



**MINUTES**  
**REGULAR CITY COUNCIL**  
**TUESDAY, JULY 11, 2006, 7:00 P. M.**  
**COUNCIL CHAMBERS, 245 E. BONITA AVE.**

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**PRESENT:**

Mayor Curtis W. Morris  
Mayor Pro Tem Jeff Templeman  
Councilmember Denis Bertone  
Councilmember John Ebiner (arrived 7:06 p.m.)  
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  
Senior Planner Hensley  
Associate Planner Espinoza  
Senior Engineer Garwick

**1. CALL TO ORDER**

Mayor Morris called the meeting to order at 7:01 p.m.

**2. RECOGNITION**

❖ Proclaim July as Parks and Recreation Month

Mayor Morris presented to Parks and Recreation Director Theresa Bruns a Proclamation declaring July as Parks and Recreation Month.

On behalf of Parks and Recreation, Director Bruns thanked the Council for their support. She stated that Recreation staff enjoys providing services to the community, and mentioned that in addition to the busy summer schedule, citizens could enjoy the Farmers Market on Wednesdays.

Councilmember Bertone mentioned that the senior citizens are extremely pleased with Parks and Recreation personnel and the services they provide.

Mayor Morris reported a tremendous range of programs for kids of all ages. He is happy to recognize this month as Parks and Recreation Month.

**3. 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

**Bruce Barr**, 527 Way Ct., brought up an incident with his garage door. He introduced his architect Renee Vanelli.

**Renee Vanelli**, Architect, reported that Mr. Barr is a car hobbyist who was approved to construct a garage taller than standard to hoist his vehicles. She said one stipulation of approval was to not put in an industrial door, which he did because it was simpler to put in a roll-type door. The door is in violation of the conditions of approval; however, it would not be financially feasible for him to replace the door. She stated that the door is not visible from the street and urged the Council to let him keep the existing door.

In response to Mayor Morris, Director Stevens reported that this DPRB case goes back 1.5 years and the garage doors do not comply with the conditions of approval. He indicated that staff has been unable to resolve complaints related to the door, glare from lighting, and noise from activities within the garage, and referred this issue to the City Prosecutor.

In response to Councilmember Bertone, Ms. Vanelli distributed photographs of garage doors to the City Council and replied that Mr. Barr is not conducting business in his garage. She said friends visit to discuss cars and the compressor used is part of the noise issue. She reported that the lighting issue has been resolved and her client will install extra insulation to comply with the noise issue.

Director Stevens stated this matter is not scheduled on the agenda; nevertheless, he pointed out that the doors installed are the exact same doors shown on the plans that the DPRB disapproved and specifically added the condition that the garage doors should be changed. He added that it has been long past the legitimate appeal period, nonetheless, it is Council's decision whether or not to consider this issue.

Mayor Morris stated that the Council could only consider the matter if it was on the agenda for consideration, but they could accept the information provided.

In response to Mayor Morris, Director Stevens suggested the Council refer this matter back to the DPRB to determine how a design may be applied to the door to make it residential in nature.

Mayor Morris said Mr. Barr is now in violation of the approval and the appeal time has long since passed. He advised Mr. Barr to keep his appointment with the City Prosecutor.

2) **Maurice Cuellar**, thanked the Council and staff for helping get the Farmers Market started up again. He invited everyone to come by between 4:30-8:30 p.m. He also asked the City Council to consider extending it past August.

#### 4. 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.)

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

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

- (1) **RESOLUTION NO. 06-38**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF JULY 2006.

(2) **RESOLUTION NO. 06-39**, A RESOLUTION OF THE CITY COUNCIL, CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE FINAL MAP OF TRACT NO. 060076.

- b. Approval of minutes for regular City Council meeting of June 27, 2006.

END OF CONSENT CALENDAR

**5. PLANNING**

- a. Report – conversion of non-residential buildings to condominium units.

**ORDINANCE NO. 1161**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING A NEW SECTION 17.64 OF THE SAN DIMAS MUNICIPAL CODE REGARDING NON-RESIDENTIAL CONDOMINIUM CONVERSIONS.  
**INTRODUCTION AND FIRST READING.**

Associate Planner Espinoza reported that a moratorium on nonresidential condominium conversions was adopted on May 9, 2006 and extended on June 27, 2006. He provided an overview of the required criteria to be submitted for staff to evaluate the project and stated that standards would be applied to comply with all zoning regulations. The proposed ordinance sets forth a process for the conversion of existing non-residential buildings and complexes to allow ownership opportunities for smaller businesses and to protect the welfare of existing tenants of such property and ensure that the overall property is maintained in optimal condition. Staff recommends introduction of Ordinance No. 1161.

