AGENDA

REGULAR CITY COUNCIL / REDEVELOPMENT AGENCY MEETING
TUESDAY, AUGUST 23, 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. **RECOGNITIONS**

   - Recognition of City Swim Team members who represented San Dimas at the Southern California Swimming Championships in La Mirada, California.

   - Recognize National Night Out Hosts

3. **ANNOUNCEMENTS**

   - Pui-Ching Ho, Librarian, San Dimas Library

   - Mitchell Crawford, Chair, Chamber of Commerce, Birthday Barbecue recap

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) **No. 2011-38**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF AUGUST, 2011.

   b. Approval of minutes for regular City Council meetings of August 3, 2011 and August 9, 2011.

   END OF CONSENT CALENDAR

6. PUBLIC HEARINGS

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

a. Congestion Management Plan 2011 Local Development Report:

1) **RESOLUTION NO. 2011-39,** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL IMPLEMENTATION REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089.

b. Consideration of Municipal Code Text Amendment 11-02, a request to amend Municipal Code Section 18.140.090 Creative Growth Area 3 Zone (CG-3) multiple-family parking regulations and to allow five detached single family homes in Sub-Area D (Single Family), located on both sides of San Dimas Avenue south of the railroad tracks and north of Arrow Highway.

1) **ORDINANCE NO. 1207,** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 11-02, AMENDING THE PARKING DESIGN SECTION 18.140.090.C.6.ii(B) AND SUB-AREA D (SINGLE FAMILY) 18.140.090.C.3.C IN THE CREATIVE GROWTH AREA 3 ZONE. **FIRST READING AND INTRODUCTION**

7. ORDINANCES

a. 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. **SECOND READING AND ADOPTION**

8. PLANNING/DEVELOPMENT MATTERS

a. Appeal of DPRB Case No. 10-07, a request to grade the rear portion of a single-family residence into terraces, approximately 190 feet long by 90 feet wide, for the purpose of planting fruit trees located at 523 Puddingstone Drive (8382-017-007).

9. OTHER MATTERS

a. San Dimas Bicycle Master Plan and Resolution 2011-40 approving the Bicycle Master Plan 2011 Update for implementation throughout the City.

1) **RESOLUTION NO. 2011-40**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE BICYCLE MASTER PLAN 2011 UPDATE FOR IMPLEMENTATION THROUGHOUT THE CITY.

b. Concessionaire Agreement between the Walker House Master Tenant, LLC and Marsteller Investment.

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 meetings of August 9, 2011.

c. Executive Director

1) Update on redevelopment projects.

2) Adoption of Agency Enforceable Obligation Payment Schedule

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

1) Meeting dates and times for the Fall City Council/Staff Retreat. Meeting dates and times for the City Council/Planning Commission Joint Study Session on Sign Code.

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. ADJOURNMENT

The next meeting is on September 13, 2011 at 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 19, 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. 2011-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF 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 Warrant Register: 08/30/2011; 136958 through 137098; in the amount of $790,599.88.

PASSED, APPROVED AND ADOPTED THIS 23th 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 23, 2011, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Ina Rios, CMC, City Clerk

5.a.1

THE WARRANT DISBURSEMENT JOURNAL IS NOT AVAILABLE TO VIEW THROUGH LASERFICHE

A PAPER COPY IS AVAILABLE IN THE FINANCE DIVISION

MINUTES
CITY COUNCIL MEETING WITH SUPERVISOR MIKE ANTONOVICH
WEDNESDAY, AUGUST 3, 2011, 8:00 A.M.
COUNCIL CHAMBERS CONFERENCE ROOM
SAN DIMAS CITY HALL
245 EAST BONITA AVENUE

PRESENT:
Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebiner
City Manager Blaine Michaelis

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
Senior Engineer Shari Garwick

ABSENT:
City Attorney J. Kenneth Brown

LOS ANGELES COUNTY:
Supervisor Michael Antonovich
Brian Mejia, Field Deputy
Edel Vizcarra, Deputy
Russ Guiney, Director
Hayden Sohm, Deputy Director
Norma Garcia, Deputy Director
Kandy Hays, Chief of Contracts
Dave Pilker, Department of Public Works
Marcia Mayeda, Department of Animal Care & Control
John Walker, Department of Public Works
John Huang, P.E. City Services Representative
Captain Don Slawson, San Dimas Sheriff's Station
Mahesh P. Parekn, Commissioner
Kandy E. Hays, Chief, contracts, golf & Special districts Division

San Dimas Sheriff's Station
Captain Don Slawson

1. CALL TO ORDER

Mayor Morris welcomed Supervisor Michael Antonovich and his staff and called the meeting to order at 8:13 a.m.

2. MEETING WITH SUPERVISOR ANTONOVICH

a. Appreciation from the City of San Dimas for the continued support and cooperation from the Supervisor's office, staff, and county departments.

Mayor Morris expressed appreciation for the good working relationship with Supervisor Antonovich and his staff.

b. Items of City interest:

i. Update on the Walnut Creek Open Space Project. Plans and activities of the Tzu Chi Foundation, Rivers and Mountains Conservancy and the City of San Dimas.

Assistant City Manager of Community Development Stevens reported that the Watershed Conservation Authority and the City jointly acquired from Daniel Singh the 158 acre parcel along Walnut Creek property. The Authority owns 54 acres on the south side of the property, and the City owns six acres from Loma Vista Park to Calle Bandera. He said the Authority has taken the lead and hired ABHE Landscape Architects to prepare a conceptual Master Plan for the property using Proposition 84 funds. The first phase includes site analysis, assessment, and gathering information through a series of stakeholders and steering committee

5.b

meetings with Fish & Game, Army Corps of Engineers, Brian Mejia from the Supervisor's Office, representatives from County Parks and Regional Planning, surrounding Homeowner Groups, City Commissioners, City Council, City staff, and Authority staff. He said there will be three community visioning workshops: the first will be held on Thursday, September 29, the second workshop is tentatively scheduled for Thursday, November 17, and both will be held in the community building. Time frames have not yet been confirmed, but will most likely be from 6:30 p.m. to 8:30 p.m.. Mr. Stevens said the plan is to wrap up the project with a third workshop in early 2012.

Assistant City Manager Stevens said access continues to be a problem and staff has been coordinating with and facilitating incorporation of the Tzu Chi Buddhist Foundation's thoughts into the visioning process. The Tzu Chi Foundation owns 90 acres of the 150 acres and has also acquired an additional 18 acres referred to as the Butterfly property, which puts them in county jurisdiction with the main campus and in city jurisdiction with the 18 acres. He said staff is coordinating with the County to facilitate the best possible connection of the existing Antonovich trail system, which runs along Walnut Creek.

Councilmember Bertone suggested connecting the Antonovich Trails and Wilderness Park to offer residents the opportunity of walking or equestrian trails that had a destination.

Norma Garcia, Deputy Director, Planning and Development Agency, reported that County staff met with ABHE on June 27, and everyone expressed interest in making that connection and expanding the Regional Trail System in the area. She said staff is looking at constraints and locating feasible land.

Assistant City Manager Stevens said City staff and County staff are working with the Tzu Chi Foundation to get the most feasible trail connection, which is through their property.

In response to Supervisor Antonovich, Mr. Stevens replied that the Master Planning process is anticipated to be completed in the Spring, and contingent upon the conceptual Master Plan design and availability of funds, a determination will be made on how to pursue entitlements and construct improvements. He said most likely they will be looking at a multi-phase development that may end up on the public portion of the project and facility trail connection.

ii. Storm damage to Golden Hills Road; Consideration of joint project to redirect the road to safer and more reliable route through the County's San Dimas Debris Placement site to avoid losing access to San Dimas Dam due to damage from heavy rains or earth movement. This all-weather roadway provides a County's Flood Control an opportunity for additional fill site as well as a direct access to their facilities in La Verne.

Director of Public Works Patel provided a Powerpoint presentation of an aerial map disclosing damage to Golden Hills Road, which has been closed to the public since 2005 due to severe erosion and landslides. Director Patel said staff is requesting access to the San Dimas Dam, as well as the San Dimas Basin site for fire protection around the dam, through the County's San Dimas Debris Placement site.

In response to Supervisor Antonovich, Director Patel replied that Golden Hills Road is a narrow, winding road with steep slopes, and provides secondary access, as well as community access, to the San Dimas Debris Placement Site. He said the City is asking for the Supervisor's assistance to move forward with the alignment that provides a prominent access that works in terms of fire safety.

In response to Councilmember Badar, Director Patel replied that the existing Golden Hills Road would be abandoned and replaced with the aligned road.

John Walker, Assistant Deputy Director, Programs Development Division, reported that the paved access road is owned by the Flood Control District and is currently closed to the public. He noted that the Flood Control District/Public Works would be happy to review a proposal that has an engineered preliminary plan proposing the alignment. He said it is possible that the District would allow emergency access in the event that the dip crossing fails again in the future. He added that to operate the alignment as a public road would require an easement from the Flood Control District. Nevertheless, County staff is open to discussing the proposal with City staff if the District believes the proposal is feasible.

City Manager Michaelis said the Flood Control District, and the Cities of La Verne and San Dimas all have an economic benefit and interest in this alignment. San Dimas will take the lead on this project and hopes that the District is amenable to sharing costs acceptable to all for a worthwhile project that will benefit everyone.

iii. Update on the Poison Oak Trail development and the condition of Sycamore Creek Trail.

Director of Parks and Recreation Bruns provided a brief history of the Sycamore Creek Trail, a joint project between the County and the City which was completed in 2006. Director Bruns presented a slide show of the area of Sycamore Creek Trail most impacted by slides and washed out areas from past seasons of storms, and said the Trail is currently closed. She said estimates to clean up the trail have come in at the $300,000+ range and the City has no plans of reopening that section of Sycamore Creek Trail at this time. Both the upper and lower section of the trail are passable and remain open as connectors to other areas, one of which is Poison Oak Trail.

Mayor Pro Tem Templeman stated that the equestrian community currently uses the streets, and he asked how the County and the City can work together to make the trail safe again for equestrian use.

In response to Councilmember Ebiner, Director Bruns replied that a Regional Open Space Grant was used to improve Sycamore Creek Trail.

Director Bruns stated that Poison Oak Trail is an existing narrow trail that runs along the contour of the slope and connects to Sycamore Canyon Road. She said the trail is not equestrian accessible throughout the entire route and several years ago, the City applied for the Regional Open Space Grant and has been working closely with County staff on the process. She said this trail does not run in the bed of the creek and is less likely to have the impacts of flooding, but it does cross the runoff area, which is the one area of issue. The plan is to install some culverts underneath the trail to direct the runoff to the right of the stream. She said that plan meets both the County and City standards. County trails staff has already done a lot of work breaking some of the bed rock and moving it around to assist in the preparation for this trail and movement.

In response to Mayor Morris, Director Bruns replied that the trail is entirely within County property and is being funded by the County Open Space funding source. She said City staff is working cooperatively with County Trails staff to repair the trail. She noted that County staff has moved the broken rock within the last month.

Director Bruns stated that the City is updating our trail specifications and County staff is preparing our right of access permit. The next step is to jointly take the project out to bid and hopefully begin construction within the next three to four months.

Director Bruns said Poison Oak trail is an important connector especially with Sycamore Creek Trail being closed, it allows access up through the back side of Horsethief Canyon Park, and could connect the north section of Sycamore Creek Trail up to the National Forest.

iv. Update and discussion of expansion plans with Bonelli Park – East Shore RV park; Hot tubs operations.

1) Energy Management Grant: Assistant City Manager of Community Development Stevens mentioned that the San Gabriel Valley Council of Governments secured an Energy Management Grant through Southern California Edison, and 28 cities in the COG area are using that opportunity to utilize the County's Enterprise Energy Management Information System. He said the grant will pay the County and City's staff costs through June 2013 to implement the system and make it available to each of the member cities. He said the Los Angeles County Internal Services Energy Management Division is in the process of determining what additional materials are needed to install and utilize the system. After this period, the City will have the ability to negotiate whether or not to continue utilizing the system.

2) Assistant City Manager Stevens said 15 years ago, a Master Plan for Bonelli Park was approved, however, not much improvement had occurred in that time frame. He stated that staff is working closely with County staff on a proposal for expansion of the hot tub operations, which City staff determined is in compliance with the purpose and intent of the Master Plan. Mr. Stevens said there have been preliminary meetings with County staff and representatives from East Shore RV Park about the potential expansion of that operation in a way that is not fully compliant with the Master Plan. Staff recognizes that there are substantive issues that need to be addressed and will discuss what is appropriate with this expansion.

Councilmember Bertone noted that East Shore RV Park would like to exchange some property, most likely Airport Valley, for property near the lake. He and Mr. Stevens were prepared to submit a recommendation to the City Council, however, Director Bruns indicated there are some issues with the expansion project and she requested that no action be taken at this time. Councilmember Bertone would like biologist approval that the site is appropriate for the expansion project. County Parks Department also does not want San Dimas to take any action at this time.

Russ Guiney, Director of Parks and Recreation, said meetings have been held with the operator who has been asked to forego the expansion due to a number of biological concerns, geographic location, and proximity to the airport. Mr. Guiney stated that the operator is asking for an extension of their contract. As an incentive, the operator was asked to come back with ideas on significantly improving the region camp sites, community hall, and utilities. Mr. Guiney said Contracts Manager Kandy Hayes will meet with the operators to hear what their ideas may be about improving the facility. County staff will share those ideas with the City, however, any contract extension or major improvement will have to be approved by the Board of Supervisors.

Mayor Pro Tem Templeman said the School District periodically has problems keeping a head count on who is coming from the RV Park at the start of the school year.

Director Guiney said the operator counts on long term tenants for their revenue stream, although none of their contracts exceed 30 days. He said they are aware of the concerns with the School District and will negotiate some limitation on those types of services. County staff is working with the operator to not impact local schools, and other issues that come with long term tenants.

In response to Mayor Morris, Mr. Stevens stated that during the transient occupancy tax audit that was conducted in 2010, it was determined that the East Shore RV Park is one of the facilities that is completely up to date.

3) Assistant City Manager Stevens mentioned that there were a few minor issues experienced with the increased parking fees at Raging Waters. He said in an attempt to avoid paying the parking fees, visitors to Raging Waters have been parking on City streets along Puddingstone Drive, generating complaints from the neighbors. Mr. Stevens stated that the Public Works Department is in the process of re-installing "No Parking" signs in the area, hoping to alleviate the problem and encourage visitors to park in the Raging Waters facility. He said staff will monitor the area for compliance.

v. For information – San Dimas' position regarding the routing of the High Speed Rail project.

1) City Manager Michaelis provided a brief update on the High Speed Rail project coming through San Dimas. He said the proposed two miles of tunnel will impact a residential area of our community, impacting Senator David Dreier's House. Staff has been participating in California High Speed Rail Authority open house meetings, and is encouraging the Authority to look at an alignment for the project on the south side of the Interstate 10 freeway and consider tunneling under the cemetery instead of residential areas.

Supervisor Antonovich said local government has no authority on the High Speed Rail project. He said pursuant to the State proposition, the Commission has exclusive rights over land use policies. He added that legislation was introduced to make that Commission more accountable to the communities. Supervisor Antonovich suggested another alternative is to upgrade the Metrolink at a fraction of the cost that would serve more people in a quicker time frame, put people to work, and reduce the negative impacts on the communities.

Michael Cano, Transportation Deputy, distributed a map of the High Speed Rail Train project for Los Angeles to San Diego via the Inland Empire Section reflecting options and alternative analysis, including recommendations for what is being proposed and being withdrawn. He said the High Speed Rail Authority is acting on a mandate of speed which dictates the curvature of the lines. He said it is not practical to go 220 miles per hour within an urban zone, however, the benefits become negligible if the speed of the rail drops to 100-120 mph, which is why the rail is proposed to go through communities or tunneling under homes. Mr. Cano said Supervisor Antonovich introduced a motion to the Metrolink Authority to upgrade their lines to go 90-120 mph; providing immediate use, and to study the San Gabriel Valley portion and the lines extension in the future. This proposal was also presented to SCAG who embraced the concept. Mr. Cano highlighted three main factors that the Metrolink can consider in the upgrade: 1) possibly have dual tracks where there are long stretches of single track; 2) grade separations, not just for the noise element, but also safety improvements to enable speeds of 75-90 mph; 3) Positive Train Control, a GPS satellite technology that would allow Metrolink to organize and control its trains. Mr. Cano stated that one concern that should be considered with the High Speed Rail is that once the environmental documents are prepared and approved, even if the lines are never built, the lines on the map are going to impact property values. He stated that the Metrolink Authority fully supported and approved the motion. He added that part of the motion included a replacement for Curt Pringle, and hopefully they can find someone who qualifies who can represent the entire county.

2) City Manager Michaelis said he would like to discuss the issue of temporary events that came up yesterday and is not on the agenda. He said Chamber of Commerce representatives are present to report on this item.

Supervisor Antonovich said his staff has been meeting with representatives of the Chamber of Commerce and asked that there be a six months review to see how it has impacted non-County activities.

Mayor Pro Tem Templeman explained that the Health Department has imposed fees on nonprofit organizations for hosting activities. He said San Dimas is very active in community events and the additional fees might mean that the activities will be cancelled.

Karen Gaffney, President/CEO, San Dimas Chamber of Commerce, said the Chamber hosts various events throughout the year to showcase businesses and promote the community. She said the Health Department is now charging each vendor a participation fee, in addition to a certification fee, to be an outside vendor and food vendor, and a fee of $400 is placed on the nonprofit organization hosting the event. Ms. Gaffney said in light of these fees, it might not be worthwhile to host any event considering the amount of staff time spent organizing the activities. She said the Health Department is scheduled to render a decision on this matter this afternoon and hopefully open up the matter for further discussion.

In response to Councilmember Bertone, Ms. Gaffney replied that the Health Department has also mandated that each vendor shall have hot and cold running water stations in lieu of a centralized hot and cold water station. She stated that rental fees are prohibitive for those stations and in many cases not feasible in many of the sites where venues take place.

Ms. Gaffney said that a Health Department Inspector came out two weeks ago to inspect the fire pit for the City's Birthday barbecue since food preparation is no longer permitted outside. She said if the fire pit is not approved, the event would have to be cancelled. She added that as a result of the mandates, the venue for the City's Birthday barbecue has been changed to an indoor event. However, other venues that take place from Farmer's Markets to outside food vendors are being allowed.

Ms. Gaffney said several Sam Gabriel Valley Chambers are cancelling events and San Dimas Chamber of Commerce is concerned that food vendors will drop out from the annual Western Days event in October due to these constraints. In addition to the above, the Health Department is now requiring restaurants to provide the ingredients for a calorie count for all of their menu items.

Brian Mejia, Field Deputy, said all Chambers of Commerce in the San Gabriel Valley are sharing the same concern and are meeting with the Environmental Chief in Baldwin Park.

c. Items of County interest or concern.

i. Report on the recently adopted County Animal Welfare Ordinance. County representative to explain the provisions and purpose of the Ordinance.

Marcia Mayeda, Director, Animal Care & Control, highlighted improvements made to the Los Angeles County Animal Welfare Ordinance and said that based on a motion by Supervisor Antonovich in 2009, the Ordinance was adopted this year. She stated that a thorough study was conducted on best practices throughout the country and the County came up with a well worded, strong ordinance that helps protect animal welfare and consumers who have pets and may utilize pet facilities. The ordinance addresses three major components: 1) the personal well-being of an individual animal; 2) record keeping requirements in all animal facilities to enable tracking of sick animals sold to the public; and 3) licensing of people selling animals. She stated that the most creative portion of the ordinance is the regulation of commercial breeding facilities and the County has a good animal facility inspection program done once per annum, unless there's a problem with a facility. She outlined requirements for remote facilities including annual medical examinations by a veterinarian for breeding stock, puppies are to be kept until eight weeks of age, individual quarters provided to protect mother animals, require microchips at four months of age or when the animal leaves the property, and require facilities to have an emergency response program. She said as a result of the ordinance, there has been improvement in the care and condition of animals. Animal Care & Control has received a lot of inquiries from other jurisdictions and a number of cities have adopted a similar ordinance. She encouraged San Dimas to adopt a similar ordinance.

Councilmember Bertone stated that the San Gabriel Valley Council of Governments passed a statement unanimously endorsing the ordinance and encouraged staff to start the process of adopting an animal welfare ordinance.

In response to City Manager Michaelis, Ms. Mayeda replied that the County enforces the ordinance in Los Angeles County incorporated areas and contract cities. She mentioned that San Dimas is not a contract city and suggested that the City contact Inland Valley Humane Society to enforce the local ordinance. She added that the inspection fee, starting at $250 per inspection, is passed on to the operators; additional inspections are $40.00. She encouraged the City to adopt the entire ordinance to have tools in place in the event of an emergency.

In response to Mayor Pro Tem Templeman, Ms. Mayeda replied that they have an outstanding team of volunteers who undergo hours of training and work closely with the Fire Department, Sheriff's Department and California Highway Patrol to evacuate animals during a fire. They have an agreement with the Society for the Prevention of Cruelty to Animals and are finalizing Memorandums of Understanding with other agencies to board the animals during an emergency.

3. ORAL COMMUNICATIONS

a. Members of the Audience

1) Mitchell Crawford appreciates the support and cooperation between the City and the County.

2) Don Green said he does not know what the expansion is about and suggested Bonelli Park not change its name.

3) Bob Hardcastle thanked Supervisor Antonovich for everything he does for the equestrian community. He participates in annual equestrian events and hopes the door is not closed on Sycamore Creek Trail. He said he is encouraged to hear that Poison Oak Trail will be developed.

4) Mayor Pro Tem Templeman said a property owner who lives by the site is extremely conscious of the environment and is willing to assist in cleanup of the trail, however, he is restricted by the Army Corp of Engineers' regulations on the Blue Line. Mr. Templeman is confident that the two jurisdictions can jointly resolve some of those issues.

b. City Representatives

1) At the request of Mayor Pro Tem Templeman, County representatives introduced themselves.

Deputy Director Norma Garcia announced that Supervisor Antonovich funded the Department to create the first County Trails Guidelines Manual that was approved by the Board in May.

2) Mayor Morris said San Dimas Canyon Park and Nature Center is a well-used and maintained park.

3) Councilmember Bertone expressed concern about Title 10 related to vicious dogs in the Ordinance. He distributed for Ms. Mayeda's future review a copy of an article from Best Friends Animals Society.

4) Mayor Morris expressed his appreciation for Supervisor Antonovich's support of the liability trust fund, which generated $10 million in revenue to all contract cities and $200,000 for the City of San Dimas.

c. County Representatives

1) Supervisor Antonovich stated that there have been some proposals to move a portion of the Fifth District into the First District due to a decreased County population, according to the 2010 census. He said at least three members support the Boundary Review Committee's recommendation, and the Board of Supervisors will hold a public hearing on August 9 and vote on August 16, 2011. He stated that there is a possibility that the district map will be challenged in court.

In response to Councilmember Bertone, Supervisor Antonovich replied that four votes are required, and if the plan does not achieve the four votes, the Tax Assessor, Sheriff, and District Attorney will determine the new boundary lines.

In response to Mayor Pro Tem Templeman, Supervisor Antonovich replied that in order to keep the districts equal, the Fifth District may lose cities on the west side. He stated that his district works with all segments of the community and he would like to keep the open door policy at all levels of communication.

In response to Councilmember Bertone, Field Deputy Mejia thanked Mayor Morris for the letter of support during the Boundary Review Committee's review of the maps.

2) Supervisor Antonovich reported that the State has shifted responsibility of early release of parolees from state prison to the County. He stated that the County will be tasked to provide similar services for inmates with reduced funding and he anticipates that crime will spike in the upcoming year.

3) Supervisor Antonovich expressed his pleasure in working with the City Council and staff in San Dimas and other communities in his district. Supervisor Antonovich expressed his appreciation for all the work performed by his County staff and City staff.

4. ADJOURNMENT

Mayor Morris adjourned the special meeting at 9:54 p.m. The next Regular Session meeting of the City Council will be held on August 9, 2011, at 7:00 pm.

Respectfully submitted,

_____

Ina Rios, CMC, City Clerk

MINUTES
REGULAR CITY COUNCIL
TUESDAY, AUGUST 9, 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

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
Director of Parks and Recreation Theresa Bruns

ABSENT:
Councilmember John Ebiner
City Attorney J. Kenneth Brown

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting of the City Council to order at 7:01 p.m. and led the flag salute. He called on Assistant Fire Chief Vince Pena to introduce himself.

Assistant Fire Chief Vince Pena said recently he was appointed to Acting Assistant Fire Chief for San Dimas and eight other cities. He said Assistant Fire Chief Ron Watson was reassigned to a special assignment at Headquarters. Mr. Pena said he has been Battalion Chief for the last four years at Station 64 in San Dimas and is familiar with the area and the issues. He is looking forward to the new assignment and being able to serve as needed.

Mayor Morris said the City Council, staff and the community have a great relationship with the Fire Department and he congratulated Acting Assistant Fire Chief Pena on his appointment

2. ANNOUNCEMENTS

- Pui-Ching Ho, Librarian, San Dimas Library

Pui-Ching Ho, Library Manager, said the summer reading program will continue with prizes and programs until the end of August; classical guitar music concert will be held on August 10; create colorful prints at the Japanese Block Art Printing Workshop on August 11; attend a balloon sculpting workshop on August 13; play musical instruments at the Celtic music program on August 20; the adult summer book club will meet on August 25 to discuss the book for August *The Lincoln Lawyer*; and on August 27 make a basket at the basket weaving workshop. 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.)

   a. Members of the Audience

Mayor Morris said comments will be taken at this time on the two items: 1) Ordinance No. 1205 related to the urgency ordinance for a temporary amendment to the Sign Ordinance of the City of San Dimas and 2) Ordinance No. 1206 related to the Alternative Redevelopment Program. He said these are not public hearing items and comments will be limited to this public comment period for a three minute time frame.

1) Sid Maksoudian, 120 W. Bonita Avenue, expressed his grievance over the limited time frame for the window sign ordinance. He inquired how the new ordinance would be enforced and recommended that the public be notified of the changes.

2) Rick, Ranch Town Market & Deli, 1112 No. San Dimas Avenue, expressed his appreciation for the changes and requested they be permitted to display banners for up to five months per year.

3) Niam Younan, San Dimas Liquor, appreciates the changes and requested an adjustment to the banners for more than two months per annum.

4) Craig Johnson San Dimas Hardware, 201 W. Bonita, requested that businesses be allowed input for the final writing of the ordinance.

Mayor Morris stated that this is an urgency temporary ordinance in effect for 45 days if adopted. He said this is being done to give staff an opportunity to present the full ordinance, as revised, to the Planning Commission and City Council for public hearings. He said business members will be notified of the meetings and encouraged to provide input to assist in the crafting of the ordinance.

Mayor Pro Tem Templeman noted that the City Council received a copy of Mr. Johnson's letter dated August 8, 2011.

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.)

It was moved by Councilmember Badar, seconded by Councilmember Bertone, and carried by those present (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. 2011-37,** 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**

Assistant City Manager of Community Development Stevens provided a brief background report on areas of concern targeted for possible amendment in the existing Sign Code that were identified in a public forum. Staff reviewed the completed comparative study of surrounding cities on all the identified issue areas and said a recommendation will be submitted at a public hearing before the Planning Commission in September or October.

Assistant City Manager Stevens said that as a result of complaints received regarding window sign standards associated with pending code enforcement, staff was directed to prepare an interim urgency ordinance establishing temporary standards and implement a stay of enforcement pending Council decision. He said an urgency ordinance requires a 4/5 vote and becomes effective immediately upon adoption for 45 days. The urgency ordinance may be extended up to an additional ten months and fifteen days after a public hearing is conducted.

Mr. Stevens reviewed the proposed amendments for window signs, offering definitions and pointing out differences between permanent and temporary window signs. He stated that the existing temporary sign regulations restrict the time frame to 30 days in any calendar year but did not limit the percentage of window coverage. Mr. Stevens said there are additional design standards in the Creative Growth Zone (CG) that do not apply to other commercial zones and staff recommends that the 5% standard be retained with minor additional language. He stated that since the ordinance has been in effect, there have been no permits issued for a temporary window sign, and recent complaints brought forward these issues and concerns that were raised at the community sign forum. Mr. Stevens summarized the proposed adjustments that include eliminating the permit requirement to allow temporary signs continuously all year long, with the caveat that the signs change every 30 days, and that the business owner maintain a record of changes, and be limited to 20% square foot coverage. He highlighted an optional requirement to pre-approve a designated window sign area; and two new standards 1) limiting accessory window signs to a total of 12 square feet, no greater than four square feet each, and 2) restricting the advertisement of liquor products for equity purposes.

In response to Councilmember Badar, Mr. Stevens replied that there are multiple conditional use permits that restrict the advertisement of liquor products, and if the City Council wanted to change that restriction, there has to be specific language written into the Sign Code that supersedes the restriction on pre-existing conditional use permits.

In response to Councilmember Bertone, Mr. Stevens replied that neon signs would not be allowed under that restriction. He said conditions under the conditional use permit are enforceable under the existing code until amended.

In response to Council, Mr. Stevens stated that over the course of time, code enforcement required the removal of illuminated signs pursuant to their conditional use permit, as part of other enforcement activities or a complaint.

Mayor Pro Tem Templeman felt it was unreasonable to prohibit advertisement for liquor within the standards as set forth and could not support Section 5, Subsection D. He also did not object to merchants hanging white twinkle lights in trees or around windows.

Mr. Stevens suggested rather than prohibition, he can write a replacement standard that basically overrides prior conditional use permit restrictions.

Assistant City Manager Stevens clarified the proposed changes under three primary categories: time limit; permit requirements, and a general description of the type and style of sign and materials. He added that a requirement that applies to any business includes that windows cannot be obscured from public safety or law enforcement. Mr. Stevens reviewed the standards from each surrounding city surveyed and said he is not opposed to changing the window coverage requirement to 10%.

Councilmember Badar requested that prior to voting on the final Sign Code, a joint study session be held with the City Council and Planning Commission to discuss this matter at length, and the public would be invited. He would also like a field trip to view the signs. He would like to increase temporary window signs coverage to 25% and permanent window signs to 10%.

Councilmember Bertone stated he would vote to adopt the ordinance as presented. He is opposed to increasing temporary window signs to more than 20% coverage because they can be up all year.

In response to Mayor Morris, Mr. Stevens replied that even if Section 5D is deleted, the conditional use permit would apply. He will figure out a way to address this issue by the time the urgency ordinance is brought back for extension. He added that if the 5% is increased to 10% now, the maximum number would also have to be addressed.

After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to waive further reading and adopt **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.** The motion carried by those present; Councilmember Ebiner was absent.

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**

Assistant City Manager Duran summarized key elements of State legislation AB 26 which eliminates Redevelopment Agencies and AB 27 that allows the continuation of Redevelopment Agencies if they voluntarily agree to pay its pro rata share of $1.7 billion statewide. He reported that Governor Brown signed both pieces of legislation, which prohibit Agencies from incurring new debt or expending monetary obligations, with the exception of enforceable obligations; modify terms and conditions of existing agreements; enter into new agreements; accelerate debt payments or obligations; and a number of other restrictions retroactive to January 1, 2011.

Mr. Duran said that on August 1, the Department of Finance released the calculations for each Agency's pro rata share of the current year's payment and San Dimas was notified that its proportionate share is $1,753,485 for the current year and $400,000 in subsequent years. He said there is a provision that allows limited reasons that Agencies can file an appeal, which is due by August 15. He outlined several benefits of retaining the Agency status and said there is a provision in the legislation that would allow an Agency to forego making its 20% set-aside obligation this year to apply those funds towards this year's payment obligation. He said the set-aside housing funds are estimated at $1.4 million that can be applied, leaving a balance of $353,000. He said the League of California Cities and the California Redevelopment Agency have filed a lawsuit against the State challenging the constitutionality of AB 26 and AB 27. An element of the lawsuit requested the Court to implement a stay of the two bills by August 15. City staff retained the services of a consultant to evaluate the merits of filing an appeal of the Department of Finance calculations. Staff recommended the introduction of Ordinance No. 1206 and authorizing 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.

In response to Councilmember Badar, Mr. Duran said the Agency pays to the City interest and principal in approximately $700,000 toward the $12 million loan, and $678,000 for two loans for the Walker House, in addition to an annual debt service obligation on bonds.

In response to Councilmember Bertone, Mr. Duran replied that if the Agency is dissolved, the City runs a risk in not having the loans repaid. He added that if the Agency is kept in existence, as tax increment grows, the Agency is able to repay outstanding bond debt or sell property to provide revenue to do more projects.

In response to Mayor Pro Tem Templeman, Mr. Duran said there is approximately $8 million in reserves, which is sufficient for a couple of projects.

In response to Mayor Morris, Mr. Duran replied that four units were purchased at the Grove Station and funds were budgeted for contribution to Bonita Gateway residential project.

In response to Mayor Pro Tem Templeman, Mayor Morris replied that a commitment for housing set aside funds was not made on Phase II of the Grove Station project and under the existing terms of commitment, it had to have been made before January 2011.

After the title was read, it was moved by Councilmember Badar, seconded by Councilmember Bertone, to waive further reading and introduce **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. The motion carried by those present; Councilmember Ebiner was absent.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman to authorize the City Manager to file an appeal with the Department of Finance if it is determined in the best interest to appeal the calculation. The motion carried by those present; Councilmember Ebiner was absent.

7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:35 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular City Council meeting reconvened at 8:36 p.m..

8. ORAL COMMUNICATIONS

a. Members of the Audience *(Speakers are limited to five (5) minutes or as may be determined by the Chair.)*

1) In response to Niam Younan, San Dimas Liquor, Assistant City Manager Stevens replied that the City has had a Sign Code since incorporation in 1960. He said the Code was amended in 1999 to the current version, and has undergone minor changes since then. He said the Zone Code was codified in the 1980's and underwent a comprehensive code amendment prior to the 1999 version currently in existence.

Mr. Younan said advertising was not an issue in the 1970's and 1980's because there was no other place to buy liquor. Now that supermarkets and warehouse stores sell liquor, advertisement has become necessary in order for liquor stores to survive.

Mayor Morris said staff is in the process of doing a comprehensive Sign Ordinance revision and it is important to get input. He encouraged Mr. Younan and other merchants to attend the study session and public hearings.

2) Sid Maksoudian said he is not against anyone advertising, however, if rules are implemented, code enforcement should proactively enforce those rules, not by complaints.

3) Jim McCants complimented the Chamber of Commerce for the best run Birthday Festival.

4) David Harbin expressed concern for the safety of persons walking in the streets during events, as there are no sidewalks around the north, east, and west side of the Civic Center Park.

Secondly, Mr. Harbin mentioned that the audience monitors were non-operational and it was difficult to read the components of the proposed Sign Ordinance on the screen.

b. City Manager

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

Director of Public Works Patel stated that a project of this size and scale is typically designed over a two-year cycle - one year for the design; the second year to build the project. He said that due to various challenges and hurdles that came across during the planning process and severe rains in December 2010, the project was accelerated this last year. Director Patel provided a Powerpoint presentation and gave an overview of Gladstone Street; the status of the project; pavement thickness design; existing street conditions; ADA access; Railroad Crossing, and reviewed the pavement conditions. He highlighted the timeframe for the project with the commencement of the project in May 2012 and completion in July 2012.

2) City Manager Michaelis said the City has an Agreement for food services at the Walker House, which expires at the end of August 2011. He said he met with representatives of the Restaurant on Monday, August 8, 2011, which occurred after preparation of the agenda for tonight's meeting, to recommend changes to the provisions of the Agreement. Those changes require City Council review and direction in order for staff to have an agreement before the City Council to consider at their next meeting. Staff is requesting to add a Closed Session to this agenda to allow staff to review the financial terms of the Agreement with the City Council to allow staff to bring back an Agreement for the City Council's consideration at their next meeting.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to add a Closed Session to the Agenda for contract discussion.

At the request of Mayor Morris, City Attorney Mark Steres explained that to be able to add an item to the agenda, there has to be a unanimous vote of four Councilmembers present, making two (2) findings: 1) that there is a need to take action; 2) that need to take action came up within the last 72 hours, so it could not be posted on this current agenda. Mr. Steres stated that as explained, this matter came up yesterday, and there is a need to give direction to the negotiator so staff can return at the next meeting with the Agreement as it expires at the end of the month. He said what will be added is a closed session under Government Code Section 54956.8, a Conference with Real Property Negotiators.

The motion carried unanimously by the four Councilmembers present and the item was added to the agenda as a closed session item at the adjournment of the regular meeting; Councilmember Ebiner was absent.

c. City Attorney

There was no comment.

d. Members of the City Council

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

There were no meetings attended at the expense of the local agency.

2) Individual Members' comments and updates.

a) Mayor Pro Tem Templeman stated that every applicant is asked at the public hearing if he accepts the conditions. Mr. Templeman stated that he spent several hours with Mr. Maksoudian when he was going through the process of getting his license and Mr. Maksoudian approved his conditions. Mr. Templeman said he voted for Mr. Maksoudian's project against many objections. He added that Mr. Maksoudian will get the same level of review and consideration on the new Sign Ordinance as others with conditional use permits.

b) Mayor Pro Tem Templeman thanked all the volunteers who helped make the barbecue a success.

c) Mayor Pro Tem Templeman reported that West Nile Virus is of higher concern in the San Gabriel Valley this year, and there have been reports of infected birds as well as humans. Because horses can be impacted by WNV, he asked the equestrian community and the community at large to eliminate any standing water. He requested that this item be publicized in the e-newsletter to notify the community of this serious issue.

d) Councilmember Badar said he attended the Second Annual Bowser Bash, which turned out to be a huge festival. He complimented Caryol Smith and her volunteers, and the Parks and Recreation staff.

e) Councilmember Badar praised City staff, Chamber staff, and the volunteers for the great job on the Birthday Barbecue.

f) Councilmember Badar said he received a notice that the HEROES program was issued their building permits and they are moving forward with their project. He said a lot of people should be excited that we will see some activity there soon.

g) Councilmember Badar stated that if someone calls him about a project, he will talk with them. He stated he has had conversations with the three Liquor Store owners and has responded to their calls, as well as several other business owners. He mentioned that when he was a Planning Commissioner, he conversed with Mr. Maksoudian and voted for his liquor store, against several objections.

h) Councilmember Bertone thanked City staff for two successful events and said the Bowser Bash and Birthday Barbecue could not have happened without volunteers and without City Staff. He thanked City staff, volunteers, and the Chamber for an excellent job.

i) Mayor Morris congratulated everyone involved with the Birthday Barbecue, which worked out well. He thanked volunteers from Golden State Water Company who have traditionally built the fire, helped prepare the meat for the deep pit cooking, and helped cut up the meat for serving. He said all the volunteers made a big difference.

j) Mayor Morris said the Sign Ordinance review was not a result of one person's activities. He said this process was initiated by Planning staff and the Planning Commission held forums. He commended staff for getting input and putting a great deal of effort into the process.

9. CLOSED SESSION

Mayor Morris recessed at 9:13 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property:	121 North San Dimas Avenue
Negotiating Parties:	
For Agency:	Blaine Michaelis, Executive Director, Ken Duran, Assistant City Manager , and Mark Steres, Agency Attorney.
For Property:	Arlene Anaya, General Manager
Under Negotiation:	Discuss price and terms for Food Service Concessionaire Agreement

b. Report on closed session items

There was no reportable action.

10. ADJOURNMENT

Mayor Morris adjourned the regular meeting of the City Council at 9:45 p.m. The next meeting is August 23, 2011, at 7:00 p.m.

Respectfully submitted,

_____

Ina Rios, CMC, City Clerk

Agenda Item Staff Report

DATE:
TO: Honorable Mayor and Members of City Council
For the Meeting of August 23, 2011

FROM: Blaine Michaelis, City Manager

INITIATED BY: Community Development Department

SUBJECT: Congestion Management Plan 2011 - Local Development Report

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SUMMARY

The City is required to adopt an annual self-certification Resolution stating that the City has met the requirements of the County-wide Congestion Management Plan (CMP).

BACKGROUND

In August 2003, the MTA Board adopted the 2003 Short Range Transportation Plan. As one of the elements of this plan, the Board directed MTA staff to conduct a Nexus Study to determine the feasibility of implementing a countywide impact fee to meet CMP Deficiency Plan requirements. The proposed Congestion Mitigation Fee Program would be a one time fee applied to all types of new development. The program would be a countywide program comprised of a single, countywide minimum fee applied across all land uses. The fee would only apply to the net increase in residential, industrial, or commercial space, and would not apply to remodeling that does not generate new trips.

While this study is taking place the credits and debits of all Congestion Management Program balances have been frozen; however, municipalities are still required to report development activity and self certify the results. The City of San Dimas has a credit balance of 46,419.

Metro is continuing to work on the Congestion Mitigation Fee Program through the San Gabriel Valley Council of Governments. The Nexus Study has been completed identifying a fee range of $200-1,049 per trip. Discussions are ongoing through SGVCOG committees to evaluate the nexus study and its relationship to list of identified local projects. At this time the SGVCOG are awaiting completions of other nexus studies being conducted in the region while preparing a coordinated response to Metro. The

6.a.1

current schedule provides for Metro to share results with business and developments groups and report back to the SGVCOG Steering Committee in Fall, 2011 with additional workshops and a presentation to the SGVCOG Board in late 2011. It is anticipated that Metro will make presentations to City Councils in early 2012.

RECOMMENDATION

Attached, are the Resolution for 2010 and an accounting of all congestions debits and credits that the City has generated.

Staff recommends that the Council adopt attached Resolution 2011-39.

Respectfully Submitted,

Kristi Grabow
Associate Planner

Attachments: Exhibit A – Resolution 2011-39
Exhibit B – 2011 CMP Local Development Report

RESOLUTION NO. 2011-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089.

WHEREAS, CMP statute requires the Los Angeles County Metropolitan Transportation Authority ("LACMTA"), acting as the Congestion Management Agency for Los Angeles County, to annually determine that the County and cities within the County are conforming to all CMP requirements; and

WHEREAS, LACMTA requires submittal of the CMP Local Development Report by September 1, of each year; and

WHEREAS, the City Council held a noticed public hearing on August 23, 2011.

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF SAN DIMAS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the City of San Dimas has taken all of the following actions, and that the City of San Dimas is in conformance with all applicable requirements of the 2004 CMP adopted by the LACMTA Board on July 22, 2004.

By June 15, of odd-numbered years, the City of San Dimas will conduct annual traffic counts and calculated levels of service for selected arterial intersections, consistent with the requirements identified in the CMP Highway and Roadway System chapter.

The City of San Dimas has locally adopted and continues to implement a transportation demand management ordinance, consistent with the minimum requirements identified in the CMP Transportation Demand Management chapter.

The City of San Dimas has locally adopted and continues to implement a land use analysis program, consistent with the minimum requirements identified in the CMP Land Use Analysis Program chapter.

The City of San Dimas has adopted a Local Development Report, attached hereto and made a part hereof, consistent with the requirements identified in the 2004 CMP. This report balances traffic congestion impacts due to growth within the City of San Dimas with transportation improvements, and demonstrates that the City of San Dimas is meeting its responsibilities under the Countywide Deficiency Plan consistent with the

LACMTA Board adopted 2003 Short Range Transportation Plan.

SECTION 2. That the City Clerk shall certify to the adoption of this Resolution and shall forward a copy of this Resolution to the Los Angeles County Metropolitan Transportation Authority.

PASSED, APPROVED and ADOPTED, THIS 23rd Day of August, 2011.

_____
Mayor of the City of San Dimas

I HEREBY CERTIFY that the foregoing Resolution No. 2011-39 was adopted by voted of the City Council of the City of San Dimas at its regular meeting of August 23, 2011 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
City Clerk

CITY OF SAN DIMAS MEMORANDUM

DATE: August 3, 2011

TO: Kristi Grabow, Associate Planner

FROM: Eric Beilstein, Superintendent of Building and Safety

SUBJECT: Congestion Management Plan (Issuance of building permits for new dwellings, new buildings & demolitions from June 1, 2010 thru May 31, 2011)

NEW **(5)**

CUSTOM HOMES	***(0)***	
SINGLE FAMILY RES.	***(1)***	
MULTI-FAMILY	***(0)***	
COMMERCIAL BLDGS.	***(4)***	
685 E Bonita Avenue		10,550 SF
671 E Bonita Avenue		7,843 SF
818 W Gladstone Street (School)		10,622 SF
818 W Gladstone Street (Church)		1,814 SF

DEMOLITIONS **(0)**

SINGLE FAMILY RES.	**(0)**
COMMERCIAL	**(0)**

ENTER JURISDICTION NAME

Date Prepared: August 16, 2011

2011 CMP Local Development Report
Reporting Period: JUNE 1, 2010 - MAY 31, 2011

Contact: Kristi Grabow
Phone Number: 909-394-6255

CONGESTION MANAGEMENT PROGRAM FOR LOS ANGELES COUNTY

2011 DEFICIENCY PLAN SUMMARY

*** IMPORTANT: All "#value!" cells on this page are automatically calculated. Please do not enter data in these cells.**

DEVELOPMENT TOTALS

RESIDENTIAL DEVELOPMENT ACTIVITY	Dwelling Units
Single Family Residential	1.00
Multi-Family Residential	0.00
Group Quarters	0.00

COMMERCIAL DEVELOPMENT ACTIVITY	1,000 Net Sq.Ft.[2]
Commercial (less than 300,000 sq.ft.)	30.00
Commercial (300,000 sq.ft. or more)	0.00
Freestanding Eating & Drinking	0.00

NON-RETAIL DEVELOPMENT ACTIVITY	1,000 Net Sq.Ft.[2]
Lodging	0.00
Industrial	0.00
Office (less than 50,000 sq.ft.)	0.00
Office (50,000-299,999 sq.ft.)	0.00
Office (300,000 sq.ft. or more)	0.00
Medical	0.00
Government	0.00
Institutional/Educational	0.00
University (# of students)	0.00

OTHER DEVELOPMENT ACTIVITY	Daily Trips
ENTER IF APPLICABLE	0.00
ENTER IF APPLICABLE	0.00

EXEMPTED DEVELOPMENT TOTALS	
Exempted Dwelling Units	0
Exempted Non-residential sq. ft. (in 1,000s)	0

2. Net square feet is the difference between new development and adjustments entered on pages 2 and 3.

ENTER JURISDICTION NAME

Date Prepared: August 16, 2011

2011 CMP Local Development Report

Reporting Period: JUNE 1, 2010 - MAY 31, 2011

Enter data for all cells labeled "**Enter.**" If there are no data for that category, enter "0."

PART 1: NEW DEVELOPMENT ACTIVITY

RESIDENTIAL DEVELOPMENT ACTIVITY	
Category	**Dwelling Units**
Single Family Residential	**1.00**
Multi-Family Residential	**0.00**
Group Quarters	**0.00**
COMMERCIAL DEVELOPMENT ACTIVITY	
Category	**1,000 Gross Square Feet**
Commercial (less than 300,000 sq.ft.)	**30.00**
Commercial (300,000 sq.ft. or more)	**0.00**
Freestanding Eating & Drinking	**0.00**
NON-RETAIL DEVELOPMENT ACTIVITY	
Category	**1,000 Gross Square Feet**
Lodging	**0.00**
Industrial	**0.00**
Office (less than 50,000 sq.ft.)	**0.00**
Office (50,000-299,999 sq.ft.)	**0.00**
Office (300,000 sq.ft. or more)	**0.00**
Medical	**0.00**
Government	**0.00**
Institutional/Educational	**0.00**
University (# of students)	**0.00**
OTHER DEVELOPMENT ACTIVITY	
Description (Attach additional sheets if necessary)	**Daily Trips** (Enter "0" if none)
ENTER IF APPLICABLE	**0.00**
ENTER IF APPLICABLE	**0.00**

ENTER JURISDICTION NAME

Date Prepared: August 16, 2011

2011 CMP Local Development Report

Reporting Period: JUNE 1, 2010 - MAY 31, 2011

Enter data for all cells labeled "**Enter.**" If there are no data for that category, enter "0."

PART 2: NEW DEVELOPMENT ADJUSTMENTS

IMPORTANT: Adjustments may be claimed only for 1) development permits that were both issued and revoked, expired or withdrawn during the reporting period, and 2) demolition of any structure with the reporting period.

RESIDENTIAL DEVELOPMENT ADJUSTMENTS	
Category	**Dwelling Units**
Single Family Residential	**0.00**
Multi-Family Residential	**0.00**
Group Quarters	**0.00**
COMMERCIAL DEVELOPMENT ACTIVITY	
Category	**1,000 Gross Square Feet**
Commercial (less than 300,000 sq.ft.)	**0.00**
Commercial (300,000 sq.ft. or more)	**0.00**
Freestanding Eating & Drinking	**0.00**
NON-RETAIL DEVELOPMENT ACTIVITY	
Category	**1,000 Gross Square Feet**
Lodging	**0.00**
Industrial	**0.00**
Office (less than 50,000 sq.ft.)	**0.00**
Office (50,000-299,999 sq.ft.)	**0.00**
Office (300,000 sq.ft. or more)	**0.00**
Medical	**0.00**
Government	**0.00**
Institutional/Educational	**0.00**
University (# of students)	**0.00**
OTHER DEVELOPMENT ACTIVITY	
Description (Attach additional sheets if necessary)	**Daily Trips** (Enter "0" if none)
ENTER IF APPLICABLE	**0.00**
ENTER IF APPLICABLE	**0.00**

ENTER JURISDICTION NAME **Date Prepared:** August 16, 2011

2011 CMP Local Development Report

Reporting Period: JUNE 1, 2010 - MAY 31, 2011

Enter data for all cells labeled "**Enter.**" If there are no data for that category, enter "0."

PART 3: EXEMPTED DEVELOPMENT ACTIVITY

(NOT INCLUDED IN NEW DEVELOPMENT ACTIVITY TOTALS)

Low/Very Low Income Housing	0	Dwelling Units
High Density Residential Near Rail Stations	0	Dwelling Units
Mixed Use Developments Near Rail Stations	0	1,000 Gross Square Feet
	0	Dwelling Units
Development Agreements Entered into Prior to July 10, 1989	0	1,000 Gross Square Feet
	0	Dwelling Units
Reconstruction of Buildings Damaged due to "calamity"	0	1,000 Gross Square Feet
	0	Dwelling Units
Reconstruction of Buildings Damaged in Jan. 1994 Earthquake	0	1,000 Gross Square Feet
	0	Dwelling Units
Total Dwelling Units	0	
Total Non-residential sq. ft. (in 1,000s)	0	

Exempted Development Definitions:

1. Low/Very Low Income Housing: As defined by the California Department of Housing and Community Development as follows:
   - Low-Income: equal to or less than 80% of the County median income, with adjustments for family size.
   - Very Low-Income: equal to or less than 50% of the County median income, with adjustments for family size.
2. High Density Residential Near Rail Stations: Development located within 1/4 mile of a fixed rail passenger station and that is equal to or greater than 120 percent of the maximum residential density allowed under the local general plan and zoning ordinance. A project providing a minimum of 75 dwelling units per acre is automatically considered high density.
3. Mixed Uses Near Rail Stations: Mixed-use development located within 1/4 mile of a fixed rail passenger station, if more than half of the land area, or floor area, of the mixed use development is used for high density residential housing.
4. Development Agreements: Projects that entered into a development agreement (as specified under Section 65864 of the California Government Code) with a local jurisdiction prior to July 10, 1989.
5. Reconstruction or replacement of any residential or non-residential structure which is damaged or destroyed, to the extent of > or = to 50% of its reasonable value, by fire, flood, earthquake or other similar calamity.
6. Any project of a federal, state or county agency that is exempt from local jurisdiction zoning regulations and where the local jurisdiction is precluded from exercising any approval/disapproval authority. These locally precluded projects do not have to be reported in the LDR.

Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of August 23, 2011

FROM: Kristi Grabow, Associate Planner

SUBJECT: Municipal Code Text Amendment 11-02: A request to modify the Creative Growth, Area 3 Zone (CG-3), Tandem Parking Design Section 18.140.090.C.6.ii.(B) and Sub-Area D (Single Family) Permitted Uses 18.140.090.C.3.c Section.

SUMMARY

Staff has received two proposals for a Municipal Code Text Amendment (MCTA) to the Creative Growth, Area 3 Zone; parking regulations and Sub-Area D (Single Family). There are two proposed development projects in the preliminary stage requesting the changes to the Municipal Code.

In one of the proposals the applicant is proposing to finish the Grove Station with 67 townhome/condo units. Four of these units, which are three bedrooms, are proposed with tandem parking, making-up 3.25% of the parking for the entire project including the 14 units that are already constructed, for a total of 81 units.

The modification proposed for this project is to remove the restriction only allowing tandem parking for units not more than one bedroom in size. The applicant would like tandem parking to be allowed for any size units as long as they do not exceed the maximum of 20% of all required parking.

The second modification is to amend 18.140.090.C.3.c that limits the amount of single-family units in Sub-Area D. Currently, the Code only allows four single-family units to be developed in this area; however, based on the lot size and minimum development standards, there is potential to fit five proportionally sized single-family units in the designated area.

Planning Commission and Staff recommends approval.

6.B.1

BACKGROUND

The subject area is located on both sides of San Dimas Avenue just south of the railroad tracks and north of West Arrow Highway. This area is designated as Creative Growth, Area 3 Zone, which allows for mixed use development by allowing the flexibility of commercial, office, service and residential uses to be designed to blend with the traditional design standards in the area. Currently, Staff has two preliminary projects that have been proposed; however, in order for both projects to be built a few amendments need to be made to the Zoning Code. In order to streamline the process, Staff is presenting the requests concurrently, in order to make a comprehensive change to the Code.

One of the applicants, the Olson Company, is proposing a 67 unit townhome/condo community on the rear undeveloped portion of the Grove Station located just east of San Dimas Avenue in the Creative Growth, Area 3, Sub-Area B (High Density Residential) Zone. They are requesting to modify the following Code section to allow tandem parking for any bedroom size units, removing the restriction to the studio and one bedroom units only:

- Section 18.140.090.C.6.d.ii.(B) reads as follows;

  " Tandem parking spaces may be used for a maximum of twenty percent of all required spaces within a project and shall only be permitted for units with not more than one bedroom and shall be a minimum of ten feet, six inches wide and nineteen feet deep per space".

The other applicant, 301 San Dimas Avenue, LLC and Drafting & Design, Ltd., is proposing single-family residences, townhomes and two mixed-use buildings to be located west of San Dimas Avenue. The proposed location of the project is on the currently vacant property in the Creative Growth, Area 3, Sub-Area A (Downtown Mixed Use) and Sub-Area D (Single Family) Zone. Code Section 18.140.090.C.3.c only allows a maximum of **four** detached single-family residential units to be permitted in that subject area. However, 301 San Dimas Avenue, LLC and Drafting & Design, Ltd. are proposing to amend this Section to allow a total of **five** single-family residential units. By meeting the minimum lot size and development standards set in the existing Code Section, there is potential to create five individual single-family lots that would abut Shirlmar Avenue.

ANALYSIS:

Parking Design Section 18.140.090.C.6.d.ii.(B)

As part of The Olson Company proposal of 67 units, four are proposed with tandem parking. These four units are three-bedroom units. The Code currently does not allow for units other than studios and one bedroom to have tandem parking. This requirement does not work for the proposed project; therefore, the applicant is requesting the removal of the following verbiage from the following Code Section:

" Tandem parking spaces may be used for a maximum of twenty percent of all required spaces within a project ~~and shall only be permitted for units with not more than one bedroom~~ and shall be a minimum of ten feet, six inches wide and nineteen feet deep per space". Section 18.140.090.C.6.d.ii.(B)

The four tandem units would comprise 3.25% of the total parking requirements of the entire project which also include the 14 units that have been constructed along San Dimas Avenue (total number of units 81). The proposal would be under the allowable 20% for tandem parking for the project.

The applicant would also meet the dimensions required for tandem parking of ten feet, six inches wide by nineteen feet deep per space. The applicant is proposing the depth of each of the spaces to be 20', exceeding the size requirement by one-foot.

The proposed modification to this Code Section would allow for tandem parking for any bedroom size units for any other project proposed within the Creative Growth Area 3 (see Exhibit "C" Creative Growth Map). This would include the vacant lot just west of the Grove Station. The current property owner is looking to develop this lot. He is proposing single-family homes on the west side of the lot and possibly developing the remaining lot with a live-work concept similar to the Grove Station. The modification would only affect the Creative Growth Area 3 and would not affect the parking requirements in other zones in the City.

Permitted Uses Sub-Area D-Single Family 18.140.090.C.3.c

The proposal presented by 301 San Dimas Avenue, LLC and Drafting & Design, Ltd., will consist of single-family residences, townhomes and two mixed-use buildings to be located west of San Dimas Avenue. Currently, the applicant has submitted a preliminary design of single-family residential unit abutting Shirlmar Avenue. Based on Section 18.140.090.C.3.c, there can only be four single-family residential units located in that area. However, based on the minimum development standards (such as: minimum lot size is 5,000 square feet, side yard setback of 5 and 10 feet, and maximum lot coverage of forty percent), there is potential to fit a total of five single-family residential units in the same area. The average lot size is 5,000 square feet for the existing homes along Shirlmar

Avenue. The applicant is requesting the following verbiage for Code Section 18.140.090.C.3.c:

> *"c. Sub-Area D-Single Family. Up to ~~four~~* ***five*** *detached single-family residential unit:"*

By allowing an additional single-family residential unit to be built in the proposed area, it would create a more complete project. This modification to the Code would only impact this specific area of the City.

MCTA Procedure

The procedure for a Municipal Code Text Amendment is set forth in Chapter 18.208. The amendment process was initiated by Planning Commission on July 7, 2011 and recommended approval by the Commission on August 4, 2011. Upon receipt of the recommendation of the Planning Commission, the City Council is now conducting a public hearing and Council may approve, modify or deny the requested amendment.

Environmental Review

Staff finds that the proposed 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 reasonable 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.

RECOMMENDATION:

Staff recommends that the City Council recommend approval of Municipal Code Text Amendment 11-02, a modification to the Creative Growth, Area 3 zone regarding Parking Design 18.140.090.C.6.ii (B) and Sub-Area D (Single-Family) 18.140.090.C.3.c. to the City Council.

Respectfully Submitted,

Kristi Grabow
Associate Planner

Attachments:

Exhibit A – Vicinity Map
Exhibit B – Letter of Intent from the Olson Company
Exhibit C – Creative Growth Map
Exhibit D – Proposed Site Plan
Exhibit E – Proposed Floor Plan
Exhibit F– (C-G) Code Section Creative Growth Zone
Exhibit G – Letter of Intent from Drafting & Design Ltd.
Exhibit H – Proposed Site Plan
Ordinance No. 1207

EXHIBIT A

VICINITY MAP

June 20, 2011

Mr. Larry Stevens
Assistant City Manager
City of San Dimas
245 East Bonita Avenue
San Dimas, CA 91773

Subject: Grove Station Municipal Code Text Amendment

Dear Mr. Stevens:

The Olson Company would like to submit a request to amend the Municipal Code Text for the Grove Station development. Currently the Grove Station site is zoned Creative Growth Zone Area 3 (CG-3). The proposed development plan will meet nearly all standards as set forth in the CG-3 except for the following:

1. *Section 18.140.090.C.6.d.ii.(B) states that tandem parking spaces may be used for a maximum of twenty percent of all required spaces within a project and shall only be permitted for units with not more than one bedroom and shall be a minimum of ten feet, six inches wide and nineteen feet deep per space.*

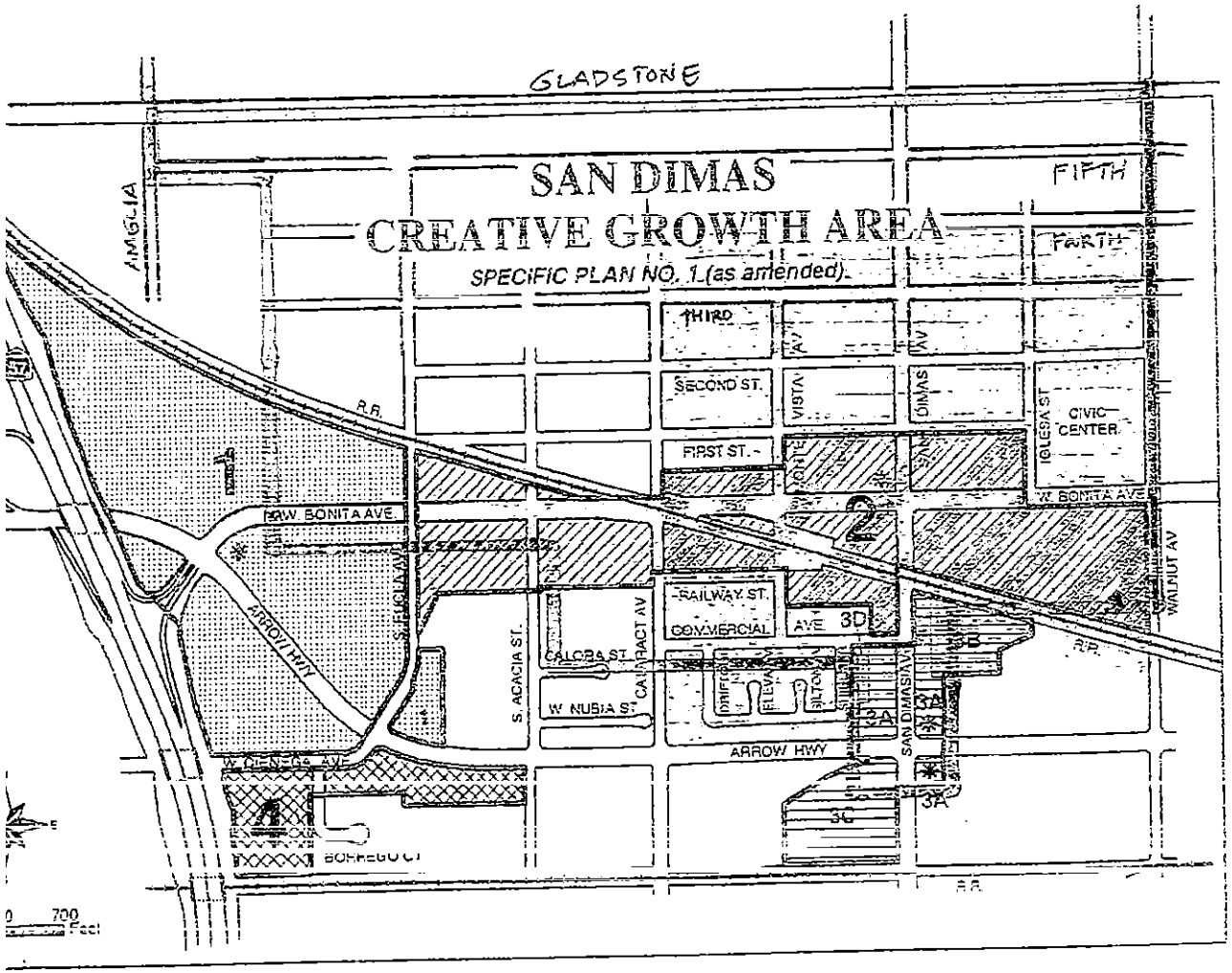
The Olson Company is proposing four, ten feet, six inches wide by forty feet deep, tandem garages out of a total of 81 units for Grove Station. These four garages are below the maximum of twenty percent requirement and above the minimum dimension requirements; however the four garages are for units with three bedrooms. The Olson Company requests a Municipal Code Text Amendment that would allow for the limited number of tandem garages to be tied to the 20% allowance and not the bedroom unit size, therefore we would delete the following language from code section 18.140.090.C.6.d.ii: ~~*"shall only be permitted for units with not more than one bedroom."*~~

I appreciate your time and assistance with this matter and would be happy to provide further information should it be deemed necessary to complete this request.

