AGENDA

REGULAR CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
TUESDAY, AUGUST 9, 2011, 7:00 P.M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

CITY COUNCIL:
Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebiner

1. CALL TO ORDER AND FLAG SALUTE

2. ANNOUNCEMENTS

- Pui-Ching Ho, Librarian, San Dimas Library

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.)

a. Members of the Audience

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 or citizen requests removal for separate discussion.)

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

(1) **RESOLUTION NO. 2011-37,** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JULY AND AUGUST, 2011.

b. Approval of minutes for the regular City Council meeting of July 26, 2011.

END OF CONSENT CALENDAR

5. PLANNING/DEVELOPMENT SERVICES

a. Consideration of an Interim Urgency Ordinance establishing temporary standards concerning window signs.

1) **ORDINANCE NO. 1205**, AN ORDINANCE OF THE CITY OF SAN DIMAS AMENDING PROVISIONS OF THE CITY'S SIGN CODE REGARDING THE STANDARDS FOR WINDOW SIGNS AND PROVIDING FOR ITS ADOPTION AS AN URGENCY MEASURE. **URGENCY ORDINANCE**

6. OTHER MATTERS

a. Adoption of an Ordinance Voluntarily Complying with the Alternative Redevelopment Program to Permit the Continued Existence and Operation of the Redevelopment Agency of the City of San Dimas

1) **ORDINANCE NO. 1206**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DETERMINING IT WILL COMPLY WITH THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIMAS. **FIRST READING AND INTRODUCTION**

7. 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 July 26, 2011 meeting.

c. Executive Director

d. Members of the Agency

8. 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

1) Verbal report and update of Gladstone Street repair project – Lone Hill east to Amelia.

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.

9. ADJOURNMENT

The next meeting is August 23, 2011, 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://www.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 245 EAST BONITA AVENUE DURING NORMAL BUSINESS HOURS. [PRIVILEGED AND CONFIDENTIAL DOCUMENTS EXEMPTED]

POSTING STATEMENT: ON AUGUST 5, 2011, A TRUE AND CORRECT COPY OF THIS AGENDA WAS POSTED ON THE BULLETIN BOARDS AT 245 EAST BONITA AVENUE (SAN DIMAS 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.

RESOLUTION NO. 2011-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JULY AND AUGUST 2011

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 Prepaid Warrant Register: 07/31/2011; 22141 through 22228; in the amount of $1,255,117.63; Warrant Register: 08/15/2011; 136842 through 136957; in the amount of $1,069,766.20.

PASSED, APPROVED AND ADOPTED THIS 9th DAY OF AUGUST 2011.

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 August 9, 2011, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ina Rios, CMC, City Clerk

4.a.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.

MINUTES
REGULAR CITY COUNCIL
TUESDAY, JULY 26, 2011, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

PRESENT:
Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebiner (arrived at 7:26 p.m.)

City Manager Blaine Michaelis
City Attorney J. Kenneth Brown
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
Director of Parks and Recreation Theresa Bruns

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:00 p.m. and led the flag salute.

2. ANNOUNCEMENTS

- Pui-Ching Ho, Librarian, San Dimas Library

Pui-Ching Ho, Library Manager, said children, teens and adults can win prizes just for reading at the Summer Reading Program through July 30. She invited the community to enjoy a variety of activities at the Library including a magic show with audience participation, comedy and live animals; the Summer Reading Book Club for Adults will discuss T.C. Boyle's *Tortilla Curtain* on July 28; come enjoy the free food tasting at the Korean Cuisine cooking demonstration on July 30; the Book Party will discuss *Little Bee* on August 3; classical guitar music will be showcased in front of the Library on August 10; use your imagination creating colorful prints from Styrofoam blocks at the Japanese Block Art Printing Workshop on August 11. For detailed information, contact the Library at 909/599-6738.

- Mitchell Crawford, Chairman, Chamber of Commerce, Powerpoint presentation about 2011 San Dimas Birthday Barbecue

Mitchell Crawford, Chairman, Chamber of Commerce, provided a Powerpoint presentation inviting the community to the 51st annual San Dimas Birthday Barbecue from 2:00-10:00 p.m. on Saturday, August 6, 2011, at the Civic Center Park. He thanked Committee members and sponsors and outlined the schedule of events, which are free, with the exception of food service and beverages. Meal tickets are available at six locations and cost $5 children, $6 seniors, $7 adults on the day of the event; and advance ticket sale price is $4 children, $5 seniors, and $6 adults. Mr. Crawford distributed volunteer forms and invited the City Council and staff to join as volunteers at the event.

Mayor Morris announced that members of the audience wishing to comment on item 8.d.1, the matter related to stay the enforcement of the 5% window coverage restriction, would be heard during either of the two Oral Communications. Mayor Morris further stated that there would not be a specific hearing when that item comes up, and in the interest of time, speaking time would be reduced to three (3) minutes for the second public comment session on matters related to item 8.d.1.

4.b

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.)

   a. Members of the Audience

1) Caryol Smith, Coordinator of the Friends of the San Dimas Dog Park, invited the City Council, staff and the community to the Parks and Recreation's 2nd Annual Bowser Bash on Saturday, July 30, 2011, from 9:00 a.m. to 12:00 noon, at Horsethief Canyon Park. She said there will be several exhibitors and demonstrations, Inland Valley Humane Society will be offering microchips for $15, and snacks will be provided by Tzu Chi Foundation.

2) Rick, Ranch Town Market & Deli, requested that the City Council consider amending the code to allow more than 5% of window coverage to assist the small business owners to advertise their specials.

3) Sid Maksoudian requested that the Mayor reconsider increasing the speaking time limit to five (5) minutes. He said when he opened his liquor business, the conditional use permit restricted advertising on his windows, and he felt that the code adopted by the City Council should be enforced.

4) Margie Green said McKinley's Home for Children is looking for golfers and sponsors for the Golf Tournament on Monday, September 26, 2011, at Via Verde Country Club, to help benefit children who are in need.

5) Alta Skinner invited everyone to Fairplex, San Dimas Day at the Fair on Friday, September 16, 2011, at a reasonable price. She said free admission that day is available for those who would like to join them by taking five cans of Ralph's label canned food.

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 or audience requests separate discussion.)

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, and carried 4.0.1 (Councilmember Ebiner was not present) to accept, approve and act upon the consent calendar, as follows:

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

      (1) **RESOLUTION NO. 2011-35,** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF JULY 2011.

   b. Approval of minutes for the regular City Council meeting of July 12, 2011.

   END OF CONSENT CALENDAR

5. **PLANNING/DEVELOPMENT SERVICES**

   a. Appeal of public nuisance determination regarding 405 W. Gladstone (Code Enforcement Case No. 10-1488).

1) **RESOLUTION 2011-36,** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING A PUBLIC NUISANCE DETERMINATION AND ORDER OF ABATEMENT REGARDING PROPERTY LOCATED AT 405 WEST GLADSTONE (APN: 8392-015-029)

Director of Development Services Coleman said the property has been in code enforcement since 2006 for illegal grading and other violations which resulted in the issuance of ten administrative citations. He reported that most of the violations were abated, with the exception of fill dirt stockpiled on the property without a grading permit. Director Coleman said a public nuisance hearing was conducted on May 11, 2011 and based on evidence presented, on May 12, 2011, the designated hearing officer declared the property as a public nuisance, noting that the request to delay the abatement of fill dirt should be appealed to the City Council. The property owner and Mr. Stringfellow have an approved parcel map and recently submitted amendments to the parcel map. Mr. Stringfellow anticipates submitting a development plan review application for homes and is asking for 12 months on abatement. Staff recommended that the City Council adopt Resolution No. 2011-36 adopting a public nuisance determination and order of abatement that will provide for removal of the dirt within 30 days, which may be extended up to 12 months pursuant to certain conditions.

In response to Mayor Morris, Director Coleman replied that the Resolution is consistent with the appellants' request.

Mayor Morris invited the appellants to comment.

