



**AGENDA**  
**REGULAR CITY COUNCIL /**  
**REDEVELOPMENT AGENCY MEETING**  
**TUESDAY, NOVEMBER 23, 2010, 7:00 P. M.**  
**MULTI-PURPOSE ROOM**  
**SENIOR CITIZEN/COMMUNITY CENTER**  
**201 E. BONITA AVENUE**

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**CITY COUNCIL:**

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

**1. CALL TO ORDER AND FLAG SALUTE**

**2. RECOGNITIONS**

- Presentation of banner to Ryan Wearp, U. S. Marines, recently discharged from active duty in the Armed Forces.

**3. ANNOUNCEMENTS AND PRESENTATIONS**

- Downtown Holiday Extravaganza on Saturday, December 4, 2010, 2:00-6:30 p.m., Walker House
- 50th Anniversary Flashbacks
- Pui-Ching Ho, Library Manager, San Dimas Library

**4. ORAL COMMUNICATIONS** (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or asked to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

- a. Members of the Audience

**5. CONSENT CALENDAR**

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

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

- (1) **Resolution No. 2010-61**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF NOVEMBER, 2010.

- (2) Providing for approval for development agreements:  
**RESOLUTION NO. 2010-62**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, ESTABLISHING PROVISIONS FOR THE PROCESSING OF DEVELOPMENT AGREEMENTS.
  - (3) Final Map and Subdivision Agreement for Tract 69609 located on northwest corner of corner of San Dimas Canyon Road and East Bonita Avenue, and authorizing their recordation. Acceptance, subject to improvement, any offer of dedication.  
**RESOLUTION NO. 2010-63**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE FINAL MAP AND SUBDIVISION AGREEMENT FOR TRACT 69609 AND AUTHORIZING THEIR RECORDATION.
  - (4) **RESOLUTION NO. 2010-64**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING THE GENERAL CLOSURE OF CERTAIN STREETS FOR CITY-SPONSORED OR OTHER SPECIAL EVENTS.
- b. Approval of minutes for the regular City Council meeting of November 9, 2010.
  - c. Award of Cash Contract No. 2010-07, Swim & Racquet Club Training Pool Deck Project, to ASR Constructors, Inc., in the amount of \$57,500.00.
  - d. Award of Cash Contract No. 2010-10, Bonita Avenue & Walnut Avenue Traffic Signal Modification Project to Macadee Electrical, in the amount of \$57,277.00.
  - e. Rejection of a portion of a claim for damages from Randy Argo.

END OF CONSENT CALENDAR

**6. ORDINANCES**

- a. Ordinances read by title, further reading waived, passage and adoption recommended as follows:
  - (1) **ORDINANCE NO. 1198**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING ZONE CHANGE 10-02, A REQUEST TO CHANGE THE EXISTING ZONING DESIGNATIONS OF 702-762 WEST ARROW HIGHWAY FROM CREATIVE GROWTH, AREA 1 (CG-1) TO COMMERCIAL HIGHWAY (CH) (APN: 8386-007-049). **SECOND READING AND ADOPTION**

**7. PUBLIC HEARING**

*(The following items have been advertised and/or posted. The meeting will be opened to receive public testimony.)*

- a. Municipal Code Text Amendment 10-03, a request to amend various provisions of the Parking Chapter 18.156 of the Zoning Code for consistency with the 2010 CALGREEN Building Code.
  - (1) **ORDINANCE NO. 1199**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING MUNICIPAL CODE TEXT AMENDMENT 10-03, AMENDING TITLE 18 OF ZONING CODE RELATED TO PARKING. **FIRST READING AND INTRODUCTION**

## 8. PLANNING/DEVELOPMENT MATTERS

- a. Appeal of DPRB Case No. 10-28, a request to install a security grate at Computer Village located at 161 West Bonita Avenue.
- b. Introduction and first reading of Uniform Building Codes and set December 14, 2010 as date for public hearing and adoption.

(1) **ORDINANCE NO. 1200**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING SPECIFIED CHAPTERS OF TITLE 15 OF THE SAN DIMAS MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE, VOLUMES 1& 2, THE 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, THE 2010 EDITION OF THE CALIFORNIA PLUMBING CODE, THE 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE, THE 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, AND THE 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS, INCLUDING FEES AND PENALTIES. **FIRST READING AND INTRODUCTION**

## 9. OTHER MATTERS

- a. Request from Waste Management for annual rate increase of 1.33% for residential and commercial refuse services.
  - b. Authorize sewer connection investment discount for Dale Park and Oakway residents
- (1) **RESOLUTION NO. 2010-65**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, REDUCING THE ANNUAL INTEREST RATE ON THE OAKWAY AVENUE AND DALE PARK DRIVE SEWER REIMBURSEMENT DISTRICTS FROM EIGHT PERCENT TO THREE PERCENT.
- c. Report on purchase of furniture and fixtures for City Hall and Community Building.

## 10. SAN DIMAS REDEVELOPMENT AGENCY

- a. Oral Communications (This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.)
- b. Approval of Minutes for November 9, 2010 meeting
- c. Executive Director
  - 1) Approval of the SDRS Annual Audited Financial Statements and State Controller's Report.
  - 2) Project status update
- d. Members of the Agency

## 11. ORAL COMMUNICATIONS

- a. Members of the Audience (*Speakers are limited to five (5) minutes or as may be determined by the Chair.*)
- b. City Manager
- c. City Attorney
- d. Members of the City Council
  - 1) Councilmembers' report on meetings attended at the expense of the local agency.
  - 2) Individual Members' comments and updates.

## 12. CLOSED SESSION

Recess to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

### a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

**Property:** Assessor Parcel Number 8665-003-001 and 8665-001-005  
**Negotiating Parties:**  
**For City:** Blaine Michaelis, City Manager, Larry Stevens, Assistant City Manager for Community Development, and J. Kenneth Brown, City Attorney.  
**For Seller:** NJD Limited; Agent: Travis W. Gillmore, Phelps-Tointon, Inc.  
**Under Negotiation:** Terms of possible gifting of property to the City.

## 13. ADJOURNMENT

The City Council will next meet on Tuesday, December 14, 2010, 7:00 p.m.

**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/minutes.cfm>.

**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:** A HEARING ASSISTANCE DEVICE IS AVAILABLE. PLEASE CONTACT THE CITY CLERK AT 909/394-6216 TO CHECK OUT A RECEIVER.

**POSTING STATEMENT:** ON NOVEMBER 19, 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 CONVENIENCE, AT THE VONS SHOPPING CENTER (PUENTE/VIA VERDE) AND THE CITY'S WEBSITE AT [WWW.CITYOFSANDIMAS.COM/MINUTES.CFM](http://WWW.CITYOFSANDIMAS.COM/MINUTES.CFM).

**RESOLUTION NO. 2010-61**

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SAN DIMAS, CALIFORNIA, APPROVING  
CERTAIN DEMANDS FOR THE MONTH OF  
NOVEMBER 2010

WHEREAS, the following listed demands have been audited by the Director of Finance;  
and

WHEREAS, the Director of Finance has certified as to the availability of funds for  
payment thereto; and

WHEREAS, the register of audited demands have been submitted to the City Council for  
approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Dimas  
does hereby approve Warrant Register: 11/30/2010; 133801 through 133965; in the amount of  
\$1,812,876.81. (133430 through 133800 are set-aside for Prepaids.)

PASSED, APPROVED AND ADOPTED THIS 23rd DAY OF NOVEMBER, 2010.

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

ATTEST:

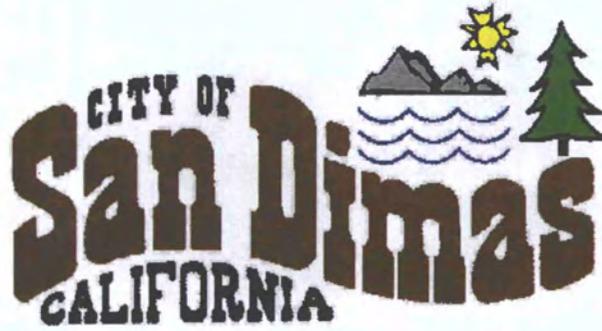
\_\_\_\_\_  
Ina Rios, CMC, City Clerk

I HEREBY CERTIFY that the foregoing Resolution was adopted by vote of the City  
Council of the City of San Dimas at its regular meeting of November 23, 2010, by the following  
vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Ina Rios, CMC, City Clerk

5a (1)



***THE WARRANT DISBURSEMENT  
JOURNAL IS NOT AVAILABLE TO  
VIEW THROUGH LASERFICHE***

***A PAPER COPY IS AVAILABLE IN THE  
FINANCE DEPARTMENT***

***SORRY FOR ANY INCONVENIENCES.***

***DOCUMENT IMAGING DEPT.***

**McKenna Long  
& Aldridge<sub>LLP</sub>**  
Attorneys at Law

300 South Grand Avenue • 14th Floor • Los Angeles, CA  
90071

Tel: 213.687.2100 • Fax: 213.687.2149  
www.mckennalong.com

**MEMORANDUM**

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**TO:** The Honorable Mayor and Members of the City Council  
**FROM:** J. Kenneth Brown, City Attorney  
**DATE:** November 23, 2010  
**RE:** Brasada Project  
Development Agreement

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The Developer, NJD, LTD has requested that the City approve a Development Agreement for this Project. That Agreement was included with the materials which the Planning Commission considered at its meeting on November 20, 2010 and will be before your body at the December 14, 2010 public hearing.

Section 65865 of the Government Code provides that the City shall adopt procedures and requirements for consideration of development agreements. The attached Resolution addresses those. If you have any questions regarding it, we will be pleased to discuss them with you.

We recommend that the City Council waive further recording and adopt Resolution No. 2010-62:

**A RESOLUTION OF THE CITY OF SAN DIMAS ESTABLISHING PROVISIONS  
FOR THE PROCESSING OF DEVELOPMENT AGREEMENTS**

**RESOLUTION NO. 2010-62**

**A RESOLUTION OF THE CITY OF SAN DIMAS  
ESTABLISHING PROVISIONS FOR THE PROCESSING OF  
DEVELOPMENT AGREEMENTS**

WHEREAS, an application for development of property in the foothills has been received, and the applicant has requested that in conjunction therewith the City approve a development agreement; and

WHEREAS, Government Code Section 65864 et. seq. provides for the approval of development agreements; and

WHEREAS, the City desires to establish procedures and requirements for consideration of development agreements.

NOW, THEREFORE, the San Dimas City Council does hereby find, determine and declare as follows:

**PURPOSE**

(1) This Resolution is adopted to establish procedures and requirements for the consideration of development agreements upon application by, or on behalf of property owners or other persons having a legal or equitable interest in the property proposed to be subject to the agreement. In this regard, it is intended that the provisions of this chapter should be fully consistent, and in full compliance, with the provisions of Article 2.5 of Chapter 4 of Division 1 of Title 7 (commencing with Section 65864) of the California Government Code, and shall be so construed.

(2) In construing the provisions of any development agreement entered into pursuant to this chapter, those provisions shall be read to fully effectuate, and to be consistent with, the language of this chapter, Article 2.5 of the California Government Code, cited above, and the agreement itself. Should any apparent discrepancies between the meaning of these documents arise, then the documents shall control in construing the development agreement in the following order of priority:

1. The plain terms of the development agreement itself;
2. The provisions of this chapter, and
3. The provisions of Article 2.5 of the California Government Code, cited above.

**Section 2. Applications.**

A. Any owner of real property or other person having a legal or equitable interest in the property may request and apply through the director of planning for the city to enter into a development agreement provided that:

1. The property proposed to be subject to the agreement shall be not less than five acres in size;
2. The status of the applicant as an owner of, or holder of legal or equitable interest in, the property is established to the satisfaction of the director; and

3. The applicant agrees to pay the fees incurred by the City in preparation of the development agreement and provide all other required documents, materials and information.

B. The director of planning shall review, process and prepare, together with his recommendations, for planning commission and city council consideration, as applicable, all applications for development agreements. Other departments of the city shall assist in a timely manner.

C. Processing fees, as established by resolution of the city council, shall be charged for any application for a development agreement made pursuant to the provisions of this chapter, and shall also be so established and charged for periodic reviews as required.

### **Section 3. Public Hearings.**

A. When an application for a development agreement is deemed complete by the director of planning, the application shall be set for public hearing, together with his recommendations relating to it, before the planning commission. Following conclusion of public hearing by the commission, the commission may recommend to the city council that it approve, conditionally approve, or disapprove the application.

B. After the planning commission action, the city clerk shall set the application for public hearing before the city council. Following conclusion of the public hearing by the city council, the city council shall approve, conditionally approve or deny the application.

C. Notice of the hearings set forth in Subsections A and B of this Section shall be given in the form of a notice of intention to consider adoption of a development agreement as required by Section 65867 of the California Government Code.

D. The City Council's approval of the development agreement shall be confirmed by Ordinance.

E. The ordinance shall set forth findings, and the facts supporting them, that the development agreement is consistent with the San Dimas General Plan and any and all specific plans and that it will promote the welfare and public interest of the city of San Dimas.

F. The ordinance maybe subject to referendum in the manner provided bylaw.

**Section 4. Content of Development Agreement.**

A. Mandatory contents. A development agreement entered into pursuant to this chapter must contain provisions that:

1. Specify the duration of the agreement;
2. Specify the permitted uses of the property;
3. Specify the density or intensity of use;
4. Set forth the maximum height and size of proposed buildings; and

5. Set forth provisions, if any, for reservation or dedication of land for public purposes.

B. Permissive contents. A development agreement entered into pursuant to this chapter may:

1. Include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement;

2. Provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time;

3. Include such other terms, conditions and requirements as the city council may deem necessary and proper, including, but not limited to, a requirement for assuring, to the satisfaction of the city, performance of all provisions of the agreement in a timely fashion by the applicant/contracting party.

**Section 5. Execution and Recordation.**

A. The city shall not execute any development agreement until on or after the date upon which the ordinance approving the agreement becomes effective.

B. An executed development agreement shall be recorded in the office of the recorder of the county of Los Angeles no later than ten (10) days after it is entered into.

**Section 6. Environmental Review.**

The approval or conditional approval of a development agreement pursuant to this Resolution shall be consistent with provisions of the California environmental quality act.

**Section 7. Periodic Review.**

A. Every development agreement approved and executed pursuant to this chapter shall be periodically reviewed during the term of the agreement every year following the date of its execution.

B. The purpose of the reviews conducted pursuant to this section shall be to determine whether the applicant/contracting party or its successor in interest has complied in good faith with the terms of the development agreement. The burden shall be on the applicant/contracting party or its successor to demonstrate such compliance to the full satisfaction of, and in a manner as prescribed by the city.

C. If, as a result of periodic review pursuant to this section, the city council finds and determines, on the basis of substantial evidence, that the applicant/contracting party or its successor in interest has not complied in good faith with terms or conditions of the agreement, the city council may order, after hearing, that the agreement be terminated or modified.

**Section 8. Effect of Development Agreement.**

Unless otherwise provided by the development agreement, rules, regulations and official policies governing permitted uses of the land, governing density, and governing design, improvement and construction standards and specifications, applicable to development of the property subject to a development agreement, are the rules, regulations and official policies in force at the time of execution of the agreement. A development agreement does not prevent the city, in subsequent actions applicable to the property, from applying new rules, regulations and policies which do not conflict with those rules, regulations and policies applicable to the property under the development agreement, nor does a development agreement prevent the city from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations and policies.

Passed, Approved and Adopted this 23<sup>rd</sup> day of November, 2010.

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

Attest

\_\_\_\_\_  
Ina Rios, CMC, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Resolution 2010-62 was passed at the regular meeting of the City Council held on November 23, 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Ina Rios, CMC, City Clerk



# Agenda Item Staff Report

**TO:** Chairman and Members of Planning Commission  
*For the Meeting of November 23, 2010*

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

**SUBJECT:** **Approval and adoption of Resolution No. 2010-63 approving Final Map and Subdivision Agreement for Tract 69609 located corner of San Dimas Canyon Road and East Bonita Avenue, and authorizing their recordation. Acceptance, subject to improvement, any offer of dedication.**

## SUMMARY

VCH San Dimas LLC, the applicant for the subject tract, is requesting approval of the final tract map, and related subdivision agreement, for this mixed-use development on 8.53 acres of land consisting of four residential lots for 156 apartments, and two retail lots for 19,969 square feet of stores, including Fresh & Easy Neighborhood Market.

The tentative subdivision map was approved by City Council Resolution No. 09-37 on August 11, 2009. The final map has been prepared consistent with the approved tentative map and conditions of approval.

**BACKGROUND:** Tentative Tract Map 69609 was previously approved by City Council on August 11, 2009 following public hearings. This approval of the tentative map is valid until August 11, 2011, unless a time extension is granted by City Council.

**ANALYSIS:** The final tract map has been prepared consistent with the number and arrangement of lots shown on the tentative map. The City Engineer has determined that the final map conforms to the Subdivision Map Act and the City's Subdivision Ordinance. Reduced copies of the final map and related subdivision agreement are attached. Staff and the City Attorney have also been working with the applicant on the Conditions, Covenants & Restrictions (CC&Rs), and bonds and agreement to install public street improvements.

**RECOMMENDATION:** Staff recommends that the Council consider adoption of Resolution No. 2010-63 for:

1. Approval of Final Tract Map 69609 for recordation.
2. Approval of Subdivision Agreement for recordation.
3. Acceptance, subject to improvement, any offer of dedication shown on final map.

Attachments: Exhibit A – Final Tract Map 69609  
Resolution No. 2010-63  
Subdivision Agreement

LOTS: 6  
AREA: 8.532 ACRES

IN THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

SHEET 1 OF 6 SHEETS

# TRACT MAP NO. 69609

BEING A SUBDIVISION OF PARCELS A, B AND C OF CERTIFICATE OF COMPLIANCE LOT LINE ADJUSTMENT NO. 09-02, RECORDED AS INSTRUMENT NO. 2010-0590498, OFFICIAL RECORDS OF LOS ANGELES COUNTY.

HILLWIG-GOODROW, INC. SEPTEMBER 2010

### OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR ARE INTERESTED IN THE LANDS INCLUDED WITHIN THE SUBDIVISION SHOWN ON THIS MAP WITHIN THE DISTINCTIVE BORDER LINES, AND WE CONSENT TO THE PREPARATION AND FILING OF SAID MAP AND SUBDIVISION.

WE HEREBY DEDICATE TO THE PUBLIC USE ALL PEDESTRIAN ACCESS EASEMENTS, STREETS, HIGHWAYS AND OTHER PUBLIC WAYS SHOWN ON SAID MAP.

WE HEREBY DEDICATE TO THE CITY OF SAN DIMAS, EASEMENTS FOR SANITARY SEWER, AND PUBLIC UTILITY PURPOSES SO DESIGNATED ON SAID MAP AND ALL USES INCIDENT THERE TO, INCLUDING THE RIGHT TO MAKE CONNECTIONS THEREWITH FROM ANY ADJOINING PROPERTIES.

WE HEREBY SET FORTH A NON-EXCLUSIVE EASEMENT FOR RECIPROCAL ACCESS AND PUBLIC UTILITY PURPOSES SO DESIGNATED ON SAID MAP FOR THE CITY OF SAN DIMAS AND THE BENEFIT OF LOTS 1 THROUGH 6.

VCH-SAN DIMAS COMPANY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_  
THOMAS S. DERECH  
MANAGER

### NOTARY ACKNOWLEDGMENT:

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ )

ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_

PERSONALLY APPEARED \_\_\_\_\_ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITIES, AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

MY PRINCIPAL PLACE OF BUSINESS IS IN \_\_\_\_\_ COUNTY, MY COMMISSION EXPIRES \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE \_\_\_\_\_

### TRUSTEE:

COMERICA BANK, BENEFICIARY UNDER A DEED OF TRUST RECORDED 08/06/2009 AS INSTRUMENT NO. 20091204511 OFFICIAL RECORDS, AND RECORDED 09/22/2005 AS INSTRUMENT NO. 2005-2288063 OFFICIAL RECORDS OF LOS ANGELES COUNTY CALIFORNIA.

BY: \_\_\_\_\_ ITS: \_\_\_\_\_

### NOTARY ACKNOWLEDGMENT:

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ )

ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_

PERSONALLY APPEARED \_\_\_\_\_ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITIES, AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

MY PRINCIPAL PLACE OF BUSINESS IS IN \_\_\_\_\_ COUNTY, MY COMMISSION EXPIRES \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE \_\_\_\_\_

### LOS ANGELES COUNTY CERTIFICATIONS AND SEALS

I HEREBY CERTIFY THAT ALL CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE BEEN MADE THAT ARE REQUIRED UNDER THE PROVISIONS OF SECTIONS 66492 AND 66493 OF THE SUBDIVISION MAP ACT.

EXECUTIVE OFFICER, BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BY \_\_\_\_\_ DATE \_\_\_\_\_  
DEPUTY

I HEREBY CERTIFY THAT SECURITY IN THE AMOUNT OF \$ \_\_\_\_\_ HAS BEEN FILED WITH THE EXECUTIVE OFFICER, BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES AS SECURITY FOR THE PAYMENT OF TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES ON THE LAND SHOWN ON MAP OF \_\_\_\_\_ AS REQUIRED BY LAW.

EXECUTIVE OFFICER, BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BY \_\_\_\_\_ DATE \_\_\_\_\_  
DEPUTY

### SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF VCH SAN DIMAS COMPANY, LLC ON JUNE 27, 2008. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE TWENTY-FOUR MONTHS FROM THE FILING DATE OF THIS MAP, AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACTED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. I HEREBY STATE THAT SAID SURVEY IS TRUE AND COMPLETE AS SHOWN.

ALAN C. HILLWIG, L.S. 5137 DATE \_\_\_\_\_  
REGISTRATION EXPIRES: 06-30-11



### CITY ENGINEER'S CERTIFICATE

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THERE TO; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND OF ANY LOCAL SUBDIVISION ORDINANCES OF THE CITY OF SAN DIMAS APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH; AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

DATED: \_\_\_\_\_

DOMINIC C. MILANO, CITY ENGINEER, CITY OF SAN DIMAS  
R.C.E. NO. 27172, REGISTRATION EXPIRES 3-31-2011



### CITY CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THE CITY COUNCIL OF THE CITY OF SAN DIMAS ON \_\_\_\_\_, APPROVED THIS MAP.

SAID COUNCIL DID ACCEPT ON BEHALF OF THE PUBLIC, ALL PEDESTRIAN ACCESS EASEMENTS, STREETS, HIGHWAYS AND OTHER PUBLIC WAYS SHOWN ON SAID MAP.

SAID COUNCIL DID ACCEPT ON BEHALF OF THE CITY, THE EASEMENTS FOR SANITARY SEWER, INGRESS, EGRESS AND PUBLIC UTILITY PURPOSES SO DESIGNATED ON SAID MAP AND ALL USES INCIDENT THERE TO, INCLUDING THE RIGHT TO MAKE CONNECTIONS THEREWITH FROM ANY ADJOINING PROPERTIES.

DATED: \_\_\_\_\_ CITY CLERK, CITY OF SAN DIMAS

### SPECIAL ASSESSMENT STATEMENT

I HEREBY STATE THAT ALL SPECIAL ASSESSMENTS LEVIED UNDER THE JURISDICTION OF THE CITY OF SAN DIMAS TO WHICH THE LAND INCLUDED IN THE WITHIN SUBDIVISION OR ANY PART THEREOF IS SUBJECT AND WHICH MAY BE PAID IN FULL, HAVE BEEN PAID IN FULL.

DATED: \_\_\_\_\_ CITY TREASURER, CITY OF SAN DIMAS

### SIGNATURE OMISSION NOTE:

THE SIGNATURES OF THE PARTIES NAMED HEREINAFTER AS OWNER OF THE INTEREST SET FORTH HAVE BEEN OMITTED UNDER PROVISIONS OF SECTION 66436 (a)(3)(A)(i)-(viii) OF THE SUBDIVISION MAP ACT, THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE, AND SAID SIGNATURES ARE NOT REQUIRED BY THE LOCAL AGENCY:

- ⑦ AN EASEMENT FOR WATER PIPELINES AND DITCHES IN FAVOR OF CALIFORNIA CITIES WATER COMPANY, IN BOOK 436, PAGE 293 OF DEEDS AND IN BOOK 919, PAGE 170 OF DEEDS. SAID EASEMENT WAS MODIFIED BY QUITCLAIM DEED RECORDED APRIL 29, 1966 AS INST. NO. 4473, O.R.
- ⑧ AN EASEMENT FOR UTILITY PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED MAY 22, 1973 AS INST. NO. 4081, O.R.
- ⑨ AN EASEMENT FOR UTILITY PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED OCTOBER 8, 1954 AS INST. NO. 2806 IN BOOK 45800, PAGE 235, O.R.
- ⑪ AN EASEMENT FOR UTILITY PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED JUNE 14, 1966 AS INST. NO. 2960, O.R.
- ⑫ AN EASEMENT FOR SANITARY SEWER PURPOSES IN FAVOR OF THE CITY OF SAN DIMAS, RECORDED JUNE 23, 1966 AS INST. NO. 2627, O.R.
- ⑬ AN EASEMENT FOR UTILITY PURPOSES IN FAVOR OF GENERAL TELEPHONE COMPANY OF CALIFORNIA, RECORDED OCTOBER 24, 1966 AS INST. NO. 1493, O.R.
- 14 AN EASEMENT FOR PARKING, LOADING, UNLOADING, DELIVERY, PEDESTRIAN WAYS, INGRESS AND EGRESS PURPOSES IN FAVOR OF ALL OF THE OWNERS OF THE BUILDING AREAS, RECORDED AUGUST 25, 1967 AS INST. NO. 987, O.R. (BLANKET IN NATURE, NOT PLOTTED)
- 16 AN EASEMENT FOR PARKING MOTOR VEHICLES, PEDESTRIAN WAYS, INGRESS AND EGRESS PURPOSES IN FAVOR OF LA JOLLA DEVELOPMENT COMPANY AND COF REAL ESTATE CORPORATION, RECORDED DECEMBER 10, 1970 AS INST. NO. 387, O.R. (BLANKET IN NATURE, NOT PLOTTED)
- ⑰ AN EASEMENT FOR UTILITY PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED JUNE 7, 1972 AS INST. NO. 4524, O.R.
- ⑱ AN EASEMENT FOR UTILITY PURPOSES IN FAVOR OF GENERAL TELEPHONE COMPANY OF CALIFORNIA, RECORDED MAY 4, 1973 AS INST. NO. 4614, O.R.
- ⑲ AN EASEMENT FOR UTILITY PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED MAY 4, 1973 AS INST. NO. 4615, O.R.
- ⑳ AN EASEMENT FOR UTILITY PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED MAY 4, 1973 AS INST. NO. 4616, O.R.
- 21 AN EASEMENT FOR PARKING MOTOR VEHICLES, PEDESTRIAN WAYS, INGRESS AND EGRESS PURPOSES IN FAVOR OF LA JOLLA DEVELOPMENT COMPANY AND COF REAL ESTATE CORPORATION, RECORDED MAY 4, 1973 AS INST. NO. 4617 AND MODIFIED BY INST. NO. 4618, RECORDED MAY 4, 1973, BOTH O.R.'S (BLANKET IN NATURE, NOT PLOTTED)
- ⑳ AN EASEMENT FOR SANITARY SEWER PURPOSES IN FAVOR OF LA JOLLA DEVELOPMENT COMPANY, RECORDED MAY 4, 1973 AS INST. NO. 4619, O.R.

