



AGENDA
REGULAR CITY COUNCIL /
REDEVELOPMENT AGENCY MEETING
TUESDAY, DECEMBER 13, 2011, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.

CITY COUNCIL:

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

1. CALL TO ORDER AND FLAG SALUTE

2. ANNOUNCEMENTS

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

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

a. Members of the Audience

4. CONSENT CALENDAR

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

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

(1) Approving Warrant Register for November and December 2011.

RESOLUTION NO. 2011-56, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF NOVEMBER AND DECEMBER, 2011.

b. Approval of minutes for the regular City Council meeting of November 22, 2011 and special meeting of November 8, 2011.

END OF CONSENT CALENDAR

- b. Appeal decision of Development Plan Review Board on DPRB Case No. 11-46: a request to allow a professional office use to be located on the ground floor within the Frontier Village area at 100 North San Dimas Avenue (APN: 8387-009-038).

- 1) **RESOLUTION NO. 2011-57**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS UPHOLDING THE APPEAL OF DPRB CASE NO. 11-26, A REQUEST TO ALLOW A PROFESSIONAL OFFICE USE TO BE LOCATED ON THE GROUND FLOOR WITHIN THE FRONTIER VILLAGE AREA AT 100 NORTH SAN DIMAS AVENUE (APN 8387-009-038).

6. OTHER BUSINESS

- a. Renew contract with University of La Verne for the management of the City's Government/Education Access Channel.
- b. Consideration of various amendments to code enforcement procedures
 - 1) **ORDINANCE NO. 1210**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING THE SAN DIMAS MUNICIPAL CODE TITLE 1 AND TITLE 8 REGARDING ENFORCEMENT PROCEDURES.
- c. Consideration to repeal Chapter 15.40 of the San Dimas Municipal Code.
 - 1) **ORDINANCE NO. 1211**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS REPEALING CHAPTER 15.40 OF THE SAN DIMAS MUNICIPAL CODE
- d. Approval of 2011-12 State COPS grant budget and expenditures.

7. SAN DIMAS REDEVELOPMENT AGENCY

- a. Oral Communications *(This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.)*
- b. Approval of the Minutes for meeting of November 22, 2011.
- c. Executive Director
 - 1) Adoption of Maintenance and Operating budget for Agency owned Grove Station housing units.
- d. Members of the Agency

8. MEETING OF SAN DIMAS PUBLIC FACILITIES FINANCING CORPORATION

- a. Public Comments *(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 meeting of December 14, 2010.
- c. Election of Officers
- d. Members of the Corporation

9. MEETING OF SAN DIMAS HOUSING AUTHORITY CORPORATION

- a. Public Comments (*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 meeting of December 14, 2010.
- c. Members of the Authority

10. ORAL COMMUNICATIONS

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

11. CLOSED SESSION

Recess to a City of San Dimas/Redevelopment Agency closed session:

- a. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to G.C. Section 54956.8)**

Property:	121 North San Dimas Avenue
Negotiating Parties:	
For City:	Blaine Michaelis, City Manager; Ken Duran, Assistant City Manager; Ken Brown, City Attorney
For Concessionaire:	Arlene Anaya, Marsteller Investments LLC
Under Negotiation:	Discuss terms for Food Service Concessionaire Agreement

12. ADJOURNMENT

The City Council will conduct their next meeting on January 10, 2012, 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 AGENDA PACKETS 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 DECEMBER 9, 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 AT THE VONS SHOPPING CENTER (Puente/Via Verde) AND THE CITY'S WEBSITE AT www.cityofsandimas.com/minutes.cfm.

RESOLUTION NO. 2011-56

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Dimas
does hereby approve Prepaid Warrant Register: 11/30/2011; 22437 through 22487 (including
void check 138275); in the amount of \$968,962.10; Warrant Register: 12/15/2011; 138435
through 138585; in the amount of \$332,879.54.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF DECEMBER 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 December 13, 2011, by the following
vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ina Rios, CMC, City Clerk

H.A.1



THE WARRANT DISBURSEMENT
JOURNAL IS NOT AVAILABLE TO
VIEW THROUGH LASERFICHE

A PAPER COPY IS AVAILABLE
IN THE FINANCE DIVISION



MINUTES
SPECIAL MEETING OF
CITY COUNCIL/SAN DIMAS
REDEVELOPMENT AGENCY
TUESDAY, NOVEMBER 8, 2011, 5:00 P. M.
COUNCIL CHAMBERS CONFERENCE ROOM
245 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebner
City Manager Blaine Michaelis
City Attorney J. Kenneth Brown
City Clerk Ina Rios
Assistant City Manager for 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
Environmental Services Coordinator Lisa Bugrova
Captain Don Slawson, San Dimas Sheriff's Station

1. CALL TO ORDER

Mayor Morris called the meeting to order at 5:07 p.m.

2. ORAL COMMUNICATIONS

(For anyone wishing to address the City Council on an item on this agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. Speakers are limited to three minutes or as may be determined by the Chair.)

- a. Members of the Audience

There were no comments.

3. STUDY SESSION PLANNING MATTERS

- a. Discussion and direction regarding Public Nuisance Abatement tools.

Director of Development Services Coleman outlined the progressive series of steps for the code enforcement program. He said Public Nuisance Abatement is rarely used because the City must pay up front for abatement work and costs may not be recovered for years through a tax lien. He said the Los Angeles County Assessor allows taxes to go unpaid for up to five years before the property is put up for sale. At the request of the City Manager, he contacted surrounding cities and said the City Prosecutor recommended adopting regulations authorizing the recording of a Notice of Violation against the property, a practice that has also been adopted by various cities. He added that the Housing Code requires the City to issue a Notice and Order to repair, rehabilitate, vacate or demolish a substandard building or property. Staff recommends that as authorized by the San Dimas Municipal Code the City Council confirm the use of Public Nuisance Abatement, including tax liens to recover cost of abatement; confirm the use of Notice and Order of Substandard building, including tax liens to recover cost of

H. B.

abatement; and to direct staff to initiate a code amendment to allow recordation of a Notice of Violation after issuance of an Administrative Citation or Public Nuisance Determination.

Director Coleman responded to specific questions by the City Council and said the Fire Department has similar authority to enforce abatement and it would be the City Council's decision to consider requiring Waste Management to pick up trash cans left on the street, however, staff is recommending recording the notice of violation.

Mayor Morris agreed that nuisance abatement was costly and suggested the use of litigation in small claims court as an alternative.

In response to the City Council, Director Coleman replied that the Tax Assessor is notified when a notice of violation is recorded, at which time the property would be reassessed.

Mayor Pro Tem Templeman stated he can support the use of public nuisance abatement and adding a notice of substandard conditions on a case-by-case basis prior to expending funds. He said staff should keep in mind to transfer the risk to the property owner through due diligence.

Director Coleman will consult with Waste Management to determine a process of issuing a notice of intent for the removal of improperly stored trash cans.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to confirm the use of public nuisance abatement; confirm the use of Notice and Order of substandard building, including tax liens; and direct staff to initiate a code amendment to allow recordation of the Notice of Violation.

Mayor Morris added to the motion to direct staff to create the appropriate ordinance to allow the use of recording a notice. The motion carried unanimously.

b. Update regarding NPDES (MS-4)/Storm Water Program and Permits.

Director of Public Works Patel stated that the stormwater pollution prevent permit has been renewed annually for the past five years and Public Works is charged with implementing full compliance. He said staff, in collaboration with approximately 50 cities, participate in meetings with the County to keep ahead of the new permit requirements.

Environmental Services Coordinator Bugrova reported that Cities are regulated under the National Pollution Discharge Elimination Program (NPDES) required under the Federal Clean Water Act and authority is designated by the U. S. Environmental Protection Agency (EPA) to state and regional Water Quality Control Boards. She said the Countywide stormwater pollution prevention permit is undergoing review by the Regional Water Quality Control Board and will be significantly revised in Spring 2012. Coordinator Bugrova stated that Los Angeles Flood Control District is no longer interested in serving as Principal Permittee and is negotiating with the Regional Water Quality Board for a separate permit. She stated that staff is negotiating for a permit to continue water quality improvements in our region, however, an individual permit would be cost prohibitive and efforts have been incorporated into the Los Angeles Permit Group, a cohesive, organized group of stormwater professionals. She provided a brief background on the group formed and chaired by the City of Monrovia and stated that the City of San Dimas serves as Chair of Reporting Technical Subcommittee and performs recurring administrative duties for the group. She added that the Negotiating Committee, established with nine members representing each Watershed, meets with the Regional Board as the permit structure moves forward.

In response to City Manager Michaelis, Coordinator Bugrova replied that other cities in the Watershed would move forward and have a single permit with the Watershed based Chapters that would likely have an overall plan for regional projects to reduce pollution.

In response to Council, Coordinator Bugrova stated that the goals of the Upper San Gabriel Valley Group were the same goals as all of Los Angeles County, however, each city would not be determined on the permit and each city would have to comply with the same general goals. She said specific watershed issues, depending on the total maximum daily load (TMDL) would be incorporated into water based chapters, and by having a bigger permit structure, responsibilities could be delegated to the various cities involved.

Coordinator Bugrova reported that the plan is to conduct a Proposition 218 property owner vote in the Summer of 2012 requiring a majority of returned affirmative ballots. She said the parcel fee is based on the standard fee, size of parcel and impervious area, which averages to approximately \$54.00 per parcel, per annum, which is then added to the property tax. She indicated that a revenue allocation formula of 50/40/10 was established: 50% to the Watershed Area Groups (WAGS) for regional coordinated planning and implementation related to the MS4 NPDES permit and TMDL compliance; 40% to municipalities for existing and new NPDES and TMDL related programs and projects; and 10% to the Flood Control Districts for administration, regional planning, and technical assistance. She added that based on the 40% allocation to cities, it is anticipated that the City of San Dimas can expect \$216,000, which can be used for existing programs or showcase projects.

In response to Mayor Morris, Ms. Bugrova replied that if the vote is defeated, moving forward with negotiations with the Regional Board would be challenging. She added that there cannot be a provision in the permit requiring cities that have no funding to continue with large capital improvement projects.

Mayor Morris expressed concern that runoff from equestrian trails could never comply with the regulations.

In response to Mayor Morris, Coordinator Bugrova replied that the City does not have the ability to hire a consultant through the Water Master contract, to work for L. A. Permit Group, and the San Gabriel Valley Council of Governments (SGVCOG) has offered to act as a medium to hire a consultant for the nine cities to move forward with the process.

Ms. Bugrova further replied that if water objectives are not met, it does not mean the city is not meeting the intent of the permit, which states the water code is to improve water quality whether done by significant capital improvement water costs and great controls, or whether accomplished by increased street sweeping, increased infiltration, and education. She said it is a process understood by the Environmental Protection Agency.

In response to Mayor Pro Tem Templeman, Ms. Bugrova replied that L.A. Permit Group representing 65 cities will move forward as one united voice before the Regional Board meeting.

In response to Councilmember Badar, Ms. Bugrova said once Board of Supervisors approval is received, staff will join Los Angeles County in an extensive outreach program on the purpose and reason for the fee.

Assistant City Manager Stevens stated that the City Council's role would be to educate the property owners, and the property owners would receive the mail ballots and make the decision to vote.

c. Trends and issues in retail.

Assistant City Manager Stevens discussed whether or not retail is changing; whether or not City regulations are appropriate; and if the City is encouraging or discouraging, by regulations, appropriate uses in shopping centers.

a. Parking requirements or standards applicable to major shopping centers.

He added that at the previous meeting, staff was directed to study parking requirements in major shopping centers, which is in part related to where retail is going and parking requirements at built centers.

Assistant City Manager Stevens highlighted specifications of the Ralph's Shopping Center; Target Center, which currently has a vacancy with the departure of OfficeMax; Via Verde Shopping Center; and San Dimas Station.

In response to Mayor Pro Tem Templeman, Mr. Stevens replied that if Vons Grocery leaves, it will cause a significant problem about what can go in that space.

Assistant City Manager Stevens said the focus of most of the discussion is what to do with the San Dimas Station, which was approved on a shared parking basis, with no additional parking available. He said stations on both sides consist mostly of restaurants and have been capped for several years on available restaurant space.

In response to Councilmember Ebiner, Mr. Stevens replied that under the current regulations, restaurants are not permitted in the northeast portion of San Dimas Station North.

Assistant City Manager Stevens reported that San Dimas Station has approximately 670 parking spaces and is showing a vacancy rate of 25%, which is about 66,000 square feet, in addition to approximately 40,000 square feet of distressed tenants.

In response to Council, Mr. Stevens replied that the 99 Cent Only Store has expressed interest in the vacant Federated building. He said part of the discussion at the City Council meeting was to be more flexible about allowing those type of uses. Staff is currently considering not categorizing the use as supermarket prohibition, otherwise it would require a code amendment. He said the bulk of design issues have been worked out with the applicants, which may result in a use determination for approval, however, staff has not yet reached a decision.

In response to Councilmember Bertone, City Manager Michaelis replied that Cost Plus has been steady, however, another big user in the center would be of great benefit to them.

Mayor Pro Tem recalled discussions at the League of California Cities conference about retail being online now, and suggested that staff keep in mind the difference between service and retail.

Assistant City Manager Stevens said permitted uses are traditional service businesses such as barbers and hair salons. He said the code demands more parking for party type uses and there is no flexibility for those uses. He said the process of permitted uses has been discussed with the 99 Cent Only representatives, however, staff has not been successful in getting a comprehensive proposal from them as it relates to the direction they want to go.

In response to Mayor Morris, Mr. Stevens replied that San Dimas Station has separate owners and STG has enough parcels to control the common area, however, may have difficulty collecting common area maintenance fees from all the tenants.

Councilmember Ebner stated that it might be necessary to look at restaurant uses in the Creative Growth Zone in a different way.

Mayor Morris reported that at a Subcommittee meeting with STG, the Committee mentioned that the Committee would consider liberalizing uses.

Director of Development Services Coleman stated that Creative Growth Zone 2 currently prohibits office use on the ground floor space, unless approved by the Development Plan Review Board. He mentioned that a tax service recently submitted an application and he asked if office use should also be considered at that location.

Mayor Pro Tem Templeman noted that a tax service business requires additional parking and there is limited parking at that locale.

Mr. Stevens replied to the City Council that the site is in a parking district and additional parking is not provided. He added that the Development Plan Review Board policy has been in force for many years that space has to be relatively small or inappropriate for retail in order to allow office uses on the first floor, or that the space has been historically used for office space in the past. He said over the course of time, there have been one or two appeals and the City Council has supported retail, with non-retail office uses on the second floor. He said service business with customer traffic is treated differently on how it is applied.

In response to Councilmember Badar, Mr. Stevens replied that San Dimas Station is a built-out center and as long as individual uses do not have a higher parking demand for its tenant space than the center can accommodate, then staff will not look at parking.

4. ADJOURNMENT

Mayor Morris adjourned the study session at 6:57 p.m. The next City Council meeting is Tuesday, November 8, 2011, 7:00 p.m.

Respectfully submitted,

Ina Rios, CMC, City Clerk



MINUTES
REGULAR CITY COUNCIL
TUESDAY, NOVEMBER 22, 2011, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

PRESENT:

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

City Manager Blaine Michaelis
City Attorney J. Kenneth Brown
City Clerk Ina Rios
Assistant City Manager for 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
Recreation Coordinator Erica Rodriguez

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:03 p.m. and led the flag salute.

2. ANNOUNCEMENTS AND PRESENTATIONS

- Introduce Little Miss San Dimas Carlie Pastran to the community

Mitchel Crawford, Chair, Chamber of Commerce, introduced Lisa Crane, Platform Color Salon, Chair of the Little Miss San Dimas Committee.

Lisa Crane, Platform Color Salon, Little Miss San Dimas Chair, gave a brief background on the Little Miss San Dimas Pageant and introduced Carlie Pastran, Little Miss San Dimas, who represents San Dimas at the Christmas Tree Lighting ceremony, the Fairplex Parade, and other events.

In response to Council, Carlie Pastran, Little Miss San Dimas, said she is in the fourth grade at Shull Elementary School and her talent is singing. She extended happy Thanksgiving to the City Council and the public.