1) Stan Stringfellow reported that they are actively pursuing some revisions to the parcel map and agreed to have two houses submitted to the Development Plan Review Board. He said he has tentative commitment for financing to build the two homes, which would be located on the northern end of the site where the dirt sits. He believes 12 months is an adequate period of time for staff/Council to review revisions and also to allow him to submit plans to the Development Plan Review Board, although, he would like an additional six months extension upon a condition they are actively processing the development site. He expressed his appreciation for staff's efforts to create a remedy that is balanced and helps eliminate economic waste by allowing them to utilize all the dirt from the site, as part of the development. He lends his agreement to staff's recommendation.

2) John Hollander expressed his appreciation and support for staff's efforts and recommendation.

Mayor Morris invited members of the audience to ask questions about or comment on this item before a decision is reached. No one came forward to speak.

Director Coleman asked for clarification whether or not it was the City Council's desire to modify the first condition to only address two homes being submitted or if all four homes were to be submitted to the Development Plan Review Board.

There being no objection to having two homes submitted to the Review Board, Councilmember Bertone requested that the first condition be modified to reflect two homes.

Councilmember Badar requested adding an opportunity for an extension of an additional six months.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Badar, to waive further reading and adopt **RESOLUTION 2011-36,** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING A PUBLIC NUISANCE DETERMINATION AND ORDER OF ABATEMENT REGARDING PROPERTY LOCATED AT 405 WEST GLADSTONE (APN: 8392-015-029).

Mayor Pro Tem Templeman supports the plan, which controls noise and dust, and is good not only for the developer, but for the neighborhood as well.

Mayor Morris noted that there were citations issued and fines and penalties were assessed, which have been paid in a fairly significant amount of money for the violations. He said this is a remedy in lieu of removing dirt and bringing it back in for the project.

The motion carried unanimously.

6. OTHER MATTERS

a. Consideration of Budget Authorization to Prepare Conceptual Plan for Downtown Sidewalk Revisions and of Review Process Public for Said Revisions.

Assistant City Manager of Community Development Stevens reported that at the April 18, 2011 Spring Retreat, staff was directed to remove and replace the Liquid Amber Trees in the downtown area, and to bring back a plan for replacement trees based on criteria discussed. The City Council also eliminated the "frontier" theme and adopted an "historic" theme for the downtown corridor and staff was directed to bring back plans to replace the boardwalk with full-width concrete sidewalk, trees and associated landscaping. It was also agreed that before these directions were finalized, there would be a public review process. However, Mr. Stevens noted that given recent actions with the state budget, there is some uncertainty as to the availability to use Redevelopment funds for the design and development of this project. To date, staff has contracted for a survey of existing improvements and secured a proposal for conceptual design services. Mr. Stevens outlined four alternatives and recommended authorizing a budget adjustment of $15,000 from the General Fund for the work and to authorize staff to enter into a contract not to exceed $15,000 for the conceptual design. Staff requested direction on the public review process.

It was the consensus of the City Council to select Alternate 2 to prepare conceptual plans; direct staff and consultant to conduct community meeting(s) to secure public input, and present report to the City Council for final decision on the public input.

Councilmember Ebiner suggested posting preliminary concepts on the website prior to a public review.

In response to City Council, Mr. Stevens said as a most cost effective way to get to consensus decision on the type of changes discussed, staff will select a prototype design block that should give all answers needed, such as suitable sidewalk materials and components to be considered, so staff can prepare final plans, which would be expanded to include all six blocks.

Mr. Stevens said that staff would send a broader notice to invite the people of the community, in addition to the entire block of downtown business/property owners, to appear and comment at the public review.

Mayor Pro Tem Templeman said it is important for the community to realize the benefits that come from this study to bring the outdoor dining experience up against the restaurants, instead of sitting on the curb line.

Mayor Morris said city staff has done a lot of preliminary work on this project and is ready to move forward. He stated that the City Council made the decision to remove the liquid amber trees that were destroying the downtown. He said a motion is needed to appropriate funds of $15,000 from the general fund for the prototypical design.

It was moved by Councilmember Badar to appropriate $15,000 from the General fund and to authorize staff to enter into a contract not to exceed $15,000 for the conceptual design. He asked staff to monitor the consultant's actions.

The motion was seconded by Councilmember Bertone.

Mayor Pro Tem Templeman said he is supportive of the motion, however, he suggested that previously discussed façade improvements should be considered after the sidewalk work is completed.

Councilmember Ebiner supported the motion, and he agreed with Councilmember Badar that the consultants' work should be monitored. He added that one way to monitor is to have options for the various criteria.

Mr. Stevens replied that the consultant selected is the same consultant who prepared the Grove Station frontage plans and the public portion of that plan was with sidewalks. He said the consultant is primarily a landscape architect, with other design capabilities, and would be looking at hardscape and related details. The consultant has worked with staff in the past, and staff felt the best way to get someone experienced is to create some of the same type of field.

The motion carried unanimously.

7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 7:50 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular City Council meeting reconvened at 7:55 p.m..

8. ORAL COMMUNICATIONS

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

1) Craig Johnson, General Manager, Ace Hardware, lends his support to the stay of enforcement of 5% window coverage restriction. He asked that staff notify by mail the downtown merchants and the Chamber of Commerce of any discussion or meeting.

2) Sid Maksoudian reiterated that three minutes is inadequate time to express his concerns. He said under his conditional use permit he was not able to put up any signs on his windows, however, if the code is changed to accommodate window displays, it will open up the gate for him to use his windows. He said he has complied with the law, and code enforcement did the right thing by enforcing the code over the years. He mentioned that 20%-25% window coverage is not adequate for the business owners.

b. City Manager

1) Verbal report on actions taken regarding Raging Waters parking impacts in adjacent residential areas. Traffic Safety Committee's actions.

City Manager Michaelis said Director of Public Works Patel will provide a verbal report in response to parking impacts near Raging Waters and Puddingstone Drive.

Director of Public Works Patel reported that in 2009, the Traffic Safety Committee reviewed a similar complaint from the same group of residents due to an ongoing conflict between the Parking Enforcement Officer and residents. At that time, the Homeowners Association had illegally posted its own parking permit sign in the public Right of Way. Director Patel stated that Resolution No. 09-02 prohibits the parking of vehicles on Puddingstone Drive, from San Dimas Avenue to the city limits, east of Walnut. As a result of the analysis, the Traffic Safety Committee recognized that there is adequate parking for 12 additional parking spaces in front of Puddingstone Drive. At the same time, the Committee raised concerns about Raging Waters patrons parking during the season. It was concluded to monitor this area.

In the spring of 2010 the HOA removed the illegal parking signs. In the summer of 2010 the City received no complaints, nor was made aware of any parking issues being caused by the patrons. Until this time, there had been no notification from the Homeowners Association regarding ongoing parking issues in 2010.

The Traffic Safety Committee met Wednesday, July 20, 2011, and recommended time restricted parking 7 days a week, on Puddingstone Drive, to maintain the 12 spaces between the hours of 10:00 a.m. to 5:00 p.m., from June to September. On Thursday, July 21st, Director Patel met with the residents who suggested an extension of the parking restrictions on Tanglewood; issuing a neighborhood parking permit; and enabling a parking policy. The HOA did not support the parking restrictions on Tanglewood and Director Patel advised residents that a Neighborhood Parking Permit is not possible because the City does not have a policy or ordinance in place. He informed residents that the most expedient solution is to post "No Parking" signs, which can be installed in less than ten (10) days.

In response to Council, Director Patel replied that residents are in agreement with the parking restrictions in front of Puddingstone and once the signs are installed, residents will be informed of a two-day grace period, and the Sheriff's Department will be notified to patrol the area and enforce the restriction.

c. City Attorney

There were no comments.

d. Members of the City Council

1) Action to stay the enforcement of the 5% window coverage restriction in the city's sign ordinance until the hearings and action are complete regarding potential changes to the sign ordinance.

Assistant City Manager for Community Development Stevens said staff reviewed approximately 15 window sign related enforcement cases that are within the parameters of the stay being considered until a revised Sign Code can be considered. He said 12 of the 15 cases are in compliance, with three remaining unresolved that would receive a second notice letter, pending tonight's action.

