing applicants. New housing typically requires payment of the following fees: school impact, park in – lieu, sewer and water connection, power, phone, cable tv and building permits, not all collected by the city. These fees are necessary to pay for services rendered during the processing of the project, but can, however; add to housing costs. In addition, subdivisions and multifamily projects may incur the cost of preparing environmental documentation, traffic studies, soils reports, and filing fees for tentative and final maps. These are requirements of California law. Such fees are typically based on the rates of city employees (including overhead) and the number of hours spent processing the application or performing the associated work. Table H 3-4 identifies the basic fees that apply to new residential construction in Duarte.

**TABLE H 3-4
RESIDENTIAL PLANNING AND DEVELOPMENT FEES**

Fee category	Fee amount	
	Single-Family	Multi-family
Variance	\$700	\$700
Conditional Use Permit	\$700	\$700
General Plan Amendment (GPA)	\$1,500	\$1,500
Zone Change (ZC)	\$1,000 + \$25/lot	\$1,000 + \$25/lot
Site Plan Review	\$0	\$0
Architectural Review - Residential	\$100 (1 st 2 rounds free)	\$100 (1 st 2 rounds free)
Planned Unit Development	N/A	N/A
Specific Plan	GPA and/or ZC fees + Staff time for review.	GPA and/or ZC fees + Staff time for review.
Development Agreement	Staff time for review.	Staff time for review.
Landscape Review and Documentation	\$200	\$200
Administrative Variance	\$100	\$100
Subdivision	Single-Family	Multi-family
Certificate of Compliance	Staff time for review	Staff time for review
Lot Line Adjustment	Staff time for review	Staff time for review
Tentative and Vesting Tract Map	\$500 + \$10/lot	\$500 + \$10/lot
Tentative Parcel Map	\$200	\$200
Final Maps	Staff time for review.	Staff time for review.
Environmental	Single-Family	Multi-family
Environmental Assessment (Review)	\$150	\$150
Exemption	\$150	\$150
Environmental Assessment (Study)	\$300	\$300
Negative Declaration	\$300	\$300
Mitigated Negative Declaration	\$300	\$300
Environmental Impact Report	Staff time for review	Staff time for review
Impact Fees	Single-Family	Multi-family
Police (LA County Sheriff Department contract)	\$0, unless required by CEQA determination.	\$0, unless required by CEQA determination.
Fire (LA County Fire Department contract)	\$0, unless required by CEQA determination.	\$0, unless required by CEQA determination.
Parks (City)	Quimby fees, as regulated by G.C §66477	Quimby fees, as regulated by G.C. §66477
Water (California-American Water Co, private)	\$7,000 for subdivisions	\$7,000 for subdivisions
Sewer (LA County Sanitation District)	\$2,350	\$1,410
Traffic (City)	As determined by traffic engineers or CEQA mitigation.	As determined by traffic engineers or CEQA mitigation.
Flood Control (LA County Public Works)	\$0, unless required by CEQA determination.	\$0, unless required by CEQA determination.
Duarte Unified School District	\$2.14/s.f. (habitable)	\$2.14/s.f. (habitable)

Source: City of Duarte Community Development Department, Duarte Unified School District, California American Water, L.A. County Sanitation District, January 2009.

Fees, land dedications, or improvements are also required in some instances to provide an adequate supply of public parkland to provide necessary public works (streets, sewers, and storm drains) to support the new development. While such costs are charged to the developer, most, if not all, additional costs are passed to the ultimate product consumer in the form of higher home prices or rents. All impact fees are based upon the project's demand for public services and infrastructure needs. Duarte recognizes that less infrastructure and service improvements are needed to accommodate growth in existing neighborhoods and therefore it behooves developers to reduce utility and infrastructure costs by building more compact and near existing services. The City encourages residential development by eliminating blanket impact fees, capital facility development fees, public safety fees or traffic impact fees, unless so required by environmental determination. In addition, the City does not own or control power, water, gas, sewer or rubbish utilities and therefore these private companies charge competitively or as regulated by the Public Utilities Commission. The Duarte Unified School District charges development fees on both residential and commercial construction. The City coordinated with the School District to significantly reduce school impact fees for an affordable housing project constructed several years ago.

Planning related fees are due at the time of project submittal. Pursuant to AB 641, for affordable housing developments in which at least 49 percent of the units are affordable to low or very low-income households, the City will now allow deferral of local developer fees until certificate of occupancy.

The Housing Element sites inventory indicates the majority of new units projected for this planning period will be multi-family and will occur within the Gold Line Station area, in the City Center, and on Huntington Drive. Fees on these projects should be similar to those paid for the 80 unit Andres Duarte Terrace affordable senior apartments, completed in 2006. As shown below, total fees for this project were just over \$380,000, equating to \$4,750 per unit and representing less than one percent of the total project development costs.

<u>Fees</u>	
Total local fees/utility fees:	\$ 380,369
<u>Project Cost</u>	
Total Land Cost	\$ 1,741,836
Total Construction Cost (including fees)	\$ 7,358,871
Total Architecture Cost	\$ 369,000
Total Other Cost	\$ 840,725
Total Developer Cost	\$ 350,100
Total Project Cost	\$10,660,532

5. Site Improvements

Both on-site improvements and off-site improvements required for new construction affect the cost of housing. On-site improvements typically include street frontage improvements including streets, curbs, gutters, and sidewalks. Underground utilities which add cost to housing include sewer lines, storm drains, water, power and telephone lines. Off-site improvements typically include drainage facilities, parks (or park-in-lieu fees), traffic improvements and water treatment plants and sewer treatment plants. While affecting the cost of housing, these improvements are necessary to ensure public health and safety.

The cost of these required off-site improvements vary depending on the nature of development (i.e., hillside or flatland development). The City may also impose development fees on future housing developments in order to recover some of the cost of installing off-site improvements including upgrading the circulation system and other urban service systems to serve increased density. The developed portions of Duarte have the majority of necessary infrastructure, such as streets, electrical and water facilities already in place, however; much of it is quickly aging and in need of repair.

The Circulation Element of Duarte's 2020 General Plan, along with the Subdivision Ordinance, establishes the following improvement standards for public streets:

- Principal Arterial (Huntington Drive, portions of Mountain Avenue): 108 foot right-of-way, 80 foot curb-to-curb pavement, 14 foot median
- Minor Arterial (Royal Oaks Drive, Duarte Road, Buena Vista Street, Highland Avenue, Mount Olive Drive, Las Lomas Road, portions of Mountain Avenue): 100 foot right-of-way, 80 foot pavement, 14 foot median
- Collector Street (Central Avenue, Evergreen Avenue, Hurstview Street, Galen Street, Cotter Avenue, Bradbourne Avenue, Fish Canyon Road): 60 foot right-of-way, 40 foot pavement
- Local Street (majority of streets in City): 50 to 60 foot right-of-way, 30-40 foot pavement.

These geometric dimensions are deemed necessary to provide a safe neighborhood for walking and adequate street widths to provide for emergency access and trash pick-up. The City has provided for reduced street widths in the past, and as part of the new Development Code has adopted a Planned Development Permit process which allows for modified development standards, including street standards, for projects providing enhanced amenities and energy efficiency.

6. Development Permit Procedures

Duarte's development process and permitting procedures are not a constraint to development. As a small, full service city, its staff have the advantage of working closely with applicants through the review and approval process, thereby helping to expedite the issuance of building and zoning permits. The City maintains a policy of turning around plan checks within four to six weeks for the first submission, and two to four weeks for the second submission.

Requests for construction of new single-family homes are typically processed and approved within two to three months from plan submittal. Single-story homes require only Architectural Review Board approval, and can be processed more quickly. Multi-family uses are permitted by right in the R-3 and R-4 zones, and are processed within an average of two to four months, or four to six months where a tract map is required. Where multiple permit applications are required for a project (such as a Conditional Use Permit and a Zoning Map Amendment), the City processes these applications concurrently, with a single review conducted by the highest applicable review authority.

The following describes the development review process in Duarte:

- Applicants are encouraged to schedule a **pre-application conference** with the Director or designated staff member prior to filing a permit application. The purpose of the pre-application is to inform the applicant of city requirements; discuss the city review process, possible project alternatives, or modifications; and identify information and materials the City will require with the application, including any technical studies and information anticipated for environmental review.
- Upon submittal of a **formal application**, the Director reviews the application for completeness and accuracy, and informs the applicant in writing within 30 days either that the application is complete and is being processed, or that it is incomplete and that additional specified information is required.
- As depicted in Table H-3-5, depending on the type of residential development being proposed, the approving body for **Site Plan and Design Review** may be the Architectural Review Board (ARB), the Planning Commission, or in the case of tract maps, the City Council. The three member ARB is comprised of the City Manager, the Director of Community Development, and the City Engineer which meet bi-weekly so as not to delay projects.

**TABLE H 3-5
REVIEW AUTHORITY FOR SITE PLAN AND DESIGN REVIEW**

Development Type	Architectural Review Board	Planning Commission	City Council	Estimated Time
Second unit	X			2 - 4 weeks
1-Story Single-Family and Two-Family	X			4 - 6 weeks
2 Story Single-Family and Two-Family	X	X		2 - 3 months
Multi-Family (attached or detached)	X	X		2 - 4 months
Single-family Subdivision (tract map)	X	X	X	3 - 4 months
Multi-Family Condominium (tract map)	X	X	X	4 - 6 months
Any residential with General Plan Amend or Zone Change	X	X	X	6 - 9 months

Source: City of Duarte Development Code, 2010.

The purpose of Duarte's Site Plan and Design Review process is to review the design, location, site plan configuration, and the effect of the proposed development on surrounding development by comparing the project plans to established development standards, regulations, and applicable design guidelines/policies. Section 19.22.040(D) of the Development Code delineates the standards for review and is limited to the following categories:

- Compatibility
- Architectural Design and Detail
- Landscape, Lighting, Parking, Signs, and Other Design Details

Thus, the purview of Site Plan and Design Review does not extend to the project's overall merits or the residential use itself. A public hearing is not required for Site Plan and Design Review applications, except where the application is accompanied by a companion quasi-judicial or legislative matter that would otherwise require a public hearing.

In approving or conditionally approving the Site Plan and Design Review application, the reviewing authority is required to make findings that the proposed development is:

1. Consistent with the General Plan and is in compliance with all applicable provisions of the Development Code and all other city ordinances and regulations;
2. To be constructed on a parcel that is adequate in shape, size, topography, and other circumstances to accommodate the proposed development;
3. In compliance with the applicable criteria specified in Subsection 19.122.040(D) (Application Filing, Processing, and Review), and the site is suitable for the proposed development; and

4. Designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property.

As indicated in the following Chapter on Resources, the majority of future high density and affordable housing in Duarte is planned within several specific plans (~~City Center, Gold Line, Andres Duarte, Santa Teresita~~). The City (or in the case of Santa Teresita, the applicant) will develop and implement these specific plans as the zoning mechanism to rezone and entitle sites for higher density housing. The environmental CEQA process will be completed during preparation of the specific plans, allowing future development projects within the specific plan areas to proceed by right, thus reducing the time frame and holding costs associated with development.

7. Building Codes

The City of Duarte, like most cities in California has adopted the Uniform Building Code (UBC). This code includes minimum standards for building materials, plumbing, electrical, fire, energy and other minimum standards. It is also intended to protect the public and provide a healthy and safe dwelling unit. These minimum standards cannot be revised to be less stringent without sacrificing basic safety considerations. Building plan check and inspection are outsourced to Los Angeles County Building and Safety.

The City maintains an active code enforcement program. The City is divided into three geographic areas with one code enforcement officer responsible for each area. Each code enforcement officer drives his or her entire area at least once per week. While the program is reactive to complaints by citizens within the community, if a code enforcement officer sees a structure that is dilapidated, they will approach the owner and direct them to the City's various rehabilitation programs. Residents of these units tend to be low and moderate income households and will therefore qualify for rehab assistance. This approach of code enforcement has resulted in the rehabilitation and preservation of many housing units in Duarte over the years.

The City of Duarte complies with all ADA requirements. It has also paid for ramps and railings in housing units occupied by persons with disabilities using some of its CDBG funds.

8. Service and Facilities Infrastructure

Before permits requiring discretionary action can be granted, it must first be determined that public facilities are adequate to accommodate any increased demand created by the proposed project. As a matter of interest the State Legislature in 2001 passed two laws requiring more of a nexus connection between water agencies and cities and counties that plan land use. These laws

required that it be shown that sufficient water will be available before development can occur. Because Duarte has been essentially built out for many years, there are relatively few such constraints. Constraints that do exist tend to be older water and sewer systems, which have neared their carrying capacity. Notwithstanding these minor constraints, infrastructure within the City of Duarte is capable of accommodating the City's regional housing needs.

Duarte is an urbanized community. All vacant and previously developed land has adequate infrastructure. While some of the hillside vacant parcels will no doubt be developed with market rate single family housing, the Housing Element sites inventory is predominately multi-family infill parcels. In addition, second units could be developed with low and moderate income units. These properties do not have known environmental contamination and can accommodate development.

9. Housing for Persons with Disabilities

SB 520, signed into law in 2001, requires that Housing Elements analyze the potential and actual governmental constraints on the development of housing for persons with disabilities. The City must demonstrate its efforts to remove constraints such as accommodation procedures for the approval of group homes, ADA retrofit efforts, and evaluation of the zoning code for ADA compliance. The Housing Element should provide measures that provide flexibility in the development of housing for persons with disabilities.

As noted in the Special Needs section of the Housing Needs Assessment, persons with disabilities have a number of housing needs related to accessibility of dwelling units; access to transportation; employment, and commercial services; and alternative living arrangements that include on-site or nearby supportive services.

The City of Duarte ensures that new housing developments comply with California building standards (Title 24 of the California Code of Regulations) and federal requirements for accessibility.

Procedures for Ensuring Reasonable Accommodation

Both the federal Fair Housing Act and the California Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodations (i.e. modifications or exceptions) in their zoning and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. For example, it may be a reasonable accommodation to allow covered ramps in the setbacks of properties that have already been developed to accommodate residents with mobility impairments.

To provide exception in zoning and land-use for housing for persons with disabilities, the City of Duarte has in the past utilized either a variance or encroachment permit processes to accommodate requests such as special structures or appurtenances (i.e., access ramps or lifts) needed by persons with physical disabilities. While both variance and encroachment permit applications may be handled through an administrative procedure, the standard used to evaluate such deviations conflicts with laws applicable to housing for persons with disabilities. In order to better facilitate housing opportunities for persons with disabilities, the City has adopted reasonable accommodation procedures as part of the 2010 Development Code.

Chapter 19.120 of the Code defines the procedures for requesting a modification or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities to eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. The process for requesting a reasonable accommodation starts with the filing of an application, as described in the Planning Department's handout for Reasonable Accommodation applications. The Director of Community Development reviews the application, investigates the situation and makes a written decision to either approve, conditionally approve, approve with modifications, or deny the request. If the request for accommodation is submitted for concurrent review with another discretionary land use application, the authority reviewing the discretionary application also reviews and makes a determination on the reasonable accommodation request. A decision rendered on a reasonable accommodation application can be appealed.

The written decision to approve or deny a request for reasonable accommodation is required to be consistent with the Acts¹, and shall be based on consideration of the following factors:

1. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
2. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual under the Acts;
3. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City;
4. Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;
5. Potential impact on surrounding uses;
6. Physical attributes of the property and structures; and
7. Other Reasonable Accommodations that may provide an equivalent level of benefit.

¹ The Acts referred to in this section of the Code include the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act.

Efforts to Remove Regulatory Constraints for Persons with Disabilities

The State has removed any City discretion for review of small group homes for persons with disabilities (six or fewer residents). The City does not impose additional zoning, building code, or permitting procedures other than those allowed by State law. There are no City initiated constraints on housing for persons with disabilities caused or controlled by the City.

The City of Duarte also allows residential retrofitting to increase the suitability of homes for persons with disabilities in compliance with accessibility requirements. Such retrofitting is permitted under Chapter 11, 1998 version of the California Code. Further, the City works with applicants who need special accommodations in their homes to ensure that application of building code requirements does not create a constraint.

Information Regarding Accommodation for Zoning, Permit Processing, and Building Codes

The City of Duarte implements and enforces Chapter 11, 1998 California Code. The City provides information to all interested parties regarding accommodations in zoning, permit processes, and application of building codes for housing for persons with disabilities. With adoption of written Reasonable Accommodation procedures in 2010, the City provides a handout at the public counter which describes the application process.

Zoning and Other Land Use Regulations

As part of this Housing Element and Development Code update, the City has conducted a comprehensive review of its zoning laws, policies and practices for compliance with fair housing laws. The City has not identified any zoning or other land-use regulatory practices that could discriminate against persons with disabilities and impede the availability of such housing for these individuals. Examples of the ways in which the City facilitates housing for persons with disabilities through its regulatory and permitting processes are:

- The City allows some variation from the application of its parking standards. The new Development Code provides reduced parking standards for senior housing of one space per one bedroom unit, and has approved further reductions in parking for affordable senior and family projects through the specific plan process. The updated Code provides the Planning Department with the authority to establish and approve parking stalls and maneuvering areas other than those set in the ordinance.
- The City permits group homes of all sizes in all residential districts. All of the City's commercial zones also allow group homes. The City has no

authority to approve or deny group homes of six or fewer people, except for compliance with building code requirements, which are also governed by the State.