Respectfully,

Allison S. Kunz
Vice President of Forward Planning
The Olson Company

EXHIBIT B



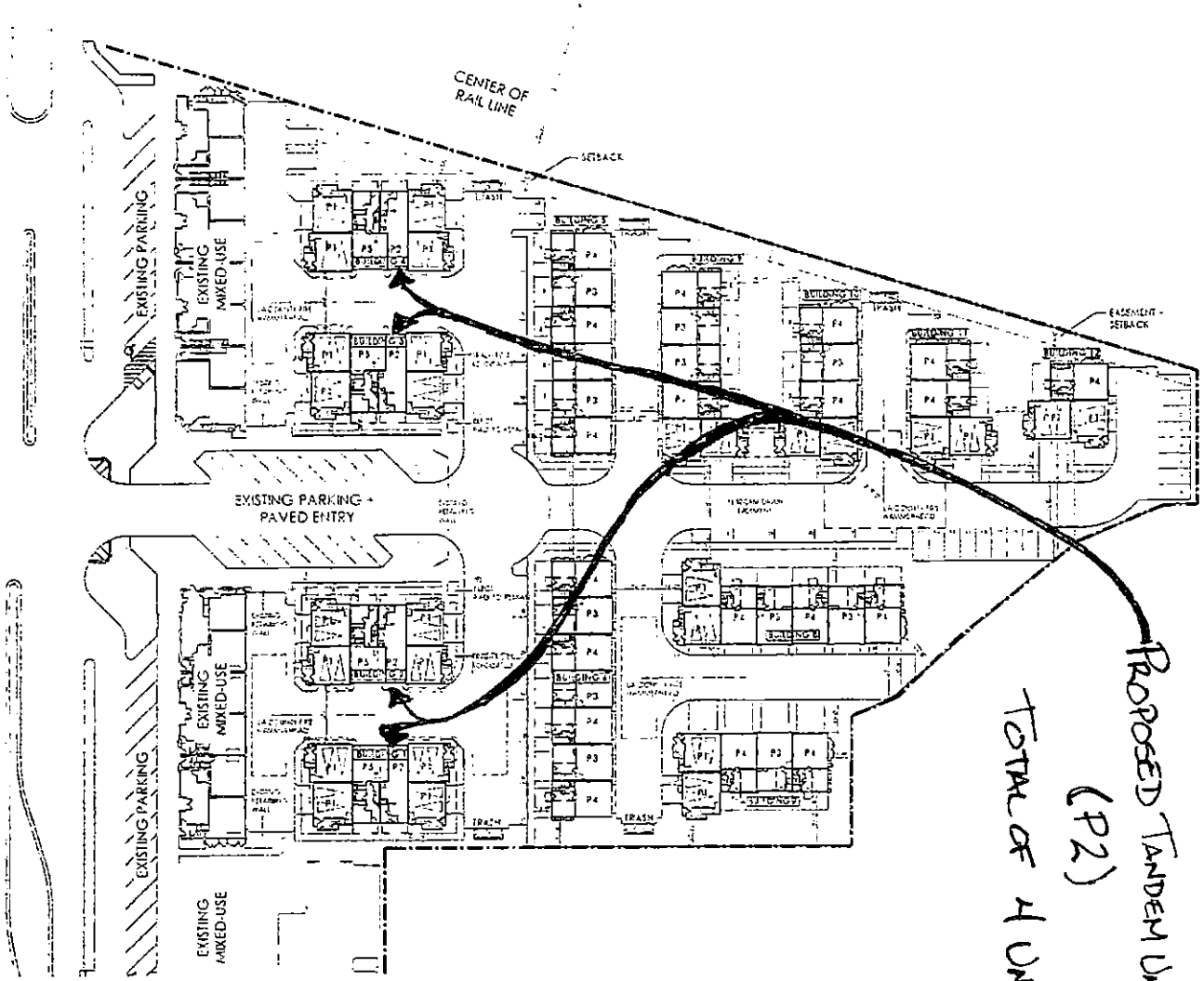
Growth Areas

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

EXHIBIT A - GROWTH AREAS

] Frontier Village (per Sign Ordinance definition)

: Town Core Area



PROJECT SUMMARY

SITE AREA 3.3ac Net

67 TOTAL UNITS.

P1 - (28) 1233 sf. - 2 bd / 2.5ba / 2C
P2 - (4) 1541 sf. - 3bd / 3ba / 1D / 2T
P3 - (12) 1583 sf. - 3bd / 2.5ba / 2C
P4 - (19) 1591 sf. - 3bd / 2.5ba / 2C
P5 - (4) 1808 sf. - 3bd / 4ba / 2C

PARKING REQUIRED	
(28) 2 BDR @ 2/UNIT	56
(39) 3 BDR @ 3/UNIT	117
	173 TOTAL RESIDENT
(67) @ 1/3 UNITS	22 TOTAL GUEST
	195 TOTAL

PARKING PROVIDED	
RESIDENT GARAGE (TANDEM)	8
RESIDENT GARAGE (SIDE BY SIDE)	126
OPEN (NEW)	37
DRIVEWAY SPACES @ BLDG. 7	6
EXISTING (DIAGONAL)	17
SUB-TOTAL	196
EXISTING (AT RETAIL) (per 5/23/06 staff report)	27
TOTAL ON SITE	223

SITE PLAN
Scale: 1" = 30'-0"

EXHIBIT D

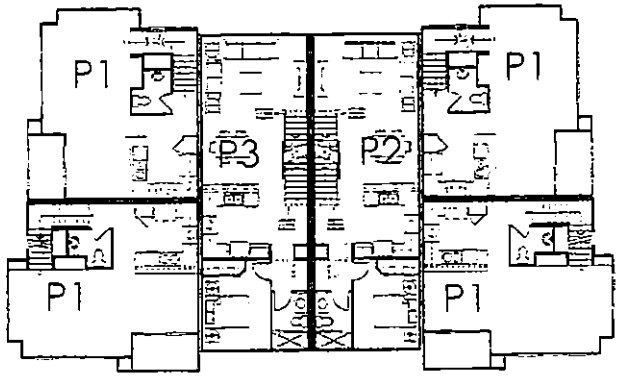
The Olson Company
3010 Old Ranch Pkwy
Ste. 100
Seal Beach, CA
90740
KTGY NO. 20110068

San Dimas Grove Station

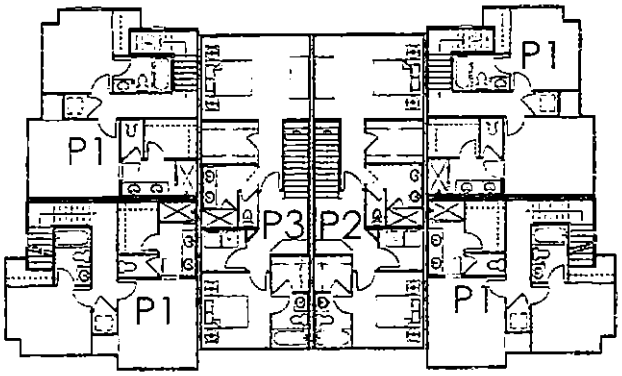
San Dimas, California
R2 Review - July 6, 2011

KTGY GROUP, INC.
1733 Ocean Ave, Suite 250
Santa Monica, CA 90401
ktgy.com

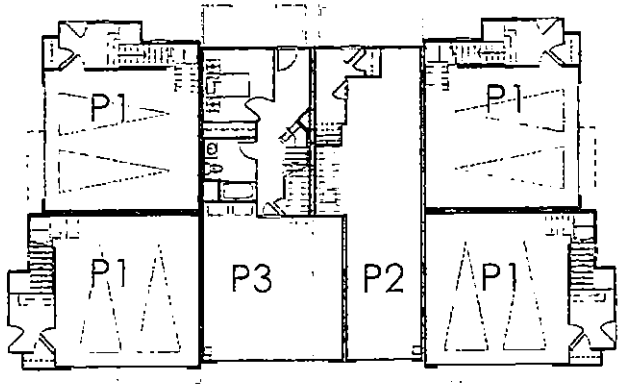
*TANDEM UNIT FLOOR-PLAN HIGHLIGHTED.



SECOND FLOOR



THIRD FLOOR



FIRST FLOOR

6 UNIT BUILDING FLOOR PLANS
BUILDINGS 1-4

0 8 16 32

Scale: 1/8" = 1'-0"

EXHIBIT E

The Olson Company
3010 Old Ranch Pkwy
Ste. 100
Seal Beach, CA
90740
KTGY NO 20110058

San Dimas Grove Station

San Dimas, California
R2 Review. July 6, 2011

KTGY GROUP, INC.
1733 Ocean Ave, Suite 250
Santa Monica, CA 90401
ktgy.com

Chapter 18.140

C-G CREATIVE-GROWTH ZONE*

Sections:

18.140.010 Purpose.
18.140.020 Specific plan.
18.140.040 Plan review.
18.140.060 Additional findings.
18.140.090 Uses in specific plan areas.
18.140.100 Property development standards.

* Prior Ordinance History: Ords. 316 and 361.

18.140.010 Purpose.

The purpose of the creative growth area plan is to promote amenities beyond those expected under conventional planning and development, represented by a commitment to a special architectural theme. This theme was expressed by the city council on August 24, 1970, as "early California village," which represents architectural styles circa 1890's. Developers are required to adopt this theme, in an architecturally creative approach to developing the most marketable and compatible uses possible in this central business district. To implement this plan, specific areas are further defined to integrate compatible uses while maintaining flexibility in commercial investment decisions. (Ord. 785 § 1 (part), 1983: Ord. 37 § 280.00, 1961)

18.140.020 Specific plan.

The creative growth area plan (hereinafter referred to in this chapter as the "plan") is an instrument for guiding, coordinating and regulating the development of property within the area designated on the area map (hereinafter referred to in this chapter as the "area map"), a copy of which map is on file in the office of the city clerk. The plan replaces the usual zoning regulations. It is a "specific plan" as authorized in Article 8 of Chapter 3 of the state Planning and Zoning Law. The plan is consistent with and carries out the projections of the general plan of the city. (Ord. 673 § 1 (part), 1979: Ord. 37 § 280.01, 1961)

18.140.040 Plan review.

A. No person shall construct any building or structure or enlarge or modify any existing building or structure, make any exterior alterations, or use any property in the creative growth area until approval has been obtained pursuant to Chapter 18.12. (Ord. 1005 § 1 (Exh. A, § 9), 1993; Ord. 673 § 1 (part), 1979: Ord. 37 § 280.03, 1961)

18.140.060 Additional findings.

In reviewing a development plan in the creative growth area, the approving authority shall make the following additional findings:

A. The architectural character is in conformance with the early California village theme concept with respect to:

1. Size;
2. Color;
3. Materials;
4. Site design and building design.

B. The following elements shall be shown and so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and that there will be no adverse effect on surrounding property:

1. Buildings, structures and improvements;
2. Vehicular ingress, egress and internal circulation;
3. Setbacks;
4. Height of buildings;
5. Service areas;
6. Walls;
7. Landscaping;
8. Such other elements as are found to be relevant to the fulfillment of the purposes of this zone. (Ord. 1005 § 1 (Exh. A, § 10), 1993; Ord. 673 § 1 (part), 1979: Ord. 37 § 280.05, 1961)

18.140.090 Uses in specific plan areas.

Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, structurally altered or enlarged only for the permit-

EXHIBIT F

ted and conditionally permitted uses described in each area, plus such other uses as the director of community development determines to be similar and not more obnoxious or detrimental to the public health, safety and welfare, in accordance with the findings set forth in Section 18.192.040. The determination of the director may be appealed to the development plan review board and, thereafter, the city council, pursuant to Chapter 18.212 of this title. Conditional uses shall be subject to Chapter 18.200 of this title. All uses shall be subject to the property development standards in Section 18.140.100, and shall be located only where designated on the specific plan map, which map is on file in the office of the city clerk. All uses and storage shall be conducted within a totally enclosed building with the exception of nursery stock or unless permitted as a conditional use in this zone by conditional use permit pursuant to Chapter 18.200. Uses made nonconforming by the adoption of the ordinance codified in this chapter, or any amendment thereto, may be continued in accordance with Section 18.204.170, provided that there shall be no expansion or change of an existing use that is nonconforming to another nonconforming use, and there shall be no expansion, change or alteration of any building or structure that is nonconforming on the subject property.

A. Area 1—Regional Commercial. The purpose of this area is to take full advantage of excellent freeway access and visibility and to encourage the development of major commercial enterprises, as well as those related to the needs of freeway travelers.

1. Permitted Uses.

a. Any retail, other than auto and truck sales, or service business, which is conducted entirely within a totally enclosed building, provided that no business involving the manufacture, fabrication or wholesaling of goods shall be permitted unless it is related, secondary and incidental to another permitted use and receives prior written approval from the director of community development upon finding that it is not more obnoxious or detrimental to the public health, safety and welfare than any other permitted use. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212.

b. Major home improvement retail businesses which draw customers from a large region, and groups of small home improvement retail businesses where such businesses do not have regional drawing power.

c. Uses which are directly related to the needs of freeway travelers and which are dependent on large traffic volume, including, but not limited to, restaurants, department stores, minor commercial uses related, secondary and incidental to an otherwise permitted use, and similar freeway-oriented uses which may be approved by the director of community development upon finding that they are not more obnoxious or detrimental to the public health, safety and welfare than any other permitted uses. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212.

d. Accessory game arcades up to a maximum of six machines, provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012.

e. Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title.

f. Accessory massage permitted with the following primary businesses: day spa, beauty salon, barbershop and similar uses.

2. Conditional Uses.

a. New automobiles and truck sales and lease and the sale and lease of used automobiles in conjunction with a new auto and truck sales and lease operation only;

b. Gasoline service stations in areas designated on the specific plan area map;

c. Theaters: walk-in, indoor only;

d. Hotel or motel;

EXHIBIT F

e. On-sale or off-sale alcoholic beverages, provided that such use is incidental and ancillary to another permitted use;

f. Fast-food restaurant park, including drive-through service, provided that such fast-food restaurant park includes at least two fast-food restaurants;

g. Regional-scale office uses, such as corporate headquarters, where designated on the specific plan area map;

h. Office uses other than regional-scale office uses, provided that such uses are developed together with a permitted retail use or uses and provided that the total gross floor area devoted to office uses does not exceed fifty percent of the gross floor area of the entire development in which office uses are provided. Required parking spaces shall be calculated by adding the total number of parking spaces required for each type of use on the subject lot or parcel, in accordance with Chapter 18.156;

i. Mass transit facilities, such as bus and train stations;

j. Accessory game arcade consisting of seven or more machines within an indoor recreational facility.

3. Prohibited Uses.

a. Supermarkets;

b. Industrial uses;

c. Gambling facilities;

d. Residential uses;

e. Wholesaling or warehousing operations;

f. Convenience markets;

g. Billboards and other similar off-site outdoor advertising structures;

h. Game arcades, other than accessory game arcades specifically authorized in this chapter;

i. Other uses determined to be inconsistent with the intent and provisions of this Area 1, as determined by the director of community development, in accordance with Section 18.192.040. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212 of this title.

B. Area 2—Frontier Village. The purpose of this area is to provide for neighborhood commercial uses and other convenience goods and service businesses which service the day-to-day-living needs of nearby neighborhoods or a larger section of the city. In addition, it is recognized that certain parcels east of the Puddingstone Shopping Center may be suitable for medium-high density residential development, including apartments, townhouses or condominiums.

1. Permitted Uses.

a. Convenience goods and service businesses, including food markets, pharmacies, liquor stores, barber or beauty shops, cleaners and laundries, small appliance repair businesses and similar uses;

b. Eating places, including take-out service businesses, but not including drive-in or drive-through facilities, provided that eating places shall not be permitted where the number of required parking spaces, pursuant to Ordinance 269, as amended, exceeds thirty-five percent of the number of common parking spaces provided in any shopping center or development in which such eating places are located;

c. Specialty commercial uses, such as antique shops, jewelry stores, music stores, auto and truck parts and supply businesses, and similar uses;

d. Professional, administrative and sales office uses, provided that such uses are not located on the ground floor of any structure unless approved by the development plan review board upon making the findings set forth in Section 18.192.040. The determination of the development plan review board may be appealed to the city council in accordance with Chapter 18.212;

e. Accessory game arcades up to a maximum of six machines, provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012;

f. Wire transmission office;

g. Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title;

EXHIBIT F

h. Accessory massage permitted with the following primary businesses: athletic club, salon, barbershop and similar uses.

2. Conditional Uses.

a. On-sale alcoholic beverages, provided that such use is incidental and secondary to another permitted use in this Area 2;

b. Off-sale alcoholic beverages;

c. Gasoline service stations, but only where such use is designated on the specific plan area map;

d. Automobile tire sales and service;

e. Automotive repair;

f. Outdoor sale, storage and display of merchandise and/or provision of services, provided that such uses are in conjunction with and are related to a permitted use within a structure on the same lot or parcel, unless otherwise permitted in accordance with Chapter 18.196, Temporary Uses;

g. Medium-high density residential uses, including apartments, townhouses and condominiums, provided that these are located only in areas so designated on the specific plan area map;

h. Motorcycle sales and services;

i. Athletic clubs and performing arts studios;

j. Mass transit facilities, such as bus and train stations;

k. Senior citizen housing projects, subject to the standards of Chapter 18.151 of this title, as amended, except where a conflict exists, then the most restrictive standard applies;

l. Accessory game arcades consisting of seven or more machines within an indoor recreation facility;

m. Theaters and bowling alleys;

n. Senior citizen housing located on the second and third floors of buildings. Such senior citizen housing projects shall be exempted from city-wide senior citizen housing requirements as set forth in Chapter 18.151;

3. Prohibited Uses. Drive-through style eating places and those uses prohibited in Area 1, other than supermarkets, residential uses and convenience markets.

C. Area 3—Mixed Use. The purpose of this area is to provide an attractively developed entry into the central portion of downtown San Dimas along the San Dimas Avenue corridor and to provide an extension of Frontier Village. Zoning standards for this area are designed to provide the flexibility to allow commercial, office, service and live/work uses as well as residential uses that are designed to blend with the traditional design standards in the area.

To ensure compatibility with the adjacent historic neighborhoods, traditional architectural design is encouraged. Generally, buildings, whether commercial or office, should be designed in a way to accommodate commercial activities, with storefronts encouraged along streets and major driveways. Multifamily residential uses should be designed in a way to blend well with the commercial block architectural styles and should have architectural features that are reminiscent of historical designs. Lofi residential buildings should be design to be compatible with traditional architecture, but may have more of an industrial or packing house feel because of higher building heights. Underground congregate parking areas are encouraged.

1. Area 3—Definitions.

a. "Live/work units" mean individual units that are used jointly for residential and business uses. For the purposes of this chapter, the first floor spaces of live/work units shall be reserved for commercial, office and service businesses that are open to the public. Garage and areas above the first floor shall be reserved for residential use.

b. "Lofi residential units" mean multi-story residential units with greater than average ceiling heights, where not more than sixty percent of the unit has second floor area and where all parking is located remote from the unit.

2. Area 3—Sub-Areas. The Creative Growth Zone Area 3 is made up of four sub-areas as defined in Exhibit A. The sub-areas are intended to provide a well-organized land use framework to encourage high quality design while allowing a mix of uses within a small planning area.

a. Mixed use/commercial office;

EXHIBIT F

b. High density residential;

c. Medium density;

d. Single family.

3. Permitted Uses.

a. Sub-Area A-Downtown Mixed Use.

i. Retail commercial, office and service businesses;

ii. Eating places, including take-out service, but not including drive-through or drive-in facilities;

iii. Accessory game arcade up to a maximum of six machines, provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012 of this title.

iv. Accessory massage permitted with the following primary businesses: day spa, beauty salon, barbershop and similar uses.

b. Sub-Area C-Low-Medium Density. Detached condominiums with the total number of units not to exceed forty.

c. Sub-Area D-Single Family. Up to four detached single-family residential units;

i. The minimum lot size is five thousand square feet;

ii. Maximum one story and eighteen feet in height;

iii. Maximum lot coverage is forty percent;

iv. Maximum house size (not including garage) is two thousand one hundred square feet;

v. Front yard setback, as provided in Exhibit B;

vi. The minimum side yard setback is five feet on one side and ten feet on the other.

4. Conditional Uses.

a. Sub-Area A--Mixed Use/Commercial office.

i. Condominium, apartment and other similar multifamily projects, located on the second floor and third floor of buildings when commercial/office uses are located on the first floor;

ii. Residential projects where fifty percent or more of the units are designed as live/work units;

iii. Senior citizen housing located on the second and third floors of buildings. Such senior citizen housing projects shall be exempted from city-wide senior citizen housing requirements as set forth in Chapter 18.151 of this title;

iv. Gasoline Service Stations. Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities. Reconstructed gasoline stations shall utilize a reverse or turn around station design, in an effort to create an architectural statement at the Arrow Highway and San Dimas Avenue intersection. If an existing gasoline service station is reconstructed to the above standard, the use may expand and include, convenience store and restaurant use with a new or revised conditional use permit and subject to the provisions of Chapter 18.12 of this title;

v. On-sale alcoholic beverages, provided that this use is secondary and incidental to another permitted use in this Area 3;

vi. Off-sale alcoholic beverages, provided that this use is secondary and incidental to another permitted use in this Area 3.

b. Sub-Area B—High Density Residential.

i. Condominiums and townhouses;

ii. Loft residential units;

iii. Senior citizen housing located on the second and third floors of buildings. Such senior citizen housing projects shall be exempted from city-wide senior citizen housing requirements as set forth in Chapter 18.151 of this title.

5. Other Uses. Other similar permitted and conditional uses determined by the director of community development to be similar and not more obnoxious or detrimental to the public health, safety and welfare, in accordance with the findings as set forth in Section 18.192.040 of this title. The determination of the director may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212 of this title.

6. Area 3—Property Development Standards.

a. Building Height. No provisions. Allowable building height shall be determined by the development plan review board.

EXHIBIT F

b. Setbacks. No provisions. All allowable setbacks shall be determined by the development plan review board.

c. Street Standards. The minimum standards for street and right-of-way widths within developments shall be determined for each project by the city council. The intent of this requirement is to work together with setback requirements to encourage a downtown environment with a preference toward the pedestrian rather than automobile.

d. Parking. The following parking requirements and standards are specific to the Creative Growth Zone Area 3.

i. Required Parking.

(A) Single-Family Residential Use. Two garage spaces. A minimum size of twenty feet by twenty feet is required.

(B) Multiple-Family with Garage Space Attached. Two garage spaces. A minimum size of twenty feet by twenty feet is required. Plus one noncovered space for each additional bedroom beyond two bedrooms per unit, plus one guest space for each three units.

(C) Multiple-Family with Congregate Garage Spaces. Two parking spaces with a minimum size of nine and one-half feet wide and eighteen feet deep. Plus one noncovered space for each additional bedroom beyond two bedrooms per unit, plus one guest space for each three units.

(D) Live/Work Units. Two garage spaces. A minimum size of twenty feet by twenty feet is required. Plus one noncovered space for each additional bedroom beyond two bedrooms per unit, plus one guest space for each three units. Plus one space for every two hundred fifty square feet of commercial/office/service space that may be waived, if adequate public parking is provided within five hundred feet of the public access.

(E) Seniors Apartments. For units under eight hundred square feet. One covered or noncovered parking space shall be provided for each 1.25 units, (four spaces for each five units). For units of eight hundred square feet and larger. One covered or noncovered parking space shall be provided for every unit.

ii. Parking Design.

(A) All multiple-family units shall provide for a storage area of not less than two hundred fifty cubic feet within the garage area or other approved location.

(B) Tandem parking spaces may be used for a maximum of twenty percent of all required spaces within a project and shall only be permitted for units with not more than one bedroom and shall be a minimum of ten feet, six inches wide and nineteen feet deep per space.

iii. Other Parking Requirements. Unless listed specifically in this section, parking requirements are as provided for in Chapter 18.156 of this title.

7. Sign Regulations. Subject to the requirements in Section 18.152.150 of this title.

8. Nonconforming Uses. There shall be no extension, expansion or enlargement of an existing nonconforming use, nor shall there be the addition of structures or other facilities in conjunction with such existing use.

D. Area 4—Commercial/Light Industrial. The purpose of this area is to provide for light-industrial and commercial uses.

1. Permitted Uses.

a. All uses permitted in the M-1 zone;

b. Retail and service businesses;

c. Other similar uses determined by the director of community development to be similar and not more obnoxious or detrimental to the public health, safety and welfare, in accordance with the findings as set forth in Section 18.192.040. The determination of the director may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212 of this title;

d. Accessory game arcade up to a maximum of six machines, provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012;

e. Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title;

EXHIBIT F

f. Accessory massage permitted with the following primary businesses: athletic club, day spa, beauty salon, barbershop and similar uses.

2. Conditional Uses.

a. All uses listed as conditional uses in the M-1 zone;

b. Theaters provided that they are walk-in, indoor;

c. All uses listed as conditional uses in Area 3;

d. Accessory game arcade consisting of seven or more machines within an indoor recreation facility.

3. Prohibited Uses.

a. Gambling facilities;

b. Residential uses;

c. Convenience markets;

d. Food markets;

e. Office uses which are not incidental to a permitted or conditionally permitted use;

f. Billboards and other similar off-site outdoor advertising structures;

g. Game arcades other than accessory game arcades specifically authorized in this chapter;

h. Other uses inconsistent with the intent and provisions of this zone, as determined by the director of community development, in accordance with Section 18.192.040. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212 of this title. (Ord. 1185 §§ 11—15, 2008; Ord. 1170 § 15, 2007; Ord. 1155 §§ 1, 2 (Exh. A) (part), 2005; Ord. 1085 § 12, 1998; Ord. 1083 § 7, 1997; Ord. 1072 § 4, 1997; Ord. 1029 § 1, 1995; Ord. 963 § 4, 1992; Ord. 911 § 9, 1990; Ord. 891 § 2, 1989; Ord. 829 § 1, 1985; Ord. 808 §§ 1, 2, 1984; Ord. 785 § 1 (part), 1983; Ord. 37 § 280.08, 1961)

18.140.100 Property development standards.

The following property development standards shall apply to all land and buildings in the creative growth area, except that any lot held under separate ownership or of record on the effective date of the ordinance codified in this chapter, which is substandard in dimensions may be used subject to all other standards:

A. Lot Area. No provisions.

B. Lot Dimensions. No provisions.

C. Building Height.

1. No building or structure erected in this zone shall exceed two stories in height except by conditional use permit;

2. Exceptions.

a. Penthouses or roof structures for the housing or elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, church steeples, flagpoles, chimneys and other similar structures may be erected above the height limits prescribed in this subsection, provided such structures are compatible with the architectural design of the building and the surroundings.

b. Air conditioning units, electrical switch gear and panels, compressors and similar mechanical equipment shall be enclosed within an enclosure compatible with the architectural design of the building.

D. Yards. Yards shall be measured perpendicular to the property line. When the creative growth overlay zone abuts a residential zone, there shall be a yard of not less than ten feet. Required yards shall be landscaped and maintained; a complete automatic sprinkler system shall be provided. Yards shall be provided as designated in Exhibit B to the ordinance codified in this chapter, a copy of which is on file in the office of the city clerk.

E. Walls. Masonry walls six feet in height shall be erected on the zone boundary line between the creative growth zone and any residential zone.

F. Off-Street Parking. The provisions of Chapter 18.156 shall apply.

G. Utilities. All utilities provided to serve new buildings or to serve existing buildings undergoing alterations requiring change-out of service shall be installed underground.

H. Trash Storage. A city standard plan trash storage area shall be provided in an appropriate location, convenient to users.

EXHIBIT F

I. Signs.

1. The provisions of Chapter 18.152 shall apply.

2. The approving authority shall find prior to the issuance of an approval of a sign or sign program that the proposed design is in conformance with the Early California village theme and good design principles with respect to:

a. Height;

b. Location;

c. Size;

d. Color;

e. Materials;

f. Lighting;

g. Compatibility to structure it is identifying.

J. Lighting.

1. All exposed lighting fixtures shall be decorative and in keeping with the Early California village theme.

2. Lighting shall be so designed to reflect away from adjoining properties, streets and roads.

K. Landscaping. The review board may require landscaping in addition to required yards as follows:

1. Buffering adjoining properties;

2. Complementing building designs in and adjoining parking lots. (Ord. 1005 § 1 (Exh. A, § 11), 1993; Ord. 908 § 6, 1989; Ord. 673 § 1 (part), 1979; Ord. 37 § 280.10, 1961)

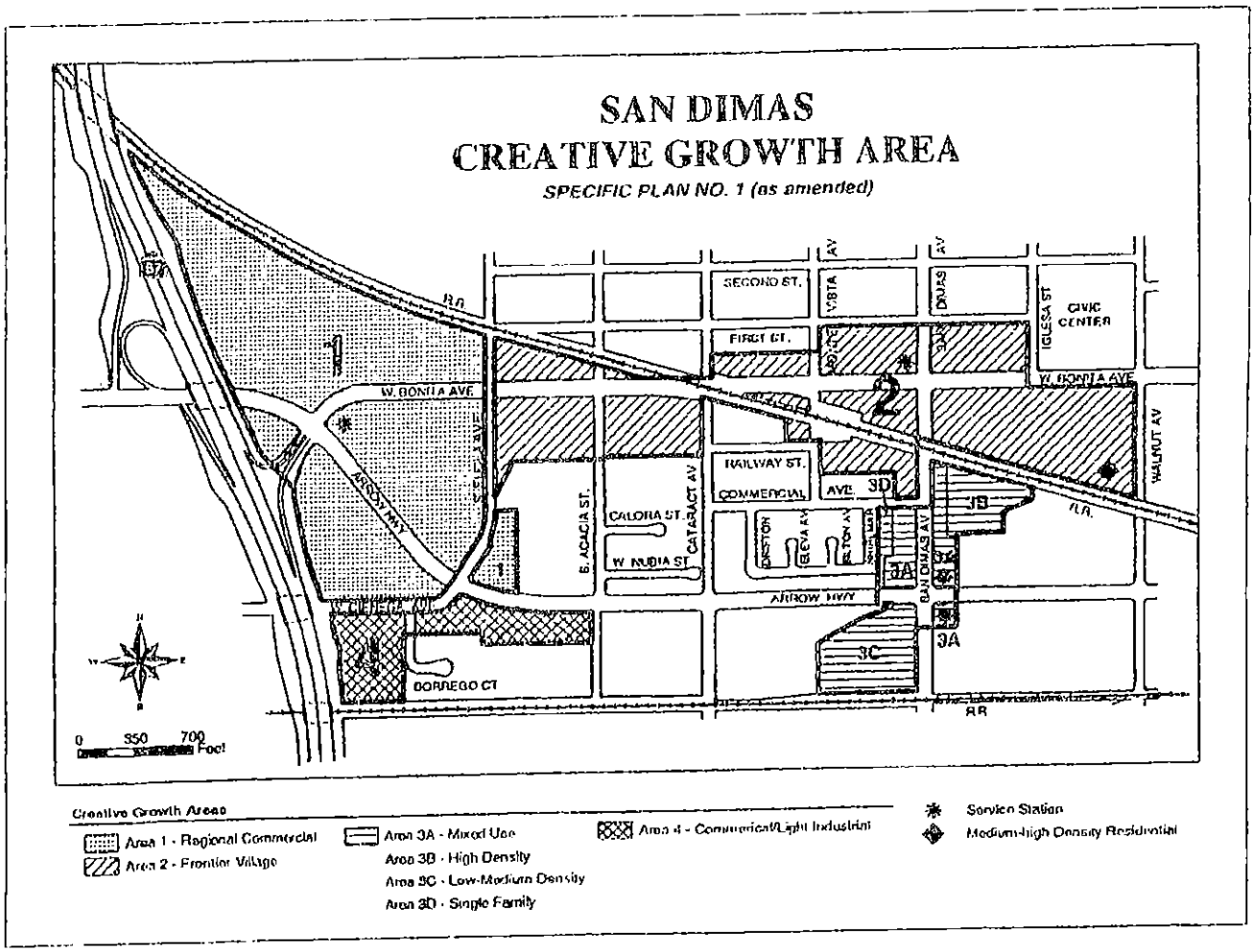


EXHIBIT A – GROWTH AREAS

EXHIBIT F

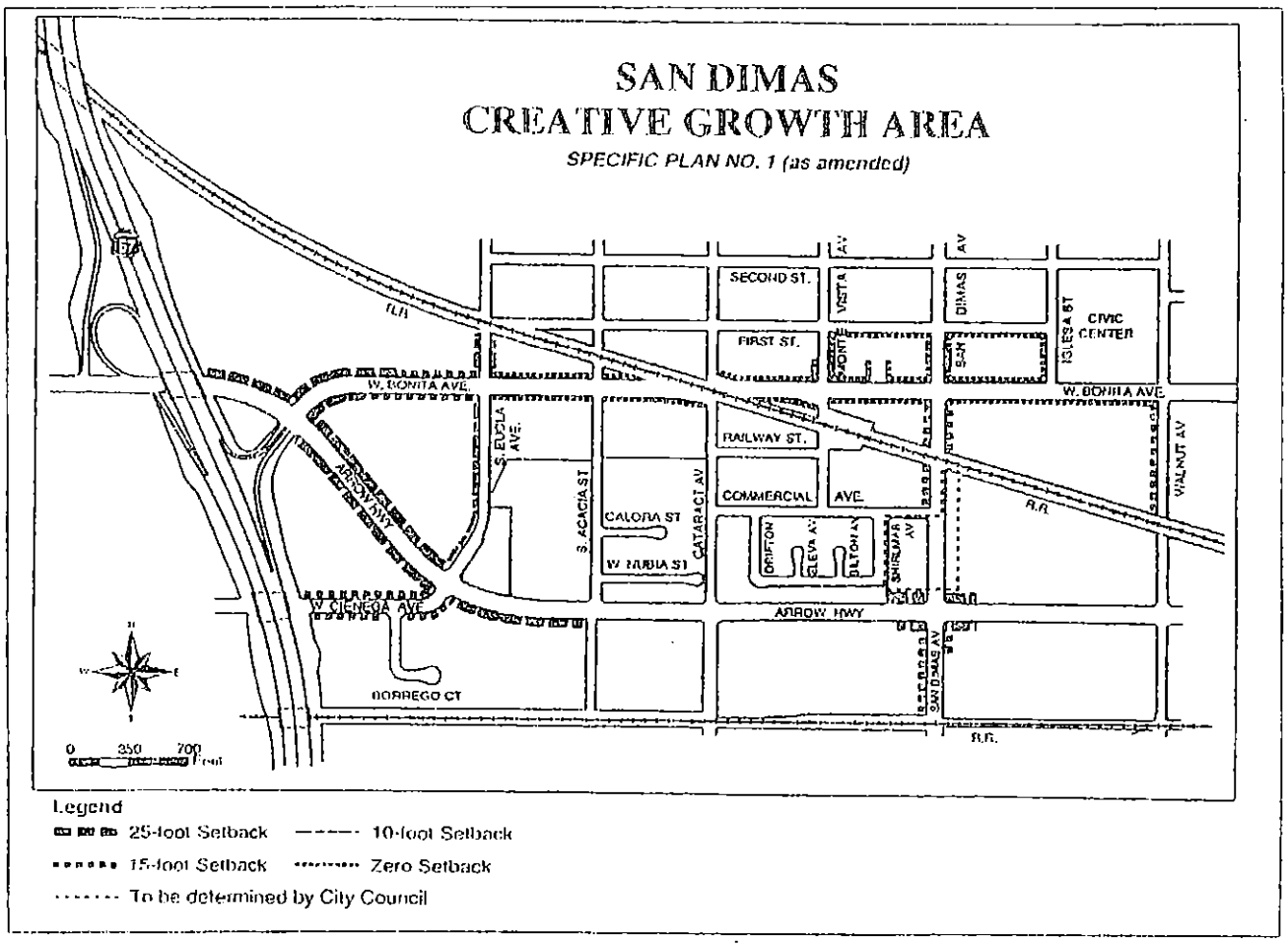


EXHIBIT B - SETBACKS

EXHIBIT F

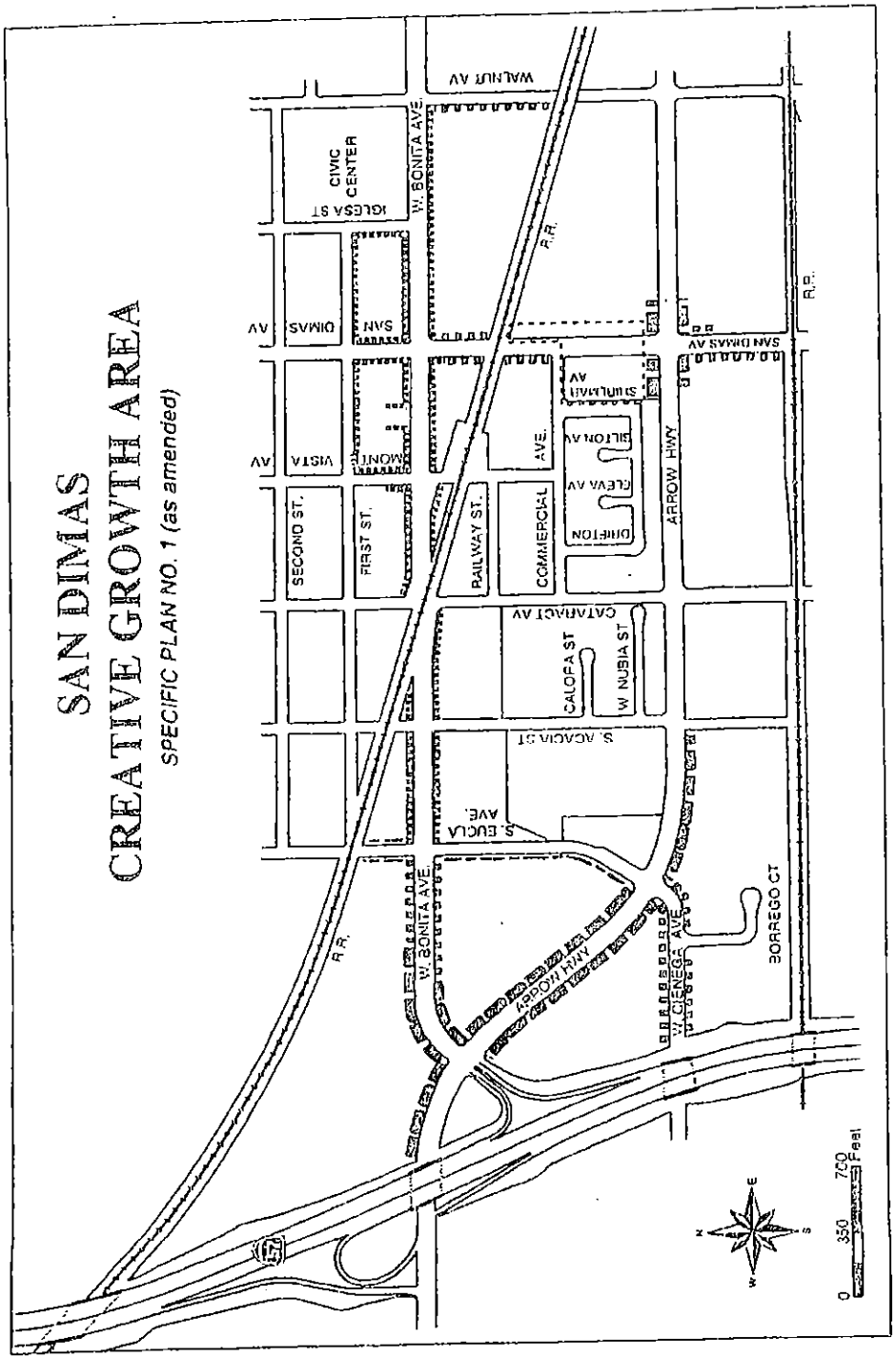


EXHIBIT B - SETBACKS

EXHIBIT F

DRAFTING & DESIGN, LTD.
158 WEST ORANGE STREET · COVINA, CA 91723-2011
(626) 915-2303 · FAX (626) 332-2844
E-MAIL : DRAFT_DESIGN@EARTHLINK.NET

May 25, 2011

Director of Development Services
City of San Dimas
245 E. Bonita
San Dimas, CA 91773-3002

RE : 301 San Dimas Avenue

Dear Sir,

At the direction of City Planner Kristi Grabow we are submitting this request for a Municipal Code Text Amendment in order to change the code to allow 5 homes at the development for 301 San Dimas where currently it has been approved for 4 homes.

We are requesting that the City Council initiate a Municipal Code Text Amendment to amend Chapter 18.140.090.C.2.c. This code section addresses mixed use project such as ours and states under "Sub-Area D-Single Family. Up to four detached single-family residential units"

Our proposal is to amend this section to allow for up to five such single family homes. Our project would utilize 5 homes that meet all the minimum lot requirements and shouldn't be restricted to 4 homes.

The land has been subdivided in such a way that in addition to the commercial lot fronting San Dimas Avenue, there are four identical residential lots with one irregular lot bounded on Shirlmar Avenue, the irregular lot also being bounded by Arrow Highway.

This request does not change the configuration of the property lines or the general parameters of the project, simply takes advantage of the irregular shaped lot for an additional home that should have been considered from the onset of the design. The current limitation does not allow the site to be occupied to its fullest potential.

This proposal utilizes the existing approved zoning configuration and adds a fifth home on Lot 6 of Tract Map 71259. This meets the minimum lot size and the proposed home design would meet all required set backs and other design requirements.

This request is being made pursuant to Chapter 18.208 of your municipal code which relates to zone changes and amendments. As specified under Section 18.208.020 Procedure, we address the following issues under Section I; items 1,

EXHIBIT G

2 and 3. This proposed change does not adversely affect the adjoining property or create a detrimental impact to the area; it is in fact completely in keeping with use of the existing neighborhood that it adjoins. This proposed change will only add to the positive impact of the neighborhood by completing a neighborhood from a long vacant piece of land and as with the rest of the project is consistent with the city's general plan.

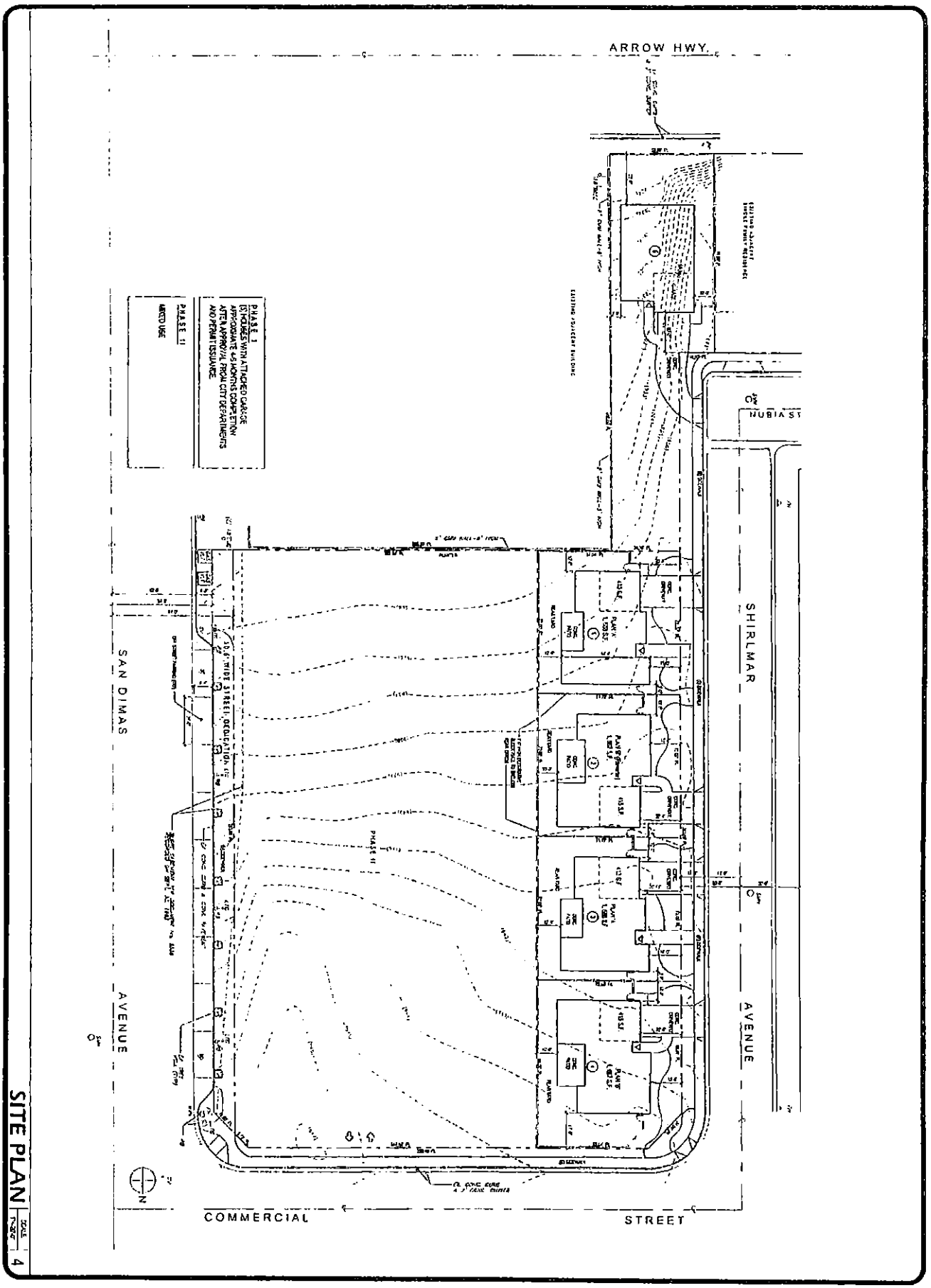
Our request is for the above code section to be revised to read "Up to five detached single-family residential units".

Please see the attached plans that illustrate the addition of the home on Lot 6 of the tract. Contact us should you have any questions and we will be happy to address them for you. Thank you.

Sincerely yours,

Steve Eide

EXHIBIT G



SITE PLAN

SCALE 1"=20'-0"

4

SHEET NO	PN 2842-G	02-01-11	PROJECT. RESIDENTIAL / COMMERCIAL 301 S. SAN DIMAS AVE. SAN DIMAS, CA	PROPOSED FOR. 301 SAN DIMAS AVE., LLC SEIDNER & LANGE 2525 WORKMAN AVE., WEST COVINA, CA 91791 (626) 831-3861	DRAFTING & Design, ltd. 158 WEST ORANGE STREET, COVINA, CA 91723-2011 (626) 915-2303
1					

EXHIBIT H

ORDINANCE NO. 1207

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING MUNICIPAL CODE TEXT ADMENDMENT 11-02, AMENDING THE PARKING DESIGN SECTION 18.140.090.C.6.II(B) AND SUB-AREA D (SINGLE FAMILY) 18.140.090.C.3.C IN THE CREATIVE GROWTH AREA 3 ZONE.

WHEREAS, a Municipal Code Text Amendment application was filed by Olson Company, Drafting and Design, Ltd., and 301 San Dimas Avenue, LLC; and

WHEREAS, a Municipal Code Text Amendment application was initiated by the Planning Commission on July 7, 2011; and

WHEREAS, the Municipal Code Text Amendment is described as a request to modify the Creative Growth, Area 3 Zone (CG-3), Tandem Parking Design Section 18.140.090.C.6.ii.(B) and Sub-Area D (Single Family) Permitted Uses 18.140.090.C.3.c Section; and

WHEREAS, the Municipal Code Text Amendment would only affect the Creative Growth Area 3; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on August 4, 2011 and, following the conclusion of that hearing, adopted Resolution No. PC 1444 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 August 23, 2011 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, 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.

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

The proposed amendments to the Creative Growth Area 3 Zone will not adversely affect or be detrimental to the surrounding area. In fact, the Creative Growth Area 3 is designed to provide the flexibility to allow commercial, office, service and live/work uses as well as residential uses that are designed to blend with the traditional design standards of the area. The proposed amendments will allow for more flexibility to create well designed projects.

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

The proposed amendments will adjust a minor development standard for parking design and create a more complete neighborhood. Therefore, the Municipal Code Text Amendment will further the public health, safety and general welfare.

C. The proposed Municipal Code Text Amendment is consistent with the General Plan.

The proposed amendment is consistent with the General Plan. The current proposal only amends development design and standards.

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

SECTION 1. Title 18, Chapter 140, Exhibit A, of the San Dimas Municipal Code is hereby amended as set forth in attached 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 AUGUST, 2011.

_____
Curt Morris, Mayor of the City of San Dimas

_____
Ina Rios, City Clerk

EXHIBIT "A"

MUNICIPAL CODE TEXT AMENDMENT 11-02

1. Amend Section 18.140.090.C.6.d.ii.(B) by deleting the strike through:

   " Tandem parking spaces may be used for a maximum of twenty percent of all required spaces within a project ***~~and shall only be permitted for units with not more than one bedroom~~*** *and shall be a minimum of ten feet, six inches wide and nineteen feet deep per space".*

2. Amend Section 18.140.090.C.3.c by adding the underlined and deleting the strike through:

   "c. Sub-Area D-Single Family. Up to ~~four~~ <u>five</u> detached single-family residential units:"

Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of August 23, 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. Under AB 27 in order for the San Dimas Redevelopment Agency to continue to operate the City would need 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 and the August 9th City Council meetings staff provided a detailed overview of the legislation. Staff also summarized the benefits of retaining the Redevelopment Agency and those are repeated below:

Benefits to Retaining the Redevelopment Agency

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

7.a.1

- 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.

At the August 9th City Council meeting the Council approved the introduction of Ordinance No. 1206 voluntarily complying with the alternative redevelopment program and continuing the existence and operations of the Redevelopment Agency. The City Council also authorized the City Manager to file an appeal of the State Department of Finance calculation of the City's payment amount.

There have been a couple of significant turns of events that have transpired since the August 9th meeting.

<u>League of California Cities and California Redevelopment Agency Lawsuit</u>

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 asked the Judge to place a "stay" on implementation of the legislation until the matter can be resolved through the court process. On August 12th the California Supreme Court agreed to hear the case. They also approved a "stay" on implementation of most of both statutes except the portions that preclude an existing agency from incurring new indebtedness, transferring assets, acquiring real property, entering into new contracts and agreements, etc. The Court also set an expedited schedule targeting an opinion by January 15, 2012.

<u>Appeal of Department of Finance Calculation</u>

As mentioned in prior reports there were some limited conditions on which a City may appeal the payment calculation determined by the Department of Finance. The City believed that we had conditions which were ripe for an appeal. Since

the deadline to file an appeal was August 15th, staff recommended 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. The Council approved that recommendation. It was determined that the City had conditions that were appealable and did file an appeal on August 15th.

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. Even with the "stay" issued by the Court in implementation of most provisions of the statutes, staff feels it is in the best interest of the City to move forward with the adoption of Ordinance No. 1206 voluntarily complying with the alternative redevelopment program. If the statutes are ultimately overturned by the Court the Ordinance can be rescinded.

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 1206 voluntarily complying with the alternative redevelopment program and continuing the existence and operations of the Redevelopment Agency

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

Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of August 23, 2011

FROM: Blaine Michaelis, City Manager

INITIATED BY: Marco A. Espinoza. Associate Planner

SUBJECT: **Appeal of DPRB Case No. 10-07**
A request to grade the rear portion of a single-family residence into terraces, approximately 190 feet long by 90 feet wide, for the purpose of planting fruit trees located at 523 Puddingstone Drive (8382-017-007).

SUMMARY

The applicant started grading the rear portion of the lot without approval and permits from the City.

After being contacted by the City, the applicant submitted a Development Plan Review Application (DPRB Case No. 10-07); a request to grade the rear portion of his property into six terraces approximately 190 feet long by 90 feet wide for the purpose of planting fruit and floral trees.

At the April 22, 2010 DPRB, meeting the Board requested additional information from the applicant which could not be presented at that time (i.e. survey, compaction report, civil engineering & soils report). Based on the lack of information the Board denied DPRB Case No. 10-07.

The applicant appealed the Board's decision to the City Council.

At the March 1, 2011 City Council meeting it was determined that the appealed case should be directed back to the Board due to the new soils and geological report that had been prepared during the appeal period. The City Attorney advised that the Board should have the opportunity to review the new information that they were not privileged to previously. The Council concurred and the item was directed back to the Board for review.

8.a.

After reviewing the new soils report and Staff Report, the Board approved DPRB Case No. 10-07 on March 24, 2011.

An appeal of the DPRB's determination was filed by the adjoining neighbor on April 7, 2011. The appeal was based on a number of items outlined in an eight page letter.

BACKGROUND

The City received a complaint that the applicant was grading the rear portion of his property. The City investigated the complaint and informed the homeowner that City approval and building permits are required for the proposed terracing. The homeowner submitted a Development Plan Review Application (DPRB Case No. 10-07) for City review.

The applicant is proposing to terrace the rear of his lot into six terraces for the purpose of planting fruit and floral trees. The terraced area is approximately 17,100 sq. ft. (190' long x 90" wide); the lot is 43,560 sq. ft. Each of the terrace areas are approximately 62' to 78' long and 6' to 15' wide.

Staff presented the applicant's request to the Board on April 22, 2010. After hearing Staff's and the owner's presentation, in addition to concerns from the neighbors, the Board felt that they did not have sufficient information to properly evaluate the proposed project nor would they be able to obtain it from the applicant at that time. The applicant was unresponsive to the Board's request for the additional information regarding the stability of the hillside; therefore, the Board voted to deny the project.

At the meeting several neighbors voiced their concern about the proposed project (see Exhibit D). Their main concerns were as follows:

1. The stability of the hillside.
2. The growth of mosquitos within the tree wells.

The applicant appealed the Board's decision to the City Council. The applicant had a soils and geological report prepared in order to address the neighbor's and Board's concerns at the City Council appeal hearing.

The appeal was reviewed by the City Council on March 1, 2011, where it was determined, in part on the advice of the City Attorney, that the case should be re-reviewed by the Board due to the new information (soils and geological report) that they did not have in making their previous determination.

On March 24, 2011 the Board re-reviewed DPRB Case No. 10-07, the applicant and the current appellant were present for the meeting. After reviewing the revised Staff Report and hearing the testimony of the applicant and the neighbor the Board voted 4-1-2-0 (Schoonover No, Patel and Sorcinell Absent) to approve the case (See Exhibit Minutes).

The neighbor appealed the Board's decision to the City Council within the 14-day appeal period (see Exhibit A). The appellant submitted a records request of the case file including the soils and geological report. After review of the file information, the appellant resubmitted a detailed appeal letter (see Exhibit B).

APPEAL

The appeal of DPRB Case No.10-07 has been presented to Staff in the form of an eight page letter.

Due to the number of issues raised in the appellant's appeal letter, Staff will address each of the issues one by one, in the same order as outlined in the appeal letter. Each of the issues have been taken directly from the appeal letter and highlighted in blue under the subtitle "Appeal Statement No."; under that is Appellant Appeal Findings which are also taken directly from the letter in support of the statement. Under both of those items is Staff's Rebuttal to the statement and findings.

Appeal Statement No.1

The City Failed to proceed with the review and approval process as set forth under law including appropriate provisions of the City Municipal Code (CMC).

Appellant Appeal Findings

CMC 18.12.045 states "Following denial of a development plan review case, no similar or substantially similar application for development plan review on the same property, or portion thereof, shall be filed for one year from the date that the denial becomes final; unless the denial was made without prejudice."

The proposed development plan came before the Development Plan Review Board (DPRB) on April 22, 2010, at which time the Board, after full and careful consideration, voted to deny the plan. The DPRB did not vote to continue, extend, postpone or in any other way delay in rendering their decision. Nor did they deny the proposal "without prejudice".

However, the plan in substantially the same form as previously denied, was resubmitted to the DPRB on March 24, 2011 at which time the DPRB

voted to approve the plan. A period of one year from the Board's previous denial had not elapsed.

Staff Rebuttal

The April 22, 2010 denial by the DPRB was appealed by the applicant to the City Council. DPRB Case No. 10-07 was directed back to the Board due to new information that was prepared **after** the Board had denied the project. The City Council thought that it was best that the Board have an opportunity to review all the information on the case before making a decision.

The applicant did not resubmit a new DPRB application, the original case (DPRB Case No. 10-07) has been the same, reviewed by the Board and the City Council; therefore, CMC 18.12.045 does not apply.

Appeal Statement No.2

CMC 18.512.240 states "*In addition to the standard development plan findings, the reviewing body in approving a development plan shall make the following findings:*

The proposed improvements will maintain or enhance the existing character and purpose of Specific Plan No. 8;

Structures and appurtenances are sited in a manner that minimizes visual impact and disturbance to the natural terrain and are in conformance with the intent of the Specific Plan No. 8;

And the architectural character, style, and use of materials harmonize with the natural setting (if applicable)."

Appellant Appeal Findings

These legally required findings are not contained in any staff reports nor were they presented by staff to the DPRB at the March 24th meeting. Furthermore they were not discussed by members of the Board at the March 24th meeting or incorporated into their approval. Simply put, no such required findings were ever made by the DPRB.

Staff Rebuttal

Staff inadvertently omitted the above mentioned findings as part of the March 30, 2011, approval letter to the applicant (see Exhibit G). If the appeal is upheld, Staff will revise the approval letter to include the omitted findings.

Appeal Statement No.3

The State open meeting law, commonly referred to as the Brown Act, requires in part that meetings of the Board be properly noticed and conducted in an open and public setting which allows observation of, and participation in, the deliberative process by the public.

Appellant Appeal Findings

It has been disclosed, both during the March 24th meeting and in staff reports, that the Board met and visited the proposed site where they deliberated upon the proposed plan. The public was never noticed of such a meeting nor allowed an opportunity to participate in observing the deliberations of the Board Members.

Staff Rebuttal

The site visit was not properly noticed on the agenda which is publicly posted. The Board was advised by Staff that the site visit is only to understand the current site conditions and not to discuss the project with the other Board Members.

The applicant was verbally informed that the Board would be visiting the subject site in the morning prior to the meeting and he would not be able to discuss the case with the Board members.

Appeal Statement No.4

The review & approval process is intended for review of new projects, not as a mechanism to abate existing unsafe conditions or unauthorized projects. The review and approval process was flawed in its analysis and failed to adhere to the City's "Standard of Review" requirements and/or reasonable review procedures based on the site specifics.

Appellant Appeal Findings

As previously indicated, this plan stems from prior unauthorized grading conducted by the applicant. No abatement efforts have been instituted by the City since the grading was performed. Instead, the applicant has been allowed to in effect use the "approval process" as a way to remediate the unsafe conditions. In their genuine interest to correct the prior unauthorized grading, I believe staff and the DPRB have supported a plan which never would have been allowed under normal circumstances. It is worth noting, that no similar grading project has ever been approved in the SP8 zone. To the contrary, similar illegal grading was met with swift and serious enforcement action including taking the owner to court to insure the hillside area was restored to its natural state.

Staff Rebuttal

Staff has historically allowed applicants to submit a Development Plan Review Application on items that are allowed or conditionally allowed that have been illegally constructed. Submittal of a Development Application does not warrant automatic approval. The application (project) still needs to be reviewed and approved by the appropriate review body.

The Code Enforcement case for the proposed project has never been closed. As part of the enforcement the applicant was given the opportunity to remediate the hillside back to its original form or submit a Development Application for the proposed terracing. The enforcement case will not be closed until the proposed project has been completed and finaled by the City.

No other such project has been approved because no one has submitted an application to do so. The other project that the appellant mentions is a case where the homeowner never received approval from their HOA and was proposing to use rail-road ties as retaining walls (not an acceptable material) on a slope that was already at a 2:1 grade. The work in this case was also performed without City approval and permits.

Appeal Statement No.5

Staff, and the DPRB, erroneously reviewed the terracing/grading plan AND the establishment of a family garden as one combined issue for approval.

Appellant Appeal Findings

CMC 18.512.240 states in part: "before any grading OR establishment of any permitted use undertaken on any lot within the limits of Specific Plan No. 8, the owner shall submit development plans for review and approval by the development plan review board".

Staff presented, and the DPRB made their review, based on the presentation that the grading project was a necessary component for the applicant's intended desire to establish a family garden, which it is not. The review which combined the two issues as one, created confusion and resulted in a flawed analysis.

The issue of grading AND the establishment of a family garden should have been reviewed as separate and distinct issues each requiring consideration & approval.

The applicant should be free to use his property for a family garden and approval of such a permitted use is warranted by the DPRB. However, no such approval is warranted for a grading plan which contradicts the intent, purpose and requirements of SP8, simply because it may provide an expanded level of convenience to the applicant for such an activity.

Staff Rebuttal

Staff reviewed the proposed project under the require Development Application; as part of the Development Application Staff analyzed the different aspects of the project. The Appellant quotes Municipal Code Section 18.512.240 in his Statement but left out the opening line that is important and reads as follows:

*"Unless otherwise provided in accordance with **Section 18.12.050**,"*

Code Section 18.12.050 – Review Authority, outlines different types of project types and identifies the review body for those projects. Within this section Staff identified the following category and approval authority for the project.

Type of Project

"Grading and reforming of land greater than 50 cubic yards and which is not in anticipation of a development plan requiring DPPRB review".

Review Body

Director of Development Services.

The proposed project will grade over 50 cubic yards and the proposal is not part of a "Development Plan" as in a vacant lot prepared for new construction.

It was then determined that the due to this project being the first of its kind in the area, it should be forwarded to DPRB for review and approval. This procedure is allowed through Code Section 18.12.050(C).

Planting fruit and floral trees (e.g., family garden)" is a permitted use and would typically not require review and approval. The applicant's grading of terraces does require review and approval due to the grading needed to create the flat pad areas for the fruit trees and gardens.

Appeal Statement No.6

The DPRB failed to adhere to CMC requirements regarding the standard of review to be used during its deliberation and approval granted for the plan.

Appellant Appeal Findings

As previously stated, the DPRB failed to make the necessary & required findings related to the project as per CMC 18.152.140. (see page 2, item 2)

Staff Rebuttal

Staff inadvertently omitted the above mentioned findings as part of the March 30, 2011, approval letter to the applicant (see Exhibit G). If the appeal is upheld, Staff will revise the approval letter to include the omitted findings. The omitted Findings are as follows:

1. *The proposed improvements will maintain or enhance the existing charter and purpose of Specific Plan No. 8;*

2. *Structures and appurtenances are sited in a manner that minimizes visual impact and disturbance to the natural terrain and are in conformance with the intent of the Specific Plan No.8;*

3. *The architectural character, style, and use of materials harmonize with the natural setting (if applicable).*

Appeal Statement No.7

Neighbor concerns about the plan were mischaracterized and the full extent of their concerns was not presented to the DPRB.

Appellant Appeal Findings

Staff reports characterized the neighbor concerns as being mainly limited to stability of the hillside and potential mosquito growth within the excavated tree wells. Environmental issues, health and safety issues, destruction of the natural setting and views, conflicts between the project and the GP and SP8 goals/objectives, the enlargement of an existing development which is incompatible with the surrounding area, were all concerns raised by the neighbors yet not incorporated in staff reports or presented to the DPRB.

Staff Rebuttal

Staff addressed the neighbors' concerns in the March 24, 2011, Staff Report as they were understood based on the April 22, 2010, DPRB meeting where two neighbors expressed their concerns.

Staff did notice the required adjacent neighbors of the proposed project for the April 22, 2010 DPRB meeting and the March 1, 2011, City Council Hearing. Two neighbors appeared at the DPRB meeting and none at the City Council. For the March 24, 2011 DPRB meeting **six additional neighboring properties** were notified of the proposed project (see Exhibit J); only the appellant and the applicant appeared for that meeting. Staff has not received any calls or letters regarding the proposed project from anyone other than the appellant.

At all the meetings for this item the public has had an opportunity to speak and express their concerns about the proposed project, in addition to submitting any additional information which they feel is pertinent to the decision making for the project.

Appeal Statement No.8

City failed to adequately notify and/or inform the area residents of the proposed plan and/or provide a detailed description of the project.