He said staff has completed a comparability survey of surrounding cities and is preparing a recommendation to present to the Planning Commission at an upcoming public hearing in September or October. He reported that most cities in the area allow window coverage of 20-25% and some cities limit the number of days for certain temporary window signs. Mr. Stevens highlighted potential concerns with an enforcement stay and said if the City Council approves a stay, staff would like guidance on how the stay applies to businesses that complied and those that did not comply, and if the City Council desires staff to bring back interim standards during the stay of enforcement.

Councilmember Badar stated he was approached by several business owners that have complied with code enforcement, however, the 5% window coverage restriction is jeopardizing their businesses. He supports the stay of enforcement until the Planning Department is prepared to bring forward an ordinance with new standards.

Councilmember Ebiner stated that 100% window coverage is not acceptable, however, he supports a stay of enforcement, and if approved tonight, the stay should apply to all window signs until standards are adopted.

Mayor Morris stated that if the City Council approves the moratorium, the City Council should be able to set provisional standards which can be brought back at the next City Council meeting for consideration.

City Attorney Brown affirmed that the City Council has the authority to adopt interim standards at their next meeting.

Assistant City Manager Stevens reiterated his understanding that staff will bring back an interim urgency ordinance that would take effect immediately and be enforceable until a new sign code is adopted.

In response to Mayor Morris, Assistant City Manager Stevens replied that the urgency ordinance replaces the existing ordinance with the temporary standard until a new standard is put in place. He explained that the urgency ordinance will be in place for 45 days, after which a public hearing must be held to extend the moratorium.

In response to Councilmember Badar, Assistant City Manager Stevens replied that code enforcement on all window signs will be deferred until an urgency ordinance can be adopted. He said once the standards are adopted, consideration could be given to requiring a commitment from any benefiting business to comply with any new standards within a reasonable time frame.

It was moved by Councilmember Badar, seconded by Mayor Pro Tem Templeman, to approve the stay of enforcement and to direct staff to bring back at the next City Council meeting an interim urgency ordinance changing the window sign coverage limitation. The motion carried unanimously.

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

The City Council did not attend a meeting at the expense of the local agency and there is nothing to report.

3) Individual Members' comments and updates.

a) Mayor Pro Tem Templeman said that due to State Budget cuts, our local schools are experiencing financial setbacks. The Youth and Family Coalition is conducting a paper drive and is requesting donations of reams of unused paper. Mr. Templeman encouraged businesses and individuals that are trying to go paperless to help support this important project and to drop off cases or individual reams of white bond paper for the school's use.

b) Councilmember Ebiner thought it might be worthwhile for the public to see a slide presentation by Cedric Ebiner regarding Rome's contribution to our contemporary society, including architecture, engineering and politics. The slide show will be conducted at 5:00 p.m. on Wednesday, July 27th, at the San Dimas Library.

c) Councilmember Badar added that it is not necessary to take reams or cases of paper to the schools. Cash is welcome and the schools will make the purchases.

d) Councilmember Bertone mentioned that Barney the Wonder Dog will be making an appearance at the Bowser Bash being held on July 30th, at Horsethief Canyon Park, between 9:00 am. To 12:00 p.m.

e) Mayor Morris invited questions by phone call or email on *Ask the Mayor*, Thursday evening, July 28th, starting at 7:00 p.m.

f) Mayor Morris noted that the fleet is in San Pedro and he plans to visit the U.S.S. Abraham Lincoln on Friday.

9. CLOSED SESSION

Mayor Morris recessed at 8:30 p.m. to a City Council closed session pursuant to Government Code Section 54956.9 (b) (1):

a. Approval and authorization to execute a Tolling Agreement with NJD, LTD to extend the time for filing any claim which NJD may have against the City or the City may have against NJD arising under the Settlement Agreement or Reimbursement Agreement.

b. Report on closed session items

It was moved by Councilmember Bertone, seconded by Councilmember Badar, to authorize the Mayor to execute the Tolling Agreement with NJD, Ltd. The motion carried unanimously.

10. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:45 p.m. The next meeting is on August 3, 2011, 8:00 a.m. to meet with Supervisor Michael Antonovich.

Respectfully submitted,

_____
Ina Rios, CMC, City Clerk

Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of August 9, 2011

FROM: Blaine Michaelis, City Manager

INITIATED BY: Community Development Department

SUBJECT: Consideration of an Interim Urgency Ordinance Establishing Temporary Standards Concerning Window Signs

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SUMMARY

The City is contemplating an update to the existing Sign Code. As a result of complaints related to window sign standards associated with pending code enforcement cases, the matter of window signs has become a higher priority. Staff has completed the comparative study on windows looking at surrounding cities. Revised interim window sign standards which provide additional opportunities for window signs, clarify and set different standards for permanent versus temporary window signs, address various exempt or accessory window sign not previously addressed and minimize needs for permit procedures seem appropriate for consideration.

BACKGROUND

At the City Council meeting of July 26, 2011 the City Council considered a stay on pending code enforcement cases related to window signs and directed Staff to prepare an interim urgency ordinance establishing temporary standards concerning window signs. Code enforcement actions have been placed on hold pending Council consideration of this interim urgency ordinance. Letters were sent to each business recently affected by code enforcement actions relative to window signs.

An urgency ordinance can be adopted with a 4/5ths vote and can take effect immediately. It will remain in effect for 45 days but may be extended up to an additional ten months and fifteen days after holding a public hearing. While such ordinances are more commonly associated with moratoria they may also be utilized to establish temporary standards.

5.A.1

Areas of concern associated with the existing Sign Code were identified in a Community Sign Forum hosted by the Planning Commission on March 16, 2011. The Planning Commission (on May 4, 2011) and the City Council (May 24, 2011) considered a report on the Sign Forum and targeted 18-20 issue areas to consider for possible amendments. Standards for window signs are only one of the identified issue areas. Staff has completed a comparability survey of surrounding cities on all of the identified issue areas and is organizing that information and preparing its recommendation for an upcoming public hearing before the Planning Commission in September or early October.

Existing window sign regulations are as follows:

> Section 18.152.020 Definitions.
>
> 39. Sign, Window. "Window sign" means a sign which is painted on or affixed to the exterior or interior side of a window.
>
> Section 18.152.120.B.1. Window Signs. Permanent window signs may be permitted, subject to city approval. In no case shall the total of all window signs exceed five percent of the total window area or a total of forty square feet whichever is less. Temporary window signs are addressed in Section 18.152.160. [SIGNS IN COMMERCIAL ZONES]
>
> Section 18.152.130.B.1. Window Signs. Permanent window signs may be permitted, subject to city approval. In no case shall the total of all window signs exceed five percent of the total window area or a total or twenty square feet whichever is less. Temporary window signs, as regulated in Section 18.152.160, are not permitted. [SIGNS IN ADMINISTRATIVE PROFESSIONAL ZONES]
>
> Section 18.152.140.B.1. Window Signs. Permanent window signs may be permitted, subject to city approval. In no case shall the total of all window signs exceed five percent of the total window area or a total or twenty square feet whichever is less. Temporary window signs, as regulated in Section 18.152.160, are not permitted. [SIGNS IN INSUSTRIAL ZONES]
>
> Section 18.152.150.A. Window Signs. Permanent window signs may be permitted, subject to city approval. In no case shall the total of all window signs exceed five percent of the total window area or a total or forty square feet whichever is less. Temporary window signs, as regulated in Section 18.152.160, are not permitted. [SIGNS IN FRONTIER VILLAGE AREA]
>
> Section 18.152.160.D. Temporary Window Signs. Temporary window signs on the interior of windows may be permitted, based on the following:
> 1. Application for a temporary window sign shall be made on forms provided by the planning division.
> 2. A maximum two temporary window sign permits may be approved for any single business location within a calendar year with the cumulative total of banner display days in such year not to exceed thirty days. The maximum period of any individual banner display shall not exceed thirty days.

