



MINUTES
REGULAR CITY COUNCIL
TUESDAY, FEBRUARY 14, 2006, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Denis Bertone
Councilmember John Ebiner
Councilmember Sandy McHenry

City Manager Michaelis
City Attorney Brown
City Clerk Rios
Assistant City Manager Duran
Community Development Director Stevens
Public Works Director Patel
Parks and Recreation Director Bruns
Planning Manager Hensley
Senior Engineer Garwick

1. CALL TO ORDER

Mayor Morris called the meeting to order at 7:00 p.m.

2. ORAL COMMUNICATIONS

(For anyone wishing to address the City Council on an item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda.)

a. Members of the Audience

1) **Ginny Phillips**, 525 No. Amelia Avenue, reviewed their six year battle with the City to build their garage; their appeal of the conditions; the Judge's decision; and remarked that their upcoming hearing is set for February 28, 2006.

Mayor Morris stated that the Judge did not order the construction of the garage or to remove any conditions. He said the appeal is scheduled to be heard on February 28, 2006.

2) **Jim Elliott**, 537 Raborn, thanked the City Council for supporting the Citizen of the Year Program.

Councilmember Bertone said Mr. Elliott is the President of the Bonita Unified School District.

3) In response to **Paul Looney**, 113 W. Commercial Street, Mayor Morris affirmed that his comments would be heard at the time the agenda item is discussed concerning the demolition of the historic resource.

b. City Manager

No report.

c. City Attorney

No report.

d. Members of the City Council

1) Mayor Pro Tem Templeman suggested having a centralized location at the Yard for hazardous waste drop off, and to have staff look into ways to make the community more interested in participating in the program.

3. CONSENT CALENDAR

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

1) Councilmember Ebner requested a change to the January 24, 2006 Minutes, pg. 4, paragraph 3, to clarify the comment concerning the light green background. He stated he referred to the City's entrance overnight parking restrictions signs.

2) Councilmember McHenry requested that item 3a be removed for separate consideration.

It was moved by Councilmember Ebner, seconded by Councilmember McHenry, and unanimously carried to accept, approve and act upon the consent calendar, as amended, as follows:

- b. Approval of minutes for December 13, 2005 Study Session; regular meeting of January 10, 2006; regular meeting of January 24, 2006, as amended; and special meeting of January 31, 2006.
- c. Seventh Annual Pomona Valley Stage Bicycle Race, March 18-19, 2006, Restricted street closures of Puddingstone Drive (Cannon Avenue to east city limits) and Cannon Avenue and Walnut Avenue (off Puddingstone Drive) on Saturday, March 18, 2006 - 6:00 a.m. - 5:00 p.m.; Closure of certain streets within the downtown area on Sunday, March 19, 2006, 6:00 a.m. - 5:00 p.m.
- d. Rejection of claim for damages from Robyn DiJerlando.
- e. Rejection of claim for damages from Verizon.

END OF CONSENT CALENDAR

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

- (1) **No. 06-04, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JANUARY AND FEBRUARY, 2006.**

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to approve Resolution No. 06-04. The motion carried with Councilmember McHenry abstaining.

4. PUBLIC HEARING

a. Joint Public Hearing of the City Council and San Dimas Redevelopment Agency

To consider a proposed amendment to the Disposition and Development Agreement regarding a Costco Wholesale Warehouse, at Southeast corner of Lone Hill and Gladstone

RESOLUTION NO. 06-05, A RESOLUTION OF THE SAN DIMAS CITY COUNCIL PURSUANT TO THE PROVISIONS OF CALIFORNIA HEALTH AND SAFETY CODE SECTION 33433 APPROVING A PROPOSED AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE SAN DIMAS REDEVELOPMENT AGENCY AND COSTCO WAREHOUSE CORPORATION

RESOLUTION NO. 182, A RESOLUTION OF THE SAN DIMAS REDEVELOPMENT AGENCY APPROVING AND AUTHORIZING EXECUTION OF AN AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE SAN DIMAS REDEVELOPMENT AGENCY AND COSTCO WAREHOUSE

City Manager/Executive Director Michaelis reported that a Disposition and Development Agreement was approved with Costco Wholesale Corporation on March 22, 2005. That Agreement sets forth the terms and conditions of the Redevelopment Agency's participation in this proposed development and provides for payment by the Agency to Costco for its Excess Project Costs. Over the past year design of the proposed project has proceeded, appraisals have been completed of the private properties required for the project, offers have been approved by the Agency and extended to all of the property owners and negotiations with those owners have been ongoing. Mr. Michaelis summarized the staff report and the changes from the present DDA and discussed the budget and other negotiations between Agency and the Costco representatives. The project contemplates the exclusion of a 32,215 square foot parcel which is currently used as a parking lot for an adjacent development. The Agreement as amended also adjusts the date for property development to accommodate the change in time since the originally approved DDA.