Appellant Appeal Findings

Notice of the DPRB meeting was sent to property owners adjacent to the proposed site and contained the following brief description of the proposed plan: "DPRB Case No. 10-07 – A request to grade the rear portion of single family-family resident into terraces, approximately 190 feet long by 90 feet wide, for the purpose of planting fruit trees. "

While no part of the CMC seems to obligate the city to a more extensive and detailed notice, in this case it seems only reasonable and prudent that an expanded notice should have been used. The unique hillside community covering the SP8 area is relatively small and is comprised of 50 or so owners/residents.

It seems little additional effort would have been required to notify everyone in the area and to include a detailed description of the proposed work. Such an expanded notice would have served to notify those most affected that a project was being considered which may impact the natural terrain and views in their area. As well, owners/residents would have had a much better opportunity to voice their thoughts and/or potential concerns to the DPRB before any decision was rendered.

Staff Rebuttal

As mentioned Staff notified the required adjacent neighbors for the April 22, 2010 DPRB, meeting and the March 1, 2011, City Council Hearing. For the March 24, 2011 DPRB meeting Staff expanded the noticing to six additional neighboring properties; only the appellant and the applicant

appeared for the meeting. Staff has not received any calls or letters regarding the proposed project from anyone other than the appellant.

At all the meetings for this item, the public has had an opportunity to speak and express their concerns about the proposed project, in addition to submitting any additional information which they feel is pertinent to the decision making for the project.

The "Notice of Construction/Hearing" that was sent to the neighbors informing them of the different meetings gives a brief description of the project. The brief description is consistent with standard procedures with public noticing (see Exhibit K). The notice also gives the neighbors information on the case number, property address, date and time of hearing, case planner's name and contact information. In addition the notice mentions that plans are available for review, at which time they can also receive a copy of the Staff report.

Appeal Statement No.9

The recommendations offered by staff to the DPRB were inconsistent with their own stated observations, the purpose and intent of SP8 zoning regulations, the objectives and goals of the GP and are not supported by the record or facts.

Appellant Appeal Findings

Again, the SP8 area is relatively small and only impacts approximately 50 owners/residents. Both the City GP and SP8 address the necessity to protect and preserve:

a. The aesthetic cohesiveness of the neighborhood
b. The visual impact and potential disturbance to the natural terrain
c. Major topographic features
d. The interfacing of open space
e. The natural setting when viewed from neighboring areas and other parts of the city
f. Comfortable residential sites where residents can enjoy views in a natural setting

The staff report relied upon by the DPRB in reaching their approval decision contains several observations by staff indicating their concern with the plan. These concerns include:

a. The amount of grading that is proposed
b. That the proposed terraces will modify such a large portion of the lot (17,100 sq. ft. +/-)

c. The project will change the visual characteristic of the hillside from natural to engineered.
d. The proposed grading does not meet the intent and Purpose of the Specific Plan nor the Grading Design section to the Code
e. Most of the lots in this Specific Plan are developed and have left large portions of their lots in a natural state
f. Staff is not aware of any other properties within the Specific Plan that have been approved for a similar type of project

So it appears illogical that staff would contradict their conclusions and recommend approval by the DPRB with only minor modifications to the submitted plan. No evidence, or facts, were provided to support or illustrate how these minor changes would:

a. Reduce the overall area affected by the grading project or reduce the actual grading by any significant amount.
b. Prevent changing the visual characteristic of the hillside from natural to engineered.
c. Support the approval of a terracing/grading plan never before authorized in the SP8 area
d. Meet the intent and purpose of SP8 by reducing the number of terraces from 6 to 5.
e. Create an aesthetically cohesive project that blended with the surrounding neighborhood.
f. Restore the natural hillside appearance to the original 3:3:1 slope.
g. Enlarge an existing development in a manner which is compatible with the character of the surrounding area or enhance the appearance of the area

Staff Rebuttal

In preparing the DPRB Fact Sheet, Staff stated the facts of the proposed project, the existing conditions and their relation to the City's Zoning Code. Like in most reports prepared by Staff "Issues of Concern" are addressed and discussed at the meeting. The issues are not meant necessarily to arrive at a recommendation of denial, but to be discussed in order to make a decision on the project. The decision can come in many forms such as a condition of approval, a denial, an approval or a continuance. Many times these issues of concern are appropriately addressed with conditions in order to meet the intent of the specific zone and development standards.

It is Staff's opinion that the proposed project as presented did not meet the intent of Specific Plan No. 8, but with some modification to the proposal it could. As part of Staff's analysis several modifications to the proposed project were mentioned in the Staff Report and discussed at that meeting. All the modifications suggested by Staff were conditioned as part of the approval of the project by the Board.

Appeal Statement No.10

- Appeal Statement No.10 is related to the Soils and Geological Engineer report. Staff requested that the engineer of record respond to the appellant's comments. Staff has attached a copy of the responses that address pages 5 and 6 of the appeal letter (see Exhibit I).

Appeal Statement No.11

During the review and approval process, no contact/inquiry was made to numerous 3rd party agencies which may be affected by the proposed grading project.

Appellant Appeal Findings

The city failed to contact, or gain any input, from a variety of agencies which stand to be affected by the project, these include but are not limited to: Los Angeles Regional Water Quality Control Board, Los Angeles County Parks & Recreation, U.S. Army Corp of Engineers, U.S. Fish & Wildlife Service, California Fish & Game, Los Angeles County Public Works, County of Los Angeles, etc.

Staff Rebuttal

The site and the proposed project do not require notification nor approval of any of these mentioned third party agencies. Los Angeles Regional Water Board did contact and meet with Staff at the site to discuss the proposed project; it was later determined that the proposed project was less than an acre in size and did not require their review and approval.

Appeal Statement No.12

No assessment was made, or sought, to determine that the potential take of protected wildlife/flora has not, and will not occur.

Appellant Appeal Findings

As previously stated, the site is located in an environmentally sensitive area directly adjacent to Bonelli Park and Puddingstone Reservoir. The area serves as habitat for threatened and endangered wildlife and also has a variety of potentially protected flora. As well, the area harbors a significant number of waterfowl which enjoy various protections under the Federal Migratory Bird Treaty Act and other regulations. The city failed to seek the expert assistance of the U.S. Fish and Wildlife Service or California Fish & Game to formally assess the site to insure that no illegal take had occurred from the prior grading or that no take would occur from the proposed grading plan.

Staff Rebuttal

The appellant has not submitted any evidence to support this claim that protected flora/fauna exist in the rear yard of the residence. Staff does not have any documentation to indicate that there is endangered wildlife / flora on the site nor does the General Plan note this property as such.

Appeal Statement No.13

No examination of the site was made to determine if any disturbance and/or destruction of possible archaeological and/or paleontological resources had occurred. In addition the site is partially y developed with an existing single-family residence.

Appellant Appeal Findings

Properly licensed contractors are trained to recognize the signs of possible archaeological and/or paleontological sites as they perform their excavation and earth moving work. In this case, the illegal grading was performed by an unlicensed contractor who likely fails to possess such expertise. Furthermore, as outlined in the GP, the city has identified multiple locations within the city where such discoveries have been previously uncovered which increases the likelihood of such a resource being present in the area. However, no such examination or assessment has been performed of the site.

Staff Rebuttal

The appellant has not submitted any evidence to support this claim that resources exist in the rear yard of the residence. Staff is not aware of this site as being a potential archeological site nor does the General Plan note it as such.

Appeal Statement No.14

No examination or review of potential short term traffic affects was conducted.

Appellant Appeal Findings

The site sits along Puddingstone Drive which is a narrow roadway with one vehicle lane running in each direction. The roadway is utilized by a wide range of vehicles including vehicles with trailers looking to access the adjacent reservoir as well as bicyclists. No parking or stopping is allowed along Puddingstone Dr.

The loading and unloading of the necessary earth moving equipment will require either off loading the vehicles along Puddingstone Dr. or driving the vehicles on site from an offsite location. Either situation will create temporary traffic problems which have not been reviewed.

Staff Rebuttal

The loading and unloading of equipment and/or building material is common in most construction projects which can cause minor inconveniences to traffic flow. Most contractors have personnel directing traffic when loading and unloading to address safety concerns. Additionally, the applicant has a large driveway and parking area in front of his home that can be utilized for on-site loading and unloading without blocking the street.

Appeal Statement No.15

The potential for improperly grading or altering adjacent properties exists, yet a survey has not been conducted or required for project approval.

Appellant Appeal Findings

The proposed site is not fenced nor are the boundaries clearly marked. In addition, the adjacent property is undeveloped with no boundary markers as well. The risk of inadvertently encroaching upon the adjacent property is a real possibility. No survey was required from the applicant to insure against such encroachment.

Staff Rebuttal

A survey was not required. It is the property owner's and contractor's responsibility to understand the boundaries of the property. The applicant was required to submit a site plan showing the entire site which includes the property lines, existing structures and the proposed project. If any encroachment is to occur, the issue is a civil matter between both property owners.

Appeal Statement No.16

The approved project requires the use of heavy earth moving equipment to accomplish the proposed grading. However, no examination as to how such equipment can or will access the work site was performed.

Appellant Appeal Findings

The fully developed front portion of the applicant's lot contains a home, 3 car garage, and patio/yard area with pool. This portion is also fully fenced. No access is available via this portion of the lot for grading equipment.

The prior grading was accomplished by driving the necessary equipment across an adjoining property without the owner's consent or knowledge. The review performed, and approval granted, failed to examine how future access will be accomplished. The approval granted did not include any requirement that the applicant obtain an "Access Agreement" for

equipment encroachment on adjacent property nor did it require an indemnification agreement and/or insurance/bond to protect the city and adjacent property owner from any potential claims that may arise from such use

Staff Rebuttal

The applicant would be required to obtain permission for temporary access across the adjacent property. Staff did meet with the property owner of the vacant lot to the east which mentioned that at this time he did not have concerns with the applicant using his property for temporary access since it is vacant.

Appeal Statement No.17

The review and determinations required under CEQA are deficient

Appellant Appeal Findings

Based on conversations with staff, the City position is that its CEQA determinations are not effective until such time that the project receives final approval. Due to this appeal, such final approval will not be effective until some point after the Council's review and appeal determination. Consequently, it would be premature to raise a formal challenge here.

However, I would like to assert that I believe the analysis performed and CEQA determination proposed for the project is inadequate and deficient. Due to the project location and other factors, a variety of potential environmental impacts should be examined and proper mitigation measures required. I reserve the right to raise a formal CEQA challenge once a determination is finalized by the City.

Staff Rebuttal

The project is considered Categorically Exempt under 15332 Class 32, In-Fill Development Project. Once approved, a notice of exemption will be sent to the County Clerk's Office for a 30-day posting.

For all the reasons stated above the appellant is requesting that the City Council overturn the Board's Decision to approve DPRB Case No. 10-07.

CONCLUSION

The proposed project has gone through the proper review process in being reviewed against the Zoning Code and the General Plan. The applicant has submitted the appropriate information needed at this stage to understand and evaluate the project. A number of conditions have been imposed on the project to

conform with the intent of Specific Plan No. 8, which allows for non-commercial agricultural family gardens.

Staff feels that overall the appropriate procedures have been followed in processing DPRB Case No. 10-07 and that the appellant's appeal statements have also been adequately addressed in this Staff Report.

RECOMMENDATION

Staff recommends the City Council uphold the Development Plan Review Board's determination to approve DPRB Case No. 10-07.

Based on the City Council's concurs with Staff's determination, Staff will bring forward a resolution with the appropriate action to the next meeting.

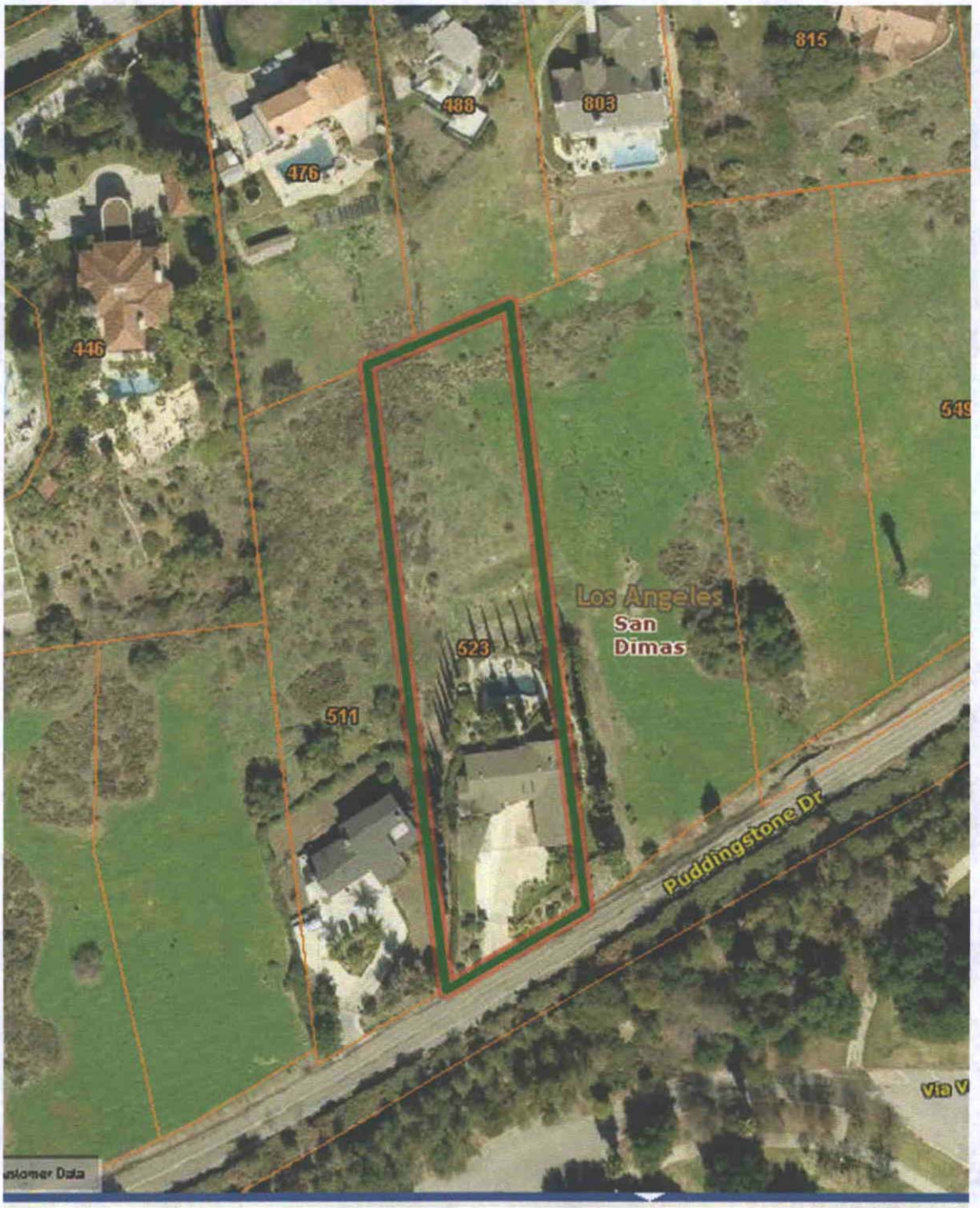
Respectfully Submitted,

Marco A. Espinoza
Associate Planner

Attachments:

Exhibit A – Appellant's Appeal letters, April 7, 2011
Exhibit B – Appellants initial Appeal Letter, April 28, 2011
Exhibit C – DPRB Fact Sheet, April 22, 2010
Exhibit D – DPRB Minutes, April 22, 2010
Exhibit E – DPRB Fact Sheet, March 24, 2011
Exhibit F – DPRB Minutes, March 24, 2011
Exhibit G – DPRB Approval Letter, Dated March 30, 2011
Exhibit H – Excerpts of Preliminary Soils and Geologic Engineering Report
Exhibit I – Geotechnical Consultants Response to Appeal Comments
Exhibit J – Neighbor Notification Map
Exhibit K – Notice of Construction/Hearing Plans

Aerial of Subject Site



RECEIVED
APR 7 2011
CITY OF SAN DIMAS
CITY CLERK

Mr. Blaine Michaelis, City Manager
City of San Dimas
San Dimas City Hall
245 E. Bonita Avenue
San Dimas, CA 91773
April 6, 2011

RE: Appeal of DPRB Case No. 10-07 – approval granted March 24, 2011

Dear Mr. Michaelis,

As per the provisions set forth in the City Municipal Code, we seek an appeal before the City Council of the March 24, 2011 approval decision made by the Development Plan Review Board - DPRB Case No. 10-07.

The appeal is sought based on, but not limited to, the following;

1. The review process utilized by the City failed to adhere to the procedures authorized and provided in the City Municipal Code as well as the City's stated approval procedures.

2. The review process utilized by the City failed to adequately identify and/or review a range of potentially unsafe conditions and possible long term adverse affects to surrounding properties thereby exposing the City to potential long term liability for unsafe planning practices.

3. The review process failed to adhere to the City's own "Standard of review" as set forth in the City Municipal Code.

4. The approval decision is inconsistent with the overall neighborhood character, as well as the intent, purpose and requirements set forth under the City's General Plan, Specific Plan, and Specific Plan No. 8 zoning. Additionally, the approval decision is inconsistent with prior City decisions related to grading applications in the Specific Plan No. 8 area and other areas of the City. The result is tantamount to the City providing preferential treatment to the applicant at the detriment of other landowners both within the same zoning area and the entire City.

218 - appeal code

EXHIBIT A

On March 25, 2011, we submitted a written request to the City to review public records related to the above application. The records have not yet been made available for viewing, however upon being provided an opportunity to inspect same, we will provide additional details and/or grounds in support of our request for an appeal from the above DPRB decision.

If we can answer any questions or provide any additional information, please do not hesitate to contact us at the number listed below.

Sincerely,

Gil Aguirre
Kathleen Cuccia
476 Cannon Ave
San Dimas, CA 91773
Duck12@verizon.net
Mailing address:
P.O.Box 4190
San Dimas, CA 91773

EXHIBIT A

Marco A. Espinoza, Associate Planner
City of San Dimas
245 East Bonita Avenue
San Dimas, CA 91773

April 26, 2011

Re: Appeal of DPRB Case No. 10-07 Approval

Dear Marco,

I have enclosed the revised appeal which you requested. If you need any additional information, just let me know.

Please notify me once the appeal has been scheduled to go before the Council.

Sincerely,

Gil Aguirre
476 Cannon Ave
San Dimas, CA 91773
Duck12@verizon.net
626-991-5792

Cc: Blaine Michaelis

EXHIBIT B

This appeal is taken from the approval rendered by the Development Plan Review Board on March 24, 2011 of a significant hillside grading project located at 523 Puddingstone Dr. (DPRB Case No. 10-07) which was previously rejected. The approval calls for the construction/grading of 5 large terraces which will require substantial hillside cuts and is inconsistent with the character of the neighborhood as well as the stated goals & objectives of the General Plan (GP) and Specific Plan No. 8 (SP8).

BACKGROUND

The review of the project arises from the applicant's illegal excavation and grading of the hillside portion of his lot some 18 months ago. The site has previously undergone development and includes a single family home, 3 car garage and patio/rear yard area with a pool. The affected area is the balance of the lot which covers the natural hillside area viewed by neighbors and the surrounding area.

Within minutes of starting the unauthorized grading, the applicant and the unlicensed contractor hired to perform the work, were informed such work required various city approvals and permits. However, the applicant chose to ignore this information and proceed with the unauthorized grading throughout the weekend. The city was notified within an hour of the work proceeding, but failed to intercede until the following week after the grading had been completed. In the meantime, no real or meaningful abatement or remediation requirements have been instituted by the City against the applicant.

The site is located in an environmentally sensitive area directly adjacent to Bonelli Park and Puddingstone Reservoir. The area serves as habitat for threatened and endangered wildlife as well as various waterfowl protected under the Federal Migratory Bird Treaty Act and other regulations. The scenic views, unaltered topography and natural setting are all important resources for the community and are recognized as such in both the GP and SP8.

The following issues are raised for consideration in support of a Council decision to grant an appeal of the prior DPRB approval decision in this matter.

The city failed to proceed with the review and approval process as set forth under the law including appropriate provisions of the City Municipal Code (CMC).

1.) 1. CMC 18.12.045 states "Following denial of a development plan review case, no similar or substantially similar application for development plan review on the same property, or portion thereof, shall be filed for one year from the date that the denial becomes final; unless the denial was made without prejudice."

The proposed development plan came before the Development Plan Review Board (DPRB) on April 22, 2010, at which time the Board, after full and careful consideration, voted to deny the plan. The DPRB did not vote to continue, extend, postpone or in any other way delay in rendering their decision. Nor did they deny the proposal "without prejudice".

However, the plan in substantially the same form as previously denied, was resubmitted to the DPRB on March 24, 2011 at which time the DPRB voted to approve the plan. A period of one year from the Board's previous denial had not elapsed.

EXHIBIT B

2.) 2. CMC 18.512.240 states in addition to the standard development plan findings, the reviewing body in approving a development plan shall make the following findings:

The proposed improvements will maintain or enhance the existing character and purpose of Specific Plan No. 8;

Structures and appurtenances are sited in a manner that minimizes visual impact and disturbance to the natural terrain and are in conformance with the intent of the Specific Plan No. 8;

And the architectural character, style, and use of materials harmonize with the natural setting (if applicable)

These legally required findings are not contained in any staff reports nor were they presented by staff to the DPRB at the March 24th meeting. Furthermore they were not discussed by members of the Board at the March 24th meeting or incorporated into their approval. Simply put, no such required findings were ever made by the DPRB.

3.) 3. The State open meeting law, commonly referred to as the Brown Act, requires in part that meetings of the Board be properly noticed and conducted in an open and public setting which allows observation of, and participation in, the deliberative process by the public.

It has been disclosed, both during the March 24th meeting and in staff reports, that the Board met and visited the proposed site where they deliberated upon the proposed plan. The public was never noticed of such a meeting nor allowed an opportunity to participate in observing the deliberations of the Board Members.

The review & approval process was flawed in its analysis and failed to adhere to the city "standard of review" requirements and/or reasonable review procedures based on the site specifics.

4.) 1. The review & approval process is intended for review of new projects, not as a mechanism to abate existing unsafe conditions or unauthorized projects.

As previously indicated, this plan stems from prior unauthorized grading conducted by the applicant. No abatement efforts have been instituted by the City since the grading was performed. Instead, the applicant has been allowed to in effect use the "approval process" as a way to remediate the unsafe conditions. In their genuine interest to correct the prior unauthorized grading, I believe staff and the DPRB have supported a plan which never would have been allowed under normal circumstances. It is worth noting, that no similar grading project has ever been approved in the SP8 zone. To the contrary, similar illegal grading was met with swift and serious enforcement action including taking the owner to court to insure the hillside area was restored to its natural state.

5.) 2. Staff, and the DPRB, erroneously reviewed the terracing/grading plan AND the establishment of a family garden as one combined issue for approval.

CMC 18.512.240 states in part: "before any grading OR establishment of any permitted use undertaken on any lot within the limits of Specific Plan No. 8, the owner shall submit development plans for review and approval by the development plan review board".

Staff presented, and the DPRB made their review, based on the presentation that the grading project was a necessary component for the applicant's intended desire to establish a family garden, which it is not. The review which combined the two issues as one, created confusion and resulted in a flawed analysis.

The issue of grading AND the establishment of a family garden should have been reviewed as separate and distinct issues each requiring consideration & approval.

The applicant should be free to use his property for a family garden and approval of such a permitted use is warranted by the DPRB. However, no such approval is warranted for a grading plan which contradicts the intent, purpose and requirements of SP8, simply because it may provide an expanded level of convenience to the applicant for such an activity.

6.) 3. The DPRB failed to adhere to CMC requirements regarding the standard of review to be used during its deliberation and approval granted for the plan.

As previously stated, the DPRB failed to make the necessary & required findings related to the project as per CMC 18.152.140. (see page 2, item 2)

7.) 4. Neighbor concerns about the plan were mischaracterized and the full extent of their concerns was not presented to the DPRB.

Staff reports characterized the neighbor concerns as being mainly limited to stability of the hillside and potential mosquito growth within the excavated tree wells. Environmental issues, health and safety issues, destruction of the natural setting and views, conflicts between the project and the GP and SP8 goals/objectives, the enlargement of an existing development which is incompatible with the surrounding area, were all concerns raised by the neighbors yet not incorporated in staff reports or presented to the DPRB.

8.) 5. City failed to adequately notify and/or inform the area residents of the proposed plan and/or provide a detailed description of the project.

Notice of the DPRB meeting was sent to property owners adjacent to the proposed site and contained the following brief description of the proposed plan: "DPRB Case No. 10-07 – A request to grade the rear portion of single family-family resident into terraces, approximately 190 feet long by 90 feet wide, for the purpose of planting fruit trees. "

While no part of the CMC seems to obligate the city to a more extensive and detailed notice, in this case it seems only reasonable and prudent that an expanded notice should have been used. The unique hillside community covering the SP8 area is relatively small and is compromised of 50 or so owners/residents.

It seems little additional effort would have been required to notify everyone in the area and to include a detailed description of the proposed work. Such an expanded notice would have served to notify those most affected that a project was being considered which may impact the natural terrain and views in their area. As well, owners/residents would have had a much better opportunity to voice their thoughts and/or potential concerns to the DPRB before any decision was rendered.

9.)

6. The recommendations offered by staff to the DPRB were inconsistent with their own stated observations, the purpose and intent of SP8 zoning regulations, the objectives and goals of the GP and are not supported by the record or facts.

Again, the SP8 area is relatively small and only impacts approximately 50 owners/residents. Both the City GP and SP8 address the necessity to protect and preserve:

a. The aesthetic cohesiveness of the neighborhood
b. The visual impact and potential disturbance to the natural terrain
c. Major topographic features
d. The interfacing of open space
e. The natural setting when viewed from neighboring areas and other parts of the city
f. Comfortable residential sites where residents can enjoy views in a natural setting

The staff report relied upon by the DPRB in reaching their approval decision contains several observations by staff indicating their concern with the plan. These concerns include:

a. The amount of grading that is proposed
b. That the proposed terraces will modify such a large portion of the lot (17,100 sq.ft. +/-)
c. The project will change the visual characteristic of the hillside from natural to engineered.
d. The proposed grading does not meet the intent and Purpose of the Specific Plan nor the Grading Design section to the Code
e. Most of the lots in this Specific Plan are developed and have left large portions of their lots in a natural state
f. Staff is not aware of any other properties within the Specific Plan that have been approved for a similar type of project

So it appears illogical that staff would contradict their conclusions and recommend approval by the DPRB with only minor modifications to the submitted plan. No evidence, or facts, were provided to support or illustrate how these minor changes would:

a. Reduce the overall area affected by the grading project or reduce the actual grading by any significant amount.
b. Prevent changing the visual characteristic of the hillside from natural to engineered.
c. Support the approval of a terracing/grading plan never before authorized in the SP8 area
d. Meet the intent and purpose of SP8 by reducing the number of terraces from 6 to 5.
e. Create an aesthetically cohesive project that blended with the surrounding neighborhood.
f. Restore the natural hillside appearance to the original 3:3:1 slope.

g. Enlarge an existing development in a manner which is compatible with the character of the surrounding area or enhance the appearance of the area

The review & approval process failed to adequately identify and/or investigate a range of issues including potentially unsafe conditions.

10.)

1. The Preliminary Soils and Geologic Engineering Investigation (the report), on which the City relies in granting approval for the project, fails to examine or investigate the full range of potentially unsafe conditions which may occur from the project. The report offers conclusions, including the representation that the project is "safe", based on the use of minimum safety standards and unfounded assumptions vs. utilizing the highest standard of review which is warranted for the site.

The site is located in the Puddingstone Hills area which has experienced at least two landslides in recent years due to grading activity. Both landslides occurred nearby to the subject site and one slide, which occurred during the development of the Puddingstone Hills Estates, was very significant. These slides resulted in part from disturbance of the supporting/buttress fill coupled with wet weather saturating the hillside area.

Unfortunately, the report contains no mention of these landslides nor does it conduct sufficient analysis based on the knowledge that such landslides are likely in the site area. In my opinion, the report provided represents little more than a standard "boilerplate" report offering a narrow focus of review which is based on the use of minimum standards, and assumptions, in offering calculations and reaching conclusions. While such a report may be sufficient in review of a site located in a fully developed area and which offers only a minor slope, it fails to properly review this site which is located on a steep hillside and is in an area where multiple landslides have occurred from grading activity. In light of the city knowledge related to these previous grading failures/landslides, their failure to require the highest level of testing and exploration exposes the city to potential long term liability for adverse affects which may arise from the project.

Additional report deficiencies include, but are not limited to:

The depth of the test pits, and the gathered soil samples, was not sufficient to adequately investigate the site for potential slippage. The overall depth of the bedrock, the location & depth of the underlying volcanic rock formation, and potential damage caused to the previous buttress fill was not determined or analyzed. It also appears the test pits may have been located primarily in existing holes excavated by the applicant during the prior unauthorized grading. The average depth for the soil samples was 1' and the test pits were an average of 2' deep, which is simply insufficient to properly explore the site characteristics and potential risks.

The slope stability analysis utilized the lowest cohesion (180psf) and friction angle (29.5 degrees) findings to determine a safety factor. The higher findings of cohesion (390psf) and friction angle (45 degrees) were not used to calculate or determine a safety factor. Due to the steep hillside location, make up of underlying slip planes and history of landslides in the area, these higher cohesion and friction angle findings should have been used to determine a potential safety factor. As well, the slope analysis is based on undocumented assumptions including the depth of the slip surface, the depth of saturation and the existence of sufficient permeability to establish adequate water flow. (see page 18, Surficial Slope Stability Analysis, item 1.2.&3.) Again, in light of the site location and history in the area, no such assumptions should have been used and additional testing and exploration should have been conducted.

The review of possible seismic activity and resulting effects seems to be contradicted by information provided by the State. The report concludes that "No hazards from liquefaction or possible settlement exist that could affect the property or adjacent properties; and no such hazards exist on adjacent properties that could affect the subject property."

However, the "State of California Seismic Hazard Zone" map indicates the area includes numerous locations where the "historic occurrence of liquefaction, or local geological, geotechnical and groundwater conditions indicate a potential for permanent ground displacements". As well, the map also indicates numerous locations which have experienced a "previous occurrence of landslide movement" or show significant potential for the same to occur.

Additionally, a review of the State of California "Earthquake Shaking Potential for California" map indicates the site is located in an area which "will on average experience stronger earthquake shaking more frequently" and is exposed to the one of the highest levels of potential earthquake hazard.

It is my contention that the potential for landslides due to seismic activity was inadequately reviewed in the report and more detailed exploration and analysis were warranted. No specific protections were incorporated into the report which would serve to insure against landslides posed by seismic activity.

No investigation or analysis was performed based on the site experiencing a 100 year, or even 50 year, rainfall event.

No investigation or analysis was performed of the prior removal of buttress fill and the impact such removal may have had on the overall hillside and/or adjoining properties.

The report states "Backyard drainage will have to be directed eastward to an existing swale, where drainage continues southward to Puddingstone Drive (Figure 3)." Such a recommendation seems odd in light of the fact that the "swale" is not located on the applicant's property, but instead is located on a neighbor's property. It also contradicts CMC 18.12.060, item 19, which states "Drainage should be provided so as to avoid flow onto adjacent properties."

No analysis of the recommended drainage onto a neighbor's property without his/her knowledge is made nor is obtaining the neighbor's consent for such a proposal incorporated into the approval.

11.)

2. During the review and approval process, no contact/inquiry was made to numerous 3rd party agencies which may be affected by the proposed grading project.

The city failed to contact, or gain any input, from a variety of agencies which stand to be affected by the project, these include but are not limited to: Los Angeles Regional Water Quality Control Board, Los Angeles County Parks & Recreation, U.S. Army Corp of Engineers, U.S. Fish & Wildlife Service, California Fish & Game, Los Angeles County Public Works, County of Los Angeles, etc.

12.)

3. No assessment was made, or sought, to determine that the potential take of protected wildlife/flora has not, and will not occur.

As previously stated, the site is located in an environmentally sensitive area directly adjacent to Bonelli Park and Puddingstone Reservoir. The area serves as habitat for threatened and endangered wildlife and also has a variety of potentially protected flora. As well, the area harbors a significant number of waterfowl which enjoy various protections under the Federal Migratory Bird Treaty Act and other regulations. The city failed to seek the expert assistance of the U.S. Fish and Wildlife Service or California Fish & Game to formally assess the site to insure that no illegal take had occurred from the prior grading or that no take would occur from the proposed grading plan.

13.)

4. No examination of the site was made to determine if any disturbance and/or destruction of possible archaeological and/or paleontological resources had occurred.

Properly licensed contractors are trained to recognize the signs of possible archaeological and/or paleontological sites as they perform their excavation and earth moving work. In this case, the illegal grading was performed by an unlicensed contractor who likely fails to possess such expertise. Furthermore, as outlined in the GP, the city has identified multiple locations within the city where such discoveries have been previously uncovered which increases the likelihood of such a resource being present in the area. However, no such examination or assessment has been performed of the site.

14.)

5. No examination or review of potential short term traffic affects was conducted.

The site sits along Puddingstone Drive which is a narrow roadway with one vehicle lane running in each direction. The roadway is utilized by a wide range of vehicles including vehicles with trailers looking to access the adjacent reservoir as well as bicyclists. No parking or stopping is allowed along Puddingstone Dr.

The loading and unloading of the necessary earth moving equipment will require either off loading the vehicles along Puddingstone Dr. or driving the vehicles on site from an offsite location. Either situation will create temporary traffic problems which have not been reviewed.

15.) 6. The potential for improperly grading or altering adjacent properties exists, yet a survey has not been conducted or required for project approval.

The proposed site is not fenced nor are the boundaries clearly marked. In addition, the adjacent property is undeveloped with no boundary markers as well. The risk of inadvertently encroaching upon the adjacent property is a real possibility. No survey was required from the applicant to insure against such encroachment.

16.) 7. The approved project requires the use of heavy earth moving equipment to accomplish the proposed grading. However, no examination as to how such equipment can or will access the work site was performed.

The fully developed front portion of the applicant's lot contains a home, 3 car garage, and patio/yard area with pool. This portion is also fully fenced. No access is available via this portion of the lot for grading equipment.

The prior grading was accomplished by driving the necessary equipment across an adjoining property without the owner's consent or knowledge. The review performed, and approval granted, failed to examine how future access will be accomplished. The approval granted did not include any requirement that the applicant obtain an "Access Agreement" for equipment encroachment on adjacent property nor did it require an indemnification agreement and/or insurance/bond to protect the city and adjacent property owner from any potential claims that may arise from such use

17.) *The review and determinations required under CEQA are deficient*

Based on conversations with staff, the City position is that its CEQA determinations are not effective until such time that the project receives final approval. Due to this appeal, such final approval will not be effective until some point after the Council's review and appeal determination. Consequently, it would be premature to raise a formal challenge here.

However, I would like to assert that I believe the analysis performed and CEQA determination proposed for the project is inadequate and deficient. Due to the project location and other factors, a variety of potential environmental impacts should be examined and proper mitigation measures required. I reserve the right to raise a formal CEQA challenge once a determination is finalized by the City.

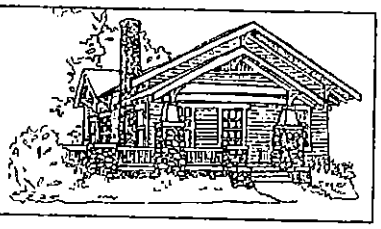
For the reasons outlined above, I believe it is appropriate that the Council overturn the prior DPRB approval.

Respectfully submitted,

Gil Aguirre
Kathleen Cuccia
476 Cannon Ave
San Dimas, CA 91773
Duck12@verizon.net
626-991-5792

EXHIBIT B

DEVELOPMENT PLAN REVIEW BOARD FACT SHEET



DATE: April 22, 2010

TO: Development Plan Review Board

FROM: Marco A. Espinoza, Associate Planner

SUBJECT: **DPRB Case No. 10-07**
A request to grade the rear portion of a single-family residence, into terraces approximately 190 feet long by 90 feet wide, for the purpose of planting fruit and floral trees at 523 Puddingstone Drive (APN: 8382-017-007).

FACTS:

- The applicant started grading the rear portion of the lot without approval and permits from the City. (Note: "Existing Grading" shown on the cross-section is after illegal grading.)
- The overall area covered by the proposed terraces is approximately 17,100 sq. ft. (190' long x 90' wide); the lot is 43,560 sq. ft. Each of the terrace areas are approximately 62' to 78' long and 6' to 15' wide.
- To create the terraces, the applicant proposes to create six, 2:1 slopes, ranging from 6 to 12 feet high.
- The natural grade was 3.3:1.
- The applicant is proposing to terrace the rear portion of the property that is on an uphill slope, with six flat terraces.
- The terraces will be accessed via a decomposed granite walkway on the flat portions of the terraces and concrete stairs on the slopes.
- The purpose of the terraces are for fruit trees, vegetable gardens and additional landscaping. (Note: The landscape plan is not consistent with the grading plan.)
- Specific Plan No. 8 allows for non-commercial agricultural activities (family gardens).
- The property is zoned Specific Plan No.8

ISSUES:

Staff has a concern with the large amount of grading proposed in order to create the large terrace platforms. Staff understands that Specific Plan No. 8 allows for some development of the hillsides for non-commercial agricultural purposes, but Staff is concerned with the large amount of grading that is proposed. The proposed terraces will modify such a large portion of the lot (17,100 sq. ft. +/-) that it will change the visual

EXHIBIT C

characteristic of the hillside from natural to engineered. Staff feels the proposed grading does not meet the Intent and Purpose of the Specific Plan nor the Grading Design sections of the Code which are as follows:

> *The purpose of Specific Plan No. 8 is to provide guidelines for an environmentally sensitive hillside development plan, which preserves the major topographic features, while enabling high quality, architecturally creative residential development (18.512.010);*
>
> *To provide an improved hillside environment featuring aesthetic cohesiveness, harmonious siting of structures, and interfacing of open space through the utilization of superior land planning and architectural design (18.512.010).*
>
> *All graded slopes are to be contoured and blended to harmonize with natural slopes (18.512.130).*

Specific Plan No. 8 consists of 57 custom home lots that overlook Puddingstone Lake. Most of the lots in this Specific Plan are developed and have left large portions of their lots in a natural state. Staff is not aware of any other properties within the Specific Plan that have been approved for a similar type of project.

As mentioned, Staff feels that some development is permitted on the hillside; therefore, Staff recommends that the applicant comply with the following items:

- Reduce the amount of terraces to three or four;
- Reduce the depth of the terraces to six feet.
- Reduce the length of the terraces to approximately 50 feet.
- Reduce the width of the staircases to five feet maximum.
- Restore the other non-approved terraces to a 2:1 or greater slope.
- Replant the slope areas with natural vegetation.
- Submit a professional level landscape and irrigation plan with the correct terrace location and sizes.

Staff further recommends that the grading scheme be altered to provide "contoured and blended" slopes that appear more natural (see attached examples). In addition the landscaping of the slopes should feature informal arrangement of trees and shrubs (see attached examples).

Staff feels that by reducing the overall size of the proposed project, the grading and terraces will be more aligned with the Intent and Purpose section of the Code, in addition to the Grading Design of the Specific Plan.

RECOMMENDATION: Approve with the recommended modification to the proposed plan.

EXHIBIT C

CONDITIONS: Standard conditions as presented.

Attachments: Contour Grading Code Example
Naturalistic Landscaping Code example
CityGIS Topographical Aerial of the Site

Aerial of the Site

EXHIBIT C

EXHIBIT A

CONDITIONS OF APPROVAL

DPRB Case No. 10-07

PLANNING DIVISION - (909) 394-6250

GENERAL

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 plans (full size). 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 Specific Plan No. 8.

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 six months from the date of approval or the approval will become invalid due to the open code enforcement case regarding the proposal. No time extension may be granted.

6. All work must be completed and finaled within three months from the date of building permits issuance. After all work has been completed and building permits have been finaled by the Building and Planning Division the open code enforcement case shall be closed regarding the grading issues.

7. The applicant shall sign an affidavit accepting all Conditions and all Standard Conditions before issuance of building permits.

8. 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.

9. The developer shall comply with all conditions of approval as approved by the Development Plan Review Board on April 22, 2010.

DESIGN

10. Location and type of any exterior lighting fixtures shall be submitted by the developer to the Planning Division for review and approval prior to installation.

11. Plans for all exterior design features, including, but not limited to, fountains and architectural treatments, shall be submitted to the Planning Division for review and approval before issuance of building permits.

12. Ground-mounted mechanical or electrical equipment installed by the applicant shall be inconspicuously located and screened, as approved by the Planning Division.

13. The applicant shall reduce the amount of terraces from six to ____ and shall submit revised grading and landscape plans depicting the approved terraces.

14. The applicant shall reduce the depth of the terraces to six feet and shall submit revised grading and landscape plans depicting the approved depths.

15. The applicant shall reduce the length of the terraces to approximately 50 feet and shall submit revised grading and landscape plans depicting the approved lengths.

16. The applicant shall revise the plans to show the proposed staircases at not more then five feet wide.

17. The applicant shall restore the other non-approved terraces to a 2:1 or greater slope and shall submit revised grading and landscape plans depicting the new slopes.

18. The applicant shall submit a detailed fencing plan for review and approval by the Planning Division if so proposed.

19. All outdoor storage areas shall be oriented away from the public right-of-way and screened with fencing and/or landscaping, as approved by the Planning Division.

20. The developer shall install all utilities underground.

EXHIBIT C

LANDSCAPE

21. The applicant shall replant the slope areas with natural vegetation and shall submit revised landscape plans depicting the new landscaping. The placement of the landscaping on the slopes shall be in an informal arrangement.

22. The applicant shall submit a professional level landscape and irrigation plan with the correct terrace location and sizes.

23. All slopes over three- (3) feet in vertical height shall be irrigated and landscaped as approved by the Planning Division.

24. No trees shall be removed other than those indicated on the approved set of landscape plans.

25. Water efficient landscapes shall be implemented in all new and rehabilitated landscaping for developer-installed landscaping in single-family and multi-family projects, and in private development projects that require a grading permit, building permit or use permit, as required by Chapter 18.14 of the San Dimas Municipal Code.

BUILDING DIVISION – (909) 394-6260

26. Prior to the issuance of any grading permits, the developer shall submit an application for a grading permit, per Appendix, Chapter 33 of the Uniform Building Code, latest Edition, accompanied by plans and specifications.

27. Prior to the issuance of any grading or building permits, the developer shall submit a complete Preliminary Soils Engineering Report to include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary. Include opinions and recommendations concerning the stability of the sites to be developed by the proposed grading, liquefaction and proximity to known faults.

28. If grading is performed or drainage facilities are not installed during the period between October 15 and April 15, a temporary erosion control plan, submitted by the developer, shall be approved by and filed with the City and shall be installed and operable at all times.

29. Prior to the issuance of any grading permits, the developer shall submit an Engineering Geology Report that includes an accurate description of the geology

of the site and conclusions and recommendations regarding the effect of the geologic conditions on the proposed development.

30. The developer/owner shall comply with the latest edition of the Uniform Codes as adopted by the City of San Dimas at the time Building Permits are issued (i.e.,: Uniform Building Code with San Dimas Amendments, Uniform Plumbing Code, Uniform Mechanical Code, National Electric Code).

31. Construction hours shall be limited in a residential zone, or within a 500 foot radius thereof, to between 7:00 a.m. and 8:00 p.m., and shall be prohibited at any time on Sundays or public holiday, per San Dimas Municipal Code Section 8.36.100.

ENGINEERING DIVISION – (909) 394-6250

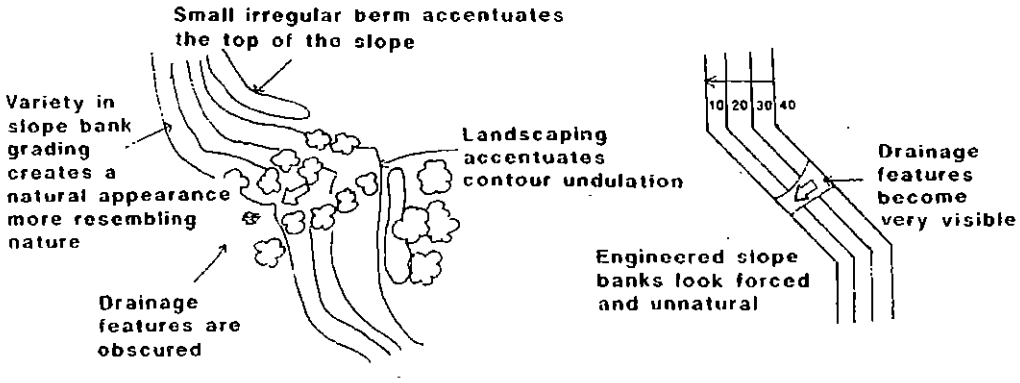
32. The developer shall provide drainage facilities to carry runoff of storm waters in the area proposed to be developed, and for contributory drainage from adjoining properties. A Hydrology Study for the site and contributory drainage will be required.

33. For projects which disturb soil during wet season, applicant must submit a signed certification statement declaring that contractor will comply with Minimum Best Management Practices (BMPs) required by the National Pollutant Discharge Elimination System (NPDES), and also submit a Local Storm Water Pollution Prevention Plan/Wet Weather Erosion Control Plan.

34. All work adjacent to or within the public right-of-way shall be subject to review and approval of the Public Works Department.

CONTOUR GRADING: A grading concept designed to result in earth forms, which resemble natural terrain characteristics. Contour grading techniques should be used to provide a variety of both slope percentage and slope direction in a three-dimensional undulating pattern similar to existing, adjacent terrain. Horizontal and vertical curve variations are often used for slope banks. Contour grading does not necessarily minimize the amount of cut and fill occurring. Hard edges left by cut and fill operations should be given a rounded appearance that closely resembles the natural contours of the land.

THIS **NOT THIS**



Use of radii and uneven slopes

Use of angles and uniform slopes

EXHIBIT C

NATURALISTIC LANDSCAPING: Natural landform planting should be used to soften manufactured slopes, reduce the impact of development on steep slopes or ridgelines, and provide erosion control. This is achieved by using informal, rather than formal, plantings.

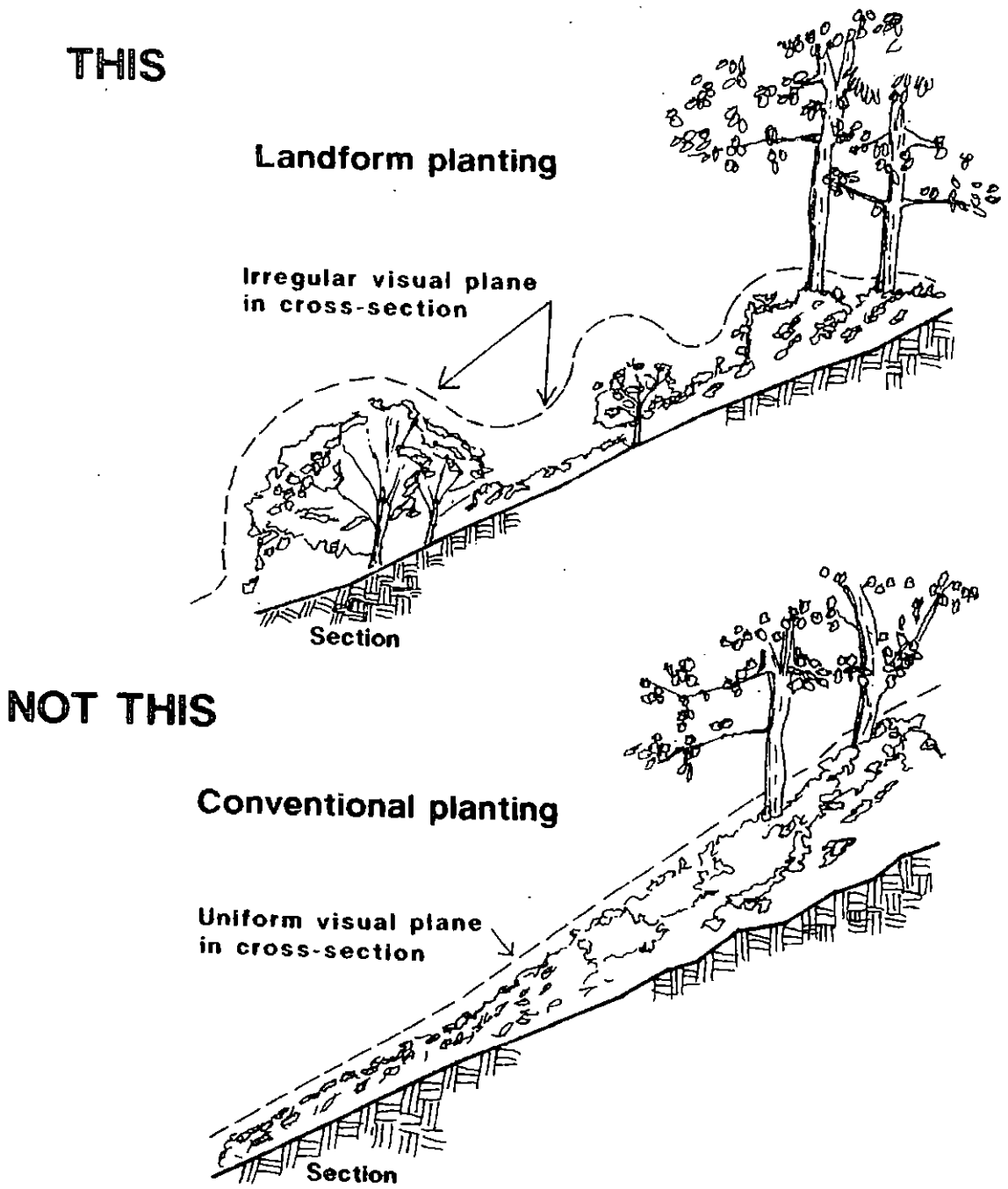


EXHIBIT C

PICTURE OF THE DIFFERENT TERRACES

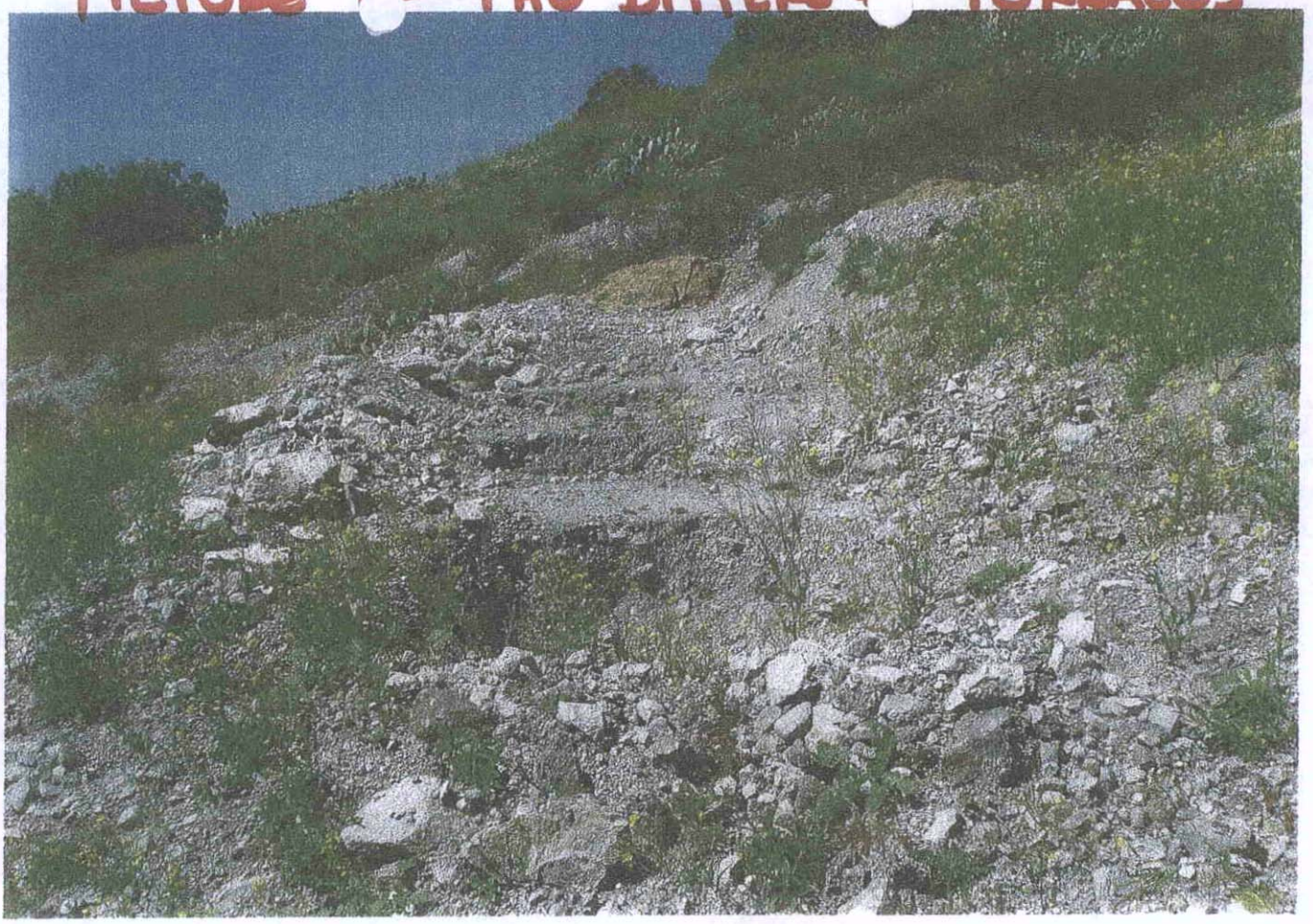
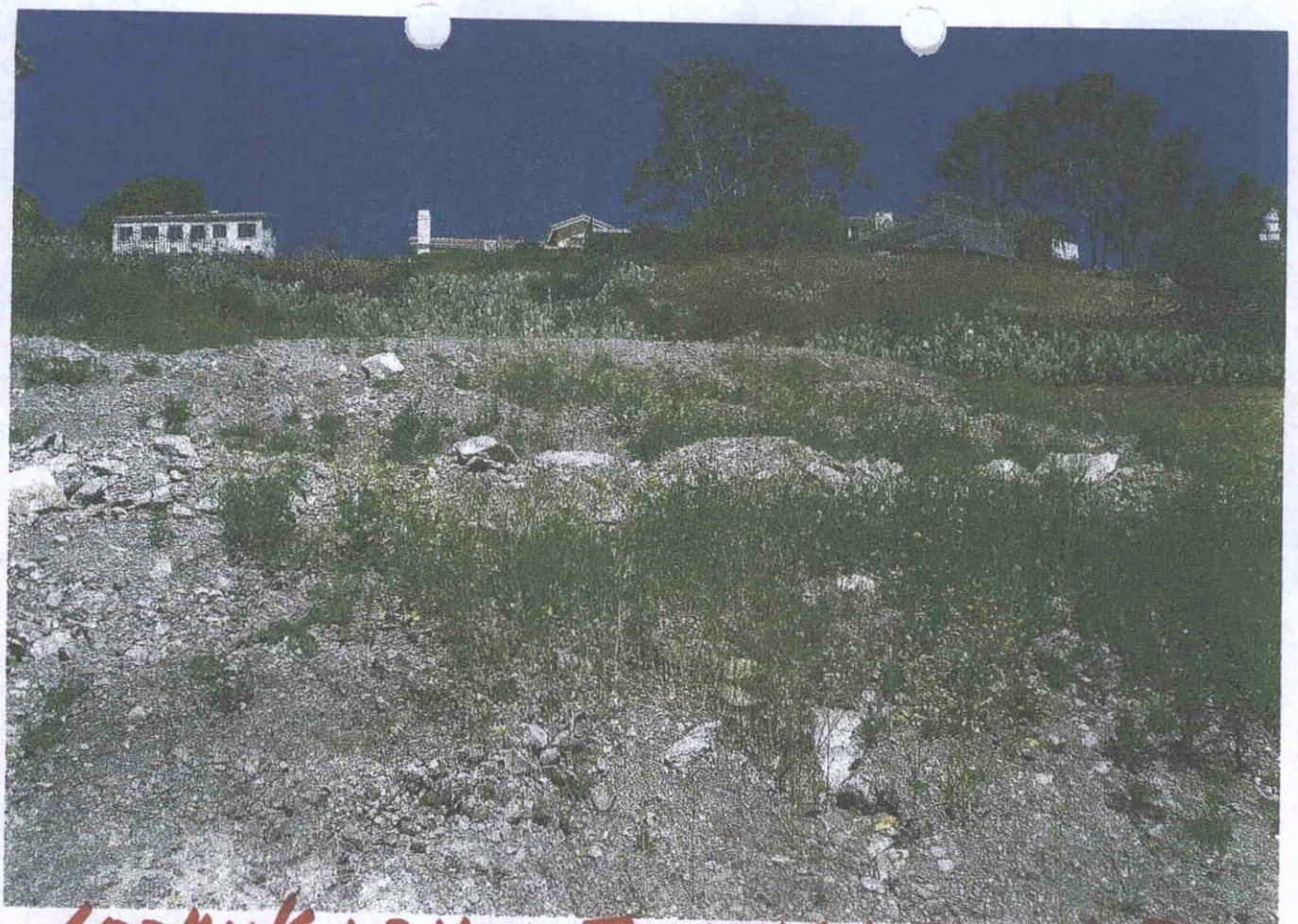


EXHIBIT C



LOOKING UP HILL FROM THE ADJACENT PROPERTY

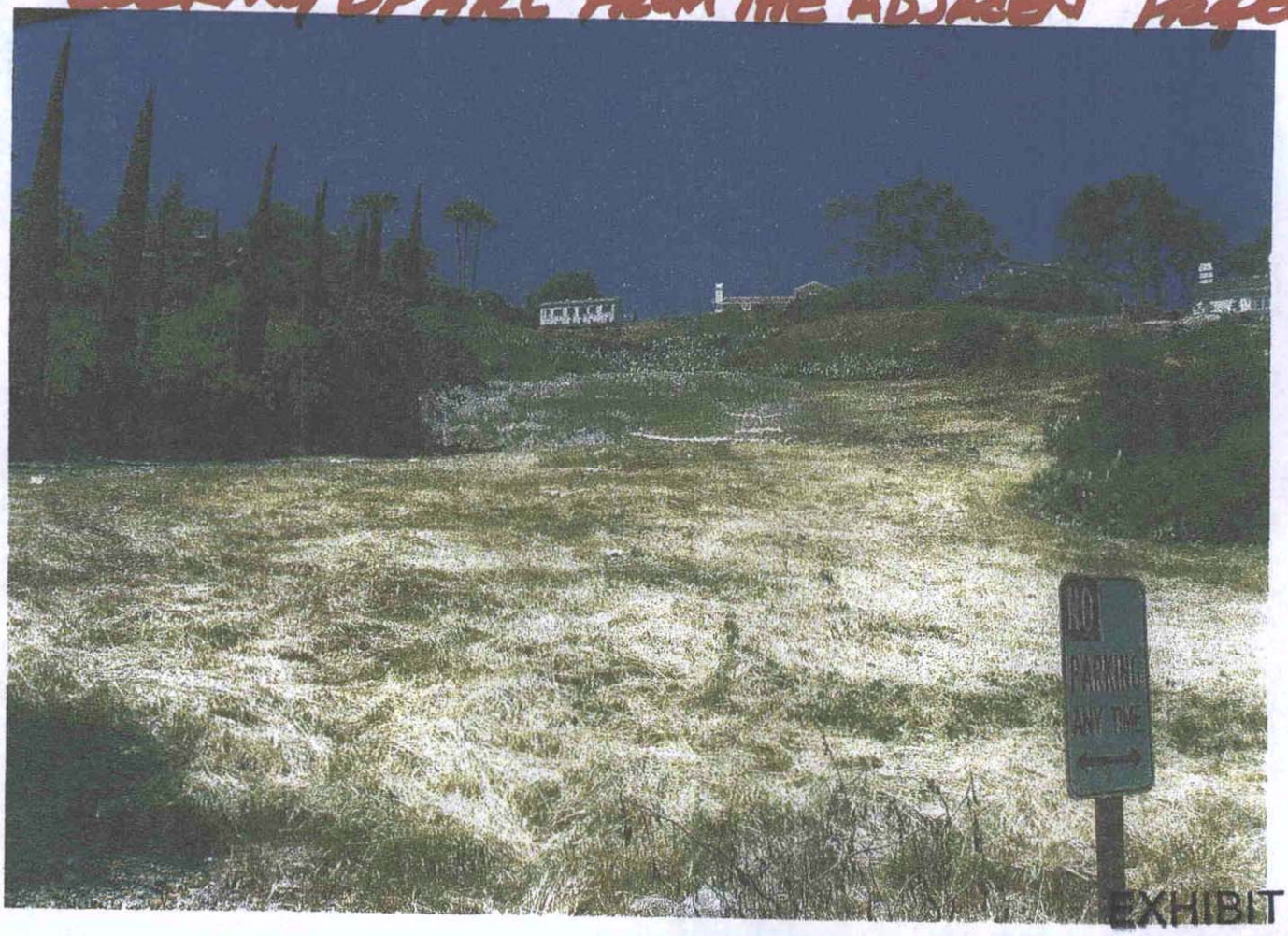


EXHIBIT C

CITY OF San Dimas CALIFORNIA

523 Puddingstone

N

1" = 40'

CityGIS

EXHIBIT C

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CITY OF SAN DIMAS
DEVELOPMENT PLAN REVIEW BOARD
MINUTES

Thursday, April 22, 2010 at 8:30 A.M.
186 VILLAGE COURT
PUBLIC CONFERENCE ROOM, TEMPORARY CITY HALL

PRESENT

Emmett Badar, City Council
Eric Beilstein, Building Superintendent
Dan Coleman, Director of Development Services
Scott Dilley, Chamber of Commerce
Blaine Michaelis, City Manager
Krishna Patel, Director of Public Works
Jim Schoonover, Planning Commission
John Sorcinelli, Public Member at Large

ABSENT

CALL TO ORDER

Jim Schoonover called the regular meeting of the Development Plan Review Board to order at 8:35 a.m. so as to conduct regular business in the Council Chambers Conference room.

APPROVAL OF MINUTES

Quorum not met.

HEARING ITEMS

DPRB Case No. 10-07

Request to grade the rear portion of a single-family residence into terraces, approximately 190 feet long by 90 feet wide, for the purpose of planting fruit trees located at 523 Puddingstone Drive.

APN: 8382-017-007 Zone: Specific Plan No. 8

Perry Youssefy, applicant/property owner, was present.

EXHIBIT D

Terry Connelly, landscape designer for applicant, was present.

Residents directly north of subject property present:

Gil Aguirre, 476 Cannon Avenue.

Cheryl Smola, 488 Cannon Avenue.

Associate Planner, Marco Espinoza, stated that grading of the rear portion of the lot began without building permits. Applicant has proposed six (6) flat terraces that would be accessed via a decomposed granite walkway on the flat portions of the terraces with concrete stairs on the slopes. He continued, stating that the proposed terraces would modify a large portion of the lot and change the characteristic of the hillside from natural to engineered. The proposed grading does not meet the intent and purpose of the Specific Plan nor the grading design sections of the code. In addition, he stated that Staff was not aware of any other properties within this Specific Plan that have similar approved grading.

Mr. Youssefy addressed the Board. He stated that he thought he did not need a permit for the grading. He explained that the purpose of the grading was to plant trees and a garden that would be easy for he and his wife to use in retirement.

Mr. Connelly addressed the Board. He stated that lessening the terracing would not improve visual impact of hillside. He stated that he would plant accordingly, rustic in appearance instead of the commercial look that is presented.

In response to Mr. Coleman, Mr. Connelly stated that he was not a licensed landscape architect, but one could be arranged.

