



**AGENDA**  
**SPECIAL COUNCIL-REDEVELOPMENT AGENCY**  
**BOARD-STAFF RETREAT SESSION**  
**MONDAY, APRIL 19, 2010, 5:00 P. M.- 9:00 P.M.**  
**SAN DIMAS SHERIFF'S DEPARTMENT**  
**COMMUNITY ROOM**  
**270 S. WALNUT AVENUE**

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1. **Updates (written reports - Council to ask questions or discuss as desired - some matters will require Council direction):**
  - a. Long Range Planning Projects Update - review of what is ready for consideration, schedule for the rest of the projects.
  - b. Greyoaks sign at the entrance to Terrebonne Avenue - received second opinion - update and Council direction.
2. **Business - Council direction:**
  - a. Sheriff's Department update - merger with County Parks Police, issue of non-revocable parolees, overall Department matters of interest, introduction of new personnel.
  - b. Update/direction - revision of the Redevelopment 5 year plan - extension of eminent domain authority as provided by state law. Purpose to receive Agency Board direction for action in June.
  - c. City Hall, Plaza, Community Building renovation and expansion project. General project update and recommendations regarding projects to increase parking capacity
    - along Bonita Avenue south side of city hall, and
    - along First Street
  - d. Pro-active Code Enforcement for certain violations or conditions.
  - e. Review of San Dimas Dial-a-Ride service - possible service changes.
  - f. Project update for Council discussion and direction:
    - Bonita - Cataract Development Interest; provide reaction and direction
    - Wagon Re-design, Wayfinding & Entrance Signs
    - Downtown Specific Plan
    - Tree Ordinance - report on Staff administration since last update and discussion of potential changes and adjustments.
    - Status of Village Court sign
3. **ORAL COMMUNICATIONS** - Members of the audience. Anyone wishing to address the City Council on an item not on the agenda. No action or discussion shall be undertaken on any item not appearing on the posted agenda. Speakers may be subject to a time limit as may be determined by the Chair.

4. **ADJOURNMENT** - next meeting of the City Council April 27, 2010 5:30 p.m.  
Study Session - Water Efficient Landscaping Requirements &  
Downtown Façade Program Update - Meeting Room Senior Center.  
Regular meeting at 7:00 p.m. Multi-Purpose Room Senior Center

**AGENDA STAFF REPORTS:** COPIES OF STAFF REPORTS AND/OR OTHER WRITTEN DOCUMENTATION PERTAINING TO THE ITEMS ON THE AGENDA ARE ON FILE IN THE OFFICE OF THE CITY CLERK AND ARE AVAILABLE FOR PUBLIC INSPECTION DURING THE HOURS OF 8:00 A.M. TO 5:00 P.M. MONDAY THROUGH FRIDAY. INFORMATION MAY BE OBTAINED BY CALLING (909) 394-6216. CITY COUNCIL MINUTES AND AGENDAS ARE ALSO AVAILABLE ON THE CITY'S HOME PAGE ON THE INTERNET: <http://cityofsandimas.com>

**SUPPLEMENTAL REPORTS:** AGENDA RELATED WRITINGS OR DOCUMENTS PROVIDED TO A MAJORITY OF THE SUBJECT BODY AFTER DISTRIBUTION OF THE AGENDA PACKET SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE CITY CLERK'S OFFICE AT 186 VILLAGE COURT DURING NORMAL BUSINESS HOURS. [PRIVILEGED AND CONFIDENTIAL DOCUMENTS EXEMPTED]

**HEARING ASSISTANCE SYSTEM:** THE CITY OF SAN DIMAS CITY COUNCIL CHAMBERS ARE EQUIPPED WITH A HEARING ASSISTANCE SYSTEM. PLEASE CONTACT THE CITY CLERK AT 909/394-6216 TO CHECK OUT A RECEIVER.

**POSTING STATEMENT:** ON APRIL 16, 2010, A TRUE AND CORRECT COPY OF THIS AGENDA WAS POSTED ON THE BULLETIN BOARDS AT 201 EAST BONITA AVENUE (SAN DIMAS SENIOR CITIZEN/COMMUNITY CENTER); 186 VILLAGE COURT (SAN DIMAS TEMPORARY CITY HALL); 145 NORTH WALNUT AVENUE (LOS ANGELES COUNTY PUBLIC LIBRARY, SAN DIMAS BRANCH); AND 300 EAST BONITA AVENUE (UNITED STATES POST OFFICE); AND AS A COURTESY, AT THE VONS SHOPPING CENTER (PUENTE/VIA VERDE) AND THE CITY'S WEBSITE AT [WWW.CITYOFSANDIMAS.COM](http://WWW.CITYOFSANDIMAS.COM).



# **CITY OF SAN DIMAS**

## **Annotated Agenda**

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### **COUNCIL – REDEVELOPMENT AGENCY BOARD– STAFF RETREAT SESSION**

#### **AGENDA**

**APRIL 19, 2010 5:00 PM - 9:00 PM**

**SHERIFF'S DEPARTMENT COMMUNITY ROOM**

- 1. Updates (written reports – council to ask questions or discuss as desired – some matters will require council direction):**
  - a. Long Range Planning Projects Update – review of what is ready for consideration, schedule for the rest of the projects.  
**Larry has prepared a summary for your review – staff will be prepared to discuss as desired.**
  - b. Greyoaks sign at the entrance to Terrebonne Avenue – received second opinion – update and council direction.  
**Staff report from Krishna attached.**
  
- 2. Business – council direction:**
  - a. Sheriff's Department update – merger with County Parks Police, issue of non-revocable parolees, overall Department matters of interest, introduction of new personnel.  
**This will be an oral presentation from Captain Hartshorne.**
  - b. Update/direction – revision of the Redevelopment 5 year plan – extension of eminent domain authority as provided by state law. Purpose to receive Agency Board direction for action in June.  
**Staff report from Ken attached.**
  - c. City Hall, Plaza, Community Building renovation and expansion project. General project update and recommendations regarding projects to increase parking capacity
    - along Bonita Avenue south side of city hall, and
    - along First Street.**Krishna has a presentation.**
  - d. Pro-active Code Enforcement for certain violations or conditions.  
**Staff report from Dan attached.**
  - e. Review of San Dimas Dial-a-ride service – possible service changes.  
**Staff report from Ken attached.**

- f. Project update for council discussion and direction:
- Bonita – Cataract Development Interest; provide reaction and direction

**Staff report from Blaine attached.**

- Wagon Re-design, Wayfinding & Entrance Signs  
**Renderings and cost summaries attached. Note that the cost estimates do not include refurbishment of the wagon. For those entrance signs that include the wagon, include \$15,000 more as an estimate for refurbishment.**

- Downtown Specific Plan  
**Report will be verbal at the meeting.**

- Tree Ordinance – report on Staff administration since last update and discussion of potential changes and adjustments.  
**Staff report from Marco attached.**

- Status of Village Court sign  
**Staff report from Larry attached.**

3. **Oral Communications** – Members of the audience. Anyone wishing to address the City Council on an item not on the agenda. No action or discussion shall be undertaken on any item not appearing on the posted agenda. Speakers may be subject to a time limit as may be determined by the chair.
4. **Adjournment** – next meeting of the City Council April 27, 2010 5:30 pm  
Study Session – Water Efficient Landscaping Requirements &  
Downtown Façade Program Update - Meeting Room Senior Center.  
Regular meeting at 7:00 pm Multi Purpose Room Senior Center.

# Community Development Department

## Project Update ~ APRIL 2010

### *First Priority Projects & Tasks*

<b>Project Title &amp; Description</b>	<b>Staff Assigned</b>	<b>Current Status</b>	<b>Next Steps</b>
Downtown Specific Plan – review and existing zoning and development standards for town Core commercial and adjacent areas	Larry & Kevin	Consultant preparing Final Draft for concluding workshop. Staff reviewing some issues at April 19 retreat.	Consultant to complete Draft by early May; Workshops in May or June; Public hearings in July or August 2010.
Walnut Creek Preserve – develop master plan for future use	Ann	Monitoring property maintenance. RKA doing utility analysis with RMC grant funds.	Awaiting availability of RMC (lead agency) funds to start Master Plan
Wagon Renovation @ Arrow Hwy & Bonita Ave – develop alternatives to redesign entryway	Ann	Consultant prepared four concepts based on input at Nov 10 study session.	Concepts scheduled for Council review at April 19 Retreat.
General Plan Update – comprehensive review & update of 1992 General Plan	Ann & others TBD	On hold due to budget	Applying for grants from strategic growth Council to assist in costs.
Walker House Sign – design & install new sign(s) for Walker House	Ann	Both signs COMPLETE (April & September 2009)	NONE
Village Court freeway sign – facilitate removal of nonconforming sign.	Ann	Background information gathered. Reviewing options with City Attorney.	Awaiting direction from City Attorney.
Trails Map – update & print new equestrian/bicycle trails map	Ann	COMPLETE (March 2010)	NONE
Green Lawns & Artificial turf – Review existing standards and regulations	Kevin	City Council continued hearing to April 23.	Awaiting direction from April 23 hearing
Wireless Co-location Standards – review	Kevin	COMPLETE (January 2010)	NONE

<i>existing wireless regulations to verify compliance with SB1627</i>			
<b>Affordable Housing Database – verify compliance with AB987 requiring publicly accessible database</b>	Kevin	COMPLETE (April 2009)	NONE. To be monitored and updated by Housing Division.
<b>Community Event Procedures – review temporary use permit, parade permit and related City regulations for possible revisions.</b>	Kevin	Gathering data and information from various Departments and identifying issues and concerns.	Develop work program and alternatives. (May 2010)
<b>Recreational Vehicle Parking – review of regulations regarding RV and related parking</b>	Dan	COMPLETE (September 2009) Regulations updated.	Proactive enforcement begun January 2010. NONE
<b>Code Enforcement Assessment – review of existing procedures and practices.</b>	Dan	COMPLETE (Report presented May 2009)	Further discussion scheduled for April 19 retreat.
<b>Membrane Structure Policy – review existing policy for possible changes</b>	Dan	COMPLETE (May 2009)	NONE
<b>Multi-Family Housing Standards – review and modify MF Zone standards per 2008 Housing Element</b>	Michael	Finalizing work program to review standards and identify possible changes.	Prepare Staff Report and set Planning Commission hearing (Mid 2010)
<b>Inclusionary housing – evaluate possible standards within redevelopment areas per 2008 Housing Element</b>	Laura	Proposal/contract with Keysor Marston approved. Preparing report with options.	Draft report expected May 2010
<b>SF-DR Setback Standards – review of setback and related standards for possible revisions</b>	Kristi	Developing report with alternatives to determine if Code Amendment needed	Prepare Staff Report for presentation to City Council (July 2010)
<b>Status of M &amp; E building/use – review of prior approvals and existing use to</b>	Laura	Background investigation completed	Prepare Staff Report for presentation to City Council (April 19 Retreat)

<i>determine alternatives re building/property</i>			
<b>Emergency Shelters &amp; Transitional Housing – review needed actions to comply with SB2 and 2008 Housing Element</b>	Marco	COMPLETE (Feb 2010)	NONE
<b>Senior housing Standards – review existing standards per 2008 Housing Element</b>	Kristi	Finalizing work program for Code Amendment	Preparing Staff report for Planning Commission hearing (Mid 2010)
<b>Mixed Use Rezoning – evaluate sites to be rezoned per 2008 Housing Element and determine appropriate standards</b>	Kristi	Partially completed re Grove Station and Bonita Canyon Gateway. Additional sites are Downtown and BUSD offices.	Finalizing Work Program (May or June 2010)
<b>Green Building Program – evaluate options for green building program per 2008 Housing Element</b>	Michael	Report presented to Council May 2009. Evaluating options based on feedback received	Finalizing draft for approval by City Council (Mid 2010)
<b>Tree Preservation III – review of 2006 Code amendments to determine if further changes needed.</b>	Marco	Finalizing report on areas of concern (backyard trees) and implementation of prior amendments	Prepare Report to City Council (April 19 Retreat)
<b>SFA Rezoning/ Equestrian Standards – revise zoning to conform with interim policy and make other necessary revisions</b>	Laura	Developing work program and gathering info on animal/horsekeeping standards	Schedule hearings Fall 2010
<b>Climate change &amp; SB375 – review possible climate action plan opportunities.</b>	Larry	Report presented to City Council May 2009. SCAG presentation November 2009. Workshop held March 29, 2010	Monitoring options through SGVCOG.
<b>Storage Container Policy – review existing policy</b>	Laura	Preparing report with info gathered and listing alternatives based upon prior Council input (Feb 2010)	Prepare presentation to Planning Commission on April 7, 2010.
<b>ARRA Energy grants – developing Strategic energy Conservation Plan</b>	Ann	Preliminary presentation to City Council Feb 2010	Preparing Final draft of Energy Strategy for April 27 Council meeting.

SB811 – <i>determining appropriate level of participation in LA County program (energy conservation loans to private property to be paid back through property taxes)</i>	Kevin	Participating in SGVCOG Working Group	Monitor and report back as needed
Facades – <i>review of façade renovation options in block at exchange place &amp; Bonita</i>	Larry & Kevin	Architect has prepared study for Council consideration (November 2009). Additional Planning Commission & Council review in Feb & March 2010.	Staff completed meetings with property owners. Developing façade program for presentation to Council on April 27.
Johnstone Building Seismic evaluation – <i>review seismic characteristics of building to facilitate possible renovation</i>	Larry & Kevin	Working with Owner & architect (John Sorcinelli) to evaluate and survey building condition and identify alternatives	On Hold - pending written agreement with Owner

### *Second Priority Projects & Tasks*

<b><i>Project Title &amp; Description</i></b>	<b><i>Staff Assigned</i></b>	<b><i>Current Status</i></b>	<b><i>Next Steps</i></b>
Business license Ordinance Update – <i>comprehensive review and update of license and special permit procedures</i>	Kevin	Gathering information and identifying issues and concerns	Develop work program (Fall 2010)
Massage technician update – <i>monitor potential changes in State law affecting City regulations</i>	Kevin	COMPLETED (August 2009)	NONE. Monitoring establishment of State review procedures.
East Gladstone Streetscape – <i>review interim policy to determine if any changes required</i>	Laura	COMPLETED (December 2010)	None
SP24 on north side of Gladstone – <i>review issues and concerns</i>	Laura	Identify issues and possible concerns for consideration	Report on issues or alternative (Fall 2010)

<i>to determine if changes are necessary</i>			
<b>Historic Preservation Ordinance – review existing regulations and procedures to determine if changes are needed</b>	Michael	Review existing procedures, Mills act properties, Historic Resources Survey and identify alternative for consideration	Report on issues or alternatives (Fall 2010)
<b>Mansionization – review existing regulations or procedures to determine if changes are needed</b>	Michael	Developing issues paper including alternatives for further consideration	Report on issues or alternatives (Summer 2010)
<b>Zoning Code Update re Procedures – review and update Chapters related to application processing</b>	Kristi	Develop work program defining scope of work needed	Report on Work program (Summer2010)
<b>Review compact parking regulations – to consider elimination of compact parking</b>	Marco	Identify issues and alternatives	Report to City council for direction (Mid 2010)
<b>Illegal signs in public right of way – review need to address costs of removal</b>	Marco	Identify issues and alternatives	Report to City council for direction (Mid 2010)
<b>“For Lease” sign regulations – review existing regulations to determine if changes are necessary</b>	Marco	Identify issues and alternatives	Report to City council for direction (Mid 2010)
<b>Underground Utility standards – review existing standards for possible changes</b>	Not assigned		Assign in 2010
<b>Review of street construction standards re DPRB approvals – review and revise existing standards to ensure adequate nexus</b>	Not assigned		Assign in 2010
<b>Bonita/Cataract – review appropriate development opportunity for City property</b>	Larry	On Hold. Continuing meetings with interested parties.	Scheduled for April 19 Retreat based on possible interest foe ice skating facility and/or commercial development.

Bonita/Eucla – review appropriate development opportunity for City property	Larry	Prior RFP not successful	On Hold
Water efficient Landscape Ordinance – review and revise existing regulations per state 2010 Model Ordinance	Kevin & Laura	City Council continued hearing to April 23.	Awaiting direction from April 23 hearing
Penalties for removal of Historic structure – determine what if any penalties might be appropriate	Not assigned		
Update of Subdivision Ordinance – review and revise existing regulations including Quimby fees	Not assigned		
Update of standards re Nonconforming Uses – review and revise existing regulations	Not assigned		

***Other Major Projects & Tasks(Current Planning)***

<b><i>Project Title &amp; Description</i></b>	<b><i>Staff Assigned</i></b>	<b><i>Current Status</i></b>
Bonita Canyon Gateway	Dan	Revised project approved. Rough grading complete. Commercial buildings in plan check. Housing assistance agreement at 15% being prepared. Residential portion still seeking financing.
Grove Station	Larry	Monitoring existing construction to ensure completion of 14 units. Responding to inquiries regarding remainder of property. Receiver appointed March 2010.
Costco pad development	Larry	Awaiting further submittals. Recent contact with Costco concerning a Costco car wash on the property.
DeFalco MCTA/GPA/ application	Dan	Incomplete letter sent re latest submittal (March 2010)
NJD Tentative tract/ GPA/ SPA	Larry	Application complete. Initial study for Focused EIR prepared. RFQ for environmental consultant

		distributed.
Tract at terminus of Valley Center	Marco	Property acquired by Tzu Chi. Monitoring compliance with erosion control plans.
San Dimas Station Shopping Center renovation	Larry	Meeting with property owner/consultants regarding possible renovations



# Agenda Item Staff Report

**To:** Honorable Mayor and Members of the City Council  
*For the Retreat Meeting of April 19, 2010*

**From:** Krishna Patel, Director of Public Works *KP*

**Subject:** Terrebonne Avenue "Gray Oaks Sign and Archway"

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## **BACKGROUND**

At the November 2, 2009 Council/Staff retreat meeting, Council was appraised of the findings (Attachment A) made by the structural and civil engineering company, DJP Engineering Inc. (DJP) in reference to the structural stability of the City's inherited "archway sign" that spans over the entrance of Terrebonne Avenue. Findings made by DJP were all based on visual evidence and experience, absent any available structural calculations or plan of the existing archway. In addition to the findings, staff also presented five alternatives and costs that range from \$7,000 to \$50,000 for the removal, repair, or replacement of the Terrebonne Avenue Gray Oaks archway.

At the meeting, after various discussions and deliberation regarding the sign, its structural integrity, and its liability, Councilmember Denis Bertone amended his motion, which initially was to approve the removal of the archway sign, beams, columns, and pilasters, which was estimated to cost approximately \$7,000. Councilmember Jeff Templeman seconded the motion. The amended motion authorized Staff to retain another structural engineer for a peer review and second opinion, and if the results were the same, to approve the alternative for removal of the signage. It was consensus of the City Council to secure a second opinion.