Mr. Michaelis said that an amendment to the DDA required the preparation of a new Health and Safety Code Section 33433 Report. That was done and it outlines and summarizes the continued financial participation of the Redevelopment Agency in the project. That report was included in the staff report and was made available to the public along with a copy of the proposed amendment to the original DDA on the date of publication of the notice of this City Council/Agency hearing. Mr. Michaelis noted that it was his recommendation that the City Council approve the amendment to the DDA by adopting Resolution No. 06-05 and that the San Dimas Redevelopment Agency approved Resolution No. 182.

Agency Counsel/City Attorney Brown said that there are number of private properties which have yet to be acquired. Because of the uncertainty as to the costs associated with acquisition of all of those properties, at this time the Executive Director is recommending that the Agency amend the DDA to provide an additional agency participation of up to \$2 Million. This amount would be available if the property acquisition budget and related expenses as provided in the staff materials exceeds \$17.1 million. He further said that a hearing has been scheduled for February 28, 2006 before the Redevelopment Agency on a proposed Resolution of Necessity which if approved, would authorize the Agency to commence eminent domain actions to acquire the private properties that have not been acquired. He said that all property owners have been provided with notice of the scheduled hearing. If the Agency adopts the Resolution of Necessity the eminent domain actions would be filed and served on the property owners. Although negotiations would continue with the property owners those negotiations would be taking place under the threat of the eminent domain lawsuit.

Mr. Brown said that if the eminent domain actions are filed, immediate possession of the properties would not be sought at this time. Rather the amended DDA provides that on or after April 15, the Agency and the Developer would review the property acquisition status and determine whether to proceed with the project and if so, on the basis of the amended DDA or otherwise.

In response to Councilmember Ebner, City Manager/Executive Director Michaelis outlined the various funds that could be used to offset project costs for traffic improvements if the cost exceeds \$17.1 million.

Mayor Morris opened the joint public hearing of the City Council and San Dimas Redevelopment Agency and asked if anyone wished to speak on the proposed amendment.

In response to **Paul Mooney**, Mr. Michaelis replied that a budget of \$17.1 Million had been established as a result of discussions with Costco. This is the budget allocated for the property acquisitions. As indicated in the staff report, this amount includes the cost of acquiring the remaining private properties, repayment to the Agency for properties it has already acquired, all goodwill and relocation expenses, and the cost of the property acquisition and relocation consultant, and the appraiser retained to appraise the private properties. Those four categories of costs total \$17.1 Million. Mr. Michealis explained that the purpose of this amendment was to provide a possible additional \$2 million Agency contribution, if the total expenses associated with these four categories of expenses exceed the \$17.1 million.

In response to **Dennis Phillips**, City Manager/Executive Director Michaelis said this is an aggregate budget and the numbers are based on the current situation.

Mayor Pro Tem Templeman added that appraisals were conducted one year ago and since then there is an increase in the market.

There being no one else wishing to speak, the joint public hearing was closed and the matter was brought to the Council for decision.

After the title was read, it was moved by Councilmember McHenry, seconded by Councilmember Bertone, to waive further reading and adopt **RESOLUTION NO. 06-05**, A RESOLUTION OF THE SAN DIMAS CITY COUNCIL PURSUANT TO THE PROVISIONS OF CALIFORNIA HEALTH AND SAFETY CODE SECTION 33433 APPROVING A PROPOSED AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE SAN DIMAS REDEVELOPMENT AGENCY AND COSTCO WAREHOUSE CORPORATION. The motion carried by the following vote:

AYES: Councilmembers Bertone, Ebner, McHenry, Templeman, Morris
NAYES: None
ABSENT: None
ABSTAIN: None

After the title was read, it was moved by Mr. McHenry, seconded by Mr. Bertone, to waive further reading and adopt **RESOLUTION NO. 182**, RESOLUTION OF THE SAN DIMAS REDEVELOPMENT AGENCY APPROVING AND AUTHORIZING EXECUTION OF AN AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE SAN DIMAS REDEVELOPMENT AGENCY AND COSTCO WAREHOUSE CORPORATION. The motion carried by the following vote:

AYES: Messrs. Bertone, Ebner, McHenry, Templeman, Morris
NAYES: None
ABSENT: None
ABSTAIN: None

- b. Municipal Code Text Amendment 05-03 – a request to amend Chapter 18.38 (Second units) of the San Dimas Municipal Code as it relates to the maximum size of second residential units.

ORDINANCE NO. 1156, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 05-03, A REQUEST TO AMEND CHAPTER 18.38 OF THE SAN DIMAS MUNICIPAL CODE TO REDUCE THE MAXIMUM SIZE OF SECOND UNITS. INTRODUCTION AND FIRST READING.