Mayor Morris opened discussion to the public.

**John O'Brien** expressed concern with ambiguous language in the ordinance pertaining to tenant notification and stated that tenant/landlord relationships were governed by State law. He thanked staff for getting the ordinance before the City Council quickly as promised, but said he was discouraged that staff had not continued to process his application.

In response to Mayor Pro Tem Templeman, Mr. O'Brien stated the relationship between tenant/landlord is defined specifically by the lease agreement and there is no need to bind him to notify tenants of his proposed plans.

In response to Councilmember Ebner, City Attorney Brown replied that a locality is allowed to make stricter requirements in the ordinance.

Director Stevens pointed out that the ordinance in no way suggests that leases cannot be handled in the manner currently handled, and does not create an obligation other than to provide notice. He stated that the provision in the State Map Act does not indicate when notification is to be done; whereas the ordinance elaborates on the noticing requirements, but there is no intention of interfering with existing rental terms.

Mr. O'Brien inquired what purpose would the requirement serve as he does not intend to sell rental property and thought notification would damage his relationship with his tenants. Director Stevens replied that tenants may have an interest in the property.

In response to Councilmember Ebner, Mr. O'Brien stated that the tenants would find out when the building is going through the process since he has to file the subdivision map. He stated that he has a legal interest in the property and may or may not want to renew their lease unless they have a legal option to extend.

Councilmember Bertone stated he is willing to support this ordinance. He did not see this as interference between the tenant and the landlord.

Director Stevens stated the important point of the ordinance is to make clear what development standards apply to the conversion of an industrial building into condos. He indicated it is most important to make sure staff has adequate information to understand the conditions of the property and to know which standards to apply relative to parking. He stated that this ordinance would put in place standards against which the application would be measured.

In response to Councilmember McHenry, Director Stevens stated that staff would have liked to take more time in drafting the ordinance; however, because of the moratorium, it was important to move rapidly to get the ordinance in place.

After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to waive further reading and introduce **ORDINANCE NO. 1161, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING A NEW SECTION 17.64 OF THE SAN DIMAS MUNICIPAL CODE REGARDING NON-RESIDENTIAL CONDOMINIUM CONVERSIONS.**

Councilmember McHenry thought overall this was a good ordinance, however, he would vote no because he thought some language in terms of 17.64.050, covered by the Subdivision Map Act, was redundant.

Mayor Morris indicated that some language could be deleted or added at a later date. He was willing to support the motion.

The motion carried 4.1, with Councilmember McHenry opposed.

Councilmember Bertone pointed out that the reason for haste in preparing the ordinance was to accommodate the applicant. He thanked staff.

- b. Review of DRPB Case No. 06-34, a new 1,232 sq. ft. second story addition at 303 North Iglesia.

Mayor Morris inquired if his participation on this matter posed a conflict since he lives 539 feet from the subject property.

City Attorney Brown stated Mayor Morris' residence is outside the required distance and it is appropriate for him to participate in discussion.

Associate Planner Espinoza reported that the Development Plan Review Board reviewed and approved DRPB Case No. 06-34 a request for a 489 square foot addition to the first floor and the construction of a new 1,232 square foot second story addition to an existing 1,621 square foot single family residence. He reviewed in detail issues of concern including compatibility, massing, roof vent dormers, and driveway approach, and stated that the DRPB concurred and imposed conditions of approval. If the City Council concurs with the DRPB decision, no further action is required.

Director Stevens stated it would be helpful for the Council to look at the model prepared to get a better understanding of the project.

In response to Councilmember Bertone, Director Stevens stated that the Board looked at the context, the neighborhood, and relied on the model detail to reach their conclusion. As the subject of appeal, staff prepared more information relative to what was believed to be issues. In his opinion, Director Stevens is aware there were few two story residences in the neighborhood, however, the plans were done in a sufficiently quality manner that it does not raise a problem.

In response to Councilmember McHenry, Director Stevens said that staff and the Board were aware of factors and concerns that arose from the Balboa Court decision, and spent additional time reviewing and discussing details of this particular application. He mentioned that in working with staff, the applicant made significant square footage reduction to try to address some concerns and it was the consensus of the Board that this application merited approval. He felt it would have been more difficult reaching a decision if the applicant had not gone the extra step in preparing a model.

Councilmember Ebner pointed out some minor corrections in the habitable square foot average and mentioned that the den could theoretically be converted to a seventh bedroom.