## **DISCUSSION**

In December 2009, Staff retained Scott Fazekas & Associates Inc. (SFA) to provide a peer review of the structural engineering findings per council direction.

SFA provides consulting plan review services to our Building Division. As such, their engineers are highly experienced in the review of structural systems for buildings and structures, as well as the regulatory enforcement of structural code provisions.

SFA provided services from a review perspective to:

- I) Assess the condition of the sign structure
- II) Review the Gray Oaks Rehabilitation report by DJP Engineering, Inc.
- III) Determine if the DJP report adequately addressed concerns, and if SFA had any other concerns or issues with the structure that were overlooked in the original report.

Attached for Council review are the summaries and comparisons of comments made by SFA based on their review of the DJP Engineering report and field investigation (Attachment B).

In summary, SFA concluded that the DJP report accurately assessed the condition of the structure and presented realistic options. It is also their opinion that due to some unknowns, re-design and repair would involve as much work as described in the report, and likely substantially more.

*ITEM 1b*

**RECOMMENDATION**

With SFA's peer review and findings concluding that DJP accurately assessed the condition of the structure, Staff requests Council to ratify Councilmember Denis Bertone's previous motion to:

“Remove Archway sign and its associated structure, supports, and piers, and thereby removing City's maintenance obligation and liability.”

If the Council ratifies this motion, then staff requests Council to appropriate \$7,000

kp/lm/04/10/13

Attachment A: November 2, 2009 Staff Report

Attachment B: SFA Report Findings



# ATTACHMENT A

## Agenda Item Staff Report

**To:** Honorable Mayor and Members of the City Council  
*For the Meeting Retreat of November 2, 2009*

**From:** Krishna Patel, Director of Public Works

**Subject:** Terrebonne Avenue "Gray Oaks Sign and Arch"

### SUMMARY

Presented are options and approximate costs for the repair, replacement, or removal of the Terrebonne Avenue "Gray Oaks" archway at the entrance to Terrebonne Avenue following the findings and analysis made by a structural engineer in regards to the integrity of the existing sign.

### BACKGROUND

On April 17, 2008, a letter (Attachment A) was mailed out to all (160) residents on Terrebonne Avenue and adjacent cul-de-sacs notifying them of the removal of the damaged "gray oaks" sign that spans over the archway to the entrance to Terrebonne Avenue. This was after an accident initiated the inspection of the arch which showed significant corrosion and wear that compromised its stability.

The sign spans approximately 45 feet across Terrebonne Avenue and the Gray Oaks letters face south (Attachment B). For public safety, existing loose leaves on the arch were taken down by Staff. In addition, to prevent other leaves and/or lettering from falling, the remaining lettering and leaves were temporarily tied to the steel archway.

Prior to sending the notice of removal letter, City records were checked for permits to establish ownership of the sign. At the time, no permits or other documents were found and therefore, it was assumed the archway was a private structure and probably installed by the developer as marketing tool for the sale of the Gray Oaks subdivision.

Subsequent to the removal notification letter, several residents had called or contacted City staff as some wanted to purchase the letters or entire sign. Some wanted the person who damaged the sign held responsible and some wanted the City to replace it. With differing resident views, in May 2008, Staff decided to retain a welding inspector/specialist who concluded that the "deterioration of the sign was due to lack of maintenance and its age and not due to the vehicle hitting the west pier holding the arch."

In the Fall of 2008, a group of residents led by Mr. Williams of Whitebluff formed an action committee to preserve the sign as it had "become part of the neighborhood's character" (see attached letter from Staff, dated November 20, 2008, and response letter from Mr. Williams dated December 5, 2008 (Attachment C and Attachment D, respectively). With the upcoming holidays, the action committee requested time to allow them to work on their preservation effort. A few months later (in March 2009) by accident, an agreement was discovered which changed our position, as now the archway sign apparently belonged to the City and this was confirmed by the City Attorney's office. The Agreement provides that City could have required Golf, Inc. at the time, to remove the archway any time after December 1970 by providing a notice to do so.

With the City now apparently owning the sign, in April 2009, a structural engineer was retained to provide a structural analysis of the stability of arch structure as well as several alternatives that revolved around preservation/restoration costs. The retention of the structural engineer by the City was relayed to the action committee but the information pertaining to the City owning the sign was not disclosed. Subsequently, the committee requested a review of the engineer's report and Staff agreed to share it with them at the time.

## **DISCUSSION**

Summarized below are the structural engineer's findings and recommendation:

### **Findings**

- Visual evidence suggests that the sign has experienced some distress over the years.
- Permanent lateral displacement (bending) of the sign was observed. Amount of displacement was measured by tying a string between the column tops as reference. The offset from the reference string line was measured to be 6-1/2 inches at midpoint of beam.
- Top I-beam showed signs of rotating or torqueing with respect to the bottom of the beams. However, the rotational movement was not measured, but a combination of torque and lateral displacement generally represents overstressing of the beam.
- Connection between beam and column top is very rusty and rudimentary.
- The small steel tabs embedded in the aluminum oak leaf garlands measuring two feet long by 8 inches high and welded to I-beam are rusting and showing signs of distress. Some of the welds are broken and several pieces are missing. For public safety, others have been temporarily tied by wire to the I-beam.

### **Recommendation**

In short, the sign's overall condition is considered to be poor to fair. The I-beam shows sign of structural distress. The garlands are breaking away. It's unlikely that the sign can pass current code requirements even with significant structural reinforcement. The sign's longevity is probably due to the structural framework. The sign has undergone permanent deformation and its ability to resist any other forces seems to be coming to an end.

Since the City is now the owner of the golf course, and subsequently the owner of the archway within the public right-of-way, the City has the option to either remove the archway, or, should it be decided to allow it to remain, then the City has the responsibility to maintain the archway so as not to create a danger to the motoring public and other persons within the public right-of-way.

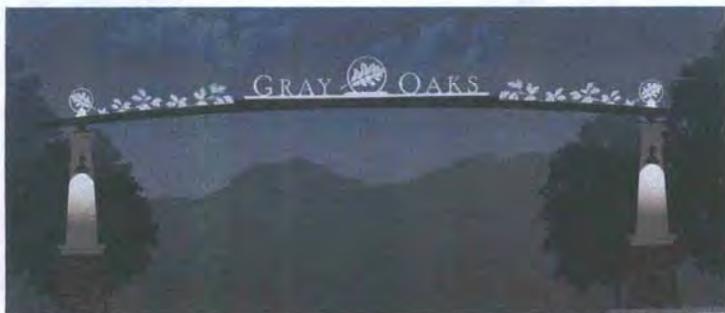
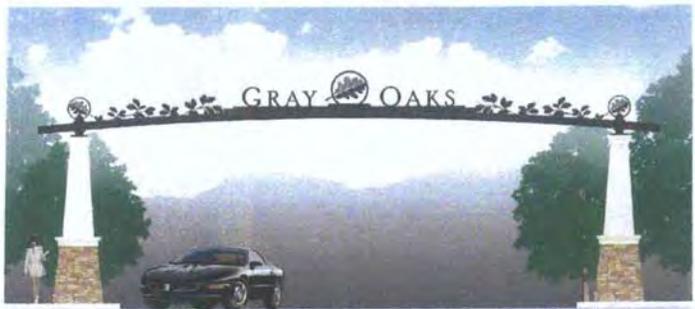
### **Alternatives**

In respect to neighborhood preservation efforts, below are the available alternatives for the repair or replacement of the Gray Oaks sign for consideration:



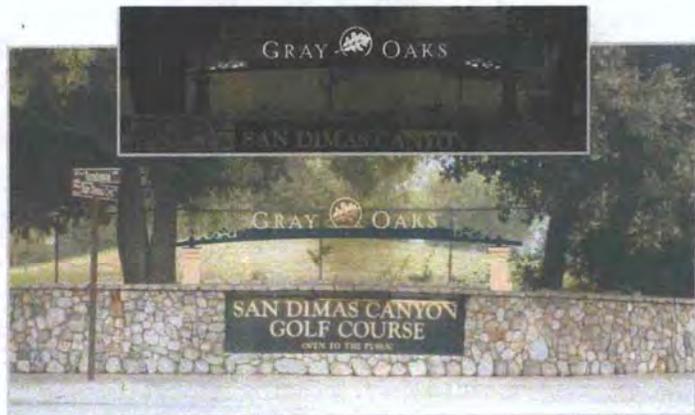
**Alternative 1**  
 I-beam removed & replaced with structural steel tube matching arch. Garland & lettering salvaged and similarly reattached to current connection, or design a more alternate attachment.  
**Repair Cost: \$30,000**

**Alternative 2**  
 Ornate variation - new aluminum beam, garland ornamentation, fabricated lettering installed on existing pipe columns. Column structure augmented with stone veneer & stucco.  
**Construction Cost: \$40,000**



**Alternative 3**  
 Illuminated version of Alternative 2 sign. Added costs to electrify sign with solar energy system  
**Construction Cost: \$50,000**

**Alternative 4**  
 Remove sign from roadway & reconstruct a similar self-supporting sign above the San Dimas Canyon Golf Course sign. Sign placed behind existing retaining wall. Sign is half as long as existing sign (~5 feet high).  
**Costs for this option: \$22,000**



**Alternative 5**  
 Remove existing archway sign, beam, columns and pilasters thereby removing all maintenance obligations and any future liabilities.  
**Cost: \$7,000**

## **RECOMMENDATIONS**

Staff will proceed at Council's pleasure. Since it is a policy issue, provided below are the options for council to consider.

- Option 1: Remove Archway Sign, for approx. \$7,000.00 fee, thereby removes City's maintenance obligations and liability .
- Option 2: Preserve sign, select the preferred Alternative 1-3, and accept obligation to maintain it.
- Option 3: Remove Archway sign and reconstruct similar self-supporting sign (Alternative 4).

Staff requests Council direction to its preferred option and alternative. Together with the authorization to appropriate the necessary funding from the Infrastructure Fund to complete the work as directed.

kp/gdh/10-09-47

Attachment A: April 18, 2008 City Letter to Residents

Attachment B: Sign Detail

Attachment C: November 20, 2008 City Letter to Residents

Attachment D: December 6, 2008 Response Letter

# ATTACHMENT A

# San Dimas

City Council  
CURTIS W. MORRIS, Mayor  
JEFF TEMPLEMAN, Mayor Pro Tem  
EMMETT BADAR  
DENIS BERTONE  
JOHN EBINER

City Manager  
BLAINE M. MICHAELIS

Assistant City Manager / Treasurer  
KENNETH J. DURAN

City Attorney  
J. KENNETH BROWN

Assistant City Manager of  
Community Development  
LAWRENCE STEVENS

Director of Public Works  
KRISHNA PATEL

Director of Development  
Services  
DAN COLEMAN

Director of Parks  
and Recreation  
THERESA BRUNS

City Clerk  
INA RIOS

April 17, 2008

To All Residents:

This letter is to explain what will be happening in your neighborhood in the near future.

A recent traffic accident damaged the "Grey Oaks" archway that spans the entrance to Terrebonne Avenue. The archway was installed several decades ago by the developer of the first phase of the homes on Terrebonne Avenue. The accident created the need to inspect the arch for damage. The City Staff completed this inspection and noted significant corrosion. The corrosion has compromised the stability of the archway, and overall corrosion has affected the lettering and ornamental leaves leaving them worn and loose. Therefore, in the interest of public safety, the portion of the archway spanning the street will be removed by the city sometime over the next several days. All of the material will be preserved & stored in the City Yard. As noted before, the archway is a private structure, therefore the city's action is to just remove the unsafe arch – the city will not be replacing it with another one.

If you have any further questions or concerns regarding the signage, please feel free to call me at (909) 394-6240.

Sincerely,

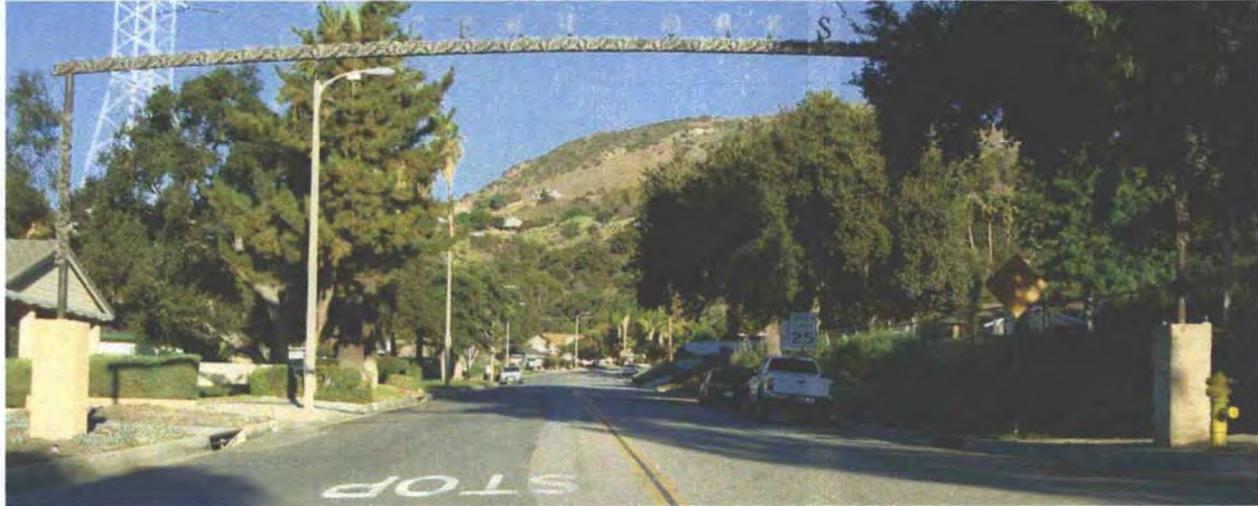


Krishna Patel  
Director of Public Works

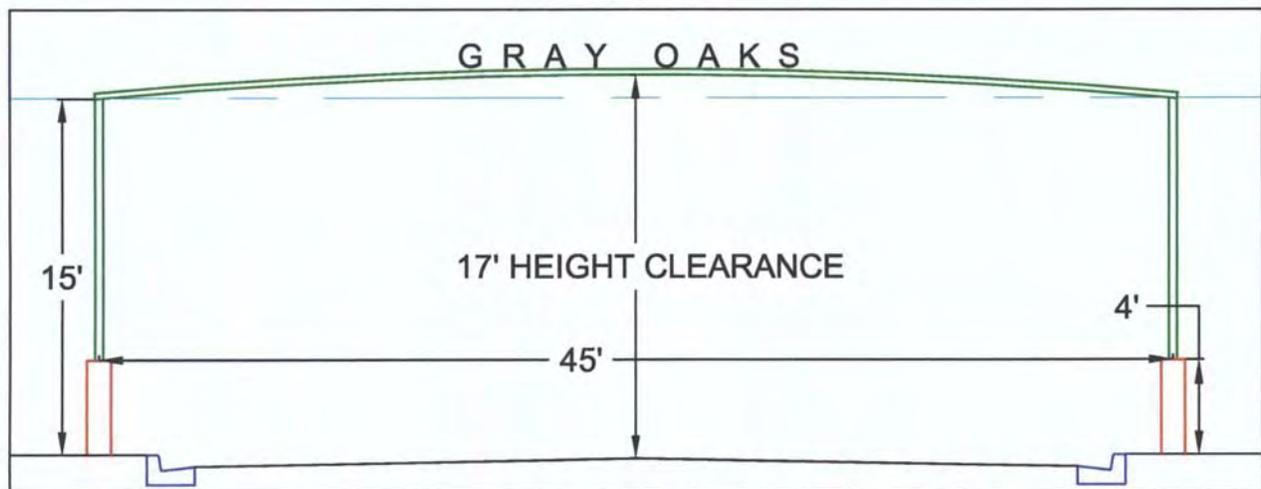
kp/jkl/04-08-24

# ATTACHMENT B GRAY OAKS SIGN ON TERREBONNE AVE.

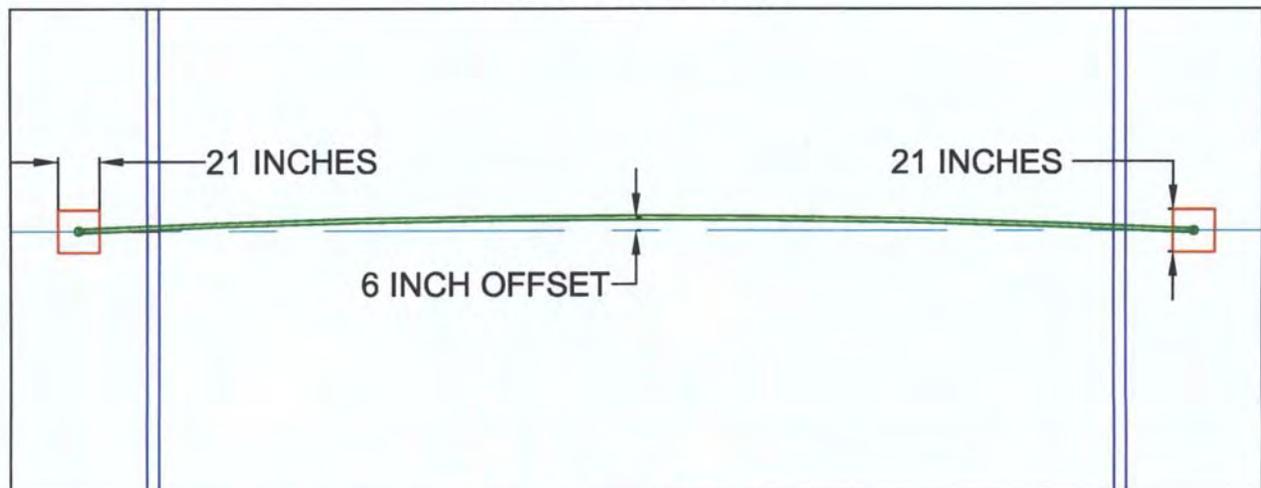
\*MEASUREMENTS ARE APPROXIMATE



PHOTO



FRONT VIEW



TOP VIEW

# ATTACHMENT C

# San Dimas

City Council  
CURTIS W. MORRIS, Mayor  
EMMETT BADA, R., Mayor Pro Tem  
DENIS BERTONE  
JOHN E. BINER  
JEFF TEMPLEMAN

City Manager  
BLAINE M. MICHAELIS

Assistant City Manager / Treasurer  
KENNETH J. DURAN

City Attorney  
J. KENNETH BROWN

Assistant City Manager of  
Community Development  
LAWRENCE STEVENS

Director of Public Works  
KRISHNA PATEL

Director of Development  
Services  
DAN COLEMAN

Director of Parks  
and Recreation  
THERESA BRUNS

City Clerk  
INA RIOS, CMC

November 20, 2008

Mr. Rick Williams  
2062 Whitebluff Drive  
San Dimas, CA 91773

Dear Mr. Williams:

Subject: Grey Oaks metal structure spanning across Terrebonne Avenue, just north of San Dimas Canyon Road

Thank you for your time, and for our discussion at the Public Works Counter a few days ago. I am glad that we were able to meet. I apologize that so much time passed before we were able to connect to discuss the Grey Oaks sign.