Planning Manager Hensley stated that in 1993 an ordinance was adopted that sets forth standards for second residential units in response to State Law requirements at that time. Mr. Hensley said the Chapter was amended in 2003 in response to AB 1866 requiring local agencies to consider second units as a ministerial act without discretionary review or hearing. At that time, the minimum lot size on which a second unit may be constructed was revised from 7,500 square feet to 10,000 square feet. Staff was directed by Council to consider a revision to the Second Unit Ordinance that would consider a smaller maximum unit size in an attempt to reduce negative impacts from large second units on existing neighborhoods. Municipal Code Text Amendment 05-03 would reduce the maximum size of second residential units from 1,200 square feet to a sliding scale based on lot size and relation to the size of the main unit. Mr. Hensley outlined the sliding scale and stated that Staff and the Planning Commission recommend approval of Ordinance No. 1156.

Mayor Morris did not wish to penalize someone with a small house by imposing a 30% limitation on the second unit.

Community Development Director Stevens responded that by imposing a smaller square footage as a maximum, the issue of percent becomes less important, and it would not do disservice to eliminate the percentage standard.

Manager Hensley added that the standard applies to lots 10,000 square feet or larger, and there are few houses that qualify. He responded to Councilmember Bertone that this change does not impact where second units are built or how many could be built in the city.

Councilmember McHenry suggested a standard relative to the size of the lot, rather than a one-size-fits-all. He stated that the DPRB grapples with requests concerning equestrian lots. A number of people with equestrian lots may not have horses, or a second unit would not affect them due to the 35-foot separation; however, it affects the surrounding neighbors' ability to keep horses, and this would tend to have a negative effect on property values.

In response to Council, Manager Hensley stated that the ability for horsekeeping is not eliminated nor reasonably limited. He stated that re-siting could solve the problem, but small units greatly reduce the impact on horsekeeping properties; the garage for the second unit is part of the main unit. There would have to be a three-car garage parking space on site; and although staff felt the numbers that went to the Commission were adequate, the Commission felt that adding 100 square feet was reasonable. He said staff's analysis was 1) to look at other cities' limitations to determine what size would be reasonable; 2) how much square footage is needed for a bedroom, bath, kitchen and living areas, and it was felt that 500 square feet was reasonable.

Director Stevens stated that although size reduction would help in equestrian properties, staff needs to look at the overall horsekeeping standards to determine whether or not the 80-foot requirement is reasonable and appropriate.

Councilmember McHenry stated that in fairness, 80-foot setback restrictions are driven by the Los Angeles County Health Department requirement and not City requirements. Director Stevens stated they are aware of cities in Los Angeles County with a 70-foot standard.

Councilmember McHenry felt that although a lot is large enough to accommodate a second unit, existing restrictions become burdens. Director Stevens replied that this is a global problem. He said if the unit is slightly smaller in terms of maximum size, siting becomes an issue. Staff plans to look at larger separation requirements.

Mayor Morris opened the public hearing and asked if anyone wished to speak on the amendment.

1) Robert Mathis stated he inherited a one-acre lot and would like to build a 1,200 square foot unit for his mother. He said he began the process in 1997 and through certain difficulties, the project was delayed and time has lapsed. He said he was encouraged to consult Architect Fred Diaz and was told the house should be re-sited. Mr. Mathis pleaded to be allowed to build a 1,200 square foot house on his lot for his mother.

In response to Mayor Morris, Director Stevens stated it would be staff's position that if a completed application is not submitted before the Ordinance is introduced, and if the Ordinance is introduced tonight, the new standards would be applied to any new application not currently completed.

Councilmember Bertone suggested following the letter of the law to be fair. Director Stevens stated that to his knowledge, staff does not have a pending application from Mr. Mathis.

In response to Councilmember Ebner, Mr. Mathis stated he would like to build a modest two-bedroom house with living space and a two car garage.

In response to Councilmember Ebner, Director Stevens stated that he needs facts before making a recommendation. He said Mr. Mathis may have discussed his plans with staff, but the plans are not fully completed.

Mayor Morris indicated that depending on the outcome of the public hearing, if Mr. Mathis has an application pending, any change would not apply to him provided he proceeds with construction of the unit. In response to Mr. Mathis, he stated that the City Council is considering amending the ordinance and cannot speculate on what might be.

2) Jim Elliott pointed out an error on the agenda; and thought it interesting to see how this amendment reconciles with the state wide high density housing versus population growth.

3) Dennis Phillips, 525 North Amelia Avenue, stated that the figures recommended by staff seem very arbitrary and put extremely strong restrictions on large properties, which he felt was unfair and not logical based on a two-acre parcel.