- As part of the update of its Development Code, the City has adopted the following definition of family which does not restrict occupancy of unrelated individuals in group homes:

Family: A group of persons, whether related or unrelated, who live together in a nontransient and interactive manner, including the joint use of common areas of the premises which they occupy and sharing household activities and responsibilities such as meals, chores, and expenses. Notwithstanding the foregoing, any group of persons required to be considered as a "family" for zoning purposes pursuant to California Health and Safety Code Sections 1267.8, 1566.3, 1568.0831, 1569.85, 11834.23, or any other state law shall be deemed a family for purposes of this code.

- The City permits housing for special needs groups, including for individuals with disabilities, without regard to distances between such uses or the number of uses in any part of the City. The Land Use Element of the General Plan does not restrict the siting of special need housing.

Permits and Processing

The City does not impose special permit procedures or requirements that could impede the retrofitting of homes for accessibility. The City's requirements for building permits and inspections are the same as for other residential projects and are straightforward and not burdensome. City officials are not aware of any instances in which an applicant experienced delays or rejection of a retrofitting proposal for accessibility to persons with disabilities.

As discussed above, the City allows group homes of six or fewer persons by right, as required by State law. No CUP or other special permitting requirements apply to such homes. The City does require a CUP for group homes of more than six persons in all residential and commercial zones that allow for residential uses. However, such permits only consider the City's design review requirements. The City does not impose special occupancy permit requirements or business licenses for the establishment or retrofitting of structures for residential use by persons with disabilities. If structural improvements were required for an existing group home, a building permit would be required. If a new structure were proposed for a group home use, design review would be required as for any other new residential structure. The City design review process has not been used to deny or substantially modify a housing project for persons with disabilities to the point where it is no longer feasible. All residential projects in the City require the same level of design review.

Building Codes

The City of Duarte provides reasonable accommodation for persons with disabilities in the enforcement of building codes and the issuance of building permits through its flexible approaches to retrofitting or converting existing buildings and construction of new buildings that meet the shelter needs of persons with disabilities. The City adopted and implements the 1997 Uniform Building Code (UBC) and 1998 California Code, which incorporates and amends the 1997 UBC. The State recently adopted the 2000 International Building Code. The City will implement the provisions of the Code in the near future. Until that time, the 1997 UBC/1998 California Code will be the applicable Code the City is required to enforce under State law. The only additions to the Uniform Code that the City has adopted are (a) requiring multifamily housing to be fire sprinkled; and (b) requiring Class "A" roof materials due to high fire hazard.

10. State Government Constraints

State Prevailing Wage Requirements

California Redevelopment law requires that twenty percent of the tax increment generated by redevelopment activity be set aside for low and moderate income housing. These redevelopment funds have been instrumental in providing seed money to low and moderate income projects. However, in 2001, SB 975 was written into law, and has the net effect of requiring prevailing wages for any project assisted in any way by a redevelopment agency or city.

SB 975 provides that a project paid for in whole or in part out of public funds, including the payment of money or the equivalent of money by a public agency directly to or on behalf of the public works contractor or developer, performance of work in execution of the project, transfer of an asset of value for less than fair market price, or payment or waiver of fees, costs, rents or other obligations that would normally be required in the execution of the contract, will trigger the payment of prevailing wages.

The California Department of Industrial Relations (DIR) has recently greatly expanded the kinds of projects that require the payment of prevailing wages. Labor Code Section 1720, which applies prevailing wage rates to public works of over \$1,000, now defines public works to mean construction, alteration, installation, demolition, or repair work done under contract and paid for in whole or in part out of public funds. For example, public transfer of an asset for less than fair market value, such as a land write-down, would now be construed to be paid for in part out of public funds and trigger prevailing wage requirements.

The California Redevelopment Association, in its unsuccessful attempt to fight this legislation stated the following "The requirement to pay prevailing wages for both the public and private components of projects will increase from 10% to

30% the construction costs for many affordable housing and commercial projects. The agency typically bears this increased cost, which can make it even more difficult for the project to succeed. Specifically, when a construction contract is paid for by a public agency, we agree that prevailing wages should be paid. However, the sale of land to a developer has nothing to do with the actual construction contract and should not trigger the prevailing wage mandate, as SB 975 requires”.

As a result of passage of this legislation, numerous housing projects throughout the state have not gone forward. The irony of this is that while the State compels local jurisdictions to provide adequate housing for all income groups, it continues to adopt legislation making housing production even more difficult.

Article 34 of the California Constitution

Article 34 of the State of California Constitution requires a vote of the electorate to approve the development, construction, or acquisition by a public body of any “low rent housing project” occupied by a majority of low and moderate income households. For such projects to be built cities would have to place an initiative on the ballot to obtain “Article 34 authority”. Without this authority, a city can not own such a development. This is why most low and moderate developments are owned and operated by for-profit or non-profit entities.

Duarte has not sought voter approval to grant “Article 34 authority.” The State legislature has enacted Sections 37001, 37001.3, and 37001.5 of the Health and Safety Code to clarify ambiguities relating to the scope of the applicability of Article 34. Although Duarte does not have Article 34 authority, the City does not view this as a constraint to the development of affordable housing since the City does not typically function as a developer.

C. ENVIRONMENTAL CONSTRAINTS

About 3.6 square miles (about 53%) of the 6.8 square miles of Duarte's incorporated land area is undeveloped, and within or adjacent to the Angeles National Forest along the west slope of the San Gabriel Mountains. Since this land is within a national forest it is not available for development. Its presence affects housing within the privately held adjacent areas.

A. Fire Hazards

Duarte's location at the base of the San Gabriel Mountains creates an urban/wildland interface that makes Duarte more susceptible to wildfires than cities that do not border the foothills. When surveys were mailed to Duarte residents and businesses in preparation of the Natural Hazard Mitigation Plan, many residents expressed their concern that wildfires pose the "highest threat" to their homes. This was particularly true of residents living north of Royal Oaks Drive who reside closest to urban/wildland interface areas. Several of the surveys expressed a concern that Duarte could experience another fire like the Stable Fire that occurred in 1980, and destroyed many Duarte homes. As a result, very low densities are found in the privately held hillside areas.

B. Flora/ Fauna Resource Areas

Much of the area abutting the Angeles National Forest within the limits of the City of Duarte is very steep with unstable soils. As a result, development of this area would be dangerous and expensive. The City has undertaken steps to preserve some of these areas as permanent open space. Duarte's open space maintains natural, recreational, and visual resources for current and future community use and enjoyment. Duarte's open space is valuable for both passive and active uses. The City has done a good job of designating and preserving lands as open space for: protection of natural habitats and species; managed production of natural resources such as forest products; recreational uses; scenic, aesthetic resources; and avoidance of development on such areas as steep slopes, faults, and flood zones that are potentially hazardous to the community. In December, 2005, the City acquired 329 acres of wilderness land in this steep, unstable hillside area, to be held in perpetuity as open space.

SECTION 4 HOUSING RESOURCES

This chapter describes and analyzes resources available for the development, rehabilitation, and preservation of housing in the City of Duarte. The first section begins with an overview of the availability of residential sites for future housing development and the adequacy of these sites to address the City's identified share of future housing needs. The following section presents financial resources available to support in the provision of affordable housing in the community. The next section presents administrative resources available to assist in implementing the City's housing programs. The final section is an overview of energy conservation and green building resources available to the City and its residents.

A. AVAILABLE SITES FOR HOUSING

SCAG has determined the projected housing need for its region for the 2008-2014 Housing Element cycle, and has allocated this housing need to each jurisdiction by income category. This Regional Housing Needs Assessment (RHNA) represents the minimum number of housing units each community is required to plan for by providing "adequate sites" through the general plan and zoning. An important component of the Housing Element is the identification of adequate sites for future housing development, and evaluation of the adequacy of these sites in fulfilling the City's share of regional housing needs (RHNA). Duarte has a RHNA allocation of 367 units distributed among the following income groups: 92 very low income; 58 low income; 63 moderate income; and 154 above moderate income units.

The City plans to fulfill its share of regional housing needs using a combination of the methods below, which are further described in the following narrative:

- Residential units constructed during the RHNA "gap period" (January 2006-October 2010);
- Residential projects with planning entitlements;
- Vacant sites currently zoned for residential development; and
- Residential second units.

In aggregate, the City's residential sites capacity from the above sources provides for 245 additional units, including 80 very low, 12 low, 9 moderate and 144 above moderate income units. Because this represents a shortfall in sites necessary to fulfill Duarte's lower and moderate income housing needs, the City is committing to a rezoning program as provided for under Housing Element statutes,¹ detailed within this section.

¹ AB 2348 amended Government Code sections 65583(c)(1)(A) and (B) to clarify requirements for a rezoning program within the Housing Element to address a shortfall in sites for very low and low income households.

1. RHNA Gap Period: Residential Units Constructed or with Planning Entitlements

Residential development constructed during the RHNA "gap period" since January 2006 can be credited towards Duarte's regional housing needs. Between January 1, 2006 through October 2010, a total of 132 units were constructed in Duarte, including 38 townhomes, (Huntington Courts Phase I and Duarte Gardens), two single-family homes, ten senior independent living units (Westminster Gardens Cottages), 80 affordable apartment units (Andres Duarte Terrace), and two second residential dwelling units. The following assesses the affordability of these 130 new units:

- As market-rate for-sale housing in the region is well beyond the level affordable to low and moderate income households, the 38 townhomes and two single-family homes developed are attributed to above-moderate income households.
- The senior independent living units include a high level of amenities and services, resulting in above-moderate income rents.
- The 80 unit Andres Duarte Terrace was financed through the HUD Section 202 program and is owned and operated by Southern California Presbyterian Homes. The project provides affordable rents to very low income seniors, and carries 55 year affordability covenants.
- Based on review of guest houses/second units listed for rent on Craigslist (Oct 2010), the average rent for the ten second units listed in Duarte and surrounding communities is \$940. This rent level is well within the 2010 maximum affordable housing costs for both one person (\$1,160) and two person (\$1,260) lower income households.

In addition to completed projects, the following two for-sale projects have planning entitlements and will help address above-moderate income needs:

- Huntington Courts (Phase 2: 2355-2435 Huntington Drive) – 30 units
- Attalla Ranch (Sunnydale & Las Lomas) – 15 units

In aggregate, a total of 177 units have been developed or entitled during the RHNA gap period. Subtracting these units from Duarte's RHNA by income category results in the following net RHNA for which the Housing Element must demonstrate adequate sites:

**TABLE H 4-1
RHNA CREDITS AND REMAINING NEED**

Income Category	RHNA Obligation	Units Constructed or Entitled (1/2006-10/2010)	Net RHNA Need
Very Low (< 50% AMI)	92	80	12
Low (51%-80% AMI)	58	2	56
Moderate (81%-120% AMI)	63	0	63
Above Moderate (> 120% AMI)	154	95	59
Total Units	367	177	190

2. Vacant Land

The City of Duarte has been essentially built out for many years, as evidenced by the slow rate of housing growth over the past several decades. While the City does have numerous underutilized residential properties that offer tear down and rebuild opportunities, the weak real estate market does not currently support such activities in the near term. Therefore, for Housing Element purposes, staff has focused on identifying the few remaining vacant residential sites, presented in Table H 4-2.

As indicated by this table, a total of nine vacant sites (11 parcels) with residential zoning have been identified for future development. The majority of these sites can accommodate only one single-family unit, with two larger hillside sites with more significant development potential. The Redevelopment Agency owns two vacant R-3 parcels comprising approximately one-half acre located adjacent to the moderate income Agency-assisted Las Brisas Homes development. Given the site's permitted densities and Agency ownership, it can accommodate nine units affordable at the moderate income level; additional units and deeper affordability may be achieved through density bonuses.

TABLE H 4-2
VACANT RESIDENTIAL SITES

Area #	APN	Parcel Area	General Plan/ Zoning	Permitted Density	Realistic Unit Potential	Comments
1	8604-012-910	10,090	MDR R-3	up to 21 du/acre	9	Agency-owned property east of Agency's Las Brisas Housing.
	8604-012-911	10,073				
2	8527-015-002	6,530	VLDR R-1D	1 du/ 20,000 lot	1	Requires access easement, severe slopes limit development potential.
	8527-015-003	21,780				
3	8527-015-020	20,649	VLDR R-1D	1 du/ 20,000 lot	1	Requires access easement.
4	8527-015-016	22,650	VLDR R-1D	1 du/ 20,000 lot	1	Narrow lot, recent subsidence, heritage trees.
5	8527-009-021	21,478	VLDR R-1D	1 du/ 20,000 lot	1	Severe slopes limit development potential.
6	8602-002-009	253,955	VLDR R-1B	1 du/ 10,000 lot	6	Requires access easement, slopes limit development pot'l (est. at 25% max)
7	8602-018-005	44,491	VLDR R-1B	1 du/ 10,000 lot	1	Narrow lot prevents further subdivision.
8	8610-018-004	11,090	LDR R-1A	1 du/ 7,500 lot	1	Requires access easement.
9	8602-002-012	1,483,589	VLDR R-1B	1 du/ 10,000 lot	37	Slopes, extensive grading, heritage trees limit development pot'l (est. at 25% max).

Source: City of Duarte Planning Division, December 2010.

3. Residential Second Units

Second units, also referred to as guest houses and granny flats, are small dwelling units that provide a kitchen, bathroom and sleeping area. Consistent with AB 1866 (effective 2002), Duarte has eliminated the CUP requirement, and now allows second units up to 700 square feet in size by right in all R-1 zones on minimum 6,000 square foot parcels. (Larger second units up to 1,200 square feet in size are also permitted, provided the unit is deed restricted to be affordable to low income households). The City has further facilitated second unit development by eliminating the need for additional covered parking, allowing the one additional parking space to be uncovered and provided in tandem with existing off-street parking.

As described previously, the rent structure for second units provides affordability at the low income level. Duarte has significant additional capacity in its R-1 zones to accommodate second units, and the market supports their development, with two second units receiving building permits in 2009 alone. Projecting a similar rate of second unit construction during the remaining five years of the planning period (2010-2014), the City estimates an additional ten second units to be constructed.

4. Sites for Rezoning

One of the major goals of the Duarte 2005-2020 General Plan was to provide expanded areas for residential/commercial mixed use and multi-family housing. In keeping with this goal, the Plan identified approximately 30 acres for new mixed use and multi-family use, including the following two areas which are included as part of the Housing Element update:

- Huntington Drive/Pops Road - .56 acres, 43 multi-family units
- ~~City Center Mixed Use Specific Plan~~ - 11 acres, 165 units
- Gold Line Specific Plan Transit Oriented Development - 19 total acres, 120 total multi-family units

~~Both of Each of these three areas will be rezoned Specific Plan to provide consistency with the development envisioned under the General Plan. City staff has been actively working with affordable housing developers in the Pops Road, City Center, and Gold Line areas, and now has three affordable housing projects in various stages of entitlement. For purposes of the Housing Element sites inventory, only those near-term housing sites within each of the two ~~three~~ overall rezone areas have been incorporated.~~

In addition to the ~~two~~ three affordable housing sites described above, a ~~third~~ fourth significant site has become available for an expanded senior housing community

at the former Santa Teresita Hospital. This site will also be rezoned Specific Plan, and the independent living units planned as part of the senior continuum of care included in the Housing Element sites inventory.

Pursuant to State Housing Element statutes, sites identified for rezoning to address a lower income RHNA shortfall shall meet the following requirements:

- ✓ Permit owner-occupied and rental housing uses by-right
- ✓ Permit a minimum density of 20 units per acre
- ✓ Allow a minimum of 16 units per site
- ✓ Accommodate at least 50 percent of the lower income needs on sites designated for residential use only

The ~~three~~four rezone sites are summarized in Table H 4-3, and described in greater detail within the following section. The sites fulfill the statutory requirements for addressing a lower income RHNA shortfall, as articulated in the "Rezoning to Accommodate Higher Densities" program included in the Housing Element.

Huntington Drive/Pops Road Property – Southern California Presbyterian Homes Senior Housing

The .57 acre Huntington Drive/Pops Road property is owned by the Duarte Redevelopment Agency and is located adjacent to the 80 unit Andres Duarte Terrace affordable senior apartments developed by Southern California Presbyterian Homes (SCPH) in 2006. The Agency is working with SCPH to develop a 43 unit expansion of the existing 80 unit low income senior citizen housing project, and has initiated² a zone change from R-4 to Andres Duarte Terrace Specific Plan. City staff is proposing to amend the current specific plan as follows:

- Incorporation of the .57 acre vacant parcel into the 1.79 acre/80 unit Andres Duarte Specific Plan
- Provision of a 100% density bonus for very low and low income senior units, allowing 52 units/acre on the combined 2.4 acre site
- Allowance for a reduced parking standards of one space per two units
- Elimination of the specific plan's current requirement for a CUP for construction of major structures along with reduced setback requirements to facilitate the replacement of existing parking with solar-roofed carports

SCPH submitted an application to HUD in June 2011 for Section 202 funding, received notice of being awarded funds in December, and anticipates starting construction the following year. Pursuant to Section 202 Income and rent restrictions, the project's 42 units will be restricted to very low income seniors

² The Duarte City Council adopted the amended Andres Duarte Specific Plan on December 19, 2010, providing all the necessary planning entitlements for SCPH's 43 unit project to move forward.