ANALYSIS

As part of the Sign Code revisions Staff has conducted a survey of surrounding cities concerning their regulations governing window signs. Attached Exhibit A contains the detailed results of that survey. The below Table is a summary:

CITY	*SIZE*	*LOCATION*	*OTHER STANDARDS/ COMMENTS*
Azusa	Permanent and/or temporary limited to 20%	Affixed and within 3 feet	Street frontage only; not above 2nd floor; must be applied to, stenciled on or etched into glass; neon signs permitted
Baldwin Park	Temporary – 40%; permanent – 50%	Inside or upon window intended to be viewed from exterior	Temporary signs are limited to a maximum of 30 days each with 4 nonconsecutive times in a 12 month period
Claremont	Maximum of 25% not to exceed 6 square feet in total area	Affixed and within 5 feet if visible from exterior	No distinction between temporary and permanent. Accessory signs (i.e. "OPEN" "CLOSED" "HOURS") excluded
Chino	Maximum of 25%	Affixed or intended to be viewed from exterior	Temporary is limited to maximum of 30 days in any 60 day period; holiday or seasonal excluded
Covina	Temporary – 50%; permanent – 25%	Affixed or intended to be viewed from exterior	Temporary limited to maximum of 90 days in any calendar year. Must be professional quality. Permit/fee required.
Diamond Bar	Permanent and/or temporary limited to 25% with 100 square foot maximum	Affixed and within 3 feet if exposed to public view	Illumination prohibited. Includes doors in window area. Ground level and 2nd floor only.
Duarte	Permanent and/or temporary limited to 20% with 40 square foot maximum	None	Temporary signs limited to maximum of 30 days each and must have date affixed or subject to immediate removal; exception for community or noncommercial posters not greater than 2'x3'
Glendora	Temporary – 25%; permanent 50%	Affixed to a window or glass portion of a door	Permanent signs are for business identification and included in total sign Area allowed for business.
La Verne	Non-illuminated limited to 35% (or 25% Downtown); illuminated limited to 1 sign not exceeding 12 square feet	Affixed or visible to public and within 2 feet	No distinction between temporary and permanent
LA County	Temporary – 25%	None	Excludes sign incorporated into a display of merchandise if at least 1 foot from window
Monrovia	Temporary – 25%; permanent – 10%	None	Temporary signs are limited to a maximum of 15 days each and 60 days a year. Permanent may include neon (but not around the window) and is limited to the business name and/or a list of products not implicit in the name.

Montclair	Temporary - 25%	None	All window signs are temporary and may not remain longer than 90 days. Holiday/seasonal decorations are exempt.
Rancho Cucamonga	Temporary – 30% but not to exceed 150 square feet; permanent - 4 square feet	Affixed or located within 3 feet or easily visible from exterior	Temporary cannot be business identification, be displayed continuously for more than 30 days or be located above 2nd floor. Paper signs advertising "weekly specials" rotated on a regular basis shall have a fastening device for a more permanent look. Permanent signs are for hours of operation, address, emergency info, etc.
Upland	Temporary – 20%; permanent - 10% unless used for business identification then may be 25%	Affixed or visible to the exterior	Temporary signs are limited to four 2-week periods per calendar year.
West Covina	Temporary – only with minor or major promotional event permits; permanent – 25% not to exceed 100 square feet	Affixed or located within 2.5 feet of the window	No distinction between temporary and permanent except for events. May not substantially obstruct view into tenant space at eye level.

Staff has approached this consideration of window signs in a manner largely consistent with its intended recommendation in the upcoming Sign Code update. It is not beneficial to make multiple adjustments in regulations over short periods of time in order to minimize any possible confusion. This recommendation is very close, if not identical, to the recommendation we will be making in the Sign Code update. The evaluation of approaches taken by various surrounding cities has been evaluated and considered in bringing forth these revised standards.

Window signs can fall into several categories with each serving a specific purpose and the current Sign Code did not always clearly distinguish between the types of window signs and their various purposes. This has resulted in some confusion and blurring primarily of relatively distinct differences between permanent and temporary window signs. To alleviate this difficulty the attached interim standards include additional definitions to be added to the Sign Code. The definitions presented result in the following changes:

- The general window sign definition now includes a distance reference of 3 feet for interior signs intended for public view where there was no such standard previously. For cities having such a standard three feet was the most common. It has been clarified that glass doors are included in the "window" area determination.
- An added category of accessory window signs has been created. This covers small signs such as credit cards accepted, lottery signs, health department grading signs, hours of operation and the like and exemots them from the window area calculation as long as they do not exceed 4 square feet each or 12 square feet total.

- Permanent and temporary window signs are now defined in terms of their purpose and their common materials.
- A definition has been added to include other exempt window signs including event related posters and seasonal holiday decorations. These include specific standards.
- The 5 percent and associated square footage standards for permanent window signs have been recommended for retention without change. It should be noted that this also includes a maximum size based on square feet which varies from 20 square feet (in industrial and office zones) to 40 square feet (in commercial zones and Frontier Village). Unfortunately, this has been incorrectly viewed as THE City window sign standard. This misperception should be alleviated by the new definition and improved communication. The best example of appropriate and complying permanent window signs is at San Dimas Hardware (the gold leaf lettering in most of the windows).
- The standards for temporary window sign are being completely revised. Previously a business was allowed up to two permits totaling 30 days in any calendar year. There were no square footage limits and a permit was required. No, or very few, permits have been issued under this standard since the inception of the last major Sign Code revision in 1999. Most businesses focused on temporary banner permits. The proposed revisions include year-round opportunity for temporary window without need for a permit. Such sign would be limited to a maximum of 20 % of the window area with a time limit for any single sign of 30 days. 20% seemed a reasonable norm in the comparability survey. To facilitate enforcement a standard requiring the date to be affixed is suggested. Such temporary signs should be changed from time to time as their primary purpose is to advertise special, sales and the like and a 30 day limit seems reasonable and compatible with the comparability survey. The existing prohibition against temporary window signs in industrial zones is unchanged.
- Additional standards are proposed regarding lighting (small neon signs are allowed but perimeter window lighting is not), obscuring windows with signs or tinting contrary to public safety needs, and prohibition of liquor advertising. The latter standard is to facilitate consistency among users with liquor licenses since most (if not all) Conditional Use Permits since the early to mid-1980s include such a prohibition.

The revisions in the interim ordinance provide additional opportunities for window signs, clarify and set different standards for permanent versus temporary window signs, address various exempt or accessory window sign not previously addressed and minimize needs for permit procedures. The Table below summarizes the recommended revisions:

	Permanent Window Sign[1]	Temporary Window Sign[1]	Accessory Window Sign[1]
Size	5% of the window area not to exceed 40 square feet (20 square feet in office & industrial zones)	20% of the window area	12 square feet in total sign area with no sign exceeding 4 square feet
Time Limits	No	30 days	No

Permit	Yes	No	No
Purpose	Business identification and generic product/services identification[2]	Advertise seasonal sales, special sales and related temporary messages[2]	Business identification, credit cards accepted, hours of operation, lottery, health grades, etc.
Typical Materials	Applied, stenciled, etched to glass surface including gold leaf letters and decals. Neon less than 4 square feet allowed.	Cloth, paper, vinyl, paint. Non-illuminated.	Not specified. Neon less than 4 square feet allowed.

1. Window signs include any interior signs within 3 feet of window. All signs subject to specified standards regarding maintenance, quality, lighting, view obstruction.

2. Liquor and liquor product advertising prohibited to assure compliance with CUPs and ensure equity.

RECOMMENDATION

Adopt Ordinance No. 1205 (4/5ths vote required).

Respectfully Submitted,

Larry Stevens,
Assistant City Manager for Community Development

Attachments:
1. Ordinance No. 1205
2. Exhibit A ~ Comparability Survey of Window Sign Regulations

ORDINANCE NO. 1205

AN ORDINANCE OF THE CITY OF SAN DIMAS AMENDING EXISTING PROVISIONS OF THE CITY'S SIGN CODE REGARDING THE STANDARDS FOR WINDOW SIGNS AND PROVIDING FOR ITS ADOPTION AS AN URGENCY MEASURE

The City Council of the City of San Dimas does hereby ordain as follows:

SECTION 1. The provisions of Section 18.152.020 (Definitions) of the San Dimas Municipal Code are hereby amended to revise the definition of Window Sign to read as follows:

39. Sign, Window. "Window sign" means any sign posted, painted, placed or affixed in or on any window, including the glass portion of a door or opening, exposed to public including any interior sign which faces any said window or door or opening exposed to public view and which is located within three feet of the window. Window signs include the following types as defined below:

(a). Sign, Window (Accessory). "Accessory window sign" means any window sign not exceeding 4 square feet limited to business identification, hours of operation, credit card information, lottery, Health Department grades, open/closed and similar public convenience information.