Planner Espinoza responded to Councilmember Ebner that vacating the concrete in front of the parkway would limit some parking; however, there is a 22-foot setback and the new apron provides the ability to pour additional concrete and park on the west side of the garage, with the potential to park up to seven vehicles on the property.

In response to Council, Planner Espinoza stated that the garage is required to be 20' x 20' and the applicant has a 22 foot setback and if they want to take up more of the rear yard, they could probably park four vehicles back there. With the exception of two vehicles in the garage, those additional vehicles would be visible from the street.

## **RECESS**

Mayor Morris recessed the meeting at 8:15 p.m. to allow Councilmembers to examine the model. The meeting reconvened at 8:20 p.m.

In response to Mayor Morris, Director Stevens stated that the applicant is required to reduce parkway concrete and move the approach to line up with the existing garage. Nonetheless, if additional parking is needed, plans would have to be submitted and approved to expand the driveway further to the west along Third Street and provide parking along the side of the garage.

Mayor Morris expressed concern with human density, and particularly with parking density on Third Street. He would be willing to support the project if the applicant is willing to remove the concrete and landscape the area formerly the driveway to the existing garage. He asked if anyone in the audience wished to comment.

In response to Council, Director Stevens stated that the Board did not specify how much old driveway concrete has to be removed, and there is not a standard that stipulates landscaping or hardscaping in the front or side yard. The Review Board left it open to work with staff on detail.

In response to Councilmember McHenry, Director Stevens stated that there are no standards or criteria that require additional parking per bedroom; technically two spaces and a garage meet the requirements.

In response to Councilmember Bertone, Director Stevens stated that as long as there is more than 12 feet from the edge of the sidewalk, the area behind or along side the garage would be acceptable to park a boat or additional vehicles whether or not screened. He stated there are less stringent requirements on the side yard, even if the side yard is on the street.

Councilmember Ebner stated that his concern with mansionization is the reason for the appeal; He added that every decision made by the city council on this matter hones the policy to provide the tools for staff and the DPRB to make decisions on future applications; and to provide some guidance for size, human density, and parking density compatible with the neighborhood.

**Joseph Mancuso**, applicant, 303 N. Iglesia Ave, and his family enjoy living in San Dimas. He said his house is 60 years old and in serious need of repair. He has worked with the Planning Department for over six months, and has complied with the Town Core Design guidelines. He submitted a letter of support from his neighbors and stated that the improvements would increase property values and he would do his best to keep it maintained. It is his intention to put in parkways and trees to hide vehicles.

**Martin Diaz**, 314 N. Igleisa, expressed his support for Mr. Mancuso and stated he, too, has submitted plans to add a second story to his residence.

**David Goldsmith**, 320 Igleisa, stated Mr. Mancuso and his family are great neighbors. He said their family is growing and the existing home is limited in space. He hopes the Council approves their request to expand their living quarters.

There being no one else wishing to speak, Mayor Morris returned discussion to the City Council.

Community Director Stevens pointed out that the subject lot is over 9,000 square feet, larger than most downtown lots which are 7,000 or 7,500 square feet depending on alley access.

In response to Councilmember Ebner, Mr. Diaz replied that his existing house is approximately 1,400 square feet and he plans to increase the size up to 2,800 or 2,900 square feet.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember McHenry, to uphold the Development Plan Review Board decision.

Councilmember Ebner presented a Powerpoint illustration comparing total square footage of surrounding properties and expressed concern with required standards of review, including compatibility with the character of surrounding developments, size and design, height and bulk, lot coverage, human density, and parking. He feels it is necessary to develop suitable numerical standards for staff and the DPRB.

The motion carried 3.2, with Councilmembers Bertone and Ebner opposed.

- c. City review and authorization of the Downtown Planning Charrette. Appointment of Steering Committee.

Community Development Director Stevens reported that staff has been working with Mark Brodeur of Downtown Solutions to refine his proposal for the two-week charrette, an intensive work effort compressed to capture stakeholder energy and ideas to identify issues and focus on a potential vision for the downtown. He stated that the outcome is intended to serve as a basis for revising the CG-Zone and establishing other planning and infrastructure guidelines for the Downtown. He suggested formation of a steering committee between 12 to 18 people to provide some facilitation and ideas to organize the charrette, and stated that interest has been expressed from the general public. Staff recommended award of contract to Downtown Solutions in the amount of \$32,000.

Mayor Pro Tem Templeman suggested that Heidi Daniels from San Dimas Wine Shop be added to the list of candidates for the Steering Committee. He said she has a lot of interest, ideas and energy

Councilmember McHenry suggested that each Councilmember could appoint a member from this list or others inquired of Councilmembers individually.