- Downtown Holiday Extravaganza on Saturday, December 3, 2011, 1:00-7:00 p.m., Walker House

Recreation Coordinator Rodriguez encouraged families to attend the 2nd annual Downtown Holiday Extravaganza from 1:00-6:00 p.m. at the Walker House on December 3, 2011. She said the Chamber of Commerce, Festival of Arts, Historical Society, Downtown Merchants, and Marstellers at the Walker House, have joined the City's Parks and Recreation Department to provide a holiday Santa Claus display, music, carolers, fun activities, arts and crafts, live entertainment, nine tons of snow, pony rides, and Santa's hay ride to Rhoades' Park for the Christmas tree lighting at 6:00 p.m. She said the Downtown merchants will be decorating their windows and participating in their annual holiday treasure hunt and Marstellers will provide free cookies to decorate.

Coordinator Rodriguez thanked the San Dimas Senior Citizens Club for sponsoring the snow; San Dimas Community Hospital for sponsoring the hay ride; and San Dimas Ace Hardware for offering a 50% discount on lights for any families in the route area to decorate their homes.

In response to Council, Coordinator Rodriguez said the cost for the hay ride is \$1 per person and the rain date is December 10, 2011. She added that a recording will be available on the Parks and Recreation phone line at 909.394.6230.

Councilmember Bertone thanked Margie Green, Chair of the Chamber of Commerce, for her participation.

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

Pui-Ching Ho, Library Manager, encouraged sign-up for the special holiday art activity for children on Saturday, December 3, 2011, at 3:00 p.m. She said the Book Party Group will discuss *Growing Up Laughing* on Wednesday, December 7, 2011, at 10:30 a.m. at the Senior Citizen/Community Center. She invited attendance at the free holiday music concert by Dmitry Koudymov and Brian Barany on classical guitar. Listen to great stories and sing children's songs at Preschool Story Time every Friday morning at 10:30 a.m. and join special guest Ken Frawley in the Wonderful World of Stories and Songs on December 16th. She thanked the City Council and staff for their continued support and extended her wish for a Happy Thanksgiving.

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

a. Members of the Audience

1) Susie Crawford, Historical Society, invited the community to enjoy the Santa Claus is Coming to Town display at the Historical Society Museum at the Walker House on December 3rd, Sunday, December 4th from 11:00 a.m. to 3:00 p.m.; December 6th and 8th, from 1:00-4:00 p.m. and on December 9th -10th in conjunction with the Festival of Arts 2nd Story Gallery, from 5:30-8:30 p.m. She said the collection of Santas on display are from the 1800's to the present day.

2) Gary Enderle, San Dimas HEROES, reported that the unveiling of the monument site was conducted at the site on November 11, 2011, with several hundred people in attendance. He said the actual panels will be installed on the monument Wednesday, November 23rd and the flag pole will go up next week. He anticipated Phase I to be completed within the next two weeks, after which Phase II will begin. He said the next goal is to add the fountain to the monument, install pergolas, and erect the walls. He indicated that the organization will be conducting several fundraising events starting with the sale of an afghan made in support of the project, depicting the five branches of service and the monument. The afghan will be available at the Holiday Extravaganza, online, and Facebook, for \$48 each and proceeds will be applied to Phase II of the project.

4. CONSENT CALENDAR

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

City Manager Michaelis explained that Proposition 1C is a bond measure that allows for grants to be available for the rehabilitation of units. In the case of item a.2, Resolution No. 2011-55, Mr. Michaelis said the City has applied for funding on housing and development and is looking for other ways to supplement the housing rehabilitation program. He said if the application is successful, the City will be able to rehabilitate 15 additional homes.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, and carried 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. 2011-54**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF NOVEMBER, 2011.

(2) **Resolution No. 2011-55**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE CALHOME PROGRAM.

b. Approval of minutes for the joint City Council/Planning Commission special meeting of October 19, 2011 and the regular City Council meeting of November 8, 2011.

END OF CONSENT CALENDAR

5. OTHER MATTERS

a. Request from Waste Management for annual rate increase of 3.40% for residential and commercial refuse services.

Assistant City Manager Duran reported that the City's Franchise Agreement with Waste Management allows for an annual rate adjustment based upon the Consumer Price Index (CPI), fuel cost index and landfill or disposal costs. He said the City Council conducted a public hearing in March to review the performance of Waste Management and found there were no significant issues raised. He stated that State legislature was passed effective July 2012 mandating recycling for all commercial businesses and multi-family developments in San Dimas. He said the City is working with Waste Management to establish programs and implement mandatory recycling for businesses. He presented a request from Waste Management and recommended approval for an increase of 3.40% for residential and commercial refuse services. He said Carolyn Anderson representing Waste Management is in attendance.

Mayor Morris said although this is not a public hearing, the rate increase affects residents. He invited Ms. Anderson to comment and said the public will then be given the opportunity to comment.

1) Carolyn Anderson Corrao stated that Waste Management will be working to address upcoming legislated unfunded mandates with commercial and multi-family units in the city. Mrs. Corrao announced a new program "At your Door," to pick up household hazardous waste at the curb. Also, in partnership with Recycled Bank, another program is available to provide the incentive to recycle by granting points to apply toward discounts and coupons to local vendors and businesses in the area. Mrs. Corrao said they had experienced challenges finding retail outlets for Bagster, a dumpster in a bag, due to an exclusive

Franchise to another vendor. She proudly announced that San Dimas Ace Hardware Store will be the exclusive provider in San Dimas to provide Bagsters at a cost of \$29.95. At their convenience, residents can then call Waste Management for pickup for a fee of \$130.

In response to Mayor Morris, Mrs. Corrao replied that almost everything is recyclable and residents can reduce their trash bill by recycling more. She said if it's ooey, gooey, or chewy, it goes in the trash can. If it is not ooey, gooey, or chewy, it goes in the recycle bin. She introduced her new husband, Bill Corrao and said they were married in September.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to approve the 3.40% rate increase for residential and commercial refuse services.

In response to Mayor Pro Tem Templeman, Mrs. Corrao replied that through January, residents can take advantage of the Fall Leaf program in which residents can place extra leaves and green waste into plastic bags for pick up at the curb. She said it is Waste Management's goal to be able to distribute biodegradable bags and all leaves and tree branches could be composted and turned into some renewable use.

The motion carried unanimously.

- b. Request to hear appeal from the Heatherglen HOA of the Traffic Safety Committee's decision to decline the addition of red curbs to the approved parking restriction signs on Puente Street from Via Verde Park to San Leandro. Decide if the appeal will be scheduled for hearing before the City Council. If so, set the date and time for the hearing to consider the appeal.

Public Works Director Patel reported that a request was received from Heatherglen Homeowners Association to appeal the Traffic Committee decision to decline the painting of an additional 1,200 linear feet of red curbs on Puente Street. He said the Traffic Committee previously approved red curb painting on Avenida Fernando due to the visibility and constricted space issues created by parked cars on this street. The request for additional red curb painting at 1021, 1025, and 1027 Puente, was denied because the Traffic Committee thought it was more of a personal appeal for the three homes which are adjacent to Via Verde Park.

Director Patel said the new larger parking restriction signs were installed behind the curb in October, and staff felt it was premature to hear the appeal. Staff recommended upholding the Traffic Safety Committee decision of October 19, 2011 to defer review of the matter until July 2012 to allow for a complete study to measure and gauge the effectiveness of the signage during the peak season. The second option is to direct staff to schedule the appeal of the Homeowner's Association at the December 13, 2011 regular City Council meeting.

Councilmember Bertone said it is important to note that when the Traffic Safety Committee met, none of the neighbors were in attendance and none are present at this meeting tonight.

Mayor Morris stated that notices were sent to Heatherglen Homeowners Association. He invited representatives from Heatherglen Homeowners Association to comment, and no one from Heatherglen Homeowners Association stepped forward to comment.

It was moved by Councilmember Bertone to uphold the decision of the Traffic Safety Committee to defer review of the appeal until July 2012 and to direct staff to conduct a study of the area during peak season.

Mayor Pro Tem Templeman seconded the motion to include neighbor input. He said the road narrows substantially in that complex and he would like to ensure there is sufficient space for a fire truck to pass through.

Councilmember Ebner stated that historically appeals are heard by the City Council, however, in this case, he will support the motion because a review will be conducted in a few months with homeowner input.

The motion carried unanimously.

6. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 7:50 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular City Council meeting reconvened at 7:58 p.m..

7. ORAL COMMUNICATIONS

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

- 1) James McCants, 813 Oceanbluff, said the opportunity presented itself to utilize emergency services at San Dimas Emergency Hospital and he could not have asked for better service. He highly recommends anyone who has gone to other facilities in the past to try San Dimas Emergency Hospital.

- b. City Manager

City Manager Michaelis said December 13, 2011 will be the last City Council meeting for the year, at which time the Public Safety Dinner is held for on duty Fire and Sheriff personnel and volunteers. He will be getting information to the City Council shortly.

- c. City Attorney

There were no comments.

- d. Members of the City Council

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

There were no comments.

- 2) Individual Members' comments and updates.

- 1) Mayor Pro Tem Templeman said he received several complaints from the community asking why the City did not repair the trees and sidewalk on the walkway between the Library and the City Building during the Civic Center remodel, and he informed complainants that Los Angeles County is the property owner. He noticed the Library roof was covered in plastic and contacted Supervisor Antonovich's office to look into these matters. County Maintenance crew came out to investigate shortly thereafter. Mr. Templeman said although a leaky roof at the Library is not the City's responsibility, it is important to be supportive of our Librarian.

- 2) Councilmember Bertone stated that at a San Gabriel Valley Council of Governments meeting, he learned that the President of the Gold Line Construction Authority gets a salary of \$275,000 per annum. Mr. Bertone said it is his feeling that anyone in city government who makes over \$150,000 is overpaid. As the representative to the Joint Powers Authority, he will continue to oppose this type of salary to government workers unless the City Council directs him otherwise.

8. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:05 p.m. The City Council will next meet on Tuesday, December 13, 2011, 7:00 p.m. He encouraged the community to come out to enjoy the Holiday Extravaganza and extended wishes for a happy Thanksgiving Day Holiday.

Respectfully submitted,

Ina Rios, CMC, City Clerk



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of December 13, 2011

FROM: Blaine Michaelis, City Manager

INITIATED BY: Marco A. Espinoza, Associate Planner

SUBJECT: Consideration of request to initiate Municipal Code Text Amendment (MCTA 10-06). A request to modify portions of Code Section 18.140.090(C)(4)(a)(iv) within the Creative Growth Zone to allow for a street facing gas station design and not the reverse/turn around design required by Code.

SUMMARY

The applicant submitted preliminary plans for a major remodel of the service station at 105 E. Arrow Highway. Staff notified the applicant that the proposed layout of the buildings did not meet the reverse/turn around service station design required by the Municipal Code (Section 18.140.090(C)(4)(a)(iv)).

The applicant indicated that they did not propose a reverse/turn around station design because of a 20' wide storm drain easement that runs through a portion of the property that would impede the required design.

Subsequently, the applicant has submitted a proposal to amend Code Section 18.140.090(C)(4)(a)(iv) to allow an exception to the reverse/turn around station design when a storm drain facility and/or easements interfere with the siting of the proposed building.

The Council discussed the proposed Municipal Code Text Amendment at their June 14, 2011 meeting and voted 4.1 (Bertone opposed) to direct Staff to work with the applicant to evaluate reasonable and appropriate site designs, in addition to possible code text amendments.

Staff has worked with the applicant on site design layout options, identifying existing underground tank locations, confirming

5.2

underground tanks meet current AQMD requirements and exploring possible code text amendments. The applicant focused on a site design that would not require the relocation of the gas pumps and canopy and/or underground tanks due to cost, thereby prohibiting a reverse/turn around design. As an alternative, Staff presented the applicant with a tentative schematic design that would accommodate the required reverse/turn around design. The applicant rejected the design because he would need to relocate the gas pumps and canopy.

Staff understands the reason for the applicant's rejections of Staff's design (cost) but the intent of the original modification to the Creative Growth Zone in 2005 was for the City to obtain a comprehensive redevelopment of these sites, not partial. As part of Staff's design the 25-foot setback requirement along Arrow Highway within the CG-3 Zone would be reduced to 10 feet in order to allow better site development.

Staff recommends the City Council uphold the intent of the Municipal Code Text Amendment established in 2005 for a complete redesign of the gas station properties and reject the applicant's request. Staff also recommends the Council initiate a Code Text Amendment to reduce the 25-foot setback along Arrow Highway to 10 feet within the CG-3 Zone only if the applicant decides to proceed with a reverse/turn around design.

BACKGROUND

The applicant is proposing to remodel the existing gas station and associated convenience store but keep the existing pump stations and underground tanks in the same location; the existing site is in need of repairs and updating. The existing gas station was conditionally permitted in 1981, under Conditional Use Permit 81-06. The gas station also has an alcohol license that allows the off-site sale of beer and wine.

After reviewing the applicant's preliminary site plan submittal for a complete remodel of the site, they were informed that the Code required a reverse/turn around service station design. The applicant informed Staff that they were aware of the Code requirement but felt that they could not develop the site to meet their needs due to the existing 20-foot wide storm drain easement that runs through the property.

At the June 14, 2011 City Council meeting Staff presented to the Council the background information on the proposed code text amendment, in addition to the applicant's site design layout for the gas station. The applicant testified that a reverse/turn around design was cost-prohibitive because it would require

relocating the underground storage tanks. The Council directed Staff to further evaluate site design possibilities and the code text amendment with the applicant. The following is the outcome of those meetings.

ANALYSIS

Current Code Requirements

In 2005, when the Grove Station project was being processed, several code text amendments were made to the Creative Growth Zone to allow for aesthetic improvements to the area. The City saw this as an opportunity to look at some of the surrounding properties near the Grove Station. The City felt that the two service stations were potential sites that would benefit from aesthetic improvements. In order to encourage improving substandard sites, the City incorporated the possibility to conditionally allow for a convenience store and/or a restaurant if a major improvement was proposed to the sites. As part of the code text amendment the City included that the sites would require a complete reconstruction as a reverse/turn around station, improving the aesthetics of the sites. The code amendment was seen as a method of addressing community design interests that would encourage reconstruction of the sites without restricting the ability for the existing use(s) to continue. The incentive to allow a convenience store with the sale of beer and wine is only given to the two gas stations within this zone and nowhere else in the City except for in Specific Plan No. 2 (Arco at Lone Hill and Arrow). In all other cases alcohol is not allowed and food sales are limited to "accessory snack shops".

The City has used the reverse/turn around service station design on other projects in the City and it has become the preferred design concept for such uses. The design is favored because it allows the attendant building to screen the unsightly pump islands and decreases the amount of ingress and egress approaches to the site, thus reducing traffic safety issues (see Exhibit F).

Within the Creative Growth, Area 3 – Mixed Use, Sub-Area "A" – Mixed Use/Commercial Office Zone there are only two gasoline service stations. The two stations are at the intersection of San Dimas Avenue and Arrow Highway. One is on the southeast corner and the other, which is the applicant's site, is on the northeast corner (see Exhibit D).

Applicant's Proposed Code Text Amendment

The subject site has a 20-foot wide storm drain easement that goes through a portion of the property. The storm drain enters the property along the north property line approximately 60 feet from the northwest corner and travels down the property in a boomerang shape. The storm drain exits the property on the west property line approximately 40 feet from the southwest corner of the property (see Exhibit A). Even with the restrictions of the easement, Staff feels

that the site is adequate in size to construct a reverse/turn around service station with accessory use(s).

Staff is not in favor of the proposed code text amendment which the applicant is proposing as follows (proposed text is in **Bold**)(see Exhibit A):

Code Section 18.140.090(C)(4)(a)(iv)

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. **Should any storm drain facilities and/or easements interfere with this siting the applicant shall provide documents with findings. At such time the Staff will review documents to provide the applicant with a decision. If the documents show the reverse siting of the new structure is not possible, the site will incorporate site designs to reflect the architectural statement for 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;

Even though there are two service stations within this sub-area, the applicant's code text amendment request would only affect the applicant's site, the station that is on the northeast corner of San Dimas Avenue and Arrow Highway at 105 E. Arrow Highway.