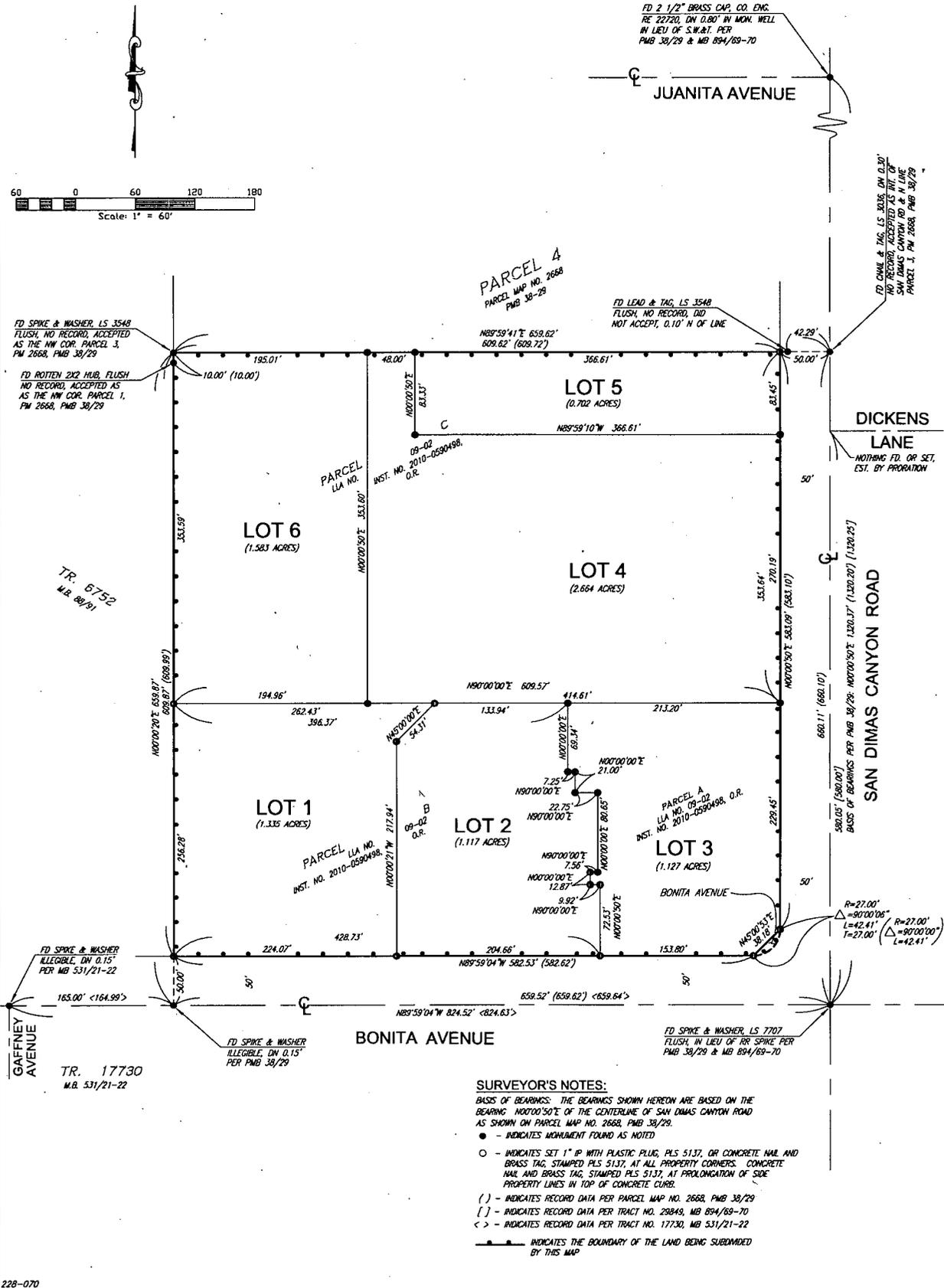
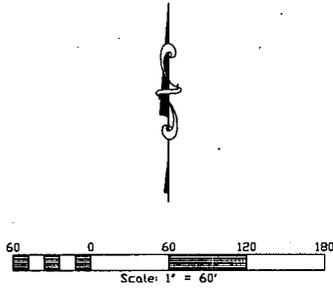
SCALE: 1" = 60'  
 LOTS: 6  
 AREA: 8.532 ACRES

IN THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

SHEET 2 OF 6 SHEETS

# TRACT MAP NO. 69609

HILLWIG-GOODROW, INC. SEPTEMBER 2010



**SURVEYOR'S NOTES:**

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING N00°00'50"E OF THE CENTERLINE OF SAN DIMAS CANYON ROAD AS SHOWN ON PARCEL MAP NO. 2668, P.M.B. 38/29.

- - INDICATES MONUMENT FOUND AS NOTED
- - INDICATES SET 1" IP WITH PLASTIC PLUG, PLS 5137, OR CONCRETE NAIL AND BRASS TAG, STAMPED PLS 5137, AT ALL PROPERTY CORNERS. CONCRETE NAIL AND BRASS TAG, STAMPED PLS 5137, AT PROLONGATION OF SIDE PROPERTY LINES IN TOP OF CONCRETE CURB.
- ( ) - INDICATES RECORD DATA PER PARCEL MAP NO. 2668, P.M.B. 38/29
- [ ] - INDICATES RECORD DATA PER TRACT NO. 29849, M.B. 894/69-70
- < > - INDICATES RECORD DATA PER TRACT NO. 17730, M.B. 531/21-22
- — — — — INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP

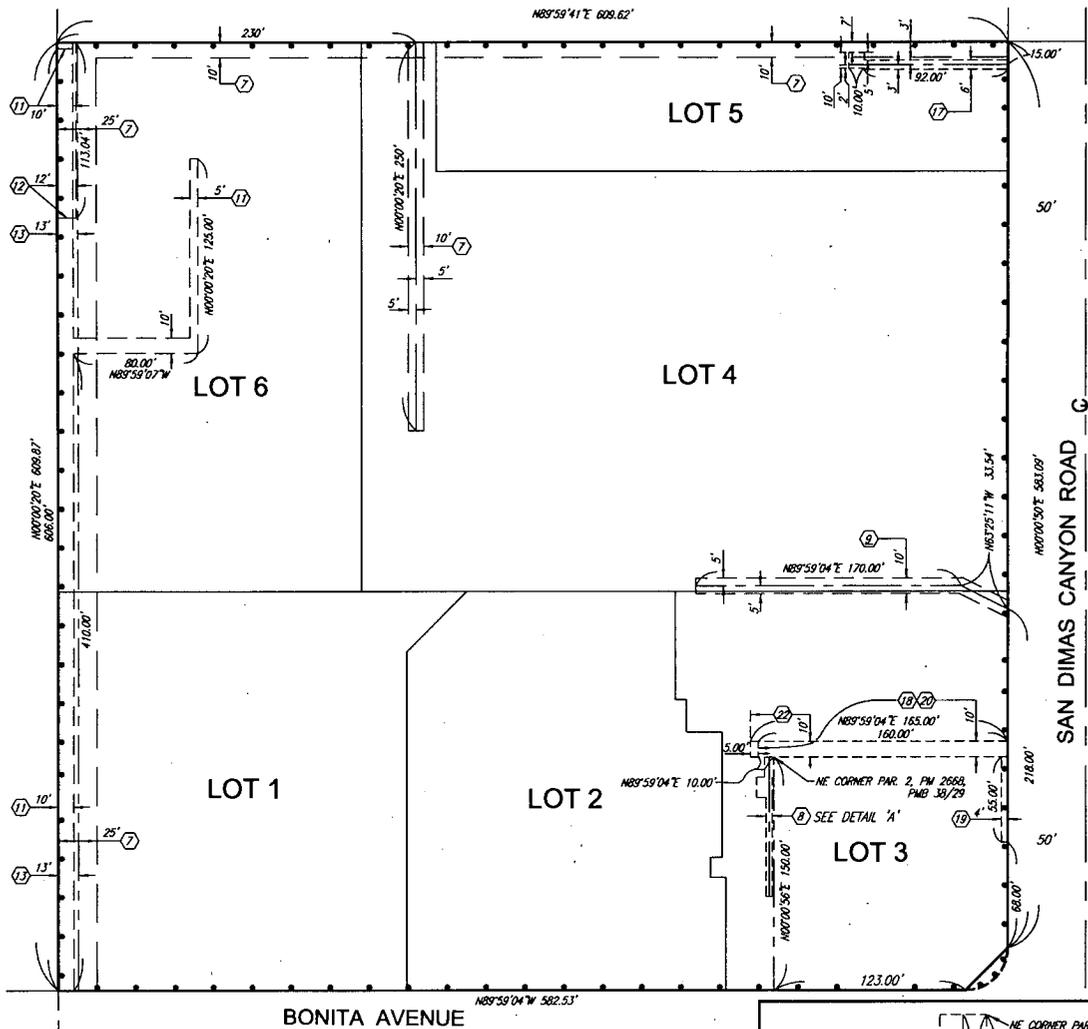
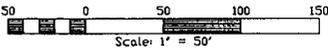
SCALE: 1" = 50'  
 LOTS: 6  
 AREA: 8.532 ACRES

IN THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

SHEET 3 OF 6 SHEETS

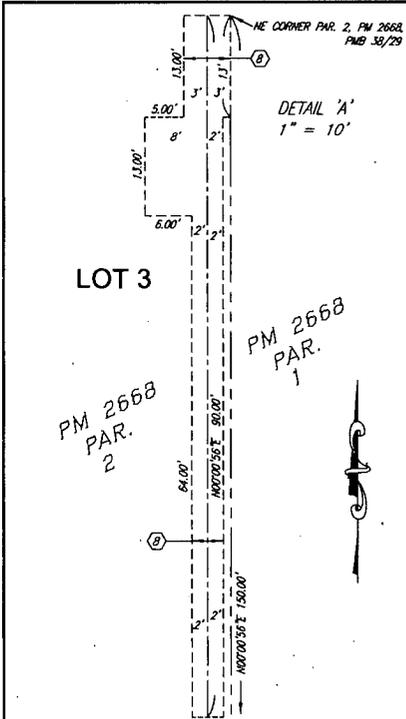
# TRACT MAP NO. 69609

HILLWIG-GOODROW, INC. SEPTEMBER 2010



**EXISTING EASEMENT NOTES:**

- ⑦ AN EASEMENT FOR WATER PIPELINES AND DITCHES IN FAVOR OF CALIFORNIA CITIES WATER COMPANY, IN BOOK 436, PAGE 293 OF DEEDS AND IN BOOK 919, PAGE 170 OF DEEDS. SAID EASEMENT WAS MODIFIED BY QUITCLAIM DEED RECORDED APRIL 29, 1966 AS INST. NO. 4473, O.R.
- ⑧ AN EASEMENT FOR UTILITY PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED MAY 22, 1973 AS INST. NO. 4691, O.R.
- ⑨ AN EASEMENT FOR UTILITY PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED OCTOBER 8, 1954 AS INST. NO. 2806 IN BOOK 45800, PAGE 235, O.R.
- ⑪ AN EASEMENT FOR UTILITY PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED JUNE 14, 1966 AS INST. NO. 2960, O.R.
- ⑫ AN EASEMENT FOR SANITARY SEWER PURPOSES IN FAVOR OF THE CITY OF SAN DIMAS, RECORDED JUNE 23, 1966 AS INST. NO. 2627, O.R.
- ⑬ AN EASEMENT FOR UTILITY PURPOSES IN FAVOR OF GENERAL TELEPHONE COMPANY OF CALIFORNIA, RECORDED OCTOBER 24, 1966 AS INST. NO. 1493, O.R.
- ⑰ AN EASEMENT FOR UTILITY PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED JUNE 7, 1972 AS INST. NO. 4624, O.R.
- ⑱ AN EASEMENT FOR UTILITY PURPOSES IN FAVOR OF GENERAL TELEPHONE COMPANY OF CALIFORNIA, RECORDED MAY 4, 1973 AS INST. NO. 4614, O.R.
- ⑲ AN EASEMENT FOR UTILITY PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED MAY 4, 1973 AS INST. NO. 4615, O.R.
- ⑳ AN EASEMENT FOR UTILITY PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED MAY 4, 1973 AS INST. NO. 4616, O.R.
- ㉓ AN EASEMENT FOR SANITARY SEWER PURPOSES IN FAVOR OF LA JOLLA DEVELOPMENT COMPANY, RECORDED MAY 4, 1973 AS INST. NO. 4619, O.R.



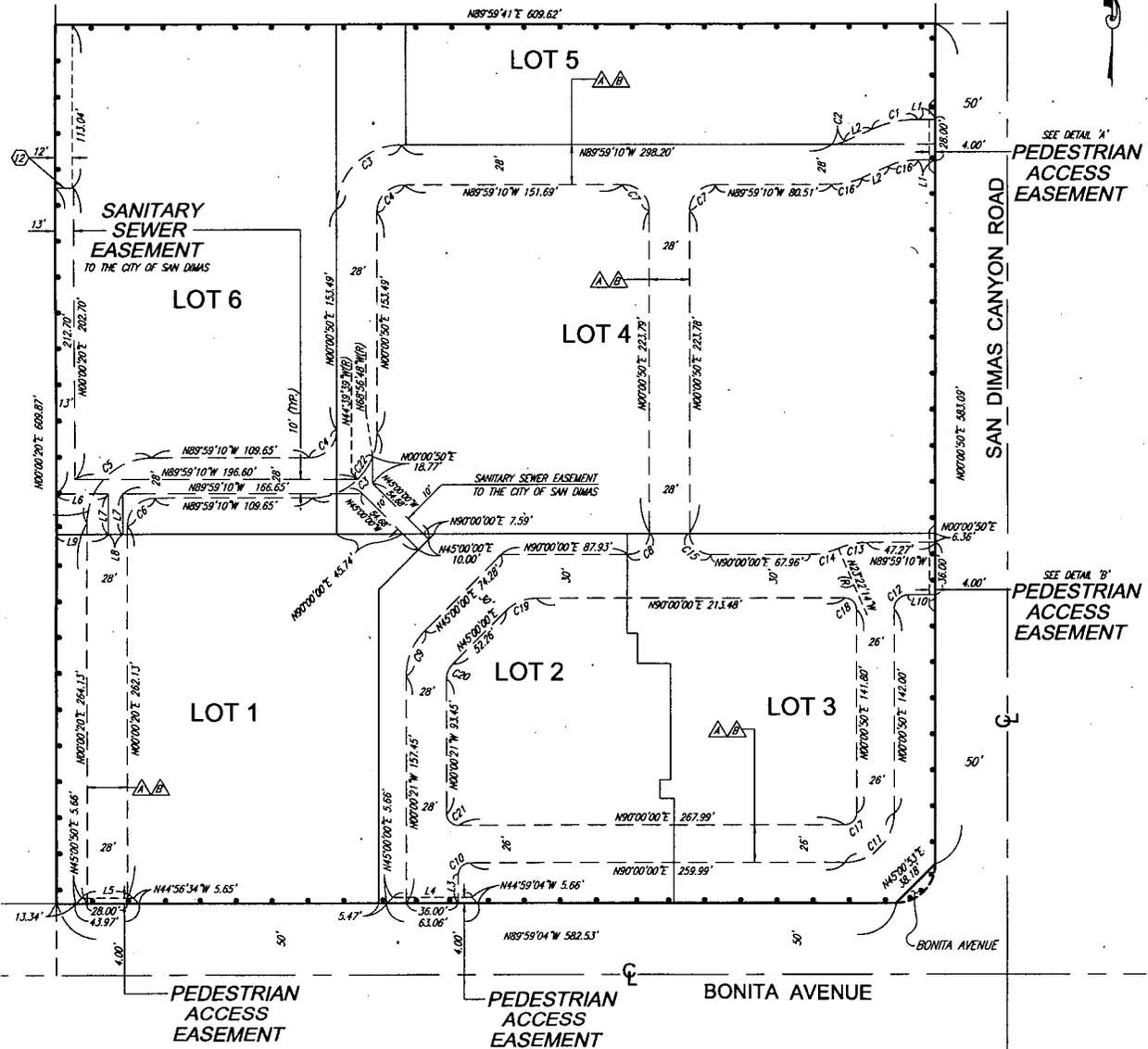
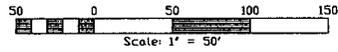
SCALE: 1" = 50'  
 LOTS: 6  
 AREA: 8.532 ACRES

IN THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA  
**TRACT MAP NO. 69609**

SHEET 4 OF 6 SHEETS

HILLWIG-GOODROW, INC. SEPTEMBER 2010

EASEMENTS

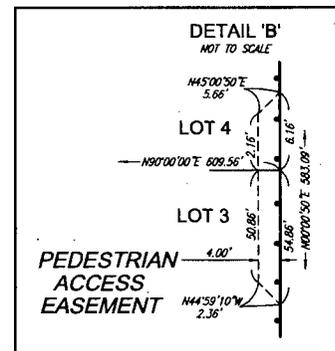
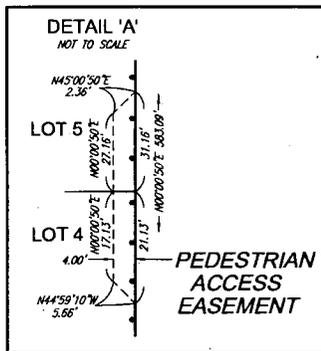


**COURSE TABLE**

CURVE	ARC	RADIUS	DELTA
C1	32.20	70.00	24.0444
C2	9.28	22.00	24.0444
C3	70.65	45.00	90.0000
C4	28.65	18.00	90.0000
C5	70.65	45.00	90.0000
C6	28.65	18.00	90.0000
C7	28.65	18.00	90.0000
C8	21.56	8.00	89.5910
C9	35.35	45.00	45.0000
C10	14.57	8.00	90.0000
C11	34.80	34.00	89.5910
C12	15.71	10.00	90.0000
C13	20.41	50.00	23.2304
C14	20.39	50.00	23.2274
C15	24.87	15.00	90.0000
C16	21.01	30.00	24.0444
C17	12.56	8.00	89.5910
C18	12.56	8.00	90.0000
C19	23.56	30.00	45.0000
C20	11.28	15.00	45.0000
C21	16.54	8.00	89.5910
C22	19.07	45.00	24.1709

**COURSE TABLE**

LINE	BEARING	DISTANCE
L1	N89°59'10"W	12.00
L2	N85°56'06"E	20.39
L3	N00°00'21"W	20.01
L4	N89°59'04"W	55.06
L5	N89°59'04"W	35.98
L6	N89°59'10"W	36.24
L7	N00°00'00"E	27.84
L8	N90°00'00"E	10.00
L9	N00°00'00"E	36.24
L10	N89°59'10"W	16.49



- PUBLIC UTILITY EASEMENT TO THE CITY OF SAN DIMAS
- RECIPROCAL ACCESS AND PUBLIC UTILITY EASEMENT FOR THE BENEFIT OF LOTS 1 THROUGH 6

**EXISTING EASEMENT NOTES:**

- AN EASEMENT FOR SANITARY SEWER PURPOSES IN FAVOR OF THE CITY OF SAN DIMAS, RECORDED JUNE 23, 1966 AS INST. NO. 2627, O.R.

SCALE: 1" = 50'  
 LOTS: 6  
 AREA: 8.532 ACRES

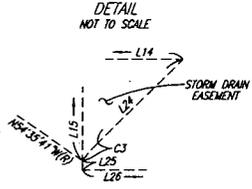
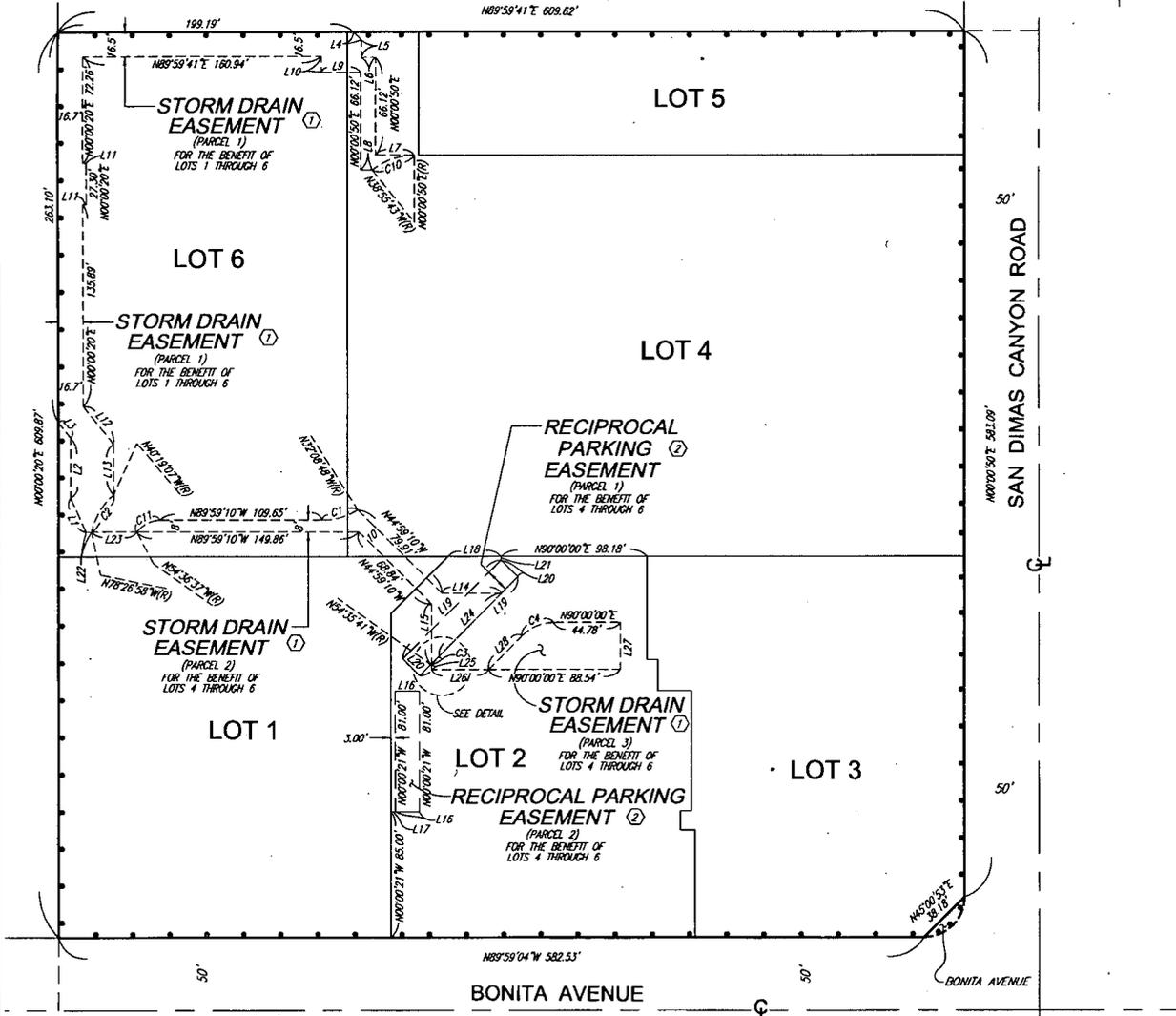
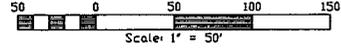
IN THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

SHEET 5 OF 6 SHEETS

# TRACT MAP NO. 69609

HILLWIG-GOODROW, INC. SEPTEMBER 2010

## EASEMENTS



### EASEMENT NOTES:

- ① A STORM DRAIN EASEMENT FOR THE BENEFIT OF LOTS 1 THROUGH 6, RECORDED INSTRUMENT NO. 2010- , OFFICIAL RECORDS OF THE COUNTY OF LOS ANGELES.
- ② A RECIPROCAL PARKING EASEMENT FOR THE BENEFIT OF LOTS 4 THROUGH 6, RECORDED 2010 AS INSTRUMENT NO. 2010- , OFFICIAL RECORDS OF THE COUNTY OF LOS ANGELES.