Mr. Coleman explained that this project requires that plans be drawn up by a licensed landscape architect to meet State of California's new Model Water Efficiency Ordinance requirements.

Ms. Smola, 488 Cannon Avenue, stated that since the recent rains, the large holes that were dug by applicant have filled up with water. She believes that this has contributed to a proliferation of mosquitoes. She made it clear that she did not call in any complaints regarding the grading work done. The visual and environmental impact to her property is of great concern to her.

Mr. Aguirre, 476 Cannon Avenue, stated that work continued at subject property even after stop work notice was given. He is opposed to the

EXHIBIT D

proposal and it does not comply with the intent of Specific Plan No. 8. He stated that terracing does not exist anywhere else in this zone and that the hillside needs to be protected. The "family garden" that applicant is proposing should be built on existing flat area and not on hillside. He felt that any grading undermines his property which is anchored to subject property. He also wanted run-off problems to be addressed.

Mr. Beilstein stated that the following needed to be done to obtain approvals, permits and certification:

1. Survey report.
2. Soils compaction report.
3. Grading permit and certification.
4. Access Agreement for approval of equipment encroachment on adjacent properties.

He stated that the amount of work proposed and already done exceeds threshold of code.

Mr. Coleman stated that it will be very difficult to get equipment up on hillside with the existing holes that have been dug to achieve what applicant proposes to do.

Mr. Patel stated that the hillside is bedrock and slide conditions exist when applying soil onto the top of bedrock. The property is too steep to contour. Illegal grading has triggered need for surveys and certified reports.

In response to Mr. Michaelis, Mr. Coleman explained that due to the amount of unpermitted work already done, planting tree's without terracing is not an option at this point.

Mr. Badar stated that he felt that this item was before the Board prematurely and that applicant should have worked with Staff more to come up with proposal that was compatible with the specific plan.

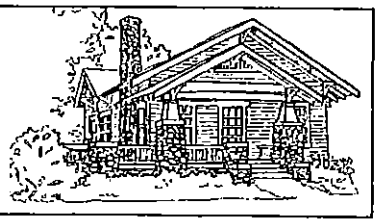
Motion: Emmett moved to deny, second by Dan Coleman.

Motion carried 6.1.0.0. (Sorcinelli against)

Appeal process was explained to applicant. Code Enforcement action would commence next requiring that applicant restore hillside.

EXHIBIT D

DEVELOPMENT PLAN REVIEW BOARD FACT SHEET



DATE: March 24, 2011

TO: Development Plan Review Board

FROM: Marco A. Espinoza, Associate Planner

SUBJECT: **DPRB Case No. 10-07**
A request to grade the rear portion of a single-family residence into terraces, approximately 190 feet long by 90 feet wide, for the purpose of planting fruit and floral trees at 523 Puddingstone Drive (APN: 8382-017-007).

FACTS:

- This case was reviewed and denied by the Board on April 22, 2010.
- The applicant appealed the Board's decision to the City Council.
- Prior to the City Council appeal hearing, the applicant had a soils and geologic report prepared based on the current and proposed site conditions. This report was one of the main items the Board felt was needed in order to better understand the project and make a determination.
- At the March 1, 2011, City Council meeting the Council voted to send back the appealed DPRB Case No. 10-07 to the Board, at the recommendation of the City Attorney. The Council felt that now that the soil and geologic report has been conducted, the Board could conduct a proper evaluation of the proposed terracing; therefore, in essence rescinding the appeal.
- Based on the new information submitted to Staff and further review of the proposed terracing, site conditions and Specific Plan No. 8, Staff has made some revisions to the original the DPRB Fact Sheet for this case, which also includes revised conditions of approval.

PROPOSED PROJECT

- The property is zoned Specific Plan No. 8
- The applicant started grading (terracing) the rear portion of the lot without approval and permits from the City.

EXHIBIT E

- The purpose of the terraces is for fruit trees, vegetable gardens and additional landscaping. (Note: The landscape plan is not consistent with the grading plan. Staff has added Condition No. 22 requiring the landscape and the grading plans be consistent with one another.)
- Specific Plan No. 8 allows for non-commercial agricultural activities (family gardens).
- The overall area covered by the proposed terraces is approximately 17,100 sq. ft. (190' long x 90' wide); the lot is 43,560 sq. ft. Each of the terrace areas are approximately 62' to 78' long and 6' to 15' wide.
- To create the terraces, the applicant proposes to create six, 2:1 slopes, ranging from 6 to 12 feet high.
- The natural grade was 3.3:1.
- The applicant is proposing to terrace the rear portion of the property that is on an uphill slope, with six flat terraces.
- The terraces will be accessed via a decomposed granite walkway on the flat portions of the terraces and concrete stairs on the slopes.

ISSUES:

Staff has a concern with the amount of grading proposed in order to create the large terrace platforms. Staff understands that Specific Plan No. 8 allows for some development of the hillsides for non-commercial agricultural purposes, but Staff is concerned with the amount of grading that is proposed. The proposed terraces will modify such a large portion of the lot (17,100 sq. ft. +/-) that it will change the visual characteristic of the hillside from natural to engineered. Staff feels the proposed grading does not completely meet the Intent and Purpose of the Specific Plan nor the Grading Design sections of the Code which are as follows:

> *The purpose of Specific Plan No. 8 is to provide guidelines for an environmentally sensitive hillside development plan, <u>which preserves the major topographic features</u>, while enabling high quality, architecturally creative residential development (18.512.010);*
>
> *To provide an improved hillside environment featuring aesthetic cohesiveness, harmonious siting of structures, and interfacing of open space through the utilization of superior land planning and architectural design (18.512.010).*
>
> *All graded slopes are to be contoured and blended to harmonize with natural slopes (18.512.130).*

Specific Plan No. 8 consists of 57 custom home lots that overlook Puddingstone Lake. Most of the lots in this Specific Plan are developed and have left large portions of their lots in a natural state. Staff is not aware of any other properties within the Specific Plan that have been approved for a similar type of project.

EXHIBIT E

As mentioned, Staff feels that some development is permitted on the hillside; therefore, Staff recommends that the applicant modify the proposed project to comply with the following items:

- Reduce the amount of terraces to five;
- Reduce the depth of the terraces at their deepest point to 10 feet or less.
- Reduce the width of the staircases to five feet maximum.
- Restore the other non-approved terrace(s) to a 2:1 or greater slope.
- Replant the slope areas with natural vegetation.
- Submit a professional level landscape and irrigation plan with the correct terrace location and sizes.

Staff further recommends that the grading scheme be altered to provide "contoured and blended" slopes that appear more natural to the greatest extent possible. In addition the landscaping of the slopes should feature informal arrangement of trees and shrubs.

Staff feels that by reducing the overall size of the proposed project, the grading and terraces will be more aligned with the Intent and Purpose section of the Code, in addition to the Grading Design of the Specific Plan.

RECOMMENDATION: Approve with the recommended modification to the proposed plan as stated in this Fact Sheet.

CONDITIONS: Standard conditions as presented.

Attachments:
Contour Grading Code Example
Naturalistic Landscaping Code example
City GIS Topographical Aerial of the Site
Photos of Site
Soils and Geological Report

EXHIBIT E

Aerial of the Site

EXHIBIT E

EXHIBIT A

CONDITIONS OF APPROVAL

DPRB Case No. 10-07

PLANNING DIVISION - (909) 394-6250

GENERAL

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 plans (full size). 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 Specific Plan No. 8.

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 **six months** from the date of approval or the approval will become invalid due to the open Code Enforcement case. **No time extension may be granted.**

6. All work must be completed and finaled within **three months** from the date of building permit issuance. After all work has been completed and building permits have been finaled by the Building and Planning Division, the open Code Enforcement case shall be closed regarding the unpermitted grading issues. **No time extension may be granted.**

7. The applicant shall sign an affidavit accepting all Conditions and all Standard Conditions before issuance of building permits.

EXHIBIT E

8. 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.

9. The developer shall comply with all conditions of approval as approved by the Development Plan Review Board on March 24, 2011.

DESIGN

10. Location and type of any exterior lighting fixtures shall be submitted by the applicant to the Planning and Building Division for review and approval; required building permits shall be pulled prior to installation.

11. Plans for all exterior design features, including, but not limited to, fountains and architectural treatments, shall be submitted to the Planning Division for review and approval before issuance of building permits.

12. Ground-mounted mechanical or electrical equipment installed by the applicant shall be inconspicuously located and screened, as approved by the Planning Division.

13. The applicant shall reduce the amount of terraces from six to ____ and shall submit revised grading and landscape plans depicting the approved terraces.

14. The applicant shall reduce the depth of the terraces to 10 feet at their deepest point and shall submit revised grading and landscape plans depicting the approved depths.

15. The applicant shall revise the plans to show the proposed staircases at not more then five feet wide.

16. The applicant shall restore the other non-approved terrace(s) to a 2:1 or greater slope and shall submit revised grading and landscape plans depicting the new slopes.

17. The applicant shall submit a detailed fencing plan for review and approval by the Planning Division if so proposed.

18. All outdoor storage areas shall be oriented away from the public right-of-way and screened with fencing and/or landscaping, as approved by the Planning Division.

19. The developer shall install all utilities underground.

EXHIBIT E

LANDSCAPE

20. The applicant shall replant the slope areas with natural vegetation and shall submit revised landscape plans depicting the new landscaping. The placement of the landscaping on the slopes shall be in an informal arrangement.

21. The applicant shall submit a professional level landscape and irrigation plan with the correct terrace location and sizes, to be consistent with the grading plans.

22. All slopes over three- (3) feet in vertical height shall be irrigated and landscaped as approved by the Planning Division.

23. No trees shall be removed other than those indicated on the approved set of landscape plans.

24. Water efficient landscapes shall be implemented in all new and rehabilitated landscaping for developer-installed landscaping in single-family and multi-family projects, and in private development projects that require a grading permit, building permit or use permit, as required by Chapter 18.14 of the San Dimas Municipal Code.

BUILDING DIVISION – (909) 394-6260

25. Prior to the issuance of any grading permits, the developer shall submit an application for a grading permit, per Appendix, Chapter 33 of the Uniform Building Code, latest Edition, accompanied by plans and specifications.

26. Prior to the issuance of any grading or building permits, the developer shall submit a complete Preliminary Soils Engineering Report to include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary. Include opinions and recommendations concerning the stability of the sites to be developed by the proposed grading, liquefaction and proximity to known faults.

27. If grading is performed or drainage facilities are not installed during the period between October 15 and April 15, a temporary erosion control plan, submitted by the developer, shall be approved by and filed with the City and shall be installed and operable at all times.

28. Prior to the issuance of any grading permits, the developer shall submit an Engineering Geology Report that includes an accurate description of the geology of the site and conclusions and recommendations regarding the effect of the geologic conditions on the proposed development.

29. The developer/owner shall comply with the latest edition of the Uniform Codes as adopted by the City of San Dimas at the time Building Permits are issued (i.e.,: Uniform Building Code with San Dimas Amendments, Uniform Plumbing Code, Uniform Mechanical Code, National Electric Code).

30. Construction hours shall be limited in a residential zone, or within a 500 foot radius thereof, to between 7:00 a.m. and 8:00 p.m., and shall be prohibited at any time on Sundays or public holiday, per San Dimas Municipal Code Section 8.36.100.

ENGINEERING DIVISION – (909) 394-6250

31. The developer shall provide drainage facilities to carry runoff of storm waters in the area proposed to be developed, and for contributory drainage from adjoining properties. A Hydrology Study for the site and contributory drainage will be required.

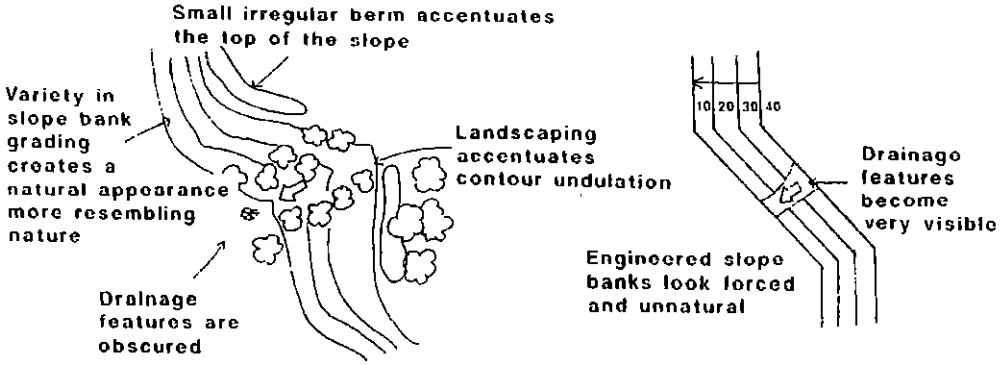
32. For projects which disturb soil during wet season, applicant must submit a signed certification statement declaring that contractor will comply with Minimum Best Management Practices (BMPs) required by the National Pollutant Discharge Elimination System (NPDES), and also submit a Local Storm Water Pollution Prevention Plan/Wet Weather Erosion Control Plan.

33. All work adjacent to or within the public right-of-way shall be subject to review and approval of the Public Works Department.

End of Conditions

CONTOUR GRADING: A grading concept designed to result in earth forms, which resemble natural terrain characteristics. Contour grading techniques should be used to provide a variety of both slope percentage and slope direction in a three-dimensional undulating pattern similar to existing, adjacent terrain. Horizontal and vertical curve variations are often used for slope banks. Contour grading does not necessarily minimize the amount of cut and fill occurring. Hard edges left by cut and fill operations should be given a rounded appearance that closely resembles the natural contours of the land.

THIS **NOT THIS**

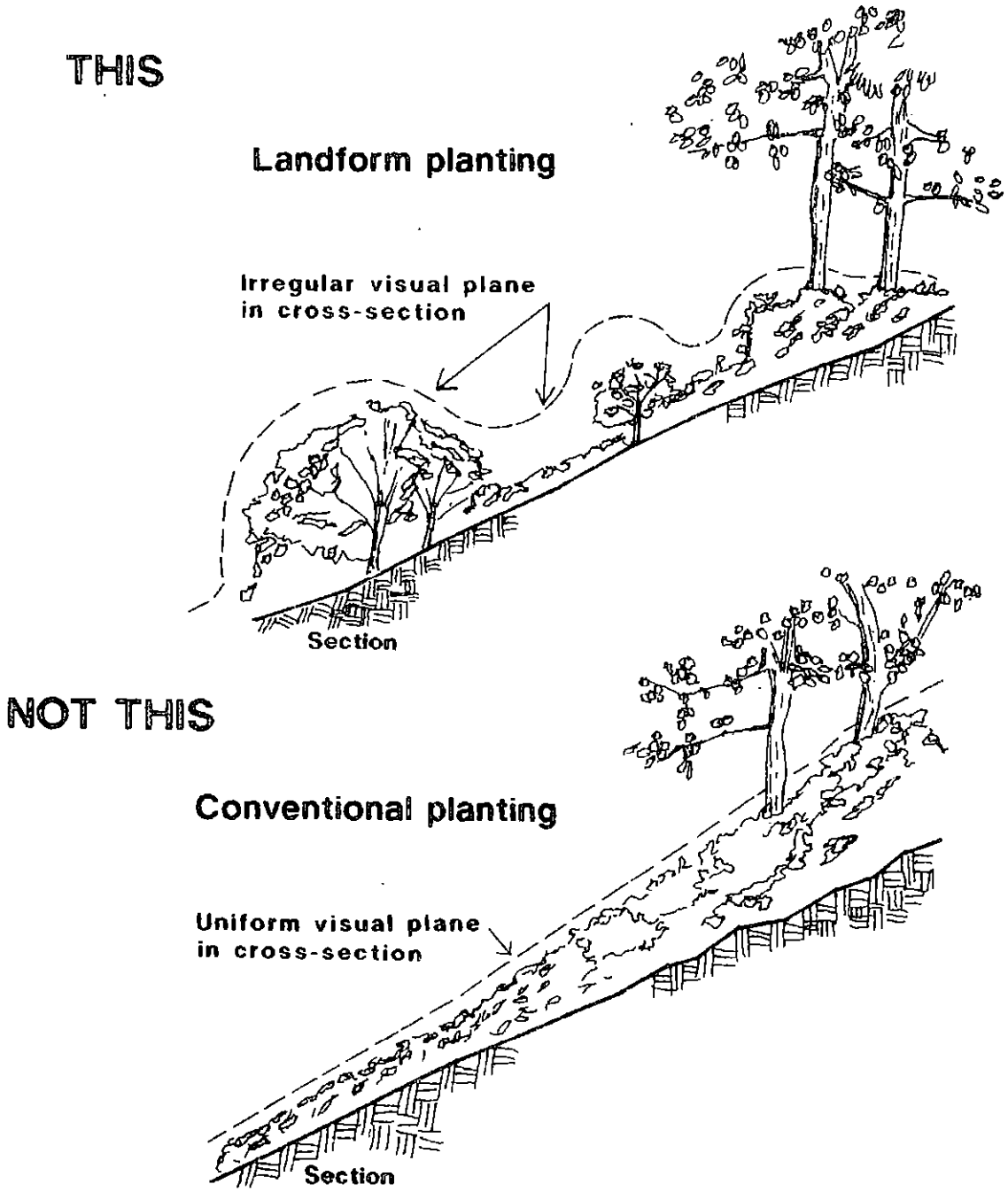


Use of radii and uneven slopes

Use of angles and uniform slopes

EXHIBIT E

NATURALISTIC LANDSCAPING: Natural landform planting should be used to soften manufactured slopes, reduce the impact of development on steep slopes or ridgelines, and provide erosion control. This is achieved by using informal, rather than formal, plantings.



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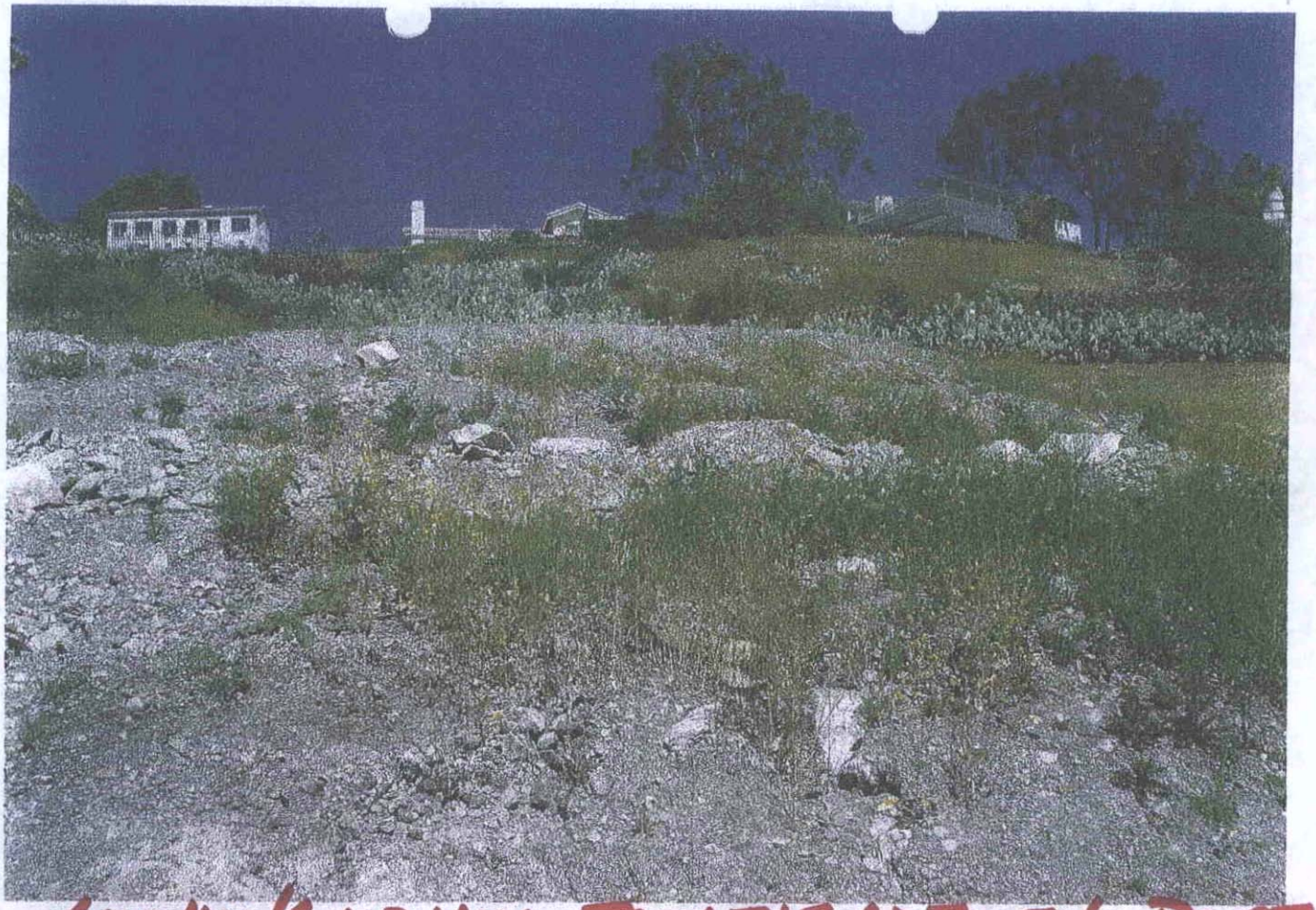

LOOKING UP HILL FROM THE ADJACENT PROPERTY

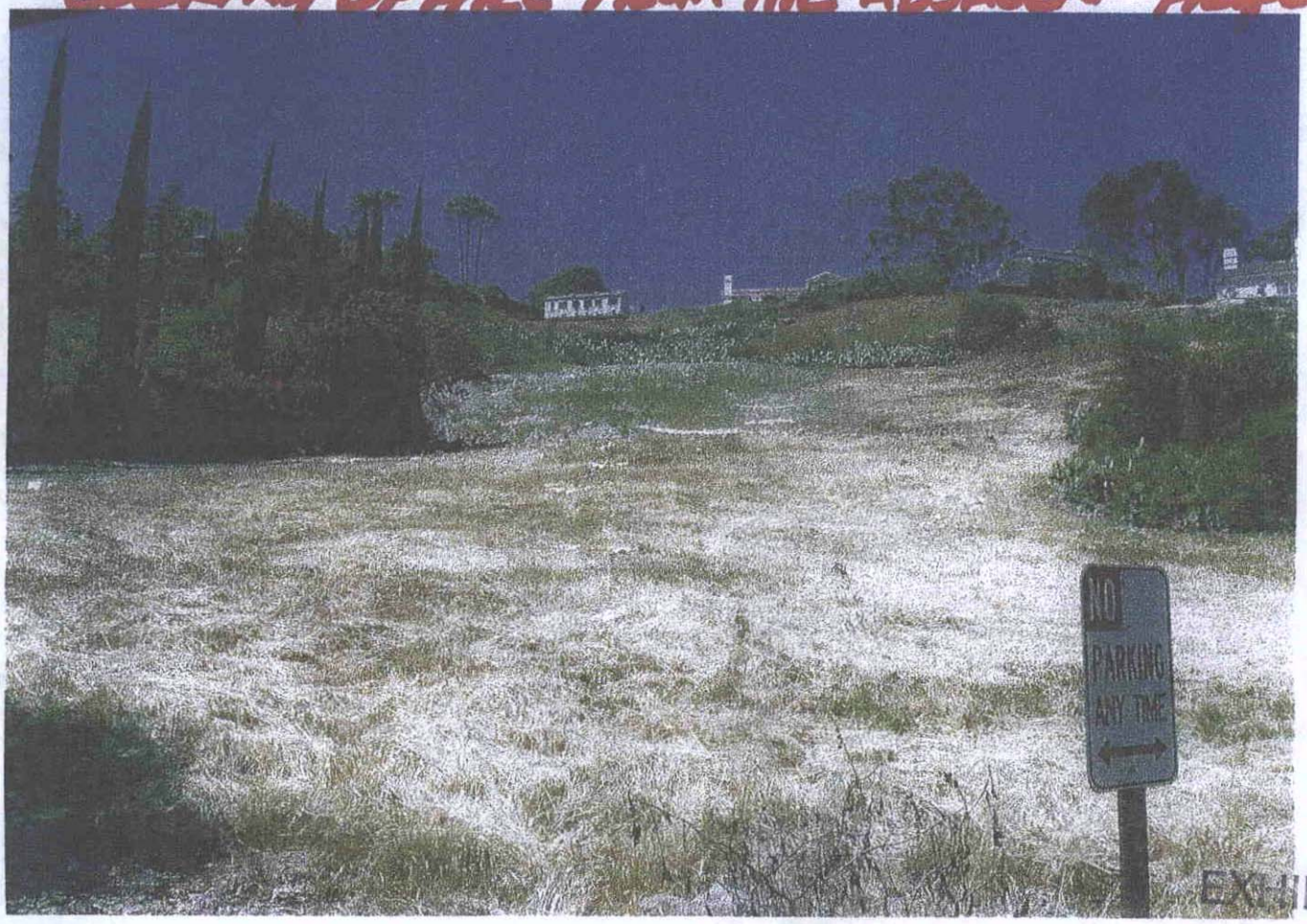

EXHIBIT E

TOP TERRACE

LOOKING DOWN HILL FROM THE WEST PROPERTY LINE

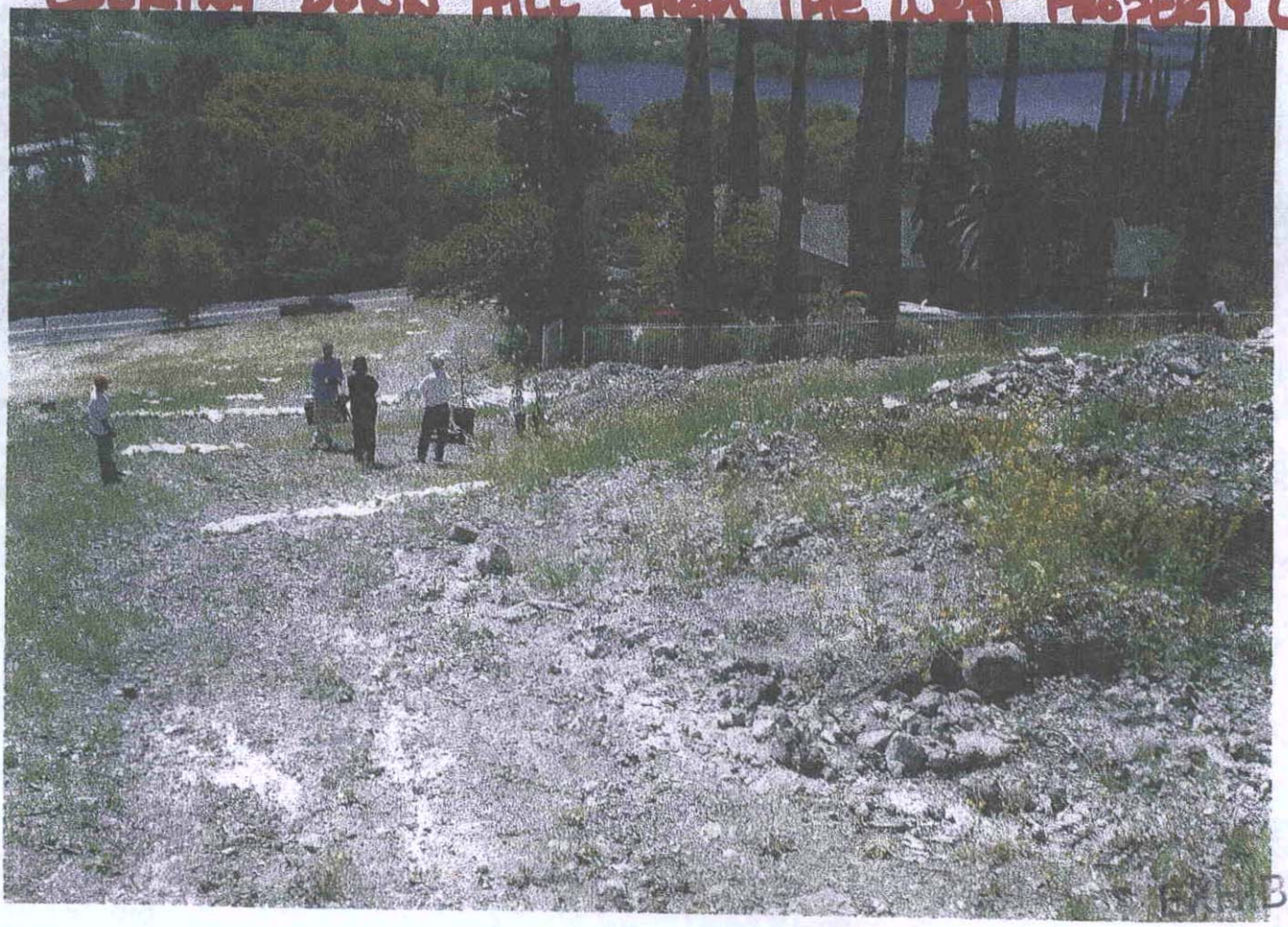

EXHIBIT E

CITY OF San Dimas CALIFORNIA

523 Puddingstone

N

1" = 40'

CityGIS

EXHIBIT E

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1. INTRODUCTION AND SCOPE OF WORK

A non-conforming grading was performed on rear slope of the subject property including 7 cut and fill terraces to plant trees on each terrace on the slope (see **Figures 3** and **4** in geologic report). The owner was informed by the City to submit a soils and geologic engineering investigation with recommendations for compliance of the City Grading regulations and slope stability.

The following scope of work has been performed for this investigation:

a) Site check and review of pertinent soils and geologic data of the general study area. A vicinity map is shown on **Figure 1**. A site geologic and regional geologic map are prepared and depicted in the attached geologic report.

b) Excavation, drilling, logging, and sampling of (8) test pits at the selected locations as shown on **Figure 2**. The boring and test pit logs are shown in **Appendix A**.

c) Laboratory testing of earth samples to determine their engineering properties. The results of laboratory tests are shown in **Appendix A**.

d) Performing engineering analyses and geologic evaluation.

e) Preparation of this geologic and soils engineering report to present the findings and conclusions of this investigation and the recommendations for design and construction.

2. SITE CONDITIONS AND PROPOSED IMPROVEMNT

The subject property is located at 523 Puddingstone Avenue, San Dimas, California, in a residential area. The site is bounded on south side by the Puddingstone Avenue, and the remained side by residential properties with a southeast facing slope, which ascends from the backyard to a residential property above. The slope gradient is approximate 3 : 1 (horizontal to vertical) as shown in the **Figure 4** of the Geology Report, attached.

Two to five tree holes were excavated on each terrace of the subject rear slope. The cut and fill grading procedures were made to establish the near level terraces without verification of compaction (building code requires s a minimum of 90 % compaction for compacted fill). No drainage devices or proper grades were observed to direct the potential runoff through the slope, during our field exploration.

3. FIELD EXPLORATIONS AND LABORATORY TESTING

A total of eight (8) test pits were dug during our field exploration on September 16, 2010. The test pits were approximately 2 feet in width, the test pits were excavated to depths of 2 to 3 feet below the ground surface (**bgs**). Undisturbed earth samples were obtained using standard ring samplers. The samples were placed in moisture-tight tubes and containers, and transported to our certified laboratory for testing.

PICTURE OF THE DIFFERENT TERRACES

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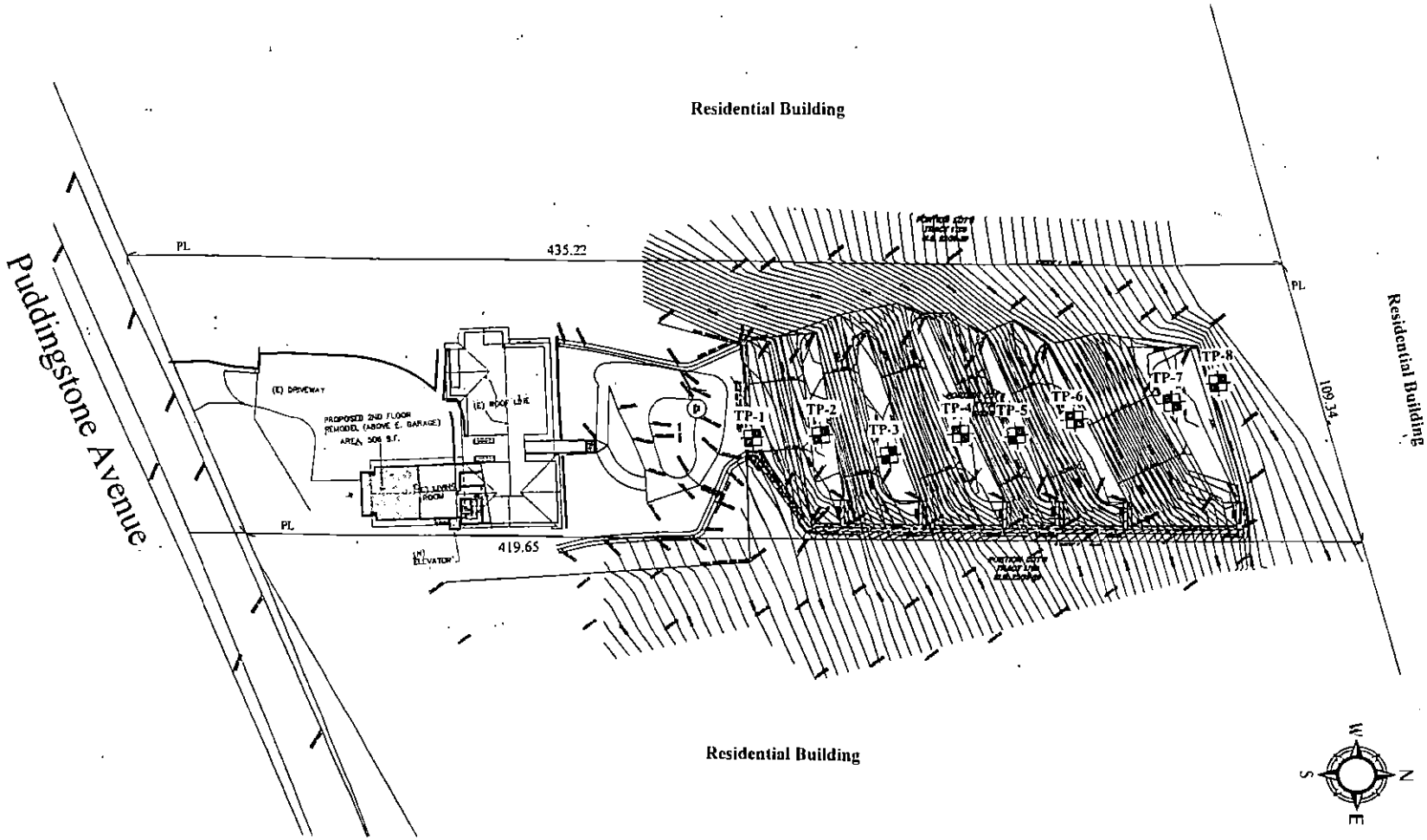


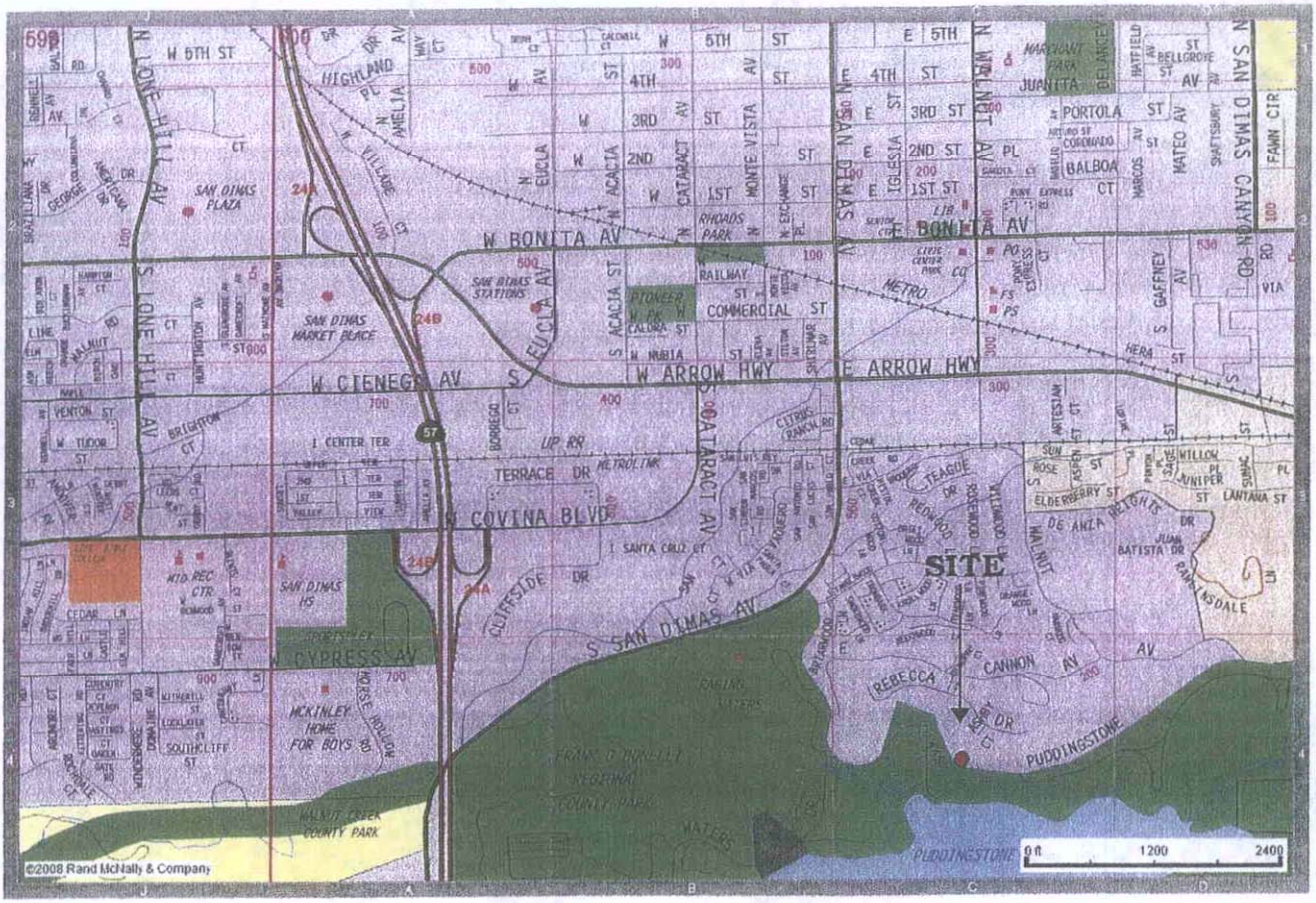
LEGEND:

Test Pit Location

Scale: 1"=40'

MTC ENGINEERING, INC. Geotechnical Engineering Engineering Geology, Environmental Assessment	**PLOT PLAN SHOWING TEST PIT LOCATIONS** 523 Puddingstone Avenue, San Dimas, CA 91773	Project Number 1159-1-1SG	Figure 2

EXHIBIT E



Drafted by: VDJ

VICINITY MAP 523 Puddingstone Avenue, San Dimas, CA 91773	T.G. Page: 600 – C4	Figure No: 1

EXHIBIT E

Laboratory tests including moisture-density tests, direct shear tests, expansion index test and corrosivity test were performed. The test results are presented in **Appendix A**.

4. EARTH MATERIALS

The earth materials encountered during our subsurface exploration consisted of fill, colluvium, and bedrock.

4.1. Fill/Colluvium

Fill and or colluvium encountered in test pits from surface to 2 inches to 1.2 feet bgs consisted of light gray to gray, fragment of volcanic rock to 2" in diameter in slightly moist, moderately dense conditions.

4.2. Bedrock

Based on the Dibblee Map (1989), the site is underlain by the Pliocene Fernando Formation, Repetto Shale Member (Tfr) consisting of poorly bedded to massive clayey silt. Bedrock beddings are in general dipping into the slope, in favor to the site stability. More details of bedrock description and structure conditions are provided in the attached geological report.

4.3. Groundwater

No groundwater was encountered during field exploration.

5. ENGINEERING PROPERTIES

The engineering properties of on-site earth samples determined from laboratory tests are summarized below:

Field Dry Density:	91.5 to 109.4 pcf
Field Moisture Content:	2.8 to 10.9 %
Cohesion:	180 to 390 psf
Friction Angle:	27 to 45 degrees
Shear Strength:	Plates DS-1 to DS-4
Modified Proctor Test:	Maximum Dry Density: 110.5 lbs/ cu.ft. Moisture: 17.0%

EXHIBIT E

6. FAULTING AND SEISMICITY

Data search of historical earthquake events which have been occurred in the general study area were performed to evaluate the deterministic seismicity parameters of potential on site ground motion. The seismicity study indicated that no known active or potentially active faults pass through the site. However, the site, as all of the Southern California areas, is located in a seismically active region, and will experience slight to very intense ground shaking as a result of movement along various active faults in the region. Per Campbell & Bozorgnia (2005) by using Blake's current computer program of the EQFAULT Version 3.0, the most significant fault system near the site is the **San Jose Fault**. The findings of the faulting and seismicity study are as follows:

a) There are 70 fault systems in a search radius of 100 miles.

b) The most significant fault system near the site is the **San Jose Fault**, and is about 0.0 miles (0.0 km) from the subject site.

c) The largest maximum-earthquake site acceleration during the time period of 1900 to 2010 was 0.6293 g (gravity).

d) The estimate site intensity during the time period of 1900 to 2010 was X of the Mercali Scale.

e) The earthquake closest to the site is about 0.4 mile (0.7 km) away.

f) The largest earthquake magnitude found in the search radius during the time period of 1900 to 2010 was 7.7.

g) The largest earthquake site from this search which may impact the site is 0.202 g.

6.1. Seismicity

6.1.1. Earthquake Effects

Based on our studies, no active or potentially active fault passes through the site. However, the site lies within a seismically active area and may subject to very strong ground shaking. If a strong earthquake occurs in the vicinity of the subject site, structural stress and minor foundation disturbance caused by earthquake induced ground shaking will be the major cause of damage. The potential of earthquake effects are discussed as follows:

6.1.2. Lurching and Shallow Ground Rupture

As no active or potentially active faults pass through the site and no known ground ruptures have occurred in the local area surrounding the site, the

EXHIBIT E

potential of ground cracking due to shaking and seismic events is low.

6.1.3. Liquefaction Potential

Liquefaction describes a phenomenon in which cyclic stresses produced by ground shaking induced excess pore water pressures in the cohesionless soils. These soils may thereby acquire a high degree of mobility leading to damaging deformations. In general, this phenomenon only occurs below the water table, but after liquefaction has developed, it can propagate upward into overlying non-saturated soil as excess pore water pressure. Liquefaction susceptibility under a given earthquake is related to the gradation and relative density characteristics of the soil, the in-situ stresses prior to ground motion, and the depth to the water table, as well as other factors. Based on our field exploration, the onsite bedrock is not susceptible to liquefaction.

6.1.4. Seismic Design Parameters

California Building Code (CBC) 2007, the site could be designated as Site Class "D" per Table 1613.5.5 of CBC 2007. Other required seismic design parameters may be obtained from Section 1613 of the 2007 CBC or from web site: http://www.earthquake.gov/hazard/designmaps/javacalc.php by down-loading a program of version 5.09a(8.3Mb) and entering the longitude (-117.7991) and latitude (34.0939) of the site based on the site class Based on the aforementioned information, field investigation, and the s provided.

7. GEOLOGIC SETTING AND STABILITY EVALUATION

Engineering Geologic Report prepared by Mr. Charles Schroeter, the certified engineering geologist for the project, is attached in this report (**Appendix B**). The report provides the geologic information and slope stability of the subject site.

The slope profile as shown in cross section A-A' (Geologic Cross Section A-A' in the attached Geologic Report) was analyzed and found stable. Relatively undisturbed soil/bedrock samples were collected during field investigation. The shear parameters used in the gross stability analysis were obtained from the direct tests conducted per ASTM D 3080. The samples were saturated (overnight), tested at a slow rate of 0.001 inch/min. The test results are plotted and interpreted to determine the angle of internal friction and cohesion, as depicted in Plates DS-1 through DS-8.

As favorable massive bedrock conditions were disclosed the exploration. The lower residual shear parameters of cohesion – 180 psf, and friction angle of 29.5 degrees of the massive clayey silt were used in our gross slope stability analyses. The slope analyses indicated the subject slope shall be stable with the safety factor of 2.08 which is higher than the City required minimum safety factor of 1.5, if no further significant grading and changing of the grades be conducted by owner.

EXHIBIT E

The gross stability calculations are presented below:

Gross Slope Stability Analysis			
Ref: NAVFAC DM-7	Design Manual		
Project No.	1159-1-1SG		
Slope Height : **H**	65	feet	
Slope Angle : α	17	degree	
Total unit wt. : **rs**	120	pcf	
eff Cohesion: **C**	180	fsf	
Friction Angle : **Ø**	29.5	degree	Tan Ø = 0.566
λcØ = rsxHtanØ/c =	24.5		
Ncf=	90.0	off table limit use a conservative value	
FS= Ncf x c/rsH =	2.08	>1.5 ok	

The surficial slope stability is calculated based on the assumed saturated surface and shear strength of the soil cement, the factor of safety is 2.23, which is greater than the code required of 1.50. The engineering calculations for the surficial slope stability are attached as **Appendix C.**

8. CONCLUSIONS AND RECOMMENDATIONS

Based upon the findings of our investigation, the proposed development at the subject site are feasible from a geologic and soils engineering viewpoint provided the recommendations of this soils and geologic report are properly incorporated into design and are implemented during construction.

The following recommendations should be incorporated into the final design and construction practice for the proposed developments.

8.1. Current Slope Conditions

Based on field investigation, laboratory test, geologic evaluation and engineering analyses, the current distresses are listed as followings:

1). Lack of surficial drainage system to divert the runoff to the street.

2). Fills placed on the edges of the slopes without compaction verification.

3). No ground cover of drought resistant vegetation. The exposed slope surfaces are subject to further surficial erosions.

EXHIBIT E

8.2. Remedial Measures

Based on the site conditions observed during site investigation, remedial measures are proposed as followed:

1) Design of a drainage system to properly divert the runoff.

2) Remove the uncertified fills to competent colluvium or bedrock and re-compacted to meet the code requirement.

3) Slope planting. It is also recommended that the slope surface should be protected with drought-resist vegetation.

It is our opinion that slope remedial measure should be taken immediately. The site remedial grading and drainage plans should be prepared by a licensed Civil Engineer.

8.3. Site Preparation

The following grading guidelines can be used as a basis for quality control during grading and soil-cement or geogrid enforced fill placement.

a) Remove all fill, loose soils, vegetation, and other deleterious materials that conflict with the proposed development.

b) Compacted soil cement or other fill should be placed in controlled layers, and should not exceed 8 inches in thickness.

c) Field density tests should be performed in accordance with the current ASTM Standards D 1556 or D2922. Field density tests should be taken at no more than 2-foot intervals of the fill placed.

d) The excavated onsite soils, cleaned of deleterious materials, can be re-used for fill.

e) All fill placements should be performed in accordance with the current grading ordinances of the local government and the recommendations of this report.

f) All fill placements should be observed and tested and approved by the representative of this firm. All removal areas and footing excavations should be observed and approved by the representative of this firm prior to placing any fill, steel or concrete.

8.4. Temporary Excavation

Prior to the start of excavation, all utilities in the project area should be located and either rerouted or protected. Any existing vegetation and other deleterious materials should be cleared from the site. Most of the soils encountered at the site are generally can be used for fill and be excavated with conventional grading equipment. Temporary excavation can be cut vertically up to 5 feet and 1(H) : 1 (V) slope upward over 5 feet.

EXHIBIT E

8.5. Drainage

Final grading should provide a positive drainage to divert surface water away from the foundation and slope areas in compliance with the local jurisdiction's grading requirements. All pad drainage should be collected and diverted away from the proposed development in non-erosive devices. Roof gutter, if any, should be provided to collect runoff water and divert to down spouts leading down to the ground surface and discharge off-site. Planters adjacent to buildings, if any, or slope should be designed with concrete bottom and subdrains leading away from the building or slope area. Proper subsurface drainage should be provided to divert runoff water away from the foundation areas. All underground plumbing fixtures should be absolutely leaked free. Proper drainage should also be provided to divert surface water away from the building pad area during construction. This is especially important when construction takes place during the rainy season.

8.6. Section 111 of the Los Angeles County Building Code

It is the opinion of the project consultants that the proposed construction will be safe against any geotechnical hazards from landslides, settlement, or slippage and the proposed work will not adversely affect the subject and adjacent properties in compliance with the city/county code, provided Consultants' recommendations are followed.

9. PLAN REVIEW, OBSERVATION, TESTING, AND RESPONSIBILITY

We recommend that MTC Engineering, Inc. be present to perform the following tasks prior to and/or during construction. Otherwise, the qualities and performance of the recommended geotechnical works for this project may not be ensured to meet your needs and that MTC should be automatically released from the liabilities for the project by our client. Other geotechnical consultant who takes over the project needs to reevaluate the whole situation and assume the responsibility and liability for the project as the **Geotechnical Engineer of Record** on the government files while the project owner agrees to change the geotechnical consultant. Any law suit and attorney fees arisen accordingly should not be MTC's burden and MTC reserves the rights to claim any damages due to mishandling of the project by others. To avoid any unnecessary law suit, a certificate of merit is required for any law suit against MTC.

a) Review grading and drainage plans.

b) Observe and advise during all grading activities including site preparation, subdrain installation, and placement of fill.

c) Test all fill placed for engineering purpose.

EXHIBIT E

10. LIABILITY AND LIMITATION

The conclusions and recommendations submitted in this report are based on our data research, subsurface exploration, laboratory testing, and engineering evaluation and analysis. The nature and extent of variations in subsurface conditions may not become evident until construction. If variations then appear evident, it will be necessary to reevaluate the recommendations of this report. Please be aware that the contracted fees for our services to prepare this report do not include additional work which may be required such as grading observation and testing, footing observations, and etc. Where additional services are required and requested, you will be billed for any equipment costs and on an hourly basis for consultation or analysis. This report is issued with the understanding that it is the responsibility of **the Owner**, or **the Owner's representative** to ensure that the information of the project is incorporated into the plan and that the necessary steps are taken to see that the Contractor carry out such recommendations in the field. MTC Engineering, Inc. (MTC) has prepared this report for the exclusive use of the Client and authorized agent. This report has been prepared in accordance with generally accepted Geotechnical Engineering practices. No other warranties either expressed or implied are made as to the professional advice provided under the terms of this agreement.

EXHIBIT E

APPENDIX A

TEST PIT LOGS AND LABORATORY TEST RESULTS

EXHIBIT E

APPENDIX A

TEST PIT LOGS AND LABORATORY TESTING

1.0 TEST PIT LOGS

The test pit logs are presented on Plates TP-1 to TP-8.

2.0 LABORATORY TESTING

Laboratory tests include moisture-density tests and direct shear tests.

2.1 Moisture-Density Tests

Site soils were classified in the laboratory in accordance with the Unified Soil Classification System (USCS). Field moisture content and dry unit weights were determined for the ring samples obtained in the field. Field moisture contents and dry unit weight are shown on Plates TP-1 to TP-8.

2.2 Direct Shear Tests

Direct shear tests were performed to determine the shear strength parameters of undisturbed samples. The samples were tested in an artificially saturated condition. The results are plotted and linear approximations are drawn of the failure curve to determine the angle of internal friction and cohesion. Remolded soil samples with 5 to 8 percents cements were tested as well. The results of direct shear tests are shown on the Plates DS-1 to DS-4.

EXHIBIT E

Soil Classification System Used by MTC Engineering, Inc.

Major Division			Group Symbols	Typical Names
COARSE GRAINED SOILS (more than 50% of material is LARGER than No. 200 sieve size)	GRAVELS (more than 50% of coarse fraction is LARGER than the No. 4 sieve size)	CLEAN GRAVELS (little or no fines)	GW	well graded gravels, gravel-sand mixtures, little or fine
			GP	poorly graded gravels or gravel-sand mixtures, little or no fines
		GRAVELS WITH FINES (appreciable amt. of fines)	GM	Silty gravels, gravel-sand-silt mixtures
			GC	clayey gravels, gravel-sand-clay mixtures
	SANDS (more than 50% of coarse fraction is SMALLER than the No. 4 sieve size)	CLEAN SANDS (little or no fines)	SW	well graded sands, gravelly sands, little or no fines
			SP	poorly graded sands, gravelly sands, little or no fines
		SANDS WITH FINES (appreciable amt. of fines)	SM	silty sands, sand-silt mixtures
			SC	clayey sands, sand-clay mixtures
COARSE GRAINED SOILS (less than 50% of material is SMALLER than the No. 200 sieve size)	SILTS AND CLAYS (liquid limit LESS than 50)		ML	inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity
			CL	inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clay
			OL	organic silts and organic silty clays of low plasticity
	SILTS AND CLAYS (liquid limit GREATER than 50)		MH	inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts
			CH	inorganic clays of high plasticity, fat clays
			OH	organic clays of medium to high plasticity
HIGHLY ORGANIC SOILS			Pt	peat and other highly organic soils.
SEDIMENTARY BEDROCK				SANDSTONE
				SILTSTONE
				CLAYSTONE
IGNEOUS BEDROCK				GRANITIC ROCK
METAMORPHIC BEDROCK				METAMORPHIC ROCK

PARTICLE SIZE LIMITS

SILT or CLAY	SAND			GRAVEL		COBBLES	BOULDERS
	FINE	MEDIUM	COARSE	FINE	COARSE		
No.200	No. 40	No.10	No. 4	¾ in.	3 in.	(12 in.)	

LABORATORY TESTING ABBREVIATIONS

AL Atterberg Limits	**MC** Moisture Content & Dry Density	**CD** Consolidated Drained
CP Collapse Potential	**MD** Maximum Dry Density	**CU** Consolidated Undrained
CS Consolidation	**PP** Pocket Penetrometer	**UU** Unconsolidated Undrained
DS Direct Shear	**PR** Permeability (Outside Lab)	
EI Expansion Index	**RS** Resistivity, pH, and Chlorides	
GD Gradation Analysis	**RV** R-Value	

EXHIBIT E

TEST PIT LOG

PROJECT NAME	Youseffy/ Pud[illegible] tone			BORING DESIGN	TP-1
PROJECT NO.	1159-1-1SG				
DATE DRILLED	9-16-2010	DRAFTED BY	VDJ	STATION	- - -
DRILLER	MTC	LOGGED BY	ML	OFFSET (FT)	- - -
GROUND-WATER ELEV	N/A	SAMPLER SIZE	2.5"	GSE	- - -
TYPE OF DRILLING	Hand/Power Tools	DRIVE WT	36 lbs	DROP	42"

Surface description: Cut & Fill Slope/Terrace.

Location of Excavation: See plot plan (Figure 2).

Depth in Feet	Sample Depth	Sample Type	Sample No.	Blows per 12 inches	Dry Density (pcf)	Moisture Content(%)	USCS Symbols	GEOTECHNICAL DESCRIPTION	Soil Lab Test
1	1.0	R	1	210/5.5"	98.6	2.8	SM	**Colluvium (0 to 6")** **SAND** Light gray to gray, fragment of vocanic rock to 2" in diameter, slightly moist, moderately dense.	
2							BR	**Bedrock (6" to 2')** **VOCANIC BEDROCK** Light gray to gray to greenish gray, massive, slightly weathered, slightly fractural at top 18", slightly moist, hard to very hard.	
3								End of Test Pit at 2' No Cave-in No Groundwater Encountered	

Bearing of Test Pit Axis:

C ROCK CORE B BULK SAMPLE R RING SAMPLE
S SPLIT SPOON T TUBE SAMPLE
D DRIVE SAMPLE b SMALL BAG

EXHIBIT E

TEST PIT LOG

PROJECT NAME	Youseffy/ Pudc .one			BORING DESIGN	TP-2
PROJECT NO.	1159-1-1SG				
DATE DRILLED	9-16-2010	DRAFTED BY	VDJ	STATION	---
DRILLER	MTC	LOGGED BY	ML	OFFSET (FT)	---
GROUND-WATER ELEV	N/A	SAMPLER SIZE	2.5"	GSE	---
TYPE OF DRILLING	Hand/Power Tools	DRIVE WT	36 lbs	DROP	42"

Surface description: Cut & Fill Slope/Terrace.

Location of Excavation: See plot plan (Figure 2).

Depth in Feet	Sample Depth	Sample Type	Sample No.	Blows per 12 inches	Dry Density (pcf)	Moisture Content(%)	USCS Symbols	GEOTECHNICAL DESCRIPTION	Soil Lab Test
							SM	**Colluvium (0 to 2")** **SAND** Light gray to gray, fragment of vocanic rock to 2" in diameter, slightly moist, moderately dense.	
1	1.0	R	1	210/5.5"	101.8	3.7			
							BR	**Bedrock (2" to 3')** **VOCANIC BEDROCK** Light gray to gray to greenish gray, massive, slightly weathered, slightly fractural at top 18", slightly moist, hard to very hard.	
2									
3									
								End of Test Pit at 3' No Cave-in No Groundwater Encountered	

Bearing of Test Pit Axis:

C ROCK CORE B BULK SAMPLE R RING SAMPLE

S SPLIT SPOON T TUBE SAMPLE

D DRIVE SAMPLE b SMALL BAG

EXHIBIT E

TEST PIT LOG

PROJECT NAME	Youseffy/ Puc stone			BORING DESIGN	TP-3
PROJECT NO.	1159-1-1SG				
DATE DRILLED	9-16-2010	DRAFTED BY	VDJ	STATION	- - -
DRILLER	MTC	LOGGED BY	ML	OFFSET (FT)	- - -
GROUND-WATER ELEV	N/A	SAMPLER SIZE	2.5"	GSE	- - -
TYPE OF DRILLING	Hand/Power Tools	DRIVE WT	36 lbs	DROP	42"

Surface description: Cut & Fill Slope/Terrace.

Location of Excavation: See plot plan (Figure 2).

Depth in Feet	Sample Depth	Sample Type	Sample No.	Blows per 12 inches	Dry Density (pcf)	Moisture Content(%)	USCS Symbols	GEOTECHNICAL DESCRIPTION	Soil Lab Test
1	0.75	R	1	210/3"	109.4	2.9	SM	**Colluvium (0 to 10")** **SAND** Light gray to gray, fragment of vocanic rock to 2" in diameter, slightly moist, moderately dense.	
2							BR	**Bedrock (10" to 2.25')** **VOCANIC BEDROCK** Light gray to gray to greenish gray, massive, slightly weathered, slightly fractural at top 18", slightly moist, hard to very hard.	
3								End of Test Pit at 2.25' No Cave-in No Groundwater Encountered	

Bearing of Test Pit Axis:

C ROCK CORE B BULK SAMPLE R RING SAMPLE
S SPLIT SPOON T TUBE SAMPLE
D DRIVE SAMPLE b SMALL BAG

EXHIBIT E

TEST PIT LOG

PROJECT NAME	Youseffy/ Pudd.	ne			
PROJECT NO.	1159-1-ISG			BORING DESIGN	TP-4
DATE DRILLED	9-16-2010	DRAFTED BY	VDJ	STATION	- - -
DRILLER	MTC	LOGGED BY	ML	OFFSET (FT)	- - -
GROUND-WATER ELEV	N/A	SAMPLER SIZE	2.5"	GSE	- - -
TYPE OF DRILLING	Hand/Power Tools	DRIVE WT	36 lbs	DROP	42"

Surface description: Cut & Fill Slope/Terrace.

Location of Excavation: See plot plan (Figure 2).

Depth in Feet	Sample Depth	Sample Type	Sample No.	Blows per 12 inches	Dry Density (pcf)	Moisture Content(%)	USCS Symbols	GEOTECHNICAL DESCRIPTION	Soil Lab Test
							SM	**Colluvium (0 to 8")** **SAND** Light gray to gray, fragment of vocanic rock to 2" in diameter, slightly moist, moderately dense.	
1	1.0	R	1	210/6"	101.5	6.0			
2							BR	**Bedrock (8" to 2')** **VOCANIC BEDROCK** Light gray to gray to greenish gray, massive, slightly weathered, slightly fractural at top 18", slightly moist, hard to very hard.	
3								End of Test Pit at 2' No Cave-in No Groundwater Encountered	

Bearing of Test Pit Axis:

C ROCK CORE B BULK SAMPLE R RING SAMPLE
S SPLIT SPOON T TUBE SAMPLE
D DRIVE SAMPLE b SMALL BAG

EXHIBIT E

TEST PIT LOG

PROJECT NAME	Youseffy/ Pudd.. ..one			BORING DESIGN	TP-5
PROJECT NO.	1159-1-ISG				
DATE DRILLED	9-16-2010	DRAFTED BY	VDJ	STATION	- - -
DRILLER	MTC	LOGGED BY	ML	OFFSET (FT)	- - -
GROUND-WATER ELEV	N/A	SAMPLER SIZE	2.5"	GSE	- - -
TYPE OF DRILLING	Hand/Power Tools	DRIVE WT	36 lbs	DROP	42"

Surface description: Cut & Fill Slope/Terrace.

Location of Excavation: See plot plan (Figure 2).

Depth in Feet	Sample Depth	Sample Type	Sample No.	Blows per 12 inches	Dry Density (pcf)	Moisture Content(%)	USCS Symbols	GEOTECHNICAL DESCRIPTION	Soil Lab Test
1	1.0	R	1	210/6"	97.7	6.3	SM	**Colluvium (0 to 1.2")** **SAND** Light gray to gray, fragment of vocanic rock to 2" in diameter, slightly moist, moderately dense.	
2							BR	**Bedrock (1.2" to 2')** **VOCANIC BEDROCK** Light gray to gray to greenish gray, massive, slightly weathered, slightly fractural at top 18", slightly moist, hard to very hard.	
3								End of Test Pit at 2' No Cave-in No Groundwater Encountered	

Bearing of Test Pit Axis:

C ROCK CORE B BULK SAMPLE R RING SAMPLE
S SPLIT SPOON T TUBE SAMPLE
D DRIVE SAMPLE b SMALL BAG

EXHIBIT E

TEST PIT LOG

PROJECT NAME	Yousefly/ Puddi. ne			BORING DESIGN	TP-6
PROJECT NO.	1159-1-1SG			STATION	- - -
DATE DRILLED	9-16-2010	DRAFTED BY	VDJ	OFFSET (FT)	- - -
DRILLER	MTC	LOGGED BY	ML	GSE	- - -
GROUND-WATER ELEV	N/A	SAMPLER SIZE	2.5"	DROP	42"
TYPE OF DRILLING	Hand/Power Tools	DRIVE WT	36 lbs		

Surface description: Cut & Fill Slope/Terrace.

Location of Excavation: See plot plan (Figure 2).

Depth in Feet	Sample Depth	Sample Type	Sample No.	Blows per 12 inches	Dry Density (pcf)	Moisture Content(%)	USCS Symbols	GEOTECHNICAL DESCRIPTION	Soil Lab Test
1							SM	**Colluvium (0 to 8")** **SAND** Light gray to gray, fragment of vocanic rock to 2" in diameter, slightly moist, moderately dense.	
2							BR	**Bedrock (8" to 2.25')** **VOCANIC BEDROCK** Light gray to gray to greenish gray, massive, slightly weathered, slightly fractural at top 18", slightly moist, hard to very hard.	
3								End of Test Pit at 2.25' No Cave-in No Groundwater Encountered	

Bearing of Test Pit Axis:

C ROCK CORE B BULK SAMPLE R RING SAMPLE

S SPLIT SPOON T TUBE SAMPLE

D DRIVE SAMPLE b SMALL BAG

EXHIBIT E

TEST PIT LOG

PROJECT NAME	Youseffy/ Pudc, .one			BORING DESIGN	TP-7
PROJECT NO.	1159-1-1SG				
DATE DRILLED	9-16-2010	DRAFTED BY	VDI	STATION	- - -
DRILLER	MTC	LOGGED BY	ML	OFFSET (FT)	- - -
GROUND-WATER ELEV	N/A	SAMPLER SIZE	2.5"	GSE	- - -
TYPE OF DRILLING	Hand/Power Tools	DRIVE WT	36 lbs	DROP	42"

Surface description: Cut & Fill Slope/Terrace.