In reference to our conversation, please find enclosed the report from Ronald Rake, President of Mesa Inspection, Inc. The report details the visual inspection of the metal structure that spans across Terrebonne Avenue, just northwest of San Dimas Canyon Road.

As discussed, the visual inspection that Mesa conducted concludes that the foundation as well as the structural integrity of the fabricated metal arch is not sound. Day by day the structure continues to deteriorate.

Specifically the item of concern being as quoted in Mesa's report: "Multiple failures have occurred where the decorative leaves are welded to steel tabs (metal bars) as evidenced by the missing leaves and the heavy corrosion of the welds holding the existing leaves in place." Therefore, to temporarily, hold the leaves to the beam, the City crew has wrapped wires around the leaves and the beam (for additional support) due to failure of the original welds.

# ATTACHMENT D

December 5, 2008

cc: Curtis W. Morris – Mayor  
Emmett Bader – Mayo Pro Tem  
Denis Bertone- Councilman  
John Ebner - Councilman  
Jeff Templeman - Councilman

City of San Dimas  
Mr. Krishna Patel – Director of Public Works  
245 East Bonita Ave.  
San Dimas, CA 91773

Dear Mr. Patel:

Subject: Gray Oaks Archway spanning across Terrebonne Ave.

Thank you for your time, and for making your staff available to answer questions for me at your Public Works Counter today. I very much appreciate the open dialogue and exchange of ideas we were able to have while we spoke.

I wanted to let you know that we are in the process of forming an “Action Committee” to work with you and the city staff to find a reasonable and acceptable solution to saving the arch. Our first order of business is to request from you and the City Council, an extension to the December 15 date for tear-down and removal of the arch you specified in your April 17 letter.

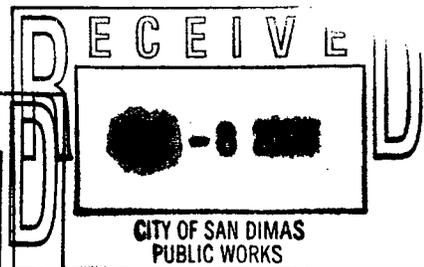
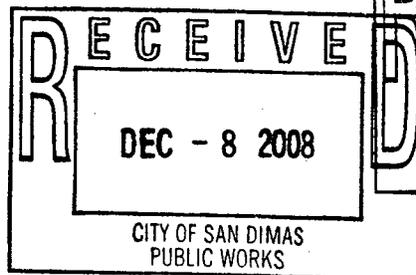
With the holidays fast approaching, we would like to have an extension of at least 120 days to finish forming the committee; meet with you and your staff as well as the members of the City Council, Historical Society and any other entities we all feel can help us reach an acceptable solution to all. I would also ask that this extension be open ended as long as we continue to work and make progress towards the goal of saving the Gray Oaks Arch.

I would also like to share with you that over the past couple of weeks I have discussed this issue with quite a few of the residents in the “Gray Oaks” neighborhood and I am delighted to say that not one of the residents that I have spoken with to date want the arch removed! I believe that with a little work and the sharing of ideas, we can find a solution to save the arch that will be acceptable to all parties.

Sincerely,

Rick Williams  
Save The Arch Committee

626/695-1540 (cell)



I understand and deeply respect the fact that the arch seems to have become an emblem of identity for this particular portion of the San Dimas Community. However, the arch as considered by Mesa Inspection Inc. continues to be a concern in the short-term in respect to corrosion, deterioration, and failing overall structural integrity. We are concerned for the public's safety and feel the City has no alternative but to take down this structure. The City Crew will be directed to remove the metal leaves and the metal arch structure spanning Terrebonne Avenue by December 15, 2008.

If you have any questions or concerns regarding this matter, please feel free to contact me at (909) 394-6245.

Sincerely,



Krishna Patel  
Director of Public Works

kp/jkl/11-08-26

cc: Blaine Michaelis, City Manager  
John Campbell, Superintendent of Public Works Yard Dept.

Enclosure: Mesa Inspection Inc. Report of the metal signage spanning Terrebonne Avenue

## ATTACHMENT B

### Terrebonne Avenue Gray Oaks Sign - Peer Review of Structural Findings and Recommendations

Findings	<u>DJP</u> Engineering	<u>SFA</u> - Scott Faz
1.	Visual evidence suggests that the sign has experienced some distress over the years.	Visual evidence suggests that the sign has experienced some distress over the years.
2.	Permanent lateral displacement (bending) of the sign was observed. Amount of displacement was measured by tying a string between the column tops as reference. The offset from the reference string line was measured to be 6-1/2 inches at midpoint of beam.	I-Beam displaced approximately 6 inches laterally and with rotational displacement unsupported length.
3.	Top I-beam showed signs of rotating or torqueing with respect to the bottom of the beams. However, the rotational movement was not measured, but a combination of torque and lateral displacement generally represents overstressing of the beam.	Existing structural condition of the sign is cause for concern. Significant deformation could cause further deformation or collapse.
4.	Connection between beam and column top is very rusty and rudimentary	Deterioration of column/beam observed. Future wind loads will exacerbate the condition of column beam connections. Because the connections are isolated, settlement over time may have affected column/beam connections.
5.	The small steel tabs embedded in the aluminum oak leaf garlands measuring two feet long by 8 inches high and welded to I-beam are rusting and showing signs of distress. Some of the welds are broken and several pieces are missing. For public safety, others have been temporarily tied by wire to the I-beam.	The report noted the embedded thin steel tabs in aluminum leaves which is attached or welded to I-beam causing breakage of the ornamentation. This condition is likely to be progressive due to the cause of rust. Remediation work considered should avoid removal and be detailed to isolate the materials.
6.	Footing- No comment	The absence of ties combined with the foundations not being in well compacted fill due to the condition of the foundations to be a likely contributor to the condition of the structure. While investigation may not be prudent, not knowing its condition, the feasibility of upgrading rather than removal should be considered.



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of April 19, 2010*

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Ken Duran, Assistant City Manager

**SUBJECT:** Provide information on two upcoming Redevelopment Agency Hearings – Amendment of Creative Growth Plan to extend eminent domain authority and adoption of Five Year Implementation Plan

Staff will provide the Council with information on two Redevelopment Agency hearings which are planned within the next few months. We will provide background information and tentative timelines for each.

## Extension of Eminent Domain Authority

The Creative Growth Redevelopment Plan's eminent domain authority expired in 2009. In order to extend the Agency's authority an amendment to the Plan is necessary. Agency Attorney Ken Brown will provide an outline of the process to amend the Plan including a timeline. He will also discuss the findings that will need to be made and also the implications of extending or not extending eminent domain authority.

## Five Year Implementation Plan Adoption

California Redevelopment law requires that an Agency must adopt a Five Year Implementation Plan that provides documentation for the link between the elimination of blight and the proposed actions of the redevelopment agency. The first five year implementation plan for the Agency was adopted in 2000, for the period of 2000 – 2005. The last plan for the period of 2005 – 2010, was not adopted until July 2007. To keep on schedule the Agency needs to adopt a new plan for the period of 2010 – 2015. Since the last Plan was adopted less than 3 years ago not much has changed. In fact the housing section and revenue projections in that plan were projected out through 2014. Staffs recommendation is to only make minor updates, such as identifying accomplishments achieved over the past three years and to update tax increment projections based upon

the recently completed Fiscal Capacity Assessment completed by Hdl. At the retreat staff will provide an overview of the general goals that are contained in the existing plan and seek input on modifications to those goals as we prepare for the new Plan. Staff will also outline the Plan adoption process and timeline.



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of April 19, 2010*

**FROM:** Dan Coleman, Director of Development Services 

**SUBJECT:** **CODE ENFORCEMENT PROGRAM**

## SUMMARY

Discussion of Code Enforcement program staffing and priorities. This is a follow-up to a request from City Council at their February 9, 2010 special study session.

## BACKGROUND:

At a City Council retreat on November 10, 2003, staff presented a report on the implications of revising the Code Enforcement program from being reactive (complaint-based) to being proactive (observation-based). The report briefly addressed staffing, budget, space needs, priorities, and relationship to other possible new programs being considered at that time (i.e., Rental Property Inspection Program, Overnight Parking). The Council directed staff to prepare a work program for a more proactive enforcement program.

In May 2009, staff presented an internal audit (Exhibit A) of the Code Enforcement program that concluded with six recommendations. One of these recommendations was to expand Code Enforcement staffing within 12 months through the budget process. This recommendation was, in part, based upon Council's desire to begin transitioning from a complaint-based (reactive) to an observation-based (proactive) program. The City Council directed staff to expand code enforcement staff (see attached minutes).

## ANALYSIS:

Shifting from a complaint-based (reactive) to an observation-based (proactive) program, and the associated priorities for proactive enforcement, requires consideration of the following factors:

**A. Prioritization of Violation Types** - Code Enforcement violations can be grouped into several categories. The most common type of violation deals with the lack of property maintenance, such as overgrown plants, weeds, lack of groundcover, debris, and deteriorated structures. A review of all code enforcement complaints received 2004 through 2007 provides insight into what the community's important concerns as shown in



Support Staff	2	0	0	0	0
Supervisor	1	1	.5	0	0
Total	5	4	3	2	.25
<b>Per Capita Ratio (per 10,000 residents)</b>	<b>1.03</b>	<b>.76</b>	<b>.6</b>	<b>.542</b>	<b>.07</b>
Population	48,743	52,362	49,552	36,874	34,046

To understand the staffing challenges it is important to understand the enforcement process (see Exhibit D) and the amount of staff effort involved. These staffing challenges are explored in greater detail in the attached Exhibit E.

**C. Availability of vehicles, office space, equipment and other resources** – Added personnel would also require additional expenditures for vehicles, computers, and miscellaneous equipment. Office space for more code enforcement staff will be available in the rebuilt City Hall that is estimated to be completed for move-in April 2011.

**D. Enforcement Tools** – In 2009, the City Council implemented another audit recommendation which was to adopt administrative citations, and accompanying penalties, as another tool for officers to have in their toolbelt. Administrative citations are used extensively by cities to gain voluntary compliance before prosecution in the courts. Staff began issuing administrative citations in January 2010 and intends to continue using where appropriate. A total of 10 administrative cites were issued in January and February 2010 (1 property maintenance, 2 abandoned or inoperable vehicles; 7 RVs parked in front driveways).

**E. Expectations** - Changing to a proactive code enforcement program would create new expectations by the public and Council, such as addressing other violations on the same street as a complaint and expecting faster abatement. This alone could add considerable effort for code officers, and would lead to a backlog of cases. For example, should all other front yard violations observed on same street be addressed by code officer or only the same type of violations?

**F. Weekend Enforcement** – Certain types of violations occur more frequently on weekends when City Hall is closed (between Friday 5:00 p.m. and Monday 7:30 a.m.). Illegal temporary signs, garage sales without permit and tree removals without permit are the most common examples. We did provide some limited weekend enforcement on a trial basis for about one year and achieved successful abatement, particularly with illegal signs. We are reactivating limited weekend enforcement in April 2010.

**RECOMMENDATION:** Staff requests direction from the City Council as to what types of violations they feel need proactive enforcement. Once this goal is defined, then staff will prepare a program and staffing to implement the goal.

Attachments: Exhibit A - Minutes of May 18, 2009 Council Retreat  
 Exhibit B - Top 10 Violations  
 Exhibit C - Violation Types  
 Exhibit D - Code Enforcement Process  
 Exhibit E - Staffing Challenges

## EXHIBIT A

# MINUTES OF MAY 18, 2009 COUNCIL RETREAT

### o Review of Code Enforcement services.

Development Services Director Coleman said he examined the code enforcement process, and he established staff meetings and prepared a written procedure for code enforcement, including priority guidelines.

In response to Council, Director Coleman reviewed the enforcement process steps and other methods of enforcement. He stated that any health and safety issues will be addressed. He indicated that Sheriff's volunteers would be completing a survey of RVs and trailers parked in front yards and by end of June, it would be brought before the City Council. He said because staffing is limited, code enforcement responds to complaints and are proactive only on weekend patrol. He inquired if the City Council desires to shift to proactive enforcement.

Mayor Morris expressed concern with large dump trucks and inoperable vehicles parked in front of residences and said if additional staff is needed, he suggested hiring a retired code enforcement officer to work weekends.

In response to Mayor Pro Tem Bertone, Mr. Stevens said signs are a second priority and staff is looking at better enforcement.

Staff recommended the following:

1. Explore Hearing Officer for code enforcement;
2. Expand Code Enforcement staffing;
3. Adopt Administration Citation program;
4. Expand use of infraction citations;
5. Explore use of field data entry/query devices;
6. Review business license procedures to require all business licenses and change of address of existing licenses, to be reviewed by the Planning Division for zoning compliance.

The City Council discussed the recommendations, made some suggestions, and ranked as priorities RVs, exploring a Hearing Officer for code enforcement; expanding code enforcement staff; and adopting an Administrative citation program.

Councilmember Templeman stated that property management should be approached similar to parking. He said the goal is to get compliance, not more citations.

Mayor Morris said he is willing to spend more money to put into resources for code enforcement. He suggested eliminating complaint driven enforcement for a proactive enforcement program.

Mr. Stevens suggested managing cases in a systematic fashion.

Councilmember Templeman stated that staff cannot go from a complaint driven enforcement to proactive enforcement overnight. He suggested marketing the program.

City Manager Michaelis stated that staff would also look at staffing resources available.

## EXHIBIT B

# Top 10 Code Violations

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The San Dimas Code Enforcement Division has identified the top 10 most common violations in an effort to help our residents understand how to promote and maintain a quality living environment.

### 1. Overnight Street Parking Without a Permit

The City of San Dimas has a parking prohibition on all City streets between the hours of 2:00 a.m. and 5:00 a.m., pursuant to Municipal Code Section 10.24.010, except with Annual or Temporary Overnight Parking permits. This ban is designed not only to improve the aesthetics of the community, but it also allows for greater public safety of the area.

### 2. RVs, trails, boats and camper shells parking in Front Yard



RVs, trailers, boats, and camper shells are not allowed to be parked in front yard driveway. They must be parked in the side or rear yard, and behind main building line of house.

### 3. Property Maintenance



Weeds, overgrown grass, or plants obstructing public sidewalk or street are unsightly, can create fire hazards, and act as rodent habitat.



Dumping of trash, debris, and dirt is unsightly, threatens the environment and water supply, acts as rodent habitat, and poses threat to the community's health, safety, welfare and property values.



Structures and fences that are not maintained properly are unsightly, and pose health and safety risks, and can negatively affect neighborhood property values.

#### 4. Trash Cans



Trash cans put out too early or left out too late are unsightly and create parking problems. Trash cans shall not be placed out earlier than 3:00 p.m. on Monday and shall be removed by 7:00 p.m. on Tuesday (the day of collection). Trash cans must be stored out of view from the public right-of-way.

## 5. Inoperative Vehicle



"Inoperative Vehicle" means any vehicle which is not capable of driving under their own power, or which lacks wheels, tires, doors, windshield, or lacks current DMV registration tags.

## 6. Abandoned Vehicle



Vehicles that have been abandoned, wrecked, dismantled or inoperative are considered "abandoned vehicles."

## 7. Vehicle Parked on Unpaved Surface



Vehicles must be parked on a paved surface.

## 8. Illegal Signs



Signs installed without a permit can be unsightly or pose threat to public safety and property values. These include Garage/Yard Sale signs not on private property, lawn signs and A-frame signs in medians and parkway.

## 9. Building Without a Permit



Construction or demolition without a building permit poses a threat to public health and safety. Most property improvements, or changes to existing structures or grades, require permits to ensure the projects are built to meet the required safety codes.

## 10. Tree Removal Without a Permit



Removal of mature trees requires a City permit and replacement of the trees.