Mayor Morris indicated that this restriction would apply only to single family lots, and if a person has a large lot, they may be able to subdivide. Mr. Phillips commented that people do not buy large lots to subdivide them.

Mayor Morris stated that it has been the experience that 1,200 square feet second units cause some impacts in the neighborhood. He said all discretionary review for second units has been taken away and that is one reason for considering the amendment this evening.

In response to Mr. Phillips, Mayor Morris said Mr. Mathis may or may not get 1,200 square feet, depending on where he is in the process. He said this amendment has been noticed for a long time.

4) Ginny Jones felt that changing lot coverage or deciding whether second stories count toward lot coverage is a much smarter way to provide everyone with a fair opportunity to get a second unit equal and proportionate to the size of their property.

5) Robert Graciano, Glendora, said he designs plans for development and second units are hot items in single family residences with large lots. He said with real estate prices escalating, kids cannot afford to purchase their own home and move back with their parents. He mentioned that West Covina's 640 square foot requirements pose a lot of problems and encourage residents to illegally incorporate storage areas as second bedrooms.

There being no one else wishing to speak, the public hearing was closed.

Councilmember Bertone said as far as he knows, every person on this Council has run on a platform of low density. He mentioned that Monterey Park and Alhambra are wonderful cities but they have unlimited second units and people feel their property rights are violated when second units are built next to them. He said people move to San Dimas because of the low density.

Mayor Pro Tem Templeman had no problem with smaller second units on small lots; however, he felt it is not unreasonable to build a larger second unit on one or more acres of land. Pursuant to government code, a person cannot exceed a 1,200 square foot second unit on one acre of land. He also thought that a relative might need a live-in caretaker and felt it was important to consider and accommodate this request.

Councilmember McHenry stated he has trouble with the State mandating local land use, and if low-income second units are built, the City cannot require onsite parking and the streets become parking lots. He said any number would be arbitrary and felt there are benefits in providing a second bedroom for a caretaker. He favored La Canada's approach to use a sliding scale which provides greater benefit to property owners with larger lots. He found the ordinance troubling overall and suggested staff make sure setback requirements are consistent with state law, and that parking access is meaningful within the context of this community.

Councilmember Ebiner stated that if it were up to him, he would not allow second units in single family residences. However, State mandates are out of the City's jurisdiction, but he applauded the effort to place further restrictions. He mentioned that he supported staff's original recommendation, but would support the Planning Commission recommendation.

Councilmember Bertone pointed out that soon Council would be discussing the Foothills and when zoned for an acre lot, he wants it to be one acre, prohibiting the construction of second units. For environmental and aesthetic reasons, people want to live on one acre lots.

Director Stevens clarified that second units are limited to a maximum of two bedrooms. He stated that when the Planning Commission discussed staff's recommendation, it was determined that an 850 square foot second unit could easily accommodate two bedrooms and still have 300 square feet for a living room, kitchen and bathroom. He said dens or playrooms would be considered as bedrooms and the unit could never exceed two bedrooms. He thought that since 1,200 square feet demonstrated itself to be a problem on lots one acre or larger, a sliding scale is a rationale approach, smaller lots could only accommodate smaller units.

In response to Mayor Pro Tem Templeman, Director Stevens explained that 1,200 square feet has presented a problem with horsekeeping property. Almost all parcels greater than an acre are going to be horsekeeping property, with the exception of hillside properties. He said the only discretion under the law is the requirement to provide in the ordinance a maximum square footage.

Mayor Morris said lot sizes are based on City's studies, and he thought it was appropriate to reduce sizes; however, he did not oppose increasing unit sizes to 1,000 square feet on lots one acre or more, if the La Canada sliding scale is used.

In response to Councilmember McHenry, Director Stevens stated that second units have to be resided in by the owner, relative of owner, or if a relative is not available, the unit has to be rented to persons of low to very low income, with rental rates consistent with low, very low income; there is a deed restriction recorded against the property and an annual report is required. He further replied that this has not been addressed in state law nor has it been challenged.

In response to Councilmember Ebner, Director Stevens replied that the annual report is to verify the unit is occupied by family members or low to very low income renters. He said the annual report is due in January each year and staff will follow up to make sure it is submitted.

After the title was read, and with the deletion of the 30% lot coverage requirements, Councilmember Bertone moved to waive further reading and introduce **ORDINANCE NO. 1156, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 05-03, A REQUEST TO AMEND CHAPTER 18.38 OF THE SAN DIMAS MUNICIPAL CODE TO REDUCE THE MAXIMUM SIZE OF SECOND UNITS.** The motion was seconded by Councilmember Ebner, and carried as follows:

Councilmember Ebner commented that these restrictions are appropriate and enough for people to have second units as intended.