Location of Excavation: See plot plan (Figure 2).

Depth in Feet	Sample Depth	Sample Type	Sample No.	Blows per 12 inches	Dry Density (pcf)	Moisture Content(%)	USCS Symbols	GEOTECHNICAL DESCRIPTION	Soil Lab Test
								Colluvium (0 to 3") **SAND** Light gray to gray, fragment of vocanic rock to 2" in diameter, slightly moist, moderately dense.	
1	1.0	R	1	160/12"	96.4	7.3			
							BR	**Bedrock (3" to 3')** **VOCANIC BEDROCK** Light gray to gray to greenish gray, massive, slightly weathered, slightly fractural at top 18", slightly moist, hard to very hard.	
2									
3	3.0	R	2	210	101.6	10.9			
								End of Test Pit at 3' No Cave-in No Groundwater Encountered	

Bearing of Test Pit Axis:

C ROCK CORE B BULK SAMPLE R RING SAMPLE
S SPLIT SPOON T TUBE SAMPLE
D DRIVE SAMPLE b SMALL BAG

EXHIBIT E

TEST PIT LOG

PROJECT NAME	Yousefly/ Pude one			BORING DESIGN	TP-8
PROJECT NO.	1159-1-ISG				
DATE DRILLED	9-16-2010	DRAFTED BY	VDJ	STATION	---
DRILLER	MTC	LOGGED BY	ML	OFFSET (FT)	---
GROUND-WATER ELEV	N/A	SAMPLER SIZE	2.5"	GSE	---
TYPE OF DRILLING	Hand/Power Tools	DRIVE WT	36 lbs	DROP	42"

Surface description: Near Property Line at Top of Slope.

Location of Excavation: See plot plan (Figure 2).

Depth in Feet	Sample Depth	Sample Type	Sample No.	Blows per 12 inches	Dry Density (pcf)	Moisture Content(%)	USCS Symbols	GEOTECHNICAL DESCRIPTION	Soil Lab Test
1	1.0	R	1	210/8"	91.5	8.5		**Colluvium (0 to 6")** **SAND** Light gray to gray, fragment of vocanic rock to 2" in diameter, slightly moist, moderately dense.	
2							BR	**Bedrock (6" to 3')** **VOCANIC BEDROCK** Light gray to gray to greenish gray, massive, slightly weathered, slightly fractural at top 18", slightly moist, hard to very hard.	
3	3.25	R	2	210	96.0	4.5		End of Test Pit at 3.25' No Cave-in No Groundwater Encountered	

Bearing of Test Pit Axis:

C ROCK CORE B BULK SAMPLE R RING SAMPLE

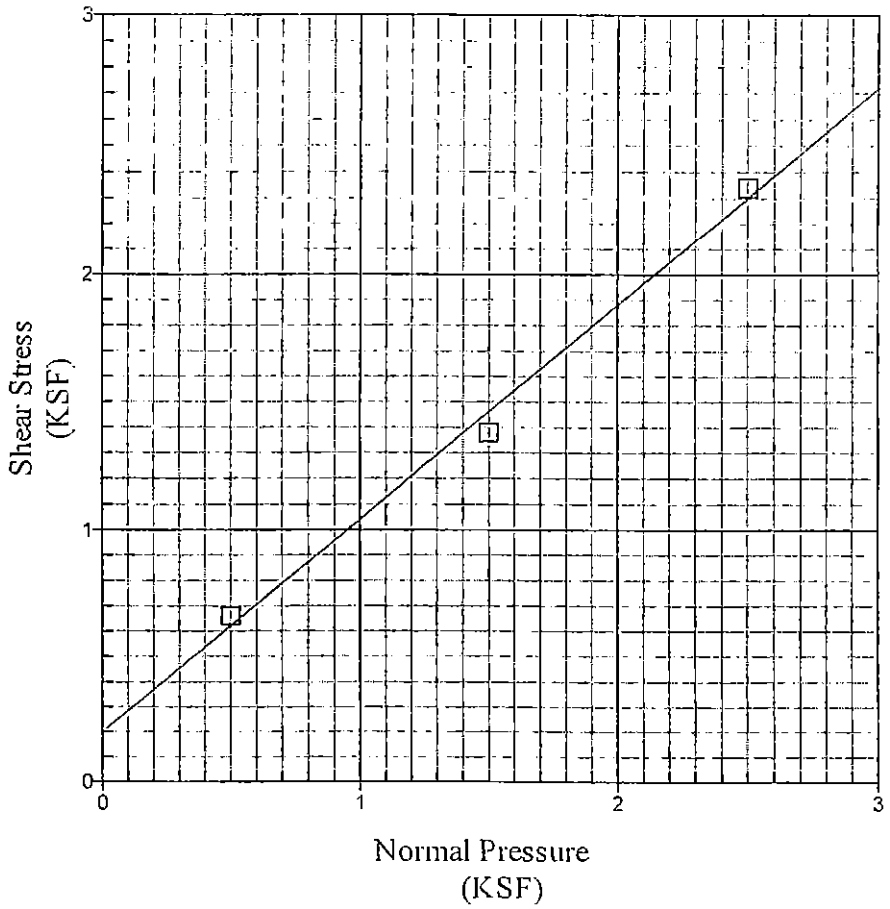
S SPLIT SPOON T TUBE SAMPLE

D DRIVE SAMPLE b SMALL BAG

EXHIBIT E

DIRECT SHEAR

(ASTM D 3080)



☐ Peak Value Cohesion (psf) = 200 Friction Angle (degree) = 40.0

Location:	TP-7
Depth (ft):	1.0'
Soil Type:	Bedrock (BR)
Initial Moisture Content (%):	7.3
Dry Density (pcf):	96.4
Saturated Moisture Content (%):	26.6

Date: 10/10

Prepared by: VDJ

MTC ENGINEERING, INC.	Project Name	Project Number	Plate
5924 Temple City Blvd. Temple City, CA 91780 Tel: (626)287-6416 Fax: (626)287-0560	Youseffy/ Puddingstone	1159-1-1SG	DS-1

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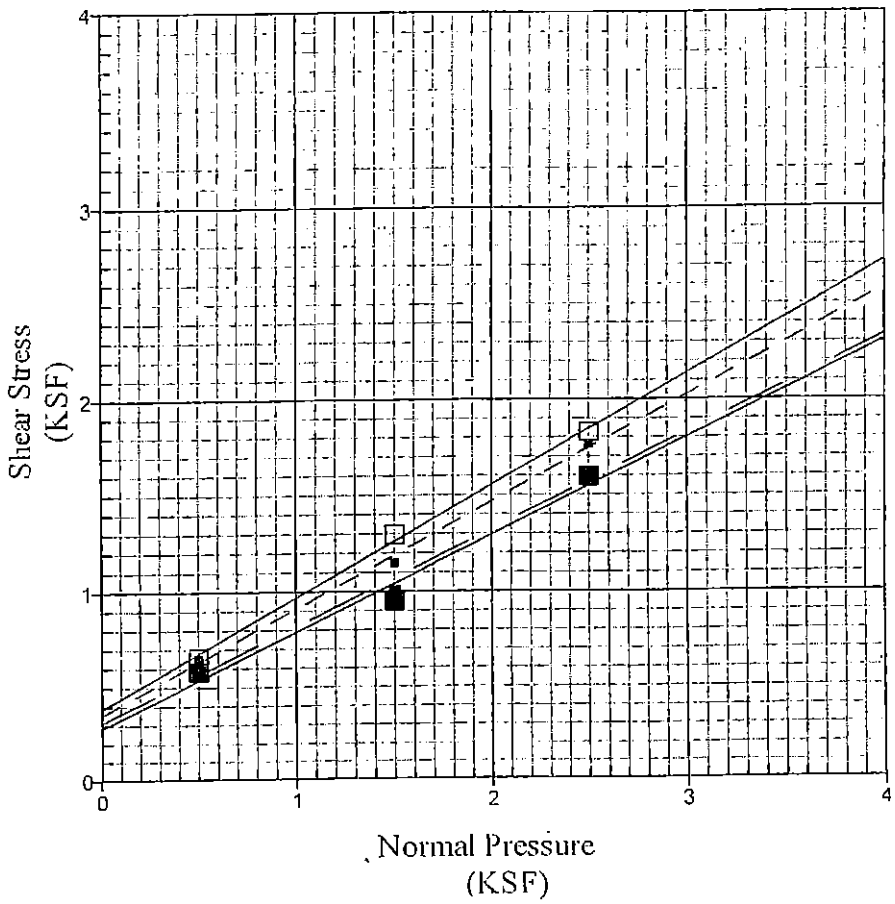
EXHIBIT E

DIRECT SHEAR

(ASTM D 3080)



☐ Peak Value	Cohesion (psf) = 390	Friction Angle (degree) = 30.5
■ Reshear Values		
Lowest Reshear Value	Cohesion (psf) = 290	Friction Angle (degree) = 27.0

Location:	TP-7
Depth (ft):	3.0'
Soil Type:	Vocanic Bedrock (BR)
Initial Moisture Content (%):	10.9
Dry Density (pcf):	101.6
Saturated Moisture Content (%):	29.1

Relatively undisturbed soil/bedrock samples were collected during field investigation, the samples were saturated (overnight), tested at slow rate test (0.01 inch/min.) of 4 cycles The bedrock samples were soaked for more than 48 hours.

Date: 10/10

Prepared by: VDJ

MTC ENGINEERING, INC.	Project Name	Project Number	Plate
5924 Temple City Blvd. Temple City, CA 91780 Tel: (626)287-6416 Fax: (626)287-0560	Youseffy/ Puddingstone	1159-1-1SG	DS-2

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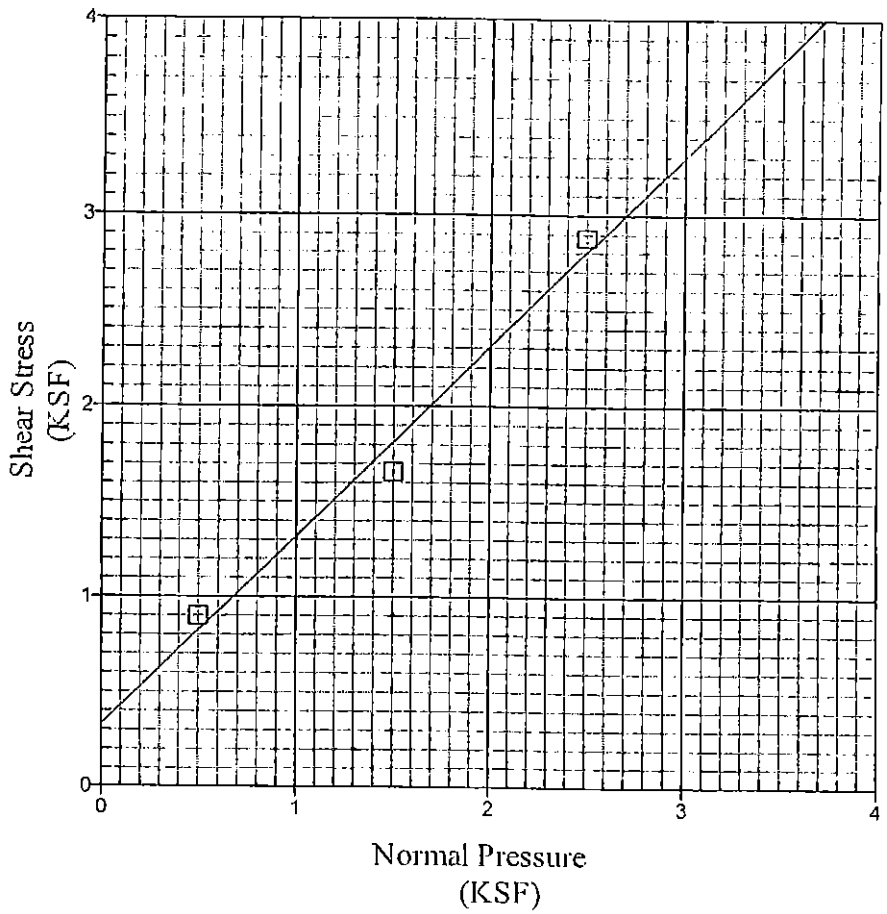
EXHIBIT E

DIRECT SHEAR

(ASTM D 3080)



☐ Peak Value Cohesion (psf) = 330 Friction Angle (degree) = 45.0

Location:	TP-8
Depth (ft):	1.0'
Soil Type:	Vocanic Bedrock (BR)
Initial Moisture Content (%):	8.5
Dry Density (pcf):	91.5
Saturated Moisture Content (%):	25.3

Date: 10/10

Prepared by: VDJ

MTC ENGINEERING, INC.	Project Name	Project Number	Plate
5924 Temple City Blvd. Temple City, CA 91780 Tel: (626)287-6416 Fax: (626)287-0560	Youseffy/ Puddingstone	1159-1-1SG	DS-3

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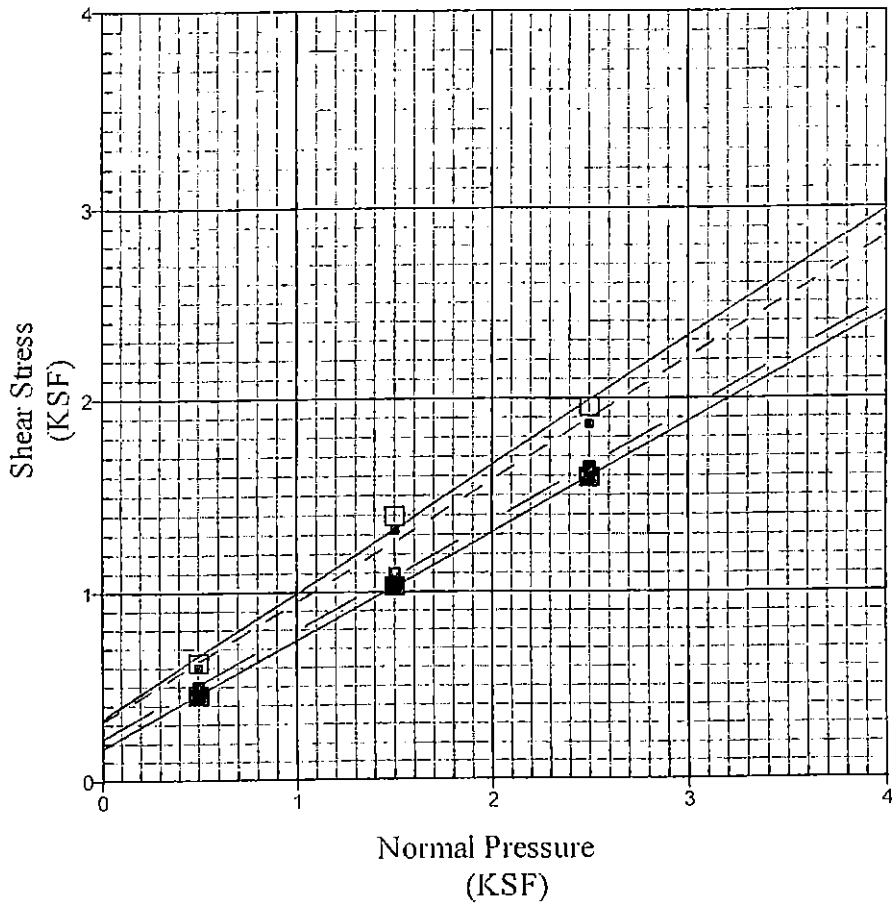
EXHIBIT E

DIRECT SHEAR

(ASTM D 3080)



□ Peak Value	Cohesion (psf) = 330	Friction Angle (degree) = 34.0
■ Reshear Values		
Lowest Reshear Value	Cohesion (psf) = 180	Friction Angle (degree) = 29.5

Location:	TP-8
Depth (ft):	3.25'
Soil Type:	Vocanic Bedrock (BR)
Initial Moisture Content (%):	4.5
Dry Density (pcf):	96.0
Saturated Moisture Content (%):	25.2

Relatively undisturbed soil/bedrock samples were collected during field investigation, the samples were saturated (overnight), tested at slow rate test (0.01 inch/min.) of 4 cycles The bedrock samples were soaked for more than 48 hours.

Date: 10/10

Prepared by: VDJ

MTC ENGINEERING, INC.	Project Name	Project Number	Plate
5924 Temple City Blvd. Temple City, CA 91780 Tel: (626)287-6416 Fax: (626)287-0560	Youseffy/ Puddingstone	1159-1-1SG	DS-4

EXHIBIT E

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CITY OF SAN DIMAS
DEVELOPMENT PLAN REVIEW BOARD
MINUTES
March 24, 2011 at 8:30 A.M.
186 VILLAGE COURT
PUBLIC CONFERENCE ROOM, TEMPORARY CITY HALL

PRESENT

Emmett Badar, City Council
Dan Coleman, Director of Development Services
Scott Dilley, Chamber of Commerce
Blaine Michaelis, City Manager
Jim Schoonover, Planning Commission

ABSENT

Krishna Patel, Director of Public Works
John Sorcinelli, Public Member at Large

CALL TO ORDER

Jim Schoonover called the regular meeting of the Development Plan Review Board to order at 8:36 a.m. so as to conduct regular business in the Public Conference room.

APPROVAL OF MINUTES

MOTION: Scott Dilley moved, second by Blaine Michaelis, to approve the minutes of January 27, 2011. Motion carried 4.0.0.1 (Badar Abstain)

MOTION: Jim Schoonover moved, second by Dan Coleman, to approve the minutes of February 24, 2011. Motion carried 5.0.0.0

DPRB Case No. 10-07

Continued from April 22, 2010. A request to grade the rear portion of a single-family residence into terraces, approximately 190 feet long by 90 feet wide, for the purpose of planting fruit trees located at 523 Puddingstone Drive.

APN: 8382-017-007

Zone: Specific Plan No. 8

Perry Youssefy, Applicant, was present
Gil Aguirre, Resident, 476 Cannon Ave, was present

EXHIBIT F

Associate Planner Marco Espinoza provided background information on the project. He explained that the case was reviewed and denied by the Development Plan Review Board on April 22, 2010, appealed to the City Council on March 1, 2011, which was filed timely, and has been sent back today to the Development Plan Review Board at the recommendation of the City Attorney. He pointed out that the applicant conducted a soil and geologic report, which was reviewed by the City Engineer and the Building Department, which provides proper evaluation of the item for the Board to better assess.

Associate Planner Espinoza noted that the applicant is proposing 6 terraces to be used to cultivate fruit trees, which is permitted; however there are issues with the contour grading and preservation of the hillside. He noted that the geologic report discusses stability but added that with 6 terraces, there needs to be further compaction along the edges of the terraces. He pointed out that the Code does not define how many terraces are permitted, but Staff is recommending that only 5 terraces be made with the additional contour grading. He also recommended the following: the depth and width of the terraces be decreased, restoration of the hillside to 2:1, replanting of vegetation and install an irrigation system. In addition, revise the grading plan and landscape plan to be consistent with each other. He noted a modification should be made to Condition No. 5, which currently reads "The building permits for this project must be issued within six months from the date of approval or the approval will become invalid due to the open Code Enforcement case, and no time extension may be granted." He recommended that it now read "the applicant shall submit the necessary plans for the proposed project within 30 days from the date of Board approval for plan check to the Building Division. Any required correction shall be performed within three weeks from date of issuance. The plan check process should not exceed three months." He noted that the applicant is concerned with his current financial state which may impact the moving forward of the project which would then require a time extension request. He also informed the Board replied that the applicant has been made aware of the recommendations and modifications including the rewording of Condition No. 5 prior to the meeting.

Perry Youssefy, Applicant, stated that the highest terrace, which is the 6th terrace, will not be designated for vegetation/planters but instead designated as an area for tables and chairs for lounging purposes. He noted that there are 5 terraces with 6 holes which total 30 new trees.

Associate Planner Espinoza noted that each terrace is considered a terrace whether it has planters or not and emphasized his recommendation that the 6th terrace be removed.

Mr. Youssefy commented that he has no objection to the items proposed and is aware of the modification requests; however if Staff is asking for additional renovation, then it will require more funding which is not readily available. He added that he would like to plant the trees as soon as possible and remediate any outstanding violations.

Gil Aguirre, neighbor, argued that it is not appropriate for this item to be permitted and reviewed before the Development Plan Review Board. He commented that the Municipal Code set forth by the City of San Dimas states that if an item is denied, which it was at the April 22, 2011 DPRB meeting, and appealed to City Council, which it was on March 1, 2011, it should not be heard for at least a year. He commented that to call this item a continuance is preposterous and added that this item was brought forth as an item for the DPRB because it was an ongoing Code Enforcement abatement case. He

EXHIBIT F

explained that Mr. Youssefy starting grading (terracing) the rear portion of the lot without approval and permits from the City and continued to do so when approached by the City to stop work. He stated that the intent of Zoning is to maintain the natural look of the area and explained that no other surrounding neighbors have conducted this type of landscaping. He commented that the City is rewarding Mr. Youssefy's behavior and added that no corrections have yet to be made and the neighbors are the ones suffering with the unsightly view of the unpermitted work being done on that property. He noted that the problem with this project is that Mr. Youssefy is removing the natural vegetation and wildlife to replace with trees that are not consistent within the area.

Mr. Youssefy confirmed that no other neighboring properties have proposed terraces but that does not mean it's not permitted because it has not been proposed. He confirmed that they started grading without permits because he was told by City Staff that no permit was needed to plant trees. He explained that in order to plant trees, digging of holes would be required as well as the use of heavy machinery. He expressed that he did nothing that was illegal.

Eric Beilstein, Building Official, stated that a stop work notice was issued at the property because the grading on the hillside exceeded 50 cubic yards. He stated that significant engineering review is required to obtain a grading plan for a hillside to ensure stability. He added that the soils report and conditions of approval need to be adhered to and added that the Building Code requires a civil and soils engineering report.

Mr. Coleman stated that the geologic report recommends removal of uncertified fills. He asked if it is possible to commence with that work if the trees were planted in existing holes.

Mr. Beilstein stated it would change the type of equipment that can be used and require more land work.

In response to Mr. Michaelis, he added that the grading plan has not been prepared; however the amount removed exceeds 50 cubic yards, and engineering will be needed.

Mr. Coleman stated that the grading plan provided by the applicant does not provide the quantity. He added that if the Board denies the application, the grading without permits needs to be abated and restored to its original condition.

Mr. Beilstein stated that it will require a permit from a licensed civil engineer to commence with grading. He added that the slope will also need to be certified.

Mr. Michaelis reiterated that the issue today is not about the planting of trees but instead the unpermitted and unapproved grading.

Mr. Badar asked if Mr. Youssefy has conversed with the Building Department about pulling permits.

Mr. Beilstein replied that a stop work notice was issued to Mr. Youssefy and added that since the beginning he has been made aware that he needs to work with the Building Department; however he has yet to do so.

EXHIBIT F

Associate Planner Espinoza has had multiple conversations with the applicant and explained that a preliminary investigation and clarification of the plans needs to occur.

Mr. Youssefy stated that on hillside areas, trees are usually planted for stability purposes. He explained that nothing has been changed except the flattening of the area and added that the terraces have not been touched.

Mr. Beilstein stated that there is an obvious need for an erosion control plan along with the soils report and engineering. He explained that Mr. Youssefy has been made aware of the outstanding concerns and added that it is not about the trees but instead the safety precautions.

Mr. Coleman commented that the problem is that Mr. Youssefy may have questioned Staff about planting a tree, but did not specify he would perform extensive grading.

Mr. Schoonover added that the Board has visited the site in the past and seen the unpermitted grading that exceeded 50 cubic yards.

Mr. Michaelis agreed and commended Staff's modifications in the Staff Report which included: reducing the amount of terraces to 5; reduce the depth of the terraces at their deepest point to 10 feet or less; reduce the width of the staircases to five feet maximum, restore the other non-approved terrace(s) to a 2:1 or greater slope; replant the slope areas with natural vegetation and submit a professional level landscape and irrigation plan with the correct terrace location and sizes. He felt the recommendation respects the property owner's desire while meeting building and planning requirements.

Motion carried 4-1-2-0 (Schoonover No, Patel and Sorcinelli Absent)

Mr. Schoonover asked if the applicant can meet all the requirements.

Mr. Beilstein replied that the geologic report has been conducted but a plan needs to be prepared and reports submitted before issuance of a building permit. He explained whether the project is approved or not, there is still an active Code Enforcement case and the slope needs to be stabilized in the near future.

MOTION: Moved by Blaine Michaelis, seconded by Scott Dilley to approve Staff's recommendation and the modified Condition of Approval No. 5.

DPRB Case No. 10-37

Continued from January 27, 2011. A request to construct a 2,498 sq. ft. two-story addition to a single-family residence, located at 309 West Fifth Street.

APN: 8386-001-034

Zone: Specific Plan No. 3
Lolita Santiago, Applicant, was present

Assistant Planner Michael Concepcion explained that the item was continued from a previous meeting because the Board wanted to further review mock-ups of proposed Hardie-Board with vertical battens, elevation concepts showing hung/casement windows

EXHIBIT F

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

City Manager
BLAINE M. MICHAELIS

Assistant City Manager / Treasurer
KENNETH J. DURAN

City Attorney
J. KENNETH BROWN

CITY OF San Dimas CALIFORNIA

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

March 30, 2011

Perry Youssefy
523 Puddingstone Dr.
San Dimas, CA 91773

SUBJECT: **DPRB Case No. 10-07, Approval Letter**
A request to grade the rear portion of a single-family residence into terraces, approximately 190 feet long by 90 feet wide, for the purpose of planting fruit and floral trees at 523 Puddingstone Drive (APN: 8382-017-007).

Dear Mr. Youssefy,

A modification of your request to grade the rear portion of a single-family residence into terraces, for the purpose of planting fruit and floral trees at 523 Puddingstone Drive was approved on March 24, 2011, by the Development Plan Review Board. This approval is based on the following findings and is subject to the conditions set forth in Exhibit A.

Findings

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

The subject property is within Specific Plan No. 8 which allows for the development of single-family residence. The zone also permits for non-commercial agricultural planting. The proposed terraces at the rear of the lot are intended for non-agricultural purpose making the use suitable for the site and existing single-family residence use.

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

EXHIBIT G

245 EAST BONITA AVENUE • SAN DIMAS • CALIFORNIA 91773-3002 • (909) 394-6200 • FAX (909) 394-6209

The proposed terracing for the development of non-agricultural purpose is arranged in a way that it will not affect traffic congestion; the terracing is at the rear of the property. The applicant has had a soils and geologic report prepared for the proposed terracing (already terraced) which concludes that the proposal dose not undermine the integrity of the hillside but that additional studies and remedial measures need to be addressed to prevent possible erosion of the hillside.

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.

Specific Plan No. 8, allows for non-agricultural planting. This is the first proposal for such use within this zone, which includes the terracing of the hillside. The Board visited the site to observe the conditions, listened to the adjacent neighbor's concerns and reviewed Staff's Fact Sheet before concluding that a modified terracing plan would be in accordance with the intent of the General Plan and the Zoning Ordinance.

Any decision, determination or action by the Development Plan Review Board may be appealed to the City Council provided that such appeal is filed within 14 days from the date of this letter, determination or action by the Development Plan Review Board. An appeal may be filed by you or any other interested party. Any appeal must include an appeal fee of $109 and be accompanied by a written letter stating the reason(s) for the appeal. If you have any questions about the appeal process, the decision of the Board and/or any other inquiry, please contact me at (909) 394-6259.

Sincerely,

Marco A. Espinoza
Associate Planner

Attached: Exhibit A - Conditions of Approval
Acceptance of Conditions Affidavit

EXHIBIT G

EXHIBIT A

CONDITIONS OF APPROVAL

DPRB Case No. 10-07

PLANNING DIVISION - (909) 394-6250

GENERAL

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 plans (full size). 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 Specific Plan No. 8.

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 applicant shall submit the necessary plans for the proposed project within **30 days** from the date of this letter for plan check to the Building Division. Any required correction shall be performed within **three weeks** from date of issuance. The plan check process should not exceed **three months.**

6. All work must be completed and finaled within **three months** from the date of building permit issuance. After all work has been completed and building permits have been finaled by the Building and Planning Division, the open Code Enforcement case shall be closed regarding the unpermitted grading issues. **No time extension may be granted.**

7. The applicant shall sign an affidavit accepting all Conditions and all Standard Conditions before issuance of building permits.

8. 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.

9. The developer shall comply with all conditions of approval as approved by the Development Plan Review Board on March 24, 2011.

DESIGN

10. Location and type of any exterior lighting fixtures shall be submitted by the applicant to the Planning and Building Division for review and approval; required building permits shall be pulled prior to installation.

11. Plans for all exterior design features, including, but not limited to, fountains and architectural treatments, shall be submitted to the Planning Division for review and approval before issuance of building permits.

12. Ground-mounted mechanical or electrical equipment installed by the applicant shall be inconspicuously located and screened, as approved by the Planning Division.

13. The applicant shall reduce the amount of terraces from six to **five** and shall submit revised grading and landscape plans depicting the approved terraces.

14. The applicant shall reduce the depth of the terraces to 10 feet at their deepest point and shall submit revised grading and landscape plans depicting the approved depths.

15. The applicant shall revise the plans to show the proposed staircases at not more then five feet wide.

16. The applicant shall restore the other non-approved terrace(s) to a 2:1 or greater slope and shall submit revised grading and landscape plans depicting the new slopes.

17. The applicant shall submit a detailed fencing plan for review and approval by the Planning Division if so proposed.

18. All outdoor storage areas shall be oriented away from the public right-of-way and screened with fencing and/or landscaping, as approved by the Planning Division.

19. The developer shall install all utilities underground.

LANDSCAPE

20. The applicant shall replant the slope areas with natural vegetation and shall submit revised landscape plans depicting the new landscaping. The placement of the landscaping on the slopes shall be in an informal arrangement.

21. The applicant shall submit a professional level landscape and irrigation plan with the correct terrace location and sizes, to be consistent with the grading plans.

22. All slopes over three- (3) feet in vertical height shall be irrigated and landscaped as approved by the Planning Division.

23. No trees shall be removed other than those indicated on the approved set of landscape plans.

24. Water efficient landscapes shall be implemented in all new and rehabilitated landscaping for developer-installed landscaping in single-family and multi-family projects, and in private development projects that require a grading permit, building permit or use permit, as required by Chapter 18.14 of the San Dimas Municipal Code.

BUILDING DIVISION – (909) 394-6260

25. Prior to the issuance of any grading permits, the developer shall submit an application for a grading permit, per Appendix, Chapter 33 of the Uniform Building Code, latest Edition, accompanied by plans and specifications.

26. Prior to the issuance of any grading or building permits, the developer shall submit a complete Preliminary Soils Engineering Report to include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary. Include opinions and recommendations concerning the stability of the sites to be developed by the proposed grading, liquefaction and proximity to known faults.

27. If grading is performed or drainage facilities are not installed during the period between October 15 and April 15, a temporary erosion control plan, submitted by the developer, shall be approved by and filed with the City and shall be installed and operable at all times.

28. Prior to the issuance of any grading permits, the developer shall submit an Engineering Geology Report that includes an accurate description of the

EXHIBIT G

geology of the site and conclusions and recommendations regarding the effect of the geologic conditions on the proposed development. The following remedial measures shall be included per the November 4, 2010, Preliminary Soils and Geological Engineering Investigation Report prepared by MTC Engineering, Inc.:

a. Design of a drainage system to properly divert the runoff.
b. Remove the uncertified fills to competent colluvium or bedrock and re-compacted to meet the code requirements.
c. Slope planting – It is also recommended that he slope surface should be protected with drought-resist vegetation.
d. The site remedial grading and drainage plans should ne prepared by a licensed Civil Engineer.

29. The developer/owner shall comply with the latest edition of the Uniform Codes as adopted by the City of San Dimas at the time Building Permits are issued (i.e.,: Uniform Building Code with San Dimas Amendments, Uniform Plumbing Code, Uniform Mechanical Code, National Electric Code).

30. Construction hours shall be limited in a residential zone, or within a 500 foot radius thereof, to between 7:00 a.m. and 8:00 p.m., and shall be prohibited at any time on Sundays or public holiday, per San Dimas Municipal Code Section 8.36.100.

ENGINEERING DIVISION – (909) 394-6250

31. The developer shall provide drainage facilities to carry runoff of storm waters in the area proposed to be developed, and for contributory drainage from adjoining properties. A Hydrology Study for the site and contributory drainage will be required.

32. For projects which disturb soil during wet season, applicant must submit a signed certification statement declaring that contractor will comply with Minimum Best Management Practices (BMPs) required by the National Pollutant Discharge Elimination System (NPDES), and also submit a Local Storm Water Pollution Prevention Plan/Wet Weather Erosion Control Plan.

33. All work adjacent to or within the public right-of-way shall be subject to review and approval of the Public Works Department.

End of Conditions

EXHIBIT G

CITY OF SAN DIMAS

ACCEPTANCE OF CONDITIONS

AFFIDAVIT

The undersigned deposes and says:

I, _____, am the owner, or the authorized agent of the owner, of property involved in Development Plan Review Board Case No. 10-07.

I further state that I have read, understand and accept, and will comply with all the conditions of approval for Development Plan Review Board Case No. 10-07 approved by the Development Plan Review Board on March 24, 2011.

I am also aware that if any of the provisions of this approval are violated or held to be invalid, or any law, statute or ordinance is violated, the approval shall be void and the privileges granted thereunder shall lapse.

Signed this _____ day of _____, 2011.

SIGNED: _____

Mailing address: _____

_____

Telephone number: _____

EXHIBIT G

1. INTRODUCTION AND SCOPE OF WORK

A non-conforming grading was performed on rear slope of the subject property including 7 cut and fill terraces to plant trees on each terrace on the slope (see **Figures 3** and **4** in geologic report). The owner was informed by the City to submit a soils and geologic engineering investigation with recommendations for compliance of the City Grading regulations and slope stability.

The following scope of work has been performed for this investigation:

a) Site check and review of pertinent soils and geologic data of the general study area. A vicinity map is shown on **Figure 1**. A site geologic and regional geologic map are prepared and depicted in the attached geologic report.

b) Excavation, drilling, logging, and sampling of (8) test pits at the selected locations as shown on **Figure 2**. The boring and test pit logs are shown in **Appendix A**.

c) Laboratory testing of earth samples to determine their engineering properties. The results of laboratory tests are shown in **Appendix A**.

d) Performing engineering analyses and geologic evaluation.

e) Preparation of this geologic and soils engineering report to present the findings and conclusions of this investigation and the recommendations for design and construction.

2. SITE CONDITIONS AND PROPOSED IMPROVEMNT

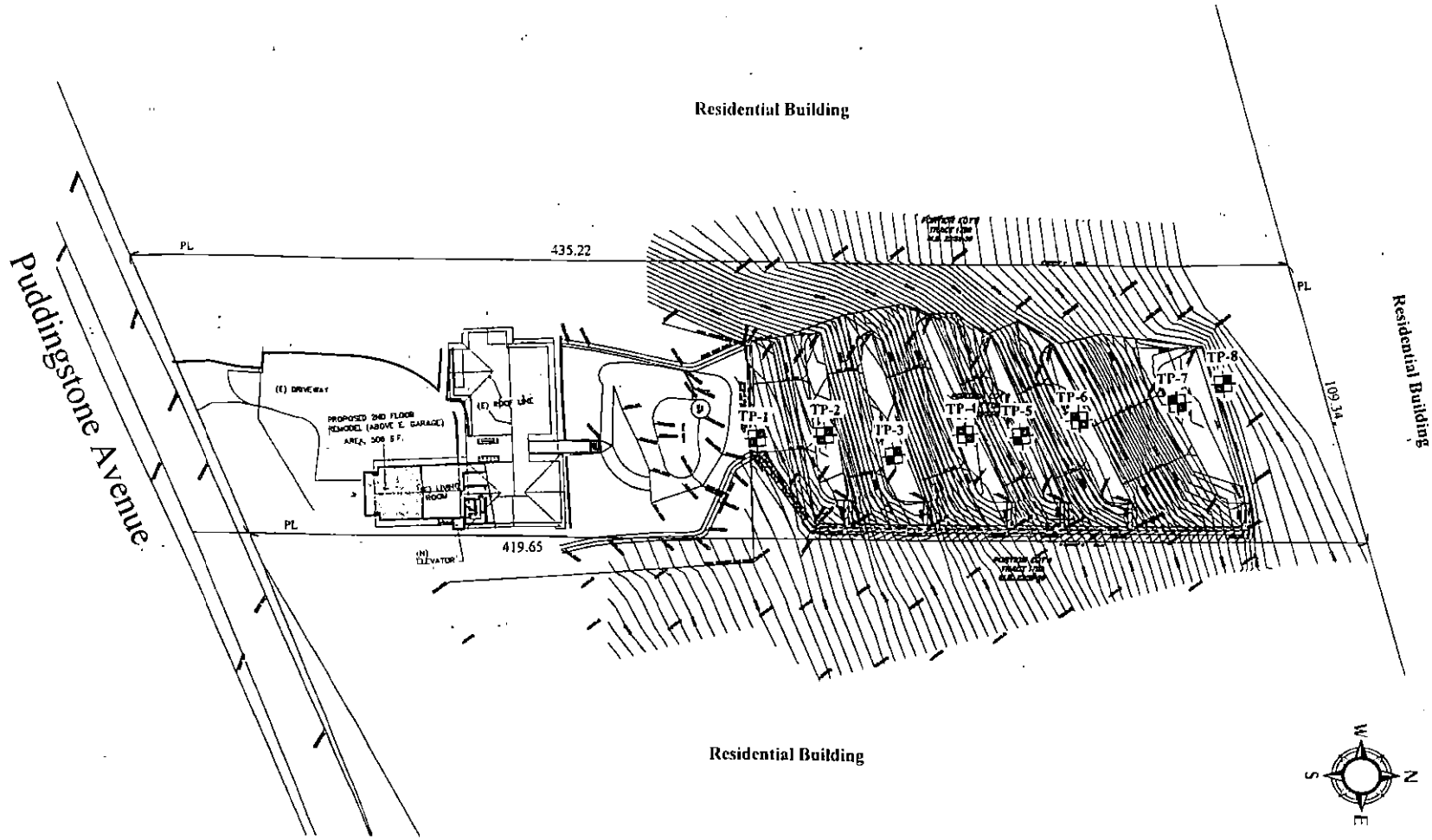
The subject property is located at 523 Puddingstone Avenue, San Dimas, California, in a residential area. The site is bounded on south side by the Puddingstone Avenue, and the remained side by residential properties with a southeast facing slope, which ascends from the backyard to a residential property above. The slope gradient is approximate 3 : 1 (horizontal to vertical) as shown in the **Figure 4** of the Geology Report, attached.

Two to five tree holes were excavated on each terrace of the subject rear slope. The cut and fill grading procedures were made to establish the near level terraces without verification of compaction (building code requires s a minimum of 90 % compaction for compacted fill). No drainage devices or proper grades were observed to direct the potential runoff through the slope, during our field exploration.

3. FIELD EXPLORATIONS AND LABORATORY TESTING

A total of eight (8) test pits were dug during our field exploration on September 16, 2010. The test pits were approximately 2 feet in width, the test pits were excavated to depths of 2 to 3 feet below the ground surface (**bgs**). Undisturbed earth samples were obtained using standard ring samplers. The samples were placed in moisture-tight tubes and containers, and transported to our certified laboratory for testing.

EXHIBIT H



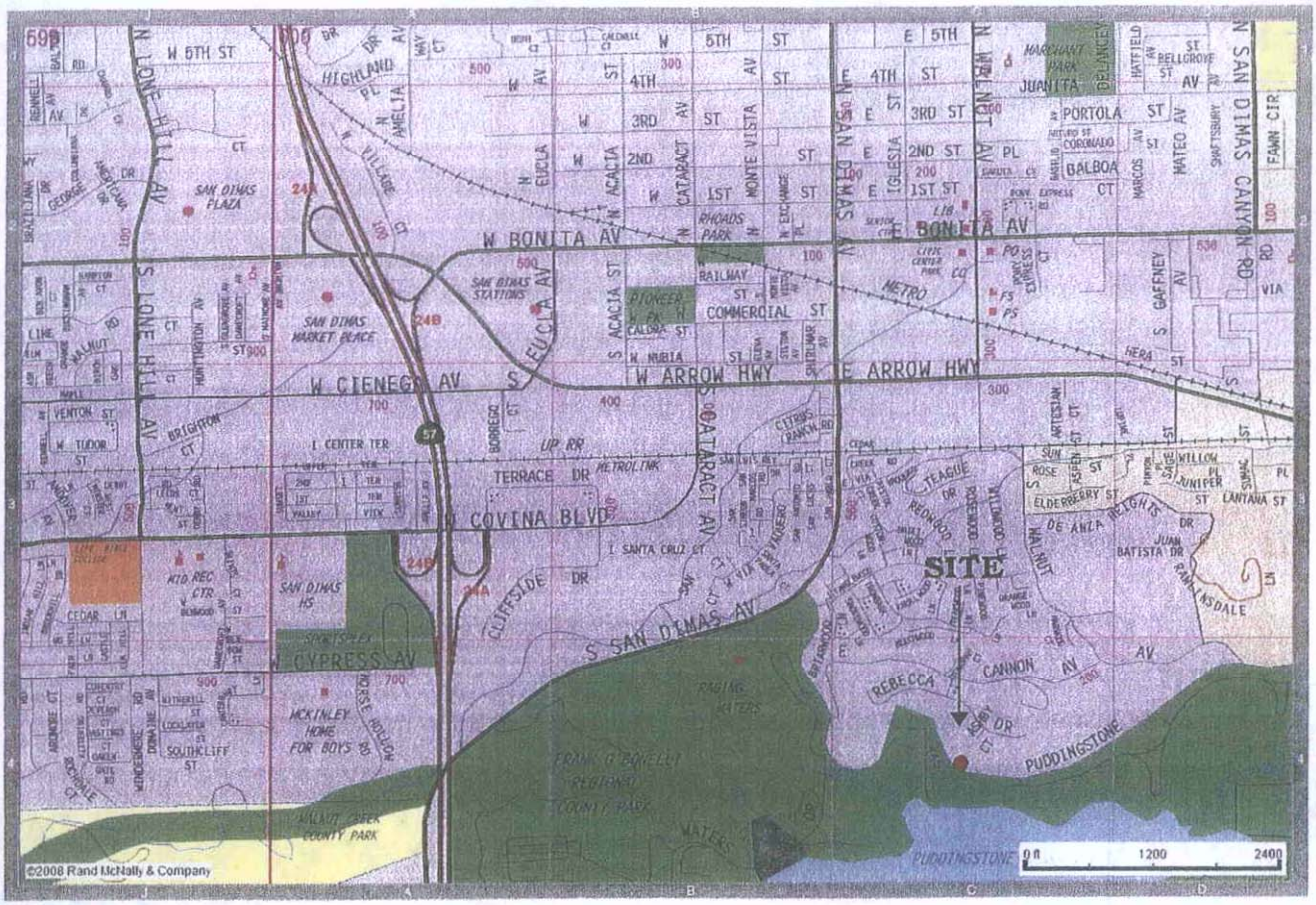
LEGEND:

Test Pit Location

Scale: 1"=40'

MTC ENGINEERING, INC. Geotechnical Engineering, Engineering Geology, Environmental Assessment	**PLOT PLAN SHOWING TEST PIT LOCATIONS** 523 Puddingstone Avenue, San Dimas, CA 91773	Project Number 1159-1-1SG	Figure 2

EXHIBIT H



Drafted by: VDJ

VICINITY MAP 523 Puddingstone Avenue, San Dimas, CA 91773	T.G. Page: 600 – C4	Figure No: 1

EXHIBIT H

Laboratory tests including moisture-density tests, direct shear tests, expansion index test and corrosivity test were performed. The test results are presented in **Appendix A**.

4. EARTH MATERIALS

The earth materials encountered during our subsurface exploration consisted of fill, colluvium, and bedrock.

4.1. Fill/Colluvium

Fill and or colluvium encountered in test pits from surface to 2 inches to 1.2 feet bgs consisted of light gray to gray, fragment of volcanic rock to 2" in diameter in slightly moist, moderately dense conditions.

4.2. Bedrock

Based on the Dibblee Map (1989), the site is underlain by the Pliocene Fernando Formation, Repetto Shale Member (Tfr) consisting of poorly bedded to massive clayey silt. Bedrock beddings are in general dipping into the slope, in favor to the site stability. More details of bedrock description and structure conditions are provided in the attached geological report.

4.3. Groundwater

No groundwater was encountered during field exploration.

5. ENGINEERING PROPERTIES

The engineering properties of on-site earth samples determined from laboratory tests are summarized below:

Field Dry Density:	91.5 to 109.4 pcf
Field Moisture Content:	2.8 to 10.9 %
Cohesion:	180 to 390 psf
Friction Angle:	27 to 45 degrees
Shear Strength:	Plates DS-1 to DS-4
Modified Proctor Test:	Maximum Dry Density: 110.5 lbs/ cu.ft. Moisture: 17.0%

EXHIBIT H

6. FAULTING AND SEISMICITY

Data search of historical earthquake events which have been occurred in the general study area were performed to evaluate the deterministic seismicity parameters of potential on site ground motion. The seismicity study indicated that no known active or potentially active faults pass through the site. However, the site, as all of the Southern California areas, is located in a seismically active region, and will experience slight to very intense ground shaking as a result of movement along various active faults in the region. Per Campbell & Bozorgnia (2005) by using Blake's current computer program of the EQFAULT Version 3.0, the most significant fault system near the site is the **San Jose Fault**. The findings of the faulting and seismicity study are as follows:

a) There are 70 fault systems in a search radius of 100 miles.

b) The most significant fault system near the site is the **San Jose Fault**, and is about 0.0 miles (0.0 km) from the subject site.

c) The largest maximum-earthquake site acceleration during the time period of 1900 to 2010 was 0.6293 g (gravity).

d) The estimate site intensity during the time period of 1900 to 2010 was X of the Mercali Scale.

e) The earthquake closest to the site is about 0.4 mile (0.7 km) away.

f) The largest earthquake magnitude found in the search radius during the time period of 1900 to 2010 was 7.7.

g) The largest earthquake site from this search which may impact the site is 0.202 g.

6.1. Seismicity

6.1.1. Earthquake Effects

Based on our studies, no active or potentially active fault passes through the site. However, the site lies within a seismically active area and may subject to very strong ground shaking. If a strong earthquake occurs in the vicinity of the subject site, structural stress and minor foundation disturbance caused by earthquake induced ground shaking will be the major cause of damage. The potential of earthquake effects are discussed as follows:

6.1.2. Lurching and Shallow Ground Rupture

As no active or potentially active faults pass through the site and no known ground ruptures have occurred in the local area surrounding the site, the

EXHIBIT H

potential of ground cracking due to shaking and seismic events is low.

6.1.3. Liquefaction Potential

Liquefaction describes a phenomenon in which cyclic stresses produced by ground shaking induced excess pore water pressures in the cohesionless soils. These soils may thereby acquire a high degree of mobility leading to damaging deformations. In general, this phenomenon only occurs below the water table, but after liquefaction has developed, it can propagate upward into overlying non-saturated soil as excess pore water pressure. Liquefaction susceptibility under a given earthquake is related to the gradation and relative density characteristics of the soil, the in-situ stresses prior to ground motion, and the depth to the water table, as well as other factors. Based on our field exploration, the onsite bedrock is not susceptible to liquefaction.

6.1.4. Seismic Design Parameters

California Building Code (CBC) 2007, the site could be designated as Site Class "D" per Table 1613.5.5 of CBC 2007. Other required seismic design parameters may be obtained from Section 1613 of the 2007 CBC or from web site: http://www.earthquake.gov/hazard/designmaps/javacalc.php by down-loading a program of version 5.09a(8.3Mb) and entering the longitude (-117.7991) and latitude (34.0939) of the site based on the site class Based on the aforementioned information, field investigation, and the s provided.

7. GEOLOGIC SETTING AND STABILITY EVALUATION

Engineering Geologic Report prepared by Mr. Charles Schroeter, the certified engineering geologist for the project, is attached in this report (**Appendix B**). The report provides the geologic information and slope stability of the subject site.

The slope profile as shown in cross section A-A' (Geologic Cross Section A-A' in the attached Geologic Report) was analyzed and found stable. Relatively undisturbed soil/bedrock samples were collected during field investigation. The shear parameters used in the gross stability analysis were obtained from the direct tests conducted per ASTM D 3080. The samples were saturated (overnight), tested at a slow rate of 0.001 inch/min. The test results are plotted and interpreted to determine the angle of internal friction and cohesion, as depicted in Plates DS-1 through DS-8.

As favorable massive bedrock conditions were disclosed the exploration. The lower residual shear parameters of cohesion – 180 psf, and friction angle of 29.5 degrees of the massive clayey silt were used in our gross slope stability analyses. The slope analyses indicated the subject slope shall be stable with the safety factor of 2.08 which is higher than the City required minimum safety factor of 1.5, if no further significant grading and changing of the grades be conducted by owner.

EXHIBIT H

The gross stability calculations are presented below:

Gross Slope Stability Analysis				
Ref: NAVFAC DM-7	Design Manual			
Project No.	1159-1-1SG			
Slope Height : **H**	65	feet		
Slope Angle : α :	17	degree		
Total unit wt. : **rs**	120	pcf		
eff Cohesion: **C**	180	fsf		
Friction Angle : **Ø**	29.5	degree	Tan Ø =	0.566
λcØ = rsxHtanØ/c =	24.5			
Ncf=	90.0	off table limit use a conservative value		
FS= Ncf x c/rsH =	2.08	>1.5 ok		

The surficial slope stability is calculated based on the assumed saturated surface and shear strength of the soil cement, the factor of safety is 2.23, which is greater than the code required of 1.50. The engineering calculations for the surficial slope stability are attached as **Appendix C.**

8. CONCLUSIONS AND RECOMMENDATIONS

Based upon the findings of our investigation, the proposed development at the subject site are feasible from a geologic and soils engineering viewpoint provided the recommendations of this soils and geologic report are properly incorporated into design and are implemented during construction.

The following recommendations should be incorporated into the final design and construction practice for the proposed developments.

8.1. Current Slope Conditions

Based on field investigation, laboratory test, geologic evaluation and engineering analyses, the current distresses are listed as followings:

1). Lack of surficial drainage system to divert the runoff to the street.

2). Fills placed on the edges of the slopes without compaction verification.

3). No ground cover of drought resistant vegetation. The exposed slope surfaces are subject to further surficial erosions.

EXHIBIT H

8.2. Remedial Measures

Based on the site conditions observed during site investigation, remedial measures are proposed as followed:

1) Design of a drainage system to properly divert the runoff.

2) Remove the uncertified fills to competent colluvium or bedrock and re-compacted to meet the code requirement.

3) Slope planting. It is also recommended that the slope surface should be protected with drought-resist vegetation.

It is our opinion that slope remedial measure should be taken immediately. The site remedial grading and drainage plans should be prepared by a licensed Civil Engineer.

8.3. Site Preparation

The following grading guidelines can be used as a basis for quality control during grading and soil-cement or geogrid enforced fill placement.

a) Remove all fill, loose soils, vegetation, and other deleterious materials that conflict with the proposed development.

b) Compacted soil cement or other fill should be placed in controlled layers, and should not exceed 8 inches in thickness.

c) Field density tests should be performed in accordance with the current ASTM Standards D 1556 or D2922. Field density tests should be taken at no more than 2-foot intervals of the fill placed.

d) The excavated onsite soils, cleaned of deleterious materials, can be re-used for fill.

e) All fill placements should be performed in accordance with the current grading ordinances of the local government and the recommendations of this report.

f) All fill placements should be observed and tested and approved by the representative of this firm. All removal areas and footing excavations should be observed and approved by the representative of this firm prior to placing any fill, steel or concrete.

8.4. Temporary Excavation

Prior to the start of excavation, all utilities in the project area should be located and either rerouted or protected. Any existing vegetation and other deleterious materials should be cleared from the site. Most of the soils encountered at the site are generally can be used for fill and be excavated with conventional grading equipment. Temporary excavation can be cut vertically up to 5 feet and 1(H) : 1 (V) slope upward over 5 feet.

EXHIBIT H

8.5. Drainage

Final grading should provide a positive drainage to divert surface water away from the foundation and slope areas in compliance with the local jurisdiction's grading requirements. All pad drainage should be collected and diverted away from the proposed development in non-erosive devices. Roof gutter, if any, should be provided to collect runoff water and divert to down spouts leading down to the ground surface and discharge off-site. Planters adjacent to buildings, if any, or slope should be designed with concrete bottom and subdrains leading away from the building or slope area. Proper subsurface drainage should be provided to divert runoff water away from the foundation areas. All underground plumbing fixtures should be absolutely leaked free. Proper drainage should also be provided to divert surface water away from the building pad area during construction. This is especially important when construction takes place during the rainy season.

8.6. Section 111 of the Los Angeles County Building Code

It is the opinion of the project consultants that the proposed construction will be safe against any geotechnical hazards from landslides, settlement, or slippage and the proposed work will not adversely affect the subject and adjacent properties in compliance with the city/county code, provided Consultants' recommendations are followed.

9. PLAN REVIEW, OBSERVATION, TESTING, AND RESPONSIBILITY

We recommend that MTC Engineering, Inc. be present to perform the following tasks prior to and/or during construction. Otherwise, the qualities and performance of the recommended geotechnical works for this project may not be ensured to meet your needs and that MTC should be automatically released from the liabilities for the project by our client. Other geotechnical consultant who takes over the project needs to reevaluate the whole situation and assume the responsibility and liability for the project as the **Geotechnical Engineer of Record** on the government files while the project owner agrees to change the geotechnical consultant. Any law suit and attorney fees arisen accordingly should not be MTC's burden and MTC reserves the rights to claim any damages due to mishandling of the project by others. To avoid any unnecessary law suit, a certificate of merit is required for any law suit against MTC.

a) Review grading and drainage plans.

b) Observe and advise during all grading activities including site preparation, subdrain installation, and placement of fill.

c) Test all fill placed for engineering purpose.

EXHIBIT H

10. LIABILITY AND LIMITATION

The conclusions and recommendations submitted in this report are based on our data research, subsurface exploration, laboratory testing, and engineering evaluation and analysis. The nature and extent of variations in subsurface conditions may not become evident until construction. If variations then appear evident, it will be necessary to reevaluate the recommendations of this report. Please be aware that the contracted fees for our services to prepare this report do not include additional work which may be required such as grading observation and testing, footing observations, and etc. Where additional services are required and requested, you will be billed for any equipment costs and on an hourly basis for consultation or analysis. This report is issued with the understanding that it is the responsibility of **the Owner**, or **the Owner's representative** to ensure that the information of the project is incorporated into the plan and that the necessary steps are taken to see that the Contractor carry out such recommendations in the field. MTC Engineering, Inc. (MTC) has prepared this report for the exclusive use of the Client and authorized agent. This report has been prepared in accordance with generally accepted Geotechnical Engineering practices. No other warranties either expressed or implied are made as to the professional advice provided under the terms of this agreement.

EXHIBIT H

APPENDIX A

TEST PIT LOGS AND LABORATORY TEST RESULTS

EXHIBIT H

APPENDIX A

TEST PIT LOGS AND LABORATORY TESTING

1.0 TEST PIT LOGS

The test pit logs are presented on Plates TP-1 to TP-8.

2.0 LABORATORY TESTING

Laboratory tests include moisture-density tests and direct shear tests.

2.1 Moisture-Density Tests

Site soils were classified in the laboratory in accordance with the Unified Soil Classification System (USCS). Field moisture content and dry unit weights were determined for the ring samples obtained in the field. Field moisture contents and dry unit weight are shown on Plates TP-1 to TP-8.

2.2 Direct Shear Tests

Direct shear tests were performed to determine the shear strength parameters of undisturbed samples. The samples were tested in an artificially saturated condition. The results are plotted and linear approximations are drawn of the failure curve to determine the angle of internal friction and cohesion. Remolded soil samples with 5 to 8 percents cements were tested as well. The results of direct shear tests are shown on the Plates DS-1 to DS-4.

EXHIBIT I

Soil Classification System Used by MTC Engineering, Inc.

Major Division			Group Symbols	Typical Names
COARSE GRAINED SOILS (more than 50% of material is LARGER than No. 200 sieve size)	GRAVELS (more than 50% of coarse fraction is LARGER than the No. 4 sieve size)	CLEAN GRAVELS (little or no fines)	GW	well graded gravels, gravel-sand mixtures, little or fine
			GP	poorly graded gravels or gravel-sand mixtures, little or no fines
		GRAVELS WITH FINES (appreciable amt. of fines)	GM	Silty gravels, gravel-sand-silt mixtures
			GC	clayey gravels, gravel-sand-clay mixtures
	SANDS (more than 50% of coarse fraction is SMALLER than the No. 4 sieve size)	CLEAN SANDS (little or no fines)	SW	well graded sands, gravelly sands, little or no fines
			SP	poorly graded sands, gravelly sands, little or no fines
		SANDS WITH FINES (appreciable amt. of fines)	SM	silty sands, sand-silt mixtures
			SC	clayey sands, sand-clay mixtures
COARSE GRAINED SOILS (less than 50% of material is SMALLER than the No. 200 sieve size)	SILTS AND CLAYS (liquid limit LESS than 50)		ML	inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity
			CL	inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clay
			OL	organic silts and organic silty clays of low plasticity
	SILTS AND CLAYS (liquid limit GREATER than 50)		MH	inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts
			CH	inorganic clays of high plasticity, fat clays
			OH	organic clays of medium to high plasticity
HIGHLY ORGANIC SOILS			Pt	peat and other highly organic soils.
SEDIMENTARY BEDROCK				SANDSTONE
				SILTSTONE
				CLAYSTONE
IGNEOUS BEDROCK				GRANITIC ROCK
METAMORPHIC BEDROCK				METAMORPHIC ROCK

PARTICLE SIZE LIMITS

SILT or CLAY	SAND			GRAVEL		COBBLES	BOULDERS
	FINE	MEDIUM	COARSE	FINE	COARSE		
No.200	No. 40	No.10	No. 4	¾ in.	3 in.	(12 in.)	

LABORATORY TESTING ABBREVIATIONS

AL Atterberg Limits	**MC** Moisture Content & Dry Density	**CD** Consolidated Drained
CP Collapse Potential	**MD** Maximum Dry Density	**CU** Consolidated Undrained
CS Consolidation	**PP** Pocket Penetrometer	**UU** Unconsolidated Undrained
DS Direct Shear	**PR** Permeability (Outside Lab)	
EI Expansion Index	**RS** Resistivity, pH, and Chlorides	
GD Gradation Analysis	**RV** R-Value	

EXHIBIT H

TEST PIT LOG

PROJECT NAME	Youseffy/ Pud[illegible]tone			BORING DESIGN	TP-1
PROJECT NO.	1159-1-1SG				
DATE DRILLED	9-16-2010	DRAFTED BY	VDJ	STATION	- - -
DRILLER	MTC	LOGGED BY	ML	OFFSET (FT)	- - -
GROUND-WATER ELEV	N/A	SAMPLER SIZE	2.5"	GSE	- - -
TYPE OF DRILLING	Hand/Power Tools	DRIVE WT	36 lbs	DROP	42"

Surface description: Cut & Fill Slope/Terrace.

Location of Excavation: See plot plan (Figure 2).

Depth in Feet	Sample Depth	Sample Type	Sample No.	Blows per 12 inches	Dry Density (pcf)	Moisture Content(%)	USCS Symbols	GEOTECHNICAL DESCRIPTION	Soil Lab Test
1	1.0	R	1	210/5.5"	98.6	2.8	SM	**Colluvium (0 to 6")** **SAND** Light gray to gray, fragment of vocanic rock to 2" in diameter, slightly moist, moderately dense.	
2							BR	**Bedrock (6" to 2')** **VOCANIC BEDROCK** Light gray to gray to greenish gray, massive, slightly weathered, slightly fractural at top 18", slightly moist, hard to very hard.	
3								End of Test Pit at 2' No Cave-in No Groundwater Encountered	

Bearing of Test Pit Axis:

C ROCK CORE B BULK SAMPLE R RING SAMPLE
S SPLIT SPOON T TUBE SAMPLE
D DRIVE SAMPLE b SMALL BAG

EXHIBIT H

TEST PIT LOG

PROJECT NAME	Youseffy/ Pude	one			
PROJECT NO.	1159-1-1SG			BORING DESIGN	TP-2
DATE DRILLED	9-16-2010	DRAFTED BY	VDJ	STATION	- - -
DRILLER	MTC	LOGGED BY	ML	OFFSET (FT)	- - -
GROUND-WATER ELEV	N/A	SAMPLER SIZE	2.5"	GSE	- - -
TYPE OF DRILLING	Hand/Power Tools	DRIVE WT	36 lbs	DROP	42"

Surface description: Cut & Fill Slope/Terrace.

Location of Excavation: See plot plan (Figure 2).

Depth in Feet	Sample Depth	Sample Type	Sample No.	Blows per 12 inches	Dry Density (pcf)	Moisture Content(%)	USCS Symbols	GEOTECHNICAL DESCRIPTION	Soil Lab Test
1	1.0	R	1	210/5.5"	101.8	3.7	SM	**Colluvium (0 to 2")** **SAND** Light gray to gray, fragment of vocanic rock to 2" in diameter, slightly moist, moderately dense.	
2 3							BR	**Bedrock (2" to 3')** **VOCANIC BEDROCK** Light gray to gray to greenish gray, massive, slightly weathered, slightly fractural at top 18", slightly moist, hard to very hard.	
								End of Test Pit at 3' No Cave-in No Groundwater Encountered	

Bearing of Test Pit Axis:

C ROCK CORE B BULK SAMPLE R RING SAMPLE
S SPLIT SPOON T TUBE SAMPLE
D DRIVE SAMPLE b SMALL BAG

EXHIBIT H

TEST PIT LOG

PROJECT NAME	Youseffy/ Pu[illegible]stone			BORING DESIGN	TP-3
PROJECT NO.	1159-1-1SG				
DATE DRILLED	9-16-2010	DRAFTED BY	VDJ	STATION	- - -
DRILLER	MTC	LOGGED BY	ML	OFFSET (FT)	- - -
GROUND-WATER ELEV	N/A	SAMPLER SIZE	2.5"	GSE	- - -
TYPE OF DRILLING	Hand/Power Tools	DRIVE WT	36 lbs	DROP	42"

Surface description: Cut & Fill Slope/Terrace.

Location of Excavation: See plot plan (Figure 2).

Depth in Feet	Sample Depth	Sample Type	Sample No.	Blows per 12 inches	Dry Density (pcf)	Moisture Content(%)	USCS Symbols	GEOTECHNICAL DESCRIPTION	Soil Lab Test
	0.75	R	1	210/3"	109.4	2.9	SM	**Colluvium (0 to 10")** **SAND** Light gray to gray, fragment of vocanic rock to 2" in diameter, slightly moist, moderately dense.	
1							BR	**Bedrock (10" to 2.25')** **VOCANIC BEDROCK** Light gray to gray to greenish gray, massive, slightly weathered, slightly fractural at top 18", slightly moist, hard to very hard.	
2									
3								End of Test Pit at 2.25' No Cave-in No Groundwater Encountered	

Bearing of Test Pit Axis:

C ROCK CORE B BULK SAMPLE R RING SAMPLE

S SPLIT SPOON T TUBE SAMPLE

D DRIVE SAMPLE b SMALL BAG

EXHIBIT H

TEST PIT LOG

PROJECT NAME	Youseffy/ Pudd.	ne		BORING DESIGN	TP-4
PROJECT NO.	1159-1-ISG				
DATE DRILLED	9-16-2010	DRAFTED BY	VDJ	STATION	- - -
DRILLER	MTC	LOGGED BY	ML	OFFSET (FT)	- - -
GROUND-WATER ELEV	N/A	SAMPLER SIZE	2.5"	GSE	- - -
TYPE OF DRILLING	Hand/Power Tools	DRIVE WT	36 lbs	DROP	42"

Surface description: Cut & Fill Slope/Terrace.