Applicant's Revised Site Design Layout

Based on direction from the Council at the June 14, 2011 meeting the applicant revised their original site plan to address Staff's concerns regarding parking, circulation and building design (see Exhibit H). The applicant did not address the requirement of a reverse/turn around design.

At this point they are not willing to consider any design modifications to the site that would require them to relocate the pumping station/canopy and/or the underground tanks.

Staff has reviewed the revised site layout and has the following concerns:

1. The site layout is not a reverse/turn around design as required by the Code.

2. The gas pump canopy would remain in the same location. The canopy is currently nonconforming as it is within the 25-foot setback along Arrow Highway.
3. The southwest most drive approach along Arrow Highway should be removed and replaced with a landscape planter; it is unnecessary, oversized and too close to the intersection.
4. There are five parking spaces in front of the proposed convenience store (south elevation) that should be deleted to allow for additional required landscaping and a sidewalk in front of the parking stalls for pedestrian safety. The increased landscape and sidewalk requirement would reduce the 26-foot maneuvering space required for vehicles to back-out.
5. Planter fingers do not meet the required width dimensions per Code.
6. The site does not meet the landscape requirements of 10% minimum of the total parking area shall be landscaped, excluding the setback area.
7. Based on the above concerns it appears that the applicant is still overbuilding for this size lot and is having difficulty meeting the minimum Development Standards of the Code.

Comparison to Other Gas Stations

One of the concerns Staff previously discussed, and which still remains an issue, is the prospect of overbuilding of the site. The applicant is proposing a 3,000 sq. ft. building of which 600 sq. ft. of it is for a take-out restaurant use. Restaurant uses have a higher parking ratio (1:75 sq. ft.) compared to commercial uses (1:225 sq. ft.), increasing the number of parking stalls required on-site. The subject site is a corner lot which has required setbacks on two sides (25-feet on Arrow Hwy. and setback to be determined by the approving body on San Dimas Ave.), thus reducing the area for development. The proposed restaurant use and the parking required for the use, in addition to the owner's self-imposed restrictions, have made proper development of the site challenging.

In comparing the two other two gas station developments in the City that are similar to the applicant's proposal, you will notice that they are on larger lots. The applicant's lot is 22,216 sq. ft. The Arco gas station at 1115 W. Arrow Highway is on a 43,442 sq. ft. lot with a 2,880 sq. ft. convenience store. The second gas station is the 76 Unocal at 1790 S. San Dimas Avenue which is on a 34,999 sq. ft. lot with a 2,768 sq. ft. building with convenience store. Both of these sites are 12,783 sq. ft. to 21,226 sq. ft. larger than the applicant's site. Both of these were developed with buildings less than 3,000 sq. ft., which is the size the applicant is looking to build.

The applicant needs to consider reducing the building size and possibly the restaurant use in order to comprehensively develop the site to meet the Development Standards of the Code and to allow for effective circulation of the site.

Site Location	Lot Size	Building Size	Convenience Store – Beer and Wine Sales	Aerial of Site
Arco 1115 W. Arrow Hwy.	43,442 sq. ft.	2,880 sq. ft.	Yes - Yes	
76 Unocal 1790 S. San Dimas Avenue	34,996 sq. ft.	2,768 sq. ft.	Yes - No	
Gas And Go 105 E. Arrow Hwy.	22,216 sq. ft.	1,568 sq. ft.	Yes - Yes	

Staff's Schematic Site Design Layout

After obtaining and confirming that the existing underground tanks meet current AQMD requirements, Staff discussed possible options for development of the site with leaving the tanks in their current location. After coming up with several different design options, Staff felt that, in order to best accommodate the applicant's request and meet the reverse/turn around design, the 25-foot setback along Arrow Highway should be reduced to 10 feet.

By reducing the setback requirement along Arrow Highway Staff prepared a schematic site design layout that was a reverse/turn around design and had a pad building of 3,092 sq. ft. with the required parking (see Exhibit I). As part of this design the pump station and canopy were relocated to the north east portion of the property. The proposed building would be outside of the existing 20-foot wide storm drain easement eliminating previous development constraints.

Staff reviewed this design with the applicant and property owner as a possible option to comply with the current code requirements. The property owner discussed with Staff that relocation of the pump station, canopy, and/or the underground tanks was not an option and that any design that incorporated this design would not be feasible for them.

Conclusion

The code text amendments made in 2005 were intended to improve the aesthetic appearance of the substandard sites. In order to accomplish this it was clear that a complete demolition of the site would be required. As compensation for the total redevelopment of the site, an incentive to have a convenience store that allows the sale of beer and wine was conditionally permitted; such uses are prohibited in most other zones. The reverse/turn around design for service stations is preferred because it allows for the main building to shield the unsightly gas pump islands and reduce the amount of entrance and exit approaches to the site. These factors were taken into consideration when approving the code text amendment to the Creative Zone in 2005. Staff feels that even with the storm drain easement, the site can be properly designed to meet the reverse/turn around design with a code text amendment to reduce the required 25-foot setback along Arrow Highway to 10 feet, upholding the intent of the Council's action of improving the aesthetic appearance of the entrance to the downtown.

RECOMMENDATION

Staff recommends the City Council deny the applicant's request for a Municipal Code Text Amendment request to modify Code Section 18.140.090(C)(4)(a)(iv) to allow an exception to the reverse/turn around station design for gasoline service stations when a drain facility and/or easements interfere with the siting of the proposed building.

Staff also recommends that if the applicant would like to submit the reverse/turn around design as proposed in Staff's design, that the Council initiate a reduction in the 25-foot setback along Arrow Highway to 10 feet within the CG-3 zone.

Respectfully Submitted,

Marco A. Espinoza
Associate Planner

Attachments:

- Exhibit A – Applicant's request letter
- Exhibit B – Chapter 18.140 C-G Creative Growth Zone
- Exhibit C – Photos of subject site
- Exhibit D – Aerial of both gas stations within CG-3
- Exhibit E – Example of reverse/turn around service station
- Exhibit F – June 14, 2011 City Council minutes
- Exhibit G – Color elevation of proposed gas station
- Exhibit H – Applicant's revised site plan
- Exhibit I – Staff's site plan design

Aerial of Subject Site





Jerry Ronnebeck, Engineering

163-A West Bonita Avenue, San Dimas, CA 91773

909-599-3253 ♦ 909-599-2572 fax

Website: Ronnebeck.com

December 8, 2010

City of San Dimas
Planning Department
245 East Bonita Avenue
San Dimas, CA 91773

Re: Code Amendment Request

This request is being submitted by Hari Alipuria, the owner of the gas station at 105 East Arrow Highway located at the northeast corner of San Dimas Avenue and Arrow Highway. The request is to revise the existing code language as shown on the attached page.

The reason for this change in code for this particular property is due to the subsurface storm drain facilities crossing the property. The existing location of the storm drain makes the existing code requirement of placing a new building at the corner impossible to implement. The attached diagram shows the location of the existing easement on the northeast corner for your review.

The code was written to affect the northeast corner and the southwest corner of San Dimas Avenue and Arrow Highway of the Creative Growth Area equally, as shown on the attached map. Due to the existence and location of the storm drain facilities and the storm drain easement located on the northeast property, each property should be reviewed separately. This is the intent on the code revision as noted on the following page.

I will be representing Hari Alipuria in the city processing of the Code Amendment. Should you have any questions or comments please contact me.

Sincerely,



Jerry Ronnebeck

EXHIBIT A

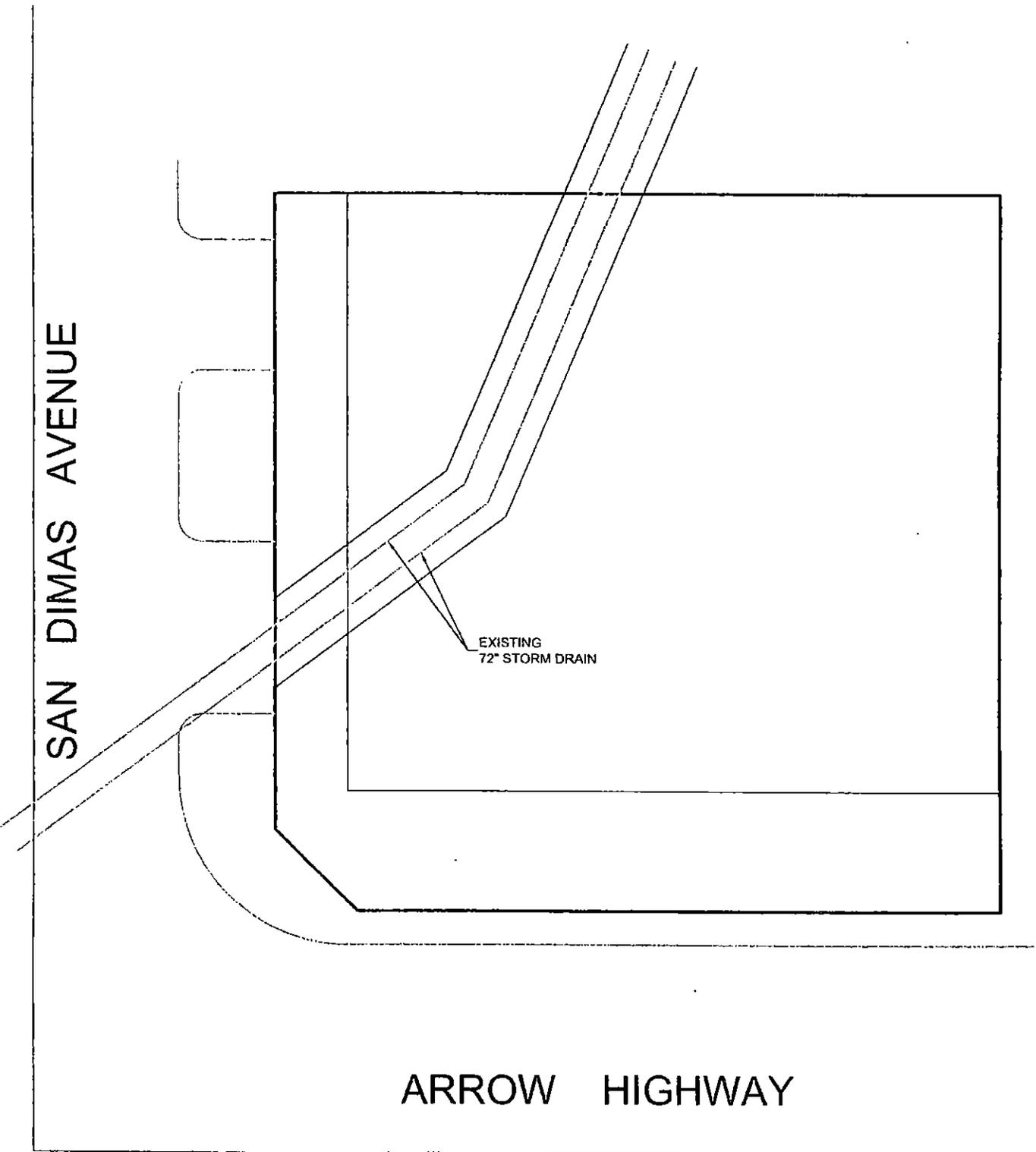
Existing Code Language for 18.140.090.C.4.a.iv

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;

Revised Code Language for 18.140.090.C.4.a.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. *Should any storm drain facilities and/or easements interfere with this siting the applicant shall provide documents with findings. At such time the staff will review documents to provide the applicant with a decision. If the documents show the reverse siting of the new structure is not possible the site will incorporate site designs to reflect the architectural statement for 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;

SAN DIMAS AVENUE



EXISTING
72" STORM DRAIN

ARROW HIGHWAY

EXHIBIT A

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-

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;

c. 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;

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. Loft residential buildings should be designed 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. "Loft 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;

- 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.

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;

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 sub-

standard 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.

- 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)

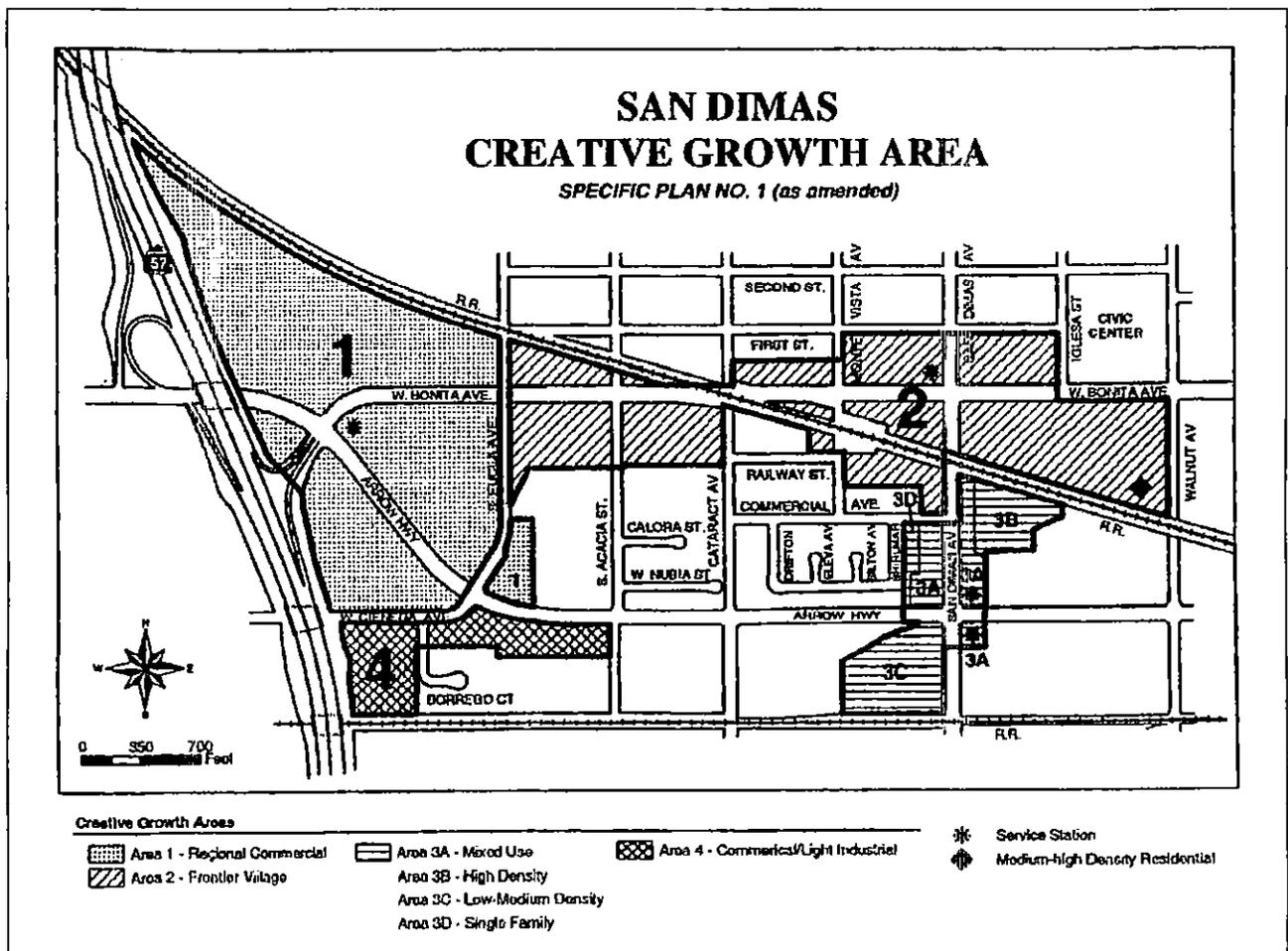
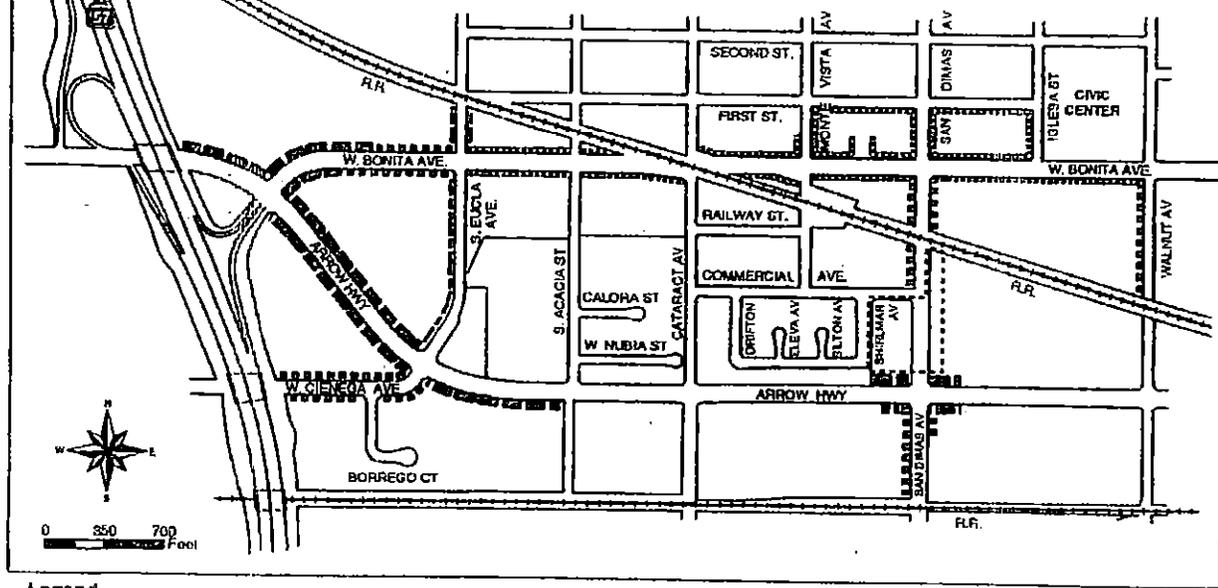