(<50% AMI), with the one market-rate manager unit falling within the moderate income rent threshold.

Project Name	APN/ Location	General Plan Designation	Current Zoning	Proposed Zoning and Densities	Acres	Realistic Unit Capacity	Existing Use	Notes
Pops Road/Huntington Drive SCPH Senior Housing	8530-023-076, 912 & 913 (parcels to be combined by City)	High Density	R-4	Specific Plan - High Density Residential 52 du/acre <i>(Rezoning adopted Dec 2010)</i>	.57	43 (42 extremely low - very low income senior units, plus 1 manager unit)	Vacant	RDA owned site. Finalized option agreement with SCPH to purchase and develop with affordable senior housing. City granted 100% density bonus. <i>Formatted: Font: Italic</i> <i>Formatted: Font: Italic</i> SCPH awarded and applying for HUD Sec 202 funds.
Gold Line TOD - Phase 1	8528-011-021	Specific Plan- Gold Line Mixed Use	M-1	Specific Plan - Mixed Use 340+ du/ac (with requirement for min 2 acres residential)	6.6	60-7580-100 (extremely low, very low and low income family units)	128,000 sf industrial warehouse	Phase 1 of Gold Line Station TOD. Single property owner. RDA to acquire site & prepare for development. City awarded Metro TOD grant for preparation of Specific Plan. Adoption targeted for year end 2012. Agency has ENA with Lowe Enterprises; non-profit on team for affordable component.
City Center - Phase 1 Abode Communities Family Housing	8530-004-904 8530-004-900 8530-004-069	Specific Plan- City Center	C-2	High Density Residential 30+ du/acre	.68 4.0 .60	66 (extremely low, very low and low income family units)	Vacant Vacant Burger King	RDA owns 2 vacant parcels, and has purchase agreement to acquire adjacent Burger King parcel. RDA has ENA with Abode Communities for development of affordable housing on combined site.
Santa Teresita Senior Housing Community	Royal Oaks Dr to north, Sierra Terrace St to west, Buena Vista St to east, Sesmas St to south.	Hospital	H	Specific Plan <i>(Plan completed and adopted in June 2011)</i>	12	48 independent living units for seniors (plus 280 beds of assisted living, congregate care, skilled nursing)	Hospital, assisted living building, skilled nursing center	A Master Plan is being developed to guide the development of the 12 acre Santa Teresita camp consistent with the new continuum of care focus. The EIR was certified and the Plan <i>Formatted: Font: Italic</i> <i>Formatted: Font: Italic</i> <i>Formatted: Font: Italic</i>

Duarte General Plan 2005-2020

4-6

Housing Element

Adopted April 2011/Amended Jan 2012

										adopted by City Council in June 2011.
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**TABLE H 4-3
SITES TO BE REZONED FOR AFFORDABLE AND SENIOR HOUSING
DURING CURRENT PLANNING PERIOD**

City Center Phase 1 - Abode Communities Family Housing

The City Center Area is a new land use designation in Duarte's 2007 General Plan intended to create a unique area in the center of the community where Duarte residents and business owners can come together to live, socialize and shop. The General Plan provides for vertical and/or horizontal mixed high density residential and commercial uses within the 11 acre City Center designation, allowing for up to 165 multi-family units and 165,000 square feet of commercial uses. The City will be initiating a specific plan or other rezoning mechanism for the City Center Area which will "provide unique parking standards, sufficient residential densities, housing types and appropriate pedestrian friendly design." Because of the current economy and weak market for redevelopment of existing uses, the majority of the City Center Area is not expected to develop within the Housing Element planning period and therefore has not been included in the Element's residential sites inventory. However, two vacant parcels owned by the Redevelopment Agency and third adjacent parcel are included in the current Housing Element as they provide near term development potential, referred to as City Center Phase 1 and described below.

Phase 1: The Redevelopment Agency has entered into an exclusive negotiating agreement with Abode Communities, a non-profit housing development corporation for development of a 66 unit 100% affordable family project on two Agency owned parcels and adjacent privately owned parcel within the City Center Area. The combined 2.28 acre site will be rezoned high density residential no later than 2012, providing for development of 66 units and allowing for reductions in parking. Abode is planning to apply for the first round of tax credits in 2012 for the 66 very low and low income family rental units. In addition to a land write down from the Redevelopment Agency, other financial resources to be pursued through Los Angeles County include Industry Set Aside Funds and HOME funds.

Gold Line Station Transit Oriented Development

In 2007, the City of Duarte amended the General Plan and land use diagram to support a transit-oriented development (TOD) around the planned Gold Line light rail station located between the 210 freeway and railroad right of way. The "Gold Line Station Area Development" identified in the General Plan is comprised of three parcels totaling 19 acres and is currently occupied by light industrial and warehouse uses. *The following section describes the overall vision for development of the Gold Line TOD, and then focuses on Phase 1 for development of one of the three TOD parcels, by Lowe Enterprises. For purposes of the Housing Element sites inventory, only the 6.6 acre Phase 1 parcel is included as it represents the most feasible near-term development opportunity.*

The City of Duarte contracted with a team of consultants (lead by IBI Group) to work with the community to develop an overall vision and guiding principles for development of the 19 acre TOD site. A market study and traffic analyses were also conducted and served to inform the public and City decision-makers in establishing the following goals to guide site development:

- Provide both homeownership and rental housing choices for all demographic segments of our population, with a focus on opportunities for those whom are transit-dependent.
- Integrate workforce housing to promote a job-housing balance for City of Hope and other near-by businesses.
- Encourage smart growth principles and greenhouse gas reduction by linking diversified housing choices with convenient modes of transportation.
- Incorporate office and work places to offer conveniently located job choices.
- Provide open space and plazas to promote healthy lifestyles.
- Discourage auto-related uses and automobile dependence.
- Include ancillary retail to offer a live-work-play living environment.
- Plan for hotel and extended stay lodging to accommodate patient families, business people and visiting doctors and scientists.

The resulting conceptual site plan for the Duarte Gold Line Station Area provides a mixed-use transit village that has a higher focus on residential uses with opportunity sites for job-intensive office uses, hotel, retail, and urban park space; 120 multiple-family units are provided for under the Plan. The Gold Line transit station, scheduled to be in operation by 2014, will act as the gateway to the neighborhood with special attention paid to the public realm, providing a park / public plaza bordered by retail uses, so that the station area serves as a local gathering place.

Based on the desire to provide an overall integrated development that includes residential, commercial and office uses surrounding a regional transit station, the overall 19 acre project will be mixed use, however the residential component will be provided horizontally, meaning the specific plan developed for the site will set aside areas that are designated specifically for high density residential use.

Phase 1: The first Phase of the TOD project involves redevelopment of a 6.6 acre underutilized parcel located immediately north and west of the future Gold Line Station platform. The parcel is currently under private ownership (one owner), and occupied by a 128,000 square foot multi-tenant warehouse structure. There are currently seven tenants in the building and all current lease terms end by mid 2013. The developer and Redevelopment Agency isare currently in negotiations to purchase the property, and has been in discussions with multiple development teams that have shown an interest in initiating a TOD development on the site. The Agency will maintain responsibility for relocating the existing tenants and preparing the site for development.

~~The City's overall land use goal for The Agency has an Exclusive Negotiating Agreement with Lowe Enterprises to develop Phase 1 of the TOD project includes development of 80-10060-75 units of affordable rental housing in one to two projects, creation of a minimum 125 parking spaces for the Gold Line Station, establishment of an approximately .5 acre public plaza, and allocation of 1.5 acres for development of office, commercial, and/or mixed income residential use. The City will utilize the Gold Line Specific Plan as a tool for the rezoning and to create an entitlement within the Phase 1 parcel for a minimum of two acres to be designated for high density residential (40+ units/acre), yielding a minimum of 80 units. Rezoning under the Gold Line Station Area Specific Plan is targeted to occur by the end of 2012, will occur no later than 2013, ensuring the necessary entitlements are in place and the parking constructed prior to completion of the Gold Line Foothill Extension and transit station in 2014. amboree Housing is the affordable developer on the Lowe Enterprises project team and is proposing an affordable apartment project for low and very low families with on-site services provided through Housing with a HEART. Jamboree intends to apply for both 9% low income housing tax credits and City of Industry Funds to help leverage local redevelopment set-aside funds for the project.~~

As a means of facilitating the Gold Line rezoning process, the City submitted an application to LA Metro for a TOD planning grant in the fall of 2011, and received notification of grant approval in December 2011. The City's grant application received the 2nd highest ranking of all applications submitted due in part to project readiness, and was the only Metro TOD grant awarded for the Gold Line. The \$400,000 Metro grant, along with a local \$75,000³ match, is being used to fund preparation of the Gold Line Station Area Development Specific Plan, which will replace the current Manufacturing zoning and establish new development

³ The proposed \$75,000 local match consists of \$50,000 cash and \$25,000 in-kind.

standards (increased FARs and heights, reduced parking, etc) tailored for transit oriented development. The City's Community Development Department is in the process of hiring a consultant to prepare the Gold Line Specific Plan and the accompanying environmental documentation, and has a targeted date for adoption of December 2012.

The City will utilize several tools the City to increase the market attractiveness of the site and accelerate development of the TOD:

- Have zoning entitlements and CEQA approval in place (through the Specific Plan).
- Provide redevelopment housing funds via the City's Housing Authority for TOD affordable housing component.
- Commitment to expedited review through the City's planning and building permitting processes.
- Potential establishment of special districts, such as an infrastructure improvement district, to help finance site development.
- Potential hiring of public finance consultant to assist in seeking creative financing mechanisms.

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Development of the 6.6 acre Phase 1 parcel of the Gold Line TOD will be funded with redevelopment housing funds; purchase of a portion of the site by the Gold Line Authority for parking; and the increased value created through zoning for high intensity use. The City has recently contracted with an economic consultant to prepare a financial analysis of the project's residential component and to structure affordability controls on the 80+ units.

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Santa Teresita Hospital - Senior Housing Community

In addition to the ~~two~~ three sites described above, ~~another~~ ~~forth~~ significant site has become available for an expanded senior housing community at the former Santa Teresita Hospital. Santa Teresita is a Catholic non-profit organization that dates back to 1930 when the Carmelite Sisters established a tuberculosis sanatorium for young women and girls. Santa Teresita Hospital opened in Duarte in 1955 and numerous medical services were added over the years. In 2004, the focus of care at Santa Teresita changed to providing a continuum of short and long-term care for seniors that encompasses independent living, assisted living, skilled nursing, and congregate care with comprehensive rehabilitation services and other amenities. A Master Plan is currently being developed to guide the continued development of the 12 acre Santa Teresita campus consistent with the new continuum of care focus.⁴ The residential component at Santa Teresita will encompass the following:

Independent Living Units -- 48 rental units

⁴ On June 4, 2011, the Duarte City Council adopted the Rose Gardens at Santa Teresita Specific Plan and associated General Plan amendment and zone change, and certified the project EIR.

Assisted Living – 128 beds
 Congregate Care Facility – 72 beds
 Skilled Nursing Facility – 80 beds

For purposes of the Housing Element sites analysis, only the 48 independent living units fulfill the census definition of "housing unit" and can be credited towards Duarte's share of regional housing needs. While Santa Teresita's 280 beds of assisted living, congregate care and skilled nursing also fulfill an important housing need for seniors, these facilities are considered group quarters by the census and within SCAG's RHNA model and thus do not qualify for RHNA credit.⁵

5. Adequacy of Sites to Meet RHNA

Table H 4-4 provides a summary of Duarte's residential sites capacity compared to the City's RHNA for 367 new units, distributed among very low, low, moderate and above moderate income levels. As indicated, the City's Housing Element has identified adequate sites to be designated at appropriate densities to fulfill its regional housing need for all income levels. (While the City has a shortfall in sites to address moderate income needs, the surplus in sites/units for very low and low income households can be used to offset this need).

**TABLE H-4-4
 COMPARISON OF SITE INVENTORY AND RHNA**

Income Category	RHNA	RHNA Credits*	Vacant Sites	Additional Second Units	Rezone Sites**	Remaining RHNA
Very Low (<50% AMI)	92	80			42	(30)
Low (51%-80% AMI)	58	2		10	42860	(8034)
Moderate (81%-120% AMI)	63	0	9		1	53
Above Moderate (>120% AMI)	154	95	49		48	(38)
Total Units	367	177	58	10	2171	(4995)

* Refer to Table H-4-1

** Includes 42 very low and 1 moderate income units at Pops Road (SCPH); 680 low income units in Phase 1 of at Gold Line TOD (Jamboree); 66 low income units at City Center (Abede); and 48 above moderate income independent living units at Santa Teresita.

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RHNA Credits: A total of 132 units were constructed in Duarte between January 2006 and October 2010 (see Table H 4-1). In addition to these completed projects, two for-sale projects have planning entitlements for development of 45 units. Of these total 177 units, 80 units will address the City's very low income

⁵ The census defines housing units as separate living quarters in which the occupants live separately from any other individuals in the building and which have direct outside access from outside the building or through a common hall.

needs, two units will address low income needs, and 95 units will address the needs of above moderate income households.

Vacant Sites: The City has identified nine vacant, residentially zoned sites for future development (Table H 4-2). Eight of these sites are zoned for single-family use, and can accommodate 49 units for above moderate income households. One vacant R-3 site owned by the Redevelopment Agency can accommodate nine units affordable at the moderate income level.

Second Units: As described previously, the rent structure for residential second units provides affordability at the low income level. Duarte has significant additional capacity in its R-1 zones to accommodate second units, and the market supports their development, with two units receiving building permits in 2009 alone. Projecting a similar rate of second unit construction during the remaining five years of the planning period (2010-2014), the City estimates an additional ten second units to be constructed.

Rezoning: As a means of providing increased development capacity to address the City's shortfall in sites to meet the RHNA, the Housing Element establishes a rezone program. The City is committing to rezone the following ~~threefour~~ sites Specific Plan (while the City Center and Gold Line Specific Plans encompasses a larger areas, the acreage and unit count reflect the Phase 1 near-term-projects only):

- **Huntington Drive/Pops Road** - .56 acres, 42 affordable senior units plus one manager unit (Zoning – Specific Plan:High Density Residential)
- ~~City Center Area (Phase 1) – 1.68 acres, 66 affordable family units (Zoning – High Density Residential)~~
- **Gold Line Specific Plan Transit Oriented Development (Phase 1)** – 6.6 acres, 680+ affordable family units (Zoning – Specific Plan: Mixed Use)
- **Santa Teresita** – 12 acres, 48 independent living senior units (Zoning: Specific Plan)

Rezoning of these ~~threefour~~ sites fulfill statutory requirements for a rezone program: permitting housing uses by-right; allowing a minimum of 20 units per acre and 16 units per site; and accommodating at least half of the very low and low income RHNA on sites designated for residential use only.⁶

6. Availability of Infrastructure and Public Services

⁶ Of the ~~32~~ 32 rezone sites to provide very low and low income units, the SCPH Pops Road~~2~~ sites will be designated for exclusively residential (~~400~~42 units), with the 6.6 acre Gold Line TOD site to be designated mixed use, with a requirement for a minimum of 2 acres to be designated for high density residential (40+ units/acre), yielding a minimum of 80 units. (~~60~~units). As illustrated in Table H 4-43, of Duarte's total 150 unit very low and low income RHNA, the City will provide for 134~~200~~ very low and low income units on sites zoned exclusively residential use.

The availability of adequate public facilities and services in relation to the sites identified in Table H 4-3 has been evaluated, and the city has determined there are no public facilities or service constraints that would impede development of housing units to meet Duarte's RHNA allocation. The Gold Line station area is currently an industrial park, and as such, water, sewer and other utilities are in place for anticipated heavy utility uses. The Huntington Drive-Pops Road and City Center/Abode properties have complete access to all utilities and services and sufficient infrastructure to accommodate higher density residential. The Santa Teresita Continuum of Care site was previously developed with a hospital and assisted living uses, and also has the necessary infrastructure in place for development.

SB 1087, effective January 2006, requires water and sewer providers to grant priority for service allocations to proposed developments that include units affordable to lower income households. Pursuant to these statutes, upon adoption of its Housing Element, Duarte will immediately deliver the Element to local water and sewer providers, along with a summary of its regional housing needs allocation.

B. FINANCIAL RESOURCES

Duarte has access to a variety of funding sources available for affordable housing production and retention. These funding sources include Federal, State, local and private sources. The most significant funding sources used by the City are described below.

1. Redevelopment Set-Aside Funds

Redevelopment Law requires redevelopment agencies to set-aside 20 percent of all tax increment revenue, which is generated within a redevelopment area, for affordable housing. This money must be used to increase, preserve, or improve the supply of affordable housing within the community. Over the years, the Agency has used its set-aside money to purchase property for low and moderate housing production.