## EXHIBIT C

### Code Violation Types:

General Category	Violation Description	San Dimas Municipal Code Section
Animal	Keeping more animals than allowed in a residential zone.	18.20.060
Animal	Barking dog	6.24.010
Build	Construction without building permit.	15.04.016.A.1
Build	Grading without grading permit	15.04.016.A.2
Graffiti	Graffiti	8.16.020.K
Light	Parking lot lighting "to reflect away from adjoining properties"	18.156.080.D.11
Noise	Noise exceeding City standard or construction during prohibited hours	8.36 or 8.36.100
Nuisance	Maintenance of a dangerous building as defined in Section 302 of the Uniform Building Code for the Abatement of Dangerous Buildings.	8.16.020.A
Nuisance	Maintenance of a substandard building as defined in Section 1001 of the Uniform Housing Code.	8.16.020.B
Nuisance	Land, whether in a natural state or as the result of grading operations, excavation or fill, causing erosion, subsidence or surface water drainage problems.	8.16.020.E
Nuisance	A sign or billboard that is unsafe, unused, obsolete or illegal.	8.16.020.F
Nuisance	Property use creating noxious smell or creating conditions dangerous to public safety, health or welfare.	8.16.020.G
Nuisance	Failure to comply with conditions of CUP, parcel map or tract map.	8.16.020.H
Nuisance	Failure to comply with conditions of development plan review and/or grading, building or demolition permits.	8.16.020.I
Nuisance	Maintenance of premises in a condition which is adverse to the public peace, health, safety or general welfare.	8.16.020.J
Nuisance	Maintenance of premises so as to permit the same to become so defective, unsightly, dangerous or in a condition of deterioration or disrepair so that the same will, or may cause, harm to persons, or which will materially impair the value of or otherwise be materially detrimental to properties or improvements located in the vicinity of such premises.	8.16.020.K
Parking	Parking a commercial vehicle <b>more</b> than	18.156.100.A.1

	10,000 pounds gross vehicle weight in single-family residential zone.	
Parking	Parking two or more commercial vehicles <b>less</b> than 10,000 pounds gross vehicle weight in single-family residential zone.	18.156.100.A.2
Parking	Parking any vehicle in front of house on a surface other than a paved driveway.	18.156.100.A.3
Parking	Recreational vehicle stored on a surface other than the required concrete in a space not less than 10 feet wide by 25 feet long.	18.24.040.I.
Parking	Recreational vehicle parked in front of house in a residential zone.	18.20.030 and 18.24.040.I.
Property maintenance	Building partially destroyed or permitted to remain in a state of partial construction.	8.14.020.A
Property maintenance	Failure to close all doorways, windows and other openings in vacant structure.	8.14.020.B
Property maintenance	Broken window constituting a hazardous condition or inviting trespassers and malicious mischief; or constituting a condition tending to depreciate the aesthetic and property values of surrounding properties.	8.14.020.C
Property maintenance	Paint deterioration upon buildings, causing dry rot, warping or lack of weather protection.	8.14.020.D
Property maintenance	The maintenance of a structure in a state of substantial deterioration, such as peeling paint, broken windows, roofs in disrepair, damaged porches, broken steps.	8.14.020.E
Property maintenance	Broken or discarded furniture and household equipment on the premises for more than 72 hours and visible from the public right-of-way.	8.14.020.F
Property maintenance	Boxes, lumber, trash, dirt or debris for more than 72 hours and visible from the public right-of-way.	8.14.020.G
Property maintenance	Rubbish, litter or debris in vestibule, doorway or the adjoining sidewalks of commercial or industrial building.	8.14.020.H
Property maintenance	Outside storage of building materials, machinery, or other material or equipment used in or for a business on any lot in any residential district and which is visible from a public right-of-way, except during construction on the lot.	8.14.020.I
Property maintenance	Accessible conditions potentially dangerous to children, including unprotected and/or hazardous pools, ponds, spas and excavations, abandoned	8.14.020.J

	or broken appliances or equipment, or neglected machinery.	
Property maintenance	Wall or fence maintained in such condition or deterioration or disrepair as to constitute a hazard; leaning walls or fences; walls or fences with missing or damaged blocks or slats; fence materials which are unsightly due to chipping or peeling; or walls or fences repaired with materials dissimilar from and visually inharmonious with the original and which is visible from the public right-of-way.	8.14.020.K
Property maintenance	Dead, decayed, diseased or hazardous trees, shrubs, weeds and other vegetation constituting unsightly appearance, or creating fire hazards or health dangerous to public safety and welfare.	8.14.020.L
Property maintenance	Lack of adequate landscaping or groundcover sufficient to prevent dust/erosion.	8.14.020.M
Property maintenance	Parking lot landscaping not being maintained in a "weed-free and disease-free state".	18.156.080.C.7
Property maintenance	Parking lot striping not being maintained so that it is "clearly visible".	18.156.080.D.4
ROW	Obstruction of public right-of-way	10.28
Sign	Sign displayed that is not allowed for use/zone.	Chapter 18.152
Sign	The number of signs exceeds maximum allowable for use/zone.	Chapter 18.152
Sign	Sign displayed without required Sign Permit.	Chapter 18.152
Sign	Sign displayed exceeds the maximum sign area allowed for use/zone.	Chapter 18.152
Sign	Off-premises human mounted (i.e., sandwich boards and handheld)	18.152.070.D.
Sign	Portable temporary signs	Chapter 18.152
Sign	Temporary banner w/o permit	18.152.040 & 18.152.160.A.
Sign	Temporary banner displayed too long	18.152.160
Trash can	Trash cans placed within roadway or placed earlier than 3:00 p.m. of the day preceding collection day or not removed by 7:00 p.m. of the day of collection.	8.12.130.C
Tree	Tree removal, topping or severe pruning	Chapter 18.162
Vehicle	An abandoned, wrecked, dismantled or inoperative vehicle or part thereof and which is visible from public right-of-way or private road.	8.16.020.C and 10.40.020
Vehicle	An unlicensed (no valid DMV registration).	10.40.010.C.

Vehicle	Repairing or dismantling, not completed within a 72-hour period, of any automobile, motorcycle, boat or other vehicle in a residential zone and visible from public right-of-way.	10.36.020
Zoning	Construction without required Development Plan Review	18.12.030
Zoning	Structure, wall or fence does not meet required setback	
Zoning	Structure, wall or fence exceeds height limit allowed by zone	
Zoning	Use being operated that is not allowed in zone.	
Zoning	Use operating without required Conditional Use Permit	18.200.030
Zoning	Temporary use operating without Temporary Use Permit	18.196.020
Zoning	Business being operated inside residence in a manner that does not meet City standards.	18.184.010
Zoning	Illegal conversion of garage to a different use.	18.156.040.F.

## **EXHIBIT D**

# **ENFORCEMENT PROCESS**

### **STEP 1. INTAKE OF COMPLAINTS**

Most complaints originate as phone calls. Other methods that complaints are filed include in person at the Planning Division public counter, by letter or email, through a City Council person, oral communications at a City Council meeting, and phone call-ins to the Mayors' twice monthly cable TV talk show. The City policy is to encourage citizens to report crime as a deterrent; therefore, complaints can be filed anonymously.

In a pro-active enforcement program, violations are found not by complaint, but by direct observation. The majority of violations would be spotted by code enforcement officers on patrol; however, may be observed by any city employee and reported to the code enforcement division. In a fully pro-active enforcement program the majority of complaints will be observed by code officers and city staff, and the minority will be complaints from residents or business people. It is virtually impossible to eliminate all citizen complaints because 1) abatement takes time and they may not be aware that city is already working to abate the violation they saw, and 2) what they observed may not, in fact, be a violation of City code.

### **STEP 2. FIELD CHECK**

The Code Enforcement Officer will visit the site to confirm the presence of the violation. Photographs (date stamped) are taken. During the field check the Code Enforcement Officer is alert for similar violations on surrounding properties in the neighborhood. Similar to Police, when obtaining evidence the Officer follows the "Plain View Doctrine" which means evidence, such as photographs, can be taken if the alleged violation is in plain view from public property. This means there are no extraordinary efforts taken to observe and document violations, such as standing on a box or ladder to take a picture over a wall. Most of the City's adopted standards for property maintenance are also based upon this doctrine, which define violations as those which are "visible from a public right-of-way" (i.e., street or alley).

Consent must be granted by the legal property owner to inspect a location that is not clearly visible. The scope of the search is limited to the area where expressed or implied consent has been given. If we are not able to contact the property owner **and** the violation cannot be confirmed by visual inspection, then we'll leave a business card requesting a phone call within two days time. If we do not receive a phone call within the two days, we'll revisit the site or send a letter to attempt to contact property owner for access for inspection. If consent is refused, the City pursues an inspection warrant through the courts.

### **STEP 3. VERBAL WARNING**

The Officer will contact a responsible person to explain the violation and the corrective action expected. For example, a verbal warning would be used for an illegal temporary banner sign and if not immediately abated, then a Notice of Violation will be issued or a

1<sup>st</sup> NOV letter sent. The term “responsible person” refers to the person with immediate authority over the premises:

- *A business owner*
- *A business manager*
- *A foreman or supervisor*
- *A property owner*
- *A renter or tenant*

#### **STEP 4. WRITTEN WARNING: NOTICE OF VIOLATION (NOV)**

Where a violation is confirmed, then the Officer may either issue a Notice of Violation or send a 1<sup>st</sup> Notice of Violation. Both are written warnings seeking voluntary compliance. The time frame for compliance varies depending upon violation.

#### **STEP 5. REINSPECTION**

After the abatement deadline from 1<sup>st</sup> NOV has expired, the code officer will reinspect and document (in writing and/or photos). If abated, then the case is closed.

#### **STEP 6. SECOND NOTICE / FINAL NOTICE**

If 1<sup>st</sup> Notice of Violation did not result in abatement, or if only partially abated, such as when only some of multiple violations were abated, then code officer will typically send a 2nd notice of violation with a new abatement deadline (usually shorter than original time period) for the remaining violations. The 2<sup>nd</sup> notice of violation is typically sent both by certified and regular mail. If not abated, then case is turned over to City Prosecutor.

### **Other Methods of Enforcement**

The San Dimas Municipal Code provides for several other enforcement methods:

**NUISANCE ABATEMENT** - This process is designed to address any premises where lack of maintenance has become a public nuisance. The advantage of this process is that it allows the City to abate the violation/nuisance, if not abated by property owner within time frame ordered, and recover costs by placing a lien against property (including attorney's costs). The authority for and process is outlined in Chapter 8.16 of the San Dimas Municipal Code. Either the Building Official, Director of Development Services or other Hearing Officer designated by the City Manager, will conduct the hearing. If a nuisance determination is made by hearing officer, then an “order of abatement” is served upon the property owner. The decision of the hearing officer may be appealed to the City Council. This process has been rarely used.

**INFRACTION CITATION (Notice to Appear in Court)** - Certain violations may be treated as an infraction, similar to overnight parking permit violations. San Dimas Municipal Code §1.12.030 establishes that infractions are punishable by the following escalating schedule of fines adopted by California Government Code §36900: 1<sup>st</sup> offense: \$100 fine; 2<sup>nd</sup> offense within 1 year: \$200 fine; and each additional violation within 1 year: \$500 fine. Every day of violation constitutes a separate offense. The following violation types are infractions under San Dimas Municipal Code:

- Noise
- Parking (can also be misdemeanor)
- Property Maintenance (can also be misdemeanor per §8.14.030)
- Signs (can also be misdemeanor)
- Zoning (can also be misdemeanor)

An Infraction Citation **must** be signed by a responsible person pursuant to California Penal Code §835.5. If the violator refuses to sign, then the Code Officer explains that their signature is not an admission of guilt, and advises them that failure to sign will give the City no choice but to upgrade the violation to a misdemeanor which means a potential \$500 fine and/or six months in jail.

The infraction process has been rarely used. Infractions impose fines as an incentive for violator to abate. Some violators are not motivated by fines and would rather pay \$100 or \$500 than abate. Finally, summary court probation cannot be used in infraction cases. Nevertheless, infraction citations could be used more, such as with chronic sign violators. The following are some examples of violation types that may be appropriate for infractions:

- Parking on unpaved surface
- Abandoned/Inoperative vehicles
- Illegal signs
- Repeat violations that were previously abated

Staff would seek City Council policy direction to identify the violation types, and the accompanying circumstances, that would warrant issuing an infraction citation. In most situations, staff would send a 1<sup>st</sup> Notice of Violation, with a reasonable time period for abatement, before issuing an Infraction Citation. Where public safety is involved, it may be appropriate to issue an Infraction Citation if the responsible party refuses to immediately abate.

**MISDEMEANOR** - Currently, the majority of violations of the San Dimas Municipal Code are identified as misdemeanors punishable by fine not to exceed \$500 and/or imprisonment not to exceed six months in the county jail as ordered by court judge. A violation may be prosecuted as a misdemeanor based upon the same circumstances that would lead an Officer to issue an Infraction Notice. One factor that would provide the code officer a basis to decide on whether to use infraction or misdemeanor would be if the resolution of the violation would exceed \$500.00, which is the maximum fine. Another factor is if the violation is too serious to be handled as an infraction. An example would be if there were multiple violations, major construction or could not be handled through the Nuisance Abatement Process. The processing of a misdemeanor complaint starts with referral of the case to the City Prosecutor (see process below).

**ADMINISTRATIVE CITATIONS** - The majority of violations of the San Dimas Municipal Code are identified as misdemeanors punishable by fine not to exceed \$500 and/or imprisonment not to exceed six months in the county jail as ordered by court judge. An alternative process, known as Administrative Citation, provides an option for resolving violations through the use of administrative fines rather than criminal prosecution.

In 2009, the City Council adopted Ordinance No. 1189 creating Administrative Citation authority to code officers to enable them to issue citations similar to the citations issued for overnight parking violations. Administrative Citations can be issued for any violation defined as an infraction or misdemeanor by the San Dimas Municipal Code.

**CITY PROSECUTOR** – Used as a last resort due to the cost, if the violation is not abated after 2nd Notice of Violation, or when violator refuses to sign an Infraction Citation, then the case may be referred to the City Prosecutor. The Code Enforcement Officer completes a Violation Report form, and an Investigation Report of documentation (chronology, letters, notices, photographs), that is sent to City Prosecutor. **Compliance Letter** – Typically, the first step will be for City Prosecutor to send a Compliance Letter. The letter will describe the violation(s) that constitute a misdemeanor offense, the potential fines and penalties, and give the violator a time period to abate. **Conference** - This approach may be taken as a first step to gain compliance depending upon the nature of the violation, e.g., public safety, or initiated once either the 2nd Notice of Violation letter is sent certified mail or when the time to comply noted on the 2nd Notice of Violation has expired. A conference may also be requested if the violation is recurring or there has been a previous conviction for the same violation. **Court Process for Infraction Citation** - Violator will have the opportunity to cross-examine the Code Enforcement Officer. The judge usually sets forth a ruling at that time. The judge may also take the case under advisement and issue a verdict at a later time. Suspended sentence with probation conditions is common. Unfortunately, it is common for the violator (defendant) to request continuances, sometimes for months, or simply fail to appear for court hearing, requiring further court appearances by Code Enforcement Officer and City Prosecutor; hence, increasing City's costs, and delaying abatement which frustrates and tests the patience of complainants.

## **EXHIBIT E**

### **STAFFING CHALLENGES**

#### **Challenges of using part-time parking officers**

By law, only the officer who observed the violation can issue an infraction citation or administrative citation. Likewise, the law requires the officer who observed the violation to be present at any administrative citation appeal hearing or court hearing for misdemeanor prosecution. This is a significant difference from parking citations where the law exempts the officer from having to be present for appeal hearings or court hearings. Therefore, although a part-time parking officer (or any city employee) may observe and report a violation, it still requires a full-time code officer to make a field investigation to document the violation. Our part-time parking officers simply do not fulfill this requirement because they are not available during regular business hours. That is why we have utilized parking officers on a limited basis to only observe and report violations.

Observing the violation is only the first, and easiest, step in the code enforcement process. Most of the work occurs afterwards (as detailed in the attached), such as field check, documentation, contacting the violator to explain what/why it is a violation and how to abate, responding to complainant inquiries, reinspection, citation issuance, preparing case for appeal or prosecution. Our part-time parking officers simply do not fulfill this requirement because they are not available during regular business hours.

#### **Challenges of using office support staff**

Code officers spend the majority of their time in the field; hence, have limited office hours. Again, most of the enforcement process involves working directly with violator or prosecutor. Office support staff (primarily Jan and Gina, and occasionally planners) do play an active role in the process by receiving complaints, fielding questions from complainants and violators, copying/mailing letters, and copying case files. However, complainants and violators both typically will insist on speaking directly with the assigned code officer who observed violation.

#### **Challenges of pro-active enforcement**

If the program were shifted to be proactive, then violation priorities must be defined by type, by location, or by proximity to complaints received. Certainly changing to a proactive code enforcement program would create new expectations by the public and Council, such as addressing other violations on the same street as a complaint. This alone could add considerable effort for code officers. Should all other violations observed be addressed by code officer or only the same type of violations? Another expectation of the public is that code officers drive every street every day. The overnight street parking enforcement program, which has 4 part-time officers (equivalent to 1.2 full-time officers), is supervised by one full-time officer. Currently it takes these 2.2 parking officers one week to drive all of the 123 miles of city streets and issue overnight parking violation citations. This is only possible because of the limited follow-up, that is unlike the municipal code violation process.



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of April 19, 2010*

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Ken Duran, Assistant City Manager

**SUBJECT:** Review of San Dimas Dial-a-Cab service – possible service adjustments

## **BACKGROUND**

Attached is a memorandum from George Sparks, PVRTA Administrator, regarding the significant increase in ridership and cost of the Dial-a-Cab program over the past couple of years. His memo also discusses possible adjustments that may be considered to curtail costs.

Staff and Mr. Sparks have been monitoring this increase for the past two years. Though these costs have somewhat leveled off and the budget impact is not as great as it appeared a few months back, staff feels it is time the Council had a discussion about the cost of the program. There are a couple of policy discussions the Council may consider. First, is the difference between the cost per passenger and the fare amount too great thus creating too much of a subsidy. Second, what is the impact on the overall Proposition A budget.

### **Cost Per Passenger**

As indicated in the attached chart the average cost per passenger for Dial-a-Cab is \$13.84. This is compared to the current fare structure:

	<b>Fare</b>
	<b><u>Current</u></b>
General Public (In-City)	\$2.50
General Public (Out-of-City)	\$4.00
Senior & Disabled (In-City)	\$1.00
Senior & Disabled (Out-of-City)	\$1.00

As you can see the difference between the actual cost per passenger and the fare collected could be as much as \$12.84. The Council may want to discuss

ITEM 2e

whether the amount of the subsidy should be less, and thus warrant a rate increase.

Overall Proposition A Budget

Attached is a copy of the FY 09 – 10 adopted Proposition A budget. Revenue received from Proposition A is a local return portion of the voter approved ½ cent sales tax in Los Angeles County. The local return funds can only be used for local transit programs and services. The major programs in the fund include Dial-a-Cab, Get About, Recreational transit which offsets senior and family excursions, maintenance of transit related locations such as park & ride lot and bus stops, Senior and disabled bus pass buy down and administration of these programs. For several years this fund had built up a reserve. However, beginning with last year the total amount of the ongoing expenditures exceeds annual revenues. The program that costs the most is the Dial-a-Cab program. This is also compounded by the fact that since the Proposition A revenue is sales tax based, that revenue source has been shrinking. Revenue projections are:

FY 08-09 Actual	FY 09-10 Budget	FY 09-10 Estimate	FY 10-11 Estimate
\$533,855	\$596,000	\$472,000	\$497,000

The estimate for this current fiscal year is that the expenditures will exceed fiscal year revenue by \$200,000. Given that the beginning Fund balance was \$925,000 the fund can absorb this, however, it could only sustain this imbalance for two or three more years. A policy decision may be that even though the fund can absorb increased expense and reduced revenue for now because of reserves, corrective action such as fare increases or service adjustments may be appropriate at this time.

**RECOMMENDATIONS**

Staff recommends that the City Council discuss Mr. Sparks report and the Dial-a-Cab program. Council options include receive and file the report with no recommended changes at this time, approve one or more of the adjustment options or defer taking action at this time while continuing to monitor the program.

Enclosures - Memorandum from George Sparks,  
PVRTA Service Comparisons Charts  
Proposition A Fund Budget



April 9, 2010

**MEMORANDUM**

To: Ken Duran, Assistant City Manager, San Dimas  
From: George L. Sparks, PVTA Administrator  
Subject: **Dial-a-Cab Adjustment Option**

The San Dimas Dial-a-Cab program has experienced rapid growth over the last two years. After reviewing the trends in Dial-a-Cab, PVTA staff has developed three options to control ridership in order to ensure the program's sustainability. The options are summarized below:

1. Adjust fares for senior and disabled riders.
2. Limit out-of-city travel to specified locations
3. Limit service hours

**Background**

San Dimas Dial-a-Cab has operated since 1987. During that time San Dimas has implemented changes to the service to allow Dial-a-Cab to remain financially sustainable and target those San Dimas residents most in need of the service. By 2001, Dial-a-Cab's ridership had grown to over 30,000 passengers annually. San Dimas authorized a major restructuring to the service in 2002 which included a major fare increase and the elimination of almost all out of city travel by members of the general public. This resulted in sharply lower ridership. The service carried 10,500 passengers in FY 2007.