COURSE TABLE

LINE	BEARING	DISTANCE
L1	N24°21'47"W	25.56
L2	N00°00'00"E	40.43
L3	N36°51'27"W	12.25
L4	N45°00'00"W	7.38
L5	N00°00'00"E	11.97
L6	N00°00'00"E	9.90
L7	N89°59'10"W	26.00
L8	N89°59'10"W	7.72
L9	N90°00'00"W	26.36
L10	N00°00'00"E	16.69
L11	N89°59'40"W	2.50
L12	N38°51'27"W	32.66
L13	N00°00'00"E	34.06
L14	N90°00'00"E	40.05
L15	N00°00'00"E	40.04
L16	N89°59'32"E	16.00
L17	N89°59'32"E	3.00
L18	N90°00'00"E	35.76
L19	N45°00'00"W	23.64
L20	N45°00'00"W	16.00
L21	N00°00'00"E	2.46
L22	N89°59'10"W	3.68
L23	N89°59'10"W	30.60
L24	N45°00'00"W	59.77
L25	N00°00'00"E	3.08
L26	N90°00'00"E	38.48
L27	N00°00'00"E	31.33
L28	N45°00'00"E	31.88

COURSE TABLE

CURVE	ARC	RADIUS	DELTA
C1	25.26°	45.00'	32.08 38"
C2	29.95°	45.00'	38.07 51"
C3	7.54°	45.00'	02 39 41"
C4	23.56°	30.00'	45 00 00"
C10	30.59°	45.00'	38 56 33"
C11	18.11°	19.00'	54 37 27"

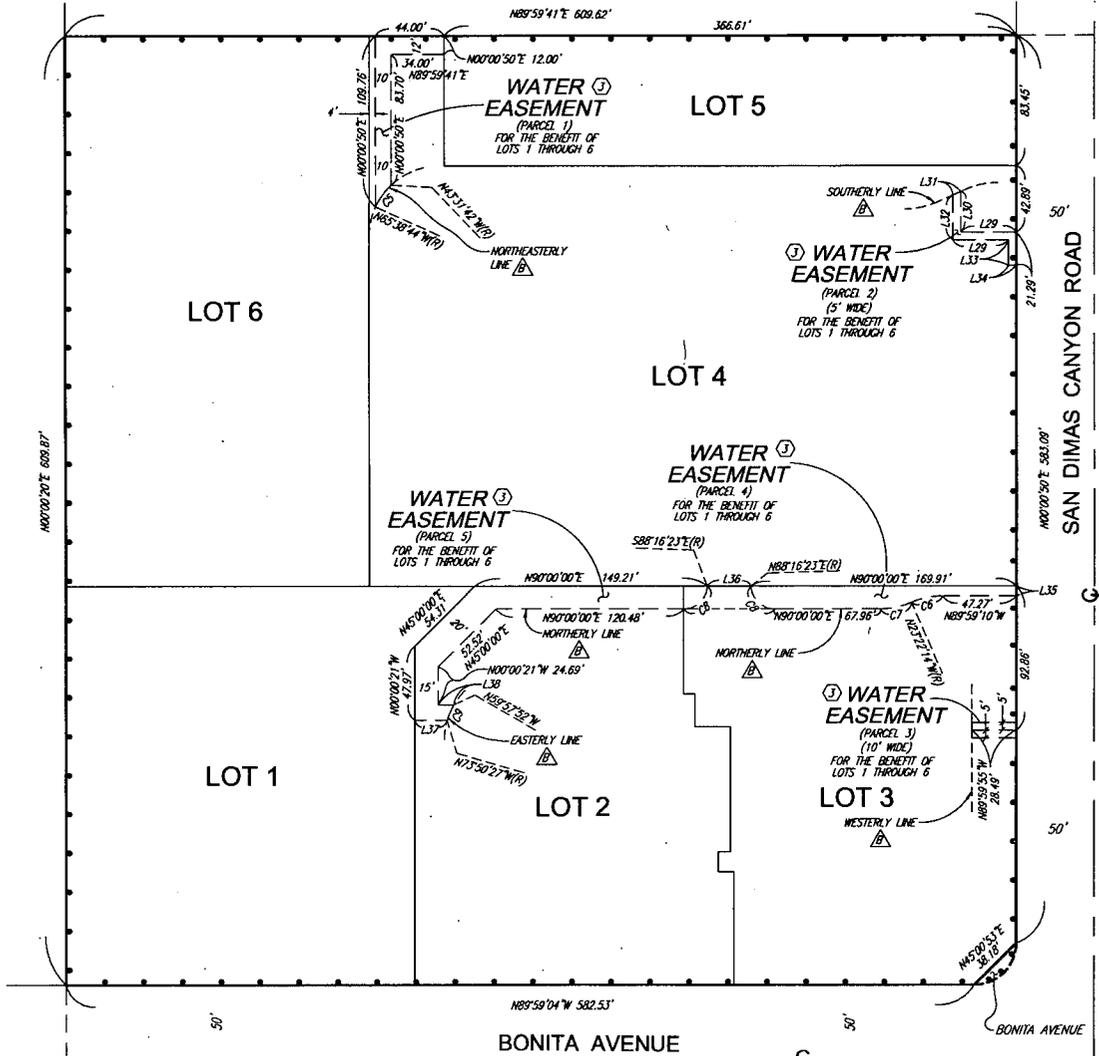
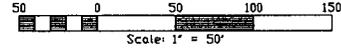
SCALE: 1" = 50'  
 LOTS: 6  
 AREA: 8.532 ACRES

IN THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA  
**TRACT MAP NO. 69609**

SHEET 6 OF 6 SHEETS

HILLWIG-GOODROW, INC. SEPTEMBER 2010

EASEMENTS



COURSE TABLE

LINE	BEARING	DISTANCE
L29	N89°00'00"E	35.60'
L30	N00°00'10"E	26.13'
L31	N65°58'06"E	5.48'
L32	N00°00'10"E	28.90'
L33	N00°00'50"E	18.59'
L34	N89°59'10"W	5.00'
L35	N00°00'50"E	6.56'
L36	N00°00'00"E	28.01'
L37	N89°59'58"E	20.76'
L38	N89°59'59"E	10.03'

COURSE TABLE

CURVE	ARC	RADIUS	DELTA
C4	23.36'	30.00'	45°00'00"
C5	17.17'	45.00'	22°07'02"
C6	20.41'	50.00'	23°23'04"
C7	20.39'	50.00'	23°22'14"
C8	23.11'	75.00'	88°16'23"
C9	10.90'	45.00'	13°52'55"

EASEMENT NOTES:

- Ⓐ RECIPROCAL ACCESS AND PUBLIC UTILITY EASEMENT FOR THE BENEFIT OF LOTS 1 THROUGH 6, SEE SHEET 4 FOR DETAILS.
- Ⓝ A WATER EASEMENT FOR THE BENEFIT OF LOTS 1 THROUGH 6, RECORDED AS INSTRUMENT NO. 2010- , OFFICIAL RECORDS OF THE COUNTY OF LOS ANGELES.

RESOLUTION NO. 2010-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE FINAL MAP AND SUBDIVISION AGREEMENT FOR TRACT 69609 AND AUTHORIZING THEIR RECORDATION

WHEREAS, the subdivider of Tract 69609 has presented for approval a Final Tract Map to the City Council of the City of San Dimas; and

WHEREAS, the City Council desires to approve the Final Map subject to the filing of necessary improvement security for off-site improvements as required by the San Dimas Subdivision Ordinance and certain conditions set forth herein;

NOW, THEREFORE, the City Council of the City of San Dimas, County of Los Angeles, State of California, does resolve as follows:

SECTION 1. That the Final Map of Tract 69609, as submitted by the subdivider, is hereby accepted and approved by the City.

SECTION 2. That the Subdivision Agreement (Exhibit A), is hereby accepted and approved by the City.

SECTION 3. That the proper officials of the City of San Dimas are instructed to endorse acceptance by the City of the Final Map, subject to the fulfillment of the following requirements and conditions:

1. Submittal and acceptance of improvement security in the amount required by the City Engineer, and conditioned upon a Faithful Performance bond for the construction of off-site improvements.
2. Submittal and acceptance of improvement security in the amount required and conditioned upon a Labor and Materials Bond for securing payment for labor and materials for off-site improvements.
3. Submittal and acceptance of Faithful Performance Bond in the amount required by the City Engineer guaranteeing payment to the engineer or surveyor.
4. Deposit with the City of San Dimas cash in the amount required by the City Engineer for other requirements as set forth by the Subdivision Ordinance.
5. Final approval of Conditions, Covenants & Restrictions by the City.
6. Acceptance of the offers of dedication as shown on the map.

SECTION 4. The Mayor shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

**PASSED, APPROVED AND ADOPTED THIS 23<sup>rd</sup> DAY OF NOVEMBER, 2010.**

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

ATTEST:

\_\_\_\_\_  
Ina Rios, CMC, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Resolution 2010-63 was passed at the regular meeting of the City Council held on November 23, 2010 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Ina Rios, CMC, City Clerk



**City of San Dimas**  
**San Dimas Public Works Department**  
**245 East Bonita Avenue, San Dimas, CA 91773**  
**(909) 394-6240**

## **AGREEMENT TO CONSTRUCT PUBLIC IMPROVEMENTS**

This Agreement to Construct Public Improvements ("Agreement") between the City of San Dimas, State of California ("City"), and VCH San Dimas Company, LLC ("Contractor"), is entered into this 1<sup>st</sup> day of September, 2010. City and Contractor hereby acknowledge the following:

1. The City Council, on August 11, 2009, granted approval to a certain subdivision as laid out and delineated on Tentative Tract Map No. 69609, consisting of a mixed commercial/residential development (the "Project") and conditioned on, among other things, completion of certain public improvements as described in Section 2 ("Improvements"); and
2. At this time and before the Final Tract Map is recorded, Contractor desires to proceed with the commercial component of the Project and construct the Improvements, and post certain security for the completion thereof; and
3. This Agreement is executed pursuant to applicable ordinances of the County of Los Angeles ("County") and the City and the laws of the State of California in order to provide further for the manner in which Improvements shall be constructed and completed.

**NOW, THEREFORE**, and in consideration of the promises herein, and in order to ensure satisfactory performance by Contractor of Contractor's obligations under this Agreement and applicable ordinances of the City and applicable laws, the parties hereto, for themselves, their successors, and assigns, hereby agree as follows:

### **Section 1. Incorporation by Reference**

The complete Plans ("Plans") in Section 2 below, applicable Green Book specifications ("Specifications"), and applicable permits, sections of the zoning ordinance, the general plan, any specific plans adopted by the City, and any requirements by the City Engineer for the construction and installation of all Improvements are incorporated herein by reference.

### **Section 2. Construction of Improvements**

- (a) Contractor shall construct the Improvements as shown on the following described Plans and in accordance with the Specifications.

#### **Street Improvement Plans**

Sheets 1 through 7

Designed by Fuscoe Engineering

Approved by City Engineer on July 1, 2010.

**Traffic Signal Modification Plan**  
Sheet 1 of 1

Designed by DJP Engineering  
Approved by City Engineer on June 28 , 2010.

**Public Sewer System Plan**  
Pages 1 through 2  
Designed by Fuscoe Engineering  
Approved by City Engineer on June 28, 2010

**Utility Undergrounding Plans (to include)**

Electrical Utility  
Edison Final Design Plans  
Sheets 1 through 2  
Design No. 196072 Job No. 0196072C  
Approved by Michael Callen of Edison on June 3, 2010

Cable Utility  
Time Warner Cable  
Sheet 1 of 1  
Designed by EMG Design  
Approved J Santiago on January 29, 2009

Telephone Utility  
Verizon  
Sheet U1.1 of Dry Utility Composite Plan  
Designed by RGI  
Plans dated February 8, 2010

**Section 3. Modification of Plans**

Contractor agrees that if during the construction of the Improvements it is determined by the City that revisions to the Plans are necessary in the interest of the public, Contractor will undertake such design and construction changes required by the City.

**Section 4. Security**

- (a) Pursuant to Municipal Code Title 17, Chapter 17.48, Contractor shall, concurrently with the execution hereof, furnish a surety bond or cash deposit in an amount equal to one hundred percent of the estimated construction cost of the Improvements as security guaranteeing the faithful performance of the Improvements and this Agreement.

TOTAL: \$ 663,778.26

- (b) Pursuant to Municipal Code Section 17.48.040, Contractor shall, concurrently with the execution hereof, furnish a surety bond or cash deposit in an amount equal to at least fifty percent of the estimated construction cost of the Improvements (as listed in Section 4(a) above) as security guaranteeing the payment of all persons performing labor and

furnishing materials in connection with this Agreement. This bond shall inure to the benefit of any and all persons, companies, and corporation entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

- (c) Pursuant to Municipal Code Section 17.48.040, City shall withhold from the bond or cash deposit an amount necessary, as determined by the City, for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor performed, or defective materials furnished by the Contractor.
- (d) Any liability upon the security given for faithful performance of any act or agreement shall be limited to:
  - (1) The performance of the work covered by the Agreement or the performance of the required act.
  - (2) The performance of any changes or alterations in such work provided that all changes or alterations do not exceed ten percent of the original estimated cost of the Improvement.
  - (3) The guarantee and warranty of the work for a period of one year following completion and acceptance thereof against any defective work or labor done or defective materials furnished in the performance of the Agreement or the performance of the act.
  - (4) Costs and reasonable expenses and fees, including reasonable attorneys' fees.
- (e) The surety on each bond and the form thereof shall be satisfactory to the City. The surety shall be furnished by a surety company authorized to write the same in the State of California and that is approved and accepted by the city attorney and city council (San Dimas Municipal Code 17.48.030).
- (f) The release of any securities shall be governed by the provisions of Government Code Section 66499.7 and San Dimas Municipal Code 17.48.050.
- (g) The forfeiture of any securities shall be governed by the provisions of San Dimas Municipal Code 17.48.

**Section 5. Inspections**

At least fifteen (15) calendar days prior to the commencement of any work hereunder, Contractor shall notify the City in writing of the fixed start date of construction so that the City shall be able to provide inspection services. The work shall be done under the supervision and to the satisfaction of the City Engineer of the City. Contractor shall at all times maintain proper facilities and provide safe access to all parts of the work site(s) for City inspections, including any workshops or plants where work related to the Improvements is being conducted.

**Section 6. Timing of Performance**

Contractor agrees to perform and complete all Improvements within one year (12) months from the date of this Agreement. Improvements must be completed and accepted by the City before a certificate of occupancy for any commercial building identified in the Tentative Tract Map will be issued. It is further agreed by and between the Contractor and the City that in the event it is deemed necessary by the City to extend the time of completion of the Improvements, said extension may be granted by the City, and shall in no way affect the validity of this Agreement or release the surety (ies) on any bond attached hereto or the financial institution guaranteeing the same. Contractor further agrees to maintain the security described in Section 4 above in full force and effect during the terms of this Agreement, including any extensions of time as may be granted.

**Section 7. Work Performance**

- (a) Contractor shall construct, at Contractor's own expense, all of the Improvements in a good and workmanlike manner, and furnish all required materials incident thereto, in accordance with the Plans, Specifications and to the satisfaction of the City, including any changes required by the City which in the City's opinion are necessary to complete the Improvements.
- (b) All work shall be conducted and completed in accordance with the Plans and federal, state, County and City codes, laws, ordinances, and regulations. For any Improvements partially completed prior to this Agreement, Contractor agrees to complete the Improvements in accordance with this Agreement.
- (c) Neither Contractor, nor any of Contractor's agents or contractors in connection with Contractor's obligations under this Agreement are, or shall be considered to be, agents of City.
- (d) The work performance for the Improvements shall not be deemed complete until such time as the Improvements have been approved and accepted by City Engineer.

**Section 8. Indemnity**

- (a) Contractor hereby agrees to save harmless and indemnify, including, without limitation, City's defense costs (including reasonable attorney's fees), from and against any and all suits, actions, or claims, of any character whatever, brought for, or on account of any injuries or damages sustained by any person or property resulting or arising, or alleged to have resulted or arisen, from Contractor or Contractor's contractors, subcontractors, agents, or employees activities, omissions or operations pursuant to this Agreement. Should City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of this Agreement, or its performance, Contractor will defend City (at City's request and with counsel satisfactory to City) and will indemnify City for any judgment rendered against it or any sums paid out in settlement or otherwise.
- (b) Contractor shall defend, indemnify, and hold harmless the City and its elective and appointive boards, officials, officers, agents, employees and volunteers from any claim, action, or proceeding to review, set aside, void, or annul an approval of the City

concerning the Map and acts made in respect thereof, provided any such action is brought within the time period provided for in California Government Code 66499.37.

- (c) City shall promptly notify the Contractor of any claim, action, or proceeding, and cooperate fully in the defense of any claim, action or proceeding.
- (d) It is expressly understood and agreed that the foregoing provisions will survive termination of this Agreement.

**Section 9. Permits and Requisite Fees**

- (a) Before proceeding with any work hereunder, Contractor shall, at Contractor's expense, obtain all necessary permits and licenses for the construction of the Improvements, give all necessary notices, and pay all fees and taxes required by law.
- (b) Contractor agrees to procure, at its expense, any necessary permits for Improvements outside the City's jurisdiction.

**Section 10. On-Site Supervision**

Contractor shall designate an on-site supervisor, satisfactory to the City, who shall be on the work site(s) at all times during the construction of the Improvements, and who has the authority to act on behalf of the Contractor when communicating with City personnel.

**Section 11. Public Safety**

The Contractor will at all times during the construction of the Improvements give good and adequate warning to the traveling public of each and every dangerous condition and will protect the traveling public from such defective or dangerous conditions. It is agreed that until the completion of all the Improvements, each Improvement not accepted as complete shall remain under control of the Contractor, and the Contractor may close all or a portion of any street whenever it is necessary to protect the traveling public.

**Section 12. Law to Govern: Venue**

The law of the State of California shall govern this Agreement. In the event of litigation between the parties, the action must be filed in the Los Angeles County Superior Court.

**Section 13. Compliance with Law**

Contractor shall comply with all applicable laws, ordinances, codes and regulations of the federal, state, and local government.

**Section 14. Waiver**

Waiver by City or Contractor of any breach of any of the provisions of the Agreement shall not constitute a waiver of any other provision, or a waiver of any subsequent breach or violation of the same or any other provision of this Agreement. Acceptance by City of any work by Contractor shall not be a waiver of any of the provisions of this Agreement.

**Section 15. Notices**

- (a) All notices to City shall be sent to the following address:

City of San Dimas  
245 East Bonita Avenue  
San Dimas, CA 91773  
Attn: San Dimas Public Works Department

With copy to:

J. Kenneth Brown  
City Attorney  
McKenna Long & Aldridge LLP  
300 South Grand Avenue, 14th Floor  
Los Angeles, CA 90071  
Email: kbrown@mckennalong.com

- (b) All notices to Contractor shall be sent to the following address:

VCH San Dimas Company, LLC  
590-G Brunken Avenue  
Salinas, CA 93901  
Attention: Thomas S. DeRegt

- (c) All notices herein required shall be in writing and deemed made when personally delivered or when mailed forty-eight (48) hours after deposit in the U.S. mail, first class postage prepared or sent by certified mail, return receipt requested, postage prepaid.
- (d) If one party provides written notice to the other party of a change of address, all further notices to such party shall be addressed and transmitted to the new address.
- (e) Any notice so given shall be deemed effective on the date of actual delivery.

**Section 16. Noncompliance**

If City determines that Contractor is in violation of any federal, state, County or City laws, ordinances, rules, regulations, and requirements, and/or the terms and provisions of this Agreement, it may issue a cease and desist order, stop work order, or other action the City deems necessary.

**Section 17. Notice of Breach and/or Default**

The City may serve written notice upon Contractor and surety of breach of this Agreement or of any portion thereof, and default of Contractor for any of the following circumstances:

- (a) Contractor refuses or fails to complete the Improvements as required in Section 6 above.
- (b) Contractor should be adjudged bankrupt.
- (c) Contractor should make a general assignment for the benefit of Contractor's creditors.

- (d) A receiver should be appointed in the event of Contractor's insolvency.
- (e) Contractor or any of Contractor's contractors, subcontractors, agent, or employees should materially violate any of the provisions of this Agreement and not cure the violation within a reasonable time.

**Section 18. Performance by Surety or City**

- (a) In the event of a material breach and/or default by Contractor, Contractor's surety shall have the duty to take over and complete the Improvements.
- (b) If the surety, within a reasonable time after receiving notice of Contractor's default does not provide City written notice to take over the performance of this Agreement or if the surety does not commence performance thereof within the time specified in such notice to City, City may take over the construction of the Improvements and prosecute the same to completion, by contract or by any method City may deem advisable, on behalf and at the expense of Contractor, and Contractor's surety shall be liable to City for any excess cost or damages incurred by City thereby. In such event, City, without liability for so doing, may take possession of and utilize to complete the Improvements such materials, appliances, and other property belonging to Contractor as may be on the work site(s) and necessary therefor.

**Section 19. Successors in Interest**

This Agreement shall be binding on the Contractor, its successor and assigns.

**Section 20. Effective Date**

This Agreement shall be effective as of the date and year first above written.

**Section 21. Amendment of Agreement**

This Agreement may only be amended by mutual consent of the original parties or their successors in interest, provided that any such amendment is executed in writing by the parties to be bound thereby. Copies of any such amendments shall be sent to surety(ies).

**Section 22. Execution**

By signing this Agreement, the person signing states that he or she is authorized to enter into contracts on behalf of Contractor. The undersigned, on behalf of Contractor, binds Contractor, its partners, successors, executors, administrators, and assigns with respect to the terms and conditions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to Construct Public Improvements as of the date first written above.

CITY OF SAN DIMAS

*Curtis W Morris*

Signature

Curtis W. Morris

Name

Mayor

Title

Dated: September 23, 2010

“CONTRACTOR”:

VCH San Dimas Company, LLC

Signature

*Bradford A. Smith*

Name

*Managing Member*

Title

Dated: September 10<sup>th</sup>, 2010

Signature

Name

Title

Dated: September \_\_, 2010





# Agenda Item Staff Report

**To:** Honorable Mayor and Members of the City Council  
*For the Meeting of November 23<sup>rd</sup>, 2010*

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

**Subject:** **Approval of Resolution No. 10-64 Approving General Closures of Certain Streets for City-Sponsored or Other Special Events**

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## **BACKGROUND**

Over the years, with Council support, the City has sponsored or supported events including Western Days, Concerts in the Park, Earth Day, Family Festival, Downtown 5k, Holiday Fest, City Birthday Celebration, 5k and ½ marathon races at Bonelli Park, Farmer's Market, SC Velo Bike Race, Sheriff's Booster Car Show, and other similar events which have been held within the town core and on other City streets.

## **DISCUSSION**

To ensure the success of these past events and safety of the public, Council has approved the full or restricted closure of portions of several streets on an event basis with placement of appropriate traffic control devices approved by the Traffic Safety Committee. Early this year, Resolution 10-20 authorized Staff to close Bonita Ave, First St, Walnut Ave, Iglesia St, Exchange Pl, Monte Vista Ave, Gladstone St, San Dimas Ave, Cataract Ave, San Dimas Canyon Rd, Via Verde Ave, Cannon Ave and Puddingstone Dr for established City events without the need for specific Council approval.

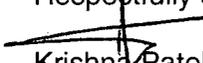
Multiple activities have become annual community events that have established closures, routes, and procedures. In an effort to continue with the success of City events, to improve efficiency, and streamline operations of various inter-departmental coordinating, Staff requests that Council consider allowing the closure of First St for the Walker House Holiday Fest. This event, though new is anticipated to become a well-attended annual event and its inclusion in the resolution will assist staff in ensuring efficient coordination. The attached resolution supersedes the previous Resolution No 10-20 and now includes the inclusion of the Walker House Holiday Fest in the event closure list.

## **RECOMMENDATION**

Staff recommends that City Council adopt the attached Resolution No. 2010-64 that authorizes:

- I) Full or partial closure of Bonita Ave, First St, Walnut Ave, Iglesia St, Exchange Pl, Monte Vista Ave, Gladstone St, San Dimas Ave, Cataract Ave, San Dimas Canyon Rd, Via Verde Ave, Cannon Ave and Puddingstone Dr for City-sponsored or other events without further Council action.
- II) Authorizes City Departments to provide such traffic control and other devices for such events as necessary.

Respectfully submitted,

  
Krishna Patel  
Director of Public Works  
kp/lm 11-10-15

Attachment: Resolution 10-64

5a (4)

**RESOLUTION NO. 2010-64**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA,  
APPROVING THE GENERAL CLOSURE OF CERTAIN STREETS FOR CITY-SPONSORED  
OR OTHER SPECIAL EVENTS**

WHEREAS, a number of city sponsored or supported events, including Western Days, Concerts in the Park, Earth Day, Family Festival, Downtown 5k, Civic Center Holiday Fest, Walker House Holiday Fest, City Birthday Celebration, 5k and ½ marathon races at Bonelli Park, Farmer's Market, SC Velo Bike Race, Sheriff's Booster Car Show, and other similar events which have been held within the city require the full or partial closure of streets in the city including Bonita Avenue, First Street, Walnut Avenue, Iglesia Street, Exchange Place, Monte Vista Avenue, Gladstone Street, San Dimas Avenue, Cataract Avenue, San Dimas Canyon Road, Via Verde Avenue, Cannon Avenue and Puddingstone Drive; and,

WHEREAS, the closure of these streets necessitates the placement of traffic control devices and the coordination of various city departments to ensure the success of the events, and safety of the traveling public, both pedestrian and vehicular; and,

WHEREAS, in the past, the City Council has approved the full or partial closure of these streets on an event-by-event basis; and,

WHEREAS, the City Council desires to adopt this statement of City Council policy and authorize the full or partial closure of streets within the town core and other streets, without further need of individual City Council action.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN DIMAS,  
CALIFORNIA DOES HEREBY RESOLVE THAT:

SECTION 1. The City Council does approve the full or partial closure of city streets including Bonita Avenue, First Street, Walnut Avenue, Iglesia Street, Exchange Place, Monte Vista Avenue, Gladstone Street, San Dimas Avenue, Cataract Avenue, San Dimas Canyon Road, Via Verde Avenue, Cannon Avenue and Puddingstone Drive for those events listed above in the recitals and other similar city sponsored or supported events without further City Council action;

SECTION 2. The City Departments are authorized to provide such traffic control and other devices/support necessary for these events.

SECTION 3. This Resolution supersedes Resolution No. 10-20.

PASSED, APPROVED, AND ADOPTED this 23rd day of November, 2010.

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

ATTEST:

\_\_\_\_\_  
Ina Rios, CMC, City Clerk



**MINUTES**  
**REGULAR CITY COUNCIL**  
**TUESDAY, NOVEMBER 9, 2010, 7:00 P. M.**  
**MULTI-PURPOSE ROOM**  
**SENIOR CITIZEN/COMMUNITY CENTER**  
**201 E. BONITA AVENUE**

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**PRESENT:**

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

City Manager Blaine Michaelis  
City Attorney Mark Steres  
City Clerk Ina Rios  
Assistant City Manager of Community Development Larry Stevens  
Assistant City Manager Ken Duran  
Director of Development Services Dan Coleman  
Director of Public Works Krishna Patel  
Facilities Manager Karon DeLeon  
Associate Planner Kristi Grabow  
Environmental Services Coordinator Lisa Monreal

Director of Parks and Recreation Theresa Bruns

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Morris called the meeting to order at 7:01 p.m. and led the flag salute.

**2. ANNOUNCEMENTS**

- 50th Anniversary Flashbacks

Bill Emerson, San Dimas Historical Society, recited articles from the San Dimas Community News for the years 1965 and 1998. He announced the events for December that include the Holiday Extravaganza at the Walker House and the Historical Society display of Toys from Yesterday. He asked members to loan toys for the display by November 16, 2010.

- Pui-Ching Ho, Library Manager, San Dimas Library

Pui-Ching Ho, Library Manager, extended an invitation to visit the San Dimas Library to experience a variety of free activities during the month of November 2010. For detailed information, contact the Library at 909/599-6738.

- 3. ORAL COMMUNICATIONS** (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or asked to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

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a. Members of the Audience

- 1) Bill Emerson, Historical Society representative, announced that the Historical Society will be displaying Toys of Yesterday in December and Citrus Labels on January 29, 2011. He said several activities will be conducted including the annual Antiques from Your Home Show.
- 2) Jessica Fuentes, Executive Board Treasurer, San Dimas High School, thanked the City Council and staff for their support of the annual Homecoming Parade. She announced holiday food drives and fundraisers and commented on the students' scholastic and athletic activities.
- 3) Shelbie Moore, ASB student, and Aunisha Leffridge, ASB President, Lone Hill Middle School, reported on the Red Ribbon Day event, scholastic and athletic activities, upcoming conferences and workshops, and commented on spirit shirts worn by different grade levels.
- 4) Michael Kelly, Principal, San Dimas High School, thanked the City Council and staff for their support of the Homecoming Parade downtown. He said merchants, parents and the kids enjoyed the activity. He extended an invitation to attend their games.
- 5) Ted Powl, President/CEO, Chamber of Commerce, said the downtown merchants expressed that the Homecoming Parade is a worthwhile community event. He announced holiday activities that include membership Breakfast/Holiday Shopping Boutique, Downtown Holiday Extravaganza, and the annual Christmas Tree lighting ceremony with the Mayor and Little Miss San Dimas. He encouraged the community to do their Christmas shopping locally and participate in the Downtown Merchants' Holiday raffle.
- 6) Margie Green invited the community to end the year-long 50<sup>th</sup> Anniversary celebration with an enjoyable night of dinner and dancing to the Soundbytes at the big New Year's Eve party at Via Verde Country Club on December 31, 2010. Tickets are available with the Parks and Recreation Department.
- 7) Dawna Marshall said the San Dimas Sheriff's Boosters Club is selling See's candy at the Holiday Extravaganza with all proceeds to go to the Sheriff's Volunteer organizations, that include San Dimas Mountain Rescue, Mounted Posse, Uniformed Reserve, Disaster Communications, and Station Volunteers.