Location of Excavation: See plot plan (Figure 2).

Depth in Feet	Sample Depth	Sample Type	Sample No.	Blows per 12 inches	Dry Density (pcf)	Moisture Content(%)	USCS Symbols	GEOTECHNICAL DESCRIPTION	Soil Lab Test
1	1.0	R	1	210/6"	101.5	6.0	SM	**Colluvium (0 to 8")** **SAND** Light gray to gray, fragment of vocanic rock to 2" in diameter, slightly moist, moderately dense.	
2							BR	**Bedrock (8" to 2')** **VOCANIC BEDROCK** Light gray to gray to greenish gray, massive, slightly weathered, slightly fractural at top 18", slightly moist, hard to very hard.	
3								End of Test Pit at 2' No Cave-in No Groundwater Encountered	

Bearing of Test Pit Axis:

C ROCK CORE B BULK SAMPLE R RING SAMPLE

S SPLIT SPOON T TUBE SAMPLE

D DRIVE SAMPLE b SMALL BAG

EXHIBIT H

TEST PIT LOG

PROJECT NAME	Youseff/ Pudd... one			BORING DESIGN	TP-5
PROJECT NO.	1159-1-1SG				
DATE DRILLED	9-16-2010	DRAFTED BY	VDJ	STATION	---
DRILLER	MTC	LOGGED BY	ML	OFFSET (FT)	---
GROUND-WATER ELEV	N/A	SAMPLER SIZE	2.5"	GSE	---
TYPE OF DRILLING	Hand/Power Tools	DRIVE WT	36 lbs	DROP	42"

Surface description: Cut & Fill Slope/Terrace.

Location of Excavation: See plot plan (Figure 2).

Depth in Feet	Sample Depth	Sample Type	Sample No.	Blows per 12 inches	Dry Density (pcf)	Moisture Content(%)	USCS Symbols	GEOTECHNICAL DESCRIPTION	Soil Lab Test
1	1.0	R	1	210/6"	97.7	6.3	SM	**Colluvium (0 to 1.2")** **SAND** Light gray to gray, fragment of vocanic rock to 2" in diameter, slightly moist, moderately dense.	
2							BR	**Bedrock (1.2" to 2')** **VOCANIC BEDROCK** Light gray to gray to greenish gray, massive, slightly weathered, slightly fractural at top 18", slightly moist, hard to very hard.	
3								End of Test Pit at 2' No Cave-in No Groundwater Encountered	

Bearing of Test Pit Axis:

C ROCK CORE B BULK SAMPLE R RING SAMPLE
S SPLIT SPOON T TUBE SAMPLE
D DRIVE SAMPLE b SMALL BAG

EXHIBIT H

TEST PIT LOG

PROJECT NAME	Youseffy/ Puddi. ne			BORING DESIGN	TP-6
PROJECT NO.	1159-1-ISG			STATION	- - -
DATE DRILLED	9-16-2010	DRAFTED BY	VDJ	OFFSET (FT)	- - -
DRILLER	MTC	LOGGED BY	ML	GSE	- - -
GROUND-WATER ELEV	N/A	SAMPLER SIZE	2.5"	DROP	42"
TYPE OF DRILLING	Hand/Power Tools	DRIVE WT	36 lbs		

Surface description: Cut & Fill Slope/Terrace.

Location of Excavation: See plot plan (Figure 2).

Depth in Feet	Sample Depth	Sample Type	Sample No.	Blows per 12 inches	Dry Density (pcf)	Moisture Content(%)	USCS Symbols	GEOTECHNICAL DESCRIPTION	Soil Lab Test
1							SM	**Colluvium (0 to 8")** **SAND** Light gray to gray, fragment of vocanic rock to 2" in diameter, slightly moist, moderately dense.	
2							BR	**Bedrock (8" to 2.25')** **VOCANIC BEDROCK** Light gray to gray to greenish gray, massive, slightly weathered, slightly fractural at top 18", slightly moist, hard to very hard.	
3								End of Test Pit at 2.25' No Cave-in No Groundwater Encountered	

Bearing of Test Pit Axis:

C ROCK CORE B BULK SAMPLE R RING SAMPLE

S SPLIT SPOON T TUBE SAMPLE

D DRIVE SAMPLE b SMALL BAG

EXHIBIT H

TEST PIT LOG

PROJECT NAME	Youseffy/ Pudg .one			BORING DESIGN	TP-7
PROJECT NO.	1159-1-1SG				
DATE DRILLED	9-16-2010	DRAFTED BY	VDJ	STATION	---
DRILLER	MTC	LOGGED BY	ML	OFFSET (FT)	---
GROUND-WATER ELEV	N/A	SAMPLER SIZE	2.5"	GSE	---
TYPE OF DRILLING	Hand/Power Tools	DRIVE WT	36 lbs	DROP	42"

Surface description: Cut & Fill Slope/Terrace.

Location of Excavation: See plot plan (Figure 2).

Depth in Feet	Sample Depth	Sample Type	Sample No.	Blows per 12 inches	Dry Density (pcf)	Moisture Content(%)	USCS Symbols	GEOTECHNICAL DESCRIPTION	Soil Lab Test
								Colluvium (0 to 3")	
1	1.0	R	1	160/12"	96.4	7.3		**SAND** Light gray to gray, fragment of vocanic rock to 2" in diameter, slightly moist, moderately dense.	
2							BR	**Bedrock (3" to 3')** **VOCANIC BEDROCK** Light gray to gray to greenish gray, massive, slightly weathered, slightly fractural at top 18", slightly moist, hard to very hard.	
3	3.0	R	2	210	101.6	10.9			
								End of Test Pit at 3' No Cave-in No Groundwater Encountered	

Bearing of Test Pit Axis:

C ROCK CORE B BULK SAMPLE R RING SAMPLE

S SPLIT SPOON T TUBE SAMPLE

D DRIVE SAMPLE b SMALL BAG

EXHIBIT H

TEST PIT LOG

PROJECT NAME	Yousefly/ Pude one			BORING DESIGN	TP-8
PROJECT NO.	1159-1-ISG				
DATE DRILLED	9-16-2010	DRAFTED BY	VDJ	STATION	---
DRILLER	MTC	LOGGED BY	ML	OFFSET (FT)	---
GROUND-WATER ELEV	N/A	SAMPLER SIZE	2.5"	GSE	---
TYPE OF DRILLING	Hand/Power Tools	DRIVE WT	36 lbs	DROP	12"

Surface description: Near Property Line at Top of Slope.

Location of Excavation: See plot plan (Figure 2).

Depth in Feet	Sample Depth	Sample Type	Sample No.	Blows per 12 inches	Dry Density (pcf)	Moisture Content(%)	USCS Symbols	GEOTECHNICAL DESCRIPTION	Soil Lab Test
1	1.0	R	1	210/8"	91.5	8.5		**Colluvium (0 to 6")** **SAND** Light gray to gray, fragment of vocanic rock to 2" in diameter, slightly moist, moderately dense.	
2							BR	**Bedrock (6" to 3')** **VOCANIC BEDROCK** Light gray to gray to greenish gray, massive, slightly weathered, slightly fractural at top 18", slightly moist, hard to very hard.	
3	3.25	R	2	210	96.0	4.5		End of Test Pit at 3.25' No Cave-in No Groundwater Encountered	

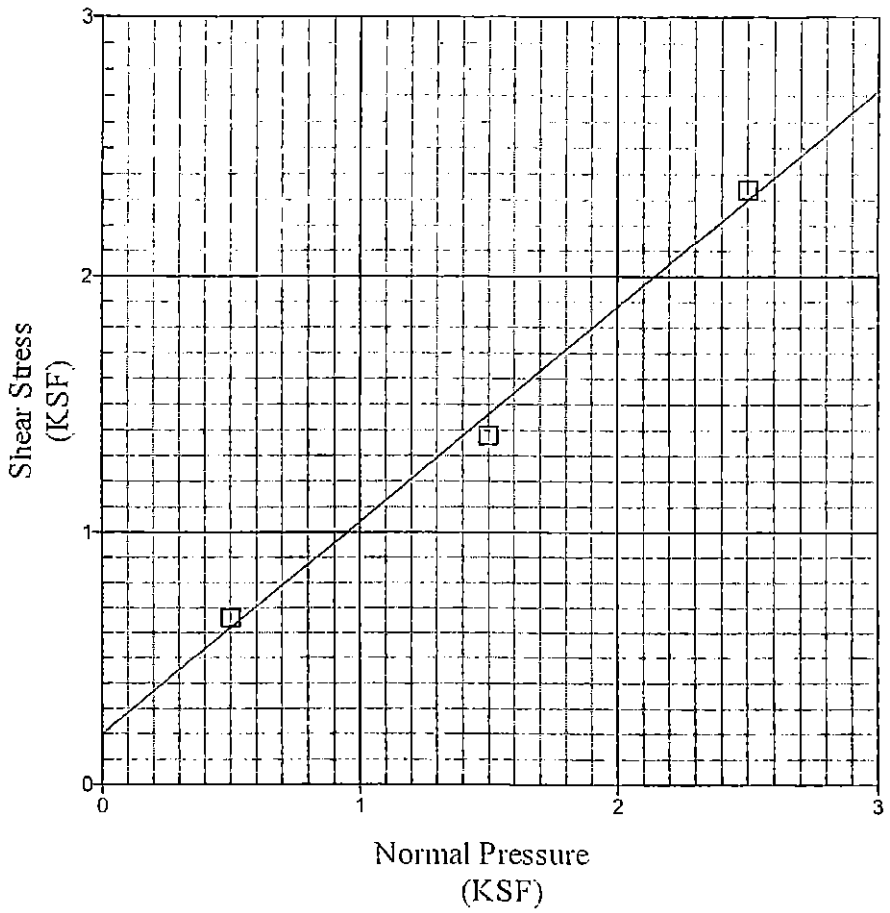
Bearing of Test Pit Axis:

C ROCK CORE B BULK SAMPLE R RING SAMPLE
S SPLIT SPOON T TUBE SAMPLE
D DRIVE SAMPLE b SMALL BAG

EXHIBIT H

DIRECT SHEAR

(ASTM D 3080)



☐ Peak Value Cohesion (psf) = 200 Friction Angle (degree) = 40.0

Location:	TP-7
Depth (ft):	1.0'
Soil Type:	Bedrock (BR)
Initial Moisture Content (%):	7.3
Dry Density (pcf):	96.4
Saturated Moisture Content (%):	26.6

Date: 10/10

Prepared by: VDJ

MTC ENGINEERING, INC.	Project Name	Project Number	Plate
5924 Temple City Blvd. Temple City, CA 91780 Tel: (626)287-6416 Fax: (626)287-0560	Youseffy/ Puddingstone	1159-1-1SG	DS-1

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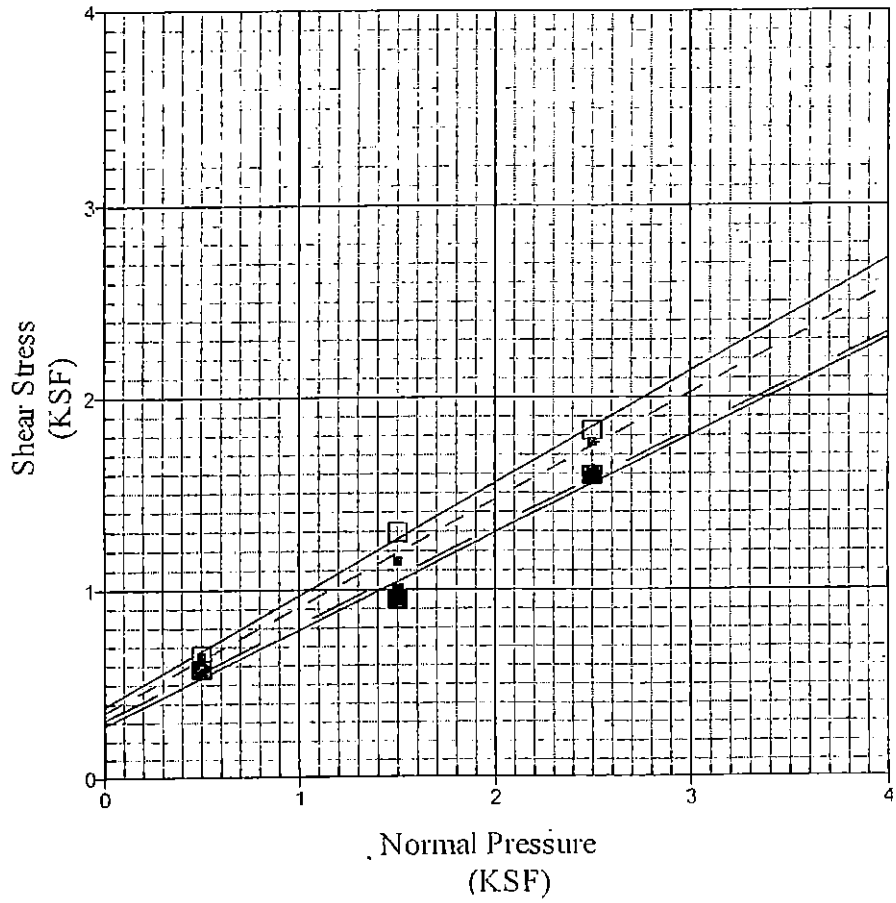
DIRECT SHEAR

(ASTM D 3080)



☐ Peak Value	Cohesion (psf) = 390	Friction Angle (degree) = 30.5
■ Reshear Values		
Lowest Reshear Value	Cohesion (psf) = 290	Friction Angle (degree) = 27.0

Location:	TP-7
Depth (ft):	3.0'
Soil Type:	Vocanic Bedrock (BR)
Initial Moisture Content (%):	10.9
Dry Density (pcf):	101.6
Saturated Moisture Content (%):	29.1

Relatively undisturbed soil/bedrock samples were collected during field investigation, the samples were saturated (overnight), tested at slow rate test (0.01 inch/min.) of 4 cycles The bedrock samples were soaked for more than 48 hours.

Date: 10/10

Prepared by: VDJ

MTC ENGINEERING, INC.	Project Name	Project Number	Plate
5924 Temple City Blvd. Temple City, CA 91780 Tel: (626)287-6416 Fax: (626)287-0560	Youseffy/ Puddingstone	1159-1-1SG	DS-2

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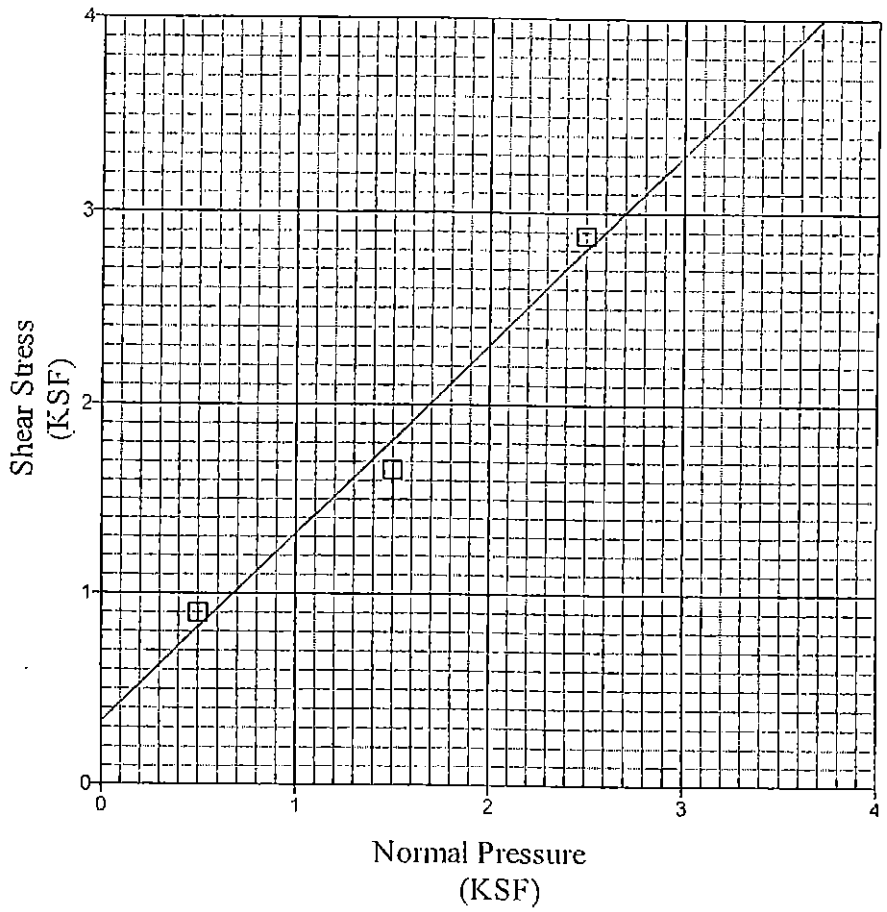
DIRECT SHEAR

(ASTM D 3080)



☐ Peak Value Cohesion (psf) = 330 Friction Angle (degree) = 45.0

Location:	TP-8
Depth (ft):	1.0'
Soil Type:	Vocanic Bedrock (BR)
Initial Moisture Content (%):	8.5
Dry Density (pcf):	91.5
Saturated Moisture Content (%):	25.3

Date: 10/10

Prepared by: VDJ

MTC ENGINEERING, INC.	Project Name	Project Number	Plate
5924 Temple City Blvd. Temple City, CA 91780 Tel: (626)287-6416 Fax: (626)287-0560	Youseffy/ Puddingstone	1159-1-1SG	DS-3

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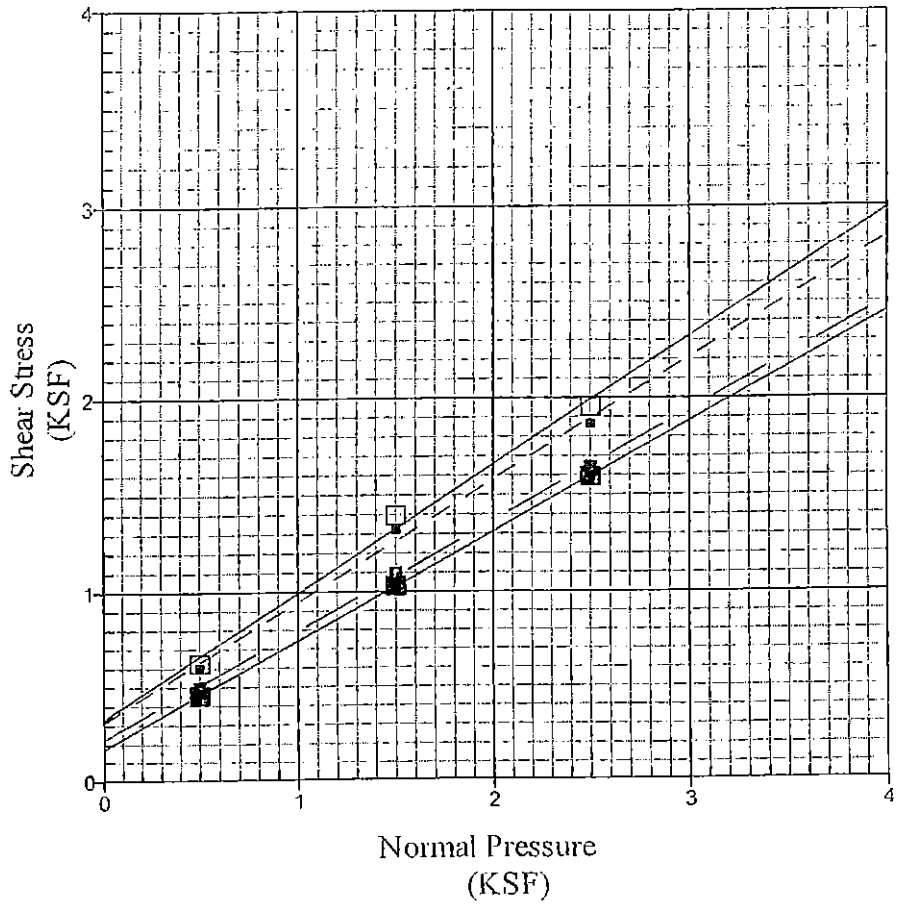
DIRECT SHEAR

(ASTM D 3080)



☐ Peak Value	Cohesion (psf) = 330	Friction Angle (degree) = 34.0
■ Reshear Values		
Lowest Reshear Value	Cohesion (psf) = 180	Friction Angle (degree) = 29.5

Location:	TP-8
Depth (ft):	3.25'
Soil Type:	Vocanic Bedrock (BR)
Initial Moisture Content (%):	4.5
Dry Density (pcf):	96.0
Saturated Moisture Content (%):	25.2

Relatively undisturbed soil/bedrock samples were collected during field investigation, the samples were saturated (overnight), tested at slow rate test (0.01 inch/min.) of 4 cycles The bedrock samples were soaked for more than 48 hours.

Date: 10/10

Prepared by: VDJ

MTC ENGINEERING, INC.	Project Name	Project Number	Plate
5924 Temple City Blvd. Temple City, CA 91780 Tel: (626)287-6416 Fax: (626)287-0560	Youseffy/ Puddingstone	1159-1-1SG	DS-4

EXHIBIT H

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MTC ENGINEERING, INC. Geotechnical & Environmental Consultants

5924 Temple City Blvd. • City of Temple City, CA 91780
Tel: (626) 287-6416 • Fax: (626) 287-0560
Toll Free 1 (888) MTC-ENGR • E-mail: mtcengr@pacbell.net

June 5, 2011 Project No. 1159-1-1SGA2

Mr. Perry Youseffy, the Owner
523 Puddingstone Ave.
San Dimas, CA

SUBJECT: GEOTECHNICAL CONSULTATIONS - RESPONSES TO APPEAL COMMENTS

RE: PRELIMINARY SOILS AND GEOLOGIC ENGINEERING INVESTIGATION
Existing Rear Slope Improvement, Prepared by MTC Engineering, Inc., dated 11/5/2010

Gentleman:

Per you and City's request, MTC Engineering, Inc. (**MTC**) has reviewed the referenced report and comments on the report in an appeal submitted to the City by Ms. Gil Aquirre, your neighbor.

The followings are the comments and MTC's responses (red incked) in order of the comments.

Comments:

The review & approval process failed to adequately identify and/or investigate a range of issues including potentially unsafe conditions.

1. The Preliminary Soils and Geologic Engineering Investigation (the report), on which the City relies in granting approval for the project, fails to examine or investigate the full range of potentially unsafe conditions which may occur from the project. The report offers conclusions, including the representation that the project is "safe" base on the use of minimum safety standards and unfounded assumptions vs. the highest standard of review which is warranted for the site.

Responses: The accusations are not true---MTC has followed the current State, County and City building codes to prepare the Soils and Geologic Engineering Investigation Report by our State licensed Geotechnical Engineer and Professional Geologist. MTC's report examined the slope conditions and conducted laboratory testing on the soils and bedrock samples obtained from the site, on which to base our slope stability analyses by accepted computer programs, geologic evaluation of the attached regional Dibblee Geologic Map (Figure 2, Geologic Map of the San Dimas and Ontario Quadrangle, in the geologic report) and onsite geologic mapping.

Ms Aquirre did not disclose any material or base and/or shown any technical support to form her opinions.

The site is located in the Puddingstone Hills are which has experienced at least two landslides in the recent years due to grading activity. Both landslides occurred nearby to the subject site and one slide, which occurred during the development of the Puddingstone Hills, was very significant. Those slides

EXHIBIT I

results in part from disturbance of the supporting/buttress fill coupled with wet weather saturating the hillside areas.

Responses: The claims of two landslides in Puddingstone Hills area have not provided the exact locations. Actually, the landslides in San Dimas area are mostly occurred on Sedimentary Rock or Quaternary alluvial deposits area. In general the landslides are not common at the volcanic rock areas such as the formation underneath subject property. From our report studies, according to the Geologic Map of San Dimas and Ontario Quadrangle, three landslides were shown in the area, however, there are in different lithology from the subject site. The subject site is underlain by Tgva (see attached ***Figure No. 2*** *, Regional Geologic Map from submitted report), which is verified by our studies and are porphyritic and massive volcanic andesite flow and flow breccia and not subject to landslide according to the published geologic map, MTC's laboratory testing, and MTC's Engineering analyses in the submitted report, dated November 4, 2010.*

Futhermore, no supporting/buttress fills were found on site as mentioned in the appeal.

Unfortunately, the report contains no mention of these landslides nor does it conduct sufficient analysis based on the knowledge that such landslide are likely in the site area. In my opinion, the report provide represents little more than a standard "boilerplate" report offering a narrow focus of review which is based on the use of minimum standards, and assumption, in offering calculation and reaching conclusion. While such a report may be sufficient in review of a site located in a fully developed area and which offers.only a minor slope, it fails to properly review this site which is located on a steep hillside and is in an area where multiple landslide have occurred from grading activity. In light of the city knowledge related to these previous grading failures/landslides, their failure to require the highest level of testing and exploration exposes the city to potential long term liability for adverse affects which may arise from the project.

Responses: MTC has proposed the studies for the subject property to provide geotechnical recommendations for the proposed development to ensure the proposed development follow the current building codes. MTC has no obligations to explore the offsite landslides which are not ***immediately*** *related to the subject site according to the building code.*

The appellant apparently did not know "the minimum standards" of the engineering practices and make assumptions for the geotechnical engineering investigation without any technical supports or engineering training, which has wasted both owner and city significant resources to address her non-professional accusations. MTC requests a written apology from the appealer to all parties and reserve the rights to claim damages for her accusations.

Additional report deficiencies include, but are not limited to:

The depth of the test pits, and the gathered soil samples, was not sufficient to adequately investigate the site for potential slippage. The overall depth of the bedrock, the location & depth of the underlying volcanic rock formation, and potential damage caused to the previous buttress fill was not determined or analyzed. It also appears the test pits may have been located primarily in existing holes excavated by the applicant during the prior unauthorized grading. The average depth for the soil samples was 1' and the test pits were an average of 2' deep, which is simply insufficient to properly explore the site characteristics and potential risks.

EXHIBIT I

Responses: The building code and practice of standard care only required the geotechnical engineer and professional geologist explore to the depth for the proposed development or competent bedrock, MTC exploration has reached and exposed competent bedrock (see the submitted test pit logs). MTC has compiled with the applicable building codes.

The slope stability analysis utilized the lowest cohesion (180psf) and friction angle (29.5 degrees) findings to determine a safety factor. The higher findings of cohesion (390psf) and friction angle (45 degrees) were not used to calculate or determine a safety factor. Due to the steep hillside location, make up of underlying slip planes and history of landslides in the area, these higher cohesion and friction angle findings should have been used to determine a potential safety factor. As well, the slope analysis is based on undocumented assumptions including the depth of the slip surface, the depth of saturation and the existence of sufficient permeability to establish adequate water flow. (see page 18,Surficial Slope Stability Analysis, item 1.2.&3.) Again, in light of the site location and history in the area, no such assumptions should have been used and additional testing and exploration should have been conducted.

Responses: The bedrocks onsite have the cohesion from 180 to 390 psf and friction angles from 29.5 to 45 degrees. We have applied the lowest cohesion and friction angle for conservatism, as most peers would practices the similar. Besides, when the engineer doing the slope stability analyses they have to assume a slip surface, the depth of saturation and other related conditions the determine the factor of safety; it is typical. However, the appellant accused the opposite way by asking for using highest cohesion and angle in our analyses. We understand Ms. Aquirre is probably a well educated person with good written skill however a simple phone call to MTC should have helped her understand our practices and saved all parties time and money.

The review of possible seismic activity and resulting effects seems to be contradicted by information provide by the State. The report concludes that "No hazards from liquefaction or possible settlement exist that could affect the property or adjacent properties; and no such hazards exist on adjacent properties that could affect the subject property".

However, the "State of California Seismic Hazard Zone" map indicates the area includes numerous locations where the" historic occurrence of liquefaction, or local geological, geotechnical and groundwater conditions indicate a potential for permanent ground displacements". As well, the map also indicates numerous locations which have experienced a "previous occurrence of landslide movement" or show significant potential for the same to occur.

Responses: The Seismic Hazard Zone Map of the San Dimas and Ontario Quadrangle was reviewed which showing no liquefaction of the subject site as reported in our report. The Map is attached for reference. We also like to review the map which Ms. Aquirre had based on.

Additionally, a review of the state of California "Earthquake Shaking Potential for California" map indicates the site is located in an area which "will on average experience stronger earthquake shaking more frequently" and is exposed to the one of the highest levels of potential earthquake hazard.

Responses: The Faulting and Seismicity Section of MTC report has summarize the research for the subject site. The required design parameters for the project were listed as well.

EXHIBIT I

It is my contention that the potential for landslides due to seismic activity was inadequately reviewed in the report and more detailed exploration and analysis were warranted. No specific protections were incorporated into the report which would serve to insure against landslides posed by seismic activity.

No investigation or analysis was performed based on the site experiencing a 100 year, or even 50 year, rainfall event.

Responses: The grading and drainage plans to be provided by Project Civil Engineer shall design the project per City building code required criteria, not the criteria set by the appelant.

No investigation or analysis was performed of the prior removal of buttress fill and the impact such removal may have had on the overall hillside and/or adjoining properties.

Responses: No butress fill, only the fill placed at top of each bench were encountered. Remedial measures are included in the referenced MTC report.

The reports states "Backyard drainage will have to be directed eastward to an existing swale, where drainage continues southward to puddingstone Drive (Figure 3)". Such a recommendation seems odd in light of the fact that the "swale" is not located on the applicant's property, but instead is located on a neighbor's property. It also contradicts CMC 18.12060, item 19, which states "Drainage should be provided so as to avoid flow onto adjacent properties".

Responses: The Project Civil Engineer will provide a Grading and Drainage Plan to address the concerns per applicable building codes.

No analysis of the recommended drainage onto a neighbor's property without his/her knowledge is made nor is obtaining the neighbor's consent for such a proposal incorporated into the approval.

Responses: MTC did not recommend any drainage onto a neighbor's property. No further comment or responses will be made.

We believe MTC fairly provide our professional opinions to respond to the neighbor's comments. If you have any questions regarding this report, please do not hesitate to contact us.

Respectfully submitted,
MTC ENGINEERING, INC.

H. Mark Lai
President

Paul P. Chang, PE, RGE 2181
Geotechnical Engineer

REGISTERED PROFESSIONAL ENGINEER
PAO-LIN CHANG
2181
EXP. 3-31-12
GEOTECHNICAL
STATE OF CALIFORNIA

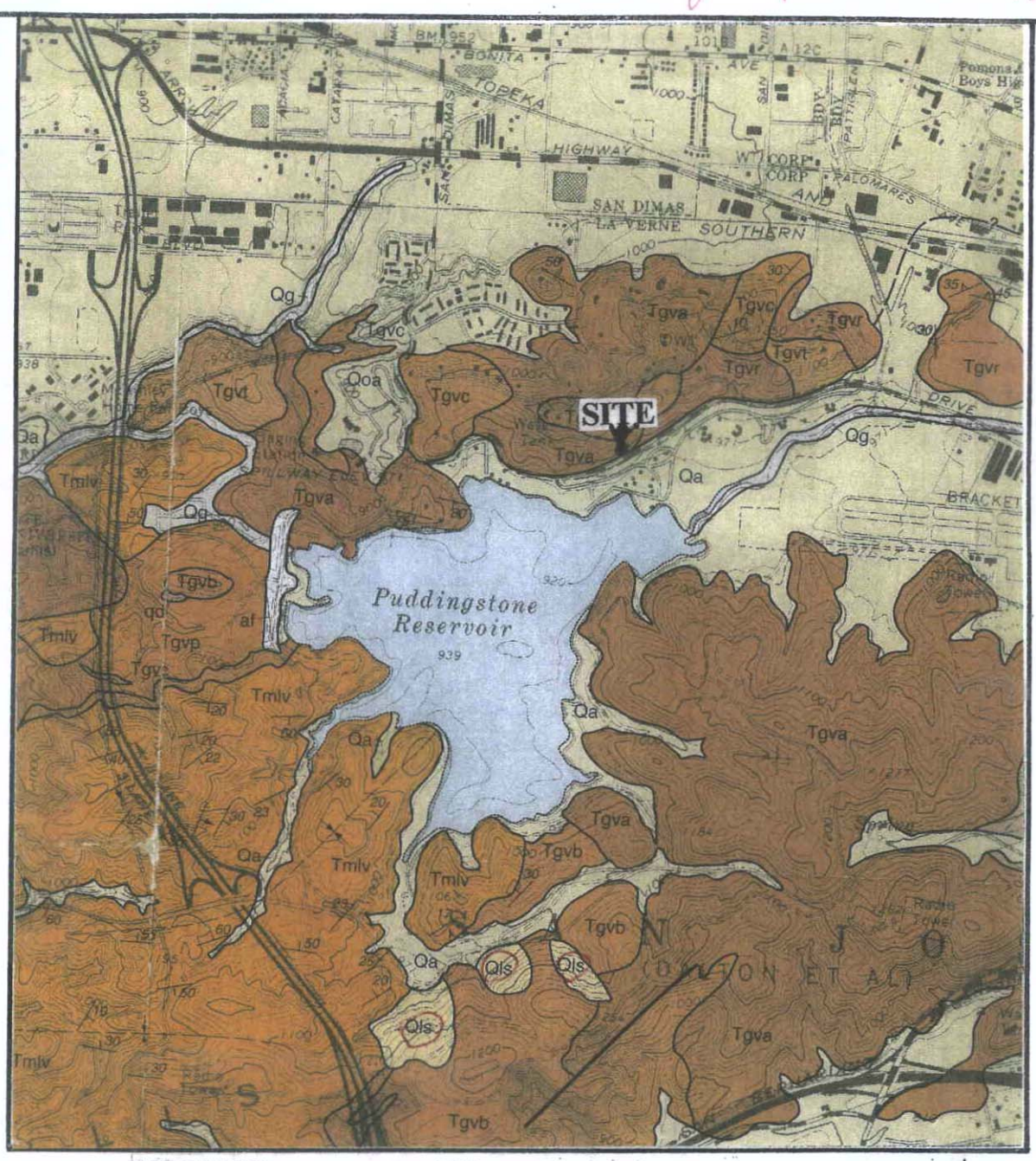
Encl.: Appeal from Neighbor

Cc: (5) Addressee

MTC Engineering, Inc.
5924 Temple city Blvd., Temple City, CA 91780 / Toll Free 1-888-MTC-ENGR

EXHIBIT I

From Original MTC's Copy



LEGEND

Tgv	Tgvc	Tgvb	Tgvp	Tgvt	Tgva	Tgvr	Tgve

GLENDORA VOLCANIC ROCKS

Glendora Volcanics (of Shelton, 1955, Tan, 1999; extrusive volcanic rocks; middle Miocene age locally intertongued into Topanga Formation). (radiometric age ±16 MA (Weigand, P.W., oral communication 2001)

- ***Tgv*** *undifferentiated volcanic rock, mostly brown andesitic flows and breccias*
- ***Tgvc*** *volcanic conglomerate, gray to brown, of volcanic detritus.*
- ***Tgvb*** *basalt flows, gray to black, massive to vesicular.*
- ***Tgvp*** *basaltic pelagonitic tuff & pillow lavas.*
- ***Tgvt*** *rhyolitic tuff breccia, tan to white*
- ***Tgva*** *andesite flows and flow breccias, brown, porphyritic, massive.*
- ***Tgvr*** *rhyolitic-dacitic flows, tan to light brown, aphanitic, massive to flow-banded, hard, fractured*
- ***Tgve*** *rhyolite-dacite breccia exposed only at Elephant Hill.*

This map is taken from:

GEOLOGIC MAP OF THE SAN DIMAS AND ONTARIO QUADRANGLES

Los Angeles County, California

By: Thomas W. Dibblee Jr., 2002

NORTH

SCALE: 1 in. = 2,000 ft.

REGIONAL GEOLOGIC MAP 09/23/2010

523 Puddingstone Dr., San Dimas, CA.

PROJECT MTC # 1159-1-1 SG | **FIGURE NO.** 2

Qls: Quaternary Landslide

* The site has no landslide.

EXHIBIT I

465
779
S Walnut Ave
Cannon Ave
815
488
803
476
446
549
10
2
523
511
8
9
Puddingstone Dr
Via Ve
©2011, Other, County Appraiser, TeleAtlas, Customer Data, Digital Map Products

NOTICE OF CONSTRUCTION/HEARING

This notice is to inform you of a proposed project on a property that is adjacent to or near your property. The following is a description of the project:

Date:	March 18, 2011
Property Address:	523 Puddingstone Drive
Project Description:	**DPRB Case No. 10-07** – A request to grade the rear portion of a single-family residence into terraces, approximately 190 feet long by 90 feet wide, for the purpose of planting fruit trees. (APN: 8382-017-007)
Status of Project:	***The item will be heard by the Development Plan Review Board on Thursday, March 24, 2011 at 8:30 a.m. in the Public Conference Room at Temporary City Hall, 186 Village Court, San Dimas, CA.***
	This decision is final unless appealed within 14 calendar days after approval. Appeals must be submitted in writing explaining the reasons for the appeal, and must include the appeal fee as adopted by City Council.
Project Planner:	Marco Espinoza 909-394-6259 mespinoza@ci.san-dimas.ca.us

Plans for the project referenced above are available for review at the Planning Department located in Temporary City Hall at 186 Village Ct. City Hall is open Monday through Thursday 7:30 a.m. to 5:30 p.m. and on Fridays from 8:00 a.m. to 5:00 p.m.

EXHIBIT K

Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the Meeting of August 23rd, 2011

From: Blaine Michaelis, City Manager

Initiated By: Public Works Department

Subject: **San Dimas Bicycle Master Plan and Resolution 2011-40 Approving the Bicycle Master Plan 2011 Update for Implementation throughout the City**

Summary

The San Dimas Bicycle Master Plan 2011 update includes significant changes to reflect improvements developed over the past 14 years, incorporate updated bicycle development standards, and bring the plan up to date with respect to bicycle funding requirements.

DISCUSSION

The Bikeway Systems Master Plan was first approved in 1997 and readopted in 2004 without changes. This recent update includes several significant changes to bring the planning document up to date. The document has been renamed Bicycle Master Plan and will henceforth be revised every seven to ten years.

Many of the planned bicycle improvements from the 1997 plan have been implemented including Bike Route signs throughout the city on designated roadways such as San Dimas Canyon Road, Walnut Avenue, and Via Verde, and bike lanes on Covina Blvd, Cypress Street, Foothill Blvd, and San Dimas Avenue. Several projects from the original plan have been carried over, including the bike path between San Dimas Avenue and Cypress Street at the Sportsplex (Canyon Vista Bike Trail), bike lanes on Allen Avenue and Bonita Avenue, and a Class One bike path along the rail right of way.

New projects and programs have been incorporated to ensure the City continues to move forward in bicycle and transportation safety in general. Also included are figures and details required by California Streets and Highways Code Section 891.2. These additions included in the approved plan will re-qualify the City to apply for infrastructure funding through the Caltrans Bicycle Transportation Account and other funding programs as they become available. The plan has been restructured to move from simple listing of planned capital improvement projects to specific policies, objectives and programs that will further increase bicycle ridership and safety in the city.

Goals, Policies and Objectives

The Bicycle Master Plan is organized based on a primary goal, which is then clarified into policies to reach that goal and specific objective targets to be implemented through projects and programs.

Goal

San Dimas is an urban environment that fosters bicycle travel as a healthy, environmentally sustainable transportation alternative that reduces traffic congestion, air pollution, noise pollution and our carbon footprint.

Policies

- Make bicycling safer, more convenient and more enjoyable for all types of bicyclists, both commuter and recreational.

9.a.1

- Increase bicycle use to 5% of commuter traffic.
- Encourage more people to bicycle for transportation as an attractive and healthy option, which will reduce traffic congestion, air pollution, and noise pollution.
- Develop bicycling as an economical transportation option by implementing and maintaining a bikeway network, providing end-of-trip facilities, and improving bicycle/transit integration.
- Encourage all roadways and intersections to incorporate the "Complete Streets" concept that users of all ages and abilities, pursuing all activities, shall be able to move safely through the street network.
- Consider bicycle friendly design using new technologies and innovative treatments on roads and bikeways.

Objectives

A. Implement the Bicycle Master Plan, which identifies existing and future needs, and provides specific recommendations for facilities and programs.
B. Identify and implement a network of bikeways that is feasible, fundable, and that serves all cyclists' needs, especially for travel to employment centers, schools, commercial and retail centers, transit stations, and institutions, while not excluding the needs of recreational cyclists.
C. Maintain and improve the quality, operation and integrity of the bikeway network and roadways regularly used by cyclists.
D. Encourage the development of safety education programs aimed at youth and adults. Increase public awareness of the health and environmental benefits of bicycling and of available resources and facilities.
E. Encourage short-term and long-term bicycle parking and other bicycle amenities in employment and commercial areas, in multi-family housing, at schools, at parks, and at transit stations.
F. Increase the number of bicycle-transit trips.
G. Increase city and public recognition of cyclists' equal right to use public roadways.
H. Encourage roadway design that allows for the equitable use of all transportation modes.

Proposed bike infrastructure projects are subject to revision by the City's Traffic Engineer and will each be reviewed by Public Works as necessary. After development and internal review by the Public Works Department, the Draft Plan was reviewed by the Planning Department, Traffic Engineer, made publicly available on the City's website, presented to the Planning Commission, and the Parks and Recreation Commission prior to bringing it before Council for final approval. The plan was also reviewed by Joint Powers Insurance Authority (JPIA) Risk Manager.

RECOMMENDATION

Approve adoption of the updated Bicycle Master Plan 2011 with RESOLUTION NO. 2011-40 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE BICYCLE MASTER PLAN 2011 UPDATE FOR IMPLEMENTATION THROUGHOUT THE CITY

Respectfully submitted,

Lisa Bugrova
Environmental Services Coordinator

lmb/08-11-17

Attachment A: Resolution 2011-40
Attachment B: Bicycle Master Plan 2011

RESOLUTION NO. 2011-40
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE BICYCLE MASTER PLAN 2011 UPDATE FOR IMPLEMENTATION THROUGHOUT THE CITY

WHEREAS, the Bicycle Systems Master Plan written in 1997 and readopted in 2004 without changes provided a framework for the planning and development of a safe and efficient bikeway system; and,

WHEREAS, the Bicycle Master Plan has been duly updated by the Public Works Department to reflect new regulations, implemented projects, and upcoming improvement opportunities meeting Caltrans requirements to make the City eligible for state bikeway funds; and; and,

WHEREAS, the Bicycle Master Plan would affect the entire city including the Canyon Vista Trail between Cypress Street and San Dimas Avenue, San Dimas Canyon Road, San Dimas Avenue, Badillo Street, Allen Avenue, Bonita Avenue, Foothill Boulevard, Lone Hill Avenue, Via Verde, Cienega Avenue, Gladstone Street, and Valley Center; 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.

NOW THEREFORE, the City Council now finds as follows:

A. That the proposed Bicycle Master Plan update addresses and is consistent with the General Plan.

The Bicycle Master Plan responds to the intent, goals, and objectives of the Circulation Element pertaining to the promotion of safe alternatives to motorized transportation that meets the needs of all City residents including both local recreational and commuting cyclists.

B. That the construction of bikeways will not adversely impact traffic circulation patterns.

While some proposed bikeways could eliminate parking spaces and the reduction of driving lane widths, alternative proposals for wide parking lanes are included and elimination of parking spaces will only occur in places where it is underutilized.

C. The proposed bikeway capital improvements and programs will increase bicycle use within the City and contribute to reduced air pollution, greenhouse gas emissions while providing the positive health effects of increased physical activity among our resident population.

D. That the plan will not have any significant impacts on the environment or the public health, safety and general welfare.

E. That the project complies with all applicable state and regional regulations.

All regulations under the California Bicycle Transportation Act have been met with this plan update.

PASSED AND ADOPTED by the Council of the City of San Dimas, State of California on _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: _____
Ina Rios- Clerk
(City of San Dimas)

Bicycle Master Plan
2011

Public Works Department
245 E. Bonita Avenue, San Dimas, CA 91773
Telephone (909) 394-6240; Fax (909) 394-6249
www.cityofsandimas.com

ADOPTED AUGUST 23, 2011

By a Resolution (Resolution Number: 2011-40) of the Council of the City of San Dimas, this document was adopted and certified as being in compliance with the State of California Streets and Highways Code Section 891.2.

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Appendix B Metro Bicycle Demand Model
Appendix C County of Los Angeles Bicycle Plan East San Gabriel Planning Map
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Table i **Caltrans Bicycle Transportation Account Requirements** ***California Streets and Highways Code Section 891.2***		
Code Section	**Requirement**	**Page(s)**
891.2.(a)	Estimated existing and future bicycle commuters	19, App. B
891.2.(b)	Description of existing and proposed land use	17
891.2.(b)	Maps of existing and proposed land use	App. A
891.2.(c)	Description of existing and proposed bikeways	15
891.2.(c)	Maps of existing and proposed bikeways	3, 4, 7- 9
891.2.(d)	Description of existing bicycle parking facilities	14
891.2.(d)	Maps of existing bicycle parking facilities	16
891.2.(e)	Description of existing and proposed connections	15
891.2.(e)	Maps of existing and proposed connections	16
891.2.(f)	Description of existing and proposed amenities	35
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891.2.(g)	Description of bicycle safety education programs	36
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1. INTRODUCTION

This Bicycle Master Plan was originally adopted by the San Dimas City Council in July 1997 and readopted without changes in January 2004. This update includes significant revisions and changes to ensure the plan reflects the current conditions in the City as well as incorporate required elements into the plan.

1.1 Background

This Bicycle Master Plan represents the City's commitment to providing safe, convenient and efficient alternative transportation facilities for the residents of San Dimas. The City recognizes that bicycling can be a viable and beneficial means of transportation within the City as well as to and from surrounding communities.

The San Gabriel Valley urban landscape with closely spaced cities and the compact design of San Dimas in particular allows for bicycle commuters to travel directly between destinations in a minimum amount of time. While the typical commuter travels in a single-occupancy-vehicle, causing traffic congestion, increased noise, and air pollution, by promoting the use of alternative modes of transportation through increased safety, education, and incentives, the shift away from the personal vehicle for shorter trips can begin.

1.2 Purpose

This Master Plan serves as a policy document to provide the necessary framework for the planning, implementation and funding of a safe and efficient bicycle network, responding to the stated desires of surveyed citizens, past planning efforts, and review of the City's roadway systems. The plan includes policies and programs intended to promote bicycling among all ages as it is a sustainable, healthy and environmentally beneficial mode of transportation.

This plan considers the Metro Bicycle Transportation Strategic Plan (2006) issued by the LA County Metropolitan Transportation Authority (MTA), the County of Los Angeles Bicycle Master Plan (2011), the San Dimas General Plan, and the California Highway Design Manual.

1.3 Community Profile

The City of San Dimas has a population of approximately 35,000, with almost half of the City's 9,270 acres contained in permanent open space as part of the Angeles National Forest and County Regional Parks. The City is primarily bounded on the south by Bonelli Park and the 10 Freeway, with the 57 Freeway connecting over the western edge of the city to the 210 Freeway. The Metro Gold line extension is slated to come through downtown San Dimas as part of the eventual connection from Pasadena to the Ontario Airport. The proposed station location is southeast of Bonita Avenue and San Dimas Avenue in the downtown core of San Dimas.

East to west travel in the City is primarily achieved by Covina Boulevard, Cienega Avenue, Arrow Highway, Bonita Avenue, Gladstone Street, and Foothill Boulevard. North to south main

thoroughfares include San Dimas Canyon Road, San Dimas Avenue, Lone Hill Avenue and Valley Center Avenue. Neighborhood and collector streets also provide several options for different routes from point A to point B.

As the City is primarily a built-out urban environment, the street right of way is maxed out in most locations, leaving minimal opportunities for actual widening to provide additional lanes for cyclists. Providing dedicated bicycle lanes in this environment will require some sort of trade off, such as reducing vehicle travel lanes or reduction in on-street parking.

In addition to Foothill Transit serving the City, Park and Ride lots are located downtown on San Dimas Avenue and on Via Verde. The Metrolink stations in Covina to the west and Pomona to the east provide commuters with the ability to make County-wide destinations with minimal vehicle travel time. The City also provides dial-a-ride and van services for disabled and senior residents for regional destinations.

The majority of non-residential uses and employment centers are located along Arrow Highway, Bonita Avenue, east of the 57 Freeway, Covina Blvd, Lonehill north of Arrow Highway, and Foothill Boulevard. Residential density varies from very low (along the hillside developments) to very high (in the eastern portion of the City where a majority of the multi-family dwellings are located). Non-residential uses are low in intensity. On the average, population density is low with an average household size of 2.81.

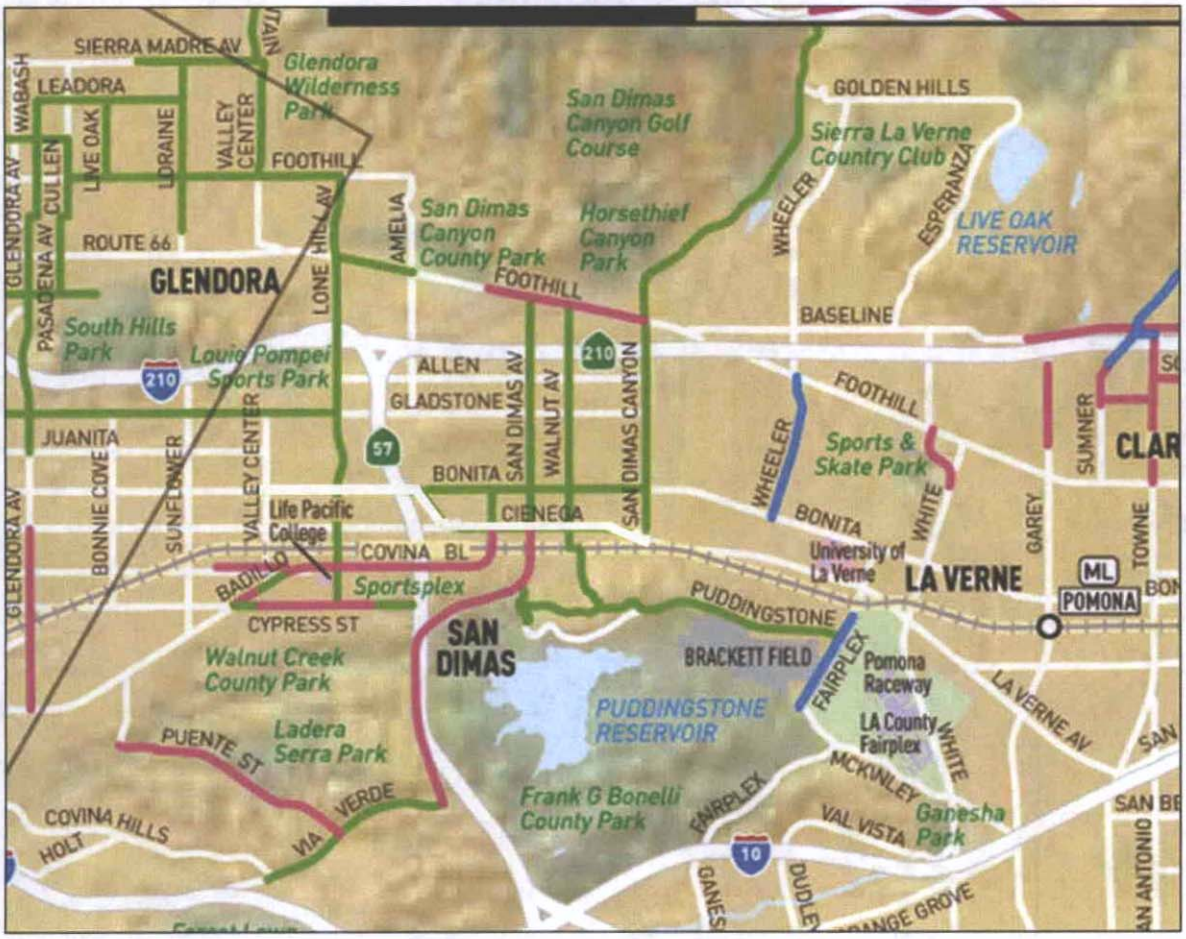
2. RELATIONSHIP TO OTHER PLANS

The bikeway system was created to relate to, support, and depend on existing plans and documents. These have been taken into consideration throughout the planning process, and this Master Plan will meet or exceed all necessary guidelines. The following list provides a brief overview of these documents.

2.1 Los Angeles County Long Range Transportation Plan (2009)

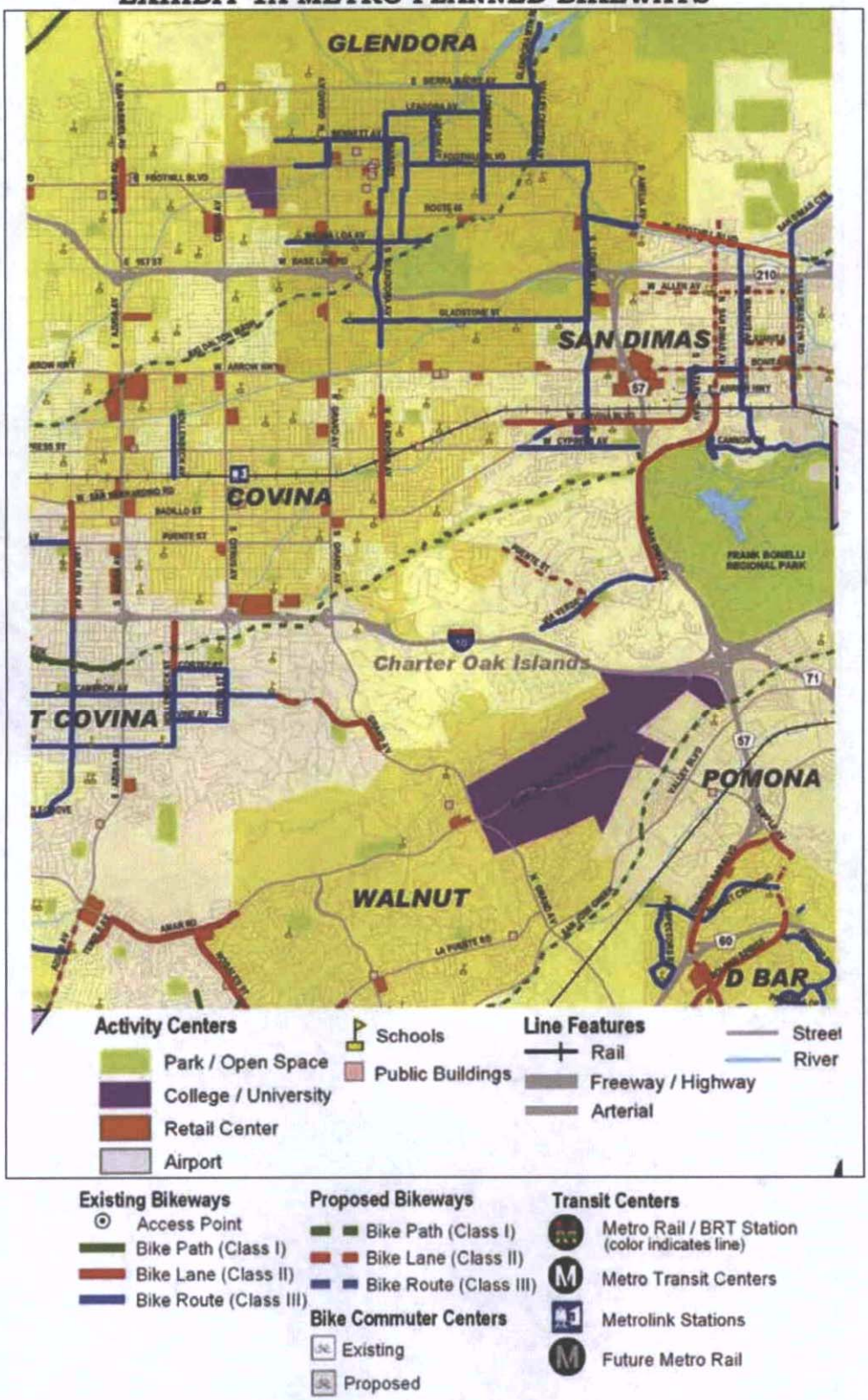
The Los Angeles County MTA (Metro) has prepared a Long Range Transportation Plan (LRTP) that includes specific bikeway recommendations for the County, identifying opportunity sites for bike/transit hubs and existing gaps in the bikeway network. The LRTP envisions a greater emphasis in creating alternatives to automobile travel and highway congestion through the creation and use of a countywide bicycle system. The LRTP focuses on working toward the completion of a 406 mile Class I bicycle system of dedicated bike paths and a 1,365 mile Class II bicycle system of striped bike lanes on arterials. Although San Dimas is not specifically identified as a "gap" area, the City has several opportunities to create a safer bike network. **Exhibit 1** is an excerpt from Metro's Bikeways Map, and **Exhibit 1a** is Metro's planning document showing future bikeways in San Dimas.

EXHIBIT 1 METRO BIKEWAYS MAP



Bike Path (Class I)	Bike Lane (Class II)	Bike Route (Class III)
Bike Racks	Bike Lockers	Bike Racks & Lockers
Class I Bike Path Access Point		Bikestation/Bike Parking Center

EXHIBIT 1A METRO PLANNED BIKEWAYS



Source: Alta Planning Group- Modified from METRO Planning Document

2.2 LA County Bicycle Master Plan

The LA County Bicycle Master Plan proposes approximately 695 miles of new bikeways throughout the County. Along with the proposed bikeways, this plan recommends various bicycle friendly policies and programs to promote bicycle ridership amongst users of all ages and skill sets within the County. Appendix C shows the County's conceptual plan for the East San Gabriel Valley area. One of the specific proposed bicycle improvements is adjacent to San Dimas. **Project ID 41 Valley Center Avenue- Arrow Highway to Badillo**, is located at the southwestern edge of San Dimas. Valley Center south of Badillo is within the city limits and intersects with Cypress Street, which has a Class II bike lane that will connect to the Canyon Vista Bike Trail, a planned Class I bike path from the eastern terminus of Cypress Street to San Dimas Avenue adjacent to Bonelli Park. For connectivity, this master plan includes bike lane improvements for the block of Valley Center from Badillo to Cypress Street.

2.3 Bikeway Planning and Design, Highway Design Manual, Chapter 1000

The State of California Department of Transportation (Caltrans) provides a manual entitled "Bikeway Planning and Design" which establishes criteria and policies for the planning, development, and construction of bikeways. Uniform specifications are included to provide continuity and unity within the state. In addition, certain guidelines have been set for the design, location, type of facility, and other planning considerations. The document concentrates on bicycle commuters, but recreational riding has also been incorporated into many of the guidelines. It states that one of the most important efforts in developing a bikeway system is improved maintenance and upgrading of existing facilities, regardless of designation. It also stresses the importance of support facilities such as bicycle storage and drinking water.

2.4 San Dimas General Plan

The Circulation and Open Space Elements of the San Dimas General Plan provide several measures regarding the development of a bikeway system.

The following excerpt from the Circulation Element directly addresses bicycle travel:

> *GOALS STATEMENT C-3: TO PROMOTE SAFE ALTERNATIVES TO MOTORIZED TRANSPORATION THAT MEET THE NEEDS OF ALL CITY RESIDENTS*
>
> *OBJECTIVES: 3.1 Provide a circulation network that accommodates the safe and efficient movement of cyclists.*
>
> *POLICIES 3.1.1 The City shall create a system of bicycle routes within the street right-of-way to meet the needs of both the local and commuter cyclist. The routes shall be designed for the safety of the cyclist.*

Implementation i: Adequate traffic control devices shall be provided for bicycle and equestrian crossings...j The City shall conduct a public information program to increase public awareness of bicycle, equestrian and hiking safety.

Additionally, the Circulation Element states:

The local bikeway system, including the regional bike paths, could be expanded to serve more of the City. Several loop systems in the downtown core area and connecting links each with Via Verde and Frank G. Bonelli Regional Park would facilitate the bicycle system immensely.

Opportunities for on street bicycle trails can expand the City trail system with minimal capital outlay.

The purpose of these policies is to provide a circulation network that supports bicycle travel and commuting as a primary form of transportation in lieu of vehicles. The Circulation Element allows for joint use trails open to bicyclists, equestrians, and hikers. These particular trails must ensure safety as the primary consideration in design.

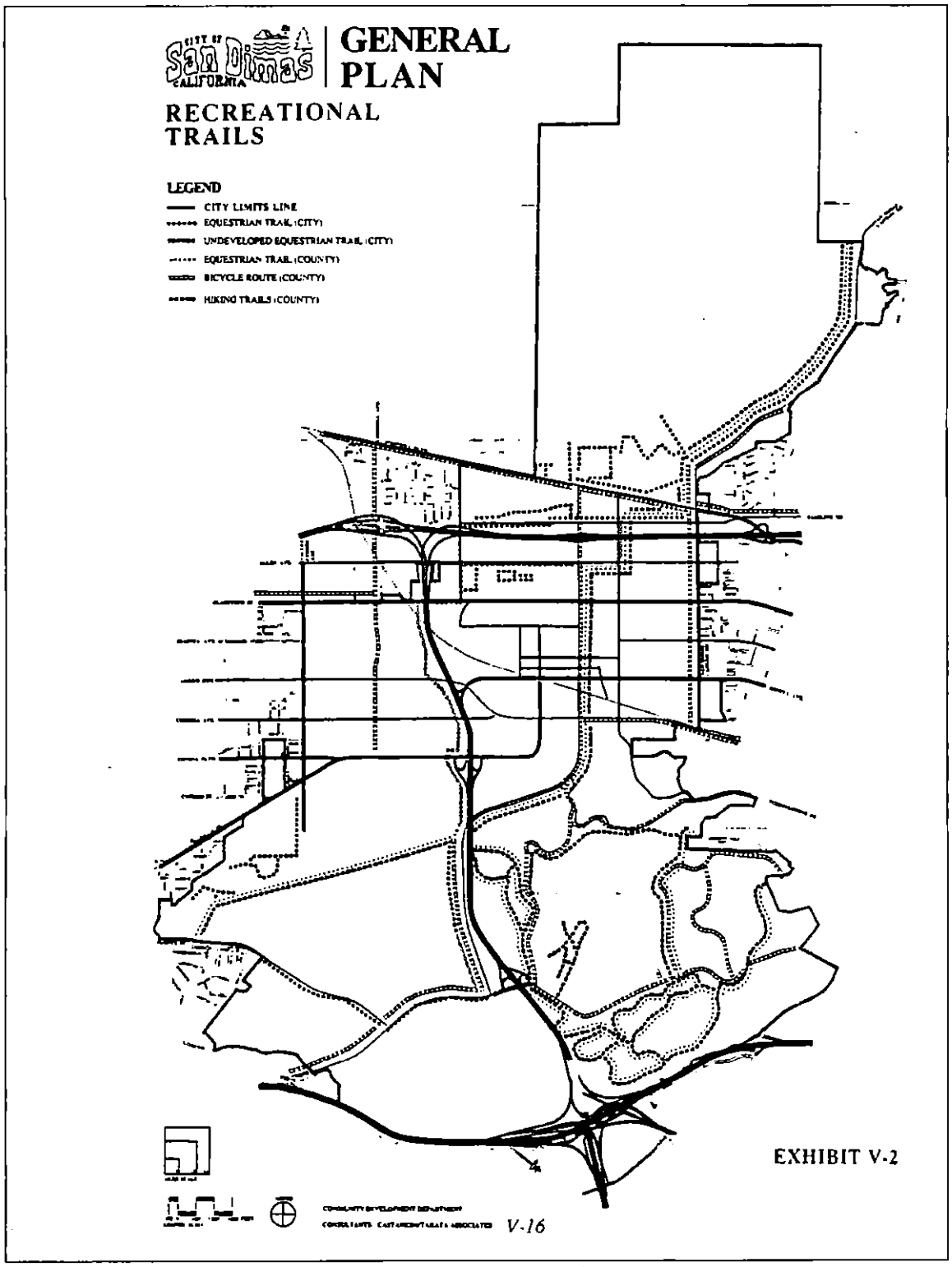
The Open Space Element identifies the development of bicycle trails as a higher priority over equestrian trails as equestrian needs are met in the City with the extensive development of neighborhood equestrian trails. The General Plan recommends the creation of hiking and biking trails in the canyon and hillside areas. There are also proposals for 3.66 miles of bikeways and an additional 11.09 miles of joint-use trails. Exhibit V -2 of the General Plan (included below as **Exhibit 2** of this document) establishes the specific routes of these recommendations. These routes have been taken into consideration in the selection of bikeways. All designated "Bike Routes" have been marked with road signage indicating the routes through the City. **Exhibit 3** is a map created in 2009 showing the City's existing equestrian trails and bikeways.