The Agency has approximately \$9.5 million available for affordable housing as of July 2010. This balance is anticipated to grow to approximately \$12 million by 2014. The majority of the Agency's housing funds will be used to support the new construction of affordable rental housing for families and seniors through a program of partnership with affordable housing developers and gap financing of worthy projects.

The Agency recently purchased 29 residential units to make way for the Best Buy commercial project. The 29 units consisted of 11 one bedroom apartments, 17 two bedroom units and 1 three bedroom unit. These units are anticipated to be replaced by 2014.

The redevelopment 20% set-aside money will be used in one of two ways or a combination of both. The first alternative is to purchase dilapidated apartment units, substantially rehabilitate them, provide affordability covenants and make them available to low and moderate income people. The second alternative is to make units within the Gold Line project affordable to low and moderate income people.

2. Inclusionary Housing Trust Fund

In 2005, the City adopted an Inclusionary Housing Ordinance which requires 15% of all new or substantially rehabilitated units in ownership projects with four or more units, and multi-family rental projects with 10 or more units to be affordable to low and moderate income households. The City allows developers the option of paying a fee in lieu of providing the inclusionary units, which is in turn deposited into an Inclusionary Housing Trust Fund. The in-lieu fee amount is currently \$6.50 per square foot of gross building area for both single and multi-family projects. The Housing Trust Fund currently (Jan 2011) has a balance of

\$492,404.35 that the City intends on spending on one of its pipeline affordable housing projects.

3. Community Development Block Grant (CDBG) Program

For over 30 years, the City of Duarte has received Federal Community Development Block Grant (CDBG) funds through a CDBG program administered by the Los Angeles Community Development Commission (CDC). Eligible activities include, but are not limited to: acquisition and /or disposition of real property, public facilities and improvements, relocation, rehabilitation and construction (under certain limitations) of housing, homeowner assistance, and clearance activities.

The City was allocated approximately \$220,000 in CDBG funds for the 2010/2011 fiscal year. The CDBG program funds a single-family housing rehabilitation program in conjunction with a lead based paint/asbestos compliance program in which approximately 15 lower income households are assisted annually. Duarte also uses CDBG to fund a code compliance program to monitor and identify code deficiencies in a low income area of the community; The City spends the maximum permitted 15 percent of its CDBG allocation on public service activities which it focuses on programs for youth, including youth sports scholarships and music comprehension programs.

4. City of Industry Funds

City of Industry Funds can only be used by local governments within a 15-mile radius of the City of Industry. Industry funds consist of 20 percent set-aside funds collected by the City of Industry and transferred to the Los Angeles County Housing Authority. The purpose of this money is to develop low-and moderate-income housing for families, seniors and persons with special needs, including domestic violence victims, emancipated foster children, and persons afflicted with AIDS/HIV. To be eligible for City of Industry funds, a proposed affordable rental housing development is required to set aside a minimum of 20 percent of the units for very low households. A proposed for-sale development must set aside a minimum of 20 percent of the units for very low-and/or low-income households. Funds are awarded annually on a competitive basis. Approximately \$450,000 was awarded to the SCPH 80-unit senior apartment project, in addition to the HUD and Duarte Redevelopment Agency funds that were also used for the project. Duarte will continue to look to these funds to provide affordable housing.

5. Home Investment Partnership (HOME)

As a participating City in the Urban County, Duarte can apply to the Los Angeles Community Development Commission on a competitive basis for specific projects. HOME funds are used to assist lower income households (up to 80% AMI), and can be used for a variety of affordable housing activities including new

construction, acquisition, rehabilitation, homebuyer assistance and rental assistance. Similar to City of Industry funds, non-profit developers with affordable housing projects in Duarte may also directly apply to the CDC for HOME funds.

6. California Housing Funds

The State Department of Housing and Community Development (HCD) administers more than 20 programs that award loans and grants for the construction, acquisition, rehabilitation and preservation of affordable rental and ownership housing, homeless shelters and transitional housing. The availability of funding for these programs changes over time. The following are some of the programs which are offered at this time both through HCD and the Tax Credit Allocation Committee (TCAC):

- **Multi-Family Housing Program (MHP)** – Deferred payment loans to local governments and developers for new construction, rehabilitation and preservation of rental housing for lower income households.
- **Low Income Housing Tax Credits** – Tax credits are available to persons and corporations that invest in low income rental housing, with proceeds being used to support affordable new construction. TCAC provides two rounds of tax credit applications annually.
- **CalHome Program** – Provides grants to local public agencies and non-profits to assist lower income households with homebuyer assistance. Also provides loans to developers of affordable homeownership projects.
- **Housing-Related Parks Program** – Provides grants to local jurisdictions with documented housing starts for newly constructed affordable housing for creation of new parks or rehabilitation of existing parks.
- **Emergency Housing and Assistance Program (EHAP)** – Provides deferred payment loans for capital development activities for emergency shelters, transitional housing, and safe havens that provide shelter and supportive services for homeless individuals and families.

The City of Duarte will leverage local Redevelopment Agency funds with available State and other resources in support of affordable housing within its jurisdiction.

7. Section 8 Housing Voucher Assistance

Section 8 is a federally funded rental assistance program that subsidizes the cost of rental housing for eligible households. Low-income families and individuals rent privately owned housing, and the Housing Authority of the County of Los Angeles pays the owner directly for a portion of the monthly rent. To be eligible, a household's income must be verified as equal to or below the income limits set by HUD. Families, single elderly persons, and single persons with a disability are eligible to receive rental assistance. Applicants on the waiting list are served on

a first-called/first served basis with a preference for those who live or work in the Los Angeles county jurisdiction at the time of selection. As current participants leave the program, assistance is offered to people on the waiting list in order of their date and time of application, and according to "local preferences", or priorities established by the Housing Authority. Due to the length of the waiting list and current voucher availability, we are unable to specify when registrants will be served.

C. ADMINISTRATIVE RESOURCES

1. City of Duarte Community Development Department

The City of Duarte Community Development Department provides administrative services, housing and community development services to residents, developers, and others interested in housing issues. The City is a participating city in the Los Angeles Community Development Commission's, Los Angeles Urban County. As such, it receives its CDBG allocation from the Los Angeles County Community Development Commission (CDC) and provides the data needed to the County, which in turn prepares the HUD required Consolidated Five-Year and Annual Action Plans for the expenditure of CDBG funds. The Department is also responsible for ensuring the federal compliance and implementation of the City's housing rehabilitation programs. In addition, the Department is responsible for reporting on redevelopment housing activities, including disbursement of redevelopment housing set-aside funds.

2. Los Angeles County Housing Authority and Community Development Commission (CDC)

The City of Industry Fund, referenced in the prior section, is administered by the Los Angeles County Housing Authority. The Los Angeles County Community Development Commission also administers the non-entitlement Community Development Block Grant funds for Los Angeles County cities with populations under 50,000, of which Duarte is one. One of the bright spots in making housing affordable at this time is financing for the end user. Interest rates, which are determined by national policies and economic conditions are at an all time low. When interest rates are high, there is little local governments can do to affect these rates. Duarte has and will continue to participate in the CDC's "First-Time Homebuyers Programs", through the Home Ownership Program (HOP) which provides lower interest rates to low income first-time homebuyers.

3. Duarte Parks and Recreation Department

The City of Duarte Parks and Recreation Department provides a variety of services that support the community's seniors, families, youth and at-risk teens. The following highlights just a few of the Department's Programs:

- The **Duarte Senior Center** provides a daily hot lunch program, as well as a wide variety of recreational classes and activities. Free health checks and legal services are provided periodically.
- The **Duarte Teen Center** offers a state-of-the-art computer room, tutoring, a boxing program and a myriad of activities for Duarte High School students. With the hopes of reducing teen pregnancy and fatherlessness, the City of Duarte, Methodist Hospital of Southern California and Foothill

Family Service provide many special programs for teens through The Turning Point Project at the Teen Center.

- **People Helping People** is a volunteer community service program designed for teens. The program consists of two major components: teens providing volunteer services to senior citizens in the community, and group social activities.
- **The Share Mentoring Program** matches young people with trained mentor adults from the community for a minimum six month period. The Program conducts monthly activities as recommended by the Share Mentor Advisory Board.

4. Duarte Transit System

The City of Duarte has operated a fixed route bus system since 1984. It is paid for from a ¼ cent sales tax surcharge approved by California voters. The buses operate Monday through Saturday, and have a current ridership of more than 24,400 per month. All city buses are equipped to handle handicapped persons.

The bus system offers three routes, two that circulate around the City in opposing directions. The bus routes come within a few blocks of every point in the City and serve to connect the residential areas with the city's major commercial, industrial and governmental centers. The third, commuter route picks up passengers from residential areas and drop them off at locations where they can transfer to MTA and Foothill Transit lines.

D. LOCAL NON-PROFIT RESOURCES

The following describes several local non-profit housing organizations active in Duarte. These agencies serve as resources in meeting the housing needs of the City, and are integral in implementing activities for preservation of assisted housing and development of affordable housing.

1. Southern California Presbyterian Homes (SCPH)

SCPH is an experienced non-profit housing developer, and has been providing housing and healthcare services to seniors for over 50 years. The organization currently serves more than 3,400 residents living in six Continuing Care Retirement Communities (CCRCs), two Residential Care Facilities for the Elderly, two Assisted Living Communities, two Home Care Programs and 24 Affordable Housing Communities. SCPH currently owns and operates two affordable senior housing projects in Duarte – the 80 unit Andres Duarte Terrace and 75 unit Royal Vista Terrace. These projects are funded through a combination of HUD Sections 202 and 221, local redevelopment housing set-aside funds, and City of Industry funds. SCPH also recently purchased Westminster Gardens, a market rate retirement community in Duarte comprised of individual cottages. ~~The Duarte Redevelopment Agency is currently working with The City has approved the necessary rezoning to allow SCPH to – on an expansion – of Andres Duarte Terrace to accommodate 43 additional extremely low and very low income seniors.~~

2. Habitat for Humanity – San Gabriel Valley

Habitat for Humanity is a Christian non-profit organization which builds affordable housing in all 50 states and in many countries throughout the world. Habitat primarily builds single family homes for lower income families. Recipient families are asked to provide sweat equity, while volunteers consisting of church members, business persons and local organizations provide labor and materials. The homes are sold to families with no interest loans with no profit to Habitat for Humanity.

3. Jamboree Housing Corporation (JHC)

JHC is a non-profit developer that has developed and implemented numerous affordable housing projects throughout Southern California as well as the State. Jamboree has also established an in-house social services division to assist residents in maintaining self-sufficiency. "Housing with a HEART" (Helping Educate, Activate and Respond Together) now operates at most Jamboree-owned properties. ~~The Duarte Redevelopment Agency is currently working with Jamboree to develop 75-100 affordable family units as part of the first Phase of the Gold Line transit-oriented development project.~~

4. Abode Communities *(previously Los Angeles Community Design Center)*

Abode Communities provides over 40 years experience in developing multi-family affordable housing to address the needs of Southern California's large workforce, low-income families, seniors and individuals with special needs. Currently, Abode owns 34 properties throughout the region that are home to more than 4,000 residents. In addition to development, Abode offers in-house architecture, housing services and resident services. Abode projects are service-enriched, integrating child care centers, community centers and computer labs, and providing a Resident Services Program. ~~The Redevelopment Agency is in active discussions with Abode regarding development of a 60-75 unit 100% affordable family project on two Agency owned parcels within the City Center Mixed Use Area.~~

5. Rebuilding Together

Rebuilding Together is a national organization which helps preserve owner occupied houses and neighborhoods to assure a warm, safe and dry home for people in need. Rebuilding Together works with the low income persons and concentrates on the elderly, the disabled and families with children. An affiliate, was established in the Duarte area. The organization is called Rebuilding Together Duarte/Monrovia and has a 501 (c.) 3 status. The goal of the local affiliate is to repair and rehabilitate at least two owner-occupied low-income homes per year with the assistance of local sponsors and other volunteer based organizations.

E. ENERGY CONSERVATION OPPORTUNITIES

Increasing utility cost adds to reducing affordability of housing. Energy conservation reduces heating and cooling cost making housing more affordable. Title 24 of the California Administrative Code, adopted by most cities in California as part of their Building Codes, including the City of Duarte, sets forth mandatory energy requirements. The following are among the alternative ways to meet the energy standards:

Alternative 1 is a passive solar approach, which requires proper solar orientation, appropriate levels of thermal mass, south facing windows, and moderate insulation levels. A second alternative generally requires higher levels of insulation than Alternative 1, but has no thermal mass or window orientation requirements. Alternative 3 is also without passive solar design but requires active solar water heating in exchange for less stringent insulation and/or glazing requirements.

In turn, the home building industry must comply with these standards while localities are responsible for enforcing the energy conservation regulations. Some additional opportunities for energy conservation include various passive design techniques. Among the range of techniques that could be used for purposes of reducing energy consumption are the following:

- Locating the structure at the northern sunniest portion of the site;
- Designing the structure to admit the maximum amount of sunlight into the building and to reduce exposure to extreme weather conditions;
- Locating indoor areas of maximum usage along the south face of the building and placing corridors, closets, laundry rooms, and garages along the north face;
- Making the main entrance a small enclosed space that creates an air lock between the building and its exterior; orienting the entrance away from prevailing winds, or using a windbreak to reduce the wind velocity against the entrance.

Southern California Edison and Southern California Gas serve Duarte and offer the following programs to promote the efficient use of energy and assist lower income customers:

Southern California Edison (SCE). SCE offers its Low Income Energy Efficiency programs (LIEE), which help qualified homeowners and renters conserve energy and control electricity costs. Eligible customers receive services from local community agencies and licensed contractors working with SCE. Services include weatherization, efficient lighting and cooling, refrigerator replacement, and energy education. SCE also participates in the California Alternate Rates for Energy (CARE) program which provides a 20 percent discount on electric bills for low-income customers.

Southern California Gas offers two direct assistance programs to limited income customers: 1) a no cost weatherization (such as attic insulation and water heater blankets), and 2) a no cost furnace repair and replacement service. The Gas Company also participates in the State CARE program, providing low-income customers with a discount on their gas bills.

The Duarte Architectural Review Board, which reviews projects within the community, and complies with state laws including the use of solar panels and is therefore less stringent in restricting their use. Several years ago, the Las Brisas housing project, completed in partnership with the Duarte Redevelopment Agency, won a Building Industry Association award for energy conservation and a second award for best design of small homes for moderate income.

1. Sustainable Development Practices

In order to encourage energy and natural resource conservation, and to implement State laws regarding reduction in greenhouse gas emissions, water conservation and other conservation directives, the City has incorporated Chapter 19.52 "Sustainable Development Practices" into the new Development Code. All new development is now required to apply sustainable development practices as defined in the Code, with the extent of required sustainability provisions determined by the scale of development which is divided into four levels, ranging from small-sized projects to significant projects.

Duarte's Sustainable Development Practices encompass the following areas:

- Recyclable Materials
- Energy Efficiency and Alternative Energy Solutions
- Water Conservation
- Urban Water Runoff Drainage
- Community Gardens
- Transit and Pedestrian Access

The Code specifically states that "implementation of the requirements of this Chapter should reflect reasonable flexibility for substitutions and applications that are determined by the Director to be in substantial compliance with and generally equivalent to the applicable standards set forth herein. Creative and cost-effective solutions to sustainable development practices are encouraged."

SECTION 6 HOUSING PLAN

Sections 2, 3, 4 and 5 of the Housing Element establish the housing needs, opportunities, constraints in Duarte, and evaluates the City's accomplishments under the adopted Housing Element. This final Housing Plan section sets forth the City's goals, policies and programs to address identified needs. The Housing Plan establishes quantified objectives and programs for the 2008-2014 planning period to address the overall goals of housing preservation, rehabilitation and construction which:

- Identify adequate sites, with appropriate zoning, and development standards and services to encourage the accommodation of Duarte's share of the regional housing needs for each income level.
- Assist in the development of adequate housing to meet the needs of low- and moderate-income households.
- Address, and where possible, remove governmental constraints to the maintenance, improvement and development of housing, including housing for all income levels and housing for persons with disabilities.
- Conserve and improve the condition of the existing affordable housing stock.
- Preserve assisted housing developments at risk of conversion to market-rate.
- Promote equal housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status or disability.

A. GOALS AND POLICIES

This section of the Housing Element sets forth the goals and policies the City intends to implement to address the following five major issue areas: 1) Preserve, conserve, and improve the existing housing stock; 2) Remove government constraints; 3) Promote equal housing opportunities; 4) Assist in development and provision of affordable housing; 5) Provide adequate sites to achieve a variety of housing types and densities.

1. PRESERVE, CONSERVE, AND IMPROVE THE EXISTING HOUSING STOCK

GOAL 1: Continue to promote the rehabilitation of deteriorated dwelling units and the preservation of sound housing units.

Objective 1.1: Conserve the City's existing housing stock.

Policy 1.1.1: Continue to cooperate with the County to provide below-market rate rehabilitation loans to improve owner-occupied housing, and provide for room additions to help address overcrowding.

Policy 1.1.2: Provide home improvement assistance to lower income homeowners to alleviate deteriorated housing conditions.

Policy 1.1.3: Continue to investigate and pursue additional housing rehabilitation programs and funding sources offered by the State and Federal governments.