In July 2007, the City reduced the one way fare for seniors and residents with disabilities to \$1.00 a one way trip in order to make Dial-a-Cab more accessible to these riders. The previous fare had been \$1.50 for destinations within San Dimas and \$2.00 to areas outside the city.

Starting in about April 2008 Dial-a-Cab began to experience a rapid increase in ridership. During the period from March 2008 to May 2009 San Dimas ridership increased by 160% from about 800 passengers a month to 2100 passengers. Since then Dial-a-Cab implemented several administrative adjustments to the service and the ridership has leveled off. The average monthly ridership for the period October 2009 through January 2010 was 1775 which translates to about 21,500 riders annually. The large increase in the use of the system has resulted in increased costs as well. The cost to San Dimas of Dial-a-Cab service rose by \$100,000 from FY 2008 to FY 2009. San Dimas has requested that PVRTA develop a set of options for moderating the service's cost.

### **San Dimas Costs FY 2009 - FY 2011**

The cost of Dial-a-Cab has risen significantly in the last two years. Several factors are expected to moderate cost growth to San Dimas in FY 2011. These factors include reductions in the contract rates with our cab provider, higher subregional incentive income and a lower San Dimas share of the Get About service. Below is a comparison of estimated costs for FY 2009 - FY 2011. The preliminary FY 2011 budget provides a considerable contingency (20%) for unanticipated ridership growth.

#### **San Dimas Ridership and Cost FY 2009 - FY 2011**

	<b><u>Actual</u></b> <b><u>FY 2009</u></b>	<b><u>Est. Actual</u></b> <b><u>FY 2010</u></b>	<b><u>Budgeted</u></b> <b><u>FY 2011</u></b>
Dial-a-Cab Riders	21,700	21,500	26,500
Total Dial-a-Cab Cost	\$300,466	\$320,000	\$373,000
Cost to San Dimas	\$224,830	\$260,000	\$280,000
SD Get About Share	\$137,772	\$143,811	\$123,303
<b>Total Cost to San Dimas</b>	<b>\$362,602</b>	<b>\$403,811</b>	<b>\$403,303</b>

### **Ridership Analysis**

San Dimas offers Dial-a-Cab as a local transportation alternative to residents whose transportation needs are not met by existing public transit services. The profile of the users of Dial-a-Cab reflects this emphasis. Based on rider surveys 80% of Dial-a-Cab riders either do not own or cannot drive a car. The most popular uses for the service are shopping and medical appointments. Most users of the service are seniors or persons with disabilities including those using mobility devices, such as wheelchairs. These customers make up 85% of Dial-a-Cab ridership.

**San Dimas Ridership Profile FY 2010**

Seniors	61%
Disabled persons	18%
Riders using wheelchairs	6%
General public	<u>15%</u>
	100%
Travel within San Dimas	52%
Travel outside San Dimas	<u>48%</u>
	100%

**Cost Reduction Options**

PVTA staff developed three potential approaches to moderating the cost of Dial-a-Cab:

**A. Adopt a Fare Increase**

In July 2007, the senior and disabled fare was reduced from \$1.50 for one way trips within San Dimas and \$2.00 for out of city trips to \$1.00 for any one way trip. PVTA recommends the City consider raising these rates modestly to slow demand. PVTA recommends adjusting the senior and disabled fares because these groups make up 85% of the ridership of Dial-a-Cab. The suggested increase would be at most returning fares to their 2007 levels.

PVTA estimates that adjusting the fare for seniors and persons with disabilities to \$1.25 in city and \$1.50 outside the city would result in a 7% to 12% reduction in ridership resulting in from \$15,000 to \$25,000 in savings to San Dimas annually. Returning fares to the 2007 level of \$1.50 for in-city trips and \$2.00 out-of-city would generate savings from \$25,000 to \$50,000 annually. It should be noted that riders would still have the option of Get About at \$1.00 per one way trip.

**Fare Adjustment Options**

	<u>Fare</u>		
	<u>Current</u>	<u>Option #1</u>	<u>Option #2</u>
General Public (In-City)	\$2.50	\$2.50	\$2.50
General Public (Out-of-City)	\$4.00	\$4.00	\$4.00
Senior & Disabled (In-City)	\$1.00	\$1.25	\$1.50
Senior & Disabled (Out-of-City)	\$1.00	\$1.50	\$2.00

**B. Limit Service Hours**

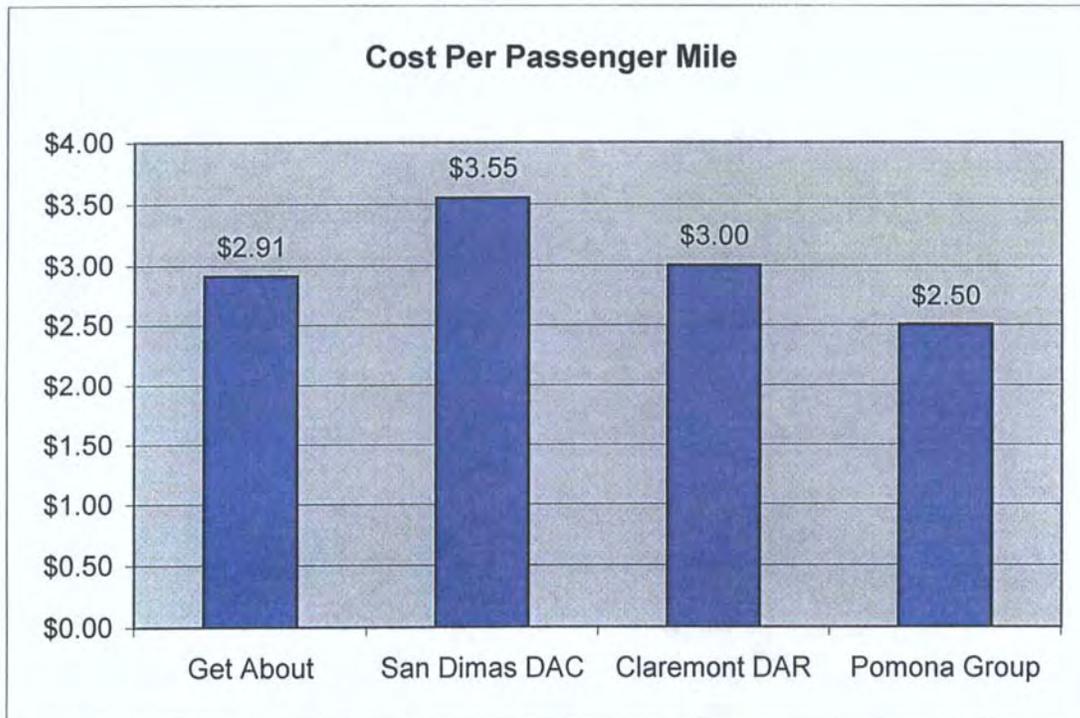
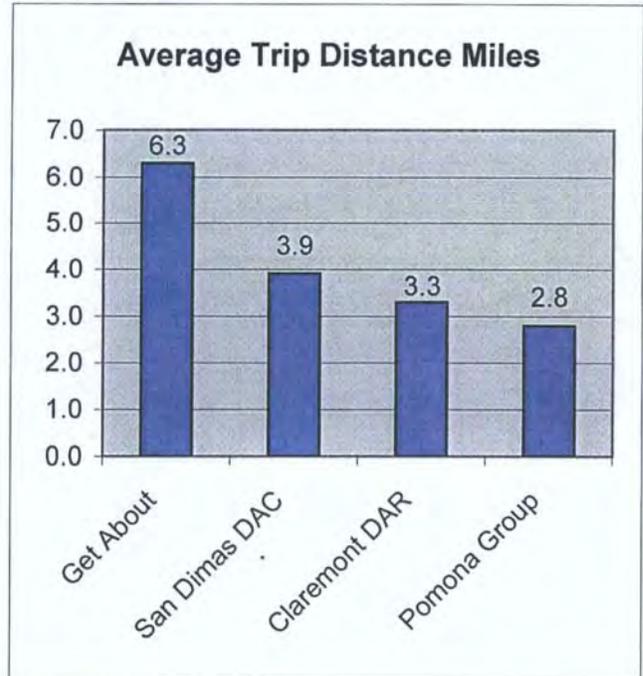
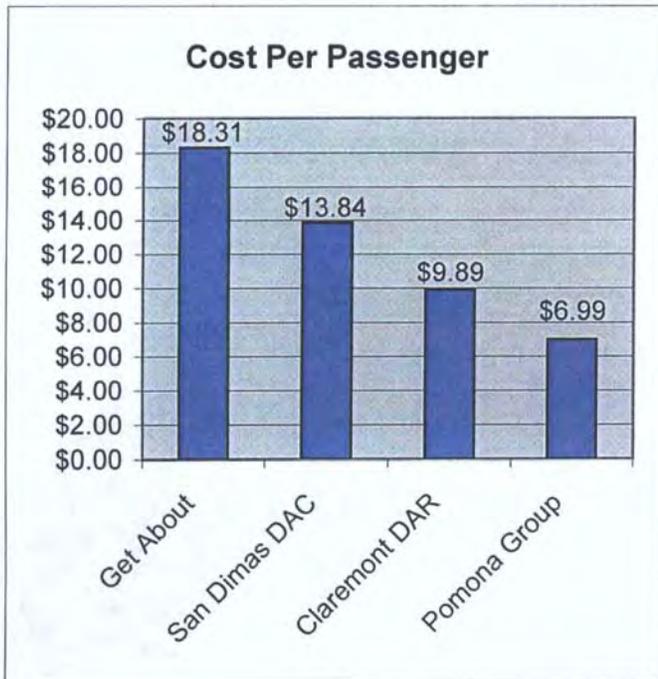
Currently San Dimas Dial-a-Cab is available 24 hours a day. Limiting service hours to 6:00 a.m. to 8:00 p.m. daily could result in \$12,000 to \$25,000 in savings annually. Based on January 2010 ridership reports, we estimate about 7% of trips are taken before 6:00 a.m. or after 8:00 p.m. The drawback of this option is that some riders use Dial-a-Cab because there are no other late night services in the area.

**C. Limit Out of City Travel for Senior and the Disabled**

San Dimas could opt to limit out of city travel to specified locations. Currently, out of city travel for the general public is limited to medical facilities. Seniors and the disabled may travel as far west as Grand Avenue north of the I-10 and south of Foothill Boulevard and as far east as Garey Avenue. These riders can also travel to Cal-Poly. Limits similar to those for the general public could be applied to travel by seniors and riders with disabilities. San Dimas may wish to limit out of town travel to medical facilities, Cal-Poly and Mt. SAC. Seniors and persons with disabilities traveling outside of San Dimas make up 45% of the total San Dimas service. Half of the rides taken by seniors and persons with disabilities are to destinations outside San Dimas. Currently, the most popular out of city destinations are medical facilities and the Wal-Mart in Glendora. The Wal-Mart accounts for about 5% of total rides. Medical destinations appear to account for 25% to 40% of the out of city trips. Our estimate of the savings to San Dimas of limiting out of city travels is from \$50,000 to \$80,000 annually with a reduction in ridership of from 4,500 to 8,000 passenger trips annually.

Get About also provides service as far west as Grand Avenue. If San Dimas limits travel by seniors and persons with disabilities it could move some San Dimas riders back to Get About and San Dimas might want to discuss the Get About western boundaries with the other Pomona Valley cities involved in Get About.

# PVTA Service Comparisons



**CITY OF SAN DIMAS  
ANNUAL CAPITAL AND OPERATING BUDGET**

	2007-08 ACTUAL	2008-09 ADOPTED BUDGET	2008-09 REVISED ESTIMATE	2009-10 ADOPTED BUDGET
<b>PROP A TRANSIT FUND 72</b>				
<b>BEGINNING FUND BALANCE</b>	924,717	974,828	1,035,103	966,667
<b>REVENUE</b>				
Prop A Taxes (312-002)	588,831	593,213	591,000	596,000
Interest (341-001)	40,425	60,000	28,547	28,738
Sr. Handicap Bus Buy down (395-006)	1,125	950	950	950
<b>Total Revenue</b>	<b>630,381</b>	<b>654,163</b>	<b>620,497</b>	<b>625,688</b>
<b>Total Available Funds</b>	<b>1,555,098</b>	<b>1,628,991</b>	<b>1,655,600</b>	<b>1,592,355</b>
<b>EXPENDITURES</b>				
Publications & Dues/SCVOG Fees (4120-016-000)	5,552	5,663	5,551	5,670
Administration (4120-020-072)	106,252	106,950	103,200	106,300
Audit (4120-020-521)	2,200	2,200	2,200	2,200
Equipment Rental Fund 70 (4120-025-000)	2,500	2,500	2,500	2,500
Get About Vans (4125-041-001)	9,000	5,100	5,100	5,100
Get About Services (4125-433-000)	120,060	137,772	137,772	156,195
Recreational Transit (4125-434-000)	57,823	59,000	67,500	68,000
Sr. Handicap Bus Buy down (4125-442-000)	21,459	17,000	17,000	17,000
Dial A Cab (4125-445-000)	124,591	200,000	240,000	293,000
Park & Ride Maintenance (4125-453-002)	14,685	20,765	46,675	22,720
Depot Maintenance (4125-454-001)	19,460	20,435	20,435	21,450
Bus Stop Maintenance (4125-455-000)	36,414	44,100	41,000	42,500
Bus Pads (4125-455-001)	0	40,000	0	40,000
<b>Total Expenditures</b>	<b>519,995</b>	<b>661,485</b>	<b>688,933</b>	<b>782,635</b>
<b>DESIGNATED FUND BALANCE</b>	<b>1,035,103</b>	<b>967,506</b>	<b>966,667</b>	<b>809,720</b>
<b>Total Estimated Requirements and Fund Balance</b>	<b>1,555,098</b>	<b>1,628,991</b>	<b>1,655,600</b>	<b>1,592,355</b>



# Agenda Item Staff Report

Council – Staff Retreat

**TO:** Honorable Mayor and Members of City Council  
For the Meeting of April 19, 2010

**FROM:** Blaine Michaelis, City Manager

**SUBJECT:** Request from the California Street Hockey Association for an ice skating facility at Bonita and Cataract

## **SUMMARY**

*Mr. Bryan Garland – President of the California Street Hockey Association (CSHA) has submitted a letter of interest to explore the purchase of the Bonita – Cataract property for an ice skating rink and further development. He is requesting that the city grant him an Exclusive Negotiation Agreement (ENA) for 12 months to explore private investment interest to make the project financially feasible. CSHA is a local organization that has been successful with roller hockey in our region for some time.*

## **PROJECT**

1. First phase to construct 1 ice rink – estimated construction cost \$4-5 million to be financed by an SBA loan. Balance of the project costs would come from private investors – may need \$2 million plus. No proposal for city financial participation.
2. Complex to be between 35-45,000 square feet and use just about half of the 4.5 acre site. Further development could include a second rink and/or restaurant/retail to compliment the project.
3. Use would be typical for an ice rink. Ice Hockey leagues on the evenings and weekends, figure skating early mornings, recreational skating, restaurant/snack bar, birthday parties, etc.
4. Property to be purchased at market value – perhaps in phases and with the Agency providing financing. With market value land transaction and no Agency or city financial participation, the project will not be subject to prevailing wage requirements.

ITEM 2A

5. As the Agency/city has done with others, CSHA is open to and appreciative of receiving assistance from the city to facilitate the design process.
6. CSHA has been very successful with roller hockey in the region; this would be their first venture into ice operations.

### **ANALYSIS**

This is the 3<sup>rd</sup> group that has worked to bring an ice skating facility to this property. There is ice in Ontario, Pasadena, and Anaheim – perhaps that is why San Dimas keeps attracting interest. If the council is still willing to look at ice at this location, perhaps the question is how long should the city give CSHA the opportunity to see if there is sufficient money from private investors to make this project come together? CSHA has been very successful with street or roller hockey – how will they do on ice? The other point of concern could be that this proposal does not include the immediate or concurrent development of the entire property. They would like to phase the development as market conditions dictate.

### **RECOMMENDATION**

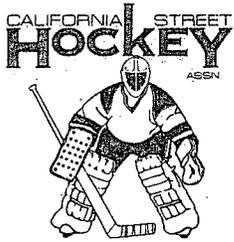
Confirm if there is interest in looking at ice – if there is, staff suggests the following approach for consideration:

1. Subject to receiving a letter of commitment (or at least interest) from SBA for their willingness to provide financing for this project; provide a 6 month Exclusive Negotiation Agreement to allow CSHA time to make progress toward securing private investment money for this project.
2. Should CSHA secure at least one-third of the needed private money as demonstrated by a letter of commitment from private investors within the 6 month period, the ENA will be extended for an additional 6 months to secure the balance of the needed private money.
3. If CSHA is not able to secure one-third of the needed private money, the city may consider any of the following: terminating the ENA, charging a non-refundable deposit for any further extension or modification of the ENA, or other approaches as the city may determine.

*Staff notes that if the city authorizes an ENA on this property, staff recommends that the city postpone the project to landscape the property.*

#### Attachments:

Letter of interest from Mr. Bryan Garland  
California Street Hockey Association



4/7/10

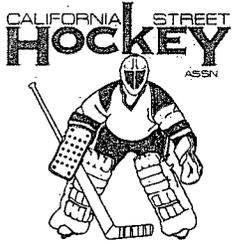
Mr. Blaine Michaelis  
City Manager  
City of San Dimas  
245 East Bonita Ave. 91773

Dear Mr. Michaelis,

Our company, California Street Hockey Association Inc. (CSHA), is interested in securing an exclusive negotiating agreement (ENA) with the city of San Dimas regarding the development of an ice rink complex. We have spent the last three years researching and preparing for this project and would like to pursue this idea in greater detail. We believe that there is strong interest for this project in the city and throughout the greater San Gabriel Valley. We would appreciate city consideration of entering into a 12 month ENA with our organization, with appropriate milestones that show good faith towards moving the project forward.