(b). Sign, Window (Exempt). "Exempt window sign" means any window sign exempt from window sign regulations including (1) holiday window displays and decorations, including lights, provided they are removed within ten days after the holiday and contain no references to goods, products or services and (2) posters advertising fund-raising events for charitable, nonprofit, or educational fund-raising events, or noncommercial uses, provided they are removed ten days after the event, are not larger than two feet by three feet and do not exceed four in number at any one time.

(c). Sign, Window (Permanent). "Permanent window sign" means any window sign applied to, stenciled on, or etched into the glass surface including gold leaf (or similar) letters and decals, limited to business identification, address and/or a listing of products or services not implicit in the business name.

(d). Sign, Window (Temporary). "Temporary window sign" means any windows consisting of painting, cloth, paper, vinyl or similar materials allowed for a limited duration advertising seasonal sales, specials and similar events but not including business identification.

SECTION 2. The provisions of Section 18.152.120 (Signs in Commercial Zones), 18.152.130 (Signs in Administrative Professional Zones), 18.152.140 (Signs in Industrial Zones) and 18.152.150 (Signs in Frontier Village Area) of the

San Dimas Municipal Code are hereby amended to revise standards applicable to permanent window signs by adding the underlined portions as follows:

Section 18.152.120.B.1. Window Signs. Permanent window signs may be permitted, subject to city approval. In no case shall the total of all permanent window signs exceed five percent of the total window area or a total of forty square feet whichever is less. Temporary window signs are addressed in Section 18.152.160. Accessory window signs are addressed by Section 18.152.164. Additional standards for window signs are addressed by Section 18.164.166.

Section 18.152.130.B.1. Window Signs. Permanent window signs may be permitted, subject to city approval. In no case shall the total of all permanent window signs exceed five percent of the total window area or a total or twenty square feet whichever is less. Temporary window signs are addressed in Section 18.152.160. Accessory window signs are addressed by Section 18.152.164. Additional standards for window signs are addressed by Section 18.164.166.

Section 18.152.140.B.1. Window Signs. Permanent window signs may be permitted, subject to city approval. In no case shall the total of all permanent window signs exceed five percent of the total window area or a total or twenty square feet whichever is less. Temporary window signs, as regulated in Section 18.152.160, are not permitted. Accessory window signs are addressed by Section 18.152.164. Additional standards for window signs are addressed by Section 18.164.166.

Section 18.152.150.A. Window Signs. Permanent window signs may be permitted, subject to city approval. In no case shall the total of all permanent window signs exceed five percent of the total window area or a total or forty square feet whichever is less. Temporary window signs are addressed in Section 18.152.160. Accessory window signs are addressed by Section 18.152.164. Additional standards for window signs are addressed by Section 18.164.166.

SECTION 4. The provisions of Section 18.152.160.D (Temporary Window Signs) of the San Dimas Municipal Code are hereby amended to revise standards applicable to temporary window signs to read as follows:

Section 18.152.160.D.Temporary Window Signs. Temporary window signs on the interior of windows may be permitted, based on the following:

1. Temporary window signs shall not exceed twenty percent of the total window area.
2. No temporary window sign shall be displayed continuously for more than thirty consecutive days.
3. Business owners shall be required to display the date upon which the sign is placed in the window. Signs without a date, or other adequate documentation regarding the installation date, may be subject to immediate removal.

4. Additional standards for temporary window signs are addressed by Section 18.152.166.
5. A permit or City approval is not required for temporary window signs except that a business may request a permit to designate areas for temporary window signs meeting the standards set forth herein.

SECTION 5. The following Sections regarding accessory window signs and other standards for window signs are hereby added to the San Dimas Municipal Code to read as follows:

Section 18.152.164 Accessory Window Signs. Accessory window signs may be permitted provided said signs do not exceed four square feet each and do not exceed a total area of 12 square feet.

Section 18.152.166 Other Standards for Window Signs. All window signs shall comply with the following additional standards:

A. The maximum area for all windows, excluding up to 12 square feet of accessory window signs, shall not exceed twenty five per cent of the total window area.
B. All window signs shall be properly maintained and be of reasonable professional quality.
C. Window signs shall not be illuminated except that accessory window signs and permanent windows may be neon or similar type lighting provided such signs are less than four square feet. Lighting of any type around windows shall not be permitted exempt for exempt holiday lighting.
D. Window signs shall not advertise liquor or liquor-related products.
E. In order to facilitate law enforcement and protect public safety, window signs or other window obscuring products, including tinting, shall not substantially obstruct view into the business from outside a window.

SECTION 6. The City is reviewing its existing Sign Code. A number of public meetings and study sessions have been conducted by the City's Planning Commission and City Council that have identified a number of areas in the existing sign regulations that the City Council has determined are deserving of further review and possible amendment. It is anticipated that the Planning Commission will conduct public hearings within the next three months to consider potential changes to the City's Sign Code, including modifying the present regulations on window signs. In order to permit the Planning Commission sufficient time to study the issues and conduct its public hearings and make its recommendation to the City Council and at the same time permit existing commercial businesses in the City to provide additional window signs, if they desire, the City Council determines that it is appropriate to change the present window sign restrictions on an interim basis as identified in Section 1 through 5.

SECTION 7. The Ordinance is therefore adopted as an interim ordinance as provided in Government Code Section 65858 and shall take effect immediately upon its adoption.

Passed, approved and adopted this 9th day of August 2011.

MAYOR OF THE CITY OF SAN DIMAS:

_____

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

ATTEST:

_____

Ina Rios, CMC, City Clerk

EXHIBIT A

Comparability Survey of Window Sign Regulations

CITY	*TEMPORARY WINDOW SIGN STANDARDS*	*PERMANENT WINDOW SIGN STANDARDS*	*DEFINITIONS*
Azusa	88.38.070.F.7.f. Temporary window signs shall not exceed the maximum 20 percent coverage of the total window area, including any permanent window signs.	88.38.070.H. Window Signs. The following standards apply to permanent window signs where allowed by Section 88.38.060 (Sign Standards by Area). 1. Maximum Sign Area. Permanent window signs shall not occupy more than 20 percent of the total window area. 2. Sign Location. Signs shall be allowed only on windows located on the ground level and second story of a structure frontage. 3. Sign Materials. Signs shall consist of individual letters, logos, or symbols applied to, stenciled on, or etched into the glass surface; however, neon signs with transparent backgrounds may be hung inside the window glass.	88.70.020 34. Window Sign. A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign which faces a window exposed to public view and is located within three feet of the window.
Baldwin Park	153.388 (C) No more than one temporary sign may be displayed for each business at any one time. Such temporary sign may be displayed a maximum of 30 consecutive days. Temporary signs may be displayed up to four nonconsecutive times within a 12-month period. All temporary signs shall be kept in a safe and presentable condition. The following types of temporary signs are permitted, provided they comply with the applicable standard:	153.391 (B) Window signs. Permanent signs placed on or in any window shall not cover more than 50% of the total area of such window.	153.386 Window Sign. A sign that is placed inside or upon a window facing the outside and which is intended to be seen from the exterior (temporary or permanent).