Director Stevens stated the Steering Committee would be of short duration and he would like to get started getting participation from a number of different people. He asked if members could appoint a candidate by week's end.

Councilmember Bertone appointed **Don Rinaldi** to the Committee.  
Mayor Pro Tem Templeman appointed **Maria Barbosa** to the Committee.

It was the consensus of the Council to appoint Mayor Morris and Councilmember Ebner as the Council representatives. Councilmembers Bertone and Templeman agreed to substitute, if needed.

Director Stevens was directed to notify new appointees, and to advertise and encourage as much participation as possible. He would place an ad in the newspaper, an article in the Newsletter, mailers, posters, and use other methods to attract as broad a cross section as possible.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember McHenry, to award the contract to Downtown Solutions in the amount not to exceed \$32,000. The motion carried unanimously.

- d. Consideration of initiating a parking-in-lieu fee program for certain areas of Downtown San Dimas (related to DPRB Case No. 06-17, 217 West Bonita Avenue.)

Planning Manager Hensley reported that the Development Plan Review Board considered a request to construct a 2,500 square foot commercial/office building at 217 West Bonita Avenue. The Board felt a larger building would be more appropriate, and based on the size of the lot, the 11 parking spaces required could not be provided. The Board continued this item to allow for redesign of the proposed building, and to request Council consideration of deferring parking to allow for a larger building and for off-site parking. If Council is in agreement, staff would develop a code amendment and continue processing the DPRB case.

Mayor Morris inquired if that building could command enough rent to cover that parking cost or is the most economical use of that land to use as a parking lot.

In response to Councilmember Bertone, Planner Hensley replied the lot is wide enough to accommodate five parking spaces along the alley, however, if the owner is able to come up with parking spaces on adjoining properties, he might be able to get a few more spaces.

In response to Mayor Pro Tem Templeman, Planner Hensley stated that parking in-lieu fee is another alternative to a Parking District. He stated it is very common to have congregate parking to create public lots in the downtown area. The intent here would be for just the downtown area. He stated that if a code amendment is initiated, the plan is to analyze buildings from Walnut to Cataract that are not included in the Parking District. He added that as part of the charrette process, downtown parking would be identified.

In response to Councilmember Bertone, Director Stevens stated they might be able to work with adjacent parcels to acquire an easement, rather than purchase the property. He added that they could build 100% of the Parking District lot at two to three floor area ratio, at no cost since the District is already in existence. He stated there may be a variety of ways to accomplish this.

Director Stevens responded to Councilmember Ebner that if there is enough interest in the charrette for a business improvement district, based on business and property owners, it could facilitate parking in some fashion. He stated that if not addressed, staff would be forced to allow an undersized, ineffective commercial space. He added that staff is committed to bringing forward this issue, however, a decision need not be made tonight.

Councilmember McHenry indicated that the City could purchase houses as they become available to create a well landscaped parking ambiance. However, he stated it does not make sense to turn two or three parcels into a parking lot if there is not a business district left to enhance. He said the Council must decide if they are committed to making that business district successful; if so, a plan is needed for implementation.

Mayor Morris stated it does not make sense to build some kind of business on that narrow lot, however, he felt as part of the charrette process, an analysis of the downtown would be helpful. He thought it might be worthwhile to explore a cooperative development even if it meant building a parking structure in part of the Parking District.

Councilmember Ebner thought in-lieu fees were a good idea and felt the right type of business in that space would attract clientele and change the ambiance of the downtown for the better. He added that there are opportunities for parking in adjacent lots, as well as street parking.

Mayor Pro Tem Templeman agreed there could be some synergy with the right business, however, depending on the use considered, more parking may be required, and there is not a lot of overflow on adjacent lots.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, and carried unanimously to file the report and proceed with discussion on the charrette.

## **6. SAN DIMAS REDEVELOPMENT AGENCY**

Mayor Morris recessed the regular meeting at 9:44 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 10:13 p.m. with all members present.

## **8. ORAL COMMUNICATIONS**

- a. Members of the Audience

No one.

- b. City Manager

No report.

- c. City Attorney

No report.

- d. Members of the City Council

- 1) Report on meetings

No report.

- 2) Recommendation from the Senior Citizens Commission for city sponsorship of the Moroney tribute July 16, 2006.

City Manager Michaelis reported that Senior Citizen Commissioner John Moroney recently passed away and his family has reserved the Senior Center facility on July 16, 2006 to celebrate his life. It is the

City's Policy to charge fees for use of the building and the Senior Citizen Commission has requested that the City Council approve city sponsorship of the event and waive facility and insurance costs. Mr. Michaelis stated that \$1,500 was established in the budget for these types of events. He outlined alternatives for Council consideration.