Open Space Objective 3.1 states: *"develop and maintain pedestrian/bicycle/equestrian trails which provide connections with major activity areas"*. The General Plan recognizes the need and the opportunities for a system which serves the entire city.

2.5 Frank G. Bonelli Regional County Park

Los Angeles County Frank G. Bonelli Park and Puddingstone Reservoir borders the southwest corner of the City and is a local as well as regional draw for the area. The park has several miles of open multi-use trails used by bicyclists, hikers, joggers, and equestrians. Although the park is intended to draw from a regional area, it is a major significant park in San Dimas and serves as a major destination for many regional cyclists. **Exhibit 4** shows the bike and recreational trails within the County regional park. Although not clearly shown on the map, there is paved access almost entirely around the perimeter of the lake for bicycle and pedestrian travel, with the exception of a small stretch near the inlet in the northeast corner of the reservoir and a short portion near the northwest entrance off Puddingstone Drive.

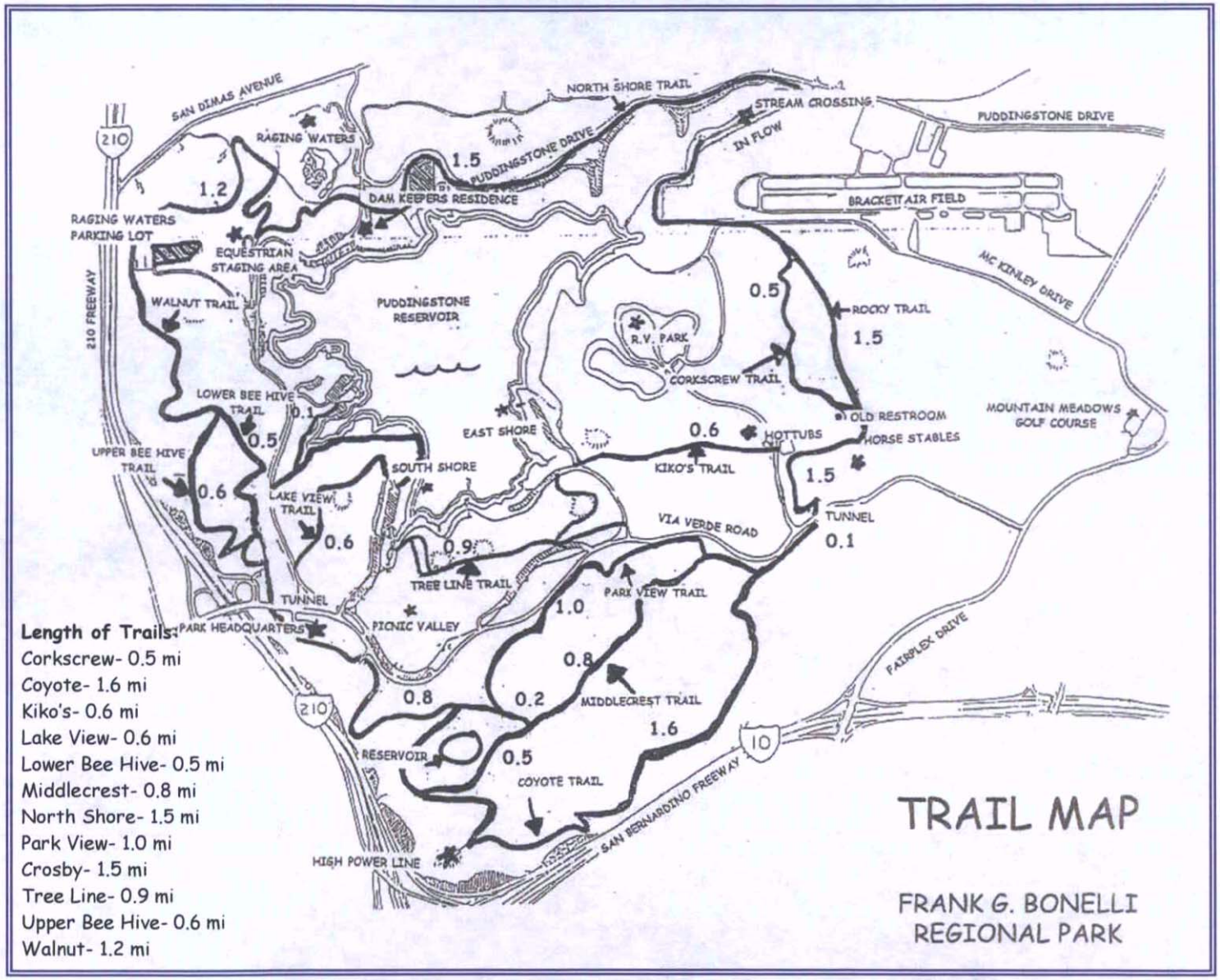
EXHIBIT 2: General Plan Recreational Trails Map



*The next page shows this map in color with greater clarity.

EXHIBIT 3
TRAILS AND BIKEWAYS GUIDE

EXHIBIT 4 Bonelli Park Trail Map



Length of Trails:

Corkscrew- 0.5 mi
Coyote- 1.6 mi
Kiko's- 0.6 mi
Lake View- 0.6 mi
Lower Bee Hive- 0.5 mi
Middlecrest- 0.8 mi
North Shore- 1.5 mi
Park View- 1.0 mi
Crosby- 1.5 mi
Tree Line- 0.9 mi
Upper Bee Hive- 0.6 mi
Walnut- 1.2 mi

3. DEFINITIONS

3.1 Types of Riding Styles

The following descriptions are adapted from the Southern California Association of Governments 2008 Non Motorized Transportation Report.

Vehicular Cyclists

Vehicular cyclists, also referred to as integrated cyclists, are highly experienced cyclists who ride frequently, confident in cycling with motorized traffic and long distances, accustomed to cycling in a variety of environments, and can negotiate with less operating space. Many of these individuals advocate for vehicular cycling because riders are able to operate their bicycles on the road in a manner that is visible, predictable and in accordance with how cars navigate the road. Automobile drivers are able to predict how these bicyclists will act because they follow the same road rules as the driver.

Basic Cyclists

Basic cyclists are riders that are more casual, less comfortable in traffic and have limited experience and skills. They form the largest group of bicyclists, cycle occasionally, and account for the largest group ranging in age from young to old. Basic cyclists are more comfortable using bicycle lanes and are often hesitant in making the same decisions that vehicular cyclists are comfortable making; for example, using a left hand turning lane in traffic.

Inexperienced Cyclists

Inexperienced cyclists and children form a separate group of bicyclists. This group tends to have minimal riding skill, little experience, limited physical capability, and are not comfortable riding with traffic or within the roadway. These cyclists lack confidence and judgment regarding safe cycling practices. Sidewalks, school grounds, parks, bicycle lanes, and (Class I) bicycle paths generally provide the preferred environments for these riders.

3.2 Facilities

Bikeway: any paved facility which has been designated for bicycle travel.

Class I (Bike Path)

Provides a completely separated right of way designated for the exclusive use of non-motorized travel. Regular rules of the road do not apply to these paths and if allowed are often used by families, parents with strollers and dog

walkers.

Caution at intersections is key, as well as heightened awareness of multiple speeds, abilities, and users.

Class II (Bike Lane)

A striped lane providing one-way bike travel on any roadway. Bike lanes can be reassuring to bicyclists who are intimidated by traffic. They provide a continuous visual reminder to motorists to expect bicycles along a street. Bike lanes also help to assign a portion of the available roadway width to bicyclists and thereby reduce conflicts.

Class III (Bike Route)

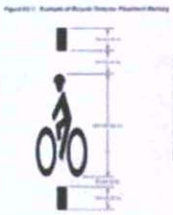
Provides a right-of-way designated by signs or other permanent markings for shared use with pedestrians or motorists. A street may be recommended as part of the bikeway network although no widening or other specific improvements other than signing have been or can be easily implemented to accommodate bicycles. Such Class III routes have an important function in providing continuity to the bicycle route system that serves the entire City and connects with other routes. As part of the overall bikeway system, Class III routes are signed as bicycle routes and maintained as such.

BikeStation

Recently opened at rail stations as nearby as Claremont and Covina, these buildings are secured, lighted, and locked facilities for bicycle/trail commuters. Within a coded building, the facilities provide individual locks for each station member as well as bike tools. Provision of BikeStations at rail stops allows for commuters to easily use their bike to get to the train, and avoid using of a single occupancy vehicle.

Signage

The following signs are either from the Federal Manual on Uniform Traffic Signs (MUTCD) or California's MUTCD, either currently adopted or in Draft form for adoption in early 2012.



Wide Curb Lanes

In many instances, there is not sufficient street width to stripe bike lanes. In these cases when possible, the curb or parking lane can be widened so that there is more room for cars to pass bicycles as safely as possible.

Multi Use Trail or Joint Use Trail

Any trail, paved or un-paved that is equally open to all equestrians, hikers, joggers, and bicyclists (see Class I Bike Path).

Roadway

A publicly maintained facility open for any vehicular use by the general public. Bicyclists have the same rights and responsibilities as vehicles on public roadways. If a bike lane is striped, the cyclist is legally required to use it. The DMV Handbook notes an exception to this if a cyclist must leave the bike lane to avoid a road hazard. If there is no bike lane striped, the cyclist has the right to use the full lane if necessary for safety.

3.3 Emerging Concepts

The following concepts have not received formal approval by the Federal or California authorities on uniform traffic controls, but have been implemented in cities at the forefront of bicycle safety and advocacy. Prior to implementation of any of these strategies, a request for experimental authorization would need to be acquired. This process allows regulators to document and evaluate these new techniques for possible inclusion in future revisions of the standardized manuals.

Sharrows

Two arrows and a painted bicycle on roadway where space restricts striping of a bicycle lane. Roadway painting alerts motorists to share the road with cyclists. This tool is widely used in a handful of states including Oregon, Washington and New York, and is becoming more common in California with cities including Claremont, Long Beach, San Luis Obispo, and Los Angeles using the technique. Accurate positioning of the sharrow is vitally important to assist the cyclists to stay outside of the door zone (where vehicles opening doors can hit and injure cyclists) of parked vehicles.

Colored Striping

Colored striping can be used in a bike lane, striped shoulder or wide parking lane to add awareness. Striping a colored lane in conjunction with sharrows reinforces the cyclists' right to use the entire travel lane when no bike lane is present. Although not yet standardized, the striping of a green 5-6 foot stripe, outside of

the door zone is a tool for jurisdictions wishing to increase vehicular driver's awareness and further cyclist safety. The City of Long Beach (pictured left) piloted this in California in 2009 and the FHWA authorized an Interim Approval of the measure in August 2011 for inclusion in the next MUTCD update.

Bike Box

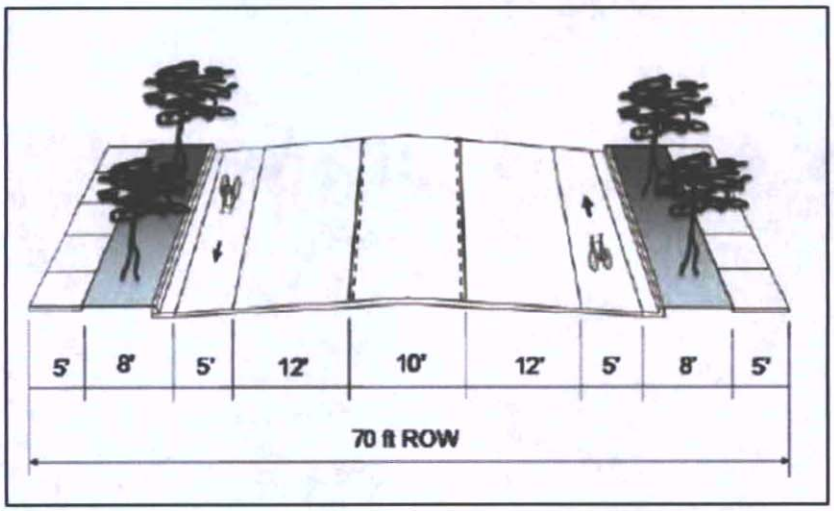
Designated, marked area at a signalized intersection that places bicycles at the front of the traffic queue, with motorized traffic behind an early stop line. Bike boxes increase the visibility of bicyclists and allow them to enter/clear the intersection before motor vehicles. At intersections with right turn lanes, a bike box positioned in front of the through traffic lane provides a safer position, without impeding vehicle traffic wishing to turn right on red. A Bike Box can be designed with or without a color inside the box.

Parklet

This emerging concept is a small urban park that could be created by replacing one or more parallel parking spots with a patio, planters, trees, café tables and/or bicycle parking. Parklets in New York City and several recently installed in San Francisco and Oakland provide a public place to relax and enjoy the atmosphere of the city around them.

3.4 Complete Streets

A Complete Street is planned, designed, operated, and maintained in a way that is appropriate to the function and context of the roadway, whether rural, suburban, or urban. What is adequate on a major arterial is different from what would be needed on a freeway, and what is sufficient in a rural setting (often just a standard shoulder) is much different from an urban one. Complete Streets are designed and operated to enable safe access for all legal users including bicyclists, pedestrians, people using mobility aids, transit riders, and motorists. While there is no design prescription to make a corridor "complete", shoulders, sidewalks, convenient bus stop placement, traffic speed reduction, accessible pedestrian signal timing, and medians can all improve safety and mobility for users. The graphic below, from City of Pasadena Department of Transportation, shows a complete street design.



Complete Streets in California

In September 2008, Gov. Arnold Schwarzenegger signed into law Assembly Bill 1358, the Complete Streets Act, co-sponsored by the California Bicycle Coalition and AARP California. As of January 2011, the law requires cities and counties, when updating the part of a local general plan that addresses roadways and traffic flows, to ensure that those plans account for the needs of all roadway users.

At the same time, the California Department of Transportation unveiled a revised version of Deputy Directive 64, an internal policy document that now explicitly embraces Complete Streets as the policy covering all phases of state highway projects, from planning to construction to maintenance and repair.

As the result, California became the second—and by far the largest—state to implement Complete Streets policies covering every public street, road and highway.

4. EXISTING CONDITIONS

San Dimas has several bike lanes (Class II) throughout the City and has designated a network of roadways as bicycle routes (Class III). The bike route designation in some cases considers potential future funding and support to stripe these routes with Class II facilities where feasible, or other bicycle safety improvements, while accommodating on-street parking and taking into consideration vehicle traffic needs.

4.1 Existing Bikeways and Facilities

As part of the 1997 San Dimas Bikeways Master Plan, the City was mapped with planned routes and lanes for planning purposes. Over the last decade, all routes designated as Class III have been improved with proper signage. The City has also installed several bike lanes as funding has permitted (refer to **Table 1**, below). The City's Trails and Bikeways Guide was printed in early 2010 with existing and planned equestrian paths, multi-use trails, and bikeways (**Exhibit 3**). This

map does not show planned bike facilities, such as creation of Class II facilities on current Class III routes. These future potential routes, designated by City staff, are outlined on Metro's 2009 planning map (**Exhibit 1a**). Bike racks are located at all schools in San Dimas, as well as several shopping and parking locations. **Exhibit 5** shows existing and proposed bike rack locations, cyclist amenities, and proposed connections. The City does not currently have public bike lockers, changing facilities, or showers with lockers for use by area cyclists. Large private employers may have such amenities, but they are not mapped in this document.

TABLE 1

Existing Bike Lanes (Class II)	
Foothill Blvd*	San Dimas Canyon Rd. west to Lone Hill Avenue Designated bike lane by MTA
San Dimas Avenue	Via Verde north to Arrow Highway (2009)
Puente Street	Via Verde west to City Limits (short portions are Class III)
Cypress Street	City Limits east to Lone Hill
Badillo Road	City Limits east to Covina Blvd
Covina Blvd	City Limits
Existing Bike Routes (Class III)	
San Dimas Canyon Road	Bonita Avenue north to City Limits north of Foothill
Via Verde	City Limits
Bonita Avenue	City Limits
Gladstone Street	San Dimas Avenue to San Dimas Canyon Road
Walnut Avenue	Foothill Blvd to Cannon Avenue
Cannon Avenue	City Limits
San Dimas Avenue	Arrow Highway north to Foothill Blvd.
Lone Hill	City Limits
Allen Avenue	Amelia Avenue to San Dimas Canyon Road

*San Dimas Wash crossing is only break in Foothill Blvd. bike lane through City

4.2 Land Use and Population Density

The primary land use types in the City of San Dimas are residential, commercial, office, light industrial/manufacturing, and open space. The single largest land use is residential which encompasses approximately 3,217 acres (37%) of the total acreage of the City (refer to Appendix A- Land Use Map). Almost half of the City's 9,270 acres is contained in permanent open space as part of the Angeles National Forest and County Regional Parks.

The majority of non-residential uses and employment centers are located along Arrow Highway, Bonita Avenue, east of the 57 Freeway, Covina Blvd, Lone Hill north of Arrow Highway, and Foothill Boulevard. Residential density varies from very low (along the hillside developments) to very high (in the eastern portion of the City where a majority of the multi-family dwellings are located). Non-residential uses are low in intensity. On the average, population density is low with an average household size of 2.81.

4.3 Bicycle Accidents

The following table shows the number and rate of accidents involving bicyclists in San Dimas for the years 2004 through 2010, as provided by the California Highway Patrol Statewide Integrated Traffic Records System (SWITRS) website.

Table 2

SWITRS Accident Analysis Bicycle Collisions Resulting in Injury (0 fatalities)									
2004	2005	2006	2007	2008	2009	2010	AVG	2008 Estimated Population (U.S. Census)	Accidents per 1000 people/year
4	1	1	6	7	7	2	4	35,043	0.114

4.4 Roadways

The City of San Dimas occupies approximately 15 square miles in the eastern San Gabriel Valley. A network of roadways is available and accessible to bicycle travel. The terrain is generally flat, while the southern and northern boundaries are hilly, providing some challenging terrain for cycling enthusiasts.

4.5 Nodes and Activity Centers

It is important to note the location of nodes and activity centers as possible destinations for cyclists, as this can aid in the determination of possible routes. There are currently 12 parks in the City and most are located near major streets, as well as regional open space areas in the San Gabriel Mountains and Bonelli Park. Another possible destination is school, especially the upper elementary and junior high school level where many children ride their bicycles to school. This category would also include colleges and churches. Shopping Centers and the Civic Center and

County Library are other potential destinations.
The final node is the workplace which includes those within and outside the City's boundaries. For people who work within five miles of their residence, possible work centers would include those in neighboring cities such as Glendora, La Verne, Pomona, Covina and Claremont.

4.6 Long Range Transportation Planning

Rail Transit

The LA County MTA provides passenger rail service to residents in the San Gabriel and Pomona Valleys via Metrolink. There are over 20 rail stations, including the Los Angeles Union Station. There is no stop in the City of San Dimas, but there are stations in the neighboring cities of Covina, Pomona and Claremont. Bicycles are allowed on the trains for no extra charge and secure straps hold the bikes in place in marked cars. Both Covina and Claremont have secure BikeStations at the Metrolink that provides an indoor locked facility and bicycle tools for commuting cyclists.

The long-planned Goldline from Pasadena to Asuza is slated to extend east through San Dimas, and to the Ontario Airport. Incorporating bike amenities such as long-term bicycle storage and a BikeStation into the San Dimas Goldline Station, as well as safe cyclist connections is integral to a successful and safe bikeway network. The proposed station location is southeast of Bonita Avenue and San Dimas Avenue in the downtown core of San Dimas.

Bus Transit

Bus service in the City of San Dimas is provided by Foothill Transit. These bus lines provide transportation within the City, as well as to neighboring cities and regional locations. There are a number of bus routes that serve San Dimas. Bike racks are available on all Foothill Transit buses allowing for connections with and use of buses for longer commutes.

Dial-A-Cab and Get About

The Dial-A-Cab program is funded by the City and offers shared-ride taxi service to anyone in San Dimas, with discounts to seniors and disabled residents. The Get About program, operated in conjunction with the Pomona Valley Transportation Authority is a discount travel service provided for senior and disabled residents needing to make trips within San Dimas or neighboring cities (La Verne, Pomona and Claremont).

Park and Ride Facilities

There are currently three Park and Ride lots in San Dimas. One lot is operated by Caltrans, located adjacent to the 57 Freeway at Via Verde, and another adjacent to the I-10 Freeway at Via Verde is maintained by Los Angeles County. A parking lot operated by the City is located south of the downtown core, between Monte Vista and San Dimas Avenue. Two u-racks are

installed at the City's downtown location.

Transportation Management Associations (TMA)

There are currently no TMAs within the City of San Dimas.

4.7 Demand for Bicycle Facilities

A demand analysis based on a survey of cyclists throughout the state shows that 82% of all Californians own bicycles, and the average bicycle owner rides for casual recreation. Although cyclists account for less than 1% of peak hour commutes, studies show that by increasing bicycle facilities and safety, the percentage of bicycle commuters increases.

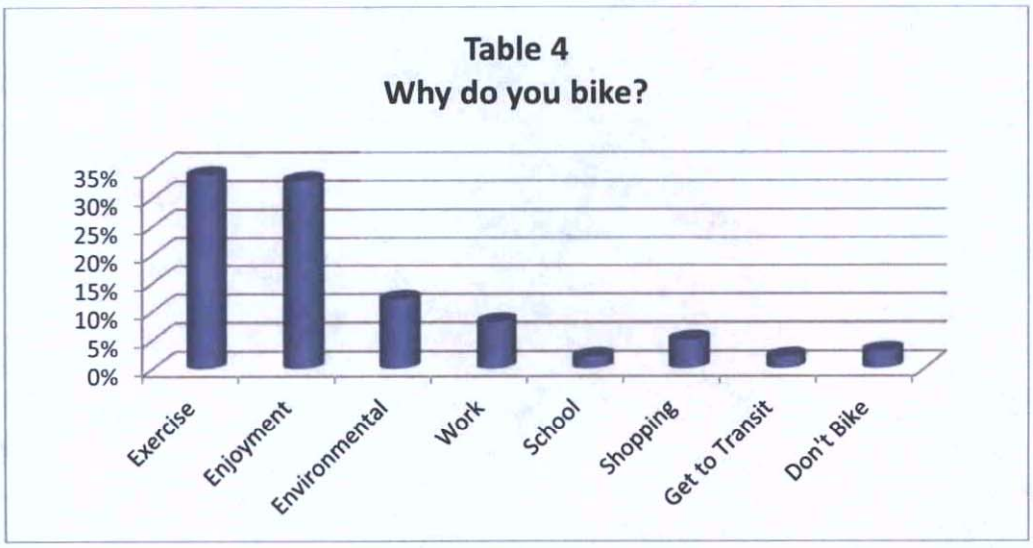
Table 3 below shows the existing and projected mode share of bicycling for the City of San Dimas region. The tabulated population number is higher than the actual city limit population of San Dimas, as several of the city's Census tracts include neighboring jurisdictions and the assumption forecasts are based on Census data. This forecast was made using a demand model methodology developed by Metro staff as part of the 2009 Call for Projects process, which estimates the number of bicycle commuters if an expanded bikeway network were to be implemented. The information is extrapolated using 2000 U.S. Census data and a variety of other resource materials. The projections are valuable in terms of developing a local and regional bikeway network that will serve residents in their commutes to work and school. A complete copy of Metro's bicycle demand model output and references is included in this plan as **Appendix B**.

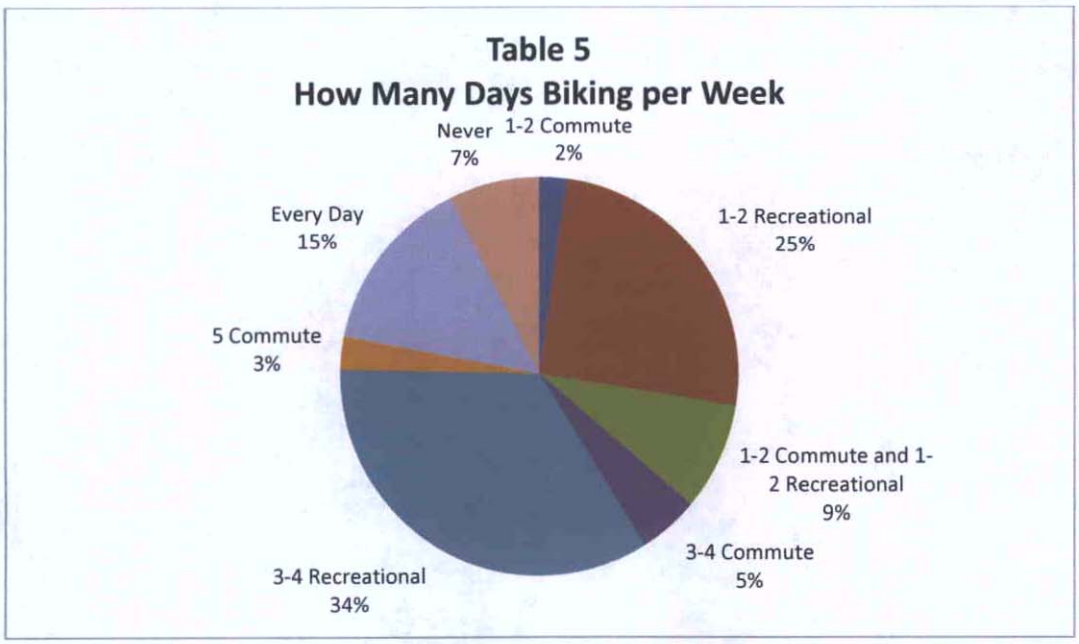
TABLE 3

Ridership Forecast and Air Quality Analysis	
Population	60379
Bicycle-to-Work Commuters	85
Transit-to-Work Commuters	9.6
Student Cyclists: 5th-12th grade	845
Student Cyclists: College	1170
Total Bicycle Commuters	1858
Total Current Bicycle Trips	5091
Current Vehicle Miles Reduced per Weekday	4554
Current Reduced CO2 (lbs/weekday)	227.7
Future Daily Bicycle Trips	***8196***
Future Vehicle Miles Reduced per Weekday	***7332***
Future Reduced CO2 (lbs/weekday)	***366.6***

4.8 Survey Findings

From November 2009 through January 2010, a survey was distributed online via www.cityofsandimas.com, bicycle list servers, and to staff and students at San Dimas High School. Surveys were also completed at InCycle, and by Gladstone and Shull Elementary School 4th-6th grade students. The survey was designed to reach a diverse cross-section of residents, including students, seniors, avid cyclists, and those who do not bike. In the 383 online surveys completed by regional cyclists, 146 surveys were completed by San Dimas residents. The following two charts show San Dimas' residents responses on why they bike and how often they choose this mode of transportation.

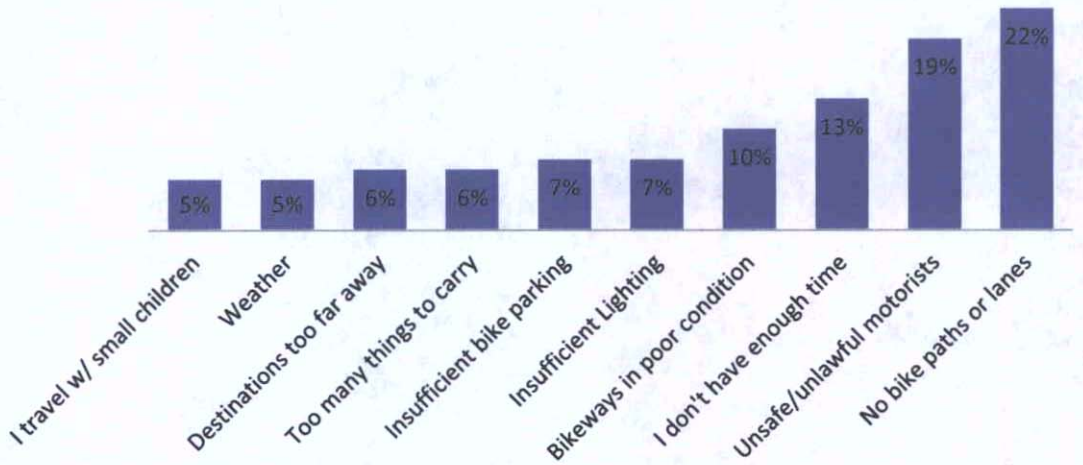




In comparison with the regional results from this survey, San Dimas residents are similar to Los Angeles County respondents, although with a slightly smaller percentage of commuting cyclists.

Survey respondents were also asked what prevents them from biking more often, and the likelihood of specific improvements leading to increased biking.

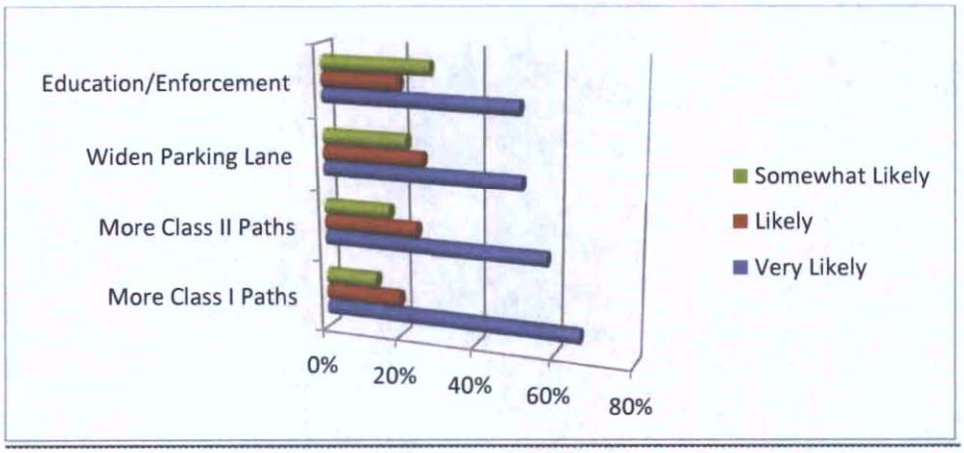
Table 6
What Prevents You From Biking More Often?



Respondents clearly demonstrate that the lack of bike paths, lanes, or routes is a significant deterrent to cycling. As shown in the chart below, residents indicated that dedicated off street or Class I bike paths would provide the greatest incentive to increase biking. As lack of space and feasibility generally prevents Class I bike paths from being constructed in the City, this plan provides suggested locations for the next most popular results, striping bike lanes or Class II facilities, striping a wide parking lane where it is impractical to stripe a dedicated bike lane, as well as education/enforcement.

Table 7

Would these improvements encourage you to bike more often?



5. GOALS, POLICIES and OBJECTIVES

In order to provide the context for the specific policies and policy actions to follow, the overall goal of the Bicycle Master Plan provides the long-term vision and serves as the foundation from which to move forward.

BICYCLE MASTER PLAN GOAL

San Dimas is an urban environment that fosters bicycle travel as a healthy, environmentally sustainable transportation alternative that reduces traffic congestion, air pollution, noise pollution and our carbon footprint.

5.1 Policies

Policies serve as guidance for meeting the Bicycle Master Plan goal.

1. **Make bicycling safer, more convenient and more enjoyable for all types of bicyclists, both commuter and recreational.**
2. **Increase bicycle use for commuter traffic.**
3. **Encourage more people to bicycle for transportation as an attractive and healthy option, which will reduce traffic congestion, air pollution, and noise pollution.**
4. **Develop bicycling as an economical transportation option by implementing and maintaining a bikeway network, providing end-of-trip facilities, and improving bicycle/transit integration.**
5. **Encourage all roadways and intersections to incorporate the "Complete Streets" concept that users of all ages and abilities, pursuing all activities, shall be able to move safely through the street network.**

6. **Consider bicycle friendly design using new technologies and innovative treatments on roads and bikeways.**

5.2 Objectives and Policy Actions

Objectives are more specific statements of purpose, and policy actions provide direction to move forward from a planning document, to implementation.

Different levels of funding will be required for the following programs, and improvements will be made as adequate funds are secured for various projects. The timeframe and sequence for implementing the actions listed will depend on the availability of resources and prioritization as determined by City Council, staff, and the community.

OBJECTIVE A:

Implement the Bicycle Master Plan, which identifies existing and future needs, and provides specific recommendations for facilities and programs.

Policy Actions

A1 **Ensure that adequate City staff is available to coordinate Plan implementation.**

A2 **Update the Plan every seven to ten years to reflect new policies and/or requirements for bicycle funding.**

A3 **Coordinate with other cities, Metro, schools, and community organizations to review and comment on bicycle issues of mutual concern.**

A4 **Regularly monitor bicycle-related accident levels, and seek a reduction in bicycle accident rates where feasible.**

OBJECTIVE B:

Identify and implement a network of bikeways that is feasible, fundable, and that serves all cyclists' needs, especially for travel to employment centers, schools, commercial and retail centers, transit stations, and institutions, while not excluding the needs of recreational cyclists.

Policy Actions

B1 **Develop a bikeway network that is continuous, closes gaps in the existing system, and serves important destinations.**

B2 **Develop a bikeway network that provides connections to bikeways in adjacent cities.**

B3 **Coordinate and offer assistance to other city departments and developers to ensure appropriate bicycle connections are planned, constructed, and maintained.**

B4 **Coordinate with Parks and Recreation staff to promote bicycling as a healthy recreational activity and ensure that recreational bicycle enthusiasts are provided for in plans for future projects.**

B5 **Evaluate the impacts on bicycle travel and integrate bicycle facility improvements into proposed roadway and development projects as part of the project review process.**

B6 **Implement bicycle facilities based on a priority program that considers existing deficiencies, safety, commuting needs, connectivity of routes, and community input.**

B7 **Recognize that bicyclists use all City roadways. Design future roadways and existing roadway improvements to accommodate bicycle travel where feasible. Carry out routine maintenance of roadways and eliminate hazards to cyclists.**

B8 **When traffic signals are upgraded on bicycle routes, the upgrades should include bicycle detection as required by the Manual of Uniform Traffic Control Devices via pavement loop or video detection.**

B9 **Upgrade existing roadways to enhance bicycle travel, including upgrading or adjusting on-demand traffic signals to detect bicycles.**

OBJECTIVE C:

Maintain and improve the quality, operation and integrity of the bikeway network and roadways regularly used by cyclists.

Policy Actions

C1 **Continue routine maintenance of bikeway facilities, such as sweeping streets regularly traveled by bicyclists and other designated bikeways, including paint and striping, signage, pavement surface maintenance, tree trimming, and other facets of maintaining the operational integrity of the bikeway network.**

C2 **Where applicable, pursue traffic calming improvements on existing residential streets to increase safety of cyclists and prevent high-speed motor vehicle cut-through traffic.**

C3 **Consider implementing "sharrow" street markings along Class III bike route facilities to further alert motorists of the shared use of roadway and increase safety to cyclists by guiding them clear of opening car doors, an area commonly referred to as the "door-zone".**

C4 **Coordinate roadway improvements to provide reasonable alternate routes if necessary and minimize disruption for cyclists. This includes maintaining bikeway access through construction zones or providing bikeway detours.**

C5 **Consider bicycle friendly design using new technologies and innovative treatments on roads and bikeways.**

OBJECTIVE D:

Encourage the development of safety education programs aimed at youth and adults. Increase public awareness of the health and environmental benefits of bicycling and of available resources and facilities.

Policy Actions

D1 **Encourage the development and implementation of safe and effective adult and youth cycling programs. Programs should include education for both cyclists and motorists responsibility to obey traffic laws and traffic control devices.**

D2 **Promote the health benefits of bicycling.**

D3 **Promote and pursue funding programs for bicycle safety and education programs.**

D4 **Support Transportation Demand Management programs at worksites to encourage commuters to bicycle to work. This effort will be coordinated through the transportation management organizations and employment centers.**

D5 **Distribute a regularly updated bikeway map at local schools, bike shops, the Chamber of Commerce, and other visible areas to encourage cycling.**

D6 **Dedicate staff time and solicit volunteer support to set up bicycle valet and repair seminars at major community events.**

OBJECTIVE E:

Encourage short-term and long-term bicycle parking and other bicycle amenities in employment and commercial areas, in multi-family housing, at schools, at parks, and at transit stations.

Policy Actions

E1 **Establish, implement, and revise as needed, bicycle parking requirements on new development projects.**

E2 **Establish an annual budget of transportation funds for the continued installation and maintenance of city-owned public bicycle parking.**

E3 **Encourage the installation of short- and long-term bicycle parking in the public right-of-way through streetscape plans, new development, street improvement projects, transit stations, and at municipal facilities such as parks, or at other locations where specific needs are identified.**

E4 **As an incentive for increased development densities or as potential measures to mitigate traffic impacts, encourage end-of-trip amenities, such as additional bicycle**

parking and shower and clothing locker facilities to be located at transit centers and new employment sites to promote bicycle commuting.

E5 **Include bicycling options in all Transportation Demand Management planning.**

E6 **Encourage and support bike stations and/or attended parking facilities at major events and destinations, such as the Gold Line Station (future), the Civic Center, and downtown.**

E7 **Seek funding to secure bicycle parking facilities at City parks, popular destinations, schools, commercial centers and multi-family residential neighborhoods.**

E8 **Conduct a survey of major employers to determine the percentage of employees who commute by bicycle, availability of amenities (showers, parking, lockers), and any incentives offered to employees who commute by bicycle.**

OBJECTIVE F:

Increase the number of bicycle-transit trips

Policy Actions

F1 **Support and promote bicycle travel via the Metrolink commuter rail service and Foothill Transit.**

F2 **Coordinate with Metrolink to provide and promote secure bicycle access, racks and lockers and/or a BikeStation at the San Dimas Gold Line Station (future).**

OBJECTIVE G:

Increase city and public recognition of cyclists' equal right to use public roadways.

Policy Actions

G1 **Provide bicycle education to City staff involved in decisions regarding transportation facilities. This would include, but would not be limited to, traffic engineers, planners, civil engineers, field inspectors, street maintenance personnel, and parks and recreation staff.**

G2 **Provide bicycle education for law enforcement personnel.**

G3 **Seek funds for a public awareness "Bikes May Use Full Lane" campaign to increase public recognition and to educate the general public about the rights and responsibilities of bicyclists and motorists.**

G4 **Seek funds for a bicycle confidence education program to instruct existing riders and future riders of all age groups how to utilize the roadway in a safe, legal and confident manner.**

G5 **Build strong connections with local bicycle related businesses and organizations to help establish support and encourage community participation in bicycle education programs.**

OBJECTIVE H:

Encourage roadway design that allows for the equitable use of all transportation modes.

Policy Actions

H1 **Evaluate smoothing and slowing of traffic in certain commercial or residential neighborhoods by reconfiguring travel lanes to remove through-lanes in exchange for turn lanes and bike lanes.**

H2 **Reduce lane widths and in some locations speed per vehicle code requirements to allow for bicycle traffic to safely share the curb lane with automobile traffic.**

H3 **Pursue removal of on-street parking except where it is critical to adjacent land uses to allow for the necessary right-of-way for striped bike lanes.**

H4 **Encourage and pursue all opportunities to improve walk-ability and bike-ability in commercial districts through the "complete-streets" re-design of existing rights-of-way to allow for a more proportionally balanced distribution of roadway space.**

H5 **Each time arterial and collector streets are resurfaced, where feasible they should be re-striped to add width to the curb lane without compromising safety; consider designating these streets with wide curb lanes as future Class III routes. In addition, designated Class II lanes can be added where there is enough width.**

H6 **Where feasible, design bikeways beyond the minimum-required widths.**

H7 **Auto travel lanes may be replaced by bike lanes where peak hour congestion levels are anticipated to maintain acceptable levels of service, in accordance with the General Plan.**

H8 **When considering landscaping along bikeways, ensure that compatible plants or trees are used.**

6. PROPOSED PROJECTS

This section identifies specific projects for which the City of San Dimas can apply for funding as part of a comprehensive plan for bicycle transportation within the City.

6.1 Bikeways

Potential bikeway projects were compiled and prioritized based on the following criteria:

- REGIONAL CONNECTIVITY
- COMMUNITY FEEDBACK
- CLOSING GAPS IN THE BIKEWAY NETWORK
- CONNECTIONS WITH MAJOR DESTINATIONS
- COMPLETION OF THE BIKEWAY NETWORK
- AVAILABILITY OF STREET WIDTH OR RIGHT-OF-WAY
- EXISTING PLANS THE CITY HAS TO IMPROVE STREETS
- LINKAGES WITH ADJACENT CITIES

6.2 Route Selection

California law allows bicycle travel on all public roadways, therefore all local streets can be considered as bikeways. Bikeway designation, however, is based on routes which reflect an advantage over others. Hence, the bikeway system identified in this Master Plan is based on a broad range of favorable criteria, which includes access, right-of-way availability, safety, convenience, cost, and implementation constraints. In addition, the bikeway designation raises awareness for motorists of the presence of bicyclists.

The most important factor in the selection of bikeway routes is safety. This includes lighting/visibility, conflicts with automobile traffic and pedestrians, crossing intersections, and roadway design. These factors have been addressed by the Cal Trans Highway Design Manual, and the routes selected here will meet or exceed those guidelines. A listing of opportunity sites within the City limits is shown in **Table 8**. The majority of these routes are also shown in the Metro planning map (**Exhibit 1a**). The City Trails and Bikeways Guide (**Exhibit 3**) shows a County of Los Angeles Walnut Creek trail as a green dotted line (proposed, not constructed) that could potentially connect to the City's planned 1.3 mile Class I trail from San Dimas Ave to Cypress along the 57 Freeway ROW. The not-yet built, but mapped trail in San Dimas provides a unique opportunity to provide a Class I bike path that would serve as a key link from the Via Verde area to the high school and junior high located on Covina Blvd. The referenced trail in San Dimas is planned as the Canyon Vista Trail. The Canyon Vista Trail faces few environmental obstacles as it is outside of the Walnut Creek sensitive habitat area and primarily within the Caltrans right of way.

While many streets possess favorable conditions for possible bikeway designation, portions of some streets may pose certain unavoidable problems for striping due to space restrictions or existing conditions, but alternative safety features such as signage and treatments such as "sharrows" may be utilized if approved and adopted by the Manual on Uniform Traffic Control Devices.

TABLE 8

San Dimas Bikeways Opportunity Considerations*		
	ROADWAY	**DETAILS**
1.	**Allen Ave**	Lane, Allen Ave to western City limits. Adequate space if street parking restricted.
2.	**Bonita Ave**	Lane, San Dimas Canyon Rd to Walnut Ave. Bike Box westbound at Walnut. Sharrows in downtown where space constricted and high-volume parking areas. Lane, Cataract Ave to Arrow Hwy
3.	**Canyon Vista**	Class I Path from San Dimas Avenue to Cypress.
4.	**Cienega Ave**	Lane, Valley Center to Arrow Highway. Adequate space
5.	**Foothill Blvd. ****	Lane on bridge at San Dimas Wash, requires widening
6.	**Gladstone St.**	Lane, SD Ave to SD Canyon Rd. Adequate space if street parking restricted.
7.	**Lone Hill**	Lane, Gladstone to Cypress. Adequate space. Benefit to area schools
8.	**San Dimas Canyon**	Lane north of Arrow Highway to Foothill Blvd. Adequate space. Benefit to schools, link to Foothill Blvd, Horsethief Park, County Park, and Angeles National Forest.
9.	**San Dimas Ave**	Lane, Foothill Blvd. to Arrow Highway. Bike Box southbound at Gladstone.
10.	**Valley Center**	Lane, Badillo to Cypress. Leads to Sportsplex
11.	**Via Verde**	Lane, West of Puente to SD Ave. Provides link to Bonelli Park, City of Covina Park-and-Ride. Existing equestrian trail on south side of roadway.
12.	**Gold Line**	Path, along Gold Line ROW

*Where lane is listed, wide parking lane will also be considered

**Project programmed for construction in 2013.

6.3 Routes/Bikeway Designation

The following are to serve as additional guidelines for future improvements for bicycle safety as funding and opportunity arise. All projects would be first reviewed by the Traffic Safety Committee, following which any proposed facility may be upgraded or downgraded as deemed appropriate. Portions of these corridors have already been identified in the San Dimas General Plan (**Exhibit 2**), and may be downgraded to a Class III to allow for and maintain parking where necessary, possibly with sharrows to reinforce the shared access for cyclists. While sharrows have not received formal approval from the California MUTCD, they are an approved treatment in other states and may be implemented through the experimental piloting program through Caltrans. Sharrows would not be implemented without prior approval through either the

experimental program or official adoption into the California MUTCD. References to this treatment in the pages that follow would only be implemented according to approved procedures.

Automobile parking may be eliminated on certain portions of streets where Class II facilities (bike lanes) are proposed and where parking is under-utilized. Alternatively, striping a wide parking lane will allow additional safety for cyclists when cars are not parked while allowing parking on streets when it is necessary. Removal of automobile parking must be approved by the Traffic Committee and City Council.

Where automobile parking cannot be eliminated and there is insufficient room to accommodate both the parking lane and the bike lane, the bikeway will be downgraded to a Class III (bike route). In some cases, an edge line will be striped 8' from the curb to allow for parking.

1. Allen Avenue/ Gladstone Street

Class II bikeway on Allen Avenue from Amelia Avenue to San Dimas Canyon Road.
As an east/west corridor, this street provides an excellent link to the cities of Glendora and La Verne. Additionally, this bikeway will provide access to Shull Elementary, Allen Avenue Elementary and Ramona Middle School increasing those students' safe routes to school. Even though parking is typically under-utilized on this street, there may be sufficient space to accommodate both a bike lane and street parking. As an alternative or in addition, Gladstone Street could be developed similarly with a Class II facility or wide parking lane and connect via Amelia Avenue to Allen Avenue.

STATUS: Pending funding

2. Bonita Avenue

Develop a Class II bikeway on Bonita Avenue from Arrow Highway to San Dimas Canyon Road. This bike lane will be downgraded to a Class III bike route with sharrows between Cataract and San Dimas Avenue.

This will serve the downtown area and the downtown Frontier Village. Space is limited in the downtown portion of this street, so the bikeway must remain a Class III facility to maintain street parking in this portion of Bonita Avenue. Striping near the railroad tracks must allow for RR crossing as prescribed in the Cal Trans manual to minimize bicyclist hazard. Sharrows will provide additional safety through the downtown core where street width and on-street parking restrict feasibility for a bike lane. The speed limit is reduced westbound at Walnut Avenue to 25mph, so a bike box (considered safe at intersections are less than 30mph) at this location will help to increase cyclists visibility and reduce potential for conflicts with turning traffic.

Signage for Class III route: **ACCOMPLISHED**

Class II striping, sharrows, and bike box: *Pending funding*

3. Canyon Vista Bike Trail

Develop a Class I bike trail from San Dimas Avenue south of Avenida Loma Vista to Cypress Avenue, west of 57 Freeway

This pathway will serve the middle school and high school population traveling from the Via Verde portion of the City to Lone Hill Middle School and San Dimas High School. Additionally, the linkage will allow residents to easily access Bonelli Regional Park and the Michael Antonovich Wilderness Trail, both of which provide ample recreational biking opportunities. Plans have been prepared for this project. The pathway is designed with permeable pavement, solar lighting, and will be ADA accessible.

STATUS: *Pending funding*

4. Cienega Avenue

Class II bike lane on Cienega Avenue from Valley Center to Arrow Highway

Adequate space is available on Cienega to provide an east-west linkage through the City. With the abundance of residential communities in close proximity to retail centers, provision of a bike lane on this roadway would serve the community well.

STATUS: *Potential to restripe in conjunction with future slurry or roadway sealing project.*

5. Foothill Boulevard

Class II bikeway on Foothill Boulevard.

This provides another excellent east/west route to the neighboring Cities of La Verne and Glendora. In addition, this is a heavily traveled corridor by many commuters and is a regional link. There is sufficient room in the right hand portions going both directions to accommodate parking and a bike lane with the exception of an approximately 200 foot section at the bridge over the San Dimas Wash west of Walnut Avenue. The City has obtained funding through the Highway Bridge Reconstruction and Rehabilitation Program and is anticipating construction in 2012-2013.

San Dimas Canyon Road to Cataract: **ACCOMPLISHED**

San Dimas Wash Bridge Widening: *In Progress*

6. Gladstone St.

Class II bikeway or Class III with sharrows on Gladstone Street from San Dimas Avenue to San Dimas Canyon Road

As residences on Gladstone Street in this stretch have on-site parking or do not front the street frontage, provision of a bike lane would increase safety for cyclists and students who choose to ride to school. The lane widths are wide enough to likely accommodate a bike lane without

removing street parking, or a parking lane could be striped to provide a level of safety for cyclists.

STATUS: Potential to restripe in conjunction with a future slurry or roadway sealing project.

7. Lone Hill

Class III facility with sharrows on Lone Hill Avenue with signage. Stripe a wide parking lane/edge line to further increase cyclist safety.

This is an excellent north/south link from Glendora, to regional shopping destinations, and the San Dimas Swim and Racquet Club. It also provides nearby access to the schools on Covina Boulevard. This can further serve the numerous retail/commercial businesses in this area. Potential conflict with parked cars can be eliminated by providing a wider parking lane to allow safe bicycle passage and/or sharrows if approved by MUTCD or implemented as an approved experimental project.

Space to upgrade this Class III Bikeway to a Class II may be feasible.

Signage: **ACCOMPLISHED**

Striping and Sharrows: *Pending funding*

8. San Dimas Canyon Road (space available, conditions similar to item 1. Allen Ave)

Class II bikeway/ wide parking lane or sharrows on San Dimas Canyon Road from Arrow Highway to Foothill Blvd.

Designated as a Class III bike route, San Dimas Canyon Road is the easternmost north-south roadway in the City and borders La Verne. Several schools including Holy Name of Mary, Allen Avenue Elementary, and Ramona Middle School are accessed from this heavily travelled roadway. The northern terminus of the road connects to Sycamore Canyon Park, Horsetheif Park and the San Dimas dog park. Provision of a bike lane or wide parking lane would provide a key safety feature for cyclists. In areas where street parking is heavily utilized or inadequate space exists, sharrows could be painted to increase driver awareness of cyclists' right to use the roadway.

STATUS: *Potential to restripe in conjunction with future slurry or roadway sealing project.*

9. San Dimas Avenue

Class II bike lane on San Dimas Avenue from Via Verde to Foothill Blvd., with sharrows painted on areas w/ inadequate space for a lane. Bike Box on southbound San Dimas Avenue at Gladstone Street.

This link provides regional mobility to surrounding cities, and also provides a link into the downtown area from the northern and southern sections of the City. As Foothill Boulevard is a

major thoroughfare with name recognition in other cities, the San Dimas Avenue bikeway can serve bicycle commuters by providing a safer north-south passageway through the center of the City.

STATUS:

Class II Lane -Via Verde to Arrow Highway-**ACCOMPLISHED**

Signage along entire route- **ACCOMPLISHED**

Class II Lane Arrow Highway to Foothill Blvd- *Pending Funding*

Sharrows- *Pending Funding*

Bike Box- *Pending feasibility study and funding*

10. Valley Center

Class II bike lane on Valley Center from Badillo Street to Cypress Street

This short stretch will connect to the bike lane on Cypress St that leads to the Sportsplex and planned Class I path at the terminus of Cypress Street to San Dimas Avenue. The Los Angeles County Master Plan includes a proposed bike lane on Valley Center north of Badillo Street and provision of a lane within City limits will further improve connectivity.

STATUS: Pending Funding

11. Via Verde

Class II bike lane from west of Puente at City limits to San Dimas Avenue.

Adequate space exists for a Class II bike lane west of Puente Street to SD Ave. Via Verde provides linkage to Bonelli Park, downtown San Dimas and the Park-and-Ride lot. Equestrian trails are located on this roadway. In lieu of a Class II facility, a wide parking lane could be striped to provide safety for cyclists.

STATUS: Wide parking lane planned for striping on south side of Via Verde in conjunction with a future slurry project.

12. Gold Line

Class I bike path along Gold Line Metro ROW through City from Gladstone Ave to San Dimas Canyon.

Significant planning and coordination was accomplished during early to mid-2000 on this regional effort for a Citrus Valley Bikeway to connect eastern San Gabriel Valley in Los Angeles with San Bernardino County Class I bike paths. Planning efforts between San Dimas, La Verne,

Pomona and Claremont had worked out easement details with the rail authority, established preliminary plans, crossing details and as far as fencing and landscaping details. With the rail line now established for the future Gold Line extension, for the project to move forward it will take coordination and agreement with the Gold Line Authority. Research by Rails to Trails advocacy group has shown that bike paths established throughout California along rail line, both freight and passenger, right of ways are overwhelmingly successful and with proper planning and consideration for safety, are highly successful. Although the Gold Line extension does not include a bike path as part of their project, the Build alternative is being designed to the extent possible to allow future opportunities for bikeway improvements.

STATUS: *Requires agreement from Gold Line Authority to allow easement for path.*

6.4 Maintenance

The absolute minimum step that can be taken in developing a bikeway is improved maintenance of streets often used by bicyclists. This applies to all roadways, regardless of designation.

Therefore, increased attention must be given to the right hand portion of the street. Measures must be taken to ensure that bikeways are smooth -- free of potholes, corrugations, and debris that might accumulate from any source. This would minimize tire damage, loss of control, and inconvenience, thereby minimizing safety hazards.

6.5 Signage

Many regulatory roadway signs (such as speed limits and warning signs) apply to both motorists and bicyclists. State guidelines also require additional signs and pavement markings specific to cyclists and designated routes. These can be found in the Cal Trans design manual.
Destination signs should be consistent with the character of San Dimas and comply with the City's sign ordinance.

The following community features would benefit from a bicycle sign program and should be considered for identification:

- Parks
- Frontier Village
- San Dimas Swim and Racquet Club
- Puddingstone Reservoir/Bonelli Park
- Civic Center/Library

- Walnut Canyon
- San Dimas Canyon
- Schools

6.6 Support Facilities

It is important to note and understand the location of support facilities for bicyclists. The availability of drinking water, restrooms, secure bicycle parking, restaurants, bicycle shops, rest areas, etc. may improve the convenience of and increase bicycle travel.

Many of the public facilities in San Dimas (such as parks, the Civic Center, and the old Train Depot) offer drinking water and/or restrooms. Support services are also available at commercial establishments or at the bicyclist's destination. Other facilities such as showers, changing rooms, and secure bicycle lockers are important to bicycle commuters, but there are currently no public facilities providing these features. Large employers are encouraged to install showers and lockers at the workplace. This practice has been shown to promote bicycle commuting and minimize automobile travel in accordance with Air Quality Management District recommendations.

Most of the roadways proposed for designation are located along major thoroughfares which offer a variety of support services. These include restaurants and service stations where drinking water and restrooms are available. Businesses along bikeways are encouraged to allow bicyclists to use their facilities.

6.7 Bicycle Parking

The California 2010 Green Building Standards Code (CALGREEN) requires all new buildings to be more energy efficient and environmentally responsible. For bicycles, the standards require short-term bicycle parking if a project is anticipated to generate visitor traffic. Section 5.106.4.1 specifically requires "permanently anchored bicycle racks 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 rack." For buildings with over 10-tenant-occupants, Section 5.106.4.2 requires "secure" bike parking such as covered, lockable enclosures with permanently anchored racks for bicycles, lockable bicycle rooms with permanently anchored racks, or lockable, permanently anchored bicycle lockers.

The San Dimas Municipal Code (18.156.060) establishes the minimum bicycle parking requirements for all non-residential areas and was amended by Ordinance 1199 consistent with

the 2010 CALGREEN.

Large employers are encouraged to provide long-term bicycle parking or storage facilities.

This is one of the key factors in promoting bicycle commuting. Employers may use this as quantifiable trip reduction mitigation as required by AQMD.

Provide bicycle lockers at the Bonita Avenue Park and Ride.

Bicycle lockers can complement the goals of carpools and other High Occupancy Vehicle programs which focus on automobile miles traveled. Commuters have the option of riding a bicycle to the Park and Ride lot without contributing to air pollution by driving there.

Citywide Short-term Bike Parking Standard

Provision of additional short term bicycle parking throughout the city would benefit commuting cyclists and encourage biking as a viable means of transportation. The city shall continue to work with property owners and management companies to implement parking both in public areas and on private property with consideration to ADA accessibility.

Once exact locations are identified, staff will work with property owners on installation and will seek funding to implement parking city-wide.

6.8 Safety Education Programs

SAFETY EDUCATION PROGRAM

Bicycle safety events and booths have been included in various City events such as Family Festival. However, the City does not currently have a formalized bicycle safety education program for either youths or adults.

BICYCLE SAFETY AND ENFORCEMENT

The San Dimas branch of the LA County Sheriff's Department conducts Bicycle Rodeos at schools and public events. This teaches children proper bicycle operation and maintenance. Additionally, there are bicycle safety brochures available in City Hall. Although these programs are aimed at younger riders, adults may benefit from safety education. Programs should emphasize how to become vehicular cyclists as well as use of helmets, lights and reflectors, and other safety equipment.

The City should continue to encourage bicycle safety programs which will target a broad range of cyclists.

6.9 Construction and Design

The construction and design of all bikeways must adhere to Cal Trans Highway Design Manual, Chapter 1000. Bikeways proposed in this Master Plan have been carefully selected, but actual construction may not be entirely feasible based on existing conditions or unforeseen circumstances. Consequently, the Public Works Department (following standard review procedures) will be given flexibility and final determination of the type and appropriateness of bikeways. The following Tables and Figures outline Class II bikeway design for the City.

TABLE 9

Bike Amenity Specifications		
Minimum Widths	Adjacent Parking	5 feet
	No Parking	4 feet
	Combination Parking Lane	11-12 feet
Striping	6 inches outside solid white stripe (adjacent to vehicle traffic) 4 inches inside solid white stripe	
Signage	R81 Bike Lane Sign *start of all bike lanes *far side of all arterial crossings *major change of direction *minimum 1 sign every ½ mile R28 No Parking Sign *where parking is prohibited adjacent to bike lane R4-11 Bicycle May Use Full Lane (when approved in CA MUTCD) and where appropriate	
Pavement Markings	Bike Lane and directional arrow at far side of each intersection Sharrows in select locations if approved by CA MUTCD or done as approved experimental project Green Bike Lane Striping Bike Box (as approved experiment or if approved by CA MUTCD)	
Dashed Lines	200 feet on approaches to intersection	
Bicycle Signal Actuation	 MUTCD R-10-22	

Sources: Cal Trans Highway Design Manual, Chapter 1000, Manual on Uniform Traffic Control Devices

The minimum specifications for Class III bicycle routes are not included in this document, since widths are dependent on numerous factors. These factors include traffic volume, average motorist speeds, sight distance, and parking conditions. However, the most important consideration is to allow safe travel for both motorist and bicyclists. In general, a minimum width of 14 feet for the traffic lane adjacent to curb is sufficient to accommodate both the motorist and bicyclist, along with appropriate signage to warn motorists to be aware of cyclists on the roadway.

When design requirements, as outlined in the Manual of Uniform Traffic Control Devices (MUTCD) and in the Cal Trans Highway Design Manual, will not allow construction of proposed Class II bike lanes, bicycle routes (Class III) should be provided instead. Class III bikeways should provide the following items when feasible:

- Curb driving lanes at least 14' wide (no parking) or 21' wide (parking allowed)
- Warning signs to motorists
- Directional signs to bicyclists
- Adequate pavement conditions and maintenance

6.10 Bike Rack Installation

- **Visibility:** Cyclists should easily spot short-term parking when they arrive from the street. A highly visible location discourages theft and vandalism. Avoid locations "off on the side," "around the corner," or in unsupervised parking structures or garages.
- **Avoid conflict with pedestrians:** Locate racks so that parked bicycles do not block a pedestrian path. Select a bike rack that is of sufficient height to be visible, with no protruding bars that could trip or injure cyclists or pedestrians.
- **Avoid conflict with motor vehicles:** Separate bicycle parking and auto parking and road areas with space and a physical barrier. This prevents motor vehicles from damaging parked bicycles and keeps some thieves at a distance (Many professional bike thieves use vans or similar vehicles to hide their activities and make a get-away). The closer bicycle parking is to automobile parking, alleys, roads, etc., the better the opportunity for a bike thief.
- **Access:** The parking area should be convenient to building entrances and street access, but away from normal pedestrian and auto traffic. Avoid locations that require bicycles to travel over stairs. Access should be near a ramp used by people in wheelchairs to allow for ease of riding to the bike parking, but not interfere with or impede disabled access.

- **Security:** Surveillance is essential to reduce theft and vandalism. For security, locate parking within view of passers-by, retail activity, or office windows.
- **Lighting:** Bicycle parking areas should be well lit for theft protection, personal security and accident prevention.
- **Weather Protection:** Whenever possible protect bicycle parking areas from weather using existing architecture.

6.11 Removal of Automobile Parking

Where parking is underutilized, parking may be eliminated or restricted to accommodate bike lanes.

This Master Plan recognizes that parking is vital in certain areas of the City, especially within the downtown. Bikeways on Bonita Avenue (between Cataract Avenue and San Dimas Avenue) and San Dimas Avenue (between Bonita Avenue and Fourth Street) will be downgraded to Class III bike routes so that parking will not be eliminated in these high vehicle traffic commercial areas.

7. IMPLEMENTATION and PHASING

7.1 Implementation

Project design and implementation will originate from the Community Development Department or the Public Works Department. Staff may facilitate implementation of particular elements of the Master Plan as part of larger projects or when funding is secured. The recommendations of this Master Plan should be considered when routine street improvement projects (i.e., re-striping, surfacing, widening) are scheduled for implementation. Additionally, planning for new public projects such as parks, public buildings, and roadways should include bicycle elements as appropriate.

Bikeway street improvements must be reviewed by the Traffic Committee

7.2 Phasing

Unforeseen circumstances such as funding, street improvement timing, and pace of development may affect bikeway development and improvement. Due to this fact, the phasing of proposed improvements will be determined by staff as resources become available.

Several improvements recommended in the City's original Bikeways Master Plan have been completed. All Class III Routes are designated with proper signage throughout the City. Class II Paths have been striped on Foothill Boulevard (with the exception of the San Dimas Wash bridge), San Dimas Avenue from Via Verde to Arrow Highway, Covina Blvd, Badillo Street, and portions of Puente Street. These improvements have met the basic needs of recreational and commuting cyclists.

7.3 Implementation Costs

Implementation costs typically include land acquisition fees and construction/engineering costs. All bikeways proposed in this Master Plan are within City owned right-of-way, and no acquisition fees will be incurred. Construction costs are limited to striping and signing materials and labor.