**4. CONSENT CALENDAR**

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

Item 4.d was removed for clarification; and Item 4.e was removed and will be brought back for consideration at the next meeting.

It was moved by Mayor Pro Tem Ebner, seconded by Councilmember Bertone, and carried to accept, approve and act upon the consent calendar, as amended, as follows:

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
  - (1) Consider approval of Warrant Register:  
**RESOLUTION NO. 2010-59, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF OCTOBER AND NOVEMBER, 2010.**  
Councilmembers Badar and Templeman abstained from approval of line items in the warrant register pertaining to mileage reimbursement to attend conferences.

- b. Approval of minutes for the regular City Council meeting of October 26, 2010 and special meeting of October 26, 2010.
- c. Approval of the City's Annual Independent Audited Financial Statements.
- ~~e. Rejection of claim for damages from Randy Argo. To be considered on November 23, 2010.~~
- f. Rejection of claim for damages from Charles Douglas Cassidy.

#### END OF CONSENT CALENDAR

- 4.d. Approval of Assignment and Assumption Agreement (Sunnyside Apartments).

City Attorney Steres explained that Strata Equity International, LLC created a separate entity under the name of Strata Sunnyside LLC for the purchase and management of Sunnyside Apartment complex. He recommended approval of the amended Assignment and Assumption Agreement reflecting the name change and to authorize the City Manager to execute the Consent of Issuer.

It was moved by Councilmember Bertone, seconded by Mayor Morris, to approve the City Attorney's recommendation. The motion carried unanimously.

#### 5. PUBLIC HEARING

*(The following items have been advertised and/or posted. The meeting will be opened to receive public testimony.)*

- a. Consider Zone Change 10-02, a request to change the existing zoning designation of 702-762 West Arrow Highway from Creative Growth, Area 1 (CG-1) to Commercial Highway (CH) (APN: 8386-007-049).

- 1) **ORDINANCE NO. 1198, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING ZONE CHANGE 10-02, A REQUEST TO CHANGE THE EXISTING ZONING DESIGNATION OF 702-762 WEST ARROW HIGHWAY FROM CREATIVE GROWTH, AREA 1 (CG-1) TO COMMERCIAL HIGHWAY (CH) (APN: 8386-007-049). FIRST READING AND INTRODUCTION**

Associate Planner Kristi Grabow presented a proposal from the property owner to amend the existing zone designation from Creative Growth, Area 1 (CG-1) to Commercial Highway (C-H) at 702-762 West Arrow Highway. She stated that the Planning Commission reviewed the proposal and recommended approval to the City Council. Staff recommends introduction of Ordinance No. 1198.

In response to Mayor Pro Tem Ebner, Planner Grabow replied that offices are not currently allowed in CG-1, but are permitted and limited to 10 square feet on the second floor of larger shopping centers. She reviewed the detailed list of uses that would be permitted if the City Council approves the zone change.

Councilmember Templeman expressed concern that if approved, spot zoning might set a precedent for the remainder of San Dimas Station.

In response to Councilmember Bertone, Planner Grabow stated that the zone change would apply only to this property.

Mayor Morris opened the public hearing and invited comments from the property owner.

Jian Torkan, property owner, stated there are several disadvantages to this small center than in other zones. He stated he cannot have freeway signage due to size restrictions and has had to turn away potential tenants because office uses are not permitted. Also, due to limited parking, it is difficult to find tenants, causing long term vacancy. He asked for the opportunity to bring in tenants such as medical or office uses.

Mayor Morris invited comments in support of, or in opposition to, the project. There being no one wishing to speak, the public hearing was closed.

Councilmember Bertone stated this is a difficult piece of property and he moved to approve staff's recommendations. The motion was seconded by Councilmember Badar.

In response to Mayor Pro Tem Ebner, Planner Grabow replied that policy was established in the early 2000's to allow a limit of 10% office use at the Ralph's Shopping Center and San Dimas Station. Director of Development Services Coleman stated that the intent of the policy is to protect commercial sales tax generating revenue.

Assistant City Manager Stevens clarified that the policy was written for specific shopping centers, and not other portions of the Creative Growth, Area 1 (CG-1). He added that several offices in the CG-1 zone were established as service-type businesses, rather than office, and a few offices remained that were previously established on the second floor without approvals.

Mayor Pro Tem Ebner stated he will vote against the zone change because the center is located at a major entrance to the city and he felt some uses that might be permitted are inappropriate at this location. However, he would support the proposal if the policy included office use in the CG-1 zone.

Assistant City Manager Stevens stated that approval can be conditioned to achieve compatibility with other existing uses or the conditional use permit would not be approved.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Badar, to waive further reading and introduce **ORDINANCE NO. 1198**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING ZONE CHANGE 10-02, A REQUEST TO CHANGE THE EXISTING ZONING DESIGNATION OF 702-762 WEST ARROW HIGHWAY FROM CREATIVE GROWTH, AREA 1 (CG-1) TO COMMERCIAL HIGHWAY (CH) (APN: 8386-007-049). The motion carried 4.1; Mayor Pro Tem Ebner opposed.

## 6. OTHER MATTERS

- a. Cast vote for Councilmember Margaret Clark as representative to the San Gabriel Basin Water Quality Authority Board.

**RESOLUTION NO. 2010-60**, CASTING ITS VOTE(S) FOR ROSEMEAD COUNCILMEMBER MARGARET CLARK TO REPRESENT CITIES WITHOUT PRESCRIPTIVE PUMPING RIGHTS ON THE BOARD OF THE SAN GABRIEL BASIN WATER QUALITY AUTHORITY.

After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Ebner, to waive further reading and adopt **RESOLUTION NO. 2010-60**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, CASTING ITS VOTE(S) FOR ROSEMEAD COUNCILMEMBER MARGARET CLARK TO REPRESENT CITIES WITHOUT PRESCRIPTIVE PUMPING RIGHTS ON THE BOARD OF THE SAN GABRIEL BASIN WATER QUALITY AUTHORITY. The motion carried unanimously.

- b. Authorization to Apply for Highway Safety Improvement Program Grant Funds for Pedestrian and Bikeway Trail from Cypress Street to Avenida Loma Vista

Environmental Services Coordinator Lisa Monreal reported that the Highway Safety Improvement Program is allocating \$15 million to Los Angeles County for safety improvement projects and staff has contacted Caltrans to discuss eligibility of the project, and has received tentative support of the concept. Staff recommended direction and support for the grant filing to fund a multi-use path from Cypress Street to Avenida Loma Vista.

Director of Public Works Patel responded to Council that total cost of construction is \$775,000, with 10% matching funds.

In response to Mayor Morris, Assistant City Manager Duran replied that staff will have the Joint Power Insurance Authority review the agreement between the City and CalTrans.

It was moved by Mayor Pro Tem Ebner, seconded by Councilmember Badar, to authorize staff to file for applications for Highway and Safety Improvement Program (HSP) funds for a multi-use path from Cypress Street to Avenida Loma Vista and to authorize the Mayor to sign a letter of support for the project. The motion carried unanimously.

## **7. SAN DIMAS REDEVELOPMENT AGENCY**

Mayor Morris recessed the regular meeting at 7:59 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:01 p.m..

## **8. ORAL COMMUNICATIONS**

- a. Members of the Audience (*Speakers are limited to five minutes or as may be determined by the Chair.*)

There were no comments.

- b. City Manager

- 1) Update on City Hall, Civic Center, and Stanley Plummer expansion and renovation project.

- a) Director of Development Services Coleman provided an update on the 35th week of construction at the City Hall and Plumber Building. He said the project is on schedule and completion is expected in mid-March 2011, with a move-in date of April 1, 2011.

- b) City Manager Michaelis expressed his gratitude for the electoral support of Proposition 22.

- c) City Manager Michaelis reported that paving will be completed today on Amelia Avenue, and the road could be opened by mid-day Wednesday November 10, 2010. He said the pedestrian portion needs to remain closed until fabrication of wrought iron fencing along the west side is completed and installed.

- 2) Oral report explaining the information contained in the State Controller's Office summary of local government compensation throughout the state

City Manager Michaelis reported that the Controller's Office established a standard format to collect and report city and county employee compensation information on their website. Pursuant to Mayor Pro Tem Ebiner's request, Mr. Michaelis explained in detail the background information included in each column of the report for City of San Dimas employees and responded to specific questions from the City Council.

c. City Attorney

There were no comments.

d. Members of the City Council

- 1) Councilmembers' report on meetings attended at the expense of the local agency.

a) Councilmember Templeman said he attended the Risk Management conference in Santa Barbara on October 27-29, 2010, and reported on the excellent training sessions provided by the Joint Powers Insurance Authority.

b) Councilmember Badar also attended the Risk Management seminar, as well as the California Contract Cities Association conference on October 29-31, 2010, on behalf of the City of San Dimas. He mentioned that during one session, Assemblyman Portantino talked about Assembly Bill 1999, which provides immunity to underage drinkers to call authorities for assistance. The bill passed the Assembly in April and was approved by the Governor in September.

c) Mayor Morris said he attended the Risk Management conference at the expense of the Joint Powers Insurance Authority. He stated that this has become one of the best conferences with great representation from the city. He also attended the California Contract Cities Association conference as a moderator of one panel, along with a reporter of the Los Angeles Times and a Media Officer from the Sheriff's Department, on the topic of disaster preparedness.

- 2) Individual Members' comments and updates.

a) Councilmember Templeman expressed happy birthday wishes to Charles McCants, a great volunteer in the community.

b) Councilmember Bertone reported that construction has begun on the Metro Goldline Foothill Extension 2a from Pasadena to Azusa, and scoping for the environmental impact report has started for Phase 2b from Azusa to Ontario Airport. He added that San Dimas is included in Phase 2b and a station is proposed east of San Dimas Avenue. A meeting is scheduled on January 20, 2011 at Ekstrand School to solicit public input on the environmental documents.

c) Councilmember Bertone mentioned he attended the opening of the Humane Society's new building on Friday November 5, 2010.

d) Councilmember Bertone commented on the success of the city sponsored event to clean up the Walnut Creek trail.

e) Councilmember Bertone said construction for the first phase of the \$41 billion High-Speed Rail project from San Francisco to San Diego is expected to begin next year in the Central Valley, with a goal to complete phase 1 by 2020.

**9. ADJOURNMENT**

Mayor Morris adjourned the meeting at 8:42 p.m. The next meeting is on Tuesday, November 23, 2010, at 7:00 p.m.

Respectfully submitted,

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Ina Rios, CMC, City Clerk



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of November 23, 2010*

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Karon De Leon, Facilities Manager

**SUBJECT:** Award of Cash Contract 2010-07, Swim & Racquet Club Training Pool Deck Project

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## SUMMARY

A request for the City Council to award Cash Contract 2010-07; Swim & Racquet Club Training Pool Deck Project in the amount of \$57,500.00

## BACKGROUND

Sealed bids were received by the City Clerk and publicly opened on Tuesday, November 16, 2010; at 11:00 a.m. for Cash Contract 2010-07, Swim & Racquet Club Training Pool Deck Project.

The bid results were as follows:

- |    |                        |             |
|----|------------------------|-------------|
| 1. | ASR Constructors, Inc. | \$57,500.00 |
| 2. | W & N Luxor            | \$78,000.00 |
| 3. | Condor, Inc.           | \$97,400.00 |

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## ANALYSIS

The project consists of removal of specified existing concrete deck surfaces for the installation of a new concrete decking. The project specifications provide for the contract documents to be returned to the City within 15 calendar days of the award of contract, for work to commence within 10 calendar days of the execution of the contract, and work to be completed within 21 calendar days of commencement of work.

Staff has reviewed the bid proposal, bid bond and references provided by the low bidder, ASR Constructors, INC. and verified that the contractor's bid bond is issued by an admitted surety (Federal Insurance Company) as required by the Public Contract Code 20170. The State Contractor's License Board has confirmed that the Contractor's License #615395 is current and active.

A total of \$80,000.00 was allocated in the 2010-11 fiscal year Community Park Development Fund budget for this project.

## RECOMMENDATION

Staff recommends award of Cash Contract 2010-07, Swim & Racquet Club Training Pool Deck Project to ASR Constructors, Inc., for the total contract price of \$57,500.00

Respectfully Submitted,

A handwritten signature in black ink that reads "Karon De Leon". The signature is written in a cursive style with a horizontal line extending to the right.

Karon De Leon  
Facilities Manager



# Agenda Item Staff Report

**To:** Honorable Mayor and Members of the City Council  
*For the Meeting of November 23, 2010*

**From:** Blaine Michaelis, City Manager

**Initiated By:** Public Works Department 

**Subject:** **Cash Contract No. 2010-10, Bonita Avenue & Walnut Avenue Traffic Signal Modification Project to Macadee Electric, Inc. in the amount of \$57,277.00**

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## **BACKGROUND**

Sealed bids were received by the City Clerk on Tuesday, November 16, 2010, and publicly opened for Cash Contract No. 2010-10, Bonita Avenue & Walnut Avenue Traffic Signal Modification Project. The work or improvement to be performed generally consists of the removal of existing pavement, as needed, curb and gutter, curb ramps, sidewalk, etc.; construction of curb ramps, sidewalk, local depression and pavement replacement, as needed. It also includes the modification of traffic signals and the painting and removal of traffic striping and marking.

The project will improve A.D.A. access by relocating minor existing signal poles and pull boxes and bringing the ADA pathway and access ramps up to current standards at a major intersection near the Civic Center. The project also includes the installation of city-provided (purchased in last fiscal year) equipment such as video detection cameras, signal heads & pedestrian push buttons as well as an electrical pedestal with a battery backup system that will keep the signal in operation during power outages.

Five bids were received as follows:

- |    |                                    |             |
|----|------------------------------------|-------------|
| 1. | Macadee Electric, Inc.             | \$57,277.00 |
| 2. | Pro Tech Engineering, Inc.         | \$58,700.00 |
| 3. | Steiney & Company, Inc.            | \$64,287.00 |
| 4. | Freeway Electric, Inc.             | \$73,730.00 |
| 5. | California Professional Eng., Inc. | \$75,654.00 |

## **DISCUSSION**

For fiscal year 2010-11, a total of \$65,000 project funds have been allocated in Fund 73, Prop C, and Fund 12, Infrastructure Fund. The \$7,723.00 is intended as contingency funds for the project.

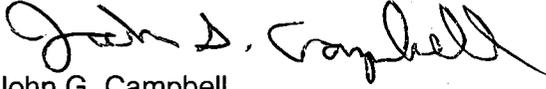
Staff reviewed the bid proposal, and references provided by the lowest responsible bidder, Macadee Electric, Inc. It was confirmed through the State Contractor's License Board that the contractor's license #583125, expires on 12/30/2011. All references contacted were positive in favor of the contractor. The contractor submitted a Bid Bond as security in accordance with the requirements of the specifications. Macadee Electric has performed lighting projects in the city, such as the downtown parking lot lighting project and their work has always been satisfactorily completed.

5d

**RECOMMENDATION**

Staff recommends that Council consider awarding Cash Contract No. 2010-10, Bonita Avenue & Walnut Avenue Traffic Signal Modification Project to Macadee Electric, Inc. in the amount of \$57,277.00

Respectfully submitted,



John G. Campbell  
Maintenance Superintendent

Jgc/jm/11-10-22



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of November 23, 2010*

**FROM:** Blaine Michaelis, City Manager

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

**SUBJECT:** Rejection of claim for damages from Randy Argo

## **BACKGROUND**

On October 13, 2010 the City was presented with the attached claim for damages from Randy Argo. The claimant alleges damages from alleged action or activities on April 24, 2010. In addition the claimant alleges damages from actions or activities prior to April 24, 2010. California Civil Code Section 911.2 requires that a claim for damages against a public entity must be filed within 6 months of the damages.

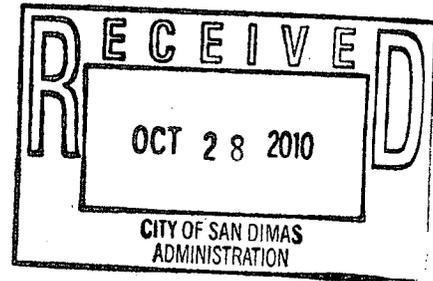
Carl Warren & Co., the City's third party claims administer, is recommending that the City reject the portion of the claim for damages resulting from the alleged action or activities on April 24, 2010. They further recommend that the City notify the claimant that the claim for damages prior to 6 months from the date of filing are statutorily deemed to be not timely filed.

## **RECOMMENDATION**

Staff recommends that the City Council reject the portion of the claim for alleged damages resulting from the alleged actions or activities on April 24, 2010.



October 24, 2010



TO: The City of San Dimas

ATTENTION: Ken Duran, Assistant City Manager

RE: Claim : Argo vs. The City of San Dimas  
Claimant : Randy Argo  
D/Event : 4/24/2010  
Rec'd Y/Office : 10/13/2010  
Our File : S-1538885-RWQ

We have received and reviewed the above claim and request that you take the action indicated below:

**CLAIM REJECTION: Send a standard rejection letter to the claimant.  
If the claimant is represented send the notice to  
the attorney of record.**

Please provide us with a copy of the notice sent, as requested above. If you have any questions please contact the undersigned.

Very truly yours,

CARL WARREN & COMPANY

Richard D. Marque

cc: CJPIA w/enc.  
Attn.: Executive Director

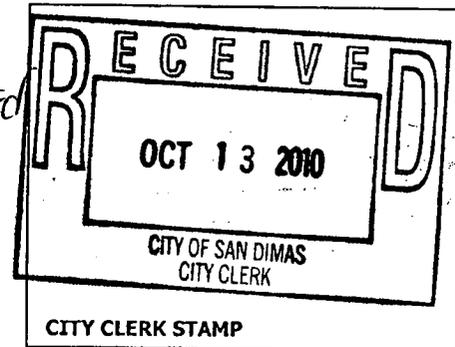
**CARL WARREN & CO.**  
**CLAIMS MANAGEMENT CLAIMS ADJUSTERS**

770 Placentia Avenue, Placentia, CA 92870-6832  
Mail: P.O. Box 25180 · Santa Ana, Ca 92799-5180  
Phone: (714) 572-5200 · (800) 572-6900 · Fax: (714) 961-8131



**COPY**

ORIGINAL MAILED  
OCT 11 2010  
(SEE ATTACHED)  
RECIPT



**CLAIM AGAINST THE CITY OF SAN DIMAS  
(For damages to Persons or Personal Property)**

Received by AB initials

Via

- U S Mail
- Inter-Office Mail
- Over the Counter

TO TEMP  
ADDRESS GIVEN ON WEB SITE

A claim must be filed with the City Clerk of the City of San Dimas within six (6) months after which the incident or event occurred. Be sure your claim is against the City of San Dimas, not another public entity. Where space is insufficient, please use additional paper and identify information by paragraph number. Completed claims must be mailed or delivered to the City Clerk, the City of San Dimas, 245 E. Bonita Avenue, San Dimas CA 91773-3002.

**TO THE HONORABLE MAYOR & CITY COUNCIL, THE CITY OF SAN DIMAS, CALIFORNIA.**

The undersigned respectfully submits the following claim and information relative to damage to persons and/or personal property:

1. Name of Claimant Randy Argo
  - a. Address Po Box 372
  - b. City San Dimas Ca. Zip Code 91773
  - c. Telephone Number ( 909 ) 599 0746 X 17 d. Cell Number (      )
  - e. Date of Birth N/A over 21 years of age f. Drivers' license N/a
  - g. e-mail: randya@argoconstruction.com
  
2. Name, telephone and post office address to which claimant desires notices to be sent if other than above:  
Same as Claimant
  
3. Event or occurrence from which the claim arises:
  - a. Date 1/1/1994 thru 4/24/10 as discovery date b. Time 12:30 per notice a.m./p.m.
  - c. Place (exact & specific location) 358 E Bonita Ave San Dimas Ca. 91773 and in the City of San Dimas at various places determined in public records.
  - d. How and under what circumstances did damage or injury occur? Specify the particular occurrence, event, act or omission you claim caused the injury or damage. (Use additional paper if necessary)  
City employe Mary Salman came onto private property and took a sign from the property of Randy Argo such trespassing has been noticed to the City in the past and specifically stated no employee shall be allowed on a property of Randy Argo with out his permission and with other prior incidences now identified as harasment and violations of Civil Rights and I Hate crime.
  - e. What particular action by the City, or its employees, caused the alleged damage or injury?  
trespassing into a landscaped area and breaking a sign holder while removing the sign. Adverse zoning of specific propertys owned by Randy Argo. Statements of untrue nature that have caused hateful harm to Randy Argo. Actions taken by City officials and employes that are not according to the then current Zoning law. Prior trespassing by City officials on to Randy Argo's Porperty. Unspecified actions by the City found during future discovery. Slander by Council member Dennis Bertone
  
4. Give a description of the injury, property damage or loss, so far as is known at the time to this claim. If there were no injuries, state "no injuries".  
Loss of sinage and damage to the sign holder. Plants died, Loss of revenue and future revenue benifits.,

5. Give the name(s) of the City employee(s) causing the damage or injury:

Eric Bilestine, Larry Stevens, prior City employees to be determined from further discovery. the City Council inclusive of claim dates  
Any and all participants of any meeting or conversations relevant to this where loss is applicable.  
All participants in illegal zoning restrictions placed into effect by Doe's, Doe's affected by adverse application of zoning law. DOES  
1 thru 100 where Civil rights violations pertaining to all matters where the zoning laws were not adhered to. Any Doe's in discovery

6. Name and address of any other person injured:

RMD Financial 358 E Bonita Ave unit C, DOES 1 TO 100 IDENTIFIED DURING ANY DISCOVERY

7. Name and address of the owner of any damaged property:

See # 6

8. Damages claims:

- a. Amount claimed as of this date: \$ 3 million dollars
- b. Estimated amount of future costs: \$ 20 million dollars
- c. Total amount claimed: \$ 23 million dollars
- d. Basis for computation of amounts claimed  
(attach copies of all bills, invoices, estimates, etc.)

9. Names and addresses of all witnesses, hospitals, doctors, etc.

- a. All City officials who were involved
- b. Those persons in which Public hearings watched who have witnessed how Randy Argo was addressed by the City in general
- c. Partners in the projects and situations described in B of # 9 per City Records
- d. Claim filed with the San Dimas Sheriff office where trespassing took place in 2007 by a City employee and hate crime.

10. Any additional information that might be helpful in considering this claim:

This claim is accumulative of prior incidences where harrasment and negligence were unclear and now accumulative in damages up to  
now. By time of discovery this shall be the time of notice as 4/24/10 where it became obvious the City's intent is to harm whether by  
accumulative actions of deception, direct false assumptions in applying zoning restrictions to Randy Argo and other DOES who might  
become a part of this claim in the future. Claimant reserves the right to become included in a Class action which pertains to any  
attributes in this Claim.

**WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM!**  
**(Penal Code §72: Insurance Code §556.1)**

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 19<sup>th</sup> day of OCTOBER  
at 358 E BONITA AVE SAN DIMAS

**COPY** 2010

Claimant's signature

Print Form

Clear Form



# Agenda Item Staff Report

**To:** Honorable Mayor and Members of the City Council  
*For the meeting of November 23, 2010*

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

**Initiated by:** Kristi Grabow, Associate Planner

**Subject:** **ORDINANCE NO. 1198 SECOND READING AND ADOPTION APPROVING ZONE CHANGE 10-02, A REQUEST TO CHANGE THE EXISTING ZONING DESIGNATION OF 702-762 WEST ARROW HIGHWAY FROM CREATIVE GROWTH, AREA 1 (CG-1) TO COMMERCIAL HIGHWAY (CH) (APN: 8386-007-049)**

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## SUMMARY

**Ordinance No. 1198** changes the existing zoning designation of 702-762 West Arrow Highway from Creative Growth, Area 1 (CG-1) to Commercial Highway (CH) (APN: 8386-007-049). The proposed zone change will not adversely affect adjoining properties, as to value, precedent or be detrimental to any area.

The City Council introduced Ordinance No. 1198 at their November 9, 2010 meeting, by a vote of 4.1; Mayor Pro Tem Ebiner opposed.

## RECOMMENDATION

Planning Commission and Staff recommend second reading and adoption of Ordinance No. 1198, which specifically pertains to 702-762 West Arrow Highway.

*6 a (1)*

## ORDINANCE NO. 1198

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING ZONE CHANGE 10-02, A REQUEST TO CHANGE THE EXISTING ZONING DESIGNATION OF 702-762 WEST ARROW HIGHWAY FROM CREATIVE GROWTH, AREA 1 (CG-1) TO COMMERCIAL HIGHWAY (CH) (APN: 8386-007-049).

WHEREAS, a Zone Change application was filed by Vicky Valenzuela, Thatcher Engineering & Associates; and

WHEREAS, a Zone Change application was initiated by the Planning Commission on July 7, 2010; and

WHEREAS, the Zone Change is described as a request to change the zone from Creative Growth, Area 1 (Regional Commercial) Zone to Commercial Highway Zone; and

WHEREAS, the Zone Change would affect the parcel located on the southeast corner of the intersection of Bonita Avenue and Arrow Highway; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on October 6, 2010 and, following the conclusion of that hearing, adopted Resolution No. PC 1422 recommending approval of the application upon certain stated conditions; and

WHEREAS, notice was duly given of the City Council public hearing on the matter and that public hearing was held on November 9, 2010 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, all requirements of the California Environmental Quality Act and the City's Environmental Guidelines have been met for the consideration of whether the project will have a significant effect on the environment. Based upon the facts and information contained in the proposed Mitigated Negative Declaration, the City Council finds that there is no substantial evidence that the project will have a significant effect upon the environment and adopts a Mitigated Negative Declaration.

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, including written and oral staff reports, together with public testimony, the City Council now finds as follows:

- A. The proposed Zone Change will not adversely affect the adjoining properties as to value, precedent or be detrimental to any area.

The proposed Zone Change of the subject site from Creative Growth, Area 1 (Regional Commercial) Zone to Commercial Highway Zone is compatible with

the zoning of the neighborhood. The proposed change could bring value to the surrounding area since the allowed uses will broaden the possibilities for new tenants at the site.

- B. The proposed Zone Change will further the public health, safety and general welfare.

The Zone Change from Creative Growth, Area 1 (Regional Commercial) to Commercial Highway will provide similar land uses and will not negatively impact the public health, safety and general welfare.

- C. The proposed Zone Change is consistent with the General Plan.

The proposed Zone Change is currently and will remain consistent with the General Plan.

**THE CITY COUNCIL OF THE CITY OF SAN DIMAS DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Section 18.140, Exhibit A, of the San Dimas Municipal Code is hereby amended by amending the Official Zoning Map of the City of San Dimas as shown in Exhibit A.