Policy 1.1.4: Promote the removal and replacement of substandard units which cannot be rehabilitated.

Objective 1.2: Continue to promote the maintenance of currently sound housing.

Policy 1.2.1: Continue to encourage the maintenance of sound owner-occupied and renter occupied housing.

Policy 1.2.2: Develop a program for units at risk of converting to market rate.

2. REMOVE GOVERNMENTAL CONSTRAINTS

GOAL 2: Mitigate governmental constraints to housing while maintaining community character.

Objective 2.1: Reduce or remove government constraints on the maintenance, improvement and development of housing where feasible.

Policy 2.1.1: Facilitate timely building permit and development plan processing for residential construction.

Policy 2.1.2: Provide incentives and regulatory concessions for affordable and senior housing while protecting quality of life goals.

Policy 2.1.3: Promote efficient and creative alternatives to help reduce housing costs.

Policy 2.1.4: Provide zoning to facilitate the provision of emergency, transitional and supportive housing.

3. PROMOTE EQUAL HOUSING OPPORTUNITY

GOAL 3: Promote equal housing opportunities for all residents, including Duarte's special needs populations, so that residents can reside in the housing of their choice.

Objective 3.1: Promote housing opportunities for all.

Policy 3.1.1: Support the provision of fair housing services and tenant/landlord mediation to Duarte residents.

Policy 3.1.2: Support development and maintenance of affordable senior rental and ownership housing and supportive services to facilitate maximum independence and the ability of seniors to remain in their homes.

Policy 3.1.3: Continue to address the special needs of persons with disabilities through provision of supportive housing, zoning for group housing, and procedures for reasonable accommodation.

Policy 3.1.4: Work cooperatively with the San Gabriel Valley Council of Governments and other applicable agencies to provide a continuum of care for the homeless, including emergency shelter, transitional housing, supportive housing and permanent affordable housing.

4. ASSIST IN DEVELOPMENT AND PROVISION OF AFFORDABLE HOUSING

GOAL 4: Assist the private, public and non-profit sectors in providing affordable housing opportunities and services

Objective 4.1: Expand affordable housing options within the City of Duarte.

Policy 4.1.1: Provide financial and/or regulatory incentives to facilitate the development of affordable housing. Prioritize local funding resources for projects which include a portion of units affordable to extremely low income households.

Policy 4.1.2: Support collaborative partnerships among non-profit organizations, affordable housing builders, and for-profit developers to provide greater access to affordable housing funds.

Policy 4.1.3: Seek to address household overcrowding by supporting the provision of affordable family units with three or more bedrooms, and encouraging bedroom additions in existing housing.

Policy 4.1.4: Encourage the provision of financial assistance to low and moderate income first-time homebuyers through County and State programs.

Policy 4.1.5: Support and publicize rental assistance provided through the L.A. County Housing Authority for extremely low and very low income households.

Policy 4.1.6: Encourage use of sustainable and green building design in new and existing housing.

5. PROVIDE ADEQUATE SITES TO ACHIEVE A VARIETY OF HOUSING TYPES AND DENSITIES

GOAL 5: Provide adequate housing sites to accommodate the needs of existing and future residents.

Objective 5.1: Help facilitate the construction of 367 housing units during the January 1, 2006 through June 30, 2014 planning period in order to meet the goals of the Regional Housing Needs Assessment (RHNA).

Policy 5.1.1: Provide adequate sites to facilitate the development of a range of residential development types in Duarte which fulfill regional housing needs, including low density single-family uses, moderate density townhomes, and higher density apartments and condominiums.

Policy 5.1.2: Assist residential developers in identifying and preparing land suitable for new housing development. Maintain an up-to-date inventory of suitable residential sites.

Policy 5.1.3: Rezone the Gold Line area consistent with the General Plan to provide for new housing for a variety of income levels including affordable units.

Policy 5.1.4: Actively encourage development of second units by publicizing the existence of the revised ordinance.

B. HOUSING PROGRAMS

The goals and policies contained in the Housing Element address Duarte's identified housing needs, and are implemented through a series of housing programs offered through the Planning Department and Redevelopment Agency. Housing programs define the specific actions the City will undertake to achieve the stated goals and policies, and are organized around the City's five housing goals.

The City's Housing Element programs encompass existing programs; programs revised in response to the review of program accomplishments; and several new programs added to address unmet housing needs. The Housing Program Summary Table H 6-1 located at the end of this section specifies the following for each program: policy implemented; 2008-2014 objectives; funding sources; agency responsible for implementation; and policy addressed. Table H 6-2 provides a numeric summary of these objectives.

Housing Element statutes now require an analysis of the needs of extremely low income (<30% AMI) households, and programs to assist in the creation of housing for this population. The Duarte Housing Element sets forth numerous programs which help to address the needs of extremely low income households, including: Residential Rehabilitation (Prog. 2); Preservation of At-Risk Housing (Prog. 5); Zoning for Special Needs (Prog. 7); Senior Shared Housing (Prog. 11); Homeless Services Strategy (Prog. 12); Affordable Housing Development Assistance (Prog. 13); Section 8 Rental Assistance (Program 16); Rezoning Sites to Higher Density (Prog. 18); and Second Units (Prog. 19).

EXISTING AFFORDABLE HOUSING

1. Housing Code Enforcement and Abatement: Duarte maintains an active code enforcement program and will continue to inspect potentially substandard residences and abate those needing to be brought into code compliance. The City is divided into three geographic areas, with one code enforcement officer responsible for each area. Property owners cited for code violations are directed to the City's rehabilitation program for potential assistance.

2008-2014 Objective: Emphasize code enforcement activities and early warning program for possible rehabilitation properties in the south of Huntington Drive target area where housing has deteriorated (census tracts 4301.01, BG 4, and 4300.02, BG 2). Inform violators of available rehabilitation assistance through the City and County to correct code deficiencies.

2. City Residential Housing Rehabilitation Program: The City's current CDBG funded Single-Family Rehabilitation Program provides grants to lower income

homeowners (up to 80% AMI) for exterior improvements such as reroofs, window replacements, and paint. Lead based paint and asbestos testing are conducted in conjunction with the program. In fiscal year 2010-11, the program was expanded to also provide for interior and energy efficiency improvements, and the maximum grant amount increased from \$10,000 to \$15,000. The primary participants in the program are seniors and persons with disabilities.

2008-2014 Objective: Continue to fund the program at \$140,000 per year, with an annual goal of providing assistance to 15 households. Seek to assist a total of 78 households over the planning period, including 16 extremely low, 30 very low and 32 low income households.

3. County Single-Family Rehabilitation Loan Program: As a participating city in the County's CDBG program, Duarte residents have access to the County's residential rehabilitation program; the City has entered into a Memorandum of Understanding with the County to offer this program to its low income (80% AMI) homeowners. The County's program provides low interest loans of up to \$25,000 for single-unit properties, and up to \$50,000 for two-unit properties. Two types of financing are available to borrowers: A deferred loan, which has a 10-year term with no monthly payments. Loans will be due and payable on the sale, transfer, or refinancing of the property. The other loan option is an amortized loan which has a 15-year term with monthly payments.

2008-2014 Objective: Provide brochures at City Hall advertising the County's rehabilitation program, and continue to promote on the City's website and through the City's code enforcement program.

4. Multi-family Substantial Rehabilitation Program: This program provides financial assistance to multi-family property owners willing to invest in rehabilitation improvements in exchange for deed restricting units at affordable rents. As an example, the Duarte Redevelopment Agency previously provided \$125,000 for the rehabilitation and purchase of affordability covenants at the 119 unit Heritage Park Apartments.

2008-2014 Objective: Identify additional opportunities for multi-family rehabilitation through the City's code enforcement program. Pursue outside funding sources to leverage local funds, including but not limited to State Multi-family Housing Program (MHP) funds, City of Industry funds, and HOME funds through the County. Seek to complete one project during the planning period.

5. Preservation of Assisted Rental Housing: As of December 2010, Duarte has 414 rent restricted units in five developments in its jurisdiction. Affordability in four of these projects is tied to annual Section 8 contract renewals by HUD – Duarte Park Apartments (100 units), Royal Vista Terrace (74 units), Duarte Manor (42 units), and Andres Duarte Terrace (70 units). While the potential non-renewal of

Section 8 subsidies places the 295 units in these projects technically at-risk, they are considered at low risk of conversion due to non-profit ownership of two projects, and an indication by property owners in the other two projects of their desire to maintain long-term affordability.

As presented in Section II: Needs Assessment, preservation of these projects through transfer of ownership to a non-profit or provision of rent subsidies is more cost effective than replacing affordable units through new construction. The following are strategies the City will undertake to preserve its 295 units of at-risk rental housing:

- **Monitor At-Risk Units:** Monitor, every three months, the status of any HUD receipt/approval of Notices of Intent and Plans of Action filed by property owners to convert to market-rate units.
- **Work with Potential Priority Purchasers:** Solicit participation of agencies interested in purchasing and/or managing units at-risk. Maintain a current list of interested and qualified affordable housing developers.
- **City Assistance:** Participate in the preservation of expiring units by providing financial and/or technical assistance when possible.
- **Enforce Tenant Noticing Requirements:** If tenant displacement is likely due to rent increases or other actions of the owner, verify that the property owner is complying with federal regulations associated with expiring federal restrictions, which require owners to:
 - ✓ Notify tenants at least one year prior to potential conversion to market-rate housing.
 - ✓ Provide information regarding tenant rights and conversion procedures should an owner decide to convert his property to non-low-income use.
 - ✓ Offer tenants information about Section 8 vouchers reserved for tenants of converted properties and other available assistance through City and County agencies as well as non-profit organizations.

***2008-2014 Objective:** Maintain close contact with the owners of at-risk properties, and provide financial and other assistance to the extent possible to maintain the affordability of the 295 units at risk. If necessary, the City will offer tenant education and support tenants in their search for alternative housing.*

REMOVAL OF GOVERNMENTAL CONSTRAINTS

6. Density Bonus: Pursuant to current state density bonus law (*Govt Code section 65915*), applicants of residential projects of five or more units may apply for a density bonus and additional incentive(s) if the project provides for one of the following:

- ✓ 10 percent of the total units for lower income households; or
- ✓ 5 percent of the total units for very low income households; or
- ✓ A senior citizen housing development or mobilehome park that limits residency based on age requirements for housing for older persons; or
- ✓ 10 percent of the total dwelling units in a condominium for moderate income households.

The amount of density bonus varies according to the amount by which the percentage of affordable housing units exceeds the established minimum percentage, but generally ranges from 20-35 percent above the specified General Plan density. In addition to the density bonus, eligible projects may receive 1-3 additional development incentives, depending on the proportion of affordable units and level of income targeting. The following development incentives may be requested:

- ✓ Reduced site development standards or design requirements.
- ✓ Approval of mixed-use zoning in conjunction with the housing project.
- ✓ Other regulatory incentives or concessions proposed by the applicant or the City that would result in identifiable cost reductions.

In addition to development incentives, applicants are also eligible to utilize the State's alternative parking ratio (inclusive of handicapped and guest spaces) of 1 space for 0-1 bedroom units, 2 spaces for 2-3 bedroom units, and 2.5 spaces for 4+ bedrooms.

For housing projects that are restricted specifically for very low and low income seniors, Duarte provides for density increases above the minimum specified under State density bonus law. The City Council may grant an additional discretionary bonus up to two times the density provided for in the General Plan.

***2008-2014 Objective:** Encourage the use of density bonus incentives by advertising on Duarte's website and by providing information on available density and regulatory incentives in conjunction with discussions with development applicants.*

7. Zoning for Special Needs: As part of the Housing Element's Governmental Constraints analysis and pursuant to new requirements under SB 2, several zoning revisions have been identified as appropriate to better facilitate the provision of a

variety of housing types. The City has incorporated the following provisions within its recently adopted (Nov 2010) comprehensive update of the Development Code:

- A definition of "family" which does not restrict occupancy of unrelated individuals in group homes
- Treatment of transitional and supportive housing as a residential use and subject to the same permitting processes as other housing in the zone without undue regulatory requirements.
- Allowances for emergency shelters by right within the M, P-F, and H zone districts

2008-2014 Objective: *Provide for a variety of housing types and populations through implementation of the new Development Code.*

8. Monitor Application of Design Review Process: The City maintains quality design standards and an efficient design review process where all projects and persons involved are treated equally. As with all City processes, the City constantly self evaluates the impacts and benefits of this process. For affordable housing projects, the City assesses any disproportionate costs and/or delays caused by the design review process.

2008-2014 Objective: *Continue evaluation of the impact of the City's design review procedures on affordable housing both on a project-by-project basis and in conjunction with the City's Annual Report on Housing Element implementation. Should aspects of the Design Review Process be identified as a constraint, the City will implement appropriate revisions to its processing procedures.*

EQUAL HOUSING OPPORTUNITIES AND SPECIAL NEEDS

9. Fair Housing Program

The Housing Rights Center (HRC) is the designated provider of fair housing and tenant-landlord information for Duarte. HRC provides fair housing investigation and coordinates referral services to assist individuals who may have been the victims of discrimination. Many of the people who contact HRC have basic questions about landlord and tenant rights and responsibilities; HRC's housing counselors provide clients with comprehensive information to help resolve tenant/landlord issues. HRC conducts extensive fair housing education and outreach throughout the San Gabriel Valley.

2009-2014 Objective: *Continue to promote fair housing practices, and refer fair housing complaints to Housing Rights Center. As a means of furthering fair housing education and outreach in the local community, the City will advertise the fair housing program through placement of fair housing services brochures at the public counter, at City Hall, and on the City's website.*

10. Accessible Housing: In 2010, the City adopted Section 19.120 of the Development Code related to the granting of reasonable accommodations to disabled individuals. This section of the Code defines the procedures for requesting a modification or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities to eliminate regulatory barriers and provide persons with disabilities equal opportunity to housing of their choice.

2008-2014 Objective: Provide the community with information on options for reasonable accommodation through dissemination of a handout at the Planning Department and on the City's website. Periodically analyze the City's process to determine any constraints to the development, maintenance, and improvement of housing for persons with disabilities and take measures to remove those constraints.

11. Senior Shared Housing Program: Senior citizens comprise one-quarter of all households in Duarte, with this number projected to continue to grow as the baby boom population ages. Many of the City's seniors reside alone in single-family homes. Provision of a shared housing program can help to address the needs of seniors in the community, while promoting the efficient use of the existing housing stock. Shared housing opportunities promote independent living for both the provider and the seeker. Sharing a home provides additional income for the provider, an affordable rent for the seeker, and the potential for deeper relationships for both.

2008-2014 Objective: Research shared housing programs offered in other jurisdictions and through private agencies. Develop a shared housing program to serve Duarte's seniors.

12. Homeless Services Strategy: The San Gabriel Valley Council of Governments (SGVCOG) has undertaken a consensus building process involving the 19 valley cities, the County, and community and faith-based organizations to develop a regional Homeless Services Strategy. The Strategy, adopted by the SGVCOG Board in 2009, provides an intervention plan to address unmet housing and service needs to be implemented over a one to five year period. San Gabriel Valley communities were divided into four cluster groups, each developing its own subregional priorities, programs and production targets. Duarte participated in the Strategy development, and as part of Cluster Group One, has defined the following five-year priorities:

- **First Priority - Permanent Supportive Housing.** Focus on creating mixed population affordable housing developments with set-asides of supportive housing for formerly homeless tenants, with a goal of developing 47 units. Also utilize scattered site rent-subsidized units leased in the private rental market, with a goal of 100 units.

- **Second Priority – Transitional Housing.** Increase the number of transitional housing beds for single individuals by 40 to 60. Provide scattered site, master leased short term housing for 125 families.
- **Third Priority – Emergency Shelter.** Increase the number of emergency shelter beds for single individuals by 60 to 90.

One of the Strategy's primary recommendations is establishment of a Valley-wide Housing and Homeless Services coordinating Council to link and expand services; formation of the Council was implemented in 2010.

2008-2014 Objective: Support implementation of the SGVCOG regional Homeless Services Strategy, including the priorities established by Cluster Group One.

ASSIST IN DEVELOPMENT AND PROVISION OF AFFORDABLE HOUSING

13. Affordable Housing Development Assistance: The City, and its Redevelopment Agency and newly created Housing Authority, play an important role in the provision of quality, affordable housing through land assembly and write-downs; direct financial assistance; and regulatory incentives (density bonus and other development incentives). By utilizing various tools to facilitate infill development, the City can help to address the housing needs of its extremely low, very low, low and moderate income households.

One of the most significant constraints to providing housing affordable to Duarte's more modest income residents and workforce is the lack of available land for development. As a means of addressing this issue, the City's Redevelopment Agency acquires sites utilizing the Agency's 20 percent housing set-aside fund and writes down the cost to facilitate the development of affordable housing. The Agency is actively working with affordable housing developers to offer land write-downs on the following three sites during the current planning period:

- Huntington Drive/Pops Road (Agency owned site)
- Phase 1 City Center (Agency owned site)
- Phase 1 Gold Line TOD (Agency pursuing site acquisition)

The Huntington Road/Pops Road site will be developed with 42 units affordable to extremely low and very low income seniors; the non-profit developer has recently been notified by HUD of an award of funds under the Section 202 program. Phase 1 of the City Center site (66 units) and Phase 1 of the Gold Line TOD site (60-75 80-100 affordable units) are both being proposed as is envisioned as one to two projects: one as 100% affordable likely to be developed as a tax credit project, ensuring the inclusion of rental units for large families and a mix of extremely low (ELI), very low (VLI) and low incomes (LI); and a potential second project with a mix of incomes. The City received a Metro planning grant to fund preparation of the

Gold Line TOD Specific Plan, and has established a target date of December 2012 for Plan adoption.