EXHIBIT A – GROWTH AREAS

SAN DIMAS CREATIVE GROWTH AREA

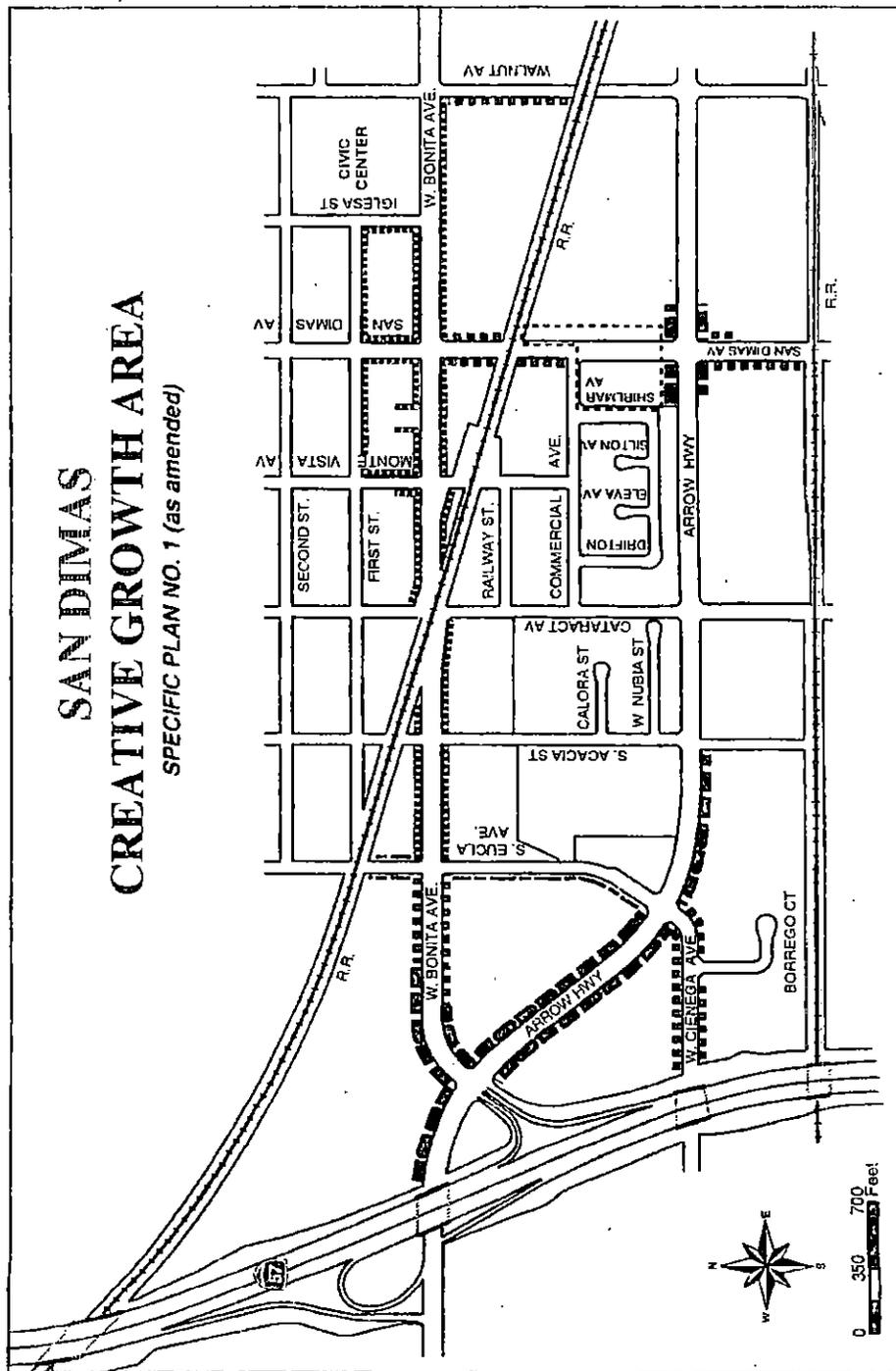
SPECIFIC PLAN NO. 1 (as amended)



- Legend**
- 25-foot Setback
 - 10-foot Setback
 - 15-foot Setback
 - Zero Setback
 - To be determined by City Council

EXHIBIT B - SETBACKS

SAN DIMAS CREATIVE GROWTH AREA SPECIFIC PLAN NO. 1 (as amended)



- Legend**
- 25-foot Setback
 - 10-foot Setback
 - 15-foot Setback
 - 0-foot Setback
 - To be determined by City Council

EXHIBIT B - SETBACKS

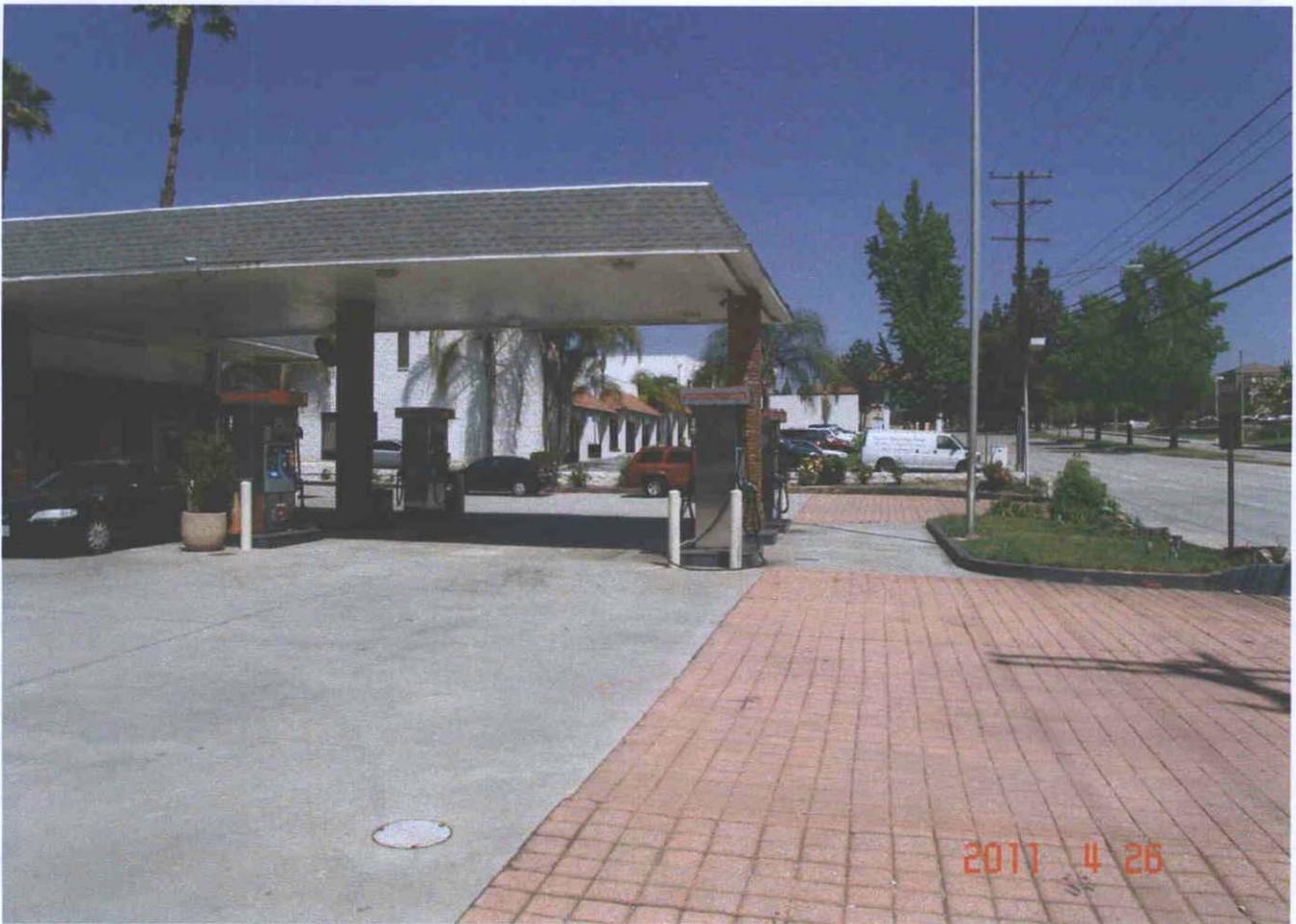


EXHIBIT C



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EXHIBIT C



EXHIBIT C

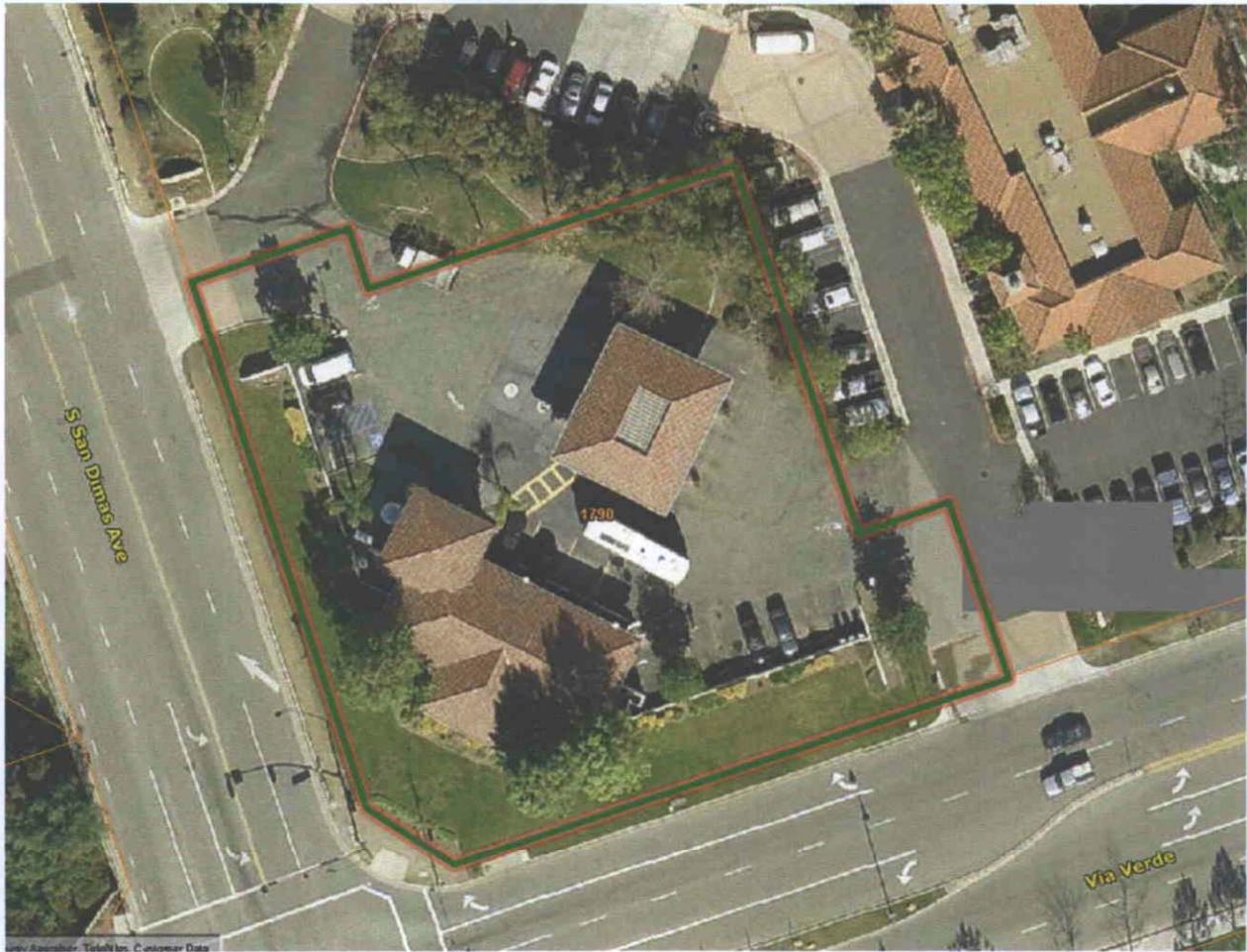


EXHIBIT C



Subject Site – Affected by the proposed code text amendment.
One of the two gas stations within the Creative Growth, Area 3 zone.

One of the two gas stations within the Creative Growth, Area 3 zone.
Proposed code text amendment does not affect this site.



Example of reverse/turn around service station – 1790 San Dimas Avenue



Mayor Pro Tem Templeman stated he is not happy with the service from the Humane Society in handling a serious problem with a neighbor's numerous cats. However, he will vote in favor of staff's recommendation.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to approve the new three year agreement with the Inland Valley Humane Society for continued animal shelter and animal control services. The motion carried unanimously.

8. PLANNING/DEVELOPMENT MATTERS

- a. Consideration of request to initiate Municipal Code Text Amendment (MCTA 10-06). A request to modify portions of Code Section 18.140.090(C)(4)(a)(iv) within the Creative Growth Zone to allow for a street facing gas station design and not the City's reverse/turn around design required by Code.

Associate Planner Espinoza presented a request for a major remodel of the service station at 105 E. Arrow Highway and advised that staff notified the applicant that the proposed layout did not meet the reverse/turn around service station design as required by the Municipal Code. The applicant subsequently submitted a proposal to initiate a code amendment to allow an exception to the reverse/turn around station design when a drain facility and/or easements interfere with the siting of the proposed building. Planner Espinoza said the subject site is adjacent to the Grove Station and across the street to the east of the vacant property at Commercial and San Dimas Avenue, all of which are located within the Creative Growth, Area 3 zone. Staff is working with developers of the Grove Station and the vacant lot, and said consideration should be given to processing all code text amendments for this zone at one time. Staff recommends the city Council deny the applicant's request for a municipal code text amendment and to direct staff to bring back the other two code text amendments as one when all applicants are ready to proceed.

Planner Espinoza responded to specific questions and compared the traffic safety issues with a street facing gas station design versus the reverse/turn around design required by Code.

In response to Mayor Morris, Planner Espinoza stated that once an analysis of the overall project is completed, it may be determined that a variance is not warranted because the applicant has the opportunity to build an appropriate station for the site.

In response to Councilmember Badar, Planner Espinoza replied that the applicant is proposing to increase the size of the existing gas station and associated convenience store from 1500 square feet to a total of 3750 square feet.

Mayor Morris stated that zoning applies equally to all properties with similar uses within a specific area and he expressed concern that the proposal requests a change to the code to accommodate one specific project with a storm drain easement that runs through the property.