Top priority project costs are based on past expenditures for bikeways throughout California and will vary by location and complexity of the project. Class I projects are estimated at roughly $500,000 per mile, Class II projects are estimated at $50,000 per mile, and Class III projects are estimated at $25,000 per mile. Past expenditures have been borne by the city and completed in conjunction with capital improvement projects. Future costs for the Foothill Bridge at San Dimas wash, funded by the Highway Bridge Rehabilitation and Replacement Program is estimated at approximately $2 million dollars, while the Class I Canyon Vista Bike Trail is estimated at approximately $800,000 and will require acquisition of grant funds. Improvements such as bike parking, lane striping, sharrows, and parking lanes will be accomplished through staff efforts at improving cyclist safety and acquisition of funding opportunities available.

FUNDING SOURCES

Federal (ISTEA)

NATIONAL HIGHWAY SYSTEMS FUNDS -- Funding for bicycle and pedestrian facilities on land adjacent to any highway on the National Highway System. Facilities must be principally for transportation rather than recreation. The bikeway on San Dimas Avenue may be eligible.
Federal share of the project cost is 80% with 20% from State or local agencies.

CONGESTION MITIGATION AND AIR QUALITY (CMAQ) IMPROVEMENT PROGRAM FUNDS -- This is available for construction and non-construction projects (such as programs, services, etc.) Facilities must be principally for transportation rather than recreation. Federal share of the project is 80% with 20% from the State or local agencies.

SCENIC BYWAYS -- Project types must be the construction of bicycle and pedestrian facilities related to safe bicycle use along the highway. Planning, design and engineering are eligible costs. $10 million is available annually through 1996. Federal share of the project is 80% with

20% from the State or local agencies.

SURFACE TRANSPORTATION PROGRAM FUNDS -- This includes the construction of bikeways and pedestrian facilities, non-construction projects, and storage facilities (such as bike racks on buses or bike lockers). Facilities must be principally for transportation rather than recreation. The "Transportation Enhancement Activities Programs" is for "over and above normal" transportation projects. This program will distribute $200 million to California through 1997. Federal share of the project is 80% with 20% from State and local agencies.

State and Regional

BICYCLE LANE ACT (through Cal Trans District 7) -- Funding is available for the design and construction of bikeways, bicycle parking, programs, and bicycles on transit. $360,000 is generally available for project and an extra $360,000 is available for projects on State highways.

Local match is 10% and the application period is annually in December.

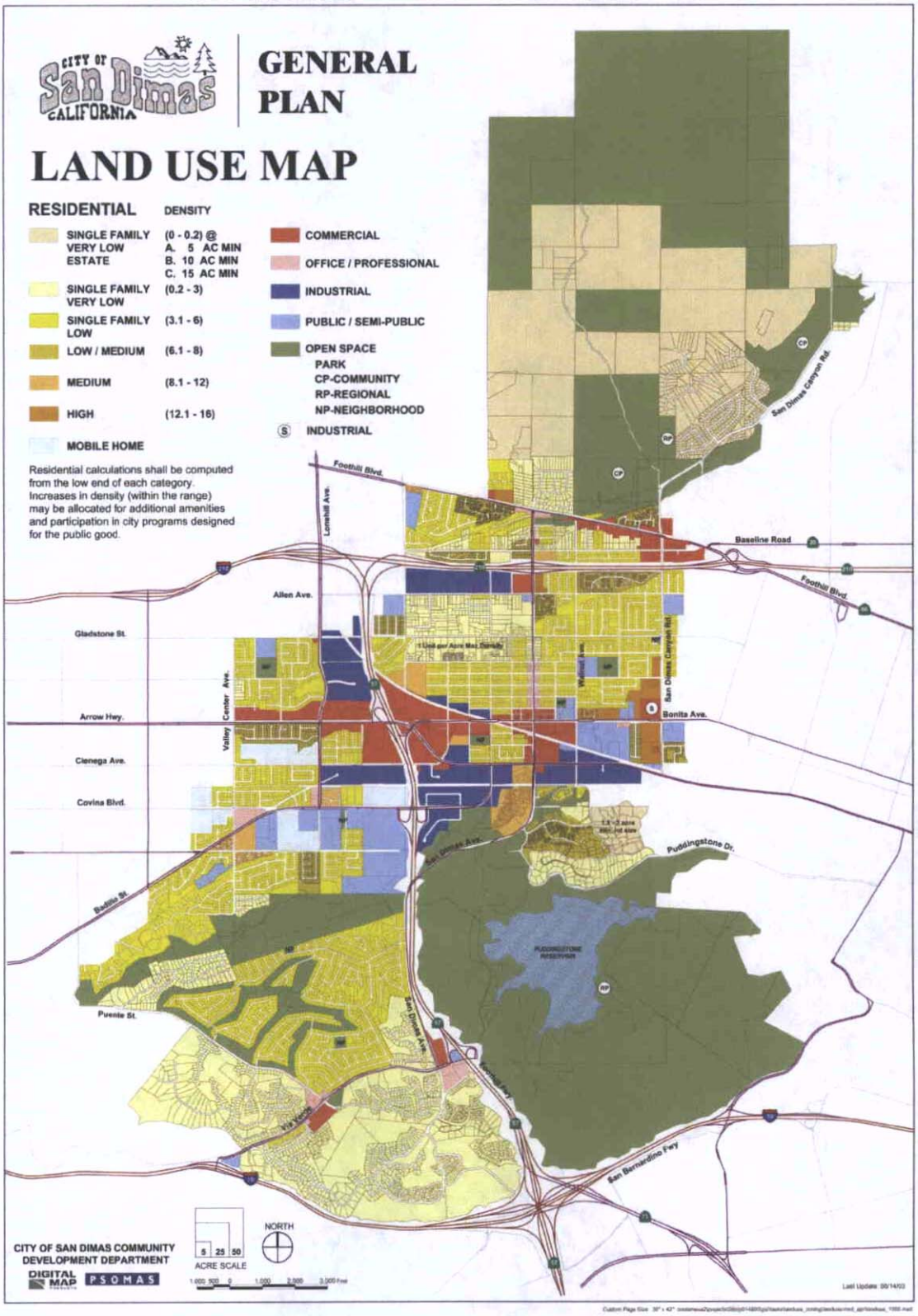
ENVIRONMENTAL ENHANCEMENT AND MITIGATION FUNDS -- Funds are distributed through the State Resource Agency for mitigation projects where bikeways may be components.

LAND AND WATER CONSERVATION FUND -- State Department of Parks and Recreation.
Projects include the acquisition, planning, and the development of outdoor recreational facilities, especially in urban areas. Trails may be eligible. The program reimburses about $2 million, annually with the application program occurring in December.

BICYCLE ORGANIZATIONS

Los Angeles County Metropolitan Transportation Authority	**Scvelo**.com
Bicycle Federation of America 1506 21st St., NW, Suite 200 Washington DC 200036 202/436-6622 202/463-6625 fax. Internet: BIKEFED@aol.com	**Calbike**.org
League of American Bicyclists 190 W. Ostend St. Suite 120 Baltimore, MD 21230-3755 410/539-3399	**Rails to Trails Conservancy**: www.railstotrails.org
BikeLeague@aol.com	

APPENDIX A SAN DIMAS LAND USE



APPENDIX B- METRO BICYCLE DEMAND MODEL

Bicycle Demand Model Output

Exhibit: I

STEP 1 - Establish Travelshed and Baseline Data

Establish Baseline Facility Travelshed Data with Census Data[i]

Travelshed	P1. Total Population	P36. Sex by Enrollment by Level of School		P30.Means of Transportation to Work, Adults 16+ Years	
	A	B	C	D	E
Census variables[ii]	P001001	P036012; P036015; P036035; P036038	P036018; P036021; P036041; P036044	P030013	P030005
Census Tract #	Total Population	Students 5th – 12th Grade	College Students – Undergrad/Graduate	Commuter Bicyclists[iii]	Transit Commuters[iv]
4038.02	5338	686	492	6	73
4037.03	4544	730	505	0	66
4024.01	7379	1452	466	0	106
4024.04	12	0	12	0	0
4012.02	4254	547	406	11	57
4013.02	8417	982	710	0	36
4003.04	6876	906	685	22	47
4013.12	5383	652	563	17	56
4013.11	6484	865	537	0	80
4003.02	2776	397	249	0	53
4003.03	3753	626	377	0	35
4015	5163	613	852	29	76
Totals	**60379**	**8456**	**5854**	**85**	**685**

[i] One way of determining the Census tracts of a facility is to utilize the web-based GIS planning tools made available by the University of Southern California and Rivers Mountain Conservancy at: http://gv-server.usc.edu/GVWebTools_public_v2/viewer4.16/signIn.asp. After setting up an account, users will need to select the "Population/ # Persons Per Census Tract" layer and make use of the Identify or Select Features tool to record the Census tract number of each appropriate tract.

[ii] Census tract level data for these variables are available at Census.gov's American Fact Finder site: http://factfinder.census.gov/ From the menu on the left, select "DATA SETS" and "Decennial Cenus". Next, select Summary File 3's "Detailed Tables" link, and select data by "Geographic Type". Follow the prompts to select the appropriate drop down menu choices to find the Census tracts and variables needed. Note that data can be downloaded in Excel format.

[iii] Total population gives a good overview of the Census tracts selected.

[iv]Census data does not measure multi-modal trips. RTD of Denver Survey Study (December 1999) found that 1.4% of transit users get to their initial stops via bicycles. Cited in "Technical Working Paper: Long Range Transportation Plan: Off-Model Analysis Methodology: Bikeway Category" (2000).

STEP 2 - Estimate Current Bicycle Users in the Travelshed[i]

2A. Estimate Adult Bicycle Commuters in the Travelshed

College Students and Commuters 16+ Years Old	Inputs totals from Step 1 – Travelshed Data	Multiply by percent users of travelshed		F Estimate of Bicyclists	
Adult Bicycle Commuters	85	[ii]	100%	Subtotal	85
+ College Students	5854	[iii]	20%	Subtotal	1170.8
+Transit Users	685	[iv]	1.40%	Subtotal	9.6
				Total	1265

2B. Estimate Student Bicycle Commuters in the Travelshed

Students	Inputs total from Step 1 – Travelshed Data	Multiply by percent users of travelshed		G Estimate of Bicyclists	
(5th – 12th Grade)	8456	[v]	10%	Total	845.6

[i] This model estimates the number of bicycle users in a travelshed. Means of transportation data only counts bicyclists who travel to work, and who are 16+ years old. Student Census data is utilized to estimate the number of bicyclists who commute to school. These two estimates added together give us an estimate of the total amount of bicyclist users for a travelshed.

[ii] 100% of bicyclist commuters counted by the Census are counted in this model.

[iii] National Bicycle and Walking Study, Case Study No. 1, 20–40% of college students commute by bicycle (FHWA 1995). Cited in "Technical Working Paper: Long Range Transportation Plan: Off-Model Analysis Methodology: Bikeway Category" (2000).

[iv] RTD of Denver Survey Study (December 1999) found that 1.4% of transit users get to their initial stops via bicycles. Cited in "Technical Working Paper: Long Range Transportation Plan: Off-Model Analysis Methodology: Bikeway Category" (2000).

[v] San Diego County School Commute Survey (1990) and the Lamorinda School Commute Study (1995) both found that 10% of students commute to school by bicycle. Cited in "Technical Working Paper: Long Range Transportation Plan: Off-Model Analysis Methodology: Bikeway Category" (2000).

STEP 3 - Convert Bicyclist Data into Daily Trip Data

3A. Convert Bicyclist Data into Daily Commute Trip Data

Bicyclists	Inputs totals from Step 2A & 2B – Bicycle Users	Multiply by % bike commuting on any given work day		Multiply by # of Daily Trips	H Commute Trips Per Day	
Adult & College Commuters:	1265	[i]	40%	2	Subtotal	1012.3
Students (5th – 12th Grade)	845.6	[ii]	50%	2	Subtotal	845.6
					Total	1858

3B. Calculate Utilitarian Trip Data

	Input sum total from Step 3A – Commute Trips Per Day	Multiply by:		I Utilitarian Trips Per Day	
Utilitarian Trips	1858	[iii]	174%	Total	3232.8

[i] Based on estimates from the Los Angeles Countywide Policy Document survey (p.C). We assume that students are more likely to make use of their bicycles for regular commuting than are adults.
[ii] Ibid.

[iii] National Bicycling and Walking Study (FHWA 1995) estimates that for every commute trip there are 1.74 utilitarian trips. Cited in "Technical Working Paper: Long Range Transportation Plan: Off-Model Analysis Methodology: Bikeway Category" (2000).

APPENDIX B- METRO BICYCLE DEMAND MODEL

STEP 4 - Estimate Current Vehicle Trips, Vehicle Miles, and C02 Emissions Reduced by Bicycle Trips

4A. Estimate Current Vehicle Trips Reduced by Bicycle Trips

	J Input subtotals from Step 3A – Bicyclist Trip Data		Multiply by percent vehicle trips reduced (% of trips that would have been by car):		K Estimate of Reduced Vehicle Trips	
Adult & College commuter trips	1012		[i]	73%	Subtotal	739.0
Students (5th-12th)	845.6		[ii]	53%	Subtotal	448.2
Utilitarian trips	3232.8		[iii]	50%	Subtotal	1616.4
	Total	5091			Total	2804

4B. Estimate Current Vehicle Miles Reduced by Bicycle Trips

	Input subtotals from Step 4A – Vehicle Trip Data	Multiply by average trip length in miles:		L Estimate of Vehicle Miles Reduced	
Adult & College commuter trips	739.0	[iv]	4.00	Subtotal	2956.0
Students (5th-12th)	448.2	[v]	0.50	Subtotal	224.1
Utilitarian trips	1616.4	[vi]	0.85	Subtotal	1373.9
				Total	4554

4C. Estimate C02 Emissions Reduced by Current Bicycle Trips

Input total from 4B – Reduced Vehicle Miles Data	Divide by miles one pound of CO2 provides[vii]	M = CO2 Emissions Reduced (lbs)
4554	20	227.7

[i] Not all bicycle trips replace vehicle trips—a certain percentage replace other modes of travel, or are discretionary extra trips made. Based on survey results from 10 California cities conducted by Alta between 1990 and 1999, L.A. Countywide Policy Document survey (1995), and National Bicycling and Walking Study, FHWA, 1995. Cited in "Technical Working Paper: Long Range Transportation Plan: Off-Model Analysis Methodology: Bikeway Category" (2000). College students are assumed in this model to behave more like adults than grade school and high school students, in terms of number of bicycle trips that replace car trips.

[ii] Ibid.

[iii] Goldsmith, Stuart. "Guidebook on Methods to Estimate Non-Motorized Travel: Supporting Documentation, Section 2.3, Bicycle Sketch Plan Methods" *Federal Highway Administration* (Publication NO. FHWA-RD-98-166), available online, and retrieved 6 March 2009 at http://fhwa.dot.gov/tfhrc/safety/pubs/vol2/contents.htm. Fifty percent was a conservative estimate made in Seattle loosely based on single occupancy vehicle rates.

[iv] "Technical Working Paper: Long Range Transportation Plan: Off-Model Analysis Methodology: Bikeway Category" (2000). Based on survey results from 10 California cities conducted by Alta between 1990 and 1999, L.A. Countywide Policy Document survey (1995), and National Bicycling and Walking Study, FHWA, 1995.

[v] Ibid.

[vi] Based on an estimate made by City of Seattle—Goldsmith, Stuart. "Guidebook on Methods to Estimate Non-Motorized Travel: Supporting Documentation, Section 2.3, Bicycle Sketch Plan Methods" *Federal Highway Administration* (Publication NO. FHWA-RD-98-166), available online, and retrieved 6 March 2009

[vii] Association of Bay Area Governments: Joint Policy Committee's Draft Policy for AB375 Implementation - March 2009: http

APPENDIX B- METRO BICYCLE DEMAND MODEL

STEP 5 - Estimate Future Vehicle Trips, Vehicle Miles, and C02 Emissions Reduced by Facility Implementation

5A. Estimate Future Bicycle Trips after Proposed Project Implementation

	N			O	
	Input totals from Step 3 – Bicyclist Trip Data	Multiply by minimum expected trip total after proposed project implementation (%)		Estimates of Future Bicyclist Trips	
Adult	1012	[i]	161%	Subtotal	1629.8
Student	845.6	[ii]	161%	Subtotal	1361.4
Utilitarian	3232.8	[iii]	161%	Subtotal	5204.8
				Total	8196

5B. Estimate Future Vehicle Trips and Vehicle Miles Reduced After Facility Installation

	P			Q				R	
	Input subtotals from Step 5 – Future Bicycle Trips Data	Multiply by percent vehicle trips reduced (% of bicycle trips that would have been by car)		Estimate of Future Vehicle Trips Reduced		Multiply by average trip length in miles		Estimate of Future Vehicle Miles Reduced	
Adult	1629.8	[iv]	73%	Subtotal	1189.8	[v]	4.00	Subtotal	4759.1
Student	1361.4	[vi]	53%	Subtotal	721.6	[vii]	0.50	Subtotal	360.8
Utilitarian	5204.8	[viii]	50%	Subtotal	2602.4	[ix]	0.85	Subtotal	2212.0
				Total	4514			Total	7332

5C. Estimate Future Emissions Reduced after Facility Installation

Input total from Step 5B – Reduced Vehicle Miles Data	Divide by number of miles one pound of CO2 provides[x]	T = C2 saved (lbs)
7332	20	366.6

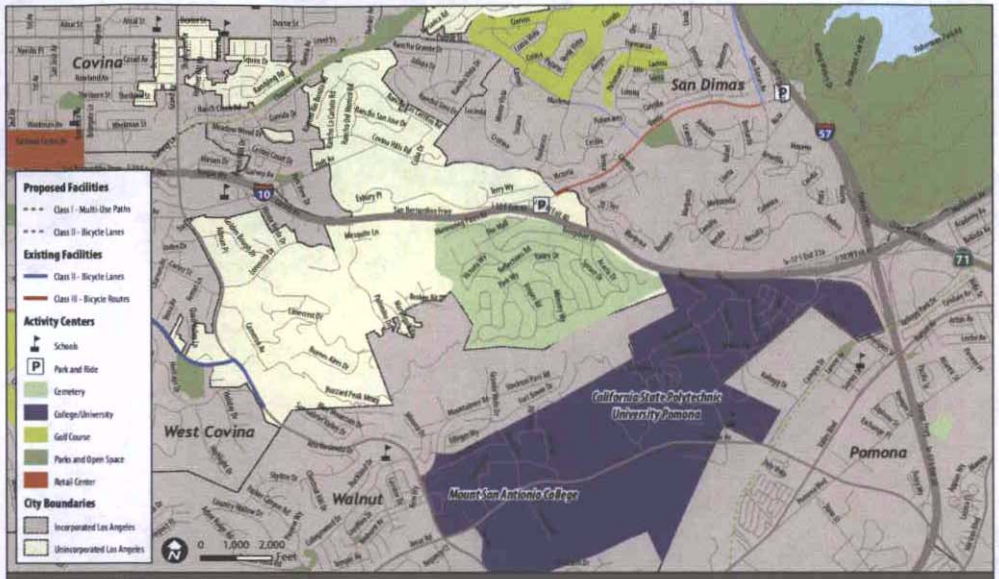
5D. Summary of Current Travelshed Estimates

Current Bicycle Trips	Current Vehicle Trips Reduced	Current Vehicle Miles Reduced	Current CO2 Emissions Reduced (lbs)
5091	2804	4554	227.7

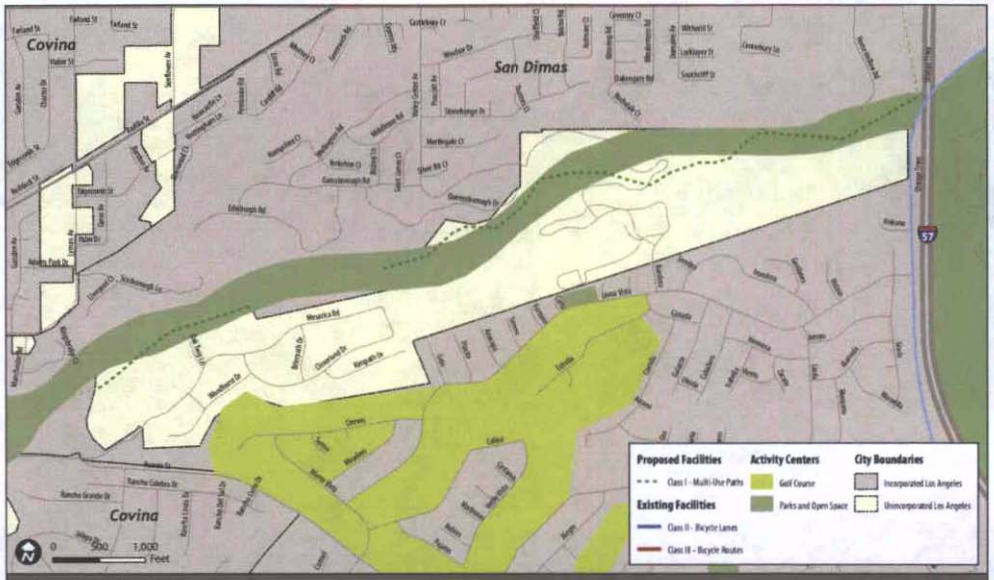
5E. Summary of Future Travelshed Estimates

Future Bicycle Trips	Future Vehicle Trips Reduced	Future Vehicle Miles Reduced	Future CO2 Emissions Reduced (lbs)
8196	4514	7332	366.6

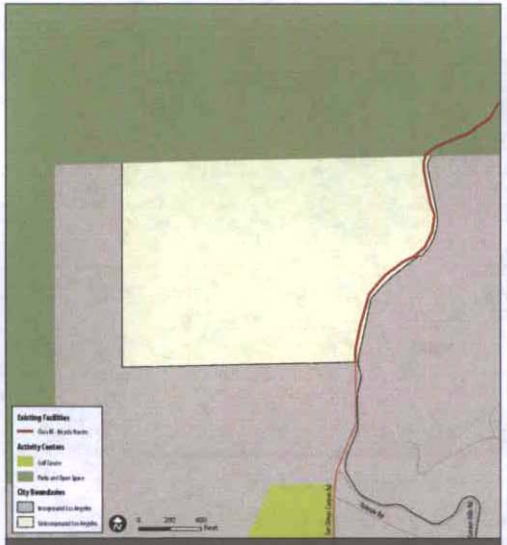
[i] Cited in "Technical Working Paper: Long Range Transportation Plan: Off-Model Analysis Methodology: Bikeway Category" (2000). Based on survey
[ii] Ibid.
[iii] Ibid.
[iv] Not all bicycle trips replace vehicle trips—a certain percentage replace other modes of travel, or are discretionary extra trips made. Based on survey
[v] Based on survey results from 10 California cities conducted by Alta between 1990 and 1999, L.A. Countywide Policy Document survey (1995), and Na
[vi] Ibid.
[vii] Ibid.
[viii] Goldsmith, Stuart. "Guidebook on Methods to Estimate Non-Motorized Travel: Supporting Documentation, Section 2.3, Bicycle Sketch Plan Methods
[ix] Based on an estimate made by City of Seattle—Goldsmith, Stuart. "Guidebook on Methods to Estimate Non-Motorized Travel: Supporti
[x] Association of Bay Area Governments: Joint Policy Committee's Draft Policy for AB375 Implementation - March 2009: http://www.abag.ca.gov/jointpol
[xi] *Ibid.* Explain… Metro Website's Bike to Work Calculator, Cited source: Colorado Department of Transportation publication "Colorado Bicycling Manual



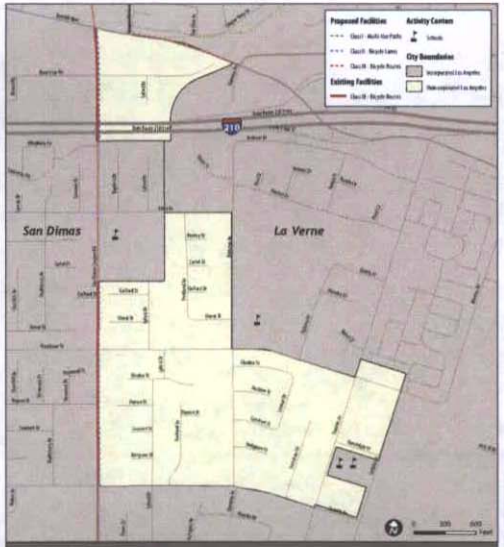
Walnut Islands



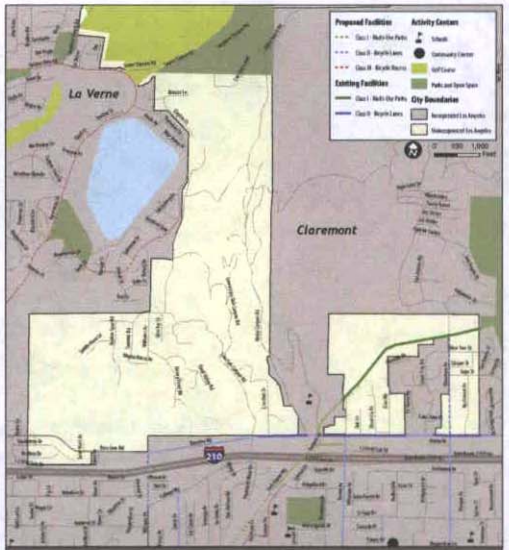
West San Dimas



North East San Dimas



East San Dimas



West Claremont

North Claremont

Map Group 4 - East San Gabriel Planning Areas

Bike Survey

1. Why do you bike?

- ☐ For exercise/health reasons
- ☐ For enjoyment
- ☐ For environmental/social reasons
- ☐ To get to work
- ☐ To get to school
- ☐ For shopping/errands
- ☐ To get to transit
- ☐ I don't bike

2. How many days a week do you bike? (select the choice that best represents you)

- ☐ 1-2 to commute
- ☐ 1-2 recreational
- ☐ 1-2 to commute and 1-2 recreational
- ☐ 3-4 days a week to commute
- ☐ 3-4 days recreational
- ☐ 5 days a week to commute
- ☐ every day
- ☐ never

3. Please indicate your age group.

- ☐ Under 14 years
- ☐ 15-18 years
- ☐ 19-24 years
- ☐ 25-34 years
- ☐ 35-44 years
- ☐ 45-54 years
- ☐ 55+ years

4. Where do you live?

Nearest Intersection _____

City _____

5. If you bike commute to work/school, how many miles do you ride (one-way)?

_____

6. What prevents you from biking more often? (check all that apply)

- ☐ No bike paths, lanes, or routes
- ☐ Insufficient bike parking or storage
- ☐ Bikeways/roads in poor condition
- ☐ Unsafe/unlawful motorist behavior
- ☐ Destinations are too far away
- ☐ I have too many things to carry
- ☐ I travel with small children
- ☐ I don't have enough time
- ☐ Insufficient lighting
- ☐ Weather

7. Which San Dimas roadways and intersections are difficult for bicyclists and why?

1. Location & Problem _____
2. Location & Problem _____
3. Location & Problem _____
4. Location & Problem _____

8. Would the following improvements influence you to bike more often: (please rate each improvement by likelihood of influencing you to bike more often)

	Very likely	Likely	Somewhat likely	Somewhat unlikely	Unlikely	Very unlikely
More Bike Lanes (separate lanes for bikes) on Major Streets	☐ More Bike Lanes (separate lanes for bikes) on Major Streets Very likely	☐ Likely	☐ Somewhat likely	☐ Somewhat unlikely	☐ Unlikely	☐ Very unlikely
More Bike Routes (sign posted, no striped lane)	☐ More Bike Routes (sign posted, no striped lane) Very likely	☐ Likely	☐ Somewhat likely	☐ Somewhat unlikely	☐ Unlikely	☐ Very unlikely
More Off Street paved Bike Paths	☐ More Off Street paved Bike Paths Very likely	☐ Likely	☐ Somewhat likely	☐ Somewhat unlikely	☐ Unlikely	☐ Very unlikely
Stripe or widen Parking Lanes on Major Streets (easier to share lanes with cars)	☐ Stripe or widen Parking Lanes on Major Streets (easier to share lanes with cars) Very likely	☐ Likely	☐ Somewhat likely	☐ Somewhat unlikely	☐ Unlikely	☐ Very unlikely
More on road bike signage	☐ More on road bike signage Very likely	☐ Likely	☐ Somewhat likely	☐ Somewhat unlikely	☐ Unlikely	☐ Very unlikely
More education, information, enforcement	☐ More education, information, enforcement Very likely	☐ Likely	☐ Somewhat likely	☐ Somewhat unlikely	☐ Unlikely	☐ Very unlikely
More Bicycle parking/storage	☐ More Bicycle parking/storage Very likely	☐ Likely	☐ Somewhat likely	☐ Somewhat unlikely	☐ Unlikely	☐ Very unlikely
Showers and lockers at work	☐ Showers and lockers at work Very likely	☐ Likely	☐ Somewhat likely	☐ Somewhat unlikely	☐ Unlikely	☐ Very unlikely

9. Other comments or suggestions

10. OPTIONAL: If you would like to be notified about public workshops or other project milestones, please provide your contact information below. If you prefer only one method of contact (e.g. email only), please provide only that information.

6. Would the following improvements influence you to bike more often: (please rate each improvement how it might make you bike more often)

	Very likely	Likely	Somewhat likely	Somewhat unlikely	Unlikely	Very unlikely
More Bike Lanes (separate lanes for bikes) on Major Streets	○	○	○	○	○	○
More Bike Routes (sign posted, no striped lane)	○	○	○	○	○	○
More Off Street paved Bike Paths	○	○	○	○	○	○
Stripe or widen Parking Lanes on Major Streets (easier to share lanes with cars)	○	○	○	○	○	○
More on road bike signs	○	○	○	○	○	○
More education, information, enforcement	○	○	○	○	○	○
More Bicycle parking/storage	○	○	○	○	○	○
Showers and lockers at school	○	○	○	○	○	○

7. Other comments or suggestions

8. OPTIONAL: If you would like to be notified about public workshops or other project milestones, please provide your contact information below. If you prefer only one method of contact (e.g. email only), please provide only that information.

Name:

Address:

City/Town:

State:

ZIP/Postal Code:

Email Address:

Phone Number:

1. Default Section 4th-6th Grade Survey

1. Why do you ride your bike? (check all that apply)

- [ ] For exercise/health reasons
- [ ] For enjoyment
- [ ] For environmental/social reasons
- [ ] To get to school
- [ ] For shopping/errands
- [ ] I don't bike

2. How many days a week do you bike? (select the choice that best represents you)

- ◯ 1-2 to school
- ◯ 1-2 for fun
- ◯ 1-2 to school and 1-2 for fun
- ◯ 3-4 days a week to school
- ◯ 3-4 days for fun
- ◯ 5 days a week to school
- ◯ every day
- ◯ never

3. Where do you live?

Street Address

4. What stops you from biking more often? (check all that apply)

- [ ] No bike paths, lanes, or routes
- [ ] Not enough bike parking or storage
- [ ] Bikeways/roads in poor condition
- [ ] Unsafe/unlawful drivers
- [ ] Places to go are too far away
- [ ] I have too many things to carry
- [ ] I don't have enough time
- [ ] Weather

5. Are there streets you don't like to bike on because you feel unsafe?

1. Street & Problem
2. Street & Problem
3. Street & Problem
4. Street & Problem

Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of August 23. 2011

FROM: Blaine Michaelis, City Manager

INITIATED BY: Ken Duran, Assistant City Manager

SUBJECT: Concessionaire Agreement between the Walker House Master Tenant, LLC and Marsteller Investments

BACKGROUND

The original Concessionaire Agreement between the Redevelopment Agency and Saffron was entered into in January 2009. In February 2009 the Agreement was assigned from the Agency to the Walker House Master Tenant LLC, the entity that was created as a result of the Tax Credit program. In June 2011 the City entered into a new 12 month agreement with Marsteller LLC, the successor interest to Saffron. In May 2011 the City agreed to a three month extension of the Agreement until August 31, 2011 to allow more time for both parties to continue to discuss potential terms of a new lease. At that time the Council also appointed a sub-committee consisting of Mayor Morris and Councilman Templeman to work with staff on Agreement discussions with Marsteller.

Over the past few two months staff has had several meetings with representatives of Marsteller and the sub-committee has met twice. The City Council met in closed session at its August 9th meeting to provide direction to the lease negotiators on specific lease terms. Staff prepared a draft lease based upon those lease terms. The draft lease has been under review by Marsteller but as of the writing of this report staff has not received word from them as to whether or not they have given it final approval. Staff will provide a verbal update at the meeting as to the status of Marsteller's review and approval of the Agreement.

The proposal is based upon the fact that the concessionaire is still struggling to establish a consistent volume of customers and attract banquet opportunities. Their proposal reflects the same base rent structure and making some operational changes. They are proposing a six month term to allow them to evaluate the success of their operational changes.

The significant components of the proposal are summarized in the following chart comparing the existing Agreement to the proposal.

9.b

	2010 Agreement	Proposal
Term	12 months	6 months
Concessionaire Space	Primary space included all of downstairs space and veranda. Only flex space was the patio at an additional charge.	Primary space is all of downstairs including the veranda and patio at no additional charge.
Rent	3% of gross receipts to use of all downstairs. $2,000 additional charge for each patio use.	No base rent. 3% of gross receipts. No additional patio charge.
Community Groups	City and community groups would have use of entire building for 2 art shows. Community groups could have limited use of patio without additional charge.	Community groups would have use for the fall art show. Community groups would have limited use of the patio without additional charge.
Building Maintenance	Concessionaire provide custodial maintenance of the downstairs and common areas upstairs	Concessionaire will still maintain downstairs. City will contract for custodial maintenance of the common areas upstairs with the cost split 50/50 between City and Concessionaire.
Utilities	Concessionaire pays for first floor electricity (separately metered), 50% of water for the entire property (billed by city), gas	Same.

	and refuse service. City pays electricity for 2nd floor.	
Concession Services	Concessionaire is to offer food concessionaire services, including lunch and dinner at a frequency to be mutually agreed upon by the City and Concessionaire.	Concessionaire is proposing to make adjustments to their days of service. They are proposing to open an additional weekday, Monday for lunch and dinner. They are proposing to close on Saturday and Sunday for walk-in customers and be available for private parties and small dinner reservations. They are proposing to serve a once a month Sunday brunch. They are also proposing to offer televised sporting events on the patio on occasion.

DISCUSSION

One of the primary objectives the City has had with the restored Walker House was to make it accessible and used by the public. It was felt that providing a food service opportunity in the building would be one way to accomplish this objective. During the first two years of the concessionaires operations they experienced a number of obstacles in getting established in a new facility and feeling the effects of the economy. When the City entered into the existing Agreement 15 months ago hopes were that the Concessionaire would overcome

those obstacles. They report to us that they have made some adjustments that have proven successful. However, they would like some more time and the ability to make further adjustments and gauge the effectiveness of those adjustments.

The City has essentially two options based upon the proposal that is before you. The first is to enter into a new agreement with the proposed terms and conditions. The second is to not renew with Marsteller and let the existing Agreement expire. At that point the City can pursue other options for a new food service concessionaire.

RECOMMENDATION

Staff feels that having a quality food service concession at the Walker House is still the objective. Though the rent structure of the proposal is not where the City would ultimately like to be with a concessionaire, at this point it seems that continuing to work with Marsteller a bit longer has merit. It would be worth agreeing to a 6 month Agreement to gauge the impact the operational adjustments will have on the concessionaires operations. Therefore, staff recommends that the City Council approve the attached Agreement that includes the significant components that are described in this report.

CONCESSIONAIRE AGREEMENT
BETWEEN
WALKER HOUSE MASTER TENANT, LLC
AND
MARSTELLER INVESTMENTS, LLC

This Agreement and entered in this _____day of _____, 2011, by and between Walker House Master Tenant, LLC, a corporation, sometimes hereinafter referred to as "Master Tenant" and Marsteller Investments LLC, sometimes hereinafter referred to as "Concessionaire."

RECITALS

A. San Dimas Redevelopment Agency owns and restored the historic building, the Walker House (the "Facility") which is located at 121 North San Dimas Avenue, in the City of San Dimas. Exhibit "A" is a floor plan and site plan of the Facility and grounds.

B. Agency has included in the restoration of the Facility, a fully developed, furnished and equipped restaurant style kitchen exhibit as provided in 5.1.

C. In addition to the food concession use, the Facility shall be occupied and utilized from time to time by Community Groups as hereinafter defined and, because of its historic nature, shall be open to public visitation.

D. In 2008 the Agency invited proposals from various persons and entities interested in and capable of managing a first class food concession operation.

E. In January 2009 the Agency entered into the initial Concessionaire Agreement.

F. In February 2009 the Agreement was amended to reflect the transfer of the Agreement from San Dimas Redevelopment Agency to Walker House Master Tenant LLC, the corporation that was set up through the tax credit exchange program.

G. In June 2010 Master Tenant entered into a new Agreement with Marsteller Investments, LLC.

H. In May 2011 the existing Agreement was amended to reflect a three month extension to the Term of the Agreement to August 31, 2011.

I. Master Tenant desires to have Concessionaire continue to manage and operate the food concession and Concessionaire is willing to do so in accordance with the terms and conditions herein.

NOW THEREFORE, in consideration of the promises and mutual covenants set forth herein and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Master Tenant and Concessionaire agree as follows:

ARTICLE 1. DEFINITIONS

1.1 "Concession Services" as used in this Agreement are limited to food concession services, including lunch and dinner at a frequency to be mutually agreed upon by the Master Tenant and Concessionaire, and private functions.

1.2 "Flex Space" as used herein includes rooms 212/213 as well as the Patio when used for Private Functions.

1.3 "Community Groups" as used herein means those organizations or groups which are located within the City and which are engaged in activities and programs that support the City and which the City Council has approved as being "Community Groups" for purposes of access to and use of the Facility.

1.4 "Primary Restaurant Space" as used herein means rooms 106, 118, 121, 123, 128 134, 135 and 136, collectively referred to as the "Kitchen"; rooms 107, 108, 110, 111, 112, 113, 114, 115 and 116 collectively referred to as the "Dining Room" and the veranda.

1.5 "Private Functions" as used herein means those uses of the facility, by individuals or organizations, where the general public is excluded from attendance, e.g., weddings, banquets, receptions, business meetings and similar events.

ARTICLE 2. USE AND MANAGEMENT OF FACILITY

2.1 Products and Services

Concessionaire is provided flexibility in customizing menus, amenities, and prices according to the budgets of patrons and clientele in order to meet the separate needs of various customers. However, attached Exhibit "B" includes illustrative menus to serve as examples to demonstrate such variety, quality and pricing.

2.2 Booking Policies and Use Priorities.

The calendar of use and scheduling of the Patio shall be the responsibility of Concessionaire. The City or Community Groups may use the Patio a minimum of six (6) days per year based upon an annual calendar submitted in November of each calendar year. Additional use of the Patio by the City or Community Groups may be available upon approval of the Concessionaire and upon request at least three months in advance. Approval may not be denied if the request date is not previously scheduled by Concessionaire.

2.3 Non-Concession Areas.

Concessionaire acknowledges that other organizations will occupy various portions of the Facility and that the Facility will be generally open to the public. Concessionaire agrees to work cooperatively with these other organizations.

2.4 Building Custodian

Concessionaire shall be responsible for opening and closing of the building on days and times that coincide with their hours of operation for general public use.

2.5 Nondiscrimination.

Concessionaire hereby warrants that no person will be barred from the use of facility because of race, sex, national origin, physical handicap, religious preference, or other non-discrimination criteria established by the State of California or the City.

ARTICLE 3. TERM

3.1 Initial Term.

The Term of this Agreement shall begin on September 1, 2011 ("Effective Date") and shall end at midnight on February 29, 2012, unless the Term of the Agreement is sooner terminated as provided herein.

ARTICLE 4. CONCESSION FEES

4.1 Fee Structure

For the use and occupancy of the Facility throughout the Term of this Agreement Concessionaire shall pay to Master Tenant; (i) a Quarterly Percentage Fee as provided in Section 4.1.1 below.

4.1.1 Monthly Percentage Fee – Beginning upon the effective date of the Agreement and thereafter throughout the Term hereof, Concessionaire shall pay to Master Tenant a Monthly Percentage Fee. The Monthly Percentage fee shall be equal to three percent (3%) of all "Gross Revenues" (as herein defined), and shall be payable within fifteen (15) days after the end of each month in which those "Gross Revenues" that were used to calculate said Monthly Percentage Fee accrued. The first Monthly Percentage Fee payment shall be made with respect to the period commencing on the date set forth above and ending on the last day of the month in which said day occurs.

4.1.2.(a) – Gross Revenues – "Gross Revenues" as used herein shall mean all receipts; revenues; income; proceeds of sales and compensation for services

of every kind arising from the operation of Restaurant and Catering Operations at the Facility or any portion thereof, and including without limitation those gross revenues arising from the operation of all restaurant, private party rentals located on or relative to the use of the Facility, calculated on a cash basis. Gross Revenues shall include any insurance proceeds, except insurance proceeds used to rebuild, replace, or refurbish the Facility, and/or any amount recovered in any legal action or proceedings or settlement, net attorney's fees, thereof that represents compensation for the loss or reduction of Gross Revenues; provided, however, the Gross Revenues shall not include the following items:

(i) All taxes collected as direct taxes from customers or in respect of any business conducted at the Facility to be paid to competent taxing authorities;

(ii) Tips collected for payment to food and beverage service employees.

4.1.2.(b) – Statement of Gross Revenues: Records, Inspection and Audit. At the time specified in Section 9.B for the payment of the Monthly Percentage Fee, Concessionaire shall deliver to Master Tenant a true and accurate statement signed by Concessionaire showing the total Gross Revenues received during the preceding month, and the amount of the Monthly Percentage Fee being paid pursuant to this Agreement calculated on such Gross Revenues.

Concessionaire shall keep true and correct records of all Gross Revenues. The records to be kept shall include, but shall not be limited to , all sales slips, credit card receipts, house charge account receipts, reports and statements, unbilled accounting documents, ledgers, cash register tapes, sales tax returns, sales books, bank statements, and other records reasonably necessary to verify Gross Revenues. All records shall be kept at Concessionaires principal place of business for not less than three (3) years after delivery of the required monthly report; provided that each party may inspect the reports upon reasonable notice at a reasonable time. In the event Master Tenant wished to make any copies of the same, they shall be made by Concessionaire at Master Tenant's expense. No documents shall leave Concessionaires premises.

Master Tenant shall have the right, during regular business hours and from time to time after giving reasonable notice, to do any or all of the following: to audit the records as provided above; to cause an audit of the records to be made; to make abstracts from the records; to make copies of any or all of the records. Concessionaire shall make all records specified in the notice available at the time specified in the notice, if reasonable, and at the place where the records are to be kept. All information, so obtained by the Master Tenant shall be treated as confidential except in any litigation or arbitration proceedings between the parties and in any tax proceeding. All Concessionaire financial information so obtained by Agency, except for summaries of such information prepared by Master Tenant, shall be treated as confidential, except as provided above.

If the audit discloses that the Gross Revenues were understated by more than three percent (3%) of the actual Gross Revenues, Concessionaire shall pay the cost of the

audit and investigation; otherwise, Agency shall bear the cost of such audit and investigation. If an audit or investigation reveals that the Gross Revenues have been misstated for any reason, the amount due shall be adjusted as appropriate, and the Party indebted, if any, shall, promptly after the correction, pay any difference for the period affected by said adjustment.

4.1 Late Charge: Miscellaneous

If Concessionaire fails to make any Fee payment within ten (10) days after the same is due, then Concessionaire shall pay to Master Tenant an additional two and one-half percent (2.5%) of the amount of such Fees due as liquidated damages, it being agreed that such amount represents a reasonable estimate of the losses, costs and expenses (other than Master Tenant's foregone interest on the Fees due, which shall accrue at the Default rate such payment is due until the date of payment) that Master Tenant will suffer in such circumstances.

Acceptance of the Fees without the late charge will not constitute a waiver of Concessionaires default with respect to such nonpayment of the late-charge by Concessionaire, nor prevent Master Tenant from exercising all other rights and remedies available under the Agreement. Master Tenant's failure to require or collect the late charge in anyone or more instances shall not constitute a waiver of the right to collect subsequent late charges. The Fee shall be paid without deduction, abatement, offset, prior notice or demand.

All payments of Fees shall be made to Master Tenant as they become due in lawful money of the United States of America at such place as shall be designated to Concessionaire by Master Tenant in writing from time to time.

ARTICLE 5. ADDITIONS, ALTERATIONS, IMPROVEMENTS AND MANAGEMENT

5.1 Furnishings and Décor

The Agency shall provide fixed kitchen equipment and dining tables and chairs as described in Exhibit "C". Concessionaire shall be responsible to provide all other equipment and furniture necessary to operate the restaurant and private party rentals. Any additional furnishings and décor require pre-approval of the Master Tenant to ensure it is consistent with the historical elements of the building.

5.2 Damage and Replacement of Furnishings and Décor

The Concessionaire at its own expense shall provide routine maintenance and repair of the kitchen equipment and furnishings as described in Exhibit "C". Concessionaire shall be responsible for the replacement of any kitchen and furnishings during the term of the Agreement.

5.3 Upkeep and Maintenance of Concession Premises

Master Tenant will be responsible for maintaining the structural elements of the building. The Master Tenant shall establish a process for Concessionaire to submit service order requests for repairs to the building. The Master Tenant shall complete service order requests in a reasonable timely manner. Concessionaire shall be responsible for routine custodial for the first floor and veranda. Custodial shall include but not limited to cleaning of restrooms, emptying waste baskets and vacuuming. Master Tenant shall maintain all landscape areas.

Master Tenant shall provide routine custodial for the second floor. Concessionaire shall reimburse Master Tenant 50% of the cost of said custodial, $42.00 (forty-two dollars) per month, when billed by the Master Tenant.

5.4 Permits and Licenses

Concessionaire must comply with the requirements of all City, County, State and Federal laws including but not limited to:

- City of San Dimas business license, building permits.
- City of San Dimas Conditional Use Permit
- County of Los Angeles Health Department permit for a food and beverage operation.
- County of Los Angeles Health Department food handler permits.
- California State Alcoholic Beverage Control Board Liquor license.
- California State Board of Equalization sellers permit.

5.5 Signs

The Master Tenant shall develop a sign program for the facility. Concessionaire shall submit a request for placement of sign(s) prior to the construction or installation of any signs.

5.6 Cooperation with Other Tenants

Concessionaire shall provide a cooperative approach to coordinate the joint use of the building with local groups and the public. Concessionaire has agreed to be an ambassador for the Walker House with the events and uses of the building.

Community Groups and the public shall have use and access to all areas of the building excluding Primary Restaurant Space during Private Functions.

ARTICLE 6 UTILITIES

6.1 Utility Responsibilities

Concessionaire shall be responsible to pay for all gas, sewer, and refuse charges. The facility shall be separately metered for electricity. Concessionaire shall be responsible for paying the electricity charges for the first floor meter. The Master Tenant and Concessionaire shall split the water costs 50/50 with Concessionaire responsible to pay their pro rata share when billed

ARTICLE 7. INSURANCE

7.1 Public Liability Insurance.

Concessionaire, commencing on the Effective Date and continuing throughout the Term hereof, unless earlier terminated, shall maintain, at no cost or expense to Master Tenant, with a reputable and financially responsible insurance company acceptable to Master Tenant, for the mutual benefit of Master Tenant and Concessionaire, comprehensive broad form general public liability insurance against claims and liability for personal injury, death, or property damage arising from the use, occupancy, misuse or condition of the Facility, the improvements thereon, or any adjoining areas or ways, which insurance shall provide combined single limit protection of at least One Million Dollars ($1,000,000) for bodily injury or death to one or more persons, and at least One Million Dollars ($1,000,000) for property damage.

7.2 Policy Form, Content and Insurer.

All insurance required by the provisions of this Lease shall be carried only with responsible insurance companies licensed to do business in this state that are acceptable to Master Tenant.

All such policies required by the provisions of this Lease shall be nonassessable and shall contain language to the effect that (i) the insurer waives the right of subrogation against Master Tenant and San Dimas Redevelopment Agency and against them and their Representatives, (ii) the policies are primary and noncontributing with any insurance that may be carried by Master Tenant, (iii) the policies cannot be cancelled or materially changed except after thirty (30) days notice by the insurer to Master Tenant and Agency and (iv) neither Master Tenant nor Agency shall be liable for any premiums or assessments, except as provided elsewhere in this Lease.

Upon Concessionaire's execution and delivery of this Lease, Concessionaire shall deliver to Master Tenant certificates of insurance evidencing the insurance coverages specified in this Article. Concessionaire shall thereafter deliver to Master Tenant certificates of insurance evidencing the insurance coverages required by this Article upon renewal of any insurance policy. All policies shall name, Master Tenant and Agency and its successors and assigns as an additional insured and shall have deductibility limits acceptable to Master Tenant, in its reasonable discretion.

7.3 Indemnification.

Concessionaire shall indemnify, defend and hold Master Tenant, Agency and their Representatives, and the property of Master Tenant and Agency, including the Facility and any improvements thereon, free and harmless from any and all Losses and Liabilities resulting from the use, occupancy or enjoyment of the Facility by Concessionaire or any person thereon or holding under Concessionaire arising from any cause. The above indemnification includes, without limitation, any Losses and Liabilities arising by reason of:

(a) The death or injury of any person, including Concessionaire or any person who is an employee or agent of Concessionaire, or damage to or destruction of any property, including property owned by Concessionaire or by any person who is an employee or agent of Concessionaire, from any cause whatever while such person or property is in or on the Facility or in any way connected with the Facility or with any of the improvements or personal property on said premises;

(b) The death or injury of any person, including Concessionaire or any person who is an employee or agent of Concessionaire, or damage to or destruction of any property, including property owned by Concessionaire or any person who is an employee or agent of Concessionaire, caused or allegedly caused by either (i) the condition of the Facility or some improvement on said premises, or (ii) some act or omission on the Facility by Concessionaire or any person in, on, or about the Facility with the permission and consent of Concessionaire;

(c) Concessionaire's failure to perform any provision of this Lease or to comply with any applicable Governmental Restriction.

ARTICLE 8 TAXES

8.1 Taxes

Concessionaire shall pay and discharge before delinquency all taxes if any and assessments that may be levied during the term of this agreement as a result of Concessionaire's operations including any possessory interest tax obligation that may be assessed.

ARTICLE 9. ASSIGNMENT AND TRANSFER

9.1 Assignment and Transfer

Concessionaire shall not voluntarily or by operation of law assign, transfer, mortgage, sublet or otherwise transfer and encumber all or any part of Concessionaires interest in the Agreement. Master Tenant reserves the right to assign its interest in this

Agreement to a third party which is created as part of Agency's participation in the Federal Historic Tax Credit Program.

ARTICLE 10. EXPIRATION; TERMINATION

10.1 Termination of Agreement:

Notwithstanding any provision of this Agreement to the contrary, this Agreement may be sooner terminated as follows:

10.1.1 In the event the Concessionaire should default in the performance of this Agreement, the Master Tenant may terminate this Agreement upon giving Concessionaire a thirty (30) day written notice of the default and upon the failure of the Concessionaire to reasonably remedy such breach within ninety (30) days of giving such notice, unless such breach cannot be completely corrected/cured within said 30 days, in which even the cure shall be immediately begun and expeditiously completed.

10.1.2 In addition, the Master Tenant may terminate this Agreement on thirty (30) days written notice for any of the following reasons:

(a) If a voluntary petition under any part of the Federal bankruptcy laws, or an action under present or future insolvency law or statute, is filed by Concessionaire, or petition is filed against Concessionaire, and Concessionaire hasn't cured the same in sixty (60) days.
(b) If concessionaire shall voluntarily abandon, desert, vacate or discontinue all or part of its operation.
(c) In the event of an emergency or natural catastrophe, which renders the premises unsafe or unavailable for the intended use, whether such conditions result from earthquake, fire, storm, explosion, flood, riot, civil commotion or otherwise.
(d) Concessionaire willfully and deliberately commits and act or activity which is calculated to result in substantial damage to the Facility or its operations, or which are in direct or substantial interference with the premises.
(e) Upon appointment of a receiver for Concessionaire or any assignment for benefit of creditors.
(f) Failure of Concessionaire to maintain in full force and affect any insurance required by this Agreement.
(g) Failure of Concessionaire to make required payments on their due date.

10.2 Fulfillment of Private Party Obligations

If the Agreement is terminated prior to the Term the Concessionaire shall have the right to fulfill any previously booked Private Parties scheduled up to six (6) months after the effective date of the termination.

ARTICLE 11. MISCELLANEOUS

11.1 Notices.

Any notice provided for herein shall be given by (i) personal service, (ii) Federal Express, Express Mail, or another like courier service, or (iii) registered or certified first class United States Mail, postage prepaid, returned receipt requested, addressed as follows:

If to Agency:

City of San Dimas
245 East Bonita Avenue
San Dimas, California 91773

and, If to Concessionaire:

Marsteller Investments LLC
10407 Trademark St.
Rancho Cucamonga, California 91730

Any such notices shall be deemed received upon the earlier of (i) actual receipt or (ii) twenty- four (24) hours after being deposited with the courier service or the United States mail as provided above. The person and the place to which notices are to be mailed may be changed by either party by notice to the other.

11.2 Attorneys' Fees.

In the event that either Party brings any action or files any proceeding in connection with the enforcement of its respective rights under this Lease or as a consequence of any breach by the other Party of its obligations under this Lease, the prevailing Party in such action or proceeding shall be entitled to have its reasonable attorneys' fees and out-of-pocket expenditures paid by the losing Party.

11.3 Time of Essence.

Time is of the essence of each provision in this Lease.

This Agreement has been approved by action of the City of San Dimas City Council taken at its meeting of August 9, 2011.

In witness whereof this Agreement is executed on the date set forth hereinabove.

Marsteller Investments, LLC

By:_____

Title:_____

Walker House Master Tenant, LLC

By:_____

Title:_____

ATTEST:_____
Secretary

MINUTES
SAN DIMAS REDEVELOPMENT AGENCY MEETING
TUESDAY, AUGUST 9, 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
Executive Director Blaine Michaelis
Agency Attorney Mark Steres
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

ABSENT:
Mr. John Ebiner
Agency Attorney Ken Brown

CALL TO ORDER

Chairman Morris called the meeting of the San Dimas Redevelopment Agency Board of Directors to order at 8:35 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 speakers.

APPROVAL OF MINUTES

It was moved by Mr. Templeman, seconded by Mr. Badar, to approve the minutes of the July 26, 2011 meeting. The motion carried unanimously by those present. Mr. Ebiner was absent.

EXECUTIVE DIRECTOR

There was no report.

MEMBERS OF THE AGENCY

There were no reports.

ADJOURNMENT

There being no further business, Chairman Morris adjourned the meeting at 8.36 p.m.

Respectfully submitted,

Ina Rios, Secretary

10.b

Agenda Item Staff Report

DATE: August 23, 2011

TO: Chairman and Board members

FROM: Blaine Michaelis, Executive Director

INITIATED: Ken Duran, Deputy Executive Director

SUBJECT: Adoption of Agency Enforceable Obligation Payment Schedule

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SUMMARY

AB 26 requires that all Redevelopment Agencies adopt a schedule of Enforceable Obligation Payments prior to August 29, 2011. Staff recommends the Agency adopt the proposed schedule.

Background:

One of the requirements of AB 26, the legislation that would eliminate Redevelopment Agencies, was for each Agency to adopt an "Enforceable Obligation Payment Schedule" (EOPS). This schedule lists all of the payment obligations of the Agency based upon commitments prior to the legislation being adopted. Examples of obligations include bond debt, loan debt, payments required in development agreements, existing contracts for work or services, payroll and rent under agreement and pass thru obligations. Under AB 26 the Agency is not allowed to make any payment unless it is identified on the EOPS.

There was some ambiguity with the initial "stay" order by the Court as part of the lawsuit that was filed as to whether or not Agencies were still required to adopt an EOPS. On August 17th the Court issued a clarification stating that EOPS adoptions were still required by the statute deadline of August 29, 2011.

10.C.2

The attached EOPS represents all of the expense obligations of the Agency for FY 2011-12. The report requirements include identifying each obligation, who the payee is for each obligation, a description of what is for and a month by month payment amount for each expense through December 2011. The chart shows a couple of additional columns of information, the total outstanding debt for each expense and total due for the fiscal year for each expense to provide further clarification. After the Agency adopts the report we are required to post it on the City's website and send copies to the county auditor-controller, state controller and state department of finance.

Recommendation

Staff recommends that the Agency Board adopt the proposed Enforceable Obligation Payment Schedule.

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Aug**	Sept	Oct	Nov	Dec
Bank	Bond issue to fund non-housing projects	425,939.00	71,938.00		61,813.00			
Bank	Bond issue to fund non-housing projects	3,552,250.00	592,250.00		526,750.00			
Bank	Bond issue to fund housing projects	200,509.00	200,509.00		200,509.00			
Bank	Bond issue to fund housing projects	10,138,221.00	571,950.00					
y of San Dimas	Loan for non-housing projects	12,947,756.00	647,338.00		647,338.00			
y of San Dimas	Loan for rehabilitation project.	9,273,999.00	546,178.00		546,178.00			
y of San Dimas	Loan for non-housing projects	1,506,021.00	64,015.00		64,015.00			
alker House Master nnant	Loan for rehabilitation projects	2,249,678.00	132,470.00		132,470.00			
[illegible]	Repayment to housing fund	[illegible]	[illegible]					
y of San Dimas	Payroll and rent costs	1,409,222.00	224,398.00		224,398.00			
y of San Dimas	Payroll and rent costs	2,072,485.00	414,497.00		414,497.00			
y of San Dimas	Payroll and rent costs	204,263.00	31,578.00		31,578.00			
Kenna Long & Aldridge	Legal Services	20,000.00	20000*	1,700.00	1,700.00	1,700.00	1,700.00	1,700.0
nce, Soll & Lunghard P	Audit Services	16,250.00	16,250.00			10,000.00		6,250.0
Bank	Trustee to administrator bond	7,400.00	7,400.00			7,400.00		
ency Boardmembers	Stipend to attend meetings	ongoing	3,900.00	300.00	300.00	300.00	300.00	300.0
	Housing assistance per development agreement	2,684,000.00	2,684,000.00					
rcinelli Architects	Downtown Façade designs	14,505.00	14,505.00					14,505.0
L	Analyze taxes	30,000.00	30,000.00	4,700.00	900.00	0.00	4,500.00	0.0
ddingstone Parking strict	Parking lot maintance operations	9,814.00	1,402.00		1,402.00			
wes	Commitment per development agreement	50,000.00	50,000.00					
stco Wholesale Corp.	Lease to ensure adequate public parking	7,000,000.00	375,000.00	86,560.00			85,000.00	
[illegible]	Street improvements per development agreement	[illegible]	[illegible]		[illegible]			
[illegible]	Fee to administer tax increment	ongoing	11,500.00					11,500.0
PIA	Property insurance	ongoing	7,370.00					
ssire & Casenhiser Inc.	Maintenance and Operating Eexpences for apartments.	ongoing	55,619.00	4,634.92	4,634.92	4,634.92	4,634.92	4,634.9
Kenna Long & Aldridge	Housing legal services	ongoing	40,000.00	3,300.00	3,300.00	3,300.00	3,300.00	3,300.0
PIA	Property insurance	ongoing	7,052.00					
		$ 55,525,753.00	$ 7,263,229.00	$ 101,194.92	$ 2,906,782.92	$ 27,334.92	$ 99,434.92	$ 42,189.9
		$ 272,423.90	$ 272,423.90	$ -	$ -	$ -	$ 272,423.90	$ -
		$ -	$ -	$ -	$ -	$ -	$ -	$ -
		$ -	$ -	$ -	$ -	$ -	$ -	$ -
		$ -	$ -	$ -	$ -	$ -	$ -	$ -
		$ 55,798,176.90	$ 7,535,652.90	$ 101,194.92	$ 2,906,782.92	$ 27,334.92	$ 371,858.82	$ 42,189.9

ent Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft chedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)

ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.

Name of Redevelopment Agency: San Dimas Redevelopment Agency

Project Area(s) Creative Growth and Rancho San Dimas

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					
						Aug**	Sept	Oct	Nov	Dec	Total
1)	Pass Thru Obligations	Los Angeles County Library	Payments per CRL 33607.5 and 7	14,106.32	14,106.32				14,106.32		$ 14,106.32
2)	Pass Thru Obligations	Consolidated Fire Protection District	Payments per CRL 33607.5 and 7	84,836.42	84,836.42				84,836.42		$ 84,836.42
3)	Pass Thru Obligations	LA County Flood Control Imp. District Maint.	Payments per CRL 33607.5 and 7	1,297.95	1,297.95				1,297.95		$ 1,297.95
4)	Pass Thru Obligations	LA County Flood Control Maint.	Payments per CRL 33607.5 and 7	7,346.76	7,346.76				7,346.76		$ 7,346.76
5)	Pass Thru Obligations	County Sanitation District No 22 Operating	Payments per CRL 33607.5 and 7	11,505.76	11,505.76				11,505.76		$ 11,505.76
6)	Pass Thru Obligations	Three Valley MWD - 111	Payments per CRL 33607.5 and 7	3,246.88	3,246.88				3,246.88		$ 3,246.88
7)	Pass Thru Obligations	Three Valley MWD Original Area	Payments per CRL 33607.5 and 7	3,907.47	3,907.47				3,907.47		$ 3,907.47
8)	Pass Thru Obligations	County School Services	Payments per CRL 33607.5 and 7	958.35	958.35				958.35		$ 958.35
9)	Pass Thru Obligations	Children's Institutional Tuition Fund	Payments per CRL 33607.5 and 7	1,901.85	1,901.85				1,901.85		$ 1,901.85
10)	Pass Thru Obligations	Citrus Community College District	Payments per CRL 33607.5 and 7	285.30	285.30				285.30		$ 285.30
11)	Pass Thru Obligations	Children's Center Fund Citrus Community College	Payments per CRL 33607.5 and 7	7.44	7.44				7.44		$ 7.44
12)	Pass Thru Obligations	Mt San Antonio Community College	Payments per CRL 33607.5 and 7	20,178.49	20,178.49				20,178.49		$ 20,178.49
13)	Pass Thru Obligations	Mt San Antonio Childrens Center Fund	Payments per CRL 33607.5 and 7	194.70	194.70				194.70		$ 194.70
14)	Pass Thru Obligations	Bonita Unified School District	Payments per CRL 33607.5 and 7	114,881.83	114,881.83				114,881.83		$ 114,881.83
15)	Pass Thru Obligations	County School Services Fund - Bonita	Payments per CRL 33607.5 and 7	4,776.12	4,776.12				4,776.12		$ 4,776.12
16)	Pass Thru Obligations	Dev Center HDCPD Minor - Bonita	Payments per CRL 33607.5 and 7	531.41	531.41				531.41		$ 531.41
17)	Pass Thru Obligations	Glendora Unified School District	Payments per CRL 33607.5 and 7	2,349.92	2,349.92				2,349.92		$ 2,349.92
18)	Pass Thru Obligations	Fund - Glendora	Payments per CRL 33607.5 and 7	99.89	99.89				99.89		$ 99.89
19)	Pass Thru Obligations	- Glendora	Payments per CRL 33607.5 and 7	11.04	11.04				11.04		$ 11.04
20)											
21)											
22)											
23)											
30)											$ -
38)											$ -
39)											$ -
40)											$ -
	Totals - This Page			$ 272,423.90	$ 272,423.90	$ -	$ -	$ -	$ 272,423.90	$ -	$ 272,423.90

*** This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.) If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.**

Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of August 23, 2011

FROM: Blaine Michaelis, City Manager

SUBJECT: Meeting dates for Fall Retreat – possible dates for Joint Meeting on Signs

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SUMMARY

Please bring your calendars to the meeting – as we looked at the upcoming months we felt the need to start looking at dates for future meetings.

Staff suggests one of two Monday Evening Retreat Dates: October 17 or 24th.

Regarding the Joint Meeting to review the Sign Ordinance the thought was to look at a Saturday meeting. If it works out, perhaps we could also talk about some preliminary dates for that meeting as well.

11.b.1