Our plan is to develop an ice rink facility on the property located on corner of Bonita & Cataract Avenue. The building will include one ice rink, a restaurant, a hockey & figure skating pro shop, and other retail/office space. The project will be financed by investors and an SBA loan (not a financial partnership with the city). The estimated cost of a one rink project is 4 to 5 million dollars (not including the cost of land), depending on site conditions at the chosen location. These construction numbers have been verified by highly respected ice rink building consultants. The projected size of the complex is 35,000-45,000 square feet.

We are looking to purchase the portion of the property needed for the project in phases at a fair appraised market rate. We plan to develop the remainder of the parcel in phases, with possibilities including an expansion of the ice rink complex to add a second sheet of ice, or possibly a restaurant and/or retail development that complements the main project. Our goal is to develop a project that will complement the San Dimas downtown area. We have been made aware that the city will provide developers with project design assistance and we are very open to this possibility.



CSHA submitted a proposal for the building of a roller hockey complex in the city of West Covina in 1993 and has operated the facility continuously since it opened in 1995. We recently received a 15 year contract extension to continue operating the facility for the city. The CSHA West Covina Roller Hockey Complex has been extremely successful since its opening, and we believe our knowledge and experience will result in a highly successful ice rink project as well.

In our twenty years of rink operations we have consistently seen the need for an ice rink in the local area. The sports of hockey and figure skating have grown tremendously in Southern California over the past twenty years, but a quality ice rink complex in the San Gabriel Valley is still conspicuously absent. With our track record of success we believe we can deliver a successful, quality project to the city of San Dimas.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Garland", is written over the typed name.

Bryan Garland  
President, California Street Hockey Association Inc.

**City of San Dimas  
Signage Option Pricing Estimates:**

**Main Entry:**

1. Option A - \$ 50,000
2. Option B - \$105,098
3. Option D - \$136,300
4. Option C - \$ 148,200

**Gateway Monument:**

1. Option A - \$14,000
2. Option B - \$18,000
3. Option D - \$24,650
4. Option C - \$25,800

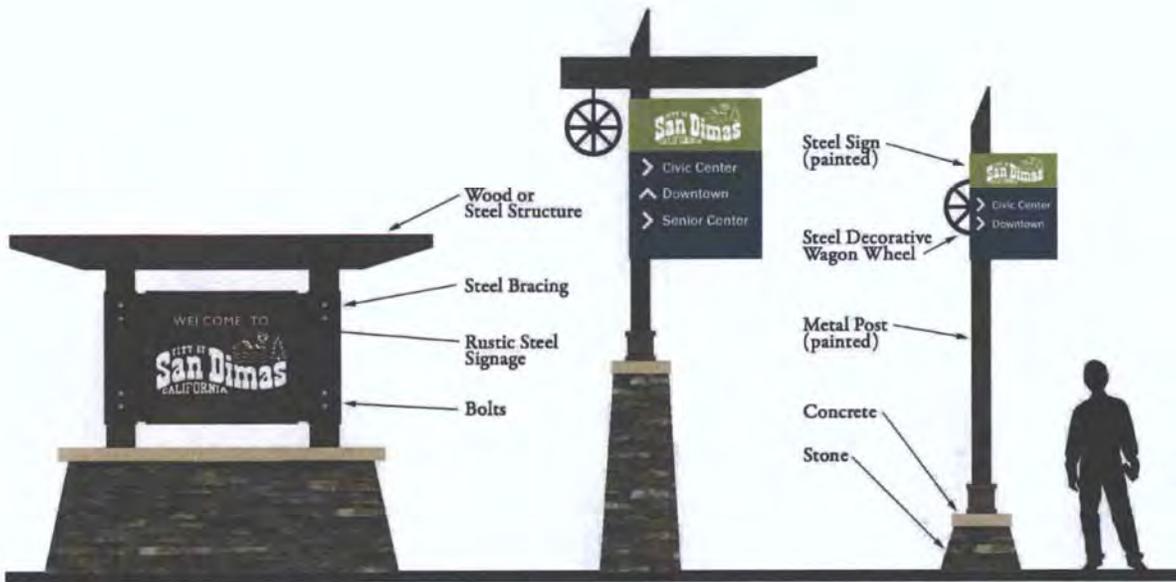
**Wayfinding Signage:**

**Large**

1. Option B - \$3,600
2. Option A - \$12,000
3. Option C - \$18,000
4. Option D - \$21,000

**Small**

1. Option D - \$2,800
2. Option B - \$3,200
3. Option C - \$3,800
4. Option A - \$5,500

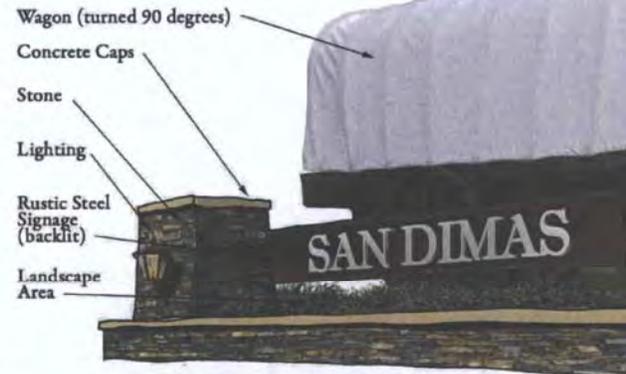


Optio  
 Preliminary Co  
**Main Entry:** \$50  
**Gateway Monum**  
**Wayfinding Sign**  
 Small: \$5,5  
 Large: \$12

**Gateway Monument**  
 Approx 9' h x 10' w

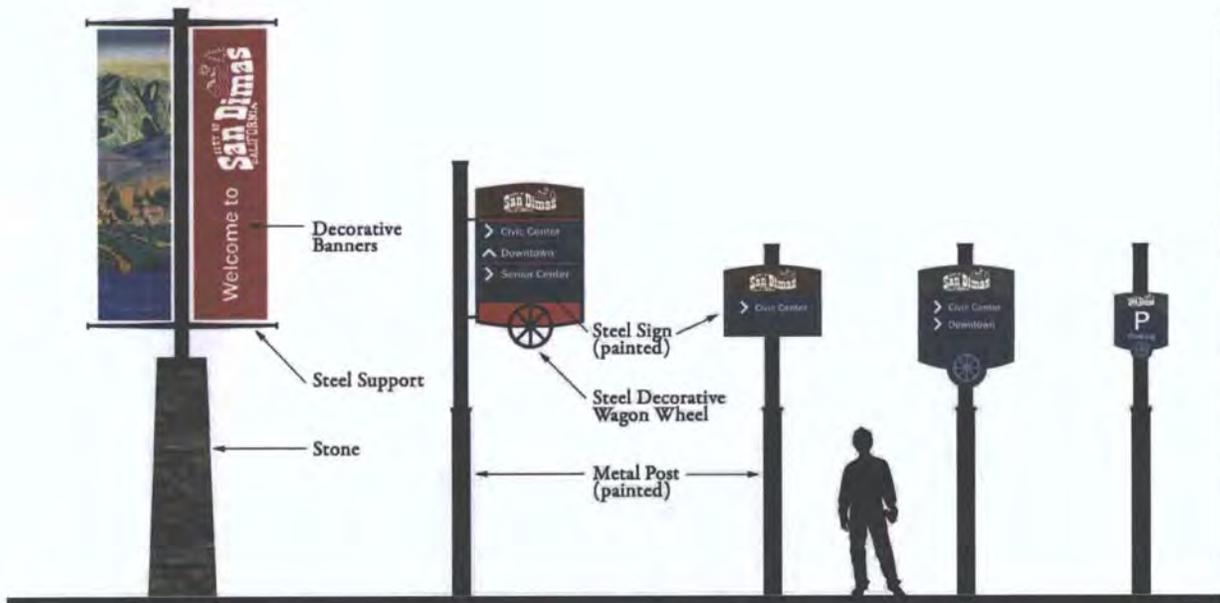
**Large Wayfinding**  
 Approx 16'6" h x 4' w

**Small Wayfinding**  
 Approx 13' h x 1'6" w



**Main Entry Monument - Elevation**  
 Approx 6' h x 30' w

**Main Entry Monument - Perspective**



**Options**  
**Preliminary Cost**

**Main Entry:** \$100,000

**Gateway Monument:** \$30,000

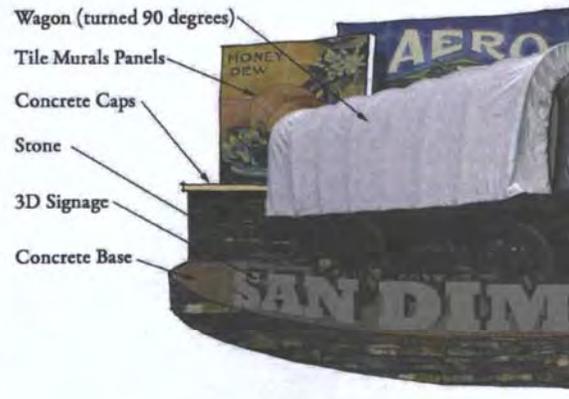
**Wayfinding Signage:**

- Small: \$3,200
- Large: \$3,600

**Gateway Monument**  
 Approx 14' h x 6' w

**Large Wayfinding**  
 Approx 16'6" h x 4' w

**Small Wayfinding**  
 Approx 12' h x 1'6" w



**Main Entry Monument - Elevation**  
 Approx 6' h x 30' w

**Main Entry Monument - Perspective**



Steel Wagon Wheel Element

Rustic Steel Signage

Concrete or Stucco

Stone

**Gateway Monument**  
Approx 22' h x 6' w



Steel Sign (painted)

Metal Post (painted)

Stone

**Large Wayfinding**  
Approx 16'6" h x 4' w



**Small Wayfinding**  
Approx 12' h x 1'6" w

**Options**  
**Preliminary Costs**

**Main Entry:** \$140,000

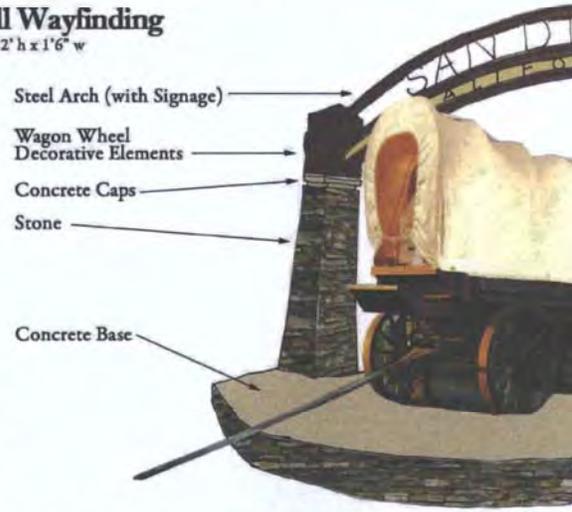
**Gateway Monument:** \$18,000

**Wayfinding Signage:**

- Small: \$3,800
- Large: \$18,000



**Main Entry Monument - Elevation**  
Approx 25' h x 30' w



Steel Arch (with Signage)

Wagon Wheel Decorative Elements

Concrete Caps

Stone

Concrete Base

**Main Entry Monument - Perspective**

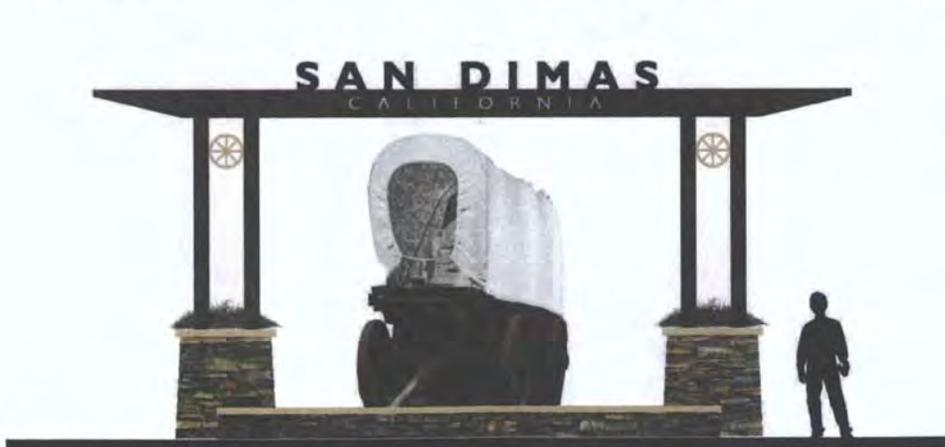


**Gateway Monument**  
Approx 22' h x 6' w

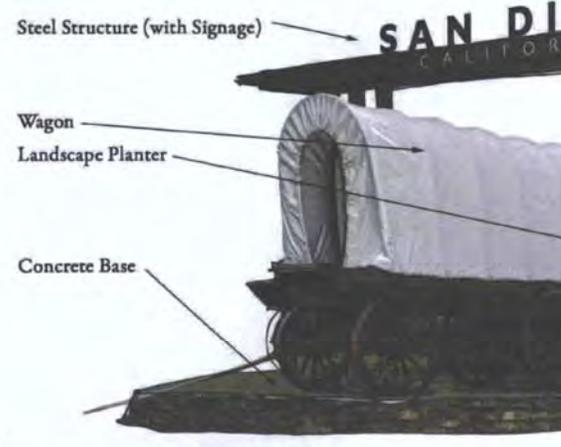
**Large Wayfinding**  
Approx 16'6" h x 4' w

**Small Wayfinding**  
Approx 12' h x 1'6" w

**Options**  
**Preliminary Cost**  
**Main Entry:** \$130,000  
**Gateway Monument:** \$100,000  
**Wayfinding Signage:** \$20,000  
 Small: \$2,000  
 Large: \$20,000



**Main Entry Monument - Elevation**  
Approx 25' h x 30' w



**Main Entry Monument - Perspective**



# MEMORANDUM

**DATE:** April 19, 2010

**TO:** City Council

**FROM:** Marco A. Espinoza, Associate Planner

**SUBJECT:** Tree Preservation Update

During the November 2006, City Council Retreat several points and concepts were brought up for Staff to consider during their code text amendment to the Tree Preservation Ordinance. The Tree Preservation Ordinance was amended at the end of 2006 and many of the Council's concerns were addressed as part of the amendment. The following chart lists the Council's concerns expressed during the 2006 retreat and how they have been addressed with the latest approved code text amendment.

Exhibit A (attached) discusses in more detail the code amendments that were approved by the Council on December 12, 2006. The Exhibit also discusses two items Staff feels should be addressed if there is further amending to the Tree Preservation Ordinance.

City Council Concerns	How The Concerns Were Addressed
Council willing to consider 1 for 1 replacement on a removal request. Also, willing to not require a replacement at all if the property still maintains a 'good number of trees'.	Per Code Amendment Section 18.162.060(A), see attached memorandum item No. 2.
Replacement size for traditional removal requests - 24" box tree requirement is expensive and could be considered punitive – willing to consider 5 gallon replacement requirement because it could grow into a better tree.	Per Code Amendment Section 18.162.060(A), see attached memorandum item No. 1.

<p>Remove requirement and expense for an arborist report to confirm a dead or diseased tree.</p>	<p>Per Code Amendment Section 18.162.080(G), see attached memorandum item No. 5.</p>
<p>Consider a backyard exemption – requirements to only apply to front yard trees.</p>	<p>Per Code Amendment Section 18.162.060(A)(2), see attached memorandum item No. 3.</p>
<p>Question: Perhaps the tree ordinance should only deal with heritage or rare trees – or particular tree species such as oak?</p>	<p>This item was brought up but was not discussed further during the 2006 amendments to the Tree Preservation Ordinance.</p>
<p>How should we deal with heritage trees? Inventory them, establish care requirements, extend those requirements to the owner, and monitor and administer the program. Or, should we even take on heritage tree management?</p>	<p>This item was brought up but was not discussed further during the 2006 amendments to the Tree Preservation Ordinance.</p>
<p>Should we establish trimming standards and trimming permit requirements for private trees? Should it affect all trees, just front yard trees, particular species, such as an oak, etc. Or, should we even take on private tree maintenance management?</p>	<p>The City currently provides tree pruning guidelines established by the U.S. Forest Service. Trimming trees dose not require permits at this time in addition, set pruning standards maybe difficult to enforce.</p>
<p>People are not aware of the tree ordinance – what can be done to educate the public on the ordinance and its requirements. How can we better educate residents on tree care generally?</p>	<p>Since 2006, Staff has incorporated more information regarding the Tree Preservation Ordinance on-line.</p> <p>The Planning Division and Parks and Recreation Department both have various handouts regarding tree care, pruning, maintenance, etc.</p> <p>The City has also hired an arborist that is involved with many community events, bring more awareness to the community of the City's Tree Preservation Ordinance.</p>

## Other comments from council at the time:

<p>Okay to consider the following when approving tree removals: swimming pool; existing or potential damage to a wall, sidewalk or foundation; the number of existing trees on the property (it is possible that many properties over planted trees and those trees can be issues in 20 years). Okay to take out trees before they create damage.</p>	<p>The first part of this concern regarding potential damage to the property is already addressed in the Code, the second part of the concern is addressed Per Code Amendment Section 18.162.060(A)(3), see attached memorandum item No. 4.</p>
<p>Let's support the principles of good tree growth – size of planting, thinning of trees can be needed and good.</p>	<p>Per Code Amendment Section 18.162.060(A)(2), see attached memorandum items No. 2 and No. 4.</p>
<p>Do not feel it is our business to go into the backyard regarding trees:</p>	<p>This item was brought up and discussed but there was not enough support for further discussion and/or action, during the 2006, amendments to the Tree Preservation Ordinance.</p>
<p>If a person wants to change their landscaping they should be able to.</p>	<p>Yes, with some oversight.</p>

## EXHIBIT A

On December 12, 2006, the City Council approved Municipal Code Text Amendment 06-03, revising the Tree Preservation Ordinance (Chapter 18.162) to address several issues of concern.

The following is an update on some of the key issues of concern that were addressed. The chart below explains how the amendments have been implemented and the resulting outcomes. Even though most of the amendments affect all properties in the City, the changes have had the most impact on single-family residential properties, which was the Council's main concern.