Councilmember Ebner stated that no other property meets that particular requirement and a Variance concept would work for this property.

In response to Councilmember Ebner, Assistant City Manager Stevens explained that a Variance is a special consideration that determines that the standards in the Code discriminate against reasonable and fair use of the property, and that it is a unique circumstance that warrants that type of consideration. He said typically a Variance is not based upon economic hardship unless all value is taken away from the property by virtue of how the Ordinance is written. He stated that the gas station is the current use, and the applicant would like to redesign the existing use, however, the zoning code allows other uses of the property, which may or may not have a different economic benefit or value to the property owner. He said the question before the City Council is whether or not there are enough changed circumstances to merit a public hearing to consider amending the Code.

Mayor Pro Tem Templeman expressed concern with the aesthetics of the project and whether or not it would benefit the overall neighborhood. It did not matter to him that the gas station was a street facing design or reverse/turn around design.

Councilmember Bertone inquired if it was appropriate for the City Council to revoke the permit to sell alcohol.

Assistant City Manager Stevens replied that the Conditional Use Permit applies to the land, not necessarily the use. He stated that depending on how the land changes, the applicant may require a new use permit for alcohol.

Chris Klingerman, representing the owner operator of the subject gas station, pointed out the numerous levels the reverse/turnaround design is problematic, including the small size of the property and the prohibitive cost to relocate underground tanks and above ground pumps to meet environmental regulations. He said the owner is proposing to build a traditional front-facing, architecturally historic design that will complement the Grove Station, including a new canopy over the pumps, architecturally complimentary screening wall, and a take-out Indian vegetarian food restaurant. He said the project can only move forward with a code amendment due to the underground storm drain that prevents development over 25% of the property. He asked the City Council to weigh the benefits and approve a code amendment for this project.

Hari Alipuria, owner, Gas Station, 105 East Arrow Highway, said the project would not only aesthetically complement the Grove Station, but would create new jobs for residents, and the 24-hour operation would provide security to the area. He would appreciate anything the City Council can do to move this project forward.

In response to Council, Mr. Klingerman replied that the design, which will look like part of the Grove Station strip, is flexible, and has adequate parking of 21 spaces, however, there are minimum size requirements for a Circle K franchise.

Assistant City Manager Stevens pointed out that while the gas station and an accessory snack shop, which is limited to a maximum of 300 square feet, were permitted under the Conditional Use Permit, the convenience store was not permitted. If the City Council is going to consider making a code amendment, consideration should be given as to whether a convenience store component should be re-evaluated.

Planner Espinoza added that under the Conditional Use Permit, convenience stores allow the sale of beer and wine, which is not permitted in other gas stations.

In response to Councilmember Bertone, Mr. Stevens replied that the increase in size and bringing in a Circle K would trigger a complete review of the Conditional Use Permit.

Assistant City Manager Stevens said 1) the City Council can go forward with the public hearing and if the proposal has merit, a code amendment may be approved; 2) the threshold for approving a Variance is significantly more difficult than for a code amendment.

In response to Council, Mr. Stevens replied that the conversion to a Circle K with gas pumps is not permitted in the zone until a code amendment is approved. A convenience store opportunity is subject to renovation of the entire site with a reverse/turn around design. It is within the purview of the City Council to change the zone to accommodate any use.

Mayor Pro Tem Templeman said he can get past the issue of a reverse/turn around gas station with the understanding that the architecture, landscaping, and screening are critical for that corner.

Councilmember Ebner said a reverse/turn around gas station design is not necessarily more attractive and he is generally supportive of the proposal, with the caveat that the process go through staff's evaluation.

Councilmember Badar said an opportunity was presented to remodel a blighted corner and he is willing to go through the process to move the project forward.

Mayor Morris said there is consensus of the majority to direct staff to work with the applicant to identify an appropriate methodology for a traditional front-facing gas station.

It was moved by Councilmember Badar, seconded by Councilmember Ebner, to direct staff to work with the applicant to evaluate reasonable and appropriate site designs for a code amendment process simultaneously with a development application. The motion carried 4-1; Councilmember Bertone opposed.

Mr. Stevens added that because there are potentially several modifications to Area 3a of the Creative Growth zone, staff will do their best to process all code text amendments for this zone at one time, with the understanding that it is not constrained to only a reverse/turn around design.

9. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 9:19 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 9:28 p.m..

10. ORAL COMMUNICATIONS

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

No one came forward to comment.

- b. City Manager

- 1) Update on HEROES Veterans Memorial. Review the elements of an agreement related to the construction of the project and maintenance responsibilities.

City Manager Michaelis provided a summary of the June 6th meeting with the HEROES to review the results of the City's plan check of Phase 1 of the Veterans Memorial project, follow-up of key point items, and a time table necessary to accommodate a July 1st start of construction date. Mr. Michaelis also reviewed elements of a draft Agreement regarding the project and maintenance responsibilities of the HEROES and said staff does not want final approval of the Agreement to delay the issuance of building permits. Staff recommended that the City Council authorize staff to proceed with the concepts of the Agreement.

Mayor Morris expressed concern with maintaining the compliance of ADA with the use of decomposed granite versus concrete for the handicap accessible path.

Assistant City Manager Stevens stated that decomposed granite (DG) can be an accessible path provided it is constructed in an appropriate manner. He added that DG is subject to weatherization and more difficult to maintain and because the path will be kept accessible all the time, the HEROES was asked to consider going to concrete.

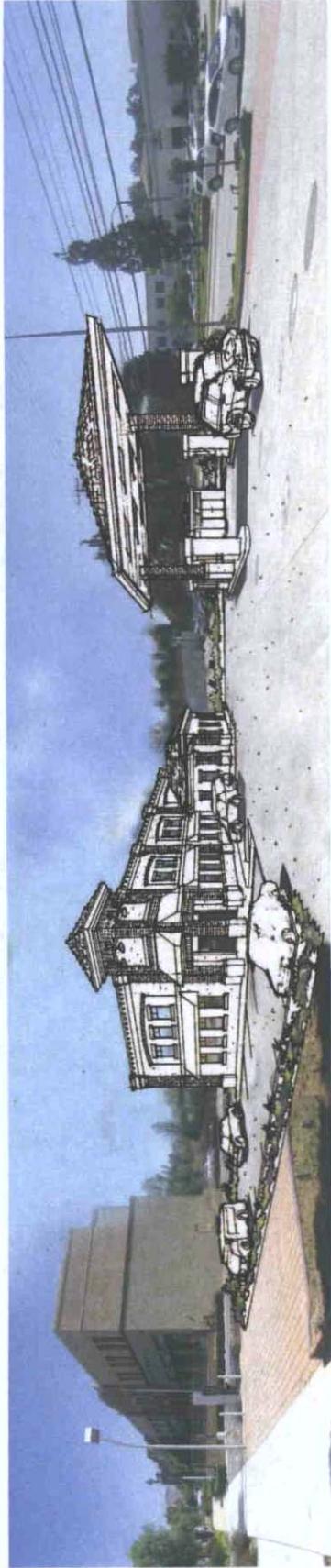


ELEVATION ALONG ARROW HIGHWAY

105 E. ARROW HWY.,
SAN DIMAS, CA 91773

A

EXHIBIT G



105 E. ARROW HWY
 SAN DIMAS, CA 91773

VIEW ALONG SAN DIMAS AVENUE



FRONT ELEVATION



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of December 13, 2011

FROM: Blaine Michaelis, City Manager

BY: Kristi Grabow, Associate Planner

SUBJECT: **Appeal of Decision of the Development Plan Review Board on DPRB Case No. 11-46:** A request to allow a professional office use to be located on the ground floor within the Frontier Village area at 100 North San Dimas Avenue. (APN: 8387-009-038)

SUMMARY

DPRB Case No. 11-46 is a request to allow a professional office on the ground floor level within the Frontier Village area (CG-2). This request was reviewed by the Development Plan Review Board on November 22, 2011 and the motion to approve failed at a vote of 3-3-0-1 (Bratt, Dilley and Michaelis Yes, Coleman, Patel and Sorcinelli No and Badar Abstain).

Staff recommends City Council upholds the appeal and approve the ground floor approval of the office use at 100 North San Dimas Avenue.

BACKGROUND:

The subject property is located at 100 North San Dimas Avenue in the Creative Growth, Area 2 (Frontier Village) Zone. The intent and purpose of the Creative Growth Area 2 Zone 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 larger sections of the city.

The applicant submitted a request to locate a professional office that provides services such as: taxes, real estate, lending, bookkeeping and general clerical. The applicant previously worked for Police Tax, which is located just east of the subject site. The 600 square-foot floor proposed office will be open approximately 3 to 4 days a week during the daytime hours. During tax season (January 15th – April 15th), business will be conducted by appointment basis for the majority of the time; however, the applicant would be open to walk-in customers. Currently,

5.2

the applicant does not have any employees, but there would be potential to hire 2-3 independent tax accountants to help during the beginning of the year. The applicant, however, states that there will only be one tax accountant in the office at any time.

The previous use at this location was a salon, which occupied that location when the center was constructed (1981) and just recently left. Their business license is still active for that location. A salon use is permitted within the CG-2 zone.

The parking lot that would be occupied by the applicant is also shared with Top Thai Restaurant, Mina Tree Signs office (does not have a business license), and Platform Salon. During lunch and dinner hours, the parking lot is typically full with restaurant customers. Fortunately, the property is located within the parking district, which does not require applicants to provide parking; however, the nearest public parking lot is approximately 200 feet away from the property line. This could be a concern for any potential retail or restaurant use since there is more of a parking demand than for an office use.

DEVELOPMENT PLAN REVIEW BOARD:

This request was presented and reviewed at the Development Plan Review Board meeting on November 22, 2011. One concern that was brought up by the Board was the lack of parking; however, this location is within a parking district so it can utilize the public parking lots nearby. The main concern made by the Board was there is not enough retail businesses in the downtown area and allowing this office use will eliminate the opportunity for a retail use at this location and in the Frontier Village area. It was noted that there are vacant second floor spaces available for office uses. Some of the Board members felt that it would be more appropriate for the owner of the building to remodel it to be more functional for retailers. It was expressed that the City should promote more retail uses in the downtown area to encourage more people to the area. The motion to approve the request failed at a 3-3-0-1 vote (Badar abstained).

The applicant and property owner submitted an appeal request on November 28, 2011. Both individuals submitted letters with reasons on why they think the City Council should reverse the decision of the DPRB.

ANALYSIS:

Professional, administrative and sales offices are permitted, provided they are not located on the ground floor of any structure unless approved by the Development Plan Review Board. In previous requests, the DPRB has allowed non-retail uses that were deemed to increase the daytime population or where the space was not considered viable for retail use. Since 1990, there have been 13 office uses permitted, while four recent requests have been denied.

In 2009, there was a request to occupy a 1,200 sq.ft. tenant space at 120 E. Bonita Avenue for a proposed real estate office and it was denied due to the space previously being occupied by a retail use. The tenant space had good visibility from a public parking lot and storefront style windows. Also in 2009, the DPRB approved a request for an office use due to the conclusion that the tenant space lacked a store front appearance, it was only 1,000 sq.ft., the interior layout was divided into nine rooms, and historically it was used as an office.

In order to recommend approval, the Development Plan Review Board must make the following findings set forth in Section 18.192.040:

- A. *That the subject use and its operation is consistent with the goals and objectives of the general plan;*

The general plan designation for this property is Commercial. Although the proposed use does not typically fall into a commercial category, it would be considered a service to the surrounding neighborhood. The current structure lacks a typical storefront appearance. It would be more appropriate to have an office use in the building that would attract clientele to the area.

One goal of the General Plan is to revitalize and improve downtown as a community focus. The objective of this goal is to improve downtown's image and visual environment by implementing the following policy: "Encourage office and mixed uses to increase the daytime population of downtown to support the retail and service establishments such as restaurants and other businesses in downtown". Therefore, this subject use and its operation are consistent with the general plan goals and objectives.

- B. *That the subject use and its operation is consistent with the purposes and intent of the zone in which the use is proposed to be located;*

The proposed location for the office use is located within the Creative Growth Area 2 (Frontier Village) Zone. "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." The proposed office use could be discussed as a service business since part of the proposal includes tax and real estate services, which is a need for neighboring residents.

- C. *That the subject use and its operation is a compatible use in all areas of the city where the zoning is applied;*

The proposed use and operation is compatible with nearby uses within the same zone. Office use on the ground floor is a permitted use with the approval of the Development Plan Review Board and the use would increase the daytime population in the immediate area.

- D. That the subject use is similar to one or more uses permitted in the zone within which it is proposed to be located. A use shall be deemed to be similar only where the size, scale, design and impact of the uses are comparable. A use shall not be deemed to be similar when the operation of the use involves greater impacts in terms of traffic, parking, noise, glare, odor, refuse or other environmental considerations; generates greater demand for public services; does not have comparable hours of operation; is significantly more intensive in the number of employees, patrons and other users of the facility; and is not complementary to other uses in the zone;*

The proposed use is similar to the uses permitted within the CG-2 Zone in size, scale, design and impact of the surrounding area. Office use is a permitted use within CG-2; however, limited to the second floor of buildings unless permitted by the Development Plan Review Board. The proposed use will not involve greater impacts in terms of traffic, parking, noise, glare, odor, refuse or other environmental considerations.

- E. That the subject use and its operation will not adversely affect other permitted uses in the zone within which the use is proposed to be located;*

The proposed use will not affect nearby permitted uses within the zone. In fact, the parking regulation for an office use is less than a retail space; however, the property is located within the parking district so there is no specific parking requirement. The general functions of an office use are less than the retail use and will be limited in the amount of people based on the business proposal.

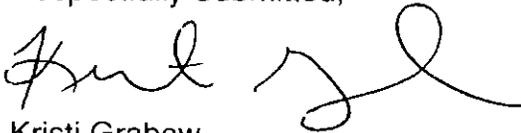
- F. That the subject use will be so designed, located and operated that the public health, safety and general welfare will be protected. (Ord. 1170 § 2 (part), 2007: Ord. 722 § 1 (part), 1980: Ord. 276 § 2 (part), 1970: Ord. 37 § 500.03, 1961)*

The proposed use will comply with the zoning regulation and any modification to the proposed site will comply with all development and building standards in order to protect the health, safety and general welfare of the public.

RECOMMENDATION:

Staff recommends approval of the request for an office use on the ground floor due to the fact that the architectural design of the structure does not appear to be like a retail center and the size of the tenant space would significantly limit the amount of retail opportunity. Therefore, Staff recommends that the City Council uphold the appeal and approve DPRB Case No. 11-46.

Respectfully Submitted,



Kristi Grabow
Associate Planner

Attachments:

- Appendix A – General Information
- Exhibit A- Subject Site & Photos of Subject Site
- Exhibit B - Office Uses in CG-2 Since 1990
- Exhibit C - Business Proposal from Applicant
- Exhibit D - Letter from Applicant
- Exhibit E - Site Plan
- Exhibit F – Floorplan
- Exhibit G – Draft DPRB Minutes from November 22, 2011
- Exhibit H –Appeal Request Letters from Applicant and Property Owner

RESOLUTION NO. 2011-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS UPHOLDING THE APPEAL OF DPRB CASE NO. 11-46, A REQUEST TO ALLOW A PROFESSIONAL OFFICE USE TO BE LOCATED ON THE GROUND FLOOR WITHIN THE FRONTIER VILLAGE AREA AT 100 NORTH SAN DIMAS AVENUE (APN: 8387-009-038)

WHEREAS, an appeal was filed for DPRB Case No. 11-46 by:

Angela Jakum
P.O. Box 41328
Long Beach, CA 90853

WHEREAS, the Appeal of DPRB Case No. 11-46 is described as:

Appeal of Decision of the Development Plan Review Board on DPRB Case No. 11-46, a request to allow a professional office use to be located on the ground floor within the Frontier Village area.

WHEREAS, the Appeal of DPRB Case No. 11-46 applies to the following described real property:

100 North San Dimas Avenue (APN: 8387-009-038)

WHEREAS, the City Council has received the report and recommendation of such agencies as have submitted information including the written report and recommendation of Staff; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on December 13, 2011 at the hour of 7:00 p.m., with all testimony received being made a part of the public record.