**SECTION 2.** This Ordinance shall take effect 30 days after its final passage, and within 15 days after its passage the City Clerk shall cause it to be published in the Inland Valley Daily Bulletin, a newspaper of general circulation in the City of San Dimas hereby designated for that purpose.

**PASSED, APPROVED AND ADOPTED THIS 23rd DAY OF NOVEMBER, 2010.**

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

ATTEST:

\_\_\_\_\_  
Ina Rios, CMC, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance No. 1198 was regularly introduced at the regular meeting of the City Council on November 9, 2010 and was thereafter adopted and passed at the regular meeting of the City Council held on November 23, 2010 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

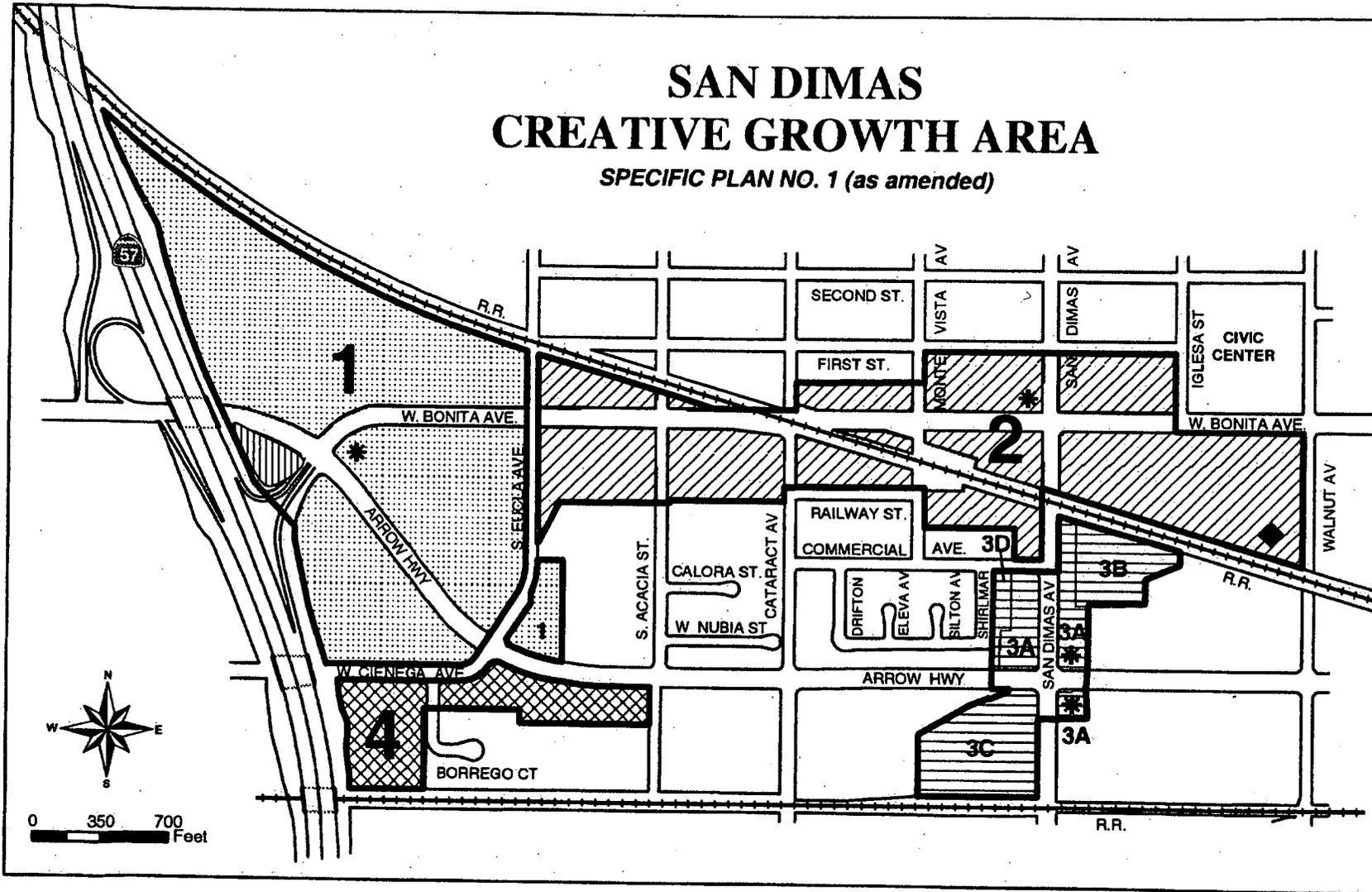
I DO FURTHER CERTIFY that within 15 days of the date of its passage, I caused a copy of Ordinance No. 1198 to be published in the Inland Valley Daily Bulletin.

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Ina Rios, CMC, City Clerk

# SAN DIMAS CREATIVE GROWTH AREA

*SPECIFIC PLAN NO. 1 (as amended)*



**Creative Growth Areas**

- |  |  |   |   |
|--|--|---|---|
|  Area 1 - Regional Commercial |  Area 3A - Mixed Use          |  Area 4 - Commercial/Light Industrial |  Service Station                 |
|  Area 2 - Frontier Village    |  Area 3B - High Density       |  Subject site changed to C-H Zone     |  Medium-high Density Residential |
|  |  Area 3C - Low-Medium Density |   |   |
|  |  Area 3D - Single Family      |   |   |

**EXHIBIT A - GROWTH AREAS**



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of November 23, 2010*

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

**SUBJECT:** MUNICIPAL CODE TEXT AMENDMENT 10-03 - CITY OF SAN DIMAS -  
A request to amend various provisions of the Parking Chapter 18.156 of  
the Zoning Code for consistency with the 2010 CALGREEN Building  
Code.

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**ANALYSIS** - California has approved the most stringent, environmentally-friendly building code in the United States that will apply to new commercial buildings, hospitals, schools, shopping malls and homes. Green Building Standards Code (CALGREEN) requiring all new buildings in the state to be more energy efficient and environmentally responsible. Taking effect on January 1, 2011, these comprehensive regulations will achieve major reductions in greenhouse gas emissions, energy consumption and water use to create a greener California. The California Air Resources Board estimates that the mandatory provisions will reduce greenhouse gas emissions (CO2 equivalent) by 3 million metric tons equivalent in 2020.

There are several provisions in CALGREEN that will require amending our Zoning Code for consistency (see Exhibit A) in the following areas:

- Add definitions for low-emitting and fuel-efficient vehicles, and tenant occupants
- Revise bicycle parking and storage requirements
- Revise transportation demand management standards to require designated parking for any combination of low-emitting, fuel-efficient, and carpool/vanpool vehicles
- Revise general parking design standards to require stalls to be labeled for "CLEAN AIR VEHICLE".

**RECOMMENDATION** – The Planning Commission and Staff recommend approval.

Attachments: Exhibit A – Analysis  
Draft Ordinance  
Resolution PC-1423

**EXHIBIT A**

**POTENTIAL MUNICIPAL CODE TEXT AMENDMENTS  
BASED UPON 2010 CALGREEN BUILDING CODE (EFFECTIVE 1-1-2011)**

*The following list assumes City adopts entire CALGreen Building Code; therefore, does not include all mandatory measures to be included in Title 15 of San Dimas Municipal Code. The purpose of this list is to highlight potential amendments to other Titles of San Dimas Municipal Code, such as Zoning Code.*

<b>CALGREEN CODE MANDATORY MEASURES</b>	<b>EXISTING MUNICIPAL CODE</b>
<b>Residential</b>	
<p><b>4.408.1 Construction waste reduction of at least 50%.</b> Recycle and/or salvage for reuse a minimum of 50% of the non-hazardous construction and demolition debris, or meet a local construction and demolition waste management ordinance, whichever is more stringent.</p> <p>Exceptions:</p> <ol style="list-style-type: none"> <li>1. Excavated soil and land-clearing debris.</li> <li>2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the jobsite.</li> </ol>	None
<p><b>4.408.2 Construction waste management plan.</b> Where a local jurisdiction does not have a construction and demolition waste management ordinance, a construction waste management plan shall be submitted for approval to the enforcing agency that:</p> <ol style="list-style-type: none"> <li>1. Identifies the materials to be diverted from disposal by recycling, reuse on the project or salvage for future use or sale.</li> <li>2. Specifies if materials will be sorted on-site or mixed for transportation to a diversion facility.</li> <li>3. Identifies the diversion facility where the material collected will be taken.</li> <li>4. Identifies construction methods employed to reduce the amount of</li> </ol>	None

waste generated. 5. Specifies that the amount of materials diverted shall be calculated by weight or volume, but not by both.	
<b>4.408.2.1 Documentation.</b> Documentation shall be provided to the enforcing agency which demonstrates compliance with Section 4.408.2, Items 1 through 5. The waste management plan shall be updated as necessary and shall be accessible during construction for examination by the enforcing agency.	None
<b>4.408.2.2 Isolated jobsites.</b> The enforcing agency may make exceptions to the requirements of this section when jobsites are located in areas beyond the haul boundaries if the diversion facility.	None
<b>Non-Residential</b>	
<b>5.102 Definitions. Low-emitting and fuel-efficient vehicles.</b> Eligible vehicles are limited to the following: 1. Zero emission vehicle (ZEV), including neighborhood electric vehicles (NEV), partial zero emission vehicle (PZEV), advanced technology PZEV (AT PZEV), or CNG fueled (Original equipment manufacturer only) regulated under Health and Safety Code section 43800 and CCR, Title 13, sections 1961 and 1962. 2. High efficiency vehicles, regulated by US EPA, bearing High-Occupancy Vehicle (HOV) car pool lane stickers issued by the Department of Motor Vehicles.	None
<b>5.102 Definitions. Tenant-occupants.</b> Building occupants who inhabit a building during its normal hours of operation as permanent occupants, such as employees, as distinguished from customers and other transient visitors.  <b>5.106.4 Bicycle parking and changing rooms.</b> Comply with Sections 5.106.4.1 and 5.106.4.2; or meet local ordinance or the University of California Policy on Sustainable Practices, whichever is stricter.  <b>5.106.4.1 Short-term bicycle parking.</b> If the project is anticipated to generate visitor traffic, provide permanently anchored bicycle racks	<b>18.156.060 Bicycle and motorcycle parking spaces required.</b> A. Bicycle Parking. 1. Bicycle racks or other secure bicycle parking shall be provided in nonresidential projects based on the following standards: a. A minimum of four spaces for all non-residential projects from twenty-five thousand square feet in floor area up to fifty thousand square feet of floor area, then one additional space for each additional fifty thousand square feet of floor area.

within 100 feet of the visitors' entrance, readily visible to passers-by, for 5% of visitor motorized vehicle parking capacity, with a minimum of one two-bike capacity rack.

**5.106.4.2 Long-term bicycle parking.** For buildings with over 10 tenant-occupants, provide secure bicycle parking for 5% of motorized vehicle parking capacity, with a minimum of one space. Acceptable parking facilities shall be convenient from the street and may include:

1. Covered, lockable enclosures with permanently anchored racks for bicycles;
2. Lockable bicycle rooms with permanently anchored racks; and
3. Lockable, permanently anchored bicycle lockers.

**5.106.5.2 Designated parking.** Provide designated parking for any combination of low-emitting, fuel-efficient, and carport/vanpool vehicles as follows:

Table 5.106.5.2 (BSC)

Total Number of Parking Spaces	Number of Required Spaces
0-9	0
10-25	1
26-50	3
51-75	6
76-100	9
101-150	11
151-200	18
201 and over	At least 3% of total

b. A bicycle parking facility may be an approved bicycle rack where a user can secure both wheels and the frame of the bicycle or may be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location (e.g., provision of racks, lockers or locked room) shall be to the satisfaction of the director of community development.

**18.156.090 Transportation Demand management standards.**

2. Number of Car Pool/Van Pool Spaces Required.

Total Square Footage of Nonresidential Development	Number of Car Pool Spaces, Van Pool Spaces or Combination Required
50,000 - 99,999	1
100,000 +	2

3. Standards for Car Pool/Van Pool Spaces for Nonresidential Developments Fifty Thousand Square Feet and Greater.

a. Not less than ten percent of employee parking, as defined in Section 18.156.030 (F), shall be located as close as is practical to the employee entrances, and shall be reserved for use by potential car pool/van pool vehicles, without displacing handicapped

	and customer parking needs. These spaces shall be signed or striped as car pool/van pool spaces as demand warrants, but in no case shall fewer spaces be signed or striped than required in subsection (A)(2) of this section. A statement that preferential car pool/van pool spaces for employees are available and a description of the method for obtaining such spaces shall be included on the required transportation information board.
<b>5.106.5.2.1 Parking stall marking.</b> Paint, in the paint used for stall striping, the following characters such that the lower edge of the last word aligns with the end of the stall striping and is visible beneath a parked vehicle: "CLEAN AIR VEHICLE"	<b>18.156.080.D. General parking design requirements.</b> 7. Car Pool and Van Pool Space Designation. Car pool and van pool spaces shall be designated as such, so that the designation is clearly visible. Space designation shall be either painted on the pavement or on a sign.
<b>5.408.1 Construction waste diversion.</b> Establish a construction waste management plan for the diverted materials, or meet local construction and demolition waste management ordinance, whichever is more stringent.	None
<b>5.408.1 Construction waste management plan.</b> Where a local jurisdiction does not have a construction and demolition waste management ordinance, submit a construction waste management plan for approval by the enforcement agency that: 1. Identifies the materials to be diverted from disposal by efficient usage, recycling, reuse on the project, or salvage for future use or sale. 2. Determines if materials will be sorted on-site or mixed. 3. Identifies diversion facilities where material collected will be taken. 4. Specifies that the amount of materials diverted shall be calculated by weight or volume, but not by both.	None
<b>5.408.2.1 Documentation.</b> Documentation shall be provided to the enforcing agency which demonstrates compliance with Section 5.408.2 items 1 thru 4. The waste management plan shall be updated a necessary and shall be accessible during construction for examination by the enforcing agency. <b>Exception:</b> Jobsites in areas where there is no mixed construction and	None

demolition debris (C&D) processor or recycling facilities within a reasonable haul distance shall meet the requirements as follows: 1. The enforcement agency having jurisdiction shall at its discretion, enforce the waste management plan and make exceptions as deemed necessary.	
<b>5.408.2.2 Isolated jobsites.</b> The enforcing agency may make exceptions to the requirements of this section when jobsites are located in areas beyond the haul boundaries of the diversion facility.	None
<b>5.408.3 Construction waste reduction of at least 50%.</b> Recycle and/or salvage for reuse a minimum of 50% of the non-hazardous construction and demolition debris, or meet a local construction and demolition waste management ordinance, whichever is more stringent. Calculate the amount of materials diverted by weight or volume, but not by both. <b>Exceptions:</b> 1. Excavated soil and land-clearing debris. 2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist.	None
<b>5.408.4 Excavated soil and land clearing debris.</b> 100% of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled. For a phased project, such material may be stockpiled on site until the storage site is developed.	None
<b>5.410.1 Recycling by occupants.</b> Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics and metals.	None
<b>5.410.1.1 Sample ordinance.</b> Space allocation for recycling areas shall comply with Chapter 18, Part 3, Division 30 of the Public Resources Code. Chapter 18 is known as the California Solid waste Reuse and Recycling Access Act of 1991 (Act).	None

**ORDINANCE NO. 1199**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SAN DIMAS, CALIFORNIA, APPROVING MUNICIPAL CODE  
TEXT AMENDMENT 10-03 AMENDING TITLE 18 OF ZONING  
CODE RELATING TO PARKING**

**WHEREAS**, the 2010 CALGREEN Building Code, which becomes effective on January 1, 2011, requires certain parking standards to reduce greenhouse gas emissions;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN DIMAS DOES  
ORDAIN AS FOLLOWS:**

**SECTION 1.** Title 18 of the San Dimas Zoning Code, Chapter 18.156, Section 18.156.030 is hereby amended to add new definitions to read as follows (added text shown in *italics*; deleted text shown in ~~strikethrough~~):

*"Low-emitting and fuel-efficient vehicles" means the following:*

- 1. Zero emission vehicle (ZEV), including neighborhood electric vehicles (NEV), partial zero emission vehicle (PZEV), advanced technology PZEV (AT PZEV), or CNG fueled (Original equipment manufacturer only) regulated under Health and Safety Code section 43800 and CCR, Title 13, sections 1961 and 1962.*
- 2. High efficiency vehicles, regulated by US EPA, bearing High-Occupancy Vehicle (HOV) car pool lane stickers issued by the Department of Motor Vehicles.*

*"Tenant-occupants" means building occupants who inhabit a building during its normal hours of operation as permanent occupants, such as employees, as distinguished from customers and other transient visitors.*

**SECTION 2.** Title 18 of the San Dimas Zoning Code, Chapter 18.156, Section 18.156.060 is hereby amended to read as follows (added text shown in *italics*; deleted text shown in ~~strikethrough~~):

**18.156.060 Bicycle and motorcycle parking spaces required.**

A. Bicycle Parking *and changing rooms.*

1. Bicycle racks or other secure bicycle parking shall be provided in nonresidential projects based on the following standards:

a. ~~A minimum for four spaces for all non-residential projects from twenty-five thousand square feet in floor area up to fifty thousand square feet of floor area, then one additional space for each additional fifty thousand square feet of floor area.~~ *Short-term bicycle parking. If the project is anticipated to generate visitor or customer traffic, provide permanently anchored bicycle racks within 100 feet of the visitor's entrance, readily visible to passers-by, for 5% of vehicle parking capacity, with a minimum of one two-bike capacity rack.*

b. *Long-term bicycle parking. For buildings with over 10 tenant-occupants, provide secure bicycle parking for 5% of motorized vehicle parking capacity, with a minimum of one two-bike space. Acceptable parking facilities shall be convenient from the street and may include:*

- 1. Covered, lockable enclosures with permanently anchored racks for bicycles;*
- 2. Lockable bicycle rooms with permanently anchored racks; and*

3. Lockable, permanently anchored bicycle lockers.

c. A bicycle parking facility may be an approved bicycle rack where a user can secure both wheels and the frame of the bicycle or may be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location (e.g., provision of racks, lockers or locked room) shall be to the satisfaction of the director of community development.

d. A changing room with lockers and a minimum of one shower facility, accessible to both men and women, shall be provided for persons walking or bicycling to work for each project which meets the following thresholds:

<i>Commercial</i>	<i>250,000 square feet or greater</i>
<i>Industrial</i>	<i>325,000 square feet or greater</i>
<i>Office</i>	<i>125,000 square feet or greater</i>
<i>Hotel and Motels</i>	<i>250 rooms or greater</i>

B. Motorcycle Parking.

1. Motorcycle parking shall be provided in nonresidential projects based on the following standards:

- a. A minimum of two spaces for developments over twenty-five thousand square feet;
- b. A minimum of four spaces for developments over fifty thousand square feet;
- c. The minimum size of motorcycle spaces shall be seven feet in width by seven feet in depth.

**SECTION 3.** Title 18 of the San Dimas Zoning Code, Chapter 18.156, Section 18.156.090, subsections 2 and 3, are hereby amended to read as follows (added text shown in *italics*; deleted text shown in ~~strikethrough~~):

**18.156.090 Transportation demand management standards.**

2. Number of Car Pool/Van Pool Spaces Required. *Provide designated parking for any combination of low-emitting, fuel-efficient, and carpool/vanpool vehicles in accordance with the CALGREEN Building Code as follows:*

<b>Total Square Footage of Nonresidential Development</b>	<b>Number of Car Pool Spaces, Van Pool Spaces or Combination Required</b>
50,000 – 99,999	1
100,000 +	2

<b>Total Number of Parking Spaces</b>	<b>Number of Required Spaces</b>
0-9	0
10-25	1
26-50	3
51-75	6
76-100	8

<i>101-150</i>	<i>11</i>
<i>151-200</i>	<i>16</i>
<i>201 and over</i>	<i>At least 8% of total</i>

3. Standards for Car Pool/Van Pool Spaces for Nonresidential Developments Fifty Thousand Square Feet and Greater.

a. Not less than ten percent of employee parking, as defined in Section 18.156.030 (F), shall be located as close as is practical to the employee entrances, and shall be reserved for use by potential car pool/van pool vehicles, without displacing handicapped and customer parking needs. These spaces shall be signed or striped as car pool/van pool spaces as ~~demand warrants~~ *required in subsection 18.156.080(D)(7)*, but in no case shall fewer spaces be signed or striped than required in subsection (A)(2) of this section. A statement that preferential car pool/van pool spaces for employees are available and a description of the method for obtaining such spaces shall be included on the required transportation information board.

**SECTION 4.** Title 18 of the San Dimas Zoning Code, Chapter 18.156, Section 18.156.080, subsection D.7, is hereby amended to read as follows (added text shown in *italics*; deleted text shown in ~~strikethrough~~):

**18.156.080.D. General parking design requirements.**

7. Car Pool and Van Pool Space Designation. Car pool and van pool spaces shall be designated as such, so that the designation is clearly visible. ~~Space designation shall be either painted on the pavement or on a sign. Paint, in the paint used for stall striping, the following characters such that the lower edge of the last word aligns with the end of the stall striping and is visible beneath a parked vehicle: "CLEAN AIR VEHICLE".~~

**SECTION 5.** **Compliance with California Environmental Quality Act.** The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**SECTION 6.** **Severability.** If any section, subsection, subdivision, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

**SECTION 7.** This Ordinance shall take effect 30 days after its final passage, and within 15 days after its passage the City Clerk shall cause it to be published in the San Gabriel Valley Tribune, a newspaper of general circulation in the City of San Dimas hereby designated for that purpose.

**PASSED, APPROVED AND ADOPTED THIS \_\_\_th DAY OF (MONTH), 2010.**

\_\_\_\_\_  
Curt Morris, Mayor of the City of San Dimas

\_\_\_\_\_  
Ina Rios, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance No. 1199 was regularly introduced at the regular meeting of the City Council on November 23, 2010 and was thereafter adopted and passed at the regular meeting of the City Council held on (DATE), 2010 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

I DO FURTHER CERTIFY that within 15 days of the date of its passage, I caused a copy of Ordinance 1199 to be published in the Inland Valley Daily Bulletin.

\_\_\_\_\_  
Ina Rios, City Clerk

**RESOLUTION PC-1423**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 10-03 REGARDING VARIOUS PROVISIONS OF THE PARKING CHAPTER 18.156 OF THE ZONING CODE FOR CONSISTENCY WITH THE 2010 CALGREEN BUILDING CODE.**

WHEREAS, the 2010 CALGREEN Building Code, which becomes effective on January 1, 2011, requires certain parking standards to reduce greenhouse gas emissions;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on November 3, 2010 and;

WHEREAS, the Planning Commission finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, including written and oral staff reports, together with public testimony, the Planning Commission now finds as follows:

- A. The proposed Municipal Code Text Amendment will not adversely affect adjoining property as to value, precedent or be detrimental to the area.

The proposed amendment would adopt minor changes to the existing parking regulations to reduce greenhouse gas emissions.

- B. The proposed Municipal Code Text Amendment will further the public health, safety and general welfare.

The proposed amendment would adopt minor changes to the existing parking regulations to reduce greenhouse gas emissions that would further protect the public health, safety and general welfare.

- C. The proposed Municipal Code Text Amendment is consistent with the general plan and is in compliance with all applicable provisions of the zoning code and other ordinances and regulations of the city.

The proposed amendment would adopt minor changes to the existing parking regulations to reduce greenhouse gas emissions as required by state law.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council that Municipal Code Text Amendment 10-03 be **APPROVED**.

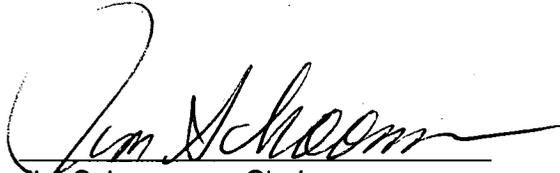
**PASSED, APPROVED and ADOPTED, the 3<sup>rd</sup> day of November 2010 by the following vote:**

AYES: Bratt, Ensberg, Rahi, Schoonover

NOES: None

ABSENT: Schoonover

ABSTAIN: None



\_\_\_\_\_  
Jim Schoonover, Chairman  
San Dimas Planning Commission

ATTEST:



\_\_\_\_\_  
Jan Sutton, Planning Commission Secretary



# Agenda Item Staff Report

**TO** Honorable Mayor and Members of the City Council  
For the Meeting of November 23, 2010

**FROM** Michael Concepcion, Planning Division

**SUBJECT** Consider Appeal of DPRB Case No. 10-28, a request to install a security grate at Computer Village located at 161 West Bonita Avenue

**APPLICANT** Marc Salehpour, Computer Village

## SUMMARY

At the Development Plan Review Board meeting of October 14, 2010, DPRB Case No. 10-28, a request to install a security grate at Computer Village located at 161 West Bonita Avenue, was approved.

This case has since been appealed by a Councilmember. The City Council should review and determine appropriateness of the proposed security grate.

## BACKGROUND

The applicant installed security grates without City approvals and without building permits at Computer Village, located at 161 West Bonita Avenue. At the Development Plan Review Board meeting of October 14, 2010, DPRB Case No. 10-28, a request to install a foldable security grate at the inside of Computer Village's entry door, was approved. City Councilmember John Ebiner appealed this case, preferring that the City Council review Computer Village's proposed security grate and that a written policy concerning security grates for the Town Core and Citywide be written.

Security grates have been traditionally discouraged by Staff, whether it be outside or inside of door or window openings, both in the Town Core and throughout the City.

Please refer to **Exhibit A** for the original DPRB Fact Sheet dated October 14, 2010 describing the full request to install a security grate at the entry door and window grids. The proposed security grate and window grids have already been installed and photographs of their current appearance may be found in the

8a

Fact Sheet and also at **Exhibit F**. The Fact Sheet also discusses the Town Core Design Guidelines, which discourages the use of security grills *over* entries and windows on storefronts within the Town Core. Computer Village's proposal may be seen as being consistent with the guidelines because their security grate was installed *behind* the entry glass door, in the interior of the unit.

The DPRB Minutes are attached as **Exhibit B** while the Approval Letter with Conditions is attached as **Exhibit C**. The DPRB approved only the security grate behind the door while allowing to continue the window grids on a temporary basis. In the motion, the DPRB recommended that the applicant work with the City's Facade Renewal Program with the intent of coming up with an alternative to the window grids within 90 days from the date of this letter for review and approval of Staff. If an alternative is not agreed upon through the program, then the existing window grids shall be brought back to the DPRB for review. The DPRB also directed Staff to write a formal policy for security grates for the Town Core and Citywide to be reviewed by the DPRB within 30 to 60 days of the original DPRB meeting.

Because the City Council appealed this case, the Council should review the proposed security grate at the entry door for which they may approve, conditionally approve, or deny at today's meeting.

### **Security Grate Policy**

A Security Grate Policy is currently being prepared and a draft will be reviewed by the DPRB at a future meeting. City Council may provide direction regarding appropriateness of security grates within the Town Core and Citywide.

### **RECOMMENDATION**

The City Council may approve, conditionally approve, or deny the proposed entry door grate at 161 W. Bonita Avenue at its discretion.

