



MINUTES
SPECIAL MEETING OF
CITY COUNCIL
TUESDAY, AUGUST 14, 2007, 6:00 P. M.
CITY COUNCIL CONFERENCE ROOM
245 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Emmett Badar
Councilmember Denis Bertone

City Manager Blaine Michaelis
City Attorney J. Kenneth Brown
City Clerk Ina Rios
Assistant City Manager of Development Services Larry Stevens
Assistant City Manager Ken Duran
Director of Development Services Dan Coleman
Director of Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns
Planning Manager Craig Hensley
Consultant Bill Holt

ABSENT:

Councilmember John Ebiner

1. CALL TO ORDER

Mayor Morris called the special meeting to order at 6:00 p.m.

2. ORAL COMMUNICATIONS

(For anyone wishing to address the City Council on an item on this 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. Speakers are limited to three minutes or as may be determined by the Chair.)

- a. Members of the Audience

There were no comments.

3. STUDY SESSION

- a. Receive and discuss staff report regarding SP-4 issues.

In response to Councilmember Bertone, Assistant City Manager Stevens replied that on Friday, August 10, 2007, copies of the staff report were mailed to Mr. Ostrand, Mr. and Mrs. DeLeon, Mr. Celeste and an email was sent to Mr. Rauseo.

Assistant City Manager Stevens stated that based on complaints received, the City Council thought it appropriate to hire Mr. Holt to conduct an independent analysis of SP-4. He presented the staff report regarding comments and recommendations for SP-4. He addressed each issue concerning not enforcing CC&Rs; permits for the retaining wall and path; landscape plan; appropriate vegetation; construction

debris and outside storage. Staff disagreed with Mr. Holt's recommendation that everything in SP-4 should be reviewed by DPRB. Mr. Stevens said that in 1988 language was added to Subsection A to allow the DPRB ordinance to set up procedures for development proposals in all specific plans to create a uniform process among the multiple specific plans and to simplify and shorten the process. Staff is not convinced that having one set of processing rules in SP-4 different from all other specific plans is a prudent course of action. Mr. Stevens presented four alternate options for Council consideration and recommended taking no action to amend the administrative process.

In response to Councilmember Bertone, Mr. Stevens said staff will secure information on the materials for the retaining wall to determine if the wall supports the surcharge. He said staff's recommendation is to resolve the lack of permit and work with the property owner to remediate the issue.

Mr. DeLeon said that two-thirds of native vegetation is what the Fire Department wants removed from the slope. He complied and replaced it with approved vegetation.

Mr. Stevens recommended that staff sit down with Fire Station representatives to determine what is adequate and make adjustments to the list of plant materials.

In response to Councilmember Bertone, Mr. Stevens stated that Mr. Holt's recommendation would necessitate defining each proposal that would require DPRB review.

In response to Mayor Morris, Mr. Stevens suggested eliminating specific plans to be replaced with standard zoning. He said for the most part, setback requirements are the same in every specific plan, and once complete, there is no reason to keep a specific plan.

In response to Councilmember Badar, Mr. Stevens said he recommended option A; but he would favor Option D over B and C.

In response to Council, Mr. Stevens outlined the process for obtaining a swimming pool or patio permit and said any planner is delegated to handle the request and if there is a question, the director could be consulted. He said removal of less than 50 cubic yards of dirt for a pool is not defined as grading; and Building and Safety oversees the inspections with the exception of the final condition because a lot of people do not call for a final inspection. He said each month, copies of all permits are mailed to the County Assessor's office.

Mayor Morris invited members of the audience to speak.

1) **Richard Rauseo** said Article 2 requires city review of every proposal for SP-4. He mentioned that the covenants run with the land in perpetuity and if the CC&Rs had been enforced, there would be no problems. He said the specific plan does not require an overhaul of the entire system and could be done in accordance with the process in place.

2) **Sid Maksoudian** felt the city should make it a priority to get a final inspection.

3) **Claire Ostrand** and **Richard Rauseo** emphasized the importance of defining the scenic easement line.

Mr. Stevens stated that delineating the scenic easement line would be costly and difficult to do because of the number of property owners and differences of opinion. He said Mr. Ostrand objected to where the easement was specifically delineated at 1715 Gainsborough.

In response to Mayor Pro Tem Templeman, Mr. Stevens stated that the city does not enforce the CC&Rs; the request to install a pool is based on zoning. He further responded that a proposal to construct a second story requires notifying adjacent property owners. He said noticing is not required for exempt items.

4) **Mr. Rauseo** pointed out that there is no appeal process.

5) **Dawn DeLeon** said she and her husband purchased the property specifically for their large family and wanted to install a pool. They appreciate their neighbor's concerns, however, she and her family have tried to be in compliance, and will continue to work with the city.

It was the consensus of the City Council to schedule a 6:00 p.m. study session on August 28, 2007 for Council decision on this matter.

4. ADJOURNMENT

Mayor Morris adjourned the meeting at 7:04 p.m. The next City Council meeting is August 14, 2007, 7:00 p.m.

Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

Ina Rios, CMC, City Clerk