NOW, THEREFORE, in consideration of the evidence received at the City Council meeting, and for the reasons discussed by the City Council at their meeting, and subject to the appellant's appeal letter within the attached Staff report as "Exhibit A", the City Council now finds that approval of DPRB Case No.11-46, a request to allow a professional office to be located on the ground floor within the Frontier Village area at 100 North San Dimas Avenue, is in accordance with the purpose and intent of Creative Growth Area 2 Zone. Pursuant to San Dimas Zoning Code Section 18.192.040 in approving an office use on the ground floor of any structure within Creative Growth Area 2 Zone, the following findings need to be made:

- A. *That the subject use and its operation is consistent with the goals and objectives of the general plan;*

The general plan designation for this property is Commercial. Although the proposed use does not typically fall into a commercial category, it would be considered a service to the surrounding neighborhood. The current structure lacks a typical storefront appearance. It would be more appropriate to have an office use in the building that would attract clientele to the area.

One goal of the General Plan is to revitalize and improve downtown as a community focus. The objective of this goal is to improve downtown's image and visual environment by implementing the following policy: "Encourage office and mixed uses to increase the daytime population of downtown to support the retail and service establishments such as restaurants and other businesses in downtown". Therefore, this subject use and its operation are consistent with the general plan goals and objectives.

- B. *That the subject use and its operation is consistent with the purposes and intent of the zone in which the use is proposed to be located;*

The proposed location for the office use is located within the Creative Growth Area 2 (Frontier Village) Zone. "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." The proposed office use could be discussed as a service business since part of the proposal includes tax and real estate services, which is a need for neighboring residents.

- C. *That the subject use and its operation is a compatible use in all areas of the city where the zoning is applied;*

The proposed use and operation is compatible with nearby uses within the same zone. Office use on the ground floor is a permitted use with the approval of the Development Plan Review Board and the use would increase the daytime population in the immediate area.

- D. *That the subject use is similar to one or more uses permitted in the zone within which it is proposed to be located. A use shall be deemed to be similar only where the size, scale, design and impact of the uses are comparable. A use shall not be deemed to be*

similar when the operation of the use involves greater impacts in terms of traffic, parking, noise, glare, odor, refuse or other environmental considerations; generates greater demand for public services; does not have comparable hours of operation; is significantly more intensive in the number of employees, patrons and other users of the facility; and is not complementary to other uses in the zone;

The proposed use is similar to the uses permitted within the CG-2 Zone in size, scale, design and impact of the surrounding area. Office use is a permitted use within CG-2; however, limited to the second floor of buildings unless permitted by the Development Plan Review Board. The proposed use will not involve greater impacts in terms of traffic, parking, noise, glare, odor, refuse or other environmental considerations.

- E. *That the subject use and its operation will not adversely affect other permitted uses in the zone within which the use is proposed to be located;*

The proposed use will not affect nearby permitted uses within the zone. In fact, the parking regulation for an office use is less than a retail space; however, the property is located within the parking district so there is no specific parking requirement. The general functions of an office use are less than the retail use and will be limited in the amount of people based on the business proposal.

- F. *That the subject use will be so designed, located and operated that the public health, safety and general welfare will be protected. (Ord. 1170 § 2 (part), 2007: Ord. 722 § 1 (part), 1980: Ord. 276 § 2 (part), 1970: Ord. 37 § 500.03, 1961)*

The proposed use will comply with the zoning regulation and any modification to the proposed site will comply with all development and building standards in order to protect the health, safety and general welfare of the public.

PURSUANT TO STAFF'S RESPONSE TO THE APPELLANT'S APPEAL LETTER WITHIN THE STAFF REPORT, IT IS RESOLVED that the City Council hereby upholds the appeal of Development Plan Review Board Case No. 11-46. A copy of this Resolution shall be mailed to the applicant.

The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF DECEMBER 2011.

Curt Morris, Mayor of the City of San Dimas

Ina Rios, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Resolution No. 2011-57 was passed and adopted at the regular meeting of the City Council held on the 12th day of September 2011, by the following vote-to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

CONDITIONS OF APPROVAL

DPRB CASE NO. 11-46

1. This is approval for a 600 square foot professional office that provides services such as taxes, real estate, lending, bookkeeping and general clerical to be located at 100 North San Dimas Avenue.
2. All modifications of the existing building shall comply with all the requirements of Creative Growth zone, Area 2.
3. Any sign proposal shall comply with Chapter 18.152 Sign Ordinance and shall be reviewed and approved subject to Chapter 18.12 the Development Plan Review Ordinance.
4. The applicant shall obtain a city business license for operation and pay all required business license fees within 14 days from the date of DPRB approval.
5. Change of the office use from the current business operator to a new or different business operator at this location may be subject to Development Plan Review Board's review and approval.
6. The above conditions are final unless appealed to the City Council within 14 days of issuance of the conditions in accordance with Chapter 18.212 of the San Dimas Zoning Code.

APPENDIX A

GENERAL INFORMATION

Project: To allow a professional office use to be located on the ground floor within the Frontier Village area.

Applicant: Angela Jakum

Location: 100 N. San Dimas Avenue

General Plan: Commercial

Surrounding
Land Use and Zoning: North: Public, CG-2 Zone
South: Commercial, CG-2 Zone
East: Commercial, CG-2 Zone
West: Commercial, CG-2 Zone

EXHIBIT A VICINITY MAP



PHOTOS OF SUBJECT SITE



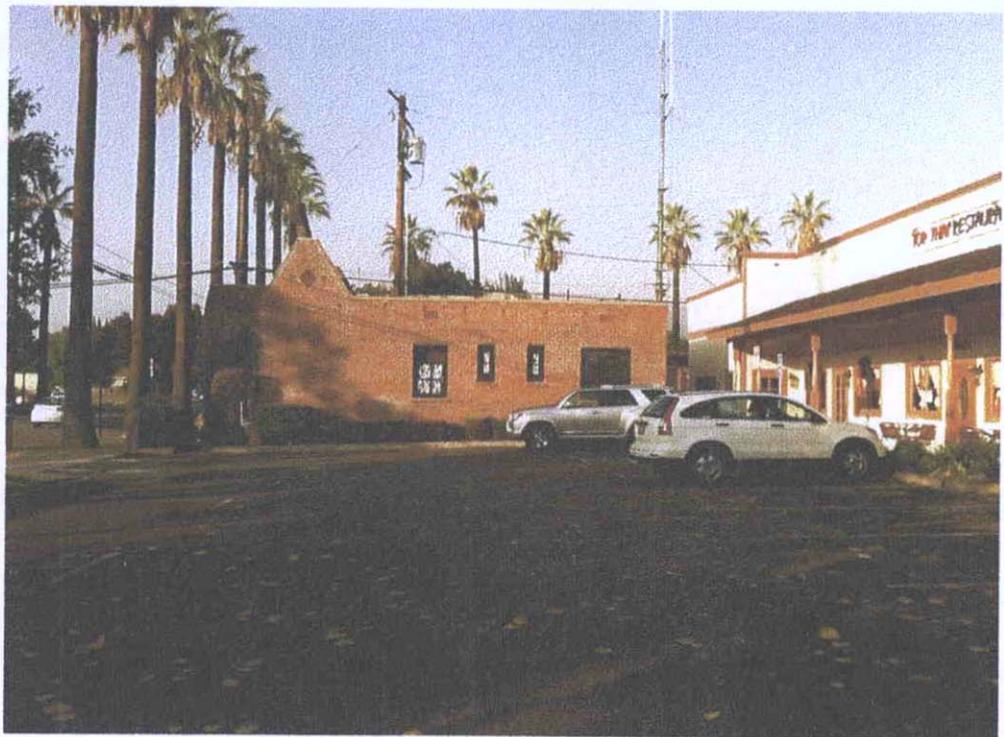


EXHIBIT B

DPRB Case	Address	Use	Date & Action
90-121	149 E. Bonita Avenue	Physical therapy office	10/25/90 Approved by DPRB
91-63	120 W. Bonita Avenue	Optometry office	6/12/91 Approved by DPRB; Appealed by City Council 6/25/91
91-87	120 W. Bonita Avenue #J	Real estate office	7/11/91 Approved by DPRB; Confirmed by City Council
92-32	151 W. Bonita Avenue	Dairy wholesale office	4/23/92 Approved by DPRB
93-20	151 W. Bonita Avenue	Escrow office	4/8/93 Approved by DPRB
94-42	229 W. Bonita Avenue	Real estate office	10/10/94 Approved by DPRB
01-05	225 W. Bonita Avenue	Engineering office	2/8/01 Approved by DPRB
02-50	107 Exchange Place	Private investigator	7/25/02 Approved by DPRB
02-64	143 E. Bonita Avenue	Accounting office	11/14/02 Approved by DPRB (space too small for space - 450sq.ft.)
02-55	442 W. Bonita Avenue	Real estate office	02/27/02 Approved by DPRB (use consistent with zoning)
03-84	225 W. Bonita Avenue	Risk management office	1/8/04 Approved by DPRB (prior use was an en dustrial)
05-21	149 E. Bonita Avenue	Admin office for ambulance company	3/10/05 Denied by DPRB; Appealed by applica withdrawn.
05-23	133 E. Bonita Avenue	Insurance company	3/10/05 Denied by DPRB; Appealed by applica Council on 4/26/05.
06-08	129-131 W. Bonita Avenue	Law office	2/9/06 Denied by DPRB and denied by City Cou Council
09-01	149 E. Bonita Avenue	Chiropractic office	1/22/09 Approved by DPRB with the following minimum of ten percent (270 square feet) of th be restricted to retail use, and the windows or shall be clear and free of any obstruction (i.e., signage, walls, window coverings, etc.).
09-22	120 W. Bonita Avenue	Real estate office	6/11/09 Denied due to the space previously be retail (1200 sq.ft.)
09-27	121 E. Bonita Avenue	Tax office	8/13/09 Approved by DPRB based on these find front, 1000 sq.ft. space - not viable retail space divided into 9 rooms, and historically an office

10/11/11

To the City of San Dimas & Whoever it may concern,

Re: Business Proposal for 100 San Dimas Ave

100 San Dimas Ave will be used for professional office use only. Taxes, Real Estate, Lending, Bookkeeping and clerical use. The office will be used approximately 3 to 4 days a week from 1/15 to 4/15 every year and by occasionally throughout the year. The days of the week will vary every week. One weekend day and 2 or 3 days during the week. Hours of operation will vary also although it will be primarily open during daytime hours. Appointments are by appointment 4/15 through 1/15 and primarily by appointment during tax season although I won't kick a walk in out the door!!

I have no employees at this time. There will be a couple of independent contractors who will service my clients based upon need. These contractors will be working out of this location much less than the above proposed hours. They all have home offices and offices in other cities also.

The parking impact should be much less than the previous hair salon. Appointments are hourly. I have no plans to make a "dozen cubicles" and employ 12 tax accountants like an H & R Block type place. There will only be one tax accountant there at a time and currently that is only me! Plus, as Kristi established, it is part of the parking district that allows the use of the public parking lot.

I have attached the tentative layout for the office.

Thank you,
Angie Jakum

EXHIBIT C

Angela Jakum
PO Box 41328
Long Beach, CA 90853
Cell. 626.664.7606
Fax. 562. 684. 4279
angelajakum@earthlink.net

9/30/11

To the City of San Dimas & Whoever it may concern,

We are requesting an exception to the Frontier Village zoning to allow 100 San Dimas Ave to be a tax office for professional use. There are several reasons why this zone exception is in the City's best interest.

1. In these rough economic times, we can't afford to allow building owners the inability to rent their spaces to professional, hard working, honest & trustworthy tenants. Inflexibility could create a detrimental situation to the building owners and ultimately San Dimas. There are already several surrounding cities that have many abandoned commercial properties due to vacancy and the inability to sell their buildings due to real estate values. In the area that is called "Frontier Village" there are currently at least 7 long term vacant spaces on the first floor and a dozen or more vacant 2nd floor spaces.
2. Times have changed. Small businesses are closing their doors every day. Retail itself has turned to "Big Box" stores & the internet for their shopping needs. This has resulted in making it almost impossible for a mom & pop boutique to compete anymore. There are several huge shopping centers with multiple Big Box stores in close proximity to Frontier Village. Businesses that result from a "need", such as having to get your taxes done, have a much stronger chance of making it in this economy.
3. 100 San Dimas Ave really isn't located in Frontier Village. I realize that is not how zoning currently defines the parameters of Frontier Village, but technically Frontier Village's charm ends at San Dimas Ave. A majority of the businesses North of San Dimas Ave in fact already are professional offices.
4. The parking impact by having an office there would be positive. Top Thai has a huge draw to that parking lot already. A tax office is primarily during the day, and is seasonal. There would be less of a parking impact for the tax office than the previous hair salon.

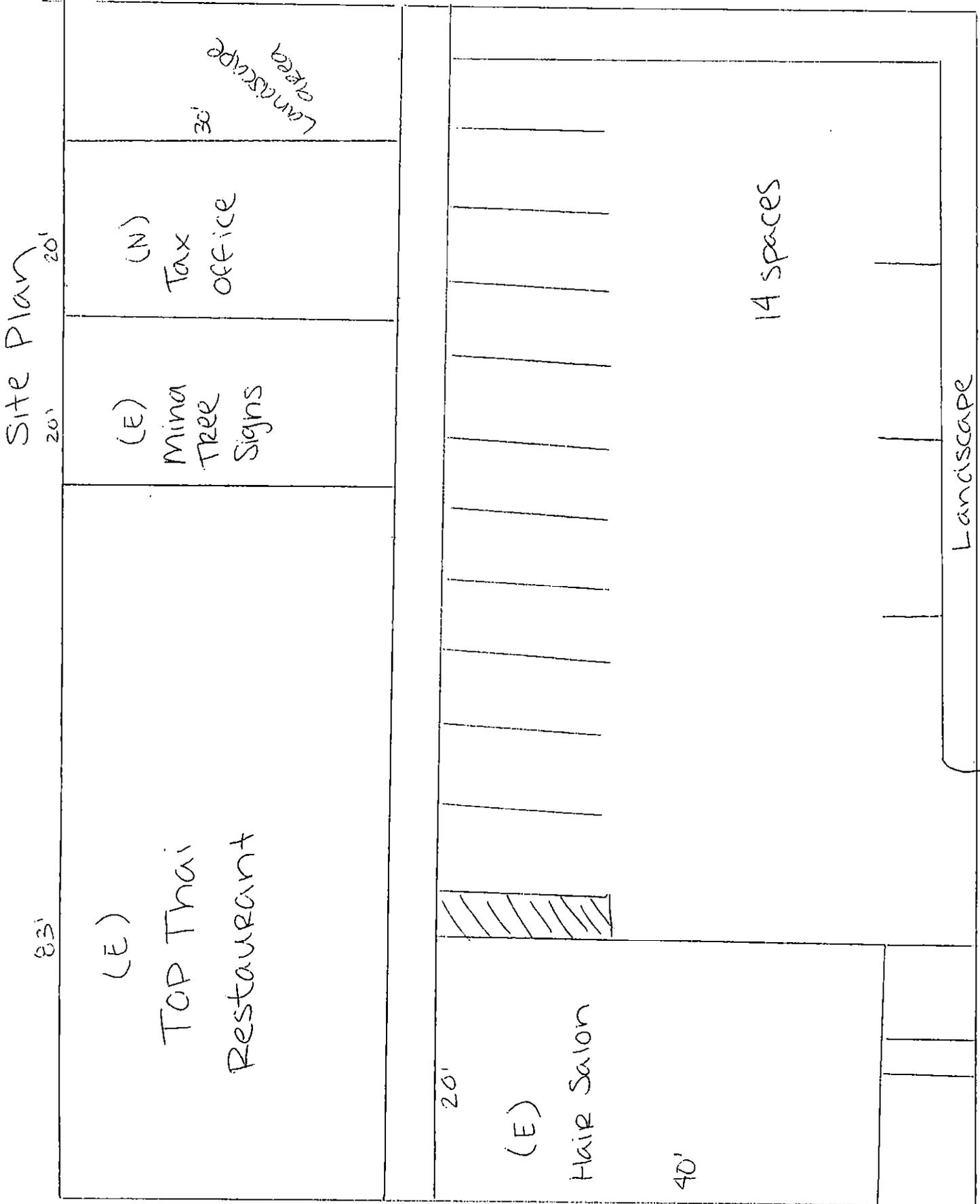
Thank you very much for your serious consideration of this matter. I look forward to doing business in San Dimas for years to come.