Respectfully Submitted,



Michael Concepcion  
Assistant Planner

#### Attachments:

- Exhibit A: DPRB Fact Sheet, October 14, 2010
- Exhibit B: DPRB Minutes, October 14, 2010
- Exhibit C: DPRB Approval Letter with Conditions, October 19, 2010
- Exhibit D: Floorplan of Computer Village
- Exhibit E: Manufacturer Specifications for Criterion EG Series
- Exhibit F: Additional Photographs of security grate and window grids as currently installed in unit

# DEVELOPMENT PLAN REVIEW BOARD FACT SHEET



**DATE:** October 14, 2010

**TO:** Development Plan Review Board

**FROM:** Michael Concepcion

**SUBJECT:** **DPRB Case No. 10-28**  
A request to install a security grate at Computer Village, located at 161 West Bonita Avenue. (APN: 8387-011-034)

## FACTS

Marc Salehpour, business and property owner of Computer Village, has installed a security grate at his business entrance. Having moved from their previous location at San Dimas Station North, their new location is situated at 161 West Bonita Avenue, within the historic downtown area of the Town Core. Recently, staff received a complaint regarding installation of a security grate, which requires a building permit. Historically, security grates have been discouraged by staff, whether it be in the Town Core or throughout the City. Staff requests DPRB to provide policy direction concerning the appropriateness of grates within the downtown area of the Town Core.

Security is an important issue for businesses, especially within the downtown area. Many of the historic storefronts have large window spaces for the display of merchandise and were not originally designed with security in mind. The building for which Computer Village is situated in is not a historic building listed in the City's Historic Resources Survey, but it is part of the historic downtown for which the City has put much effort in planning for pedestrian-friendly streetscapes and attractive storefronts. Security has been an ongoing issue according to Mr. Salehpour. He states that his previous shop has been broken into four times. After installing grates at the previous location, he has not been broken into ever since. Examples of other businesses with security grates include CVS, Adamas Jewelers in San Dimas Station, and Walterscheid Electric (welded bars across outside of windows).

The proposed make/model for the security grate is the "Criterion EG Series: Bi-Parking Gate". Refer to Exhibit A for a floorplan of the unit and Exhibit B for manufacturer specifications of the security grate. Figure 1 shows the storefront view of Computer Village with the security grate installed behind the entry. Figure 2 shows a closeup view of that entry, with the security grate behind the door. In addition, a metal grid has been installed behind the existing windows on both sides of the entry. Figure 3 shows an interior view of the security grate enclosed, while Figure 4 shows an interior view of the security grate open and folded into its casing tucked behind the existing window frame.

**EXHIBIT A**



Figure 1 (top left): Computer Village storefront showing security grates behind main entry.

Figure 2 (top right): Closeup view of Computer Village entry with security grates.

Figure 3 (bottom left): Interior view of security grates enclosed.

Figure 4 (bottom right): Interior view of security grates folded away in a case.

## ISSUES

### Compatibility with Town Core Design Guidelines

Traditionally, security grates have been discouraged by staff, whether it be outside or inside of door or window openings, both in the Town Core and throughout the City. The Town Core Design Guidelines also discourages the use of security grills over entries and windows on storefronts within the Town Core. Within the "Storefronts" section of the guidelines, it states:

#### Entry Discourage

- *Avoid using metal security grills which drop down over doors and windows. Use internal electronic security systems instead. (p. 32)*

#### Windows Discourage

- *Do not install security grills over storefront windows. (p. 30)*

Computer Village is consistent with the Town Core Design Guidelines because their security grate was installed inside (behind the glass).

Staff asks DPRB to provide direction regarding appropriateness of grates, grills, and other security devices for storefronts in the Town Core. If DPRB feels that they are appropriate, then staff can draft criteria and bring it back to the DPRB at a future meeting for review. Potential criteria for this policy may include (but not be restricted to) the following:

- Compatibility of the style of grills with the architecture of the shop front;
- Color of grills;
- Installation of grills inside of storefront vs. outside of storefront;
- “Transparency” of grills; and
- Fixed vs. foldable grills/grates.

**RECOMMENDATION:**

Staff recommends that the DPRB provide policy direction concerning appropriateness of grates and grills within the Town Core. The DPRB may direct staff to draft more detailed guidelines/criteria regarding security grills in the Town Core, to be reviewed by DPRB at a future meeting.

Exhibit:           A. Floorplan of Computer Village  
                      B. Manufacturer Specifications for Criterion EG Series – Folding Gates

**CITY OF SAN DIMAS  
DEVELOPMENT PLAN REVIEW BOARD  
MINUTES  
Thursday October 14, 2010 at 8:30 A.M.  
186 VILLAGE COURT  
PUBLIC CONFERENCE ROOM, TEMPORARY CITY HALL**

---

**PRESENT**

*Scott Dilley, Chamber of Commerce  
Ken Duran, City Manager  
Curtis Morris, Mayor  
Jim Schoonover, Planning Commission  
John Sorcinelli, Public Member at Large  
Larry Stevens, Assistant City Manager of Community Development*

**ABSENT**

*Krishna Patel, Director of Public Works*

**CALL TO ORDER**

Jim Schoonover called the regular meeting of the Development Plan Review Board to order at 8:30 a.m. so as to conduct regular business in the Council Chambers Conference room.

**APPROVAL OF MINUTES**

July 8, 2010 minutes were approved 6.0.1.0. , (Sorcinelli absent), and August 12, 2010 minutes were approved 6.0.1.0., (Patel absent), on September 16, 2010 by mail.

Quorum not met for approval of September 9, 2010 minutes.

**HEARING ITEMS**

**Precise Plan No. 10-01**

Request to construct a 674 square foot addition and a 656 square foot patio to an existing fruit stand business located at 264 East Foothill Boulevard. **Related case: Tree Removal Permit No. 10-44**

APN: 8661-014-030

Zone: Commercial Highway

**EXHIBIT B**

Alan Smith, architect, was present.

Steve Rudy, owner, was present.

Jennifer Simison, 373 East Foothill Boulevard, was present.

Associate Planner Kristi Grabow presented request. She explained issues with the concrete block wall, roof-mounted equipment, outdoor display/sale, and signs.

In response to the Board, Ms. Grabow stated that the area of increased parking is on property owned by Starberry Farms and is in the seasonal sales area indicated on the plans. The plan calls for 22 parking spaces, which meets the parking requirement.

Mr. Smith addressed the Board. He stated that the signs which were in code enforcement have been removed. The applicant accepts the conditions of approval as recommended by Staff.

Mayor Morris commented that the signs that have been removed added to the "ambiance" of the fruit stand and that he was not against such signs.

The Board discussed this type of signage and their historical use and appeal associated with this type of business.

**Motion:** Larry Stevens moved; second by Ken Duran to recommend approval to Planning Commission and City Council.

Motion carried 6.0:1.0. (Patel absent).

**DPRB Case No. 10-28**

Request to install a security grate at Computer Village located at 161 West Bonita Avenue:

APN: 8387-011-034

Zone: Creative Growth, Area 2

Marc Salehpour, applicant, was present.

Sid Maksoudian, 120 West Bonita Avenue, was present.

Assistant Planner Michael Concepcion presented request which was initiated by a complaint the City received about the security grate installed at Computer Village. He explained issues with the security grate and that historically they have been discouraged by Staff, whether inside or outside

of doors or windows, in both the Town Core and Citywide. He explained that the Town Core Design Guidelines discourages the use of security grills over entries and windows on storefronts within the Town Core. The applicant installed the security grate on the inside of the entry door, behind the glass, which is consistent with the Town Core Design Guidelines. He circulated copy of letter dated September 29, 2010 sent to Mr. Beilstein, City of San Dimas Building Superintendent, from Mr. Salehpour, requesting to keep the security grate.

In response to Mr. Duran, Mr. Concepcion stated that this was a good opportunity to establish guidelines for security grates in the Town Core and Citywide in addition to reviewing this request.

Mr. Stevens recalled discussions from back in the late 1980's about security grates in the Ralphs Shopping Center. The informal policy at the time was to discourage the security grates. Another more recent instance was with CVS Pharmacy on Bonita Avenue in the town core. CVS Pharmacy was allowed internal security grates at its entrance.

Mayor Morris recalled a gun and gold shop in the downtown that had a security grate.

Mr. Sorcinelli stated that in the Town Core Design Guidelines, it was the goal to avoid a "shutter" look in the down town.

Mr. Salehpour stated that the window grids were installed to delay a break-in, to give police time to respond to a burglary. The grids are also used to display merchandise. The table displaying merchandise at the window is not attached to the grids. He explained that his main security concern was for his customer's sensitive data on equipment being serviced at his business.

Mr. Sorcinelli stated that he had been hired by the City to review this building and three others in the downtown. He said that he was not hired to do any work related to this building; therefore, he did not feel that there was a conflict of interest.

Mr. Salehpour stated that if the grate was not approved, he would need time to figure out alternative security measures, such as bullet proof glass.

Mr. Maksoudian stated that he was concerned about a conflict of interest with Mr. Sorcinelli and this item and felt that Mr. Sorcinelli should recuse himself. He continued stating that the grids were in full view at the time of inspections of the mezzanine and questioned how much of the business was service compared to retail. He stated that he had installed similar grids in his store and was required to remove at a great, unrefundable

expense to him. At the time he was instructed to remove the grids, he stated that he was told that grids were discouraged in the downtown; therefore, that is why Mr. Salehpour should be required to remove the grids in his store. Mr. Maksoudian continued, stating that he was instead required to install security camera's and obtain insurance to protect his merchandise. He stated that he has high ticket items and has not experienced any break-ins since opening his business in the downtown. In speaking with Mr. Lopez at the Sheriff Department, Mr. Maksoudian stated that their data does not indicate any recent break-ins, except for one false alarm, at Mr. Salehpour's previous location in San Dimas Station. He feels that grids in the downtown gives a negative impression to an otherwise safe area.

Mr. Sorcinelli recused himself.

Mr. Salehpour stated that the City was not aware of the grids. The break-ins that he experienced occurred 15 years ago at his previous location in San Dimas Station. He stated that retail is 51% of his business with some on-site assembly. As for his relationship with the City, he stated that he has bid on City jobs and that his relationship the City is purely professional.

In response to Mayor Morris, Mr. Beilstein stated that the security grate effects exits; therefore, requiring a building permit. The window grids did not.

Mr. Stevens confirmed with the inspectors that they were not aware of the window grids at the time of the mezzanine permit sign-off. In regards to Mr. Maksoudian's business, the racking installed was not in compliance with the approved floorplan and the Conditional Use Permit. He stated that if the grids are approved, Mr. Maksoudian could submit a request for similar at his business.

Mr. Stevens stated that he could support the security grate as it appears to comply with the Town Core Design Guidelines policy because it is recessed and not very visible. Secondly, the window grids are of a concern as they are highly visible, although not entirely unattractive. He would like an alternative design to be considered, such as the resizing of the squares.

Mr. Dilley stated that he agreed with Mr. Steven, that the grate was acceptable as it is not visible while the business is open. He suggested that applicant look into a security plastic film for the windows instead of grids.

The Board concurred that the security grate was acceptable, but the window grids were a problem.

**Motion:** Larry Stevens moved, second by Jim Schoonover to approve, subject to standard conditions, the security grate as installed subject to obtaining requisite building permits and inspections in not more than sixty (60) days.

In interim, allow the window grids while downtown façade remodel is under review until ninety (90) days from today. Window grids to be re-evaluated at that time.

Staff is directed to create a written policy for security grates, Citywide and within the Town Core, to be reviewed by the Board.

Motion carried 4.0.1.1. (Patel absent, Sorcinelli abstained).

### **ADJOURNMENT**

There being no further business the meeting was adjourned at 9:30 a.m. to the meeting of October 28, 2010 at 8:30 a.m.

DRAFT

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

October 19, 2010

Marc Salehpour  
Computer Village  
161 West Bonita Avenue  
San Dimas, CA 91773

Re: DPRB Case No. 10-28 - **APPROVED**  
Request to install a security grate at Computer Village located at 161 West  
Bonita Avenue (APN: 8387-011-034)

Dear Marc:

Your request for the above referenced project was approved with conditions by  
the Development Plan Review Board on October 14, 2010. The DPRB motion  
can be summarized as follows:

- 1) Approve a foldable security grate located at the interior side of the  
entry, subject to approval and final of a building permit within 60 days  
of the date of this letter.
- 2) Allow to continue the existing window grid racking on a temporary  
basis. DPRB recommends that the applicant work with the City's  
Facade Renewal Program with the intent of coming up with an  
alternative to the existing window grid within 90 days from the date of  
this letter for the review and approval of staff. If an alternative is not  
agreed upon through the program, then the existing window grid  
racking shall be brought back to the DPRB for review.
- 3) Direct staff to write a formal policy for security grills for the Town Core  
and city-wide to be reviewed by the DPRB within 30 to 60 days.

This approval is based on the following findings and is subject to various  
Conditions set forth in Exhibit A.

**EXHIBIT C**

## Findings -

1. The development of the site in accordance with the development plan is suitable for the use or development intended.

The installation of the foldable grate behind the entryway is suitable for the existing retail use. To minimize the perception of downtown as being "unsafe" or being a dangerous neighborhood, the appearance of the security grate has been minimized and obscured through the following tactics: a) Security grate is not located at the exterior of the facade, but rather in the interior side of the entryway; b) The existing entryway is recessed from the front facade; c) The unfixed, foldable, "accordion-style" security grate is shielded from view from the public right-of-way by being encased in its own cabinet located behind a wall or similar architectural feature; and d) The security grate is not situated over large expanses of glass, but in an entryway area having limited glass exposure.

2. The total development is so arranged as to avoid traffic congestion, ensure public health, safety and general welfare and prevent adverse effects on neighboring property.

The proposed project does not impact traffic congestion, public health, safety and general welfare. To prevent the adverse effect of security grills creating the perception of an "unsafe" downtown and city, a Security Grill Policy for the Town Core and city-wide shall be written by Planning Staff for the review and approval by DPRB. This policy will set clear criteria for both appropriate and inappropriate types of security grills for commercial businesses.

3. The development is in general accord with all elements of the General Plan, Zoning Ordinance and all other ordinances and regulations of the City.

The development is consistent with the objectives of the General Plan, its General Plan Map designation as Commercial, and the zoning designation of Creative Growth Zone, Area 2. The development is also consistent with the Town Core Design Guidelines.

The decision of the Development Plan Review Board is final following a fourteen-day appeal period that ends November 2, 2010 at 5:30 pm. An appeal may be filed by you or any other interested party. Appeals must be filed in writing to the City Clerk, stating the reason for the appeal, and accompanied by a \$109 filing fee. If you have any questions about this approval, the Conditions listed in Exhibit A, the process for obtaining permits, or any other inquiry, please contact me at (909) 394-6256.

Sincerely,

Michael Concepcion  
Assistant Planner

cc: Sid Maksoudian, Chalet Gourmet

Attached: Exhibit A - Conditions of Approval

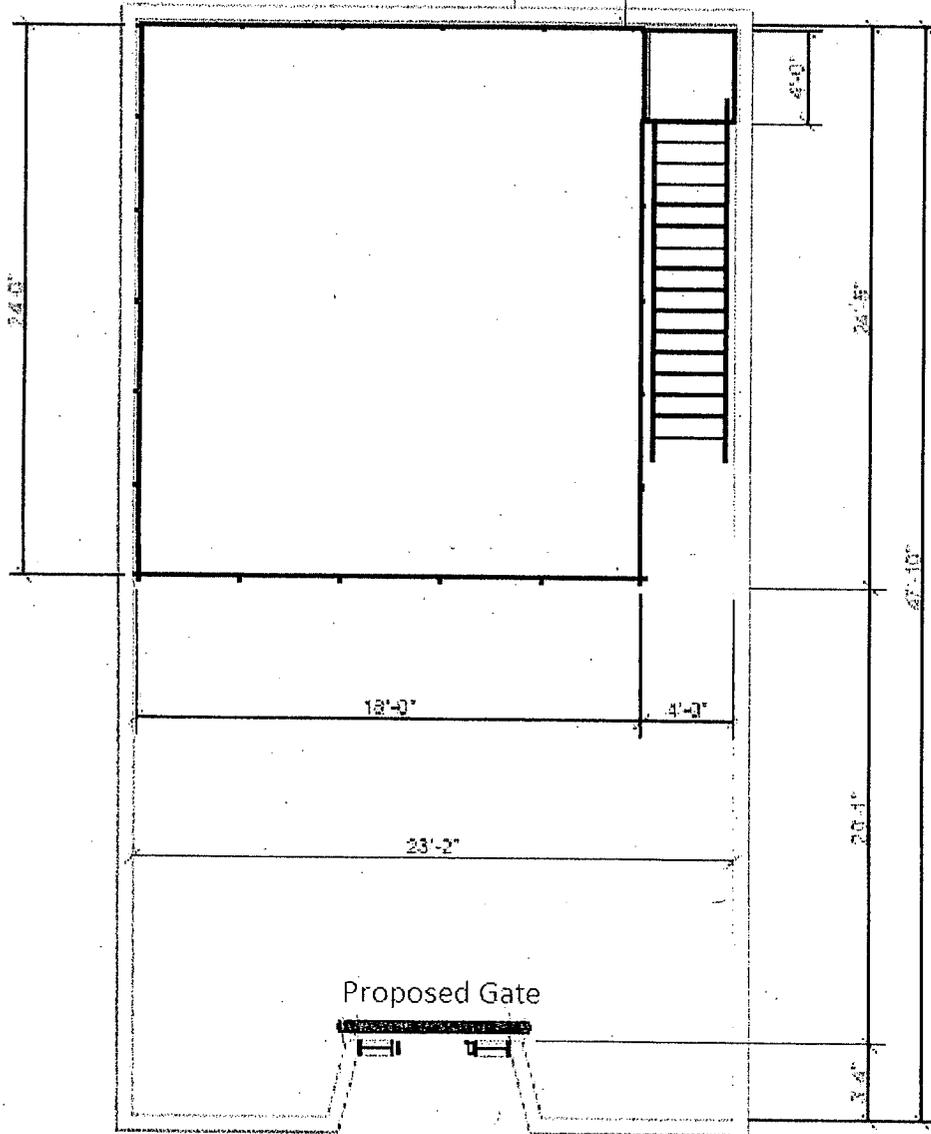
EXHIBIT C

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**  
**DPRB CASE NO. 10-28**

1. The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers or employees because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers or employees for any Court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
2. Copies of the signed Conditions shall be included on the building plan check plans. The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.
3. The developer shall comply with all requirements of the Creative Growth Zone, Area 2 (CG-2) zone.
4. All Conditions are final unless appealed to the City Council within 14 days of the issuance of the Conditions in accordance with the provisions of Chapter 18.212 of the San Dimas Zoning Code.
5. The building permits for this project must be issued within 60 days from the date of approval or the approval will become invalid. A time extension may be granted under the provisions set forth in Chapter 18.12.070 F.
6. The applicant shall sign an affidavit accepting all Conditions and all Standard Conditions before issuance of building permits.
7. The applicant shall comply with all City of San Dimas Business License requirements and shall provide a list of all contractors and subcontractors that are subject to business license requirements.
8. The developer shall comply with all conditions of DPRB Case No. 10-28 as approved by the DPRB on October 14, 2010.
9. The applicant shall submit plans for the security grate to the Building & Safety Division for review, approval, and final within 60 days of the date of this letter.
10. The applicant shall be allowed to continue the existing window grid racking on a temporary basis. DPRB recommends that the applicant work with the City's Facade Renewal Program with the intent of coming up with an alternative to the existing window grid racking within 90 days from the date of this letter, subject to review and approval by the City. If an alternative is not agreed upon through the program, then the review of the existing window grid racking shall be brought back to the DPRB.

# COMPUTER VILLAGE

Proposed gate for 161 West Bonita Ave





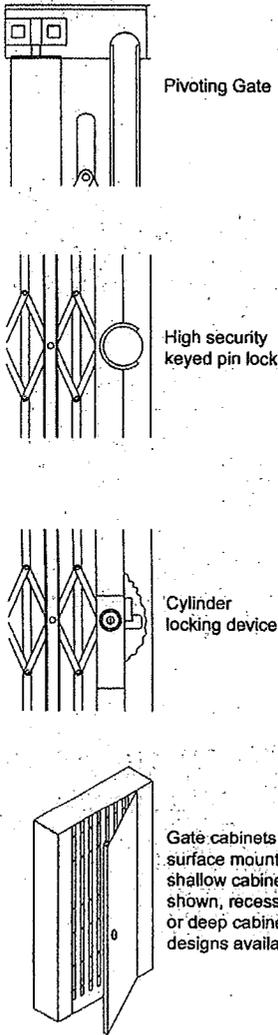
**EG Series Folding Gates  
STANDARD CONSTRUCTION**

- MAXIMUM SIZE** 16 ft. wide (single gate) or 32 ft. wide (bi-parting gate); 12 ft. high
- GATE BODY** Alternating vertical 1" x 1/2" x 11 gauge steel channels and intermediate 3/4" x 3/16" steel flat bars, spaced approximately 5" apart, with 3 rows of 3/4" x 3/16" steel lattice bars riveted together through zinc plated steel washers and traveling on formed steel clips
- LEAD & REAR BARS** 1 7/8" x 1 3/8" x 14 gauge formed steel box channel
- LOCKING** Hasp suitable for padlocking gate in closed position (full height lock post on single gate), pivoting steel tie-back arm to hold gate in open position
- BOTTOM ROLLERS** Machined steel ball bearing double-wheel non-swivel rollers traveling in 1 7/8" x 1 3/8" - 14 gauge formed steel box channel bottom track with rubber floor pads, track hinged when necessary to fold up and provide unobstructed access
- TOP GUIDE** Full height vertical 1" x 1/2" x 11 gauge steel channels traveling through 1 7/8" x 2 3/8" x 14 gauge formed steel box channel top track
- FINISH** Factory applied black, bronze or gray paint
- WARRANTY** One year limited warranty (excluding finish)
- COMMON OPTIONS**
- Pivoting gates
  - Unequal pair bi-parting gates
  - Floating gate sections
  - Top roller with bottom guide
  - Top roller only
  - Quick release device
  - Keyed pin type or cylinder locking device
  - Gate cabinets - surface mount or recessed, shallow or deep designs
  - Powder coat finish

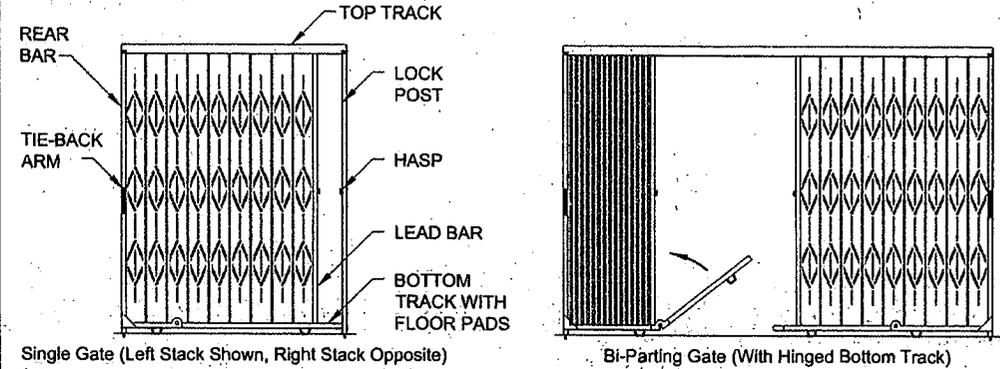
**SPECIFICATIONS**

<b>MAXIMUM SIZE</b>	16 ft. wide (single gate) or 32 ft. wide (bi-parting gate), 12 ft. high
<b>GATE BODY</b>	Alternating vertical 11 gauge steel channels and intermediate 3/16" steel flat bars, spaced approximately 5" apart, with 3 rows of 3/16" steel lattice bars riveted together through zinc plated steel washers and traveling on formed steel clips
<b>LEAD &amp; REAR BARS</b>	14 gauge formed steel box channels
<b>LOCKING</b>	Hasp suitable for padlocking gate in closed position (full height lock post on single gate), pivoting steel tie-back arm to hold gate in open position
<b>BOTTOM ROLLERS</b>	Machined steel ball bearing non-swivel double-wheel rollers in 14 gauge formed steel box channel bottom track with rubber floor pads
<b>TOP GUIDE</b>	Full height vertical 11 gauge steel channels traveling through 14 gauge formed steel box channel top track
<b>FINISH</b>	Factory applied black, bronze or gray paint
<b>WARRANTY</b>	One year limited warranty (excluding finish)

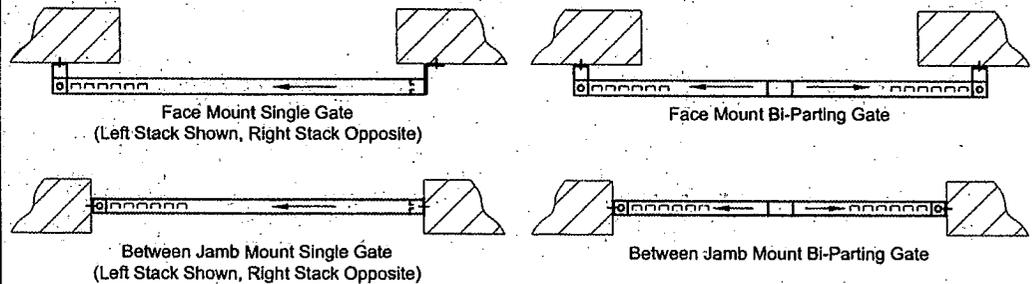
**COMMON OPTIONS**



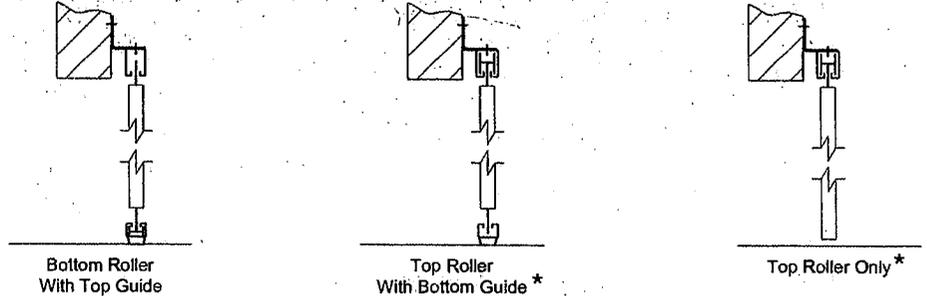
**GATE DETAILS**



**MOUNTING DETAILS**



**TRACK DETAILS** (Face mount details shown - between jamb mount similar)



**OTHER OPTIONS**

- JC-1000 "Quick Release"
- Unequal Pair Gates
- Floating Gate Sections
- Powder Coat Finish

**CLEARANCES:**

Allow approximately 2" per ft. of gate width for stacking clearance.

**GENERAL NOTES:**

Clearances are based upon standard gate construction. Some options may require additional clearance. Shop drawings for specific applications are available. Consult factory for any information not shown.