Councilmember Bertone conveyed that Mr. Moroney was a member of the Senior Citizens Commission, Older Citizen of the Year, and was well liked by everyone. He said the Senior Citizens Commission felt it was appropriate to sponsor this event, and there is no need to change the regulations for this one time sponsorship. He moved to approve the request to sponsor the event, waive facility and insurance costs, and leave the decision of funding to the city manager.

In response to Mayor Morris' inquiry, City Attorney Brown replied that this would not constitute a gift of public funds. Mayor Morris expressed his opposition to spending public money on private events without established criteria.

The motion was seconded by Councilmember McHenry and carried 4.1, with Mayor Morris opposed.

3) Request to support State Cigarette Excise Tax Increase.

City Manager Michaelis presented a request from the American Heart Association for endorsement of Proposition No. 86 the Tobacco Tax Act of 2006. If passed, effective January 1, 2007, the tax will raise the state's cigarette tax by \$2.60 per pack. The revenue will be used to fund tobacco use prevention programs, health insurance for children, and critical health care priorities including disease prevention, medical research and emergency room care. In the past, the City Council has declined to take a position and left tax increases to be decided by the voters.

It was the consensus of the Council that elected officials not take a position on voter issues.

4) Request to support gang suppression, prevention, and intervention sales tax measure.

City Manager Michaelis presented a request from Sheriff Baca to secure voter approval for a ¼ cent sales tax increase for public safety. If the measure passes, San Dimas is estimated to receive \$771,003 annually. He stated that the Sheriff's Department wishes to provide additional information and request San Dimas support.

It was the consensus of the Council that elected officials not take a position on voter issues.

5) Appointment to Planning Commission.

Community Development Director Stevens reported that terms of Planning Commissioners Badar and Schoonover will expire in August, 2006, and both wish reappointment.

It was moved by Councilmember McHenry, seconded by Mayor Pro Tem Templeman, to reappoint Emmett Badar and Jim Schoonover to the Planning Commission for a two year term. The motion carried unanimously.

6) Councilmember Bertone commented that he is positive about the Walker House and if anyone in the community is interested in it should be positive as well.

7) Councilmember Bertone reported that Public Works Director Patel provided a memo relative to speed humps. He recommended that staff seek advice from the Los Angeles County Fire Department and Los Angeles County Sheriff Department and bring back a staff report at a future meeting.

8) Mayor Pro Tem Templeman said the Council received a letter relative to water leak damage, and he requested staff to provide a definitive response.

Public Works Director Patel stated he would provide some background.

9) Mayor Pro Tem Templeman took calls from residents reporting a lot of graffiti and inquiring what caused the fire at Walnut Creek. Although this is County unincorporated area, he thought it a good idea to ask the Sheriff Posse to ride through and inspect the area to make sure it's a safe environment.

Councilmember Bertone asked if the Sheriffs could report on what caused the fire over the weekend.

10) Mayor Pro Tem Templeman mentioned that Laura Alvarado indicated that they withdrew their request to expand the car show and said she would be calling Mr. Patel.

Director Patel stated she had already contacted him.

11) Councilmember Ebner stated that houses are getting bigger and bigger and he requested that Planning staff inform the Council concerning a strategy on development standards, numerical changes, and when or whether a study session would be scheduled.

Director Stevens stated staff would provide an update.

## **9. CLOSED SESSION**

Mayor Morris recessed at 10:29 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

### **a. CONFERENCE WITH REAL PROPERTY NEGOTIATION**

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: 8383-009-034, 943 W. 5<sup>th</sup> Street; 943 "B" W. 5<sup>th</sup> Street  
APN: 8383-009-035, 933 W. 5<sup>th</sup> Street  
APN: 8383-009-017, 018, & 036, 1000 W. Gladstone  
APN: 8383-009-015 & 016, 1002 Gladstone Street; 1004 Gladstone Street.  
APN: 8383-010-054, 942 W. 5<sup>th</sup> Street  
APN: 8383-010-009, 922 W. 5<sup>th</sup> Street  
APN: 8383-010-018, 019 & 020, 914 W. 5<sup>th</sup> 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.

b. **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

c. Report on Closed Session

There was no reportable action.

**10. ADJOURNMENT**

Mayor Morris adjourned the meeting at 10:39 p.m. The next meeting is on July 25, 2006, 7:00 p.m.

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Mayor of the City of San Dimas

ATTEST:

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City Clerk