AYES: Councilmembers Bertone, Ebner, Morris
NAYES: Councilmembers McHenry, Templeman
ABSENT: None
ABSTAIN: None

In response to Councilmember Bertone, Director Stevens clarified that over the past three years, legislation was passed to eliminate local government's right to prohibit and restrict in any way second units on single family lots. Fortunately, the Governor vetoed the bill.

Director Stevens responded to Councilmember McHenry that part of the Planning Commission direction was to address equestrian units and staff intends to bring back a report soon.

5. PLANNING

- a. Consider appeal of DPRB Case No. 05-87 - demolition of historic house and construction of a new 2,059 s.f. house located at 125 West Commercial Street.

Planning Manager Hensley provided a brief history on the Development Plan Review Case No. 05-17 approved on March 10, 2005 for a 1,288 square foot addition to a 771 square foot historic house, with illegal additions. During demolition of the unpermitted structures, the historic house was torn down regardless of a stop work order. To address the required analysis for demolition of historic structures by the California Environmental Quality Act (CEQA), staff hired Historic Consultant John Ash Group to complete an historical assessment to determine property mitigation. The DPRB heard the case on December 8, 2005 and January 12, 2006, and approved revised plans with conditions requiring compliance with the historical assessment report; removal of a front wall; redesign of the garage; and payment for all costs incurred by the City for the consultant. Mr. Hensley outlined penalties assessed by other cities and said if the City Council wishes to develop a stricter penalty for the demolition or significant alternation of an historic resource, staff could be directed to bring back an ordinance

addressing stricter penalties. Staff recommended that the City Council confirm the DPRB adoption of the Mitigated Negative Declaration; approve DPRB Case No. 05-87 as approved by the DPRB; provide direction to staff on its desire for a Code Amendment to establish a penalty for demolition or significant alteration of historic resources.

In response to Mayor Morris, Manager Hensley stated that the idea of a moratorium is less punitive than a \$10,000 penalty or half the value of the resource. He indicated that imposing a five-year moratorium on the property might not be advantageous for a neighborhood.

Mayor Morris stated that because of its condition and code violations, the historic value was destroyed long before this house was torn down. However, he felt some reasonable penalties should be imposed.

Councilmember McHenry said the Development Plan Review Board handled this issue in a professional matter; however, as a matter of policy, an appeal is heard if a member of the City Council appeals an item.

In response to Council, Director Stevens stated that the City Council has to provide substantial evidence to support a decision contrary to the Review Board. He stated that at the Review Board hearing the applicant expressed concern about the wall across the front of the property line recommended for removal as a mitigation measure, and the second issue was the garage.

In response to Councilmember Ebner, Manager Hensley stated that the environmental check list is mandated only for structures deemed to be cultural resources on the historic list. He added that the house was set back three feet from the property line and he explained that the Review Board required wood windows, but was allowed vinyl clad windows, which met the requirements in the JAG report. He said vinyl clad has the dimensions and elements of wood, with vinyl cladding on the outside. He explained the difference between single hung windows, which the bottom portion of the window moves up versus double hung windows that permit both portions of the window to move in both directions, and is the requirement for this project.

Councilmember Ebner stated he is appealing the Review Board decision because the project impact would be less than significant with mitigation incorporated, and he felt a more thorough environmental review should be conducted to study the effect the removal of an old house has on the neighborhood. He stated that more importantly, there needs to be consensus to require a different approach so this does not set a precedent throughout the towncore.

Director Stevens explained that classifying the project as potentially significant impact would trigger a focused environmental impact report on cultural resources and would take approximately four to six months to complete. He stated that the same conclusion might be reached, but the process is substantially different.

Councilmembers discussed the cost of materials required for the project and some felt that should suffice as adequate penalty. Council further discussed whether or not to uphold a policy to prohibit demolition of homes not worth preserving.

In response to Mayor Morris, City Attorney Brown stated that Councilmember Ebner could participate in discussion of this item.

It was moved by Councilmember Ebner to overturn the Development Plan Review Board's decision to adopt the mitigated negative declaration.

Lacking a second, the motion died.

It was moved by Councilmember McHenry to uphold the DPRB decision and adopt the mitigated negative declaration.

Mayor Morris stated that before considering the motion, he invited members of the audience to express their opinions and asked the applicant to come forward.

Robert Graciano, “N” House Design Services, stated that JAG concluded that the house was not original with illegal additions and dangerous asbestos siding. He asked the City Council to consider that the house was not maliciously torn down and emphasized that with delays, the budget has risen 50% and should be considered adequate penalties. He said this project will make the neighborhood a better place to live in, the city gets a beautiful house, and the property owners get a moderate size home.

In response to Mayor Morris, Mr. Graciano stated that if the decision had not been appealed, the applicant would have complied with the DRPB requirements. He said Mr. Madrigal would speak shortly.