\* Available as an option



4525 Littlejohn Street • Baldwin Park, CA 91706  
 (626) 960-2933 • Toll Free (866) 224-4283 • Fax (626) 869-0844  
 www.criterionproducts.com

EG-11/09

PLAN



GENERAL SPECIFICATIONS - EG-SERIES

WHEN WRITING SPECIFICATIONS, THE GENERAL SPECIFICATIONS MUST BE USED IN CONJUNCTION WITH THE STYLE SERIES SPECIFICATIONS.

Furnish and install steel folding gates as shown on architectural drawings and as herein specified. Vertical bars to be 1" x 1/2" x 1/8" channels. Intermediate and lattice bars to be 3/8" x 3/4" flat strip. Machine head rivets to be 1/4", riveted to 16 gage square formed clips gliding on intermediate bars. Gate to be fabricated with hinged tie back arm. Hasps for padlock are standard. All steel housing cylinder lock with 5-ply laminated steel hook dead bolt optional at extra cost. All materials to be hot rolled. Color as selected. Gate shall be similar in design and equal in quality to that which is manufactured by Criterion

EG-275 furnished with stationary top track of 14 gage, 2" x 2 1/2" material. Spring loaded push pins spaced appropriately at bottom of vertical bars.

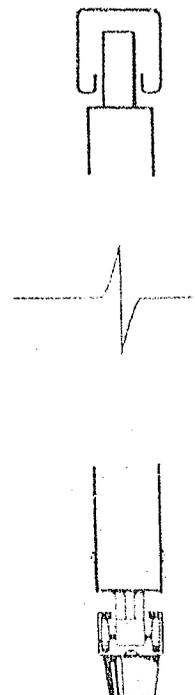
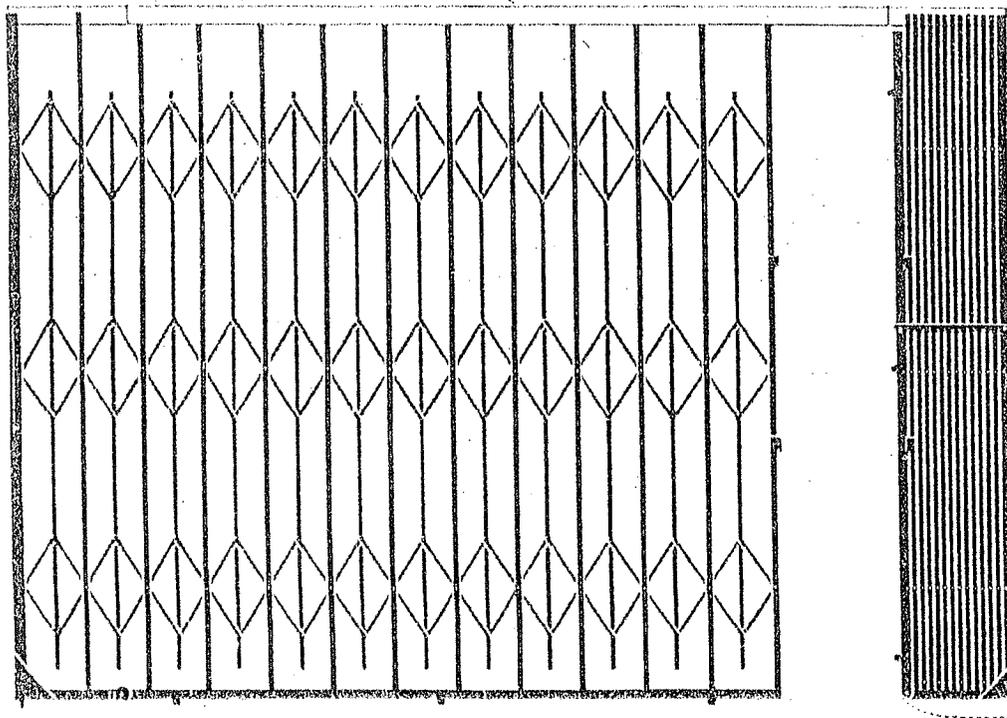
EG-375 consisting of stationary top guide and bottom fold up track. Top guide to be 14 gage 2" x 2 1/2" material. Bottom track to be 14 gage 1 7/8" x 1 1/4" material. Dust proof ball bearing rollers to be used in bottom track, non marring rubber floor pads.

EG-475 furnished with ball bearing, swivel type, hard rubber caster rollers on lead bar and spaced appropriately at bottom of vertical channels. Gate shall have 3/4" cane bolt on lead bar for rigidity.

Style specifications

EG-175 furnished with stationary top track and bottom fold up track. Top track to be 14 gage 2" x 2 1/2" material. Trolley rollers to be swivel type, self lubricating oil lite bearings. Bottom track to be 14 gage 1 7/8" x 1 1/4" material, non marring rubber floor pads.

EG-575 furnished with stationary top guide of 14 gage, 2" x 2 1/2" material and ball bearing, swivel type, hard rubber caster rollers on bottom. Rollers on lead bar and spaced appropriately at bottom of vertical channels. Gate shall have 3/4" cane bolt on lead bar for rigidity.



**EG-375**

DESCRIPTION: Top guide and fold up bottom track  
 LIMITATIONS: Max. Width 30', Max. Height 12' (b)-parting), gate pivots out of opening. Optional installation, racks in net opening (A) or behind opening (B) as shown on plan.  
 REQUIREMENTS: Gates weigh approximately 3 1/2 lbs. per square ft. Minimum blocking is required in over head as entire weight of gate rests on floor. Floor must be level with overhead to allow ball bearing rollers to move freely in bottom track.

**EXHIBIT E**

08-0123110

Job # \_\_\_\_\_ Date Prom: 8/17/2010 Name: Marc Salehpour Phone: 909-599-5058 Sales: VIC

Sold To: Name Computer Village  
 Address 161 West Bonita Avenue  
 City San Dimas State CA ZIP 91773  
 Phone \_\_\_\_\_

Ship To: Same  
 0  
 0  
 0  
 0  
 Front Entry (Interior-mount)

1-1

Gate	Detail	Locks	Brackets	Top Track	
<input type="checkbox"/> EG 175	Swing IN R	<input type="checkbox"/> Hasp	<input type="checkbox"/> 3 X 3 L	<input type="checkbox"/> Thru	Cut & Fab _____ Weld By <u>R-V</u> Painted By <u>Best</u> Weight <u>81110</u> Time _____ Inspection _____ Installation <u>Legal</u> Wd Screw _____ Lags _____ Toggle _____ Weld _____ Self Drill _____ T-Bar _____ See Note _____ Number of Shears <u>3</u>
<input type="checkbox"/> EG 275	Swing IN L	<input type="checkbox"/> Cylinder	<input type="checkbox"/> 4 X 3 L	<input type="checkbox"/> Saddle	
<input type="checkbox"/> EG 375	Swing OUT R	<input checked="" type="checkbox"/> Cylinder	<input checked="" type="checkbox"/> 5 X 3 L	<input type="checkbox"/> "L" Down	
<input type="checkbox"/> EG 475	Swing OUT L	<input type="checkbox"/> Cane	<input type="checkbox"/> 4 X 4 L	<input type="checkbox"/> "L" Up	
<input checked="" type="checkbox"/> EG 575	NO swing R	<input type="checkbox"/> Push Pin	<input type="checkbox"/> 4" Flat	<input type="checkbox"/> Straight	
<input type="checkbox"/> Left Gate	NO swing L	<input checked="" type="checkbox"/> In	<input type="checkbox"/> 6" Flat	<input type="checkbox"/> 16" Stud-L	
<input type="checkbox"/> Right Gate	Frame	<input type="checkbox"/> Out	<input type="checkbox"/> NARROW	<input type="checkbox"/> Std "L" Up	
<input type="checkbox"/> Pair	T-Channel	<input type="checkbox"/> Straight	<input type="checkbox"/> 4 X 3 L	<input type="checkbox"/> Narrow	
<input type="checkbox"/> Float	Knee Brace	<input type="checkbox"/> Special	<input type="checkbox"/> Shop Drill	<input type="checkbox"/> Standard	
<input type="checkbox"/> Uneq Pr.	Special	<input type="checkbox"/> # 2000	<input type="checkbox"/> Field Drill	<input type="checkbox"/> Fixed Bottom Track	
<input type="checkbox"/> Special	Paint	<input type="checkbox"/> # 700	<input type="checkbox"/> In-weld	<input type="checkbox"/> Thru	
	Black	<input type="checkbox"/> Loose	<input type="checkbox"/> Out-weld	<input type="checkbox"/> Pad w/ "L"	
	Verdugo	<input type="checkbox"/> Not at Rack	<input checked="" type="checkbox"/> Loose	<input type="checkbox"/> See Note	
	Gray			<input type="checkbox"/> Slide-On	
	Special			<input type="checkbox"/> Special	

Width		Yes		No		Height	
<u>6</u> Feet.	<u>11</u> Inches	Rack <input type="checkbox"/>	<input type="checkbox"/>	Rack <input type="checkbox"/>	<input checked="" type="checkbox"/>	Left <u>8</u> Feet	<u>5 1/2</u> Inches
<u>  </u> Feet.	<u>  </u> Inches	Rack <input type="checkbox"/>	<input type="checkbox"/>	Rack <input type="checkbox"/>	<input type="checkbox"/>	Right <u>8</u> Feet	<u>5</u> Inches
	Feet Inches	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ship: Fed-Ex	<input type="checkbox"/>
K <u>4</u>	<u>8</u> <u>1 1/4</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	WILL CALL	<input type="checkbox"/>
K <u>6</u>	<u>8</u> <u>2 1/2</u>	97.25	98.50	98.50	99.00	Pre Paid	<input checked="" type="checkbox"/>
K <u>8</u>	<u>7</u> <u>4 1/2</u>	97.25	98.50	98.50	99.00	Freight Collect	<input type="checkbox"/>
K <u>1</u>	<u>8</u> <u>3</u>	97.25	98.50	98.50	99.00	Touch up paint	<input checked="" type="checkbox"/>
K <u>1</u>	<u>8</u> <u>2 1/2</u>	97.25	98.50	98.50	99.00	Delivery	<input type="checkbox"/>
K <u>0</u>	<u>0</u> <u>0</u>	97.25	98.50	98.50	99.00	2000	<input type="checkbox"/>
C <u>1</u>	<u>1</u> <u>6</u>	97.25	98.50	98.50	99.00	Keyed alike, Number	<input checked="" type="checkbox"/>
K <u>2</u>	<u>  </u> <u>6 3/4</u>	97.25	98.50	98.50	99.00	Rollers	<input type="checkbox"/>
K <u>2</u>	<u>  </u> <u>7 3/8</u>	97.25	98.50	98.50	99.00	Verticals	<input type="checkbox"/>
K <u>  </u>	<u>  </u> <u>  </u>	97.25	98.50	98.50	99.00	Flat Bar	<input type="checkbox"/>
C <u>1</u>	<u>6</u> <u>11</u>	97.25	98.50	98.50	99.00	Left Upright	<input type="checkbox"/>
		97.25	98.50	98.50	99.00	Right Upright	<input type="checkbox"/>
		97.25	98.50	98.50	99.00	Lock Post	<input type="checkbox"/>
		97.25	98.50	98.50	99.00	Receiving Saddle	<input type="checkbox"/>
		97.25	98.50	98.50	99.00	Stat. Track	<input checked="" type="checkbox"/>
		97.25	98.50	98.50	99.00	Drop Track	<input checked="" type="checkbox"/>
		97.25	98.50	98.50	99.00	Fixed Bot. Track	<input checked="" type="checkbox"/>
		97.25	98.50	98.50	99.00	Top Track	<input checked="" type="checkbox"/>

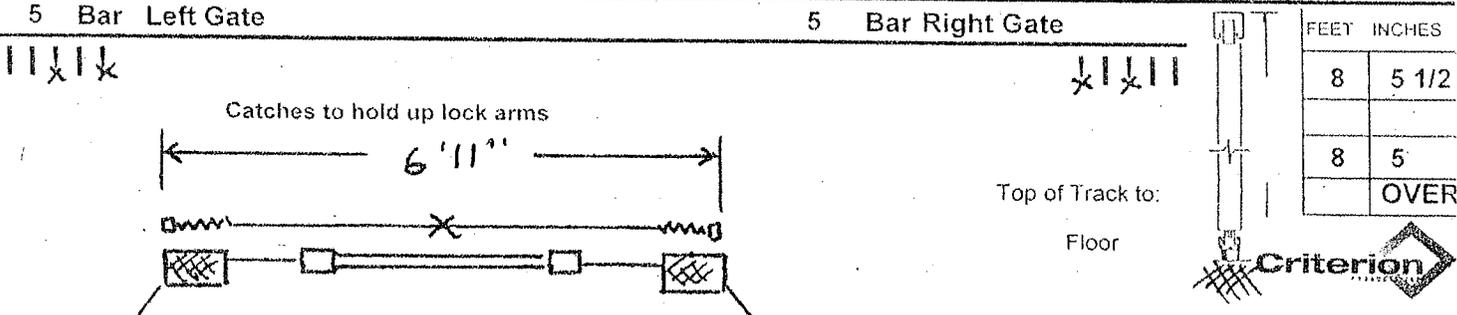


EXHIBIT E



COMPUTER VILLAGE - PHOTOGRAPHS







# Agenda Item Staff Report

**To:** Honorable Mayor and Members of the City Council  
*For the meeting of November 23, 2010*

**From:** Blaine Michaelis, City Manager

**Initiated by:** Eric M. Beilstein, Supt. of Bldg & Safety

**Subject:** **Ordinance 1200 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING SPECIFIED CHAPTERS OF TITLE 15 OF THE SAN DIMAS MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE, VOLUMES 1 & 2, THE 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, THE 2010 EDITION OF THE CALIFORNIA PLUMBING CODE, THE 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE, THE 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, AND THE 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS, INCLUDING FEES AND PENALTIES**

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## SUMMARY

Amend Title 15 of the San Dimas Municipal Code (SDMC) by adopting by reference the 2010 Editions of the Model Codes to regulate the construction, alteration, and occupancy of all buildings or structures in the City of San Dimas and be consistent with the California Health and Safety Code.

**BACKGROUND:** The California Health and Safety Code establishes a Building Standards Commission, whose duties include approval, codification, and publication of building standards in a triennial edition of the California Building Standards Code,

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commonly called Title 24 and also establishes a date that these codes become effective throughout the State. The effective date for this triennial edition is January 1, 2011.

The adoption of these codes would regulate the fabrication, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, or other improvements to real property; maintenance of all buildings or structures in the City of San Dimas; and provision for issuance of permits and collection of fees therefore.

The Building Standards Code does *not* include the adoption of procedural ordinances by a City or other agency related to civil, administrative, or criminal procedures and remedies available for enforcing code violations.

**RECOMMENDATION:**

Set for Public Hearing Ordinance 1200 to adopt. by reference the 2010 editions of the model codes with various additions, deletions and additional administrative provisions

Eric M. Beilstein

**ORDINANCE NO. 1200**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING SPECIFIED CHAPTERS OF TITLE 15 OF THE SAN DIMAS MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE, VOLUMES 1 & 2, THE 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, THE 2010 EDITION OF THE CALIFORNIA PLUMBING CODE, THE 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE, THE 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, AND THE 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS, INCLUDING FEES AND PENALTIES**

**WHEREAS**, the California Health and Safety Code establishes a Building Standards Commission, whose duties include approval, codification, and publication of building standards in a triennial edition of the California Building Standards Code, commonly called Title 24; and

**WHEREAS**, the Building Standards Commission also establishes a date that these codes become effective throughout the State; and

**WHEREAS**, the effective date for this triennial edition is January 1, 2011; and

**WHEREAS**, the adoption of these codes would regulate the fabrication, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, or other improvements to real property; maintenance of all buildings or structures in the City of San Dimas; and provision for issuance of permits and collection of fees therefore; and

**WHEREAS**, the Building Standards Code does *not* include the adoption of procedural ordinances by a City or other agency related to civil, administrative, or criminal procedures and remedies available for enforcing code violations.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN DIMAS DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION I.** Section 15.04.010 of the San Dimas Municipal Code is hereby repealed and replaced in its entirety as follows:

**15.04.010 Adoption.**

Except as provided in this Chapter, those certain building codes known and designated as the California Building Code, 2010 Edition, Volumes 1 and 2, including Appendix Chapters "C," "F," "I," and "J," based on the 2009

International Building Code as published by the International Code Council, shall be and become the Building Codes of the City of San Dimas for regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every buildings and/or structures or any appurtenances connected or attached to such buildings or structures throughout the City. The California Building Code and its appendix chapters will be on file for public examination in the office of the Building Official.

**SECTION II.** Section 15.04.020 of the San Dimas Municipal Code is hereby amended as follows:

**15.04.020 Amendments and additions**

The following section of the California Building Code (CBC) Chapter 1, "Scope and Administration, Division I, California Administration," is amended as follows:

1.8.8 Appeals Board. Subsection 1.8.8 is hereby deleted in its entirety.

The following portions and sections of "Chapter 1, Scope and Administration, Division II, Scope and Administration" are hereby amended as follows:

The following language shall be added to Subsection 101.2 "Scope":

In order to properly maintain and safeguard healthful living conditions and comply with all provisions of the Building Codes, it is hereby declared unlawful to use any streetcars, boxcars, house cars, motor bus bodies, or similar means of conveyance or structures of similar nature of construction, for places of habitation, residence, or place of business in this City. However, nothing contained herein shall prohibit the use of any house trailer or mobile home for places of abode or habitation in an approved mobile home park, providing such structures comply with all other conditions and requirements of this Code.

The following language shall be added to Subsection 102.1 "General":

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Code or any part thereof is in conflict with the Fire Code, the most restrictive shall be applicable.

Subsection 104.1 "General" of Section 104 "Duties and Powers of Building Official" is hereby deleted and replaced in its entirety as follows:

**104.1 General.** The Building Official is hereby authorized and directed to enforce all the provisions of this Code and referenced technical codes. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this Code and the referenced technical codes, and to adopt and enforce rules and regulations supplemental to this Code as may be deemed necessary to clarify the application of the provisions of

this Code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Code.

Subsection 104.12 "Cooperation of Other Officials and Officers" shall be added as follows:

**104.12 Cooperation of Other Officials and Officers.** The Building Official may request and shall receive the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this Code or other pertinent laws or ordinances.

Subsection 105.2 "Work exempt from permit" is hereby amended as follows:

Item 10 (Shade cloth structures) under "Building" is hereby deleted in its entirety.

Item 12 (Window awnings) under "Building" is hereby deleted in its entirety.

Subsection 105.3.2 "Time limitation of application" is hereby adopted and amended to read as follows:

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation. Plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing the circumstances beyond the control of the applicant having prevented action from being taken. An application shall not be extended more than once. An application shall not be extended if this Code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. All plans submitted for review prior to the effective date of this Ordinance shall expire by limitation within 180 days of application with no extensions.

Subsection 105.5 "Expiration" is hereby adopted and amended to read as follows:

Every permit issued by the Building Official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further, that such suspension or abandonment has not exceeded one year. In order to

renew action on a permit after expiration, the permittee shall pay a new full permit fee.

A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this Section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.

Section 107 "Submittal Documents" is hereby amended as follows:

Subsection 107.5 "Retention of construction documents" is hereby amended by adding the following language:

Before final inspection, electronic images of all plans, engineering calculations, and records that are submitted for the purpose of obtaining a building permit shall be submitted at the request of the Building Official. Electronic images shall be based on the Building Division's Electronic Archiving Policy.

Section 109 "Fees" is hereby adopted and amended as follows:

Subsection 109.2 "Schedule of permit fees" is hereby amended by adding the following language:

When submittal documents are required by Section 302.2 of the Uniform Administrative Code, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The plan review fee shall be 100 percent of the building, electrical, mechanical and plumbing work permit fee as required in accordance with the fee schedule established by resolution of the City Council. When the City retains a private entity or person to perform plan review, the plan review fee shall be in an amount sufficient to defray the cost of such services, but in no case shall the plan review fee be less than the amount specified in this Section.

Subsection 109.4 "Work commencing before permit issuance" is hereby deleted and replaced in its entirety as follows:

**109.4 Work commencing before permit issuance.** Whenever work for which a permit is required by this Code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be as required, as in accordance with the schedule as established by the applicable governing authority. The minimum investigation fee shall be the same as the

minimum fee set forth in accordance with the schedule as established by the applicable governing authority (double fee). The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this Code or the technical codes nor from the penalty prescribed by law.

Subsection 109.6 "Refunds" is hereby deleted and replaced in its entirety as follows:

**109.6 Refunds.** The Building Official may authorize refunding of a fee paid hereunder which was erroneously paid or collected. The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code. The Building Official may authorize refunding of not more than 80 percent of plan review fee has been paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any examination time has been expanded. The Building Official shall not authorize the refunding of any fee paid except upon written request filed by the original permittee not later than 180 days after the date of payment.

Section 110 "Inspections" is adopted and amended by adding the following subsection:

**110.1.1 Workmanship.** It is the intention of the City that all construction carried on under the review of the Building Division is of good quality. The Building Official shall be empowered to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint in all cases shall not be below normal standard for the use applied. The proper grading of walks, drives, and yards shall be required when being installed with the work requiring a building permit. A minimum thickness of 3½ inches for flat concrete work and 2 inches for asphalt paving shall be required. All exterior flat concrete work shall include such breaks for expansion as deemed necessary by the Building Official.

Subsection 110.3.4 "Frame inspection" is hereby amended by adding the following language:

The structure shall have lath paper completely installed at the time of framing inspection.

Subsection 110.3.5 "Lath and gypsum board inspection" is hereby amended by deleting the "exception" in its entirety.

Subsection 110.3.8 "Other inspections" is hereby amended by adding the following language:

A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete

or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. To obtain a reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee in accordance with a fee schedule adopted by this jurisdiction. In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

Subsection 110.5 "Inspection requests" is hereby deleted and replaced in its entirety as follows:

**110.5 Inspection requests.** It shall be the duty of the person doing the work authorized by the permit to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be requested in writing or by telephone at the option of the Building Official. It shall be the duty of the person requesting any inspections required by either this Code or the technical codes to provide access to and means for inspection of the work.

Section 111 "Certificate of Occupancy" is hereby adopted and amended by adding the following subsection:

**111.5 Utility release.** The following minimum requirements shall be completed prior to any occupancy or utilities connected:

(1) Written clearance from the Fire and Public Works Departments and Planning and Business License Divisions.

(2) The following when applicable:

- (a) Electronic imaging of plans received (if required).
- (b) Verification of school fees paid.
- (c) Grading certificate received.
- (d) All plan review fees paid.
- (e) Sewer assessment fees paid.
- (f) Hazard materials statements received.
- (g) Subcontractor's list received.

**SECTION III.** Section 15.44.010 of the San Dimas Municipal Code is hereby repealed and replaced in its entirety as follows:

**15.44.010 Adoption.**

Except as provided in this Chapter, the California Electrical Code, 2010 Edition, based on the 2008 National Electrical Code as published by the National Fire Protection Association, shall be and become the Electrical Code of the City of Montclair, regulating all installation, arrangement, alteration, repair, use, and other operation of electrical wiring, connections, fixtures, and other electrical appliances on premises within the City. The California Electrical Code is on file for public examination in the office of the Building Official.

**SECTION V.** Chapter 15.46 is hereby added to Title 10 ("Buildings and Construction") of the San Dimas Municipal Code to read as follows:

**Chapter 15.46**

**GREEN BUILDING STANDARDS CODE**

**Sections:**

**15.46.010**

**Adoption.**

**15.46.020**

**Green Building Standards Code amendments.**

**15.46.010 Adoption.**

Except as provided in this Chapter, the California Green Standards Code, 2010 Edition as published by the California Building Standards Commission, shall be and become the Green Building Standards Code of the City, regulating and controlling the planning, design, operation, use and occupancy of every newly constructed building or structure in the City. The California Green Building Standards Code shall be on file for public examination in the office of the Building Official.

**15.46.020 Green Building Standards Code amendments.**

The 2010 Edition of the California Green Building Standards Code is hereby adopted with no amendments.

**SECTION VI.** Sections 15.28.010 and 15.28.020 of the San Dimas Municipal Code are hereby repealed and replaced in their entirety as follows:

**15.28.010 Adoption.**

Except as provided in this Chapter, the California Mechanical Code, 2010 Edition, based on the 2009 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), shall be and become the Mechanical Code of the City, regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators,

and other miscellaneous heat-producing appliances. The California Mechanical Code is on file for public examination in the office of the Building Official.

**15.28.020 Mechanical Code amendments.**

The 2010 Edition of the California Mechanical Code is hereby adopted with no amendments.

**SECTION VII.** Sections 15.48.010 and 15.48.020 of the San Dimas Municipal Code are hereby repealed and replaced in their entirety as follows:

**15.48.010 Adoption.**

Except as provided in this chapter, the California Plumbing Code, 2010 Edition, based on the 2009 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), shall be and become the Plumbing Code of the City of Montclair, regulating erection, installation, alteration, repair, relocation, replacement, maintenance, or use of plumbing systems within the City. The California Plumbing Code will be on file for public examination in the office of the Building Official.

**15.48.020 Plumbing Code amendments.**

The 2010 Edition of the California Plumbing Code is adopted with no amendments.

**SECTION VIII.** Chapter 10.42 is hereby added to Title 10 ("Buildings and Construction") of the San Dimas Municipal Code to read as follows:

**Chapter 15.50**

**RESIDENTIAL CODE**

**Sections:**

**15.50.010**

**Adoption.**

**15.50.020**

**Residential Code amendments.**

**15.50.010 Adoption.**

Except as provided in this Chapter, the California Residential Code, 2010 Edition, based on the 2009 International Residential Code, as published by the California Building Standards Commission, shall be and become the Residential Building Code of the City, regulating construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every detached one- and two-family dwelling and townhouse not more than three stories above grade in height with a separate means of egress and structures accessory thereto in the City. The California Residential Code will be on file for public examination in the office of the Building Official.

**10.50.020 Residential Code amendments.**

The following portions and sections of Chapter 1, Scope and Application, Division I "California Administration," and Division II "Administration" are hereby amended as follows:

1.8.3 Permits, Fees, Applications and Inspections. Section 1.8.3 is hereby deleted in its entirety.

1.8.7 Appeals Board. Section 1.8.7 is hereby deleted in its entirety.

1.8.8 Unsafe Buildings or Structures. Section 1.8.8 is hereby deleted in its entirety.

Section R105 "Permits" is hereby amended as follows:

Item 9 (window awnings) under "Building" is hereby deleted in its entirety.

Section R109 "Inspection" is hereby adopted and amended by adding the following subsection:

**R109.0.1 Workmanship.** It is the intention of the City that all construction carried on under the review of the Building Division is of good quality. The Building Official shall be empowered to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint in all cases shall not be below normal standard for the use applied. The proper grading of walks, drives, and yards shall be required when being installed with the work requiring a building permit. A minimum thickness of 3½ inches for flat concrete work and 2 inches for asphalt paving shall be required. All exterior flat concrete work shall include such breaks for expansion as deemed necessary by the Building Official.