Sincerely,

Angela Jakum
The Tax Offices

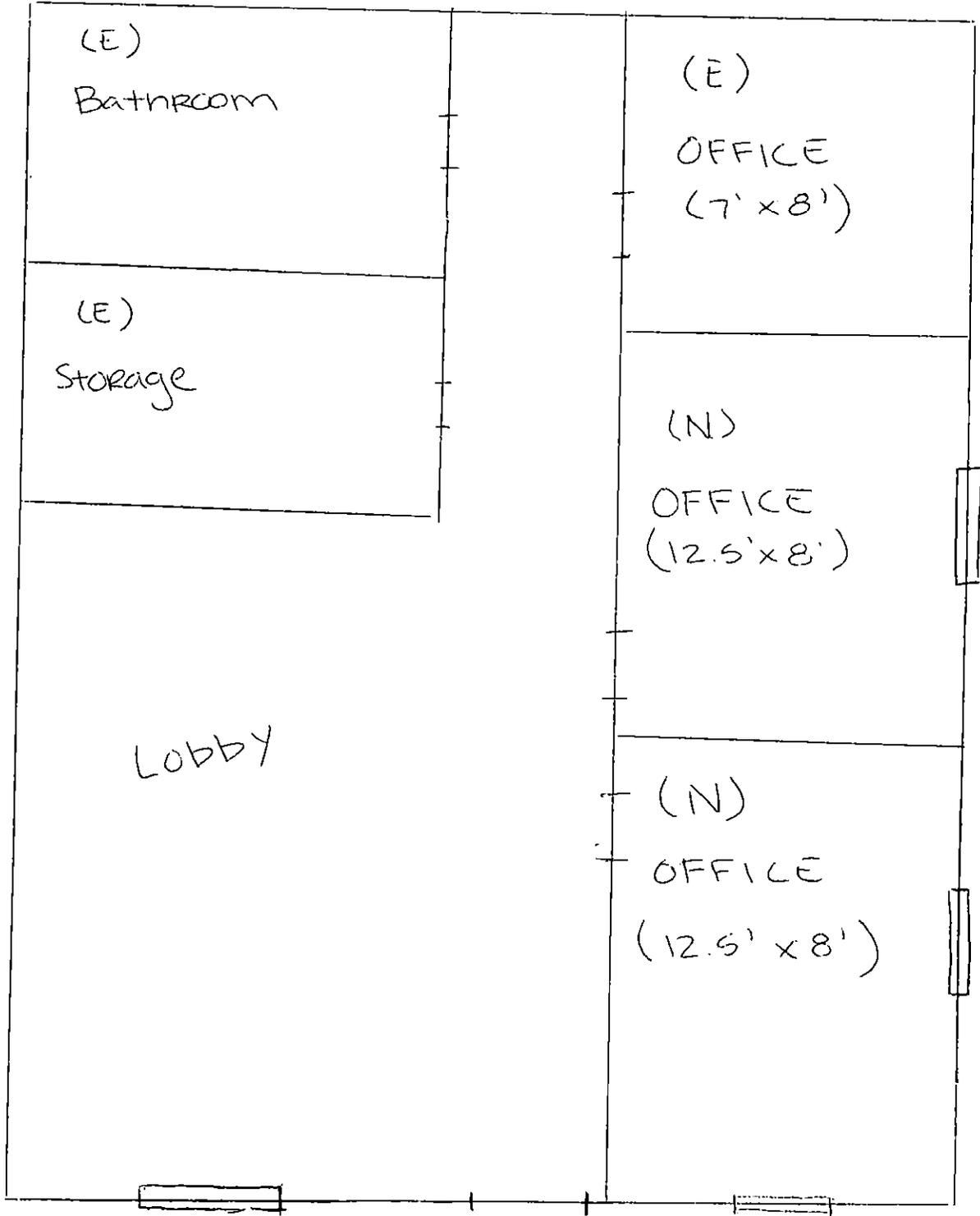
EXHIBIT D

Site Plan Bonita Avenue



San Dimas Avenue

EXHIBIT E



Floor Plan

EXHIBIT F

600
Total size: 20' x 30'

Mr. Bratt pointed out that the undeveloped property is where it has been agreed a driveway will be built and asked if it will be done soon.

Associate Planner Espinoza replied yes and added that the property owners told the City they wanted something simple.

Mr. Patel asked what Condition of Approval triggers that.

Associate Planner Espinoza replied Condition No. 24 which states that the developer shall legally vacate the existing 10-foot wide access easement, with consent of the property owner at 1353 W Arrow Hwy, prior to the issuance of grading or building permits. Also, the developer shall provide a new solid driveway for access.

MOTION: Moved by John Sorcinelli, seconded by Krishna Patel to approve with standard conditions.

Motion carried 7-0

DPRB Case No. 11-46

A request to allow a professional office use to be located on the ground floor within the Frontier Village area at 100 North San Dimas Avenue.

APN: 8387-009-038

Zone: Creative Grown (CG-2)

Angela Jakum, applicant, was present
Georgia Valaskatjis, property owner, was present

Associate Planner Grabow stated that the request is to establish a new office use on the ground floor. The building is located within the Creative Growth; Area 2 Zone in the General Plan designation is commercial. The applicant would like to open a business that provides: taxes, real estate, lending, bookkeeping, and general clerical. The office will be opened 3 to 4 days a week during the daytime. During tax season, January 15 – April 15, the business will operate by appointment basis; however, open to walk-in customers. There are currently no employees but potential to hire 2-3 independent tax accountants to help during the beginning of the year but there will only be one tax accountant in the office at a time. The previous business to occupy this location was a salon. The parking lot occupied by the applicant is also shared with other businesses (restaurant, salon and office). During the lunch and dinner hours, the parking lot is typically full with restaurant customers. She pointed out that there are no parking requirements because it is located in a parking district which has parking lot approximately 200 feet away from the property line which could be a concern for any potential retailer or restaurant use. The outstanding issue is that professional and administrative offices are permitted in the downtown area but not on the ground floor of any structure unless approved by the Board. She added since 1990, there has been 13 office uses permitted and 4 requests denied. She added that Staff has made the required findings for approval; therefore, recommends approval.

Mr. Michaelis asked about the layout of the business.

Associate Planner Grabow responded that currently there is one office, lobby, one storage room and one bathroom and if approved, it will go through the building permit process so that there will be 2 additional office spaces.

Mr. Badar asked how many people will be working during tax season.

Associate Planner Grabow responded two to three employees at the location and during office hours only one employee will be there with clients.

Mr. Badar expressed his concern with the parking and stated that there is not much available even for three to four employees. He noted that if this item is approved, the manager/owner will need to persuade employees to use the public parking lots.

Angela Jakum, applicant, agreed with parking situation and added that she agreed that her employee's will park in the public parking lot so that there are more available parking spots at the store front for business patrons.

Mr. Badar asked if Staff has heard from any potential buyers in regards to having opening up a business at this location. He commented that this item will end up in front of City Council if denied.

Associate Planner Grabow stated that she did not hear any comments from the public and added neighbor notifications were sent out to surrounding properties.

Mr. Bratt commented that the entire center is awkward due to its parking limitations.

Mr. Sorcinelli commented that there are not enough retail businesses in the area and decided that this is not a use he will support. He added that a retail use will bring a lot more activity and pointed out that there are other areas within the City that this type of use would fit very well at. He pointed out that there are vacant office spaces available on the second floor in the Downtown area.

Gloria Valakatjis, property owner, explained that the only type potential tenants calling for this location have been for real estate and office uses and not retail businesses. She added that during these difficult financial times, a new tenant for a landlord and job opportunities for employees seems like fortunate opportunity.

Mr. Sorcinelli commented that retail business need to be promoted.

Associate Planner Grabow pointed out a goal in the General Plan is to revitalize and improve downtown as a community focus by incorporating the objective to encourage office and mixed uses to increase day time population of downtown to support the retail and service establishment such as restaurants and other business in downtown and emphasized this type of business falls under that.

Mr. Sorcinelli stated that by approving this project, Staff will be chipping away at retail opportunities. He recommended that the building owner consider remodeling the building to meet the needs that are suitable for retailers.

Mr. Coleman agreed with Mr. Sorcinelli that the Downtown area is a distinct place and if this office use if approved, it will hinder retail businesses to move in.

Mr. Dilley stated that the center does not have enough parking. However it is in a parking district. This is a use that will add diversity and encouraged approval. He explained that there are other uses besides restaurants that will bring more foot traffic into the City and recommended giving this use a chance.

Mr. Sorcinelli commented that surrounding cities are making strides to bring more retail businesses into their City and added that this City should mimic that.

Ms. Valaskatjis added she respects the Board's opinion but argued that if parking is limited, why a retail business would be more favorable.

Mr. Dilley stated that this seems to be a case by case situation, which is why it has been brought to the Board and commended Staff's findings.

Mr. Patel agreed with Mr. Coleman and Mr. Sorcinelli that the City should strive for more retail businesses and emphasized that it cannot be done if retail spaces are being approved for office uses.

Mr. Badar added that he will abstain from the vote since it will be presented to City Council.

MOTION: Moved by Scott Dilley, seconded by Blaine Michaelis to approve the office use on the ground floor.

Motion failed 3-3-0-1 (Bratt, Dilley and Michaelis Yes and Coleman, Patel, and Sorcinelli No and Badar Abstain)

ADJOURNMENT

There being no further business the meeting was adjourned at 9:36 a.m. to the meeting of December 8, 2011 at 8:30 a.m.

To the City of San Dimas Council Members,

Re: Appeal of case # DPRB 11-46

Dear Council Members,

I am requesting an appeal for the approval of 100 San Dimas Ave to be a tax office based on the following reasons:

The Tax Office will bring in over 3000 people into the area annually with very little parking impact:

- I have worked and/or lived in the City of San Dimas for the past 15 years. I love San Dimas and would love to continue to do business in this City. I am an owner and operator with over 30 years experience in building and growing businesses. I plan to do the same thing for my business as I did for Police Tax. Police Tax is a tax accounting business located in San Dimas that specializes in Law Enforcement. I was extremely successful in building the business to bringing in over 3000 people to the Creative Growth 2 area to get their taxes done annually. All by appointment, with very little parking impact. Most of our clients asked where they could go to eat after getting their taxes were done and we were glad to let them know what the City has to offer them. This is exactly what the original purpose for these zoning laws was. To provide services and shopping that would allow foot traffic to neighboring businesses. My business does just that! I am 100% confident that I will be able to bring in over 3000 teachers, nurses and various other professionals into the area to shop and eat without any parking impact just as I have already proven that I can do with Police Tax.

The General Plan and zoning not only encourages my business, it ALLOWS for it!

- The City planning, zoning and General Plan DO provide for office use and services that the community needs. It is clearly stated in the General Plan and the zoning for the Creative Area 2 – Frontier Village that it is encouraged. It is not against the zoning by any means. The plan not only provides for such services, it recommends and supports it. It simply states that the board and the council get to pick and choose which services the community needs on a case by case basis. So choose my business. Everyone needs my tax services and who more to trust with your real estate needs than your tax accountant?

My business IS CONSISTENT with Zoning and the General Plan:

- Studies have proven that a City is much more successful when an area is mixed use. My business is absolutely consistent with the General Plan for the policy states, and I quote: “Encourage office and mixed uses to increase daytime population of downtown to support the retail and service establishments such as restaurants and other businesses in downtown. “ My business does exactly that. It is a mandatory service that **EVERYONE** who makes money must utilize. They will come to the area and continue to walk around and shop and eat after getting their taxes done.

100 San Dimas Ave really isn't consistent with the charm of Frontier Village:

- Originally when the recommendations for Frontier Village were put into place, it had the charm and the Western look of the old town area in mind. The planked sidewalks, music being played from outdoor speakers, Christmas decorations throughout the holidays and plenty of special unique items in mind for that area. 100 San Dimas Ave is **NOT** and **NEVER** will be part of that Old Town Charm! None of that charm exists east of San Dimas Ave. How it became part of the Frontier Village Zoning is beyond me to figure out in the first place. I believe that from where the gas station, tire Center, Starbucks, Albertsons shopping Center is and where 100 San Dimas Ave is and east of there should be given exception and always has been given exception.

The building itself is not conducive to retail shopping due to its windows, layout and parking lot.

- All of the spaces have small windows that are conducive to office space, **NOT RETAIL**. Unless or until a time when you mandate that all building owners in the area have to spend hundreds of thousands of dollars renovating their buildings to retail storefronts, 100 San Dimas should be an office. I realize that the council would prefer me to go to the second floor somewhere but there are no spaces small enough for a business such as mine. It would also prohibit my success based on the visibility of such spaces and terrible signage. I would not be successful in that environment.

My business has very little parking impact.

- There is not enough available parking for another business that could potentially have a dozen or more patrons in at the same time. My business is by appointment with very little overlap. Since I have yet to figure out how to do several clients taxes at the same time, there will be very little parking impact.

Based on all of the above, I am requesting approval of my business at 100 San Dimas Ave.

Thank you for your time and consideration,

Angela Jakum
Owner of The Tax Offices

November 28, 2011.

To Whom It May Concern,

I, Georgia Valaskantjis am the owner of the Commercial Center located at 100 North San Dimas, San Dimas. I am respectfully requesting an appeal of the board's decision to make my center a retail center and restrict me from leasing out one of my units as office space. First and foremost I would like to point out that in this decreasing economy it is extremely difficult to find tenants, especially retail tenants. The previous tenant of this unit was a Beauty Salon who defaulted on their lease as a result of decrease in business. They were six (6) months behind on their rent. I attempted to assist them as best as I could however, they became so far behind that I could no longer keep them in the unit. Upon vacating the unit we agreed to a payment plan for which they defaulted on as well and have since disappeared and I have been forced to take that lease term as a loss. The unit has been vacant for several months and I have minimal calls for potential tenants. I rarely have any calls for a retail tenant if any at all, they are primarily office tenants. There are currently two (2) tenants in my center, a restaurant which has three units combined and an office tenant. The office tenant opens its doors solely for business and does not benefit whatsoever from walking patrons in the area. It is one of our most successful tenants as a result of it being office space rather than retail. This particular tenant has been in this unit for over two decades.

This building is not designed for retail businesses. It does not have large amounts of window space, heavy foot traffic and more importantly, it does not have the necessary amount of parking space required for a retail center. Furthermore, I would like to point out the Boards' consensus with the aforementioned statement when they suggested that, "the owner should change the building appearance to be more retail," which I strongly oppose. My husband and I have owned this center for over two decades and we purchased it with the intent of it being a commercial center, not retail. Additionally, to change the center to a retail center will be extremely costly. We have always taken care of our center and have abided by all of the city rules and regulations. For years we have strived to place tenants in our units that will not only benefit our center but the surrounding community. We have placed businesses in our center that prevent loitering, violence, littering and negative solicitation.

It is unreasonable for the Board to deny my current potential office tenant, when there is no substantial, or valid, basis for a retail tenant. In a time when the entire country is struggling economically, we should work together to increase profits, create jobs and provide methods of success for the future of our communities. Without, successful tenants, we as property owners and landlords will be unable to pay for our own expenses and the city will ultimately suffer as a result. I respectfully appeal the Board's decision to deny an office tenant in my center. Restricting my center for retail exclusivity is unwarranted and premature resulting in a devastating economic loss for our city as a whole.

Respectfully,



Georgia Valaskantjis



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of September 27, 2011

FROM: Blaine Michaelis, City Manager

INITIATED BY: Ken Duran, Assistant City Manager

SUBJECT: Agreement with the University of La Verne for the Management of the City's Government and Education Access Channel.

BACKGROUND

Since January 2009 the City has contracted with the University of La Verne (ULV) to manage the City's government access channel, KWST. ULV took over the management of the channel in January 2009 under a one year Agreement for a total amount of \$57,226. The Agreement was renewed in 2010 and was also extended to June 30, 2011 for a pro-rated annual amount of \$66,526. In June 2011 and September 2011 the City Council approved three month extensions collectively to expire in December 31, 2011. The reason for the two successive three month extensions was to allow ULV to work through technical issues with the channel and to have further discussions on the terms of a longer term Agreement. Staff and ULV have negotiated a one year extension of the Agreement in the amount of \$70,000 expiring December 31, 2012.