2008-2014 Objective: Provide land-write downs on Agency owned sites, with the goal to achieve 42 units affordable to ELI and VLI seniors, and ~~80-100~~ 426-units affordable to ELI, VLI and LI families. Strive to achieve at least 30% of family units with three or more bedrooms.

14. Inclusionary Housing Ordinance: Chapter 19.30 of the Development Code requires that 15 percent of units in newly constructed or substantially rehabilitated projects be set-aside for very low, low and moderate income households. Ownership projects with four or more units, and multi-family rental projects with ten or more units are subject to the ordinance. The City provides flexibility in implementation of the ordinance by allowing developers the option of paying a fee in-lieu of providing the required inclusionary units.

2008-2014 Objective: Continue to implement the City's inclusionary requirements and utilize in-lieu fee revenues to assist in production of housing affordable to Duarte's lower and moderate income residents and workforce.

15. Homeownership Assistance

As a participating city in Los Angeles County's CDBG Urban County program, first-time homebuyers in Duarte have access to several homebuyer assistance programs offered through the Los Angeles County Community Development Commission (CDC). These include:

- **Homeownership Assistance Program (HOP) and Down Payment Assistance (DPA) Loan programs.** These programs offer deferred payment, 0% interest loans (up to \$60,000 under HOP and \$10,000 under DPA) for downpayment and/or closing cost assistance for low income (80% AMI) first-time homebuyers. Borrowers must complete an 8-hour homebuyer education seminar from an approved HUD counseling agency. As of April 2010, the maximum purchase price under the program is \$362,790.
- **Southern California Home Financing Authority (SCHFA) Mortgage Revenue Bond Program.** SCHFA is a joint powers authority between Los Angeles and Orange Counties formed in 1988 to issue tax-exempt mortgage revenue bonds for low- and moderate-income first-time homebuyers. This program provides below-market interest 30 year fixed rate loans to households earning up to approximately \$99,000, with a 2010 maximum purchase price of \$637,645. While the LA CDC administers the program, applicants work directly with participating lenders.

In addition to these programs offered directly to qualifying first-time homebuyers, the City has access to several competitive grant programs offered through the

State Department of Housing and Community Development (HCD) it can use for homebuyer assistance, including the BEGIN (Building Equity and Growth in Neighborhoods) and CalHome programs.

2008-2014 Objective: Develop a first-time homebuyer brochure identifying programs available through the County and State, and contact information for participating lenders. Apply to the State for homebuyer assistance in conjunction with any future City assisted workforce housing development.

16. Section 8 Rental Assistance: The City will continue to advertise opportunities for residents to participate in Housing Authority of the County of Los Angeles' (HACoLA) Section 8 rental assistance program. This program provides rental subsidies to very low income households, including families, seniors and the disabled. The Section 8 program offers a voucher that pays the difference between the current fair market rent (FMR) as established by HUD and what a tenant can afford to pay (i.e. 30% of household income). The voucher allows a tenant to choose housing that costs above the payment standard, providing the tenant pays the extra cost. This program assists extremely low and very low income households.

2008-2014 Objective: Continue to participate in the Section 8 program administered by HACoLA and advertise to income eligible residents; encourage landlords to register units with the Housing Authority and undergo education on the Section 8 program.

17. Sustainable Development and Green Programs: The City has adopted Sustainable Development Practices (Chapter 19.52) as part of the new Development Code to encourage energy and natural resource conservation, and implement State laws regarding reduction in greenhouse gas emissions, water conservation and other conservation directives. All new development is now required to apply sustainable development practices as defined in the Code, with the extent of required sustainability provisions determined by the scale of development. Duarte's Sustainable Development Practices encompass the following areas:

- Recyclable Materials
- Energy Efficiency and Alternative Energy Solutions
- Water Conservation
- Urban Water Runoff Drainage
- Community Gardens
- Transit and Pedestrian Access

The City has developed a page on its website dedicated to promoting "green" programs for residents and businesses. The web page provides printable flyers on energy conservation and cost saving tips; water conservation tips; tips for reducing solid waste; and links to conservation programs available through local water and energy utility providers.

2008-2014 Objective: Implement Sustainable Development Practices in all new development, and provide flexibility in allowing for reasonable substitutions to standards set forth in the ordinance. Continue to promote green programs among residents and businesses, and advertise incentives, rebates and energy audits available through local utility providers .

PROVISION OF ADEQUATE SITES

18. Rezoning to Accommodate Higher Densities: During Duarte's General Plan update process completed during this planning period, the City designated 28 acres of formally commercial and industrial property to mixed use residential. The City will undertake a rezone program to provide consistency with the updated General Plan and to provide adequate sites to address its regional housing needs (RHNA). The City is committing to rezone the following ~~four~~ three sites Specific Plan or High Density Residential (while the ~~City Center and Gold Line Specific Plans encompasses~~ a larger area, the acreage and unit count reflect near-term projects only projected to occur within the current planning period):

- **Huntington Drive/Pops Road** - .56 acres, 42 affordable senior units plus one manager unit (Zoning – Specific Plan: High Density Residential)
- ~~City Center Specific Plan (Phase 1)~~ - 1.68 acres, 66 affordable family units (Zoning – Specific Plan: High Density Residential)
- **Gold Line Specific Plan Transit Oriented Development (Phase 1)** – 6.6 acres, ~~7580-100~~ affordable family units (Zoning – Specific Plan: Mixed Use) w/h requirement for min. 2 acres residential at 40+units/acre
- **Santa Teresita** – 12 acres, 48 independent living senior units (Zoning: Specific Plan)

Rezoning of these ~~three~~ four sites fulfill the following statutory requirements for a rezone program, as described under the Resources chapter of the Element:

- ✓ Permit owner-occupied and rental multi-family uses by-right
- ✓ Permit a minimum density of 20 units per acre
- ✓ Allow a minimum of 16 units per site
- ✓ Accommodate at least 50 percent of the lower income need on sites designated for residential use only

2008-2014 Objective: *Prepare and adopt specific plans and High Density Residential zoning as the ~~zoning~~ mechanism to rezone and entitle identified sites for higher density housing within the following time frames:*

- 20104 - Huntington Drive/Pops Road (completed)
- 20112 – ~~City Center (Phase 1)~~; Santa Teresita (completed)

- Dec 20123 – *Gold Line Transit Oriented Development (Phase 1)*¹
Complete the environmental CEQA process during preparation of the specific plans/rezonings to allow future development projects to proceed by right.

19. Second Units: A second unit is a self-contained living unit with cooking, eating, sleeping, and full sanitation facilities, either attached to or detached from the primary residential unit on a single lot. Second units provide housing for either persons related to the primary resident on the property or to those that qualify in the categories of low or very low income households.

Chapter 19.60.150 of the City's Development Code allows second units by right on R-1 zoned properties with a minimum lot size of 6,000 square feet. The maximum size of the dwelling unit is 700 square feet, with units up to 1,200 square feet in size are also permitted provided the unit is deed restricted to be affordable to low income households. In addition to eliminating the prior CUP requirement, the City has further facilitated second unit development by eliminating the need for additional covered parking, allowing the one additional parking space to be uncovered and provided in tandem with existing off-street parking.

As described previously, the rent structure for second units provides affordability at the low income level. Duarte has significant additional capacity to accommodate second units, and the market supports their development, with two second units receiving building permits in 2009 alone. Projecting a similar rate of second unit construction during the remaining five years of the planning period (2010-2014), the City anticipates an additional ten second units to be constructed.

2008-2014 Objective: *Through implementation of the City's second unit ordinance, provide additional sites for the provision of rental housing. Educate residents on the availability of second units through development of informational materials for distribution at the public counter and within the City newsletter, and through advertisement on the City's website. Seek to achieve ten second units between 2010-2014.*

¹ ~~In the unlikely event the Gold Line TOD site is removed from the Housing Element sites inventory for rezoning, the City will identify a replacement site(s) to make up the RHNA shortfall and amend the Housing Element accordingly.~~

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**TABLE H 6-1
2008-2014 HOUSING PROGRAM SUMMARY**

Housing Program	Program Goal	2008-2014 Objective	Funding Source	Responsible Agency	Time Frame
EXISTING AFFORDABLE HOUSING					
1. Housing Code Enforcement and Abatement	Bring all housing into code compliance.	Emphasize enforcement activities in south of Huntington Drive target area. Provide referrals to rehab programs (Programs 2 and 3).	CDBG in target area; General Fund in other locations	Public Safety	2008-2014
2. City Housing Rehabilitation Program	Provide grants for home repairs to lower income households.	Assist 78 households over the planning period, including 16 ELI, 30 VLI, and 32 LI.	CDBG	Community Development Department	2008-2014
3. County Rehabilitation Loan Program	Provide low interest loans to assist owners in making needed repairs and add bedrooms to address overcrowding.	Provide brochures at City Hall and advertise on City website. Promote in conjunction with code enforcement program.	LA County CDBG funds	LA County CDC; Community Development Department	Initiate advertising campaign in 2011.
4. Multi-family Substantial Rehabilitation Program	Upgrade deteriorated apartments by offering financial assistance for rehabilitation in exchange for affordability covenants.	Identify potential properties through code enforcement program. Seek to complete one project during the planning period.	RDA Set-Aside; MHP; City of Industry; LA County HOME funds	Community Development Department	Complete one project by 2014.
5. Preservation of Assisted Rental Housing	Preserve the existing housing stock affordable to very low income household at risk of conversion to market rate.	Maintain contact with owners of at-risk properties, and provide technical, regulatory and financial assistance as necessary to preserve 295 at-risk units.	RDA Set-Aside; Section 8	Community Development Department	Initiate property owner contact in 2011.
REMOVAL OF GOVERNMENTAL CONSTRAINTS					
6. Affordable Housing Density Bonus	Provide density and other incentives to facilitate affordable housing development.	Promote use of density bonus through City website and in discussions with development applicants.	General Fund	Community Development Department	Add to City web site in 2011.

Housing Programs Summary (cont'd)

Housing Program	Program Goal	2008-2014 Objective	Funding Source	Responsible Agency	Time Frame
7. Zoning for Special Needs	Provide appropriate zoning to facilitate housing for special needs populations.	Provide for a variety of housing types and populations through implementation of the Development Code.	General Fund	Community Development Department	2008-2014
8. Monitor Application of Design Review Process	Evaluate any potential negative impacts of the Design Review process on affordable housing project approval.	Review on a project level basis and in conjunction with Annual Housing Element Report to HCD. Modify procedures as appropriate.	General Fund	Community Development Department	2008-2014
EQUAL HOUSING OPPORTUNITIES AND SPECIAL NEEDS					
9. Fair Housing Program	Promote fair housing practices and prevent housing discrimination.	Refer fair housing complaints to the Housing Rights Center. Disseminate fair housing information.	General Fund	Los Angeles County CDC; Housing Rights Center; City Manager's Office	2008-2014
10. Accessible Housing	Provide accessible housing to persons with disabilities.	Implement reasonable accommodation procedures and inform the public about the new process.	General Fund	Community Development Department	Disseminate information by 2011.
11. Senior Shared Housing	Provide home sharing services to seniors to promote independent living and affordability.	Research shared housing programs and develop a program to serve Duarte's seniors.	General Fund; CDBG	Community Development Department	Research programs -- 2012 Establish local program - 2013
12. Homeless Services Strategy	Assist the homeless and persons at-risk of homelessness in obtaining shelter and services.	Support implementation of SGVCOG regional Homeless Services Strategy.	General Fund	Community Development Department	2008-2014
ASSIST IN DEVELOPMENT OF AFFORDABLE HOUSING					
13. Affordable Housing Development Assistance	Facilitate development of affordable housing thru financial and regulatory assistance.	Assist in development of 42 ELI and VLI senior units, and 426-80-100 ELI, VLI and LI family units.	RDA Set-Aside Funds; Inclusionary Housing Trust Fund; HUD Sec 202; City of Industry Funds; Tax Credits	Community Development Department	2008-2014

Housing Programs Summary (cont'd)

Housing Program	Program Goal	2008-2014 Objective	Funding Source	Responsible Agency	Time Frame
14. Inclusionary Housing Ordinance	Integrate affordable housing within market rate developments and generate in-lieu fees for affordable units.	Implement inclusionary requirements, and utilize in-lieu fees to support affordable production.	Inclusionary Housing Trust Fund	Community Development Department	2008-2014
15. Homeowner Assistance	Expand homeownership opportunities to low and moderate income households.	Develop brochure identifying available homebuyer programs. Apply to State in conjunction with future City assisted workforce housing.	General Fund; State and County funds	Community Development Department LA County CDC; State HCD	Develop and disseminate brochures by 2012. Apply to State as workforce projects are proposed.
16. Section 8 Rental Assistance	Provide rental assistance to extremely low and very low income households.	Continue participation and coordination with HACoLA; encourage landlords to register units; advertise program to residents.	HUD Section 8	HACoLA	2008-2014
17. Sustainable Development and Green Programs	Encourage energy and natural resource conservation and reduce greenhouse gases.	Implement Sustainable Development Practices in new development, and promote green programs among residents and businesses.	General Fund	Community Development Department	2008-2014
ADEQUATE SITES					
18. Rezoning to Accommodate Higher Densities	Provide adequate sites to accommodate development of housing for extremely low, very low, low and moderate income households.	Adopt specific plans/ rezoning and complete environmental review to entitle four rezone sites identified in Housing Element.	General Fund	Community Development Department	2010 ⁴ – Hunt Dr/ Pops Road (<i>completed</i>) 2011 ² – City Center (Phase 1); Santa Teresita (<i>completed</i>) Dec 2012 ³ - Gold Line TOD (Phase 1)
19. Second Dwelling Units	Provide additional sites for rental housing within existing neighborhoods.	Disseminate educational materials on second units. Seek to achieve 10 units between 2010-2014.	General Fund	Community Development Department	in 2011, prepare educational materials and advertise.

The following Table H 6-2 summarizes Duarte's quantified objectives for the 2008-2014 Housing Element planning period. The City's new construction objectives reflect its regional housing needs (RHNA); its rehabilitation objectives reflect the City's Residential Rehabilitation Program; and its conservation objectives reflect conserving the 295 units at potential risk of conversion to market rate.

**TABLE H 6-2
SUMMARY OF QUANTIFIED OBJECTIVES: 2008-2014**

Income Level	New Construction	Rehabilitation	Conservation
	Goal	Goal	Goal
Extremely Low	46	16	147
Very Low	46	30	148
Low	58	32	
Moderate	63		
Above Moderate	154		
Totals	367	78	295



Memorandum

To: Mr. Craig Hensley, Community Development Director
From: Mr. Steve Esbenshade, Engineering Division Manager
Date: March 13, 2012
Re: Award of Bid – Slurry Seal & Cape Seal Streets – Area 1

Recommendation:

That the City Council (1) find the discrepancy in the lowest responsible bid received from All American Asphalt, with respect to the listing of the subcontractor for the ARAM portion of the work, to be inconsequential and immaterial, (2) overrule the bid protest from Pavement Coatings Co. on the basis of the information presented in this report including the City Attorney's opinion attached as Attachment 4, and (3) award the project "Slurry Seal & Cape Seal Streets- Area 1" to the lowest responsible bidder All American Asphalt of Corona, California for the bid amount submitted of \$1,156,631.10.

Background:

On February 28, 2012, the City Clerk's office publicly opened bids for the above project. This project is funded through a combination of State Gas Tax and the CalRecycle Grant. The CalRecycle Grant reimburses the City one dollar (\$1.00) for every square yard of asphalt rubber aggregate membrane (ARAM) constructed. We estimate that 132,500 square yards of ARAM will be placed in the course of this project. \$132,500 will be returned to the City via the CalRecycle Rubberized Pavement Grant for the recycling of approximately 11,000 used tires on this project.

Boundaries of the project are: All residential streets west of Highland Avenue from the north to the south city limits.

There are two products being constructed under this contract: (1) ARAM and (2) Type II Slurry Seal. Streets in poor condition will receive an ARAM/slurry seal combination, otherwise known as a Cape Seal. The balance of the streets within the project boundary, which we found in fair or good condition, will receive only a Type II slurry seal. All of the streets have had any failed pavement areas removed and replaced; and all pavement cracks ¼" or greater have been sealed with asphalt rubber under separate contracts.

The bid results for the Slurry Seal & Cape Seal Streets – Area 1 project are as follows:

All American Asphalt	\$1,156,631.10
Manhole Adjusting, Inc.	\$1,215,366.45

Pavement Coatings Co.	\$1,249,103.45
Intermountain	\$1,442,183.20

Protest Letter

Following the bid opening, we received a protest letter from Pavement Coatings Co. who cited the fact that All American Asphalt failed to list the subcontractor who would be applying the ARAM portion of the project. Attached is a copy of that letter. See Attachment 1.