Subsection R109.1.5 "Other inspections" is hereby amended by adding the following language:

A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. To obtain a reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee in accordance with a fee schedule adopted by this jurisdiction. In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

**SECTION IX. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

**SECTION X. Effective Date.**

This Ordinance shall be in full force and effect thirty (30) days after passage.

**SECTION XI. Posting.**

The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of November 23, 2010*

**FROM:** Blaine Michaelis, City Manager

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

**SUBJECT:** Request from Waste Management for refuse service rate increase

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## **SUMMARY**

*The City's franchise agreement with Waste Management allows for an annual rate adjustment based upon a formula factoring in changes to the Consumer Price Index (CPI), fuel cost index and landfill or disposal costs. Based upon the formula Waste Management is requesting an increase of 1.33% for all services. It is recommended that the Council approve Waste Management's request for the rate increase pursuant to the terms of the agreement.*

## **BACKGROUND**

The existing solid waste franchise agreement with Waste Management went into effect in February 2008. The adoption of the Agreement at that time included an 8% increase to rates for all services.

The Agreement also included a second automatic increase that was scheduled to become effective January 2009. As Council will recall there when Council discussed the January increase there was also a discrepancy over the elimination of the commercial additional container discount. The action taken by the Council in November 2008 was to approve the 8% increase effective January 2009 and revisit an additional 4% increase upon Waste Managements completion of a commercial recycling audit. Waste Management completed the audit in April 2009 and the Council approved the additional 4% increase effective June 2009.

The Agreement had a rate adjustment formula for annual rate adjustments beginning January 2010. The formula is based upon three weighted

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components; a service component based upon the annual Consumer Price Index, fuel component based upon a fuel cost index and disposal component based upon landfill and disposal costs. Each component is weighted and makes up a percentage of the overall rate adjustment formula.

Last year Waste Management initially submitted a request for a 2.56% based upon the formula. It was brought to their attention by a resident that they had initially used a landfill increase component based upon all of the refuse going to Puente Hills when in fact a majority of the refuse had gone to other landfills. Waste Management went back and made an adjustment to reflect the percentage of refuse that went to each landfill. When applying this factor to the formula the resulting rate increase was less than 1%, at which time Waste Management decided to forgo requesting an increase for 2010.

The formula for this year's adjustment request is as follows and reflects a factor based upon the distribution of waste taken to the various landfills utilized by Waste Management:

**2011 Rate Adjustment**

**San Dimas**

**Rate Component Annual Change Assumptions (example):**

CPI- Service Component	0.5%
PPI #2 Diesel- Fuel Component	10.18%
Change in Puente Hills Gate Rate- Disposal Component	1.90%

Rate Component	Adjustment due to change in indices/change in disposal fees	Relative Weight of Rate	Weighted Rate Adjustment Percentage
Service Component (75% of CPI)	0.38%	65%	0.25%
Fuel Component	10.18%	5%	0.51%
Disposal Component	1.90%	30%	0.57%
Total		100%	1.33%

**Example Using Current Rate of \$25.08**

Current Rate	\$25.08
Rate Increase%	1.33%
Rate \$ Increase	\$0.33
Adjusted Rate	\$25.41

Based on 65-gallon

***CPI calculation based on September 09 to Aug. 10 Change - 225.226 (2009) - 226.373 (2010)***

***PPI Diesel based on August 09 to Sept. 10***

***Change - (2009) \$2.85 - (2010) \$3.144 = 10.18%***

***Disposal Component based on Puente Hills gate rates \$33.86 (2009) to \$38.26 (2010) - 14.60% of trash collected was disposed at Puente Hills or 1.9% useable for increase***

As is illustrated in the chart the Service Component is only .5%. The Fuel component is 10.18% due to the increase in fuel this year over the prior year. The Disposal Component is based upon the actual increase in landfill costs for each of the disposal facilities used and weighted based upon the percentage of waste disposed at each facility. Of the four facilities used Puente Hills was the only one that experienced an increase this past year. 14.60% of all waste was disposed of at Puente Hills which calculated into a 1.9% usable factor for the formula. Factoring in all three of those weighted components results in the requested 1.33% increase for all services. As is illustrated in the example above the actual amount of the increase for an average residential customer would be \$0.33 per month. A commercial customer with a 3 yd. container serviced once per week would experience a \$2.02 per month increase.

### **ANALYSIS**

Staff has reviewed the indices data and formula methodology and finds them in compliance with the Agreement. The weighted formula appears to be a fair methodology to allow the rates to reflect the actual increases and decreases in the cost for providing the solid waste services. We are all aware that fuel prices declined in 2008 only to increase in 2009 resulting in the increase in the fuel index. Landfill disposal costs continue to increase annually for Puente Hills, the only landfill remaining in the San Gabriel Valley which is scheduled to close in 2013. In 2004 the Sanitation District developed a plan to begin to increase fees on annual basis to transition to what is expected to be a much higher rate when Puente Hills closes because of the need to most likely rail haul waste out of the area. The 13% increase in the disposal index reflects the actual increased cost for disposal at Puente Hills which began January 2010. Since only 14.60% of waste went to Puente Hills the formula factor results in 1.9%.

The rate increase formula is not performance based but based upon cost of living factors. However, staff finds that Waste Management is in compliance with the terms and conditions of the Franchise Agreement. The Agreement does allow for a periodic public hearing performance review of Waste Management services. Staff has had discussions with Waste Management staff about scheduling a performance review in January of next year. At that time all customers would receive notification by Waste Management of the review.

**RECOMMENDATION**

Since the requested increase of 1.33% follows the formula allowed for in the franchise agreement staff recommends that the City Council approve the rate increase for residential and commercial services requested by Waste Management.

Attachments: Waste Management Request Letter, Rate Adjustment Formula,  
Index Back-up



November 16, 2010

**WASTE MANAGEMENT**

13940 East Live Oak Ave.  
Baldwin Park, CA 91706  
(626) 960-7551  
(626) 814-1955 Fax

Mr. Blaine Michaelis  
City Manager  
City of San Dimas  
245 E. Bonita Avenue  
San Dimas, CA 91750

RE: Annual Price Increase Request

Dear Mr. Michaelis:

Pursuant to our franchise agreement, Section 22.6, Waste Management respectfully requests an adjustment of the service rates to be effective January 1, 2010.

The rate increase formula and calculations based on service at 65%, fuel at 5% and disposal at 30% is attached. You will see that the three weighted components of the rate have risen slightly, and will increase the San Dimas 2011 rates by 1.33%

Sincerely,

A handwritten signature in cursive script that reads 'Carolyn Anderson'.

Carolyn Anderson  
Representative to City of San Dimas  
Waste Management San Gabriel/Pomona Valley

Cc: Ken Duran, City of San Dimas  
Susan Moulton, Waste Management  
Cheryl Lautman, Waste Management

**2010 - 2011 Rate Adjustment**

**San Dimas**

**Rate Component Annual Change Assumptions (example):**

CPI- Service Component	0.5%
PPI #2 Diesel- Fuel Component	10.18%
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Adjusted Rate	\$25.41

Based on 65-gallon

CPI calculation based on September 09 to August 10

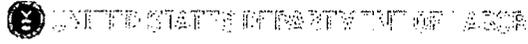
Index Change - Sept 09 225.226 to August 2010 226.373

PPI Diesel based on August 09 to Sept 10 -

Index Change - 8/9/2010 \$2.85 to Sept 10 \$3.14

Disposal Component based on gate rates to TS no change in rate 85.40% of trash collected

Disposal Component based on Puente Hills gates rates \$33.86 2009 to \$38.26 2010- 14.60% of trash collected was disposed at Puente Hills Landfill or 1.9% useable for increase



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Data extracted on: October 20, 2010 (11:40:47 AM)

### Consumer Price Index - All Urban Consumers

Series Id: CUURA421SA0, CUUSA421SA0  
 Not Seasonally Adjusted  
 Area: Los Angeles-Riverside-Orange County, CA  
 Item: All items  
 Base Period: 1982-84=100

Download:  [.xls](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2000	167.9	169.3	170.7	170.6	171.1	171.0	171.7	172.2	173.3	173.8	173.5	173.5	171.6	170.1	173.0
2001	174.2	175.4	176.2	176.6	177.5	178.9	178.3	178.4	178.8	178.3	178.1	177.1	177.3	176.5	178.2
2002	178.9	180.1	181.1	182.2	182.6	181.9	182.2	183.0	183.4	183.7	184.0	183.7	182.2	181.1	183.3
2003	185.2	186.5	188.2	187.6	186.4	186.3	186.3	186.9	188.2	187.8	187.1	187.0	187.0	186.7	187.2
2004	188.5	190.1	191.5	191.9	193.3	193.7	193.4	193.1	194.5	196.3	196.9	195.2	193.2	191.5	194.9
2005	195.4	197.4	199.2	201.1	201.5	200.7	201.4	203.1	205.8	206.9	205.6	203.9	201.8	199.2	204.5
2006	206.0	207.5	208.5	210.5	212.4	211.1	211.4	211.9	212.9	211.4	211.1	210.6	210.4	209.3	211.6
2007	212.584	214.760	216.500	217.845	218.596	217.273	217.454	217.330	217.697	218.696	219.943	219.373	217.338	216.260	218.416
2008	220.918	221.431	223.606	224.625	226.651	229.033	229.886	228.484	227.449	226.159	222.229	219.620	225.008	224.377	225.638
2009	220.719	221.439	221.376	221.693	222.522	223.906	224.010	224.507	225.226	225.264	224.317	223.643	223.219	221.943	224.495
2010	224.610	224.620	225.483	225.916	226.438	225.877	225.991	226.373	226.048						225.491

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**California No 2 Diesel  
Retail Sales by All Sellers  
(Dollars per Gallon)**

Aug-2009	2.85
Sep-2009	2.837
Oct-2009	2.856
Nov-2009	2.962
Dec-2009	2.913
Jan-2010	2.997
Feb-2010	2.938
Mar-2010	3.058
Apr-2010	3.206
May-2010	3.205
Jun-2010	3.102
Jul-2010	3.124
Aug-2010	3.164
Sep-2010	3.144

Commercial	Puente Hills	Athens	Valley Vista	West Valley MRF
September	23.06	856.31	118.65	
October	37.55	905.51	132.8	
November	21.53	820.16	122.69	
December	17.66	953.24	132.06	
January	15.26	935.04	136.55	
February	15.6	864.58	133.38	
March	24.8	952.71	148.19	
April	23.63	877.28	133.65	
May	38.49	804.1	125.45	
June	23.28	869.95	159.45	
July	40.99	848.79	125.25	
August	7.11	636.23	360.85	
	<b>288.96</b>	<b>10323.9</b>	<b>1828.97</b>	<b>0</b>

Residential	Puente Hills	Athens	Valley Vista	West Valley MRF
September	399.28	491.84		
October	301.49	415.16		
November	288.27	444.8		
December	379.25	592.95		
January	310.81	483.67		
February	210.13	538		
March	346.11	574.54		
April	234.22	519.76		
May	249.05	507.63		
June	323.2	650.36		
July	229.5	545.2		
August	194.5	397.26	350.65	
	<b>3465.81</b>	<b>6161.17</b>		

Industrial	Puente Hills	Athens	Valley Vista	West Valley MRF
September		4.65	369.81	3.68
October	16.41	6.93	325.63	0
November	10.27	0	331.29	0
December	15.14	0	371.34	0
January	2.7	7.76	287.72	0
February	5.69	0.67	287.99	0
March	13.6	7.72	385.19	0
April	6.49	0	312.8	0
May	0	0	304.01	0
June	12.95	3.68	378.18	11.49
July	0	10.3	350.67	8.66
August	3.37	19.18	367.97	0
	<b>86.62</b>	<b>60.89</b>	<b>4072.6</b>	<b>23.83</b>

Grand Total	Puente Hills	Athens	Valley Vista	West Valley MRF
	<b>3841.39</b>	<b>16545.96</b>	<b>5901.57</b>	<b>23.83</b>
	<b>14.60%</b>	<b>62.88%</b>	<b>22.43%</b>	<b>0.09%</b>

2009 LF	\$	33.86	\$	39.37	\$	39.37	\$	39.37
2010 LF	\$	38.26	\$	39.37	\$	39.37	\$	39.37
2009 TS				18.34		18.71		14.63
2010 TS				18.34		18.71		14.63
Total 2009		33.86		57.71		58.08		54
Total 2010		38.26		57.71		58.08		54
Change		4.4		0		0		0
Percent		13.00%		0.00%		0.00%		0.00%
		1.90%		0.00%		0.00%		0.00%



# Agenda Item Staff Report

**To:** Honorable Mayor and Members of the City Council  
*For the meeting of November 23, 2010*

**From:** Blaine Michaelis, City Manager

**Initiated By:** Public Works Department

**Subject:** **Adoption of Resolution 2010-65 reducing the annual interest rate on the Oakway Avenue and Dale Park Drive Sewer Reimbursement Districts from 8 (eight) percent to 3 (three) percent**

## Summary

Staff is requesting that Council consider permanently reducing the annual interest rate on the Oakway Avenue and Dale Park Drive Sewer Reimbursement Districts from 8 % to 3 %.

The reduction in the interest will likely encourage the remaining 16 out of 47 property owners to connect to the City's Public Sewer System. Instead of the existing exponentially increasing rate that may become too cost prohibitive for individual residents to connect to sewer.

## BACKGROUND

In January of 1991 and June of 1992, the City Council approved the establishment of reimbursement Districts to recover funds spent on construction of sewer mains on Oakway Avenue and Dalepark Drive respectively. The costs of the sewer projects were apportioned to each (47 total parcels or properties that benefited from the sewer line) property based on the actual costs of the design and installation of the sewer main. The property owners within both districts were not required to pay their share of the project until actual connection to the sewer. As is typically done in reimbursement districts, City Council action approving the districts incorporated an annual interest rate to offset the cost of the City's initial expenditure over time until reimbursement is fully paid. The adopted interest rate was based on the 8% market investment rate prevalent at the time the Districts were formed.

In its July 22, 2003 meeting, Council approved a temporary reduction of the interest rate to 3% for a period of 2 (two) years. This reduction was provided as an incentive to get residents to connect to the sewer, with Council's recognition of the environmental benefits of terminating the use of private septic systems. As an additional incentive, Council authorized either a discount (20% of the interest difference) for full payment of the reimbursement fees due (at 3% interest rate), or financing of the reimbursement fee over a period of three years at a 3% interest rate.

q.b. (1)

Based on the number of connections during that two year time period, the Council incentive program was extremely effective. Below is a table showing the number of residents connected under the incentive program

<b>Oakway Avenue and Dalepark Drive Sewer Reimbursement Districts Sewer Connections</b>				
	Connected Prior to 2003	Connected During 2003-2004 Incentive Program	Connected After 2004	Unconnected Parcels in the Districts
Number of parcels	10	21	0	16

Staff has been approached by developers of the vacant lot on the north west corner of Cataract and Foothill (a proposed condominium development in the City of Glendora) with a request to reduce the sewer connection fee. Review of the connection fees due for all unconnected parcels in both districts using the original interest rate of 8% from the inception of each district shows that the connection fee for all parcels is exponentially increasing at a rate that may actually deter individuals from connecting to the sewer.

Below is a comparison of fees due for the remaining parcels in the districts

<b>DALEPARK DRIVE SEWER REIMBURSEMENT DISTRICT</b>					
ADDRESS	Original (1992) Fee	PRESENT TOTAL (2010) AT 8% APR*	Present (2010) Total at 3% APR	Present (2010) Total at 5% APR	Future fee in 2015 at 8% APR
2715 Dalepark	\$5,668.53	\$22,651.56	\$9,650.29	\$13,641.99	\$33,282.57
2739 Dalepark	\$5,668.53	\$22,651.56	\$9,650.29	\$13,641.99	\$33,282.57
2745 Dalepark	\$5,668.53	\$22,651.56	\$9,650.29	\$13,641.99	\$33,282.57
1348 N. Cataract	\$5,668.53	\$22,651.56	\$9,650.29	\$13,641.99	\$33,282.57
1340 N. Cataract	\$5,668.53	\$22,651.56	\$9,650.29	\$13,641.99	\$33,282.57
2718 Dalepark	\$5,668.53	\$22,651.56	\$9,650.29	\$13,641.99	\$33,282.57
2758 Dalepark	\$5,668.53	\$22,651.56	\$9,650.29	\$13,641.99	\$33,282.57
2766 Dalepark	\$5,668.53	\$22,651.56	\$9,650.29	\$13,641.99	\$33,282.57
NW Foothill @ Cataract	\$34,623.72	\$138,357.06	\$58,944.57	\$83,326.11	\$203,291.91

<b>Oakway Avenue Sewer Reimbursement District</b>					
ADDRESS	Original (1991) Fee	2010 TOTAL AT 8% APR*	Present (2010) Total at 3% APR	Present (2010) Total at 5% APR	Future Fee in 2015 at 8% APR
733 Oakway	\$3,601.12	\$15,541.36	\$6,314.59	\$9,099.85	\$22,835.35
803 Oakway	\$4,602.00	\$19,860.86	\$8,069.63	\$11,629.02	\$29,182.11
816 Oakway	\$3,353.36	\$14,472.10	\$5,880.14	\$8,473.77	\$21,264.26
821 Oakway	\$2,611.14	\$11,268.90	\$4,578.65	\$6,598.22	\$16,557.71
823 Oakway	\$2,150.94	\$9,282.81	\$3,771.69	\$5,435.32	\$13,639.50
830 Oakway	\$1,636.52	\$7,062.73	\$2,869.65	\$4,135.40	\$10,377.47
833 Oakway	\$1,428.36	\$6,164.37	\$2,504.64	\$3,609.39	\$9,057.49

Tables do not include dwelling unit fee (\$160 per unit) or trap fee (\$100 per commercial fixture), City Inspection fees (usually less than \$300), or resident construction costs (varies from \$4,000-\$8,000 typically) for the abandonment of the septic system.

## **Reduction in Interest Rate**

The original interest rate for each District was adopted to match the interest rate the City would receive if the project money was invested which was approximately 8% in 1991/1992. In retrospect the Local Agency Investment Fund (LAIF) has averaged approximately a 4.5% return over the 19 years since the Districts' inception. An adjustment in the interest rate would better reflect actual returns and provide less of a financial obstacle for residents wanting to connect to the sewer.

Staff recommends establishing a permanent interest rate of 3% for both Districts based on the extreme success of Council's incentive program that temporarily reduced the interest rate to 3%. It is noted that a part Council's incentive program included financing of the connection fee by the City. While this financing probably had a large impact on the number of connections, it requires considerable Staff time and is not recommended at this juncture. If desired Staff can provide Council with options for City financing the connection fee at a subsequent meeting.

Other external factors that may provide incentive for connecting to the sewer is the impending Municipal Separate Storm Sewer Systems (MS-4) permit from the California Regional Water Quality Control Board. The permit for this area is set to be renewed shortly and is expected to contain strict regulatory guidelines (required inspections, effluent standards and sampling intervals, etc) and permit fees for private septic systems, which will substantially increase the cost of operating a septic system for the residents.

If the Council approves the reduction of both the districts interests' rates, then Staff proposes to follow through and make those remaining residents who have not connected to the sewer aware of this interest reduction.

## **RECOMMENDATION**

Staff recommends Council consider adopting the attached Resolution No. 2010-65 that reduces the annual interest rate in the Oakway Avenue and Dale Park Drive Sewer Reimbursement District from 8% to 3% permanently.

Respectfully submitted,

  
Shari Garwick  
Senior Engineer

11-10-20 sg

RESOLUTION NO. 2010-65

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS,  
CALIFORNIA REDUCING THE ANNUAL INTEREST RATE ON THE  
OAKWAY AVENUE AND DALE PARK DRIVE SEWER REIMBURSEMENT  
DISTRICTS FROM EIGHT (8) PERCENT TO THREE (3) PERCENT**

WHEREAS, in 1990, the City of San Dimas ("City") completed construction of the sewer improvements (the "Project") on Oakway Avenue and utilized monies from the City's Sewer Maintenance District for that purpose; and

WHEREAS, the City Council, on January 8, 1991, established a Sewer Reimbursement District to recover the funds which the City expended for the Project; and

WHEREAS, the use of the City's Sewer Maintenance District Funds for the Project resulted in a considerably lesser cost to the properties which benefited from the Project than would have been the case if an assessment district was established; and

WHEREAS, the City Council at its meeting on January 8, 1991 agreed that the property owners could connect into the Project rather than maintaining the existing septic system, by paying the Project costs which have been allocated to the individual properties, together with interest of 8% per year to reflect the interest on the funds the City would have earned in the Sewer Maintenance Fund; and

WHEREAS, a similar sewer reimbursement district was established for Dale Park Drive on June 23, 1992, to recover the costs advanced to construct the sewer improvements on Dale Park Drive together with a charge of 8% per year interest on all unpaid reimbursements; and

WHEREAS, the City Council finds that terminating the use of private septic systems and connecting to the sewer systems will benefit the environment and this City Council wishes to encourage the property owners to do so;

NOW, THEREFORE, the City Council of the City of San Dimas does find, determine and declare as follows:

1. To continue to encourage property owners to connect to the Oakway Avenue and Dale Park Drive sewer systems, this City council approves a permanent reduction in the interest payment provided in the Resolutions establishing the Oakway Avenue and Dale Park Drive Sewer Reimbursement District from 8% to 3%, for all property owners obtaining permits to connect to the sewer from January 1, 2011.
2. The Director of Public Works is directed to provide written notice of this directive to all official property owners within the Oakway Avenue and Dale Park Sewer Reimbursement District that have not previously connected.

Approved and Adopted on the 23<sup>rd</sup> day of November, 2010.

\_\_\_\_\_  
MAYOR OF THE CITY OF SAN DIMAS

ATTEST:

\_\_\_\_\_  
CITY CLERK

I HEREBY CERTIFY that the foregoing Resolution was adopted by vote of the City Council of the City of San Dimas at its regular meeting of November 23, 2010, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
CITY CLERK



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of November 23, 2010*

**FROM:** Blaine Michaelis, City Manager

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

**SUBJECT:** Report on purchase of furniture and fixtures for renovated City Hall and Community Building

A component of the Civic Center renovation project is the replacement and upgrade of furniture, fixtures and equipment. The adopted FY 2010 - 2011 budget included a line item in Fund 70 of \$500,000 for this purpose.

Several months ago staff began investigating various furniture manufacturers. We visited several manufacturer show rooms as well as site visits to installations at a number of public facilities. Ultimately, staff selected Allsteel as the primary product line. Allsteel was selected based upon their product line, durability and pricing. In February of this year staff began working with CBI, a local Allsteel authorized representative on design, layout and selection of furniture. The design and furniture selection is in the final stages of review.

The City will be purchasing furniture for the following areas:

- 26 Private Offices - desks, task chairs, guest chairs and storage units
- 37 Workstations - desks, task chairs and storage units
- 7 Conference Rooms - conference tables and chairs
- Lobby Furniture for City Hall main lobby and Administration wing and Community Building
- Filing and Storage Units throughout

Furniture selections were made to maximize comfort and efficiency, as well as utilize current ergonomic features. Furniture finishes were also selected to complement the color and texture finishes of the building.

The City will be purchasing the furniture under a California Multiple Award Schedule (CMAS) contract. CMAS is a legal contract between the State of California and selected vendors for various products. CMAS allows the State and Local Governments to piggyback on the contract to take advantage of the previously negotiated prices without the need for a public bid. CMAS pricing for Allsteel products varies by product but in most cases is between 65 to 75% off list price.

In order to meet the production and delivery schedule to coincide with the completion of the renovation, the City will be placing the furniture order with CBI in early December. In

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addition to the furniture order with CBI there will be other fixtures and equipment that will need to be purchased between now and the completion of the renovation. Some examples of those included additional telephones, projectors, monitors and lounge and break station equipment. Based upon the preliminary quote from CBI and cost estimates for other fixture and equipment, staff feels that the total furniture, fixture and equipment purchases should be at or close to the \$500,000 budget with some items allocated as part of the project costs. Future purchase decisions will be brought to the Council.



CITY OF SAN DIMAS  
MINUTES  
SAN DIMAS REDEVELOPMENT AGENCY MEETING  
TUESDAY, NOVEMBER 9, 2010  
SENIOR CITIZEN/COMMUNITY CENTER  
MULTIPURPOSE ROOM, 201 E. BONITA AVENUE

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**PRESENT:**

Chairman Curtis W. Morris  
Vice Chairman John Ebner  
Mr. Emmett G. Badar  
Mr. Denis Bertone  
Mr. Jeffrey W. Templeman  
Executive Director Blaine Michaelis  
Agency Attorney Ken Brown  
Secretary Ina Rios  
Assistant City Manager of Community Development Larry Stevens  
Assistant City Manager Ken Duran  
Director of Development Services Dan Coleman  
Director of Public Works Krishna Patel  
Director of Parks and Recreation Theresa Bruns

**CALL TO ORDER**

Chairman Morris called the meeting to order at 7:59 p.m.

**ORAL COMMUNICATIONS.** *(This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.)*

There were no comments.

**APPROVAL OF MINUTES**

It was moved by Mr. Ebner, seconded by Mr. Templeman, to approve the minutes of the October 26, 2010 meeting. The motion carried unanimously.

**EXECUTIVE DIRECTOR**

1) Project status update.

a) City Manager Michaelis reported that a date has not yet been set for the opening of the Grove Station. However, the Housing Division is accepting applications to be considered for affordable housing.

b) City Manager Michaelis stated that the Bonita Gateway Fresh & Easy continues to make progress, but a date has not been set for the grand opening. He added he will be meeting with potential buyers for the development of the remainder of the residential portion of the project.

**MEMBERS OF THE AGENCY**

There were no comments.

**ADJOURNMENT**

Chairman Morris adjourned the meeting at 8:01 p.m.

Respectfully submitted,

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Ina Rios, Secretary

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# Agenda Item Staff Report

**TO:** Honorable Chairman and SDRA Board Members  
for the meeting of *November 23, 2010*

**FROM:** Blaine Michaelis, Executive Director

**INITIATED BY:** Barbara Bishop, Finance/IS Manager

**SUBJECT:** Approval of the Annual Audited Financial Statements and State  
Controller's Report

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## **SUMMARY**

*The Annual Independent Financial Audit Report and the State  
Controller's Report are submitted for adoption by the Redevelopment  
Agency Board.*

## **DISCUSSION**

The enclosed report was filed with the State Controller on November 16, 2010, within six months of the end of the Agency's fiscal year (December 31, 2010) as per Health and Safety Code Section 33080.1. This report consists of the Independent Financial Audit Report, the State Controller's Report for the San Dimas Redevelopment Agency, and the Housing Report, which must be adopted by the Redevelopment Agency Board as the Annual Report. The Agency received an Unqualified opinion for both the financial audit and the compliance audit.

The State Controller's Report filed on form ACCT-LGRS80 includes a description of the year's activities of the projects as well as a work program for the coming year as stated in the City's budget message.

## **RECOMMENDATION**

It is recommended that the Board approve this report by minute action.

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