	AMENDMENT	IMPLEMENTATION	OUTCOME
1.	<p>The following code section was changed to reduce the minimum container size of a replacement tree from 24" box to 15 gallon.</p> <p><i>Tree relocation and/or two for one replacement with minimum fifteen-gallon box tree(s), or other replacement of equivalent value and size, within the subject property. The two for one replacement ratio may be reduced as determined by the final decision making body, if a minimum of one of the following additional findings are made:</i> Code Sec. 18.162.060(A).</p>	<p>Staff has implemented this requirement on all Tree Permit Applications except in a few circumstances.</p>	<p>This amendment has helped residents in several ways:</p> <ol style="list-style-type: none"> <li>1. It has reduced the cost of replacement trees significantly.</li> <li>2. The 15 gallon container is more manageable for a resident to handle versus a 24" box which requires additional help.</li> </ol>
2.	<p>The following code section was changed to allow for the 2:1 replacement requirement to be reduced by the final decision making body.</p> <p><i>Tree relocation and/or two for one replacement with minimum fifteen-gallon box tree(s), or other replacement of equivalent value and size, within the</i></p>	<p>Final decision making body must make one of three finding.</p>	<p>Allowing for a reduction in the tree replacement has significantly reduced the residents' conflict with this section of the code. In 2008, 59% of the approved Tree Permits allowed a reduced replacement, and in 2009 it was 77%.</p>

	<p><i>subject property. The two for one replacement ratio may be reduced as determined by the final decision making body, if a minimum of one of the following additional findings are made:</i> Code Sec.18.162.060(A).</p>		
3.	<p>The following code section was added as a Finding to allow for a reduced tree replacement requirement.</p> <p><i>“The tree(s) in question are located where the impact of the tree removal on the community is limited (such as trees in a generally flat portion of the rear yard of a single-family house that are deemed to have less public benefit).”</i> Code Sec.18.162.060(A)(2).</p>	<p>Staff visits the site and evaluates the impact to the community regarding the tree(s) proposed for removal from the rear yard. If the rear yard is relatively flat and the impact to the site is not significant, a replacement reduction may be granted.</p>	<p>This new finding allows Staff to grant a reduced tree replacement when the resident does not want to replace the tree(s) removed and the impact of the tree removal does not negatively affect the community visually. The following shows the amount of Tree Permits that were allowed a tree replacement reduction based on this finding;</p> <p>2008 - 3 Permits 2009 - 2 Permits</p>
4.	<p>The following code section was added as a Finding to also allow for a reduced tree replacement requirement.</p> <p><i>“The property in question has an adequate number of existing trees therefore a reduced replacement ratio is appropriate.”</i> Code Sec.18.162.060(A)(3).</p>	<p>Staff visits the site and evaluates the number of existing trees on the subject lot, in relationship to the lot size and building configuration, to determine the number of replacement trees, if any.</p>	<p>This new finding has allowed Staff to determine the appropriate number of replacement trees for the site, allowing for good forestry and proper growth of the trees. The following shows the amount of Tree Permits that were allowed a tree replacement reduction based on this finding;</p> <p>2008 - 22 Permits 2009 - 19 Permits</p>
5.	<p>The following section of the code was added to exempt dead, diseased or dying trees from traditional review for removal and replacement</p>	<p>Even though dead, diseased or dying trees are exempt, applicant's still need to provide verification of the trees' current condition. This is</p>	<p>This new amendment has allowed for the review and approval process of dead, diseased or dying trees to be simple and efficient for Staff and residents. The</p>

	<p>requirements.</p> <p><i>“Trees declared to be dead, diseased or dying, subject to the requirements of Section 18.162.090;”</i> Code Sec.18.162.080(G).</p>	<p>typically done by providing Staff with an application and photos of the tree; approval tends to be given at the same time. If needed, Staff will consult with the City Arborist and/or request an independent arborist's report.</p>	<p>following shows the amount of Tree Permits submitted for dead, diseased or dying;</p> <p>2008 - 15 Permits 2009 - 13 Permits</p>
6.	<p>The following “Penalty” section of the code was changed from requiring a 4:1 tree replacement to “up to” a 4:1 ratio.</p> <p><i>“As set forth in Section 18.162.010, it is the intent of this chapter to preserve to the greatest extent possible those trees which have contributed to the beauty of the city and the welfare of its residents. It is therefore the expressed intent of the city council that, to the extent legally permissible, upon conviction of any person pursuant to subsection A of this section, in lieu of incarceration, conditions of probation be placed upon such violator requiring the replacement of each tree removed in violation of this chapter with up to four trees of a similar species of not less than a twenty-four inch box size, or other replacement of equivalent value and size, whichever is greater. The number, size and location of the equivalent replacement tree shall be determined by the director of development services. For the purpose of this section, a suitable</i></p>	<p>Staff visits the site and evaluates the appropriate number of replacement trees based on lot size and building configuration.</p>	<p>Amending this section of the code has allowed for more reasonable and logical replacement numbers to be imposed. The following shows the amount of Tree Permits submitted relating to the “Penalty” section of the code for removing tree(s) without a permit;</p> <p>2008 - 2 Permits 2009 - None</p>

<p><i>location may include an off-site location".</i> Code Sec. 18.162.130(B).</p>		
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**ISSUES OF CONCERN**

There are two issues Staff feels need to be addressed as code amendments to the Tree Preservation Ordinance;

1. Removal of dead, diseased or dying trees when part of a grove, commercial or residential planned development.
2. Allowing for some development or fill within the drip line.

Removal of dead, diseased or dying trees when part of a grove, commercial or residential planned development can create a significant negative visual appearance. Staff has had a few instances where a residential HOA submitted an application to remove a large number of dead trees from their common area without having to provide a tree replacement plan. Removal of the trees created wide open spaces that looked bare and undesirable. The intention of exempting dead, diseased or dying trees from the tree permit process was for one or so trees on single-family residential properties; not for a commercial or residential planned developments removing large number of trees.

As for development or fill within the drip line, there have been several instances where development is proposed within the drip line of an existing tree which would not negatively affect the life of the tree. Unfortunately Staff is unable to allow the development and the project needs to be redesigned. With careful Staff evaluation and an arborist's report, Staff feels that there should be some flexibility on this issue.

Staff recommends that the Council consider amending the Tree Preservation Ordinance to establish new regulations for removing four or more dead, diseased and/or dying trees, the applicant must go through the normal tree permit process, and would also recommend establishing regulations allowing for some development or fill when appropriate and the applicant has submitted an arborist's report determining that the proposed work would not negatively affect the life of the tree.

**CONCLUSION**

The 2007, amendments to the Tree Preservation Ordinance have for the last two years significantly helped streamline and simplify the Tree Permit application process and procedures for the residents and Staff. Staff feels that the above mentioned amendments have made the tree replacement requirement more sensible by allowing Staff to evaluate the subject property rather than requiring a predetermined number of replacement trees that are not suitable for the site. This was one of the biggest complaints received from the public, which has significantly dropped. Staff recommends that no changes be made to the Tree Preservation Ordinance except for the above mentioned issues of concern.

ATTACHMENTS: 2008 TREE PERMIT LOG  
2009 TREE PERMIT LOG

## 2008 Tree Permits

Case No	Date Submitted	Address	Tree Removal Request	Location of Tree Removal	Tree Replacement Requirments
08-01	1/17/08	718 Briarwood Tiburon HOA	1 Tree	HOA Common Area	2 Trees
08-02	1/23/08	2182 Terrebonne Ave	1 Tree	Front yard	2 Trees
08-03	1/25/08	2755 Dalepark	1 Tree	Side yard	2 Trees
08-04	1/31/08	Cinnamon Creek HOA	55 Trees	HOA Common Area	30 Trees, Per Code Sec. 18.162.080(A)(3)
08-05	2/4/08	1615 N. San Dimas Canyon Road	1 Tree	Front yard	2 Trees
08-06	2/4/08	413 Oakglen Ct.	1 Tree	Rear yard	2 Trees
08-07	3/11/08	NWC Bonita & San Dimas Canyon Road	8 trees see TTM 07-01 (69609)	Parking Lot	Replacemnt trees part of the developemnt plan
08-08	3/17/08	156 W. Via Vaquero	1 Tree	Private partio area wihtin HOA	No Replacement, Per Code Sec. 18.162.080(A)(2)
08-09	3/21/08	758 Smokewood Lane Tiburon HOA	1 Tree	HOA Common Area	2 Trees
08-10	3/27/08	La Cuesta Encantada HOA	2 Trees	HOA Common Area	No Replacement, Per Code Sec. 18.162.080(A)(3)
08-11	3/27/08	1652 Eaglecliff Drive	1 Tree	Front yard	1 Tree, Per Code Sec. 18.162.080(A)(3)
08-12	4/22/08	1628 Grasscreek Dr	1 Tree	Side yard	No Replacment, Per Code Sec. 18.162.080(A)(3)
08-13	4/23/08	550 E. De Anza Heights	1 Tree	Side yard	1 Tree, Per Code Sec. 18.162.080(A)(3)
08-14	4/30/08	145 Bonita Avenue	Denied		

08-15	5/12/08	222 Teague Dr. Canyon Creek Village	1 Tree	HOA Common Area	1 Tree, Per Code Sec. 18.162.080(A)(3)
08-16	5/16/08	200 Abilene Road	2 Tree	Rear yard	2 Trees, Per Code Sec. 18.162.080(A)(3)
08-17	5/23/08	1345 Paseo Encinas	1 Tree	Rear yard	No Replacement, Per Code Sec. 18.162.080(A)(2)
08-18	6/3/08	1623 San Dimas Canyon Rd (Rock House)	9 Trees	Rear yard	4 Trees, Per Code Sec. 18.162.080(A)(3)
08-19	6/6/08	2025 Calle Leandro	1 Tree	Side yard	No Replacement, Per Code Sec. 18.162.080(A)(2)
08-20	6/16/08	1407 Paseo Marlena	2 Trees approved 4 Trees denied	HOA Common Area	2 Trees, Per Code Sec. 18.162.080(A)(3)
08-21	6/20/08	109 West Fourth Street	1 Tree	Front yard	1 Trees, Per Code Sec. 18.162.080(A)(3)
08-22	6/24/08	356 Via Vaquero La Cuesta Encantada HOA	1 Tree	HOA Common Area	No Replacement, Per Code Sec. 18.162.080(A)(3)
08-23	7/7/08	1340 Paseo Gracia	1 Tree	Side yard	No Replacement, Per Code Sec. 18.162.080(A)(3)
08-24	7/8/08	1146 Walnut	1 Tree	Front yard	2 Trees
08-25	7/16/08	943 Deerflats	2 Trees	Front yard	4 Trees
08-26	7/21/08	526 W. Gladstone St.	1 Tree	Front yard	2 Trees
08-27	7/24/08	210 Prairie Drive	1 Trees approved 1 Trees denied	Front yard	2 Trees
08-28	8/27/08	408 West Arrow Hwy	1 Tree	Parking Lot	1 trees, Per Code Sec. 18.162.080(A)(3)
08-29	8/14/08	1155 Norgate	1 Tree	Front yard	No Replacement, Per Code Sec. 18.162.080(A)(3)

08-30	8/26/08	1140 Oakengate Road Paragon HOA	2 Trees	HOA Common Area	No Replacement, Per Code Sec. 18.162.080(A)(3)
08-31	8/27/08	198 W. Via Vaquero Montecito Village HOA	App. to change out replacement specie tree from 07-05 permit.		
08-32	8/27/08	333 Pony Express Par	app removal of 1 tree w/ no replacement	HOA Common Area	No Replacement, Per Code Sec. 18.162.080(A)(3)
08-33	8/1/18/08	935 Puente St. Via Verde Heatherglen HOA	1 Tree	Front yard	No Replacement, Per Code Sec. 18.162.080(A)(3)
08-34	9/23/08	321 W. Covina Blvd. Louis Vuitton	1 Tree	Parking Lot	1 trees, Per Code Sec. 18.162.080(A)(3)
08-35	9/29/08	Canyon Creek Village HOA	1 Alive Tree & 2 Dead Trees	HOA Common Area	1 trees, Per Code Sec. 18.162.080(A)(3) & for the dead tree - No Replacement Required Per Code Sec. 18.162.080(G)
08-36	9/29/08	753 Smokewood Tiburon Puddingstone HOA	1 Tree	HOA Common Area	2 trees
08-37	10/16/08	627 W. Allen	2 trees	Vacant lot, New development	4 trees
08-38	10/27/08	1425 W. Arro w Hwy (Stater Bros)	Denied		
08-39	11/3/08	404 W. Third Street	2 trees	Side yard	4 trees
08-40	11/14/08	807 Calle Arroyo	Incomplete Application		
08-41	12/5/08	1154 Oakengate Road	Denied		
08-42	10/27/08	400 W. Bonita Avenue	Incomplete Application		
08-43	12/30/08	800 W. Cienega	4 Trees	Parking Lot	8 trees

08-44	2/28/2008	Via Verde heatherglen HOA	53 Trees	HOA Common Area	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
08-45	3/3/2008	Cinnamon Creek HOA	7 Trees	HOA Common Area	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
08-46	5/21/2008	131 W. 5th Street	1 Tree	Rear yard	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
08-47	5/23/2008	2009 Scarborough Dr.	1 Tree	Rear yard	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
08-48	5/28/2008	601 Briarwood	1 Tree	HOA Common Area	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
08-49	6/23/2008	336 Cody Rd.	1 Tree	Front yard	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
08-50	7/1/2008	1943 Via Justino	1 Tree	Front yard	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
08-51	7/24/2008	Montecito Village HOA	2 Trees	HOA Common Area	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
08-52	8/5/2008	1811 Newcastle Lane	1 Tree	Rear yard	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
08-53	8/20/2008	314 Moore Lane	1 Tree	Rear yard	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
08-54	9/11/2008	117 W. 4th Street	1 Tree	Front yard	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
08-55	9/15/2008	Glenwood Townhomes HOA	1 Tree	HOA Common Area	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
08-56	10/17/2008	534 N. Walnut	1 Tree	Front yard	Dead - No Replacement Required Per Code Sec. 18.162.080(G)

08-57	12/15/2008	1346 Calle Rosamaria	1 Tree	Front yard	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
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Of the 15 Dead Tree * Applications	5 - HOA	0 - Commercial	10 - SFR
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## 2009 Tree Permits

Case No.	Date Submitted	Address	Tree Removal Request	Location of Tree Removal	Tree Replacemnt Requirments
09-01	01/06/09	266 Teague Canyon Creek Village	1 Tree	HOA Common Area	No Replacement, Per Code Sec. 18.162.080(A)(3)
09-02	01/12/09	Common Area behind 1926 Avenida Monte Vista	1 Tree	HOA Common Area	No Replacement, Per Code Sec. 18.162.080(A)(3)
09-03	01/22/09	City of San Dimas - Parking Lot District 1	approved with no replacement requirements indicated.		
09-04	01/23/09	441 West Fourth Street	4 Trees	Front & Rear yard	No Replacement, Per Code Sec. 18.162.080(A)(3)
09-05	02/03/09	216 West Fourth Street	1Tree	Front Yard	2 Trees
09-06	02/06/09	1236 Calle Estrella	1Tree	Front Yard	No Replacement, Per Code Sec. 18.162.080(A)(3)
09-07	03/03/09	400-402 Via Vaquero	2 Trees	HOA Common Area	No Replacement, Per Code Sec. 18.162.080(A)(3)
09-08	03/18/09	1760 Paseo Feliz	Incomplete Application		
09-09	03/23/09	1239 Liverpool Ct.	1 Tree	Rear Yard	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
09-10	03/26/09	1539 Avenida Colina	1 Tree	Front Yard	No Replacement, Per Code Sec. 18.162.080(A)(3)
09-11	03/26/09	1262 Forestglen Avenue	1 Tree	Private Patio Area within HOA	No Replacement, Per Code Sec. 18.162.080(A)(3)
09-12	04/21/09	762 W. Cypress (CUP 09-03)	2 Trees	Parking Lot Area	12 Trees

09-13	04/29/09	Tiburon Puddingstone HOA	3 Trees	HOA Common Area	5 Trees, Per Code Sec. 18.162.080(A)(3)
09-14	5/18/09	1004 Calle Carillo	2 Trees	Street Side Yard	3 Trees, Per Code Sec. 18.162.080(A)(3)
09-15	05/21/09	1156 Camino del Sur	1 Tree	Rear Yard	No Replacement, Per Code Sec. 18.162.080(A)(2)
09-16	05/29/09	268 Calle Rosa	2 Trees	Side Yard	2 Trees, Per Code Sec. 18.162.080(A)(3)
09-17	6/5/09	1901 Via Justino	2 Trees	HOA Common Area	4 Trees
09-18	09/18/09	Lone Hill Business Park	24 Trees	Parking Lot Area	24 Trees, Per Code Sec. 18.162.080(A)(3)
09-19	7/15/09	1311 Paseo Anacapa	2 Trees	Front Yard	No Replacement, Per Code Sec. 18.162.080(A)(3)
09-20	7/17/09	814 Greely Ct.	1 Tree	Rear Yard	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
09-21	7/23/09	237 E. Third Street	1 Tree	Rear Yard	No Replacement, Per Code Sec. 18.162.080(A)(2)
09-22	8/11/09	502 W. Bonita Avenue	1 Tree	Street Side Yard	2 Trees
09-23	8/17/09	1444 Windsor Dr.	1 Tree	Rear Yard	1 Tree, Per Code Sec. 18.162.080(A)(3)
09-24	8/19/09	601 W. Bonita (Extended Stay America)	Application Withdrawn		
09-25	8/19/09	855 Avenida Bernardo	1 Tree	Rear Yard	1 Tree, Per Code Sec. 18.162.080(A)(3)
09-26	8/24/09	1353 Valeview	1 Tree	Front Yard	No Replacement, Per Code Sec. 18.162.080(A)(3)

09-27	9/4/09	APN 8382-011-017 southside of De Anza Heights	3 Trees	Rear Yard	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
09-28	9/8/09	2020 Paseo Susana	1 Tree	HOA Common Area	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
09-29	9/15/09	1655 Avenida Loma Vista	1 Tree	Side Yard	1 Tree, Per Code Sec. 18.162.080(A)(3)
09-30	7/2/09	330 Moore Lane	Application Incomplete		
09-31	9/21/09	808 Avenida Bernardo	1 Tree	Front Yard	2 Trees
09-32	10/07/09	1178 Paseo Regina (HOA)	1 Tree, Removed Without Approval	HOA Common Area	3 Tree, 24" box Per Code Sec. 18.162.130(B)
09-33	10/9/09	925 West Arrow Highway (near Wells Fargo)	1 Tree	Parking Lot Area	2 Trees
09-34	10/12/09	1233 Paseo Teresa	1 Tree	Front Yard	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
09-35	10/28/09	1136 N. San Dimas Avenue	2 Trees	Front Yard	1 Tree, Per Code Sec. 18.162.080(A)(3)
09-36	11/3/09	1378 Paseo Isabella	1 Tree	Side Yard	No Replacement, Per Code Sec. 18.162.080(A)(3)
09-37	11/10/09	1155 Norgate	1 Tree	Rear Yard	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
09-38	11/12/09	1407 Paseo Marlana (Via Verde HOA)	1 Tree, Removed Without Approval	HOA Common Area	3 Trees, Per Code Sec. 18.162.130(B)
09-39	11/16/09	412 W. Fifth Street	Trees	Front & Rear yard	6 Trees
09-40	11/19/09	406 W. Via Vaquero (La Cuesta Encantada HOA)	2 Trees	HOA Common Area	No Replacement, Per Code Sec. 18.162.080(A)(3)