Pavement Coatings Co. is correct that the ARAM subcontractor, Manhole Adjusting, Inc., was not listed on page 11, "Subcontractors," of the contract. Attached is a copy of page 11 completed by All American Asphalt and submitted with their bid proposal. See Attachment 2.

Also attached, however, is a copy of another form, specifically designed for work using the ARAM product. On this form—the "Designation/Certification of Asphalt Rubber Binder Applicator"—which was submitted with All American Asphalt's bid proposal, Manhole Adjusting Inc. is identified as the sub-contractor who will be applying the ARAM product. See Attachment 3.

All American Asphalt has verbally claimed that the listing of Manhole Adjusting Inc. on the required "Designation/Certification of Asphalt Rubber Binder Applicator" form constitutes the same notification to the public agency of a designated subcontractor as if the subcontractor were identified on the "Subcontractors" form.

Public Contracts Code Section 4104 requires bidders to list subcontractors but does not mandate or specify a particular form or format in a bid in which that information is to appear. Public Contracts Code Section 4106 states that if a contractor/bidder fails to state a subcontractor for a portion of work in excess of one-half of one percent of the contractor/bidder's total bid, the contractor is agreeing that it has the qualifications to perform that work.

Additional Information:

1. The lowest bid contractor, All American Asphalt, is not capable of performing the ARAM portion of the project. All American Asphalt does not possess the proper equipment to perform this work; further, they do not possess a permit from South Coast AQMD to construct the asphalt rubber aggregate membrane within the SCAQMD.
2. Pavement Coatings Co., who submitted the protest letter, is listed as the slurry seal subcontractor in Manhole Adjusting, Inc. proposal. Manhole Adjusting Inc. submitted the second lowest proposal.

Finding of Discrepancy to Be Inconsequential and Immaterial:

The California Public Contract Code is clear about the requirement for listing subcontractors who perform work in excess of ½ of 1% of the prime contractor's total bid, but does not specify that it needs to be done on a particular form. Although subcontractors are routinely listed on the "Subcontractor" form, the fact that the contractor identified the ARAM subcontractor using another form was not misleading and did not provide All American Asphalt with any advantage. It was evident to this office, following a review of the All American Asphalt's entire bid package, that Manhole Adjusting Inc. would be performing the ARAM portion of the project.

Therefore, Manhole Adjusting Inc. would be a subcontractor for All American Asphalt during the course of the work.

Moreover, the City Attorney has provided an opinion that any discrepancy in the listing of the subcontractor for the ARAM portion of the work is inconsequential and immaterial in light of applicable law. The City Attorney's opinion is attached. See Attachment 4.

Conclusion:

While All American Asphalt has performed a number of projects in the city, this is their first time this company has been the lowest responsible bidder in Duarte for a slurry seal/cape seal project. We have contacted several of the references provided by All American Asphalt where they performed similar work. All of the references contacted stated that they would award future projects of this type to this contractor.

This office, therefore, respectfully recommends the City Council (1) find the discrepancy in the lowest responsible bid received from All American Asphalt, with respect to the listing of the subcontractor for the ARAM portion of the work, to be inconsequential and immaterial, (2) overrule the bid protest from Pavement Coatings Co. on the basis of the information presented in this report including the City Attorney's opinion attached as Attachment 4, and (3) award the project "Slurry Seal & Cape Seal Streets- Area 1" to the lowest responsible bidder All American Asphalt of Corona, California for the bid amount submitted of \$1,156,631.10.

Attachment 1 – Bid Protest Letter from Paving Coatings Co.

Attachment 2 – Page 11 of Bid from All American Asphalt listing subcontractors

Attachment 3 – "Designation/Certification of Asphalt Rubber Binder Applicator" form submitted with Bid from All American Asphalt listing Manhole Adjusting, Inc. as ARAM subcontractor

Attachment 4 – City Attorney Memorandum

PAVEMENT COATINGS CO.

10240 San Sevaine Way, Mira Loma, Ca 91752, Phone 714-826-3011 Fax 714-826-3129
Contractor's License Number 303609

City of Duarte
1600 Huntington Dr.
Duarte, CA 91010

Re: Slurry Seal & Cape Seal Streets, Area 1, Project 11-5

To: City Council, c/o Steve Esbenshade

This letter is to notify the City of Duarte that Pavement Coatings Co. is protesting the apparent low bid of All American Asphalt for "Slurry Seal & Cape Seal Streets, Area1, Project 11-5, Bid date Tuesday, February 28, 2012.

At the time of the bid opening, the apparent low bidder was All American Asphalt, Corona, CA at \$ 1,156,631.

Per proposal instructions on page 11, "In compliance with the provisions of the Government Code Section 4102, the undersigned bidder herewith set forth the name and location of the place of business of each subcontractor who will perform work or labor or render service to the general contractor in or about the construction of the work or improvement in an amount in excess of one-half (1/2) of one percent (1%) of the general contractor's total bid, and the portion of the work which will be done by each subcontract as follows:"

Based on the Bid turned in by All American Asphalt they did not list a Subcontractor for the ARAM portion of the Project. Therefore, they must be qualified to complete that portion of the Contract but, do not have the Permits required to complete the ARAM portion of the contract.

Based on City of Duarte specifications for the above referenced project, All American Asphalt's Bid for "Slurry Seal & Cape Seal Streets, Area1, Project 11-5" bid date Tuesday, February 28, 2012 must be found "Non Responsive".

If you have any questions please feel free to contact me.

Sincerely,
Pavement Coatings Co.

Doug Ford
President

Slurry Seal Resurfacing . . . It Makes a Difference

Member of:

AGC, Associated General Contractors, ISSA, International Slurry Surfacing Association,
Street Superintendents and Maintenance Association of California

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SUBCONTRACTORS

In compliance with the provisions of the Government Code Section 4102, the undersigned bidder herewith sets forth the name and location of the place of business of each subcontractor who will perform work or labor or render service to the general contractor in or about the construction of the work or improvement in an amount in excess of one-half (1/2) of one percent (1%) of the general contractor's total bid, and the portion of the work which will be done by each subcontractor as follows:

<u>Subcontractor's Name</u>	<u>Place of Business</u>	<u>Description of Work</u>
Superior Pavement Markings	5312 Cypress St. Cypress, Ca.	Striping

MEMORANDUM

TO: Craig Hensley, Community Development Director, City of Duarte
Steve Esbenshade, Engineering Services Division Manager, City of Duarte

FROM: Dan Slater, City Attorney, City of Duarte

DATE: March 6, 2012

RE: Listing of ARAM Work Subcontractor in Lowest Responsible Bid Submitted by All American Asphalt for "Slurry Seal/Cape Seal Streets--Area 1" Project and Protest Letter Received from Pavement Coatings Co.

I have reviewed the subcontractor listing form and the Designation/Certification of Asphalt Rubber Binder Applicator form submitted by low bidder All American Asphalt as part of its bid for the above-referenced project. All American Asphalt failed to list Manhole Adjusting, Inc. on the subcontractor form as the subcontractor to perform the asphalt rubber aggregate membrane (ARAM) portion of the work but did list Manhole Adjusting, Inc. as the subcontractor for that work on another form—the Designation/Certification of Asphalt Rubber Binder Applicator—it submitted as part of its bid.

Pavement Coatings Co. filed an undated protest letter with the City claiming that All American Asphalt's failure to list any subcontractor for the ARAM portion of the work on the subcontractor form means that All American Asphalt is stating, under Public Contracts Code Section 4102, that it is qualified to perform the ARAM work. Pavement Coatings Co. asserts All American Asphalt does not have required permits to perform such work and therefore its bid must be found to be non-responsive and thus rejected.

Pavement Coatings' protest letter fails to acknowledge that All American Asphalt did identify a subcontractor for the ARAM portion of the work—Manhole Adjusting, Inc.—in its bid but instead of listing that subcontractor on the subcontractor form it instead listed it on another form included in the bid, the "Designation/Certification of Asphalt Rubber Binding Applicator" form.

Public Contracts Code Section 4104 requires public agencies in its offers to receive bids require bidders to submit the names and business location of subcontractors that will be performing work in excess of one-half of one percent of the contractor/bidder's total price. Section 4104 does not specify the manner in which the public agency is to require that information. In this case, All American Asphalt provided the name and location of the subcontractor on a separate form. According to Steve Esbenshade, the City's Engineering

Craig Hensley, Community Development
Director, City of Duarte
Steve Esbenshade, Engineering Services
Division Manager, City of Duarte
March 6, 2012
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Services Division Manager, it was clear from a review of All American Asphalt's bid package that Manhole Adjusting Inc. was the subcontractor that would be performing the ARAM work.

Because Public Contracts Code Section 4104 does not specify the manner in which the information is required to be presented, the failure of All American Asphalt to list Manhole Adjusting, Inc. as a subcontractor on the "subcontractor form" likely does not constitute a bid discrepancy because the same information was provided on another form. But to the extent it does constitute a bid discrepancy, the issue is whether the discrepancy is consequential and material or inconsequential and immaterial.

Courts have periodically been asked to review bid discrepancies. The closest case on the facts presented here is *Menefee v. County of Fresno* (1985) 163 Cal.App3d 1175. In that case the lowest responsible bidder failed to sign the proposal page as required but did sign elsewhere in the bid and also signed the bid bond. The court held the failure to sign the proposal page was inconsequential and the bid was valid. The discrepancy, to the extent there is one here, is less egregious than failing to sign the actual bid itself. Moreover, in a further explanation of when discrepancies in bids are deemed inconsequential, the court in *Ghilotti Construction Co. v. City of Richmond* (1996) 45 Cal.App.4th 897, set out a five-factor test. A discrepancy in a bid will be *inconsequential* as long as the discrepancy does *not* (1) affect the amount of the bid, (2) give a bidder an advantage over others by, for example, giving a bidder an opportunity to avoid its obligation by withdrawing its bid, (3) be a potential vehicle for favoritism, (4) influence potential bidders to refrain from bidding, or (5) affect the ability to make bid comparisons. There is no evidence the discrepancy in this case caused any of these factors to arise.

Given the facts presented and the above legal standards, it is my opinion that All American Asphalt's listing of the ARAM subcontractor on the "Designation/Certification of Asphalt Rubber Binder Applicator" form instead of the "subcontractor" form is an inconsequential and immaterial discrepancy.

MEMORANDUM

TO: Darrell J. George, City Manager
FROM: Kristen Petersen, Assistant City Manager
DATE: March 13, 2012
SUBJECT: **DIAL-A-RIDE TRANSIT SERVICES**

Background

Several times over the last 10 years or so the question has come up as to whether Duarte can implement a Dial-A-Ride system. The answer continues to be the same; we do not currently have the ongoing resources to do both a Dial-A-Ride system and a Fixed Route system. Therefore this report is meant to update the City Council on the City's existing Fixed Route transit services, give some examples of dial-a-ride programs in nearby communities and discuss possible future programs that we may want to consider in the future, if additional funding is ever identified.

Duarte Transit System

The City initiated a fixed-route bus system more than 28 years ago. Since then, it has grown from an average ridership of 3,750 persons per month in 1984, to 21,000 persons per month in 2012. Bus service is provided from 7:00 a.m. to 7:00 p.m., Monday through Saturday. During the week, two buses operate continuously, while a single bus runs on Saturday.

The system currently serves three routes. The two primary routes (blue and green) follow a circular pattern, both of which come within a few blocks of any given point in the City. Both routes require an hour to complete, including a short layover at the Target shopping center. The Commuter Route runs weekdays between 5:30 a.m. and 7:00 a.m. Its purpose is to pick up passengers from residential areas and drop them off at locations where they can transfer to MTA and Foothill Transit lines.

For the current fiscal year, the Duarte Transit System operating budget is \$723,400. With an average of 21,000 riders per month, this represents an average cost of \$2.88 per rider. Funding for the system comes from three sources. The Proposition A Transportation Fund will spend \$340,300 on the program this fiscal year. Proposition C Transportation Fund will contribute \$346,400 to the program and the NTD Grant will contribute \$36,700 towards the program. Both Proposition A and C are statewide measures that levy a sales tax in order to provide funds for local transportation programs. Unfortunately as we all know sales tax revenue has dropped drastically over the last few years and as a result, our Prop A and C funds have also. Even as these revenues dropped by more than 15% over the last 3 years, expenses particularly related to fuel and repairs have increased by more than 10% over the same period. Thus far, interest earnings and NTD revenue has filled this

gap and General Fund support has not been required.

Other Duarte Transportation Services

In addition to the City's fixed route bus system, Duarte offers, or has available, a number of other transit related services. One such service is the use of City buses for special events. Examples of this include bus service furnished for the Route 66 Parade, City Picnic, City of Hope 5/10k run, Concerts in the Park, etc. Without the fixed route buses, this type of service would not be possible.

The City also sponsors a program that provides free taxicab vouchers to seniors for transportation to and from the Duarte Senior Center. This program has been in effect for about 13 years, and costs the City between \$5,000 and \$10,000 annually. It is currently paid for through AQMD (AB 2766) funds.

Finally, Duarte is fortunate to be well served by a number of regional bus lines including those offered by the MTA and Foothill Transit and our Duarte Transit System works to specifically connect with those systems.

Dial-A-Ride Services

To provide the City Council with some examples on how dial-a-ride programs work, staff recently contacted three neighboring communities (Azusa, El Monte & Monrovia) offering this type of service. Their general features are summarized below:

- Of the communities contacted, one operates their own dial-a-ride program with City staff while two contract with an outside service provider.
- All of the communities use either Proposition A and/or Proposition C money to pay for dial-a-ride. None rely on General Fund support.
- The annual cost ranges from a low of \$382,400 to over \$1,176,000.
- All of the programs charge a fee for dial-a-ride. The fee, however, is relatively nominal. The amount collected covers only four percent or less of the total cost.
- One of the programs is open to the general public. The other two restrict service to senior citizens and the disabled.
- The number of passengers handled monthly ranges from 1,900 to 5,500.
- Hours of operation vary from some that run 15 hours a day, seven days a week, to others that run only Monday through Friday from 8:30 a.m. to 4 p.m.

Dial-a-Ride Transit Services

March 13, 2012

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- All three provide limited service to destinations outside city limits, this is generally restricted to no more than 5 miles radius.

Based on the information gathered, and discussions with transit supervisors, the following appear to be the primary advantages and disadvantages of dial-a-ride programs.

Advantages:

- Dial-a-ride comes much closer than fixed route systems to providing passengers with door-to-door service. It does not require that persons with physical restrictions get to or from a bus stop.
- By making appointments in advance, dial-a-ride passengers can schedule service to meet their particular needs.
- Dial-a-ride programs typically allow travel to limited destinations outside the community.

Disadvantages:

- For the cost, dial-a-ride provides much less transportation service. In looking at the costs per rider, the dial-a-ride programs cost approximately \$16 to \$35 per rider, whereas the Duarte Transit Fixed Route system costs approximately \$3 per rider.
- Dial-A-Ride programs can accommodate anywhere from 2,000-5,000 riders per month, whereas our fixed route system serves over 20,000 riders per month.
- Dial-a-ride typically serves only seniors and the disabled. It leaves the rest of the community without local public transportation. This would undoubtedly be a serious problem in Duarte, where many persons depend on the City's bus system to get around the community and to access regional bus lines.

Probably the most important issue to consider is how the City would pay for a dial-a-ride program. For this fiscal year, the City is budgeted to spend \$723,400 for the operation of its fixed route bus system. Unfortunately, the City's combined Proposition A, Proposition C and NTD revenues for the year are projected to be only \$701,400. Interest earnings on Prop A and Prop C fund balances will be used to make up the difference. The bottom line, however, is that no uncommitted Proposition A or C or NTD revenues are available for a dial-a-ride program. The only way to make these revenues available would be to significantly curtail, or eliminate, the City's fixed route bus system.

Possible Future Program

In talking with seniors over the last few years we know that many of them use our fixed route system, however we have commonly heard that there is a need for transportation outside of Duarte

Dial-a-Ride Transit Services

March 13, 2012

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particularly for medical appointments. As mentioned above, we do not have available revenues to add services at this time, however in hopes that someday we will, staff has scoped out a possible pilot program.

The proposed program would pick up passengers in specified morning hours from the Senior Center and deliver them to specified medical facilities in neighboring cities and then return them during specified afternoon hours to their homes. We estimate that even such a narrow program as this would require a capital investment of more than \$125,000 to purchase our own vehicles and then \$61,000 annually to operate and maintain the program. We have also looked at contracting our the pilot program, which would not require the capital investment and that would cost anywhere from \$65,000 - \$110,000 per year to operate.

While available ongoing revenues needed to operate the system do not exist at this time, we are always looking for grants that would help pay for the capital investment. Staff recently identified 5310 funds from the Federal Transportation Authority that could be used to subsidize up to 80% of the initial capital costs to purchase vehicles. This funding would potentially be available in 2014. While available operating revenues are not available now, we can re-evaluate as part of the 2013/14 budget and each budget thereafter.

Recommendation

It is recommended that the City Council receive and file the staff report.