	(4) Window Signs— Shall not cover more than 40% of a window.		
Claremont	See next column	18.025.060.B. Accessory Signs 1. Maximum Number There is no limit on the number of window signs other than major identification window signs, provided such signing conforms to the other limitations of this Section. 2. Maximum Size. The total area of all accessory window signs for a business/lease space shall not exceed 25 percent of the exterior window area of the business/lease space, or 6 square feet, whichever is greater. The area of window signs shall be calculated as the aggregate area within three rectangular figures, which enclose and connect the extreme limits of up to three message areas consisting of any writing, representation, emblem or any figure or similar character. 3. Illumination. Accessory window signs may have external illumination only. 4. Review. Accessory window signs meeting the above limitations shall be exempt from sign permit requirements.	18.900.275 WINDOW SIGN Window Sign shall mean any written representation, emblem or other figure or similar character painted on or otherwise affixed to a window and any interior sign within 5 feet of any window and visible from off the subject building's site.
Chino	16.05.060 (Table 16.05.1) Temporary messages, such as signs advertising sales or special events, shall be permitted for a period of not more than 30 days during the 60-day period.	16.05.060 (Table 16.05.1) Signs shall be placed on the interior side of the window, except that holiday or seasonal window displays and temporary messages may be placed on the exterior side of the window. Not more than 25% of the window area per building face may be covered. No [permit] requirement. Pictorial holiday or seasonal window displays shall be exempt from the window sign regulations provided that no reference is made to goods or services.	16.02.020 "Window sign" means any sign or pictorial graphic which is painted, attached, glued, or otherwise affixed to a window, and any interior sign visible from the exterior of a building.
Covina	17.74.055 Temporary signs and attention-getting devices – Generally.	17.74.062 F. Permanent painted window signs shall not exceed 25 percent of the	17.74.020.HH. "Window sign" means a sign of a permanent

	Temporary signs and advertising devices shall be permitted in all commercial and industrial zones subject to the following regulations: C. Quantity and Size. Temporary signs and banners shall comply with the following limits: 3. Window painting and posters shall not exceed 50 percent of the window area on the building face on which the painting or poster is located. Window painting and posters may be used in combination with banners, flags, and streamers and do not count against the 50- or 100-square-foot limit previously stated. E. Conditions of Use. Temporary attention-getting devices permitted by this section shall comply with the following conditions of use: 1. All such devices shall be maintained in good repair. 2. No device shall be designed, installed or situated so as to constitute a potential hazard to the pedestrian or vehicular traffic. 3. All temporary attention-getting devices shall be of professional-quality printing, painting or manufacture and shall comply with all applicable ordinances, policies and design guidelines. 4. A sign permit shall be obtained from the chief planning official prior to the installation of any temporary attention-getting device. When the application for a sign permit is filed, a uniform fee, as set from time to time by resolution of the city council, shall be paid for defraying the cost incidental to the proceedings. The chief planning official may impose reasonable conditions as a condition of permit issuance. 5. No permit shall be issued for any	window surface area.	nature which is placed or hung near a window and designed to be viewed from adjoining public streets or highway rights-of-way, including gold leaf or silver leaf letters and decals affixed to the window.

	business or site to utilize temporary attention-getting devices for a period in excess of 90 total days in any calendar year.		
Diamond Bar	See next column	22.36.120 (h) Window signs. (1) Signs shall be allowed only on windows located on the ground level and second story of a building frontage. (2) Signs shall be permanently painted or mounted on the inside of windows and doors. (3) Signs shall not occupy more than 25 percent of the window area of any one window including permanent and temporary signs. 22.36.130 (b) A [or B.]. 3. 25% of each window area. 100 s.f. max. per use. No [illumination]	22.80.020 Signs (46) Window sign. Any sign posted, painted, placed, or affixed in or on any window exposed to public view. Any interior sign which faces any window exposed to public view and is located within three feet of the window
Duarte	19.80.077(b) Temporary window signs exhibited on the inside of store windows. (1) Such signs are allowed to the extent that no more than twenty percent of a window may be used, and in no cases shall such sign exceed forty square feet. (2) EXCEPTIONS. Posters advertising fund-raising events for charitable, nonprofit, or educational fund-raising events, or noncommercial uses are exempt from the requirements of Section 19.80.077(b)(1). Individual posters may not be larger than two feet by three feet. (3) No temporary window sign shall be displayed for a period of longer than thirty days. Business owners shall be required to display the date upon which the sign is placed in the window on each sign for enforcement purposes. Any sign not displaying a date shall be removed	See previous column	None

	immediately upon request by the code enforcement officer.		
Glendora	19.24.070(7) Any number of temporary signs may be attached to the inner surface of windows, provided that not more than twenty-five percent of the window is obscured;	19.24.070(4) If a window is used for permanent identifying signs, the sign area shall not exceed more than fifty percent of the window and the combination of all window signs shall not exceed the total sign area allowed by this section;	19.24.010 "Window sign" is a sign painted, posted or affixed on a window or glass portion of a door or within a building for display through a window or glass portion of a door or other building opening.
La Verne	See next column	17.20.020 Window Sign (illuminated). 12 s.f. max., one per premises 17.20.020 Window Sign (non-illum.) NP [no permit] Not to exceed 35% of each window; 25% max. size and over-counter design review applies to Lordsburg Specific Plan area	17.08.520 Sign, window. "Window sign" means any sign which is placed or erected on the exterior or the interior side of a window, if visible to the public from a public street or adjoining property. This shall also include signs within two feet of the interior side of the window, if visible to the general public from a public street or adjoining property.
LA County	22.52.920 Temporary window signs. Each business establishment shall be permitted temporary window signs, provided that such signs do not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage. This provision is not intended to restrict signs utilized as part of a window display of merchandise when such signs are incorporated within such display and located not less than one foot from such windows	See previous column	None
Monrovia	17.28.100(D)(2) (a) Temporary window signs to promote special sales shall be allowed with the Development Review Committee approval, provided that the signs shall not be displayed for more than 15	17.28.100(D)(1) Permanent window signs. (a) Permanent window signs shall be allowed, provided that the signs are either painted directly on the window or	None

	days at one time and shall not exceed 60 days in one year. (b) Temporary window signs shall not occupy more area than 25% of the total window area of the face of the building upon which such signs are mounted.	displayed as neon tube signs, if the letter style is compatible with approved signage on the building. Alternate material may be used if the Development Review Committee determines that the sign is of comparable quality. Only the business name and/or a list of products or services not implicit in the name shall be displayed. (b) A window sign shall not exceed 10% of the total window area. (c) Neon around the windows is prohibited.	
Montclair	.72.340 - Window signs. A. No sign placed in or upon the window of any structure utilized for nonresidential purposes shall be placed so as to obscure visibility of the transparent area of any window, except in the following manner: 1. For uses in A-P, C-2, C-3, M-I-P, M-1 or M-2 Zones, up to a maximum 25 percent of the total window area; 2. Holiday and seasonal window decorations shall be exempt from this requirement, provided that the sign is removed within 10 days from the end of such event or holiday; 3. Window signs shall be temporary in nature and shall not remain in the same location or condition longer than 90 consecutive days. B. No signs, other than holiday or seasonal window decorations, shall be placed in or upon the window of any structure utilized for residential purposes.	See previous column	None
Rancho Cucamonga	14.16.010.Q. Temporary window signs shall be permitted for any business in a commercial zone, and for commercial type uses in industrial or office zones when approved as part of a Uniform Sign	14.16.010.A. Permanent window signs not exceeding four square feet and limited to business identification, hours of operation, address and emergency information only;	14.08.380 "Window sign" means a sign painted, attached, glued, or otherwise affixed to a window or located within three feet of the interior side of the window

	Program, subject to the following criteria: 1. Limited to temporary messages such as sales. No business identification is permitted, 2. Maximum sign area shall be up to thirty percent of the window area, of the first floor only on multi-story buildings, or up to twenty feet above finished grade on one-story buildings, not to exceed one hundred fifty square feet, 3. The placement of the sign shall be located on the first floor only on multi-story buildings, and shall not exceed twenty feet in height above finished grade on one-story buildings, 4. No temporary window sign shall be displayed continuously for more than thirty days, 5. Paper signs which advertise "weekly specials," and similar signs which are rotated on a regular basis, shall have a fastening device for a more permanent look. Window signs affixed with tape are discouraged;		or otherwise easily visible from the exterior of the building.
Upland	17.20.270.H. 8. Window Signs. a. Temporary window signs for such things as grand openings or seasonal events shall be limited to a maximum of 20 percent of the window surface area. This size limitation shall include any other temporary signs which may also be placed in or attached to the window. The use of temporary window signs shall not exceed four two-week periods per calendar year. b. Permanent window signs shall not exceed 10 percent of the window surface area.	17.20.090. M. Window signage, not exceeding 25 percent of any window, for the primary purpose of identification.	17.20.020 Sign, Window. Window sign means an advertising sign painted, attached, glued, or otherwise affixed to either the exterior or interior side of a window, having copy visible from a public street, right-of-way, or parking lot.
West Covina	Special standards with minor and major promotional events [See 26-373 & -374]	26-351. - Same—Window signs.	26-310.50. - Window sign. "Window sign" shall mean a

		No maximum [number of signs]. 25 percent of total glass window area along frontage up to a maximum of 100 s.f. Inside glass panel [Location] . None [permits], except for exposed neon signs (SAR). Painted signs allowed.	sign that is applied or attached to a window or located within two and one-half (2.5) feet of the inside of a window. 26-334. - Window signs. (a) In order to facilitate law enforcement and protect public safety, window signs shall not be placed in [a] manner whereby the view into a tenant unit at eye level from outside a window is substantially obstructed.

Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of August 9, 2011

FROM: Blaine Michaelis, City Manager

INITIATED BY: Ken Duran, Assistant City Manager

SUBJECT: Adoption of an Ordinance Voluntarily Complying with the Alternative Redevelopment Program to Permit the Continued Existence and Operation of the Redevelopment Agency of the City of San Dimas

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SUMMARY

State legislation AB 26 and AB 27 impact the continuation of Redevelopment Agency's. In order for the San Dimas Redevelopment Agency to continue to operate the City needs to adopt an Ordinance determining that it will make a voluntary payment to the State and agree to the alternative redevelopment program.

BACKGROUND

With the State budget adoption in June, the State Legislature approved and the Governor signed into law two bills impacting Redevelopment Agencies in California. AB 26 abolishes all Redevelopment Agencies effective October 1st, 2011. However, AB 27 allows for the continuation of a Redevelopment Agency if the governing City of that Agency voluntarily agrees to pay an amount of money to the State based upon its pro rata share of $1.7 billion statewide. At the July 12th City Council meeting staff provided a detailed overview of the legislation. The following is a recap of some of the key elements and deadlines of both pieces of legislation.

- AB 26 eliminates Redevelopment Agencies effective October 1st. It allows the Agencies enabling body, the City, to continue to make its current debt obligations and essentially that's it. However, there is ambiguity as to what would be defined as debt obligation. The 36 page legislation also

6.A.1

spells out the details of how the Agency would dissolve, liquidate assets, handle debt payment etc.

- AB 27 allows an Agency to voluntarily decide to remain in existence if it agrees to make a payment equal to its proportionate share of $1.7 billion dollars this year and $400,000 million every year after that. The amount of San Dimas' proportionate share in FY 2011-12 is $1.753 million and is estimated to be $400,000 every year thereafter.

- On June 24th the Governor signed both pieces of legislation. From that date forward an Agency was prohibited from incurring any new debt or expending monetary obligations, except "enforceable obligations", modify terms and conditions of existing agreements, enter into new agreements, accelerate debt payments or obligations or a number of other restrictions retroactive back to January 1, 2011.

- Within 60 days after the legislation was signed, but not later than Sept. 30, an Agency must adopt an "enforceable obligation" schedule detailing all of its outstanding debt. If an Agency adopts an Ordinance agreeing to the "Voluntary Redevelopment Plan" they do not have to adopt an "enforceable obligation" schedule.

- The Department of Finance was charged with calculating and notifying Agencies of the amount of this year's payment by August 1st. The calculation was based upon information in the FY 2008-09 State Controllers Report. The formula to the calculation was based upon, calculating the net increment, less pass thru's and "amounts used to pay for tax allocation bonds and interest payments specified on Controllers Report" as well an adjustment to assure that the Agency is paying their pro rata share of the $1.7 billion. The City received notification on August 1st that its payment is **$1,753,485.**

- An Agency may file an appeal on the Department of Finances calculation. However, appeals are limited to challenging that (a) information in Controller's report is in error, or (b) percentage of tax increment necessary to pay for bonds and debt have increased by 10% or more since 2008-09 report. The deadline to file an appeal is August 15th.

- The Department of Finance has until September 15th to decide an appeal. However, they may elect to extend that date to October 15th.

- On October 1, 2011 all Redevelopment Agencies are legally dissolved under AB 26 unless the enabling City has adopted an Ordinance under AB 27. AB 26 outlines a very detailed dissolution process.

- The first remittance payment under AB 27 is due on January 15, 2012 in the amount of half the total calculation. In San Dimas case that payment would be $876,742.

- The second remittance payment is due May 15, 2012.

- In subsequent years the City is obligated to make an annual payment to the State based upon a formula using the base year payment amount. The calculation is determined by November 15th of each year. Payments are due in two equal installments on January 15 and May 15 of each year. It is estimated that the payment for San Dimas in FY 2012-13 would be approximately $400,000. Subsequent year's payments would most likely be in a similar amount.

DISCUSSION

Benefits to Retaining the Redevelopment Agency

There are several factors to consider in evaluating whether the City should agree to the Voluntary Continuation Plan.

- The Redevelopment Agency has been a vital tool in the growth and development of the City. There are many future redevelopment opportunities that the Agency has identified that could benefit from the continuance of the Agency.
- Over the years the City has loaned close to $12 million to the Agency for various projects. Those are legally documented loans which the Agency has been making annual debt service payments. There is question as to whether the language in AB 26 would recognize those loans as outstanding debt obligation if the Agency were to dissolve under AB 26.
- The Agency has acquired and owns several properties that were intended to be sold for future development projects. If the Agency were to dissolve, all its assets, including proceeds from the sale of those properties, would revert to the State.
- If the Agency were to dissolve, the housing set-aside funds that the Agency has been accumulating for future low and moderate income housing projects would be in jeopardy. The City would continue to have low and moderate housing obligations but not have a funding source to meet those obligations.

City's Ability to Make the Voluntary Payment

As mentioned previously the City's FY 2011-12 payment obligation to the State is $1.753 million. AB 27 does include a provision that would allow an Agency to forgo making its 20% set-aside obligation this year and use those funds to make

a portion of this year's payment obligation. The City could utilize this provision upon making the finding that it has no other source of revenue to make the payment. It is estimated that the 20% set-aside obligation for this year would be approximately $1.4 million. If the City utilized those funds that would leave approximately $353,000 in additional funds needed to complete the payment. The adopted Redevelopment Agency budget estimates an approximate $400,000 ending fund balance at the end of the year. This fund balance could be used to make the balance of the payment.

The ability to use housing set-aside funds is only available this year. That provision is not available for future year payment obligations. Based upon FY 2012-13 tax increment estimates, the Agency would receive enough revenue to meet existing debt service obligations, pass thru obligations, pay costs to continue to administer the Agency and make this new annual payment to the state. However, there would not be any additional funds available for new projects. Over time as tax increment revenues increase and existing debt obligations are paid off the Agency would have additional funds that could be available for new projects.

League of California Cities and California Redevelopment Agency Lawsuit

The League and CRA have filed a lawsuit against the State of California challenging AB 26 and AB 27. The primary basis for the lawsuit is that the legislation violates several sections of the State Constitution. A portion of the lawsuit asks the Judge to place a "stay" on implementation of the legislation until the matter can be resolved through the court process. The request was for the judge to rule on the "stay" aspect of the lawsuit by August 15th.

Appeal of Department of Finance Calculation

As mentioned previously there are some limited conditions on which a City may appeal the payment calculation determined by the Department of Finance. The City believes that we may have conditions which are ripe for an appeal. Staff and our property tax consultants are evaluating those conditions to make a final determination on the appeal. Since the deadline to file an appeal is August 15th, prior to the next City Council meeting, staff recommends that the Council give the City Manager the authority to file an appeal if it is determined that it is in the best interest of the City to appeal.

CONCLUSION

There are many advantages for the City's Redevelopment Agency to continue to exist and operate. However, the voluntary payment to the State would have a significant impact on the Agency's financial resources. The City and Agency would have the resources available to make the payment as outlined above.

Therefore, staff feels it is in the overall best interest in the City and Agency to agree to the voluntary alternative redevelopment plan.

RECOMMENDATION

Staff recommends that the City Council introduce Ordinance No. 1206 voluntarily complying with the alternative redevelopment program and continuing the existence and operations of the Redevelopment Agency. Staff also recommends that the Council authorize the City Manager to file an appeal with the Department of Finance on the payment calculation if staff feels that it is in the best interest of the City.