In response to Councilmember Ebner, Mr. Graciano said the original surface of the house would have been 770 square feet.

Lorenzo Madrigal, son of applicant stated his father would like to speak and he would translate.

Roberto Madrigal (through translation) expressed concern that the original house was approved by the Review Board and has now come back with additional requirements. He said the contractor made a mistake and demolished the building. He does not understand the delay in addition to the five months already spent.

Mr. Madrigal said his parents feel they followed all regulations and have cooperated with the City. They do not understand why they continue to go through change after change and want clarification for this appeal.

Councilmember Ebner explained that he has a passion for historic preservation and even if substantially altered, an old house could be renovated.

Mr. Madrigal expressed concern that the media has heard negative remarks about his parents due to the demolition of the house and are treated as criminals for something they never intended to happen.

Councilmember Ebner stated that he has not been contacted by any Newspaper, Television, or Radio Station about this issue.

Mayor Morris indicated that if the contractor had obtained the permit, then demolished the building, he would be held responsible. However, Mr. Madrigal obtained the permit and someone operating for him violated the law by tearing down the house. He outlined the process if the DRPB decision is upheld.

Mr. Madrigal stated that his parents have incurred a substantial amount of money with delays and change of plans, and he requested that the masonry wall in front and the sidings on the garage not be required.

In response to Mayor Morris, Me. Hensley explained that the applicant is required to bring the garage into conformance and be compatible with the main house, as is required of everyone. He added that the Review Board felt the wall was not in conformance with the Town Core Design guidelines or the colonial revival style of the house and thought demolition costs were minor.

Director Stevens added that the existing garage had a partial masonry wall that wood could not be put on the exterior, and it did not meet the same historic context as the house. It was decided that it should be upgraded in terms of siding material.

Mark Madrigal, son, inquired why there were obstacles and issues about the wall and garage. He stated that the block wall is needed to avoid tragedy in the future.

Mr. Madrigal stated that since no inspections were conducted, he would like a refund of the original construction permit and expedite the review. Mr. Stevens suggested Mr. Madrigal contact the Building Department to request a refund.

Sister Madrigal presented a list of signatures supporting their project and stated there would not be a significant negative impact concerning the rebuilding of this home.

Paul Looney, 113 W. Commercial Street, expressed his concerns with the size of the proposed house; and rewarding the applicant for the illegal tear downs by allowing the construction of the dwelling.

Jennifer Madrigal, daughter in law, mentioned Mr. Looney's window replacement without permits. Mr. Looney rebutted that his windows were not replaced, they were refurbished and reinstalled, and permits are not required.

Mayor Morris was willing to uphold the DPRB decision and believed the wall had to be removed and thought it appropriate to put siding on the garage. He expressed difficulty with the cost of wood siding and suggested allowing hardi plank.

Councilmember McHenry expressed mixed views concerning the use of hardi plank. He stated the Town Core Design Guidelines require accurate type of siding and it's a terrible burden imposed on a lot of houses in town. He had no problem upholding the DPRB decision and letting the applicant go forward and obtain permits.

Mayor Pro Tem Templeman believes the new house drives the details required by the DPRB and he is supportive of their decision. He agreed that the garage needs to look like the house.

In response to Councilmember Ebiner, Director Stevens stated that the applicants have a right to build within the standards. Because of criteria set forth in the Design Review Ordinance, Design Review authority could be used to give them something less than maximum where it could be demonstrated that it was done for a good reason consistent with the Ordinance. He added that the Review Board discussed and considered Mr. Looney's appeal that the project be approved at a smaller size, and reached a different conclusion.

In response to Mayor Morris, Director Stevens stated that new houses have been approved with hardi plank siding, however, this is different because of the historic issue. He mentioned that hardi plank siding is permissible under the guidelines; however, hardi plank cannot mix with wood siding due to differing size.

It was moved by Councilmember McHenry, seconded by Mayor Pro Tem Templeman, to affirm the DPRB adoption of the Mitigated Negative Declaration; and approve DPRB Case No. 05-87 as approved by the DPRB.

The motion carried unanimously.

It was suggested that staff be directed to come back with options to discuss the effects, measures, and lot coverage at the City Council/Staff retreat.

- b. Consideration of a request to set appeal hearing regarding Planning Department denial of request by George Yemetz for "re-build" letter for property at 240 W. Third Street.

It was the consensus of the City Council to set the appeal for the next meeting on Tuesday, March 14, 2006, at 7:00 p.m.

6. OTHER

- a. Update on Via Verde Park & Ride: Via Verde and Covina Hills Road Overflow Parking and Circulation Issues.