Agenda Memo City Manager's Office

To: Mayor and Members of the Duarte City Council
From: Karen Herrera, Deputy City Manager
Date: 3/6/12 for City Council Meeting of 3/13/12
Re: Consideration of Ordinance No. 12-O-02 Amending Commissions

Recommendation: That the City Council, by motion, introduce and approve for first reading Ordinance No. 12-O-02 amending various sections of Chapters 2.20, 2.22, 2.24, 2.27, 2.28, 2.29, and 2.30 of the Duarte Municipal Code relating to City Commissions.

Background: Following a lengthy, public restructuring process that commenced in September of 2007, the City Council adopted an ordinance regarding the restructuring of City Commissions in April of 2008. Since this time, traditionally, following a recruitment and commission placement process such as occurred at the end of December 2011, staff reviews Code language to ensure that the process and code language are in sync. Staff input, combined with Council feedback provided at the February 14, 2012, City Council meeting, identified several areas that required some minor revisions.

Discussion: The recommended ordinance does the following:

- 1) All Commissions - Cleans up language to make clear that the term of any appointment that commences after January 1 ends on the appropriate December 31st as if the appointment commenced on January 1. Clears up any possible confusion about, for example, what a four-year term means when the appointment begins on, for example, March 1st instead of January 1. The cleanup language also makes clear the Council may appoint someone for a period less than a full term.
- (2) Public Safety Commission – Makes the seat for the person recommended by the School Board a one-year appointment.
- (3) Parks and Recreation Commission – Makes the seat for the person recommended by the School Board a one year appointment.
- (4) Economic Development Commission – Changes from three to two the number of members to be appointed from the list of people recommended by the Duarte Chamber of Commerce. Deletes the provision that had temporarily expanded the membership from 7 to 8, as the provision is no longer applicable. Changes the meeting times from six times per year in even months to monthly on 1st Wednesdays at 6:30 pm.
- (5) Traffic Safety Commission – Changes the meeting time from 7:30 p.m. to 7:00 p.m.
- (6) Public Services Commission – Changes the meeting times from six times per year in odd months to monthly on 2nd Wednesdays at 7:00 pm.

Fiscal Impact: Typically 10 to 20 staff hours are spent on each individual Commission per month.

Attachments: Ordinance No. 12-O-02

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE
AMENDING VARIOUS SECTIONS WITHIN CHAPTERS 2.20, 2.22, 2.24,
2.27, 2.28, 2.29, AND 2.30 OF THE DUARTE MUNICIPAL CODE
PERTAINING TO CITY COMMISSIONS**

THE CITY COUNCIL OF THE CITY OF DUARTE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 2.20.040 AMENDED.

Section 2.20.040 (“Members and terms”) of Chapter 2.20 (“Planning Commission”) of the Duarte Municipal Code is amended and restated in its entirety to read as follows (deletion shown as ~~strike-out~~ and addition as underline):

2.20.040 Members and terms.

The commission consists of five members. Notwithstanding the fixed terms of office called for hereinafter, members of the commission shall serve at the pleasure of the city council. Of the members of the commission first appointed, three shall be appointed for a term of two years, provided, however, that should the first appointment be effective on a date later than January 1st of the year of appointment, the terms shall be adjusted to be such lesser period of time such that the termination of the term shall occur on the second occurring December 31st after the effective date of appointment. Of the members of the commission first appointed, two shall be appointed for a term of four years, provided, however, that should the first appointment be effective on a date later than January 1st of the year of appointment, the term shall be adjusted to be such lesser period of time such that the termination of the term shall occur on the fourth occurring December 31st after the effective date of appointment. The successors to all the members of the commission first appointed shall be appointed for terms of four years commencing on January 1st (of even years) and terminating on the fourth occurring December 31st thereafter. If the term of a successor commences after January 1st, the term shall be adjusted to be such lesser period of time such that the termination of the term shall occur on the fourth occurring December 31st after the January 1st the commencement of the term normally would have commenced. Notwithstanding anything in this section to the contrary, the city council may make appointments to the commission for terms of lesser periods of time than the terms otherwise applicable to a particular appointment.

SECTION 2. SECTION 2.22.040 AMENDED.

Section 2.22.040 (“Members and terms”) of Chapter 2.22 (“Public Safety Commission”) of the Duarte Municipal Code is amended and restated in its entirety to read as follows (deletion shown as ~~strike-out~~ and addition as underline):

2.22.040 Members and terms.

The commission consists of seven members. Notwithstanding the fixed terms of office called for hereinafter, members of the commission shall serve at the pleasure of the city council. Of the members of the commission first appointed, three shall be appointed, the four members defined in Section 2.22.050(a)(1) shall be appointed for a term of four years, provided, however, that should the first appointment be effective on a date later than January 1st of the year of appointment, the terms shall be adjusted to be such lesser period of time such that the termination of the term shall occur on the fourth occurring December 31st after the effective date of appointment. Of the members of the commission first appointed, the three members defined in Section 2.22.050(a)(2) through (a)(4) shall be appointed for a term of two years, provided, however, that should the first appointment be effective on a date later than January 1st of the year of appointment, the term shall be adjusted to be such lesser period of time such that the termination of the term shall occur on the second occurring December 31st after the effective date of appointment. The successors to the members of the commission defined in Section 2.22.050(a)(1) first appointed shall be appointed for terms of four years commencing on January 1st (of even years) and terminating on the fourth occurring December 31st thereafter. The successors to the members of the commission defined in Section 2.22.050(a)(2) ~~through~~ and (a)(4) first appointed shall be appointed for terms of two years commencing on January 1st (of even years) and terminating on the second occurring December 31st thereafter. The successors to the member of the commission defined in Section 2.22.050(a)(3) first appointed shall be appointed for a term of one year commencing on January 1st (of each year). If the term of a successor commences after January 1st the term shall be adjusted to be such lesser period of time such that the termination of the term shall occur as follows: (i) for those members defined in Section 2.22.050(a)(1), on the fourth occurring December 31st after the January 1st the commencement of the term normally would have commenced; (ii) for those members of the commission defined in Section 2.22.050(a)(2) and (a)(4), on the second occurring December 31st after the January 1st the commencement of the term normally would have commenced; and (iii) for the member of the commission defined in Section 2.22.050(a)(3), on the next immediately occurring December 31st. Notwithstanding anything in this section to the contrary, the city council may make appointments to the commission for terms of lesser periods of time than the terms otherwise applicable to a particular appointment.

SECTION 3. SECTION 2.24.040 AMENDED.

Section 2.24.040 (“Members and terms”) of Chapter 2.24 (“Parks and Recreation Commission”) of the Duarte Municipal Code is amended and restated in its entirety to read as follows (deletion shown as ~~strike out~~ and addition as underline):

2.24.040 Members and terms.

The commission consists of seven members. Notwithstanding the fixed terms of office called for hereinafter, members of the commission shall serve at the

pleasure of the city council. Of the members of the commission first appointed, three shall be appointed for a term of two years, provided, however, that should the first appointment be effective on a date later than January 1st of the year of appointment, the term shall be adjusted to be such lesser period of time such that the termination of the term shall occur on the second occurring December 31st after the effective date of appointment. Of the members of the commission first appointed, four shall be appointed for a term of four years, provided however, that should the first appointment be effective on a date later than January 1st of the year of appointment, the term shall be adjusted to be such lesser period of time such that the termination of the term shall occur on the fourth occurring December 31st after the effective date of appointment. The Except for successors to the member appointed pursuant to paragraph (4) of subdivision (a) of Section 2.24.050, successors to all the members of the commission first appointed shall be appointed for terms of four years commencing on January 1st (of even years) and terminating on the fourth occurring December 31st thereafter. Successors to the member appointed pursuant to paragraph (4) of subdivision (a) of Section 2.24.050 shall be appointed for a term of one year. Notwithstanding the foregoing, (i) if the term of a successor, except for successors to the member appointed pursuant to paragraph (4) of subdivision (a) of Section 2.24.050, commences after January 1st, the term shall be adjusted to be such lesser period of time such that the termination of the term shall occur on the fourth occurring December 31st after the January 1st the commencement of the term normally would have commenced, and (ii) if the term of the successor to the member appointed pursuant to paragraph (4) of subdivision (a) of Section 2.24.050 commences on a date later than January 1st, the term shall be adjusted to be such lesser period of time such that the termination of the term shall occur on the next immediately occurring December 31st. Notwithstanding anything in this section to the contrary, the city council may make appointments to the commission for terms of lesser periods of time than the terms otherwise applicable to a particular appointment.

SECTION 4. SECTION 2.27.020 AMENDED.

Section 2.27.020 (“Meetings—Regulations—Records”) of Chapter 2.27 (“Economic Development Commission”) of the Duarte Municipal Code is amended and restated in its entirety to read as follows (deletion shown as ~~strike-out~~ and addition as underline):

2.27.040 Meetings—Regulations—Records.

The commission shall hold a regular meeting on the first Wednesday of each February, April, June, August, October, and December month at six-thirty p.m. at the Duarte Community Center or such other location as may be permitted by law. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, decisions, findings, and determinations. Minutes of the commission meetings shall be maintained by the city staff person assigned by the city manager as the staff liaison to the commission.

SECTION 5. SECTION 2.27.040 AMENDED.

Section 2.27.040 (“Members and terms”) of Chapter 2.27 (“Economic Development Commission”) of the Duarte Municipal Code is amended and restated in its entirety to read as follows (deletion shown as ~~strike-out~~ and addition as underline):

2.27.040 Members and terms.

The commission consists of seven members. Notwithstanding the fixed terms of office called for hereinafter, members of the commission shall serve at the pleasure of the city council. Of the members of the commission first appointed, three shall be appointed for a term of two years, provided, however, that should the first appointment be effective on a date later than January 1st of the year of appointment, the term shall be adjusted to be such lesser period of time such that the termination of the term shall occur on the second occurring December 31st after the effective date of appointment. Of the members of the commission first appointed, four shall be appointed for a term of four years, provided, however, that should the first appointment be effective on a date later than January 1st of the year of appointment, the term shall be adjusted to be such lesser period of time such that the termination of the term shall occur on the fourth occurring December 31st after the effective date of appointment. The successors to all the members of the commission first appointed shall be appointed for terms of four years commencing on January 1st (of even years) and terminating on the fourth occurring December 31st thereafter. Notwithstanding the foregoing, if the term of a successor commences after January 1st the term shall be adjusted to be such lesser period of time such that the termination of the term shall occur on the fourth occurring December 31st after the January 1st the commencement of the term normally would have commenced. Notwithstanding anything in this section to the contrary, the city council may make appointments to the commission for terms of lesser periods of time than the terms otherwise applicable to a particular appointment.

SECTION 6. SECTION 2.27.050 AMENDED.

Section 2.27.050 (“Commissioner—Eligibility and qualifications”) of Chapter 2.27 (“Economic Development Commission”) of the Duarte Municipal Code is amended and restated in its entirety to read as follows (deletion shown as ~~strike-out~~ and addition as underline):

2.27.050 Commissioner—Eligibility and qualifications.

To be eligible for appointment as a member of the commission, the candidate must meet all of the following requirements:

- (a) Of the seven members:
 - (1) Four members shall be appointed from candidates who are residents of the city;
 - (2) ~~Three~~ Two members, who shall not be required to be residents of the city, shall be appointed from candidates who are business owners or operators nominated or recommended by the Duarte chamber of commerce.

(3) One member, who shall not be required to be a resident of the city, shall be appointed from candidates who are business owners or operators.

(b) In addition to the requirements set forth in subsection (a) of this section, to be eligible for appointment as a member of the commission, the candidate must meet all of the following additional requirements:

(1) Have no felony convictions; and

(2) File an application, which shall include a written statement of not more than two hundred words describing background, qualifications, and objectives in serving as a member of the commission. A resume may supplement the written statement.

SECTION 7. SECTION 2.27.060 DELETED.

Section 2.27.060 (“Temporary expansion of membership; expiration”) of Chapter 2.27 (“Economic Development Commission”) of the Duarte Municipal Code is deleted in its entirety.

SECTION 8. SECTION 2.28.020 AMENDED.

Section 2.28.020 “Meetings-Regulations-Records of Title 2 “Traffic Safety” is hereby amended and restated in its entirety to read as follows (deletion shown as ~~strike-out~~ and addition as underline):

Section 2.28.020 Meetings—Regulations—Records.

The commission shall hold a regular meeting on the first Tuesday of each month at seven ~~thirty~~ p.m. at the Duarte Community Center or such location as may be permitted by law. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, decisions, findings, and determinations. Minutes of the commission meetings shall be maintained by the city staff person assigned by the city manager as the staff liaison to the commission.

SECTION 9. SECTION 2.28.040 AMENDED.

Section 2.28.040 (“Members and terms”) of Chapter 2.28 (“Traffic Safety Commission”) of the Duarte Municipal Code is amended and restated in its entirety to read as follows (deletion shown as ~~strike-out~~ and addition as underline):

2.28.040 Members and terms.

The commission consists of five members. Notwithstanding the fixed terms of office called for hereinafter, members of the commission shall serve at the pleasure of the city council. Of the members of the commission first appointed, three shall be appointed for a term of two years, provided, however, that should the first appointment be effective on a date later than January 1st of the year of appointment, the term shall be adjusted to be such lesser period of time such that the termination of the term shall occur on the second occurring December 31st after the

effective date of appointment. Of the members of the commission first appointed, two shall be appointed for a term of four years, provided, however, that should the first appointment be effective on a date later than January 1st of the year of appointment, the term shall be adjusted to be such lesser period of time such that the termination of the term shall occur on the fourth occurring December 31st after the effective date of appointment. The successors to all the members of the commission first appointed shall be appointed for terms of four years commencing on January 1st (of even years) and terminating on the fourth occurring December 31st thereafter. Notwithstanding the foregoing, if the term of a successor commences after January 1st the term shall be adjusted to be such lesser period of time such that the termination of the term shall occur on the fourth occurring December 31st after the January 1st the commencement of the term normally would have commenced. Notwithstanding anything in this section to the contrary, the city council may make appointments to the commission for terms of lesser periods of time than the terms otherwise applicable to a particular appointment.

SECTION 10. SECTION 2.29.020 AMENDED

Section 2.29.020 (“Meetings—Regulations—Records”) of Chapter 2.29 (“Public Services Commission”) of the Duarte Municipal Code is amended and restated in its entirety to read as follows (deletion shown as ~~strike-out~~ and addition as underline):

Section 2.29.020 Meetings—Regulations—Records.

The commission shall hold a regular meeting on the second Wednesday of each ~~January, March, May, July, September, and November~~ month at seven p.m. at the Duarte Community Center or such other location as may be permitted by law. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, decisions, findings, and determinations. Minutes of the commission meetings shall be maintained by the city staff person assigned by the city manager as the staff liaison to the commission.

SECTION 11. SECTION 2.29.040 AMENDED.

Section 2.29.040 (“Members and terms”) of Chapter 2.29 (“Public Services Commission”) of the Duarte Municipal Code is amended and restated in its entirety to read as follows (deletion shown as ~~strike-out~~ and addition as underline):

2.29.040 Members and terms.

The commission consists of five members. Notwithstanding the fixed terms of office called for hereinafter, members of the commission shall serve at the pleasure of the city council. Of the members of the commission first appointed, two shall be appointed for a term of two years, provided, however, that should the first appointment be effective on a date later than January 1st of the year of appointment, the term shall be adjusted to be such lesser period of time such that the termination of the term shall occur on the second occurring December 31st after the effective date of appointment. Of the members of the commission first appointed, three shall

be appointed for a term of four years, provided, however, that should the first appointment be effective on a date later than January 1st of the year of appointment, the term shall be adjusted to be such lesser period of time such that the termination of the term shall occur on the fourth occurring December 31st after the effective date of appointment. The successors to all the members of the commission first appointed shall be appointed for terms of four years commencing on January 1st (of even years) and terminating on the fourth occurring December 31st thereafter. Notwithstanding the foregoing, if the term of a successor commences after January 1st the term shall be adjusted to be such lesser period of time such that the termination of the term shall occur on the fourth occurring December 31st after the January 1st the commencement of the term normally would have commenced. Notwithstanding anything in this section to the contrary, the city council may make appointments to the commission for terms of lesser periods of time than the terms otherwise applicable to a particular appointment.

SECTION 12. SECTION 2.30.060 AMENDED.

Section 2.30.060 (“Vacancies”) of Chapter 2.30 (“Commissions generally”) of the Duarte Municipal Code is amended and restated in its entirety to read as follows (deletion shown as ~~strike-out~~ and addition as underline):

2.23.060 Vacancies.

If vacancies occur, other than by expiration of term, they shall be filled by appointment by the city council for (i) the unexpired portion of the term or (ii) for such lesser period of time than the full unexpired portion of the term as the city council may determine, and in such event the city council may make one or more subsequent appointments for a period or periods not to cumulatively exceed the unexpired portion of the term defined in clause (i). Nothing in this code required the city council to fill any vacancy.

SECTION 13. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

SECTION 14. POSTING OF ORDINANCE.

The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2012.

Mayor John Fasana

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. _____ was adopted by the City Council of the City of Duarte at a regular meeting of said Council held on the _____ day of _____, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California