ORDINANCE NO. 1206

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DETERMINING IT WILL COMPLY WITH THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIMAS

WHEREAS, the City Council of the City of San Dimas ("City") approved and adopted the Redevelopment Plan for the Creative Growth and Rancho San Dimas Redevelopment Projects ("Redevelopment Plans") covering certain properties within the City (the "Project Areas"); and

WHEREAS, the Redevelopment Agency of the City of San Dimas ("Agency") is engaged in activities to execute and implement the Redevelopment Plans pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.) ("CRL"); and

WHEREAS, since adoption of the Redevelopment Plans, the Agency has undertaken redevelopment projects in the Project Areas to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to enter into partnerships with private industries to create jobs and expand the local economy; and

WHEREAS, over the next few years, the Agency hopes to implement a variety of redevelopment projects and programs to continue to eliminate and prevent blight, stimulate and expand the Project Areas' economic growth, create and develop local job opportunities and alleviate deficiencies in public infrastructure, to name a few; and

WHEREAS, as part of the 2011-12 State budget bill, the California Legislature has recently enacted and the Governor has signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts an ordinance committing it to making certain payments; and

WHEREAS, specifically, AB 1X 26 prohibits agencies from taking numerous actions, effective immediately and purportedly retroactively, and additionally provides that agencies are deemed to be dissolved as of October 1, 2011; and

WHEREAS, AB 1X 27 provides that a community may participate in an "Alternative Voluntary Redevelopment Program," in order to enable a redevelopment agency within that community to remain in existence and carry out the provisions of the CRL, by enacting an ordinance agreeing to comply with Part 1.9 of Division 24 of the Health and Safety Code; and

WHEREAS, the Alternative Voluntary Redevelopment Program requires that the community agree by ordinance to remit specified annual amounts to the county auditor-controller; and

WHEREAS, under the threat of dissolution pursuant to AB 1X 26, and upon the contingencies and reservations set forth herein, the City shall make the Fiscal Year 2011-2012 community remittance, currently estimated to be one million, seven hundred and fifty three thousand, four hundred and eighty-five dollars ($1,753,485), as well as the subsequent annual community remittances as set forth in the CRL; and

WHEREAS, the City reserves the right to appeal the California Director of Finance's determination of the Fiscal Year 2011-12 community remittance, as provided in Health and Safety Code Section 34194; and

WHEREAS, an action challenging the constitutionality of AB 1X 26 and AB 1X 27 has been filed on behalf of cities, counties and redevelopment agencies; and

WHEREAS, while the City currently intends to make these community remittances, they shall be made under protest and without prejudice to the City's right to recover such amounts and interest thereon, to the extent there is a final determination that AB 1X 26 and AB 1X 27 are unconstitutional; and

WHEREAS, the City reserves the right, regardless of any community remittance made pursuant to this Ordinance, to challenge the legality of AB 1X 26 and AB 1X 27; and

WHEREAS, to the extent a court of competent jurisdiction enjoins, restrains, or grants a stay on the effectiveness of the Alternative Voluntary Redevelopment Program's payment obligation of AB 1X 26 and AB 1X 27, the City shall not be obligated to make any community remittance for the duration of such injunction, restraint, or stay; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Participation in the Alternative Voluntary Redevelopment Program. In accordance with Health and Safety Code Section 34193, and based on the Recitals set forth above, the City Council hereby determines that the City shall comply with the provisions of Part 1.9 of Division 24 of the Health and Safety Code, as enacted by AB 1X 27.

Section 3. Payment Under Protest. Except as set forth in Section 4, below, the City Council hereby determines that the City shall make the community remittances set forth in Health and Safety Code section 34194 *et seq.* This ordinance is that ordinance referred to in Health and Safety

Code section 34193 and shall be interpreted and applied in all respects so as to comply with Part 1.9, to the fullest extent permitted by law.

Section 4. Effect of Stay or Determination of Invalidity. City shall not make any community remittance in the event a court of competent jurisdiction either grants a stay on the enforcement of AB 1X 26 and AB 1X 27 or determines that AB 1X 26 and AB 1X 27 are unconstitutional and therefore invalid, and all appeals therefrom are exhausted or unsuccessful, or time for filing an appeal therefrom has lapsed. Any community remittance shall be made under protest and without prejudice to the City's right to recover such amount and interest thereon in the event that there is a final determination that AB 1X 26 and AB 1X 27 are unconstitutional. If there is a final determination that AB 1X 26 and AB 1X 27 are invalid, this Ordinance shall be deemed to be null and void and of no further force or effect.

Section 5. Implementation. The City Council hereby authorizes and directs the City Manager to take any action and execute any documents necessary to implement this Ordinance, including but not limited to notifying the Los Angeles County Auditor-Controller, the Controller of the State of California, and the California Department of Finance of the adoption of this Ordinance and the City's agreement to comply with the provisions of Part 1.9 of Division 24 of the Health and Safety Code, as set forth in AB 1X 27.

Section 6. Additional Understandings and Intent. It is the understanding and intent of the City Council that, once the Agency is again authorized to enter into agreements under the CRL, the City will enter into an agreement with the Agency as authorized pursuant to Section 34194.2, whereby the Agency will transfer annual portions of its tax increment to the City in amounts not to exceed the annual community remittance payments to enable the City, directly or indirectly, to make the annual remittance payments. The City Council does not intend, by enactment of this Ordinance, to pledge any of its general fund revenues or assets to make the remittance payments.

Section 7. CEQA. The City Council finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it is not a "project," but instead consists of the creation and continuation of a governmental funding mechanism for potential future projects and programs, and does not commit funds to any specific project or program. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Los Angeles in accordance with CEQA Guidelines.

Section 8. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at the City Clerk's office located at 245 E. Bonita Ave., San Dimas, CA. The custodian for these records is the City Clerk.

Section 9. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application,

and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 10. Certification; Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the City of San Dimas, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with Government Code § 36933.

Section 11. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

PASSED AND ADOPTED at a regular meeting of the City Council on the ___ day of _____ 2011, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
_____, Mayor

ATTEST:

_____
_____, City Clerk

MINUTES
SAN DIMAS REDEVELOPMENT AGENCY MEETING
TUESDAY, July 26, 2011
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

PRESENT:
Chairman Curtis W. Morris
Vice Chairman Jeffrey W. Templeman
Mr. Emmett G. Badar
Mr. Denis Bertone
Mr. John Ebiner
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 of the San Dimas Redevelopment Agency to order at 7:50 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. Bertone, seconded by Mr. Ebiner, to approve the amended minutes of the July 12, 2011 meeting. The motion carried unanimously.

EXECUTIVE DIRECTOR

1) Update on Redevelopment Agency matters.

Assistant City Manager Duran said that at the last City Council meeting, staff presented a detailed report on State legislation AB 1x 26 which abolishes Redevelopment Agencies effective October 1, 2011, and AB 1x 27 which provides an opportunity to continue redevelopment if the Agency chose to voluntarily pay a proportionate share of an amount to the State. The California Redevelopment Agency and the League of California Cities filed a lawsuit last week and also requested a stay of implementation on AB 1x 26 and 27. On August 1, 2011, the State Department of Finance is scheduled to release the actual calculations for each redevelopment agency's payment amount to the State this year and appeals are due by August 15, 2011. Staff has retained the services of a Property Tax Consultant to work with staff to determine whether or not the Agency can appeal and be in a position to file by August 15th. Agency Attorney Brown is preparing an ordinance for first reading on August 9, 2011 for the City Council to decide whether or not to continue the redevelopment agency and make the payment to the State. The second reading and adoption of the ordinance will be scheduled for August 23, 2011.

Councilmember Bertone reported that on July 21, 2011 the San Gabriel Valley Council of Governments voted to send a letter to all legislators who did not vote to eliminate redevelopment funds. Mr. Bertone said he voted in favor of sending the letter on behalf of the Agency.

7.b

MEMBERS OF THE AGENCY

No comment.

ADJOURNMENT

There being no further business, Chairman Morris adjourned the meeting at 7:55 p.m.

Respectfully submitted,

_____
Ina Rios, Secretary