Public Works Director Patel reported that the escalating parking and circulation issues initially came to the Traffic Safety Committee in March 2002 after Foothill Transit Line #499 was introduced and a bus stop placed at the Park and Ride. Between March 2002 and November 2003, the Traffic Committee resolved overflow parking issues on a case by case basis, recommending and installing various parking signs with restrictions along Paseo Victoria, Covina Hills Road and Via Verde. In 2003, staff was directed to work with the County of Los Angeles and Foothill Transit in developing and exploring parking alternatives including consideration of a parking structure at the Via Verde Park and Ride and the Park and Ride next to the Marriott. Director Patel requested the City Council to consider leaving the current on-street parking restrictions as is in the vicinity of the Via Verde Park and Ride, based upon commitments made by both Foothill Transit and the County of Los Angeles Public Works to restructure and extend transit services at the Fairplex as well as rehabilitation of the Fairplex Park and Ride.

In response to Councilmember Bertone, Director Patel stated that a multi-story parking complex is not being considered and funds have been redirected to another project.

Mayor Pro Tem Templeman stated that vehicles are currently parking on the west side of Via Verde Avenue and the community strongly feels the need to prohibit parking on city streets. He said the roadway is not a parking lot and for security and safety, he suggested imposing time restrictions on the rear of the Park and Ride lot.

Mayor Morris stated that where there is transit, there are impacts and that street is the least impacted area for parking on Via Verde where there are no homes.

Councilmember Bertone suggested patrol by the Sheriff at that lot, however, he did not support parking restrictions on Via Verde Avenue.

Councilmember McHenry stated the Council owes it to the residents to end onstreet parking, and not make it convenient for everyone to park, disturb the peace and tranquility of the neighborhood.

Alfred M. Diaz, 1254 Camino Del Sur, expressed that the proposed decision was inappropriate to delay any action concerning overflow of vehicles from the parking lot to the streets, and stated this is a public safety issue. He said there should not be parking on the south side of Via Verde Avenue, or East of Camino Del Sur. He mentioned the need for a three-way stop sign at Via Verde/Camino Del Sur to slow down traffic coming off the freeway at speeds of 50 mph. He said parking restrictions are very important and should be done as quickly as possible, giving adequate warning to people who park there.

Mayor Pro Tem Templeman stated that in April Foothill Transit would present to the Governing Board all route change modifications for the budget cycle and once approved, they would know what services are needed to accommodate the proposal. He requested that they be given the opportunity to improve their services and take care of parking problems.

Councilmember Ebner felt mass transit was important. To get 30-40 vehicles off the road, he would be willing to support a one-story, low profile parking structure, part subterranean, part above ground.

Mayor Pro Tem Templeman moved to extend further time-restricted parking on the north side of Via Verde Avenue from the existing parking restrictions to Camino Del Cerritos. The motion was seconded by Councilmember McHenry and carried by the following vote:

AYES: Councilmembers McHenry, Templeman, Morris
NOES: Councilmembers Bertone, Ebner
ABSENT: None
ABSTAIN: None

Mayor Pro Tem Templeman suggested staff coordinate with Foothill Transit.

RECESS

Mayor Morris called a recess at 11:04 p.m. and reconvened the meeting at 11:06 p.m.

7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed at 11:06 p.m. the regular meeting of the City Council and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The meeting reconvened at 11:07 p.m.

8. ORAL COMMUNICATIONS

- a. Members of the Audience

No one.

- b. City Manager

- 1) Mountain Rescue Golf Tournament request.

Assistant City Manager Duran presented a request from the San Dimas Mountain Rescue to waive a portion of the fees for their upcoming golf tournament at San Dimas Canyon Golf Course. He said in the past the City has not waived fees for tournaments and there is a concern that granting the request would set a precedent. If the City Council desires to provide financial support to the Mountain Rescue Team, staff recommends that the Council determine an allocation amount from the COPS funds for the purchase of equipment.

Mayor Pro Tem Templeman reported that Mountain Rescue gets limited financial support from the Sheriff's Department and said they rely on fundraisers, as well as partial support from the San Dimas Boosters. He outlined the financial commitments of volunteers for safety equipment and certification, and felt a one time donation from the COPS fund was appropriate to assist in the purchase of needed equipment, gear, and certification.

In response to Councilmember Bertone, Mr. Duran said \$100,000 in the fund is unallocated.

Before approving the recommended expenditure, Mayor Morris suggested conferring with Captain Curtis of the San Dimas Sheriff's Department.

Councilmember McHenry praised the Mountain Rescue unit, however, he indicated they volunteer knowing they would have expenses. He stated that COPS money is policing money used for direct patrol, and he was reluctant to donate \$7,500 of COPS money without Captain Curtis' approval, who might have better use of the funds for community oriented policing. He was also unwilling to set a precedent by waiving golf course fees because the City has a contractual obligation with the City of La Verne.