09-41	11/30/09	234 Teague Drive (Canyon Creek Village HOA)	Denied		
09-42	11/30/09	519 Calle Santa Barbara (Regency Hills HOA)	2 Trees	HOA Common Area	No Replacement, Per Code Sec. 18.162.080(A)(3)
09-43	12/3/09	Tiburon Puddingstone HOA	2 Trees	HOA Common Area	2 Trees, Per Code Sec. 18.162.080(A)(3)
09-44	12/1/09	2044 Via Esperanza (Via Verde Ridge HOA)	Application Incomplete		
09-45	12/14/09	448 W. Allen	1 Tree	Rear Yard	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
09-46	12/28/09	2025 Terrebonne	1 Tree	Side Yard	1 Tree, Per Code Sec. 18.162.080(A)(3)
09-47	2/13/2009	550 Cliffside Dr.	1 Tree	Parking Lot Area	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
09-48	2/18/2009	1145 Edinburgh Rd.	1 Tree	Rear Yard	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
09-49	4/27/2009	1198 Via Verde	1 Tree	Street Side Yard	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
09-50	5/18/2009	138 Via Vaquero	1 Tree	HOA Common Area	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
09-51	6/11/2009	Via Verde Ridge HOA	3 Trees	HOA Common Area	Dead - No Replacement Required Per Code Sec. 18.162.080(G)
09-52	7/2/2009	330 Moore Lane	1 Tree	Rear Yard	Dead - No Replacement Required Per Code Sec. 18.162.080(G)

Of the 13 Dead Tree * Applications	3 - HOA	2 - Commercial	8 - SFR
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# Agenda Item Staff Report

Council – Staff Retreat

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of April 19, 2010*

**FROM:** Blaine Michaelis, City Manager *BM*

**SUBJECT:** Trimming of private trees

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## **SUMMARY**

*In January of this year the city received a note from a resident concerned with the over trimming of two oak trees in the front yard of 2009 Terrebonne. We reviewed it at the time and concluded that the city does not have provisions, standards, nor enforceable requirements that would address how residents trim their own trees.*

*We did offer that we would bring up this question as part of our upcoming retreat session. I have included a copy of the letter we sent regarding this matter, along with pictures taken at the time.*

*The issue of residential private tree trimming rarely comes forward. Staff recommends that we stick with our tree preservation strategies and our continuing efforts to properly maintain and expand our municipal tree program.*

Attachments:  
Pictures of private oak trees 2009 Terrebonne  
Letter regarding private tree maintenance

**City Council**  
CURTIS W. MORRIS, Mayor  
DENIS BERTONE, Mayor Pro Tem  
EMMETT BADAR  
JEFF TEMPLEMAN  
JOHN EBINER

**City Manager**  
BLAINE M. MICHAELIS

**Assistant City Manager / Treasurer**  
KENNETH J. DURAN

**City Attorney**  
J. KENNETH BROWN



**Assistant City Manager of  
Community Development**  
LAWRENCE STEVENS

**Director of Public Works**  
KRISHNA PATEL

**Director of Development  
Services**  
DAN COLEMAN

**Director of Parks  
and Recreation**  
THERESA BRUNS

**City Clerk**  
INA RIOS

Tuesday, February 09, 2010

Joanne Crawford  
2077 Whitebluff Dr.  
San Dimas, CA 91773

Dear Joanne Crawford:

Thank you for your letter regarding the over trimming of the private oak trees at 2009 Terrebonne Ave.

The city's tree preservation program is focused on the conditions by which private trees may be removed – it does not however oversee nor govern how private trees may be trimmed. It is a different story for city owned and maintained trees. As part of Tree City USA we have established a Community Forest Management Plan which sets the standards and conditions by which the city maintains public trees. These provisions however do not extend to private trees.

With respect to state oak preservation programs and requirements, several months ago we contacted those that administer these preservation programs to confirm how we were to administer a request from a church in San Dimas that was considering developing part of their property that had a small grove of oak trees. They explained that the state oak tree preservation efforts are focused on preservation of oak woodland forests in their natural setting. In addition, the focus is on preserving oak trees – not establishing and enforcing trimming or maintenance standards for oak trees in residential or urban settings.

If the oak trees at 2009 Terrebonne had been removed, the city's tree preservation ordinance along with the accompanying fines and penalties would have been enforced (because if a removal permit would have been applied for it would not have been approved). However, because there are no applicable city tree trimming standards established for private tree maintenance, and the state oak tree preservation programs do not apply in this case, we do not have the requirements nor tools to take 'enforcement action' against over trimming.

All this being said, the city is in the process of considering potential changes to our private tree preservation program. We will mention the topic of private tree maintenance standards and permitting process in that deliberation over potential changes. Strict control over maintenance of private trees can be a controversial

program and it may be difficult to establish private tree trimming standards and a trimming permit process. Such a program is also difficult and expensive to administer and it opens the debate on public control over private property tree maintenance. None-the-less, we will mention the concept in our review process for public discussion. Please let us know if you would like to be notified when the matter will be discussed.

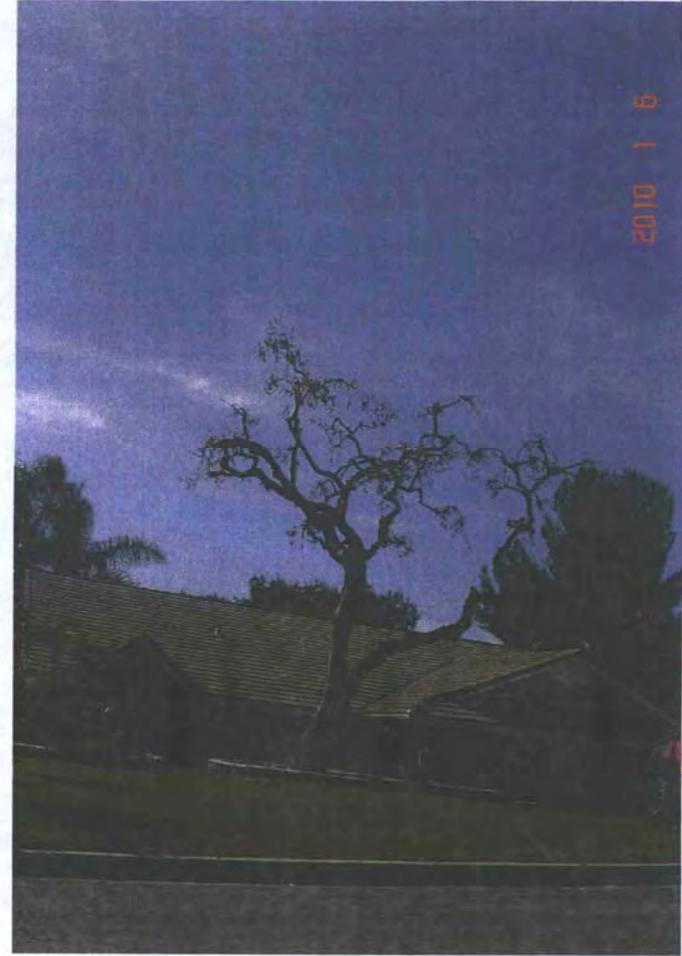
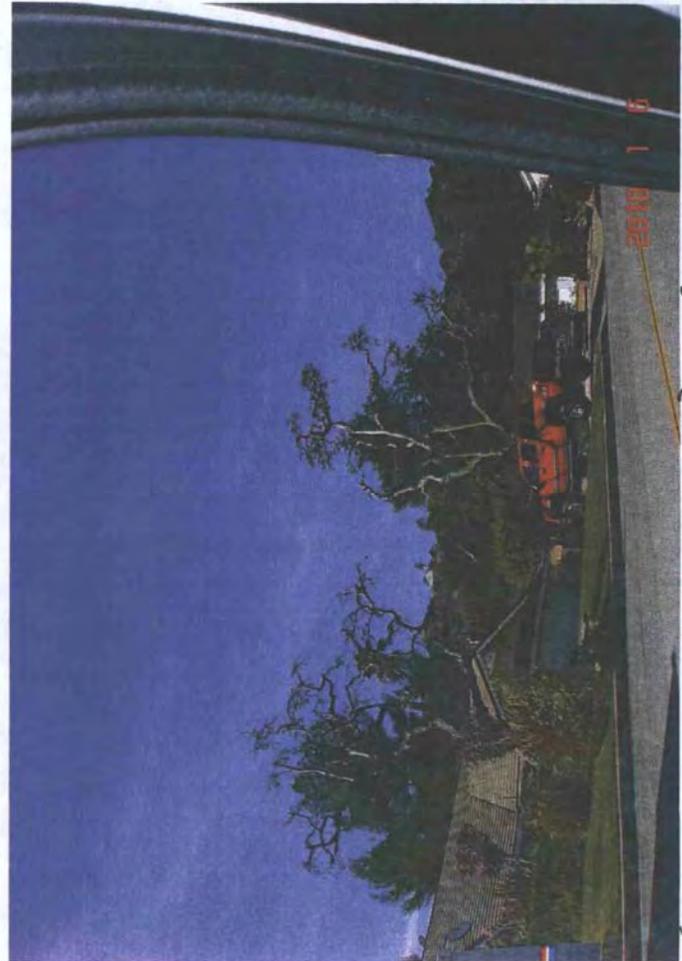
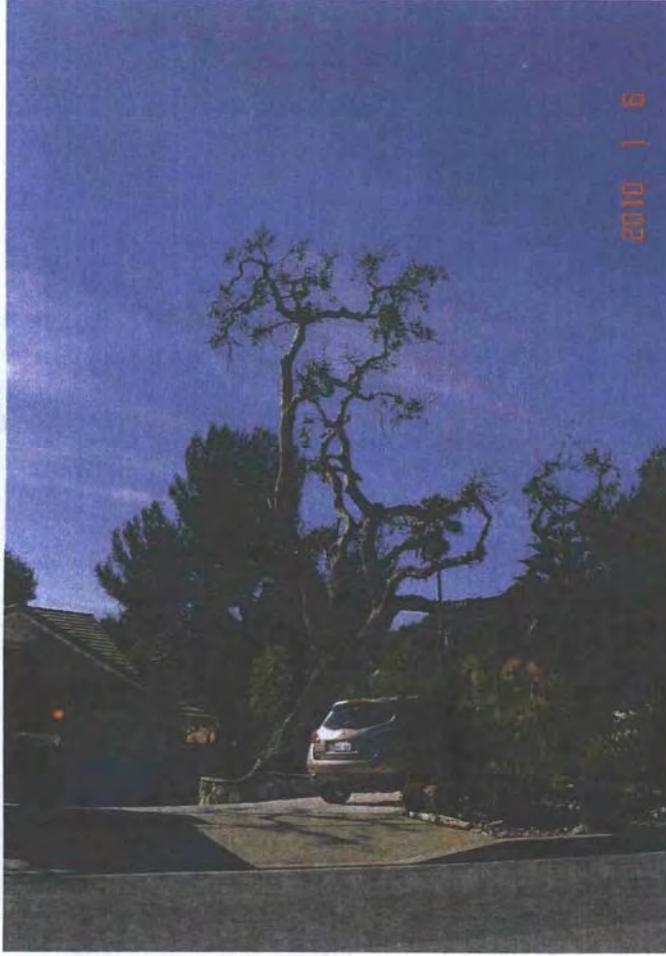
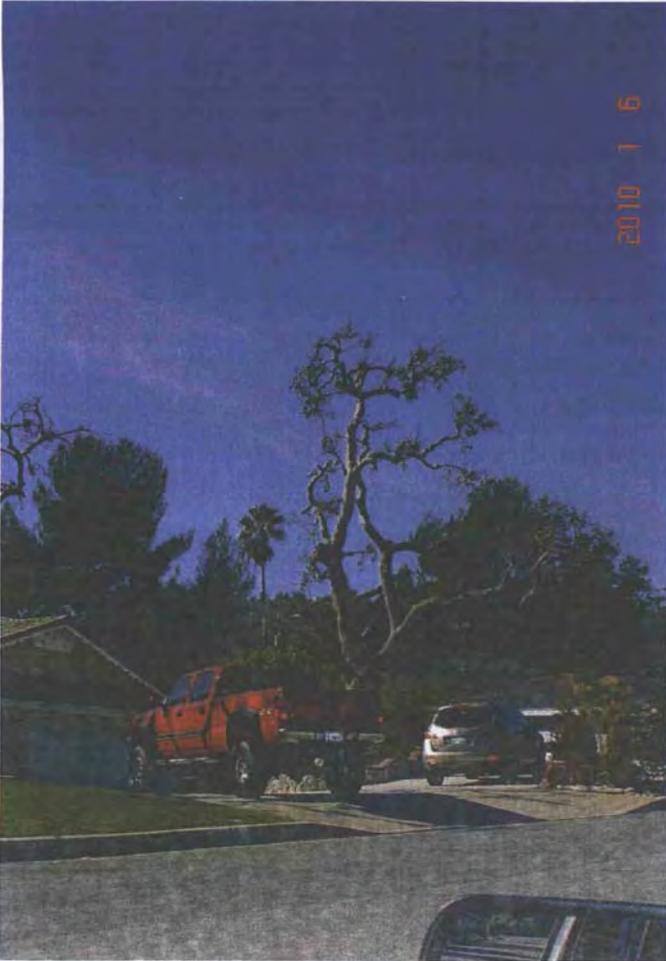
Thank you for your letter, and please feel free to contact us with any comments or questions.

Sincerely,



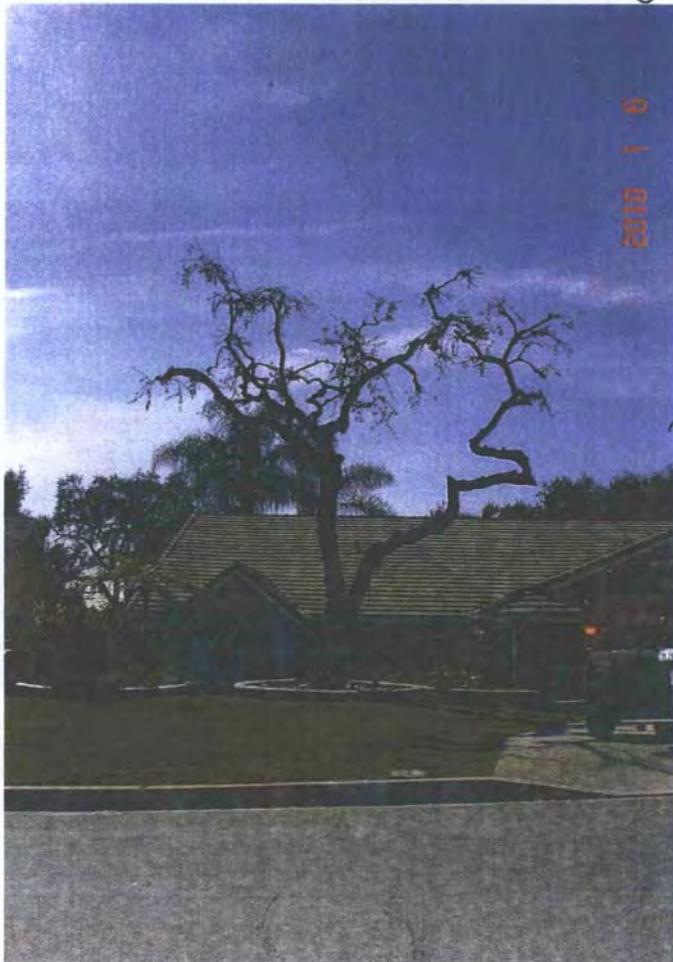
Blaine Michaelis  
City Manager  
City of San Dimas

C: City Council  
Community Development  
Parks and Recreation



(2009 TERREBONNE AVE.) (OFFICER D. K. SHONO)

12:49 AM



2010 1 6

12:49 PM

(2009 TERRABONNE AVE) (OFFICER D. K. SHONO)



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of April 19, 2010*

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Community Development Department

**SUBJECT:** Village Court Sign

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## **BACKGROUND**

The Village Court, located just north of the Red Roof Inn, was required to be removed as part of the Lowe's Project about six years ago. The sign approvals brought the freeway signage into conformance with the City Sign Code. The new three-sided Lowe's freeway sign was intended to replace two then-existing freeway signs including the Levitz sign and the subject Village Court sign. In addition, CC&R's, which govern certain common areas including landscaping, private streets and certain signs, were revised and executed by all affected property owners.

Lowe's, with some participation by the City, undertook negotiations with all of the Village Court Association members relative to placement on and financial participation relative to the new freeway sign. Two owners (Cask and Cleaver & Vista Paints) choose not to participate in the new sign. They did so in full knowledge that the existing sign was to be removed. In particular, the Vista Paints owner (owner of a developed parcel and a vacant parcel at that time) raised objections to spending any money to be on the new sign based on his expenditure to be on the Village Court sign 10-15 years earlier.

Lowe's also undertook other improvements, particularly the reconstruction of Village Court which had been largely neglected by the prior generally dormant association.

Lowe's understood its obligation to remove the Village Court sign but as occupancy was nearing their attorneys expressed concerns about liability largely driven by Vista Paints' continuing objections. Ultimately the City Attorney asked the removal be deferred suggesting additional research regarding the issues raised. Staff did require each participant on the new sign to remove their signs from the Village Court sign prior to being placed on the new Lowe's freeway sign. This research was never completed.

The Village Court sign has been largely neglected and is not maintained at all. Lighting is not operational and the electric meter has been removed. The sign is located on a separate parcel previously owned by the Dunning family but now owned by Loyola Marymount University. There is an easement for access to the sign. While the Vista Pants owner has made a couple inquiries about "repairing" the sign, Staff has advised him that is not possible because the sign is required to be removed by the past approval and does not comply with Sign code regulations governing freeway signs.

### **ANALYSIS**

The village Court sign is not allowed under the regulations set forth in the Sign Code. The sign is in very poor condition having undergone little or no maintenance since its initial installation.

The Village Court sign is within the authority of the Village Court Association to remove. I am not aware of any recent contacts with Lowe's or their attorneys. Lowe's has majority control of the association and its underlying common area maintenance responsibilities.

Unless Lowe's has changed their prior position objecting to removal, the only viable approach is enforcement. We could proceed with a prosecution or a nuisance abatement proceeding.

### **RECOMMENDATION**

Proceed to remove the sign via a nuisance abatement procedure.

Respectfully Submitted,



Larry Stevens,  
Assistant city Manager for Community Development