Debbie Iketani reported that as part of ongoing training for the Mountain Rescue Association, all search and rescue teams have to be certified every three years in snow and ice rescue. This year, they will be training with other members of California Search and Rescue teams at Mammoth Lakes. She added that she purchased her own snow shoes for her safety and greatly appreciates any consideration.

Councilmember Ebner commented that he would like to know what the Mountain Rescue budget is. He is in favor of donating \$2,500 although he would feel more comfortable having the money as a line item in the budget.

It was moved by Councilmember Bertone to authorize a donation to Mountain Rescue Association of \$2,500 from the COPS fund or the general fund, to be determined by the City Manager. The motion was seconded by Mayor Pro Tem Templeman.

Mayor Morris stated he would vote against this motion and suggested a complete and formal request be submitted stating the budget and reason for the request.

Councilmember Ebner stated he would not support the motion if it involves COPS funds, but he would be willing to support the motion for a one time donation of \$2,500 from the general fund.

The motion failed with Councilmembers Ebner, McHenry, and Morris opposed.

City Manager Michaelis suggested formalizing the process on an annual basis to designate and set aside funds for community projects or donations. He indicated that local groups could apply, include financial background for the organization, how the money would be used, and the City Council would decide how the money is distributed.

Councilmembers disagreed with the recommended course of action.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to support a one-time donation of \$2,500 from the general fund.

Mayor Morris stated he is willing to look at requests as part of the budget process, and/or a budget amendment, however, he would like more information before spending public funds.

The motion carried 3.2; Councilmembers McHenry and Morris opposed.

c. City Attorney

No report.

d. Members of the City Council

1) Report on meetings

No reports.

- 2) January 26, 2006 DPRB meeting case 06-03 (1250 Via Esperanza) and case 05-93 (2238 Calle Belicia).

Councilmember Ebiner stated he would make comments at a future meeting.

3) Councilmember McHenry brought up a request denied by the DPRB that he thought might be appealed to the City Council. He reported that Oscar from Oscar's Upholstery on the north side of Bonita Avenue, plans to retire and has found a tenant who wishes to split the building in half for use by a law office and an undetermined second use. Director Stevens stated a request for appeal has not been received.

4) Councilmember McHenry expressed concerns with Bonita Avenue merging to one lane, causing traffic backup.

Public Works Director Patel stated this is a pilot program scheduled on the Traffic Committee agenda for review and will be monitored for four weeks. Staff will then recommend whether to keep or discontinue the program.

5) Councilmember Bertone would like to encourage participation with the Neighborhood Watch program and asked for a report on the frequency of bulletins.

9. CLOSED SESSION

Adjourned at 11:43 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Property acquisition pursuant to the Disposition Development Agreement with Costco for the Costco project at the southeast corner of Lone Hill and Gladstone.
APN: 8383-009-004; 019, 025, 026, 044, 045, 046 & 047, 602 N. Lone Hill Avenue; 526 N. Lone Hill Avenue; 522 N. Lone Hill Avenue; 514 N. Lone Hill Avenue; 508 N. Lone Hill Avenue.
APN: 8383-009-020 & 021, 506 N. Lone Hill Avenue
APN: 8383-009-034, 943 W. 5th Street; 943 "B" W. 5th Street
APN: 8383-009-035, 933 W. 5th Street
APN: 8383-009-017, 018, & 036, 1000 W. Gladstone
APN: 8383-009-015 & 016, 1002 Gladstone Street; 1004 Gladstone Street.
APN: 8383-010-005, 948 W. 5th Street
APN: 8383-010-054, 942 W. 5th Street
APN: 8383-010-?, 932 W. 5th Street
APN: 8383-010-009, 922 W. 5th Street
APN: 8383-010-018, 019 & 020, 914 W. 5th Street

Negotiating Parties:

For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown, City/Agency Attorney.

For Developer: Steve McArthur, Costco-Northwest Atlantic

Under Negotiation: Terms and conditions of City/Agency possible participation.

No reportable action.

b. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
(SUBDIVISION (a) OF GOVERNMENT CODE SECTION 54956.9)**

Name of Case: Dennis Phillips v. City of San Dimas, LASC Case No. BS089159

No reportable action.

c. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
(SUBDIVISION (a) OF GOVERNMENT CODE SECTION 54956.9)**

Name of Case: Bradley and Rebecca Secreto v. City of San Dimas, LASC Case No. BC298567

No reportable action.

d. Adjourn to closed session pursuant to Government Code Section 54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION.

Title: City Manager

No reportable action.

10. ADJOURNMENT

The meeting adjourned at 1:20 a.m. The next meeting is Tuesday, February 28, 2006, 5:00 p.m. for budget study session.

Mayor of the City of San Dimas

ATTEST:

City Clerk