ANALYSIS

From the beginning of the City and ULV taking over management of the channel from Time Warner there have been many challenges. Some of those included Time Warner's inability to provide a live feed to and from the ULV studio, the use of aging equipment and the relocation of the play-out and filming equipment to temporary facilities and reinstalling them back into the renovated City Hall. Over the past six months in particular there has been progress made in addressing many of the technical and operational issues. New state of the art play out equipment has been installed which provides greater flexibility and reliability. The new equipment also provides two very exciting new features, live video streaming and video on demand, both of which have recently been launched. Some other existing older equipment has also been replaced and a new audio mixer board is currently on order. All of these equipment upgrades will improve the overall quality of the programs and broadcast signal.

6.2

The Agreement with ULV provides them to manage the complete operations of the City's Government Access channel. This includes providing programming, support, technical expertise and general oversight necessary to operate and maintain the channel. The Agreement requires ULV to provide one 40 hour per week production coordinator, one 20 hour per week production assistant and a part-time station manager. Other costs associated with the operations that are included in the Agreement include office and studio rent, small equipment purchases, equipment maintenance, incidental supplies and music license fees. Major equipment purchases are the responsibility of the City outside of the Agreement.

A partial list of programs produced this past year includes all City Council meetings, resuming of the Ask the Mayor program, City Council candidates forum, State of the City address, Festival of Arts shows, Music in the Park, Western Days events – parade, rodeo, Little Miss San Dimas, high school athletic events and school musical performances. In addition ULV acquires programming from other sources such as Bonita Unified School District and the University of La Verne.

The proposed amount of the one year extension is \$70,000. This is a slight increase over the prior annual amount. As described above much of the cost is for labor. The positions that perform under the Agreement are University of La Verne employees and subject to the salary and benefits provided by the University. As those costs increase the cost of the Agreement will increase. This upcoming year the Agreement amount is proposed with only a modest increase due to taking advantage of some one time savings, in particular half of the year will be staffed by an interim station manager at a lower salary rate due to the incumbent station manager being on sabbatical.

RECOMMENDATION

Staff feels that in the past six months ULV staff has made improvements to the overall quality of the channel. Equipment has been upgraded to provide better reliability and with new capabilities. Staff also feels that the amount of the proposed extension is reasonable. Therefore, staff recommends that the City Council approve a one year extension of the existing Agreement with ULV in the amount of \$70,000.



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of December 13, 2011

FROM: Dan Coleman, Director of Development Services 

SUBJECT: INTRODUCTION OF ORDINANCE NO. 1210, AMENDING
VARIOUS PROVISIONS OF THE SAN DIMAS MUNICIPAL
CODE TITLE 1 AND TITLE 8 REGARDING ENFORCEMENT

SUMMARY

Consideration of various amendments to the procedures for enforcement of the Municipal Code, including administrative citations, notice of violation and public nuisance abatement. These amendments would expand the tools available for the city to obtain compliance.

BACKGROUND:

At the City Council study session on November 8, 2011, staff presented the attached report on our current enforcement tools and a recommendation to adopt a code amendment to allow recordation of a Notice of Violation after issuance of an Administrative Citation or Public Nuisance Determination.

ANALYSIS:

- A. Recording Notice of Violation** – While researching with other cities alternatives to public nuisance tax liens, staff also contacted the City Prosecutor who recommended, from a broader perspective than just for public nuisance violations, adopting regulations authorizing the recording of a Notice of Violation against the property. The primary advantage of this tool is that it protects potential buyers by providing them with notice of the violation under California real estate disclosure laws so that they can make an informed decision whether to buy the property. We currently have many cases of illegal construction on properties that are in foreclosure or for sale. It can be immediately recorded against any property for which a citation has been issued or a public nuisance determination has been made. It can also be used whenever deemed appropriate by the City for those situations where other enforcement tools, such as warning letters, administrative citations or infraction citations, have not been successful. The second advantage is that it can be used as an alternative to the expensive public nuisance abatement or prosecution process. Many of the Prosecuting Attorney's client cities have adopted this tool, including Bellflower,

6. b

Downey, and Diamond Bar. Staff believes that recording a Notice of Violation is an appropriate tool to use for illegal construction and may be appropriate for other types of violations on a case-by-case basis. It is not staff's intent to always record a Notice of Violation for every administrative citation issued.

- B. Cancellation of a Notice a Violation** – After the violation is abated, then the responsible party may file a written request with the City for a notice of compliance would. The city would reinspect the property to determine whether the violations have been corrected, whether all necessary permits have been issued and final inspections have been performed, and whether all administrative penalties have been paid. If so, then the city would record a notice of compliance with the county of Los Angeles recorder's office and provide a copy to the responsible person and property owner.

OTHER TOOLS: Staff is continuing to research other enforcement tools and cost recovery tools. Information will be provided at a future meeting.

RECOMMENDATION: Staff recommends that City Council:

- Introduce Ordinance No. 1210 at this meeting.
- Set second reading and adoption of Ordinance No. 1210 for the January 10th meeting.

Attachments: Exhibit A – November 8, 2011 Staff Report
Exhibit B – Ordinance No. 1210



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of October 19, 2011

FROM: Dan Coleman, Director of Development Services

SUBJECT: PUBLIC NUISANCE ABATEMENT

SUMMARY

Discussion of expanding the tools available to address public nuisance abatement.

BACKGROUND:

At a City Council retreat on May 18, 2009, staff presented an internal audit of the Code Enforcement program. The code enforcement process generally follows progressive steps until violation is abated (see Exhibit A). The report included an overview of the various code enforcement tools used by the City of San Dimas, and recommended adoption of a new tool: administrative citations. This recommendation was, in part, based upon Council's desire to begin transitioning from a complaint-based (reactive) to an observation-based (proactive) program. Ordinance No. 1189 was adopted on October 13, 2009 to adopt administrative citations, and accompanying penalties, as another tool for officers to have in their tool belt. San Dimas started using administrative citations in January 2010 to gain voluntary compliance before prosecution in the courts.

ANALYSIS:

- A. Public Nuisance Abatement** - One of the tools that has been rarely used in San Dimas is public nuisance abatement. The process is designed to address any premises where lack of maintenance has risen to a level considered to be a public nuisance as defined by our ordinance (see Exhibit B). The authority for, and process, are outlined in Chapter 8.16 of the San Dimas Municipal Code which was adopted in 1971, and amended in 1994. A Hearing Officer designated by the City Manager conducts the hearing. If a nuisance determination is made by hearing officer, then an "order of abatement" is served upon the property owner. The decision of the hearing officer may be appealed to the City Council. The advantage of this process is that it allows the City to abate the violation/nuisance, if not abated by property owner within time frame ordered, and recover costs by placing a tax lien against property (including attorney's costs). The disadvantage of this process, and the reason it has been used so

EXHIBIT A

sparingly, is that the City must pay up front for contractor to do abatement work, and may not recover the costs for years through a tax lien. LA County Assessor allows taxes to go unpaid for up to five years before they put property up for sale to pay back taxes. In a recent nuisance abatement case the lowest bid we received was \$20,000 which is four times the entire nuisance abatement budget for this fiscal year.

- B. Recording Notice of Violation** – While researching with other cities alternatives to public nuisance tax liens, staff also contacted the City Prosecutor who recommended, from a broader perspective than just for public nuisance violations, adopting regulations authorizing the recording of a Notice of Violation against the property. The primary advantage of this tool is that it protects potential buyers by providing them with notice of the violation under California real estate disclosure laws so that they can make an informed decision whether to buy the property. We currently have an historic property for sale that illegally constructed a second and third rental unit on the property. We also currently have many other cases of illegal construction on properties that are in foreclosure or for sale. It can be immediately recorded against any property for which a citation has been issued or a public nuisance determination has been made. It can also be used whenever deemed appropriate by the City for those situations where other enforcement tools, such as warning letters, administrative citations or infraction citations, have not been successful. The second advantage is that it can be used as an alternative to the expensive public nuisance abatement or prosecution process. Many of the Prosecuting Attorney's client cities have adopted this tool, including Bellflower, Downey, and Diamond Bar.
- C. Recording Notice and Order of Substandard Building** – When the City Building & Safety Division has inspected a residential property and found that it is substandard as defined by the 1997 Uniform Housing Code (see Exhibit D), which the City adopted by San Dimas in 1970, then the Housing Code requires the City to issue the property owner a Notice and Order (sometimes known as a Notice of Substandard Building) to repair, rehabilitate, vacate or demolish a substandard building or property. The Notice and Order must explain why it is substandard; what remedial actions are required for abatement; the time period for abatement; statement advising the owner that if the abatement work is not commenced within the time period specified that the City (a) will order the building vacated and posted to prevent further occupancy until work is completed, and (b) may proceed to cause the work to be done and charge the cost against the property owner; and statement advising owner that they may appeal to the Development Plan Review Board by filing written notice of appeal within 30 days. If corrective actions are not completed within the time period specified, then the Housing Code requires the City to record a certificate with County that the building is substandard. If the City causes the corrective work to be done, then the City can recover these costs in the same manner as public nuisance abatement (tax lien or special tax assessment).

RECOMMENDATION: Staff requests Council discussion and the following actions:

- Confirm the use of Public Nuisance Abatement, including tax liens to recover cost of abatement, as authorized by San Dimas Municipal Code Chapter 8.16; and

- Confirm the use of Notice and Order of substandard building, including tax liens to recover cost of abatement, as authorized by San Dimas Municipal Code Chapter 15.36 pursuant to the 1997 Uniform Housing Code; and
- Direct staff to initiate a code amendment to allow recordation of a Notice of Violation after issuance of an Administrative Citation or Public Nuisance Determination.

Attachments: Exhibit A - Enforcement Tools
Exhibit B – Public Nuisance Types
Exhibit C – Nuisance Abatement Tools
Exhibit D – Housing Code Substandard Conditions

EXHIBIT A

Summary of Enforcement Tools

Tool	Comment	Applicability
Verbal Warning	In person contact made with business	Any violation of Municipal Code
Written Warning	Explaining violation and corrective actions required.	Any violation of Municipal Code
Notice of Violation	Letter explaining violation and corrective actions required. Typically a First Notice of Violation and Final Notice of Violation.	Any violation of Municipal Code
Administrative Citation	Subject to \$100, \$200 and \$500 fines.	Any violation of Municipal Code
Infraction Citation: Notice to Appear in Court	Subject to \$100, \$200 and \$500 fines.	Noise, parking, property maintenance, signs, zoning
Public Nuisance	Hearing with hearing officer	See Exhibit C
Notice and Order of Substandard Housing	Building Official	See Exhibit D
Prosecution	Court hearing by judge	Any violation of Municipal Code

EXHIBIT B

Public Nuisance Types per SDMC Chapter 8.16

Violation Description
Dangerous building as defined in Section 302 of the Uniform Building Code for the Abatement of Dangerous Buildings.
Substandard building as defined in Section 1001 of the Uniform Housing Code.
Abandoned vehicle in violation of SDMC 10.40
Property maintenance lacking in violation of SDMC 8.14
Land, whether in a natural state or as the result of grading operations, excavation or fill, causing erosion, subsidence or surface water drainage problems.
Signs or billboards that are unsafe, unused, obsolete or illegal.
Uses of property creating noxious smell or creating conditions dangerous to public safety, health or welfare.
Failure to comply with conditions of CUP, parcel map or tract map.
Failure to comply with conditions of development plan review and/or grading, building or demolition permits.
Maintenance of premises in a condition which is adverse to the public peace, health, safety or general welfare.
Maintenance of premises so as to permit the same to become so defective, unsightly, dangerous or in a condition of deterioration or disrepair so that the same will, or may cause, harm to persons, or which will materially impair the value of or otherwise be materially detrimental to properties or improvements located in the vicinity of such premises.

EXHIBIT C - NUISANCE ABATEMENT TOOLS

Tool	Requires Hearing	Purpose	Cost Recovery	Comments
Record Notice of Violation (Requires amendment of Ordinance)	No	Provide notice to potential buyers.	No	<p>PROS: Can be IMMEDIATELY recorded against any property for which a citation and/or infraction has been issued, or for which a public nuisance determination has been made. Title companies are typically leery of giving title insurance when there is a recorded notice of violation. Most conventional loans won't be approved with anything recorded against property, which results in contacting city to work on abatement.</p> <p>CONS: No cost recovery if City performs abatement when order of abatement is ignored.</p>
Recording Notice and Order of Substandard Building (SDMC 15.36 per 1997 Uniform Housing Code)	No	Provide notice to potential buyers.	Yes	<p>PROS: If corrective work not completed, then can be recorded against any property. Title companies are typically leery of giving title insurance when there is a recorded notice of violation. Most conventional loans won't be approved with anything recorded against property, which results in contacting city to work on abatement. cost recovery if City performs abatement when order of abatement is ignored.</p> <p>CONS: Only gets put onto the tax roll once a year (between July 1 and August 2). If the debt arises in October and the property sells or is foreclosed upon in February - before the assessment is put onto the tax roll, the debt will be placed on an "unsecured tax roll" and will take longer to collect. LA County Tax Assessor will allow taxes to go unpaid for up to 5 years before forcing sale of property to collect.</p>
Public Nuisance Determination/Order of Abatement (SDMC §8.16.070-080)	Yes	Seeks voluntary abatement	Only if City performs abatement when order of abatement is ignored.	<p>PROS: Minimal cost to city.</p> <p>CONS: Still voluntary – requires other measures, such as tax lien, to enforce if order of abatement is ignored.</p>

Record Tax Lien (SDMC §8.16.180)	Yes (public nuisance hearing)	Used if order of abatement ignored.	Yes	<p>PROS: Can be IMMEDIATELY recorded against a property and would be collected upon sale of the property - which might occur before an assessment is otherwise placed on the tax roll. COST RECOVERY.</p> <p>CONS: Tax liens have the same priority as judgment liens - and, therefore, do not necessarily survive a foreclosure action.</p>
Record Special (Tax) Assessment (SDMC §8.16.150)	Yes (public nuisance hearing)	Used if order of abatement ignored.	Yes	<p>PROS: COST RECOVERY. Survives foreclosure action.</p> <p>CONS: Only gets put onto the tax roll once a year (between July 1 and August 2). If the debt arises in October and the property sells or is foreclosed upon in February - before the assessment is put onto the tax roll, the debt will be placed on an "unsecured tax roll" and will take longer to collect. LA County Tax Assessor will allow taxes to go unpaid for up to 5 years before forcing sale of property to collect.</p>
Prosecution				<p>PROS: Court can order corrective actions, time periods, and impose probation and/or penalties. Typically, court would conduct periodic progress hearings.</p> <p>CONS: Lengthy and expensive for all parties</p>
Receivership (CA Health & Safety Code § 17980-17992)	No	Used when other tools fail	Attorney fees and court costs only	<p>PROS: Court can appoint receiver with temporary control over property to hire contractors to make corrective repairs. No cost to city. Typically, court would conduct periodic progress hearings.</p> <p>CONS: Requires court order. The conditions presents must be "so extensive and of such a nature that the health and safety of residents or the public is substantially endangered."</p>

EXHIBIT D

State Housing Law

California Health and Safety Code Section

17920.3. Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

(a) Inadequate sanitation shall include, but not be limited to, the following:

(1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.

(2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.

(3) Lack of, or improper kitchen sink.

(4) Lack of hot and cold running water to plumbing fixtures in a hotel.

(5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.

(6) Lack of adequate heating.

(7) Lack of, or improper operation of required ventilating equipment.

(8) Lack of minimum amounts of natural light and ventilation required by this code.

(9) Room and space dimensions less than required by this code.

(10) Lack of required electrical lighting.

(11) Dampness of habitable rooms.

(12) Infestation of insects, vermin, or rodents as determined by the health officer.

(13) General dilapidation or improper maintenance.

(14) Lack of connection to required sewage disposal system.

(15) Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

(b) Structural hazards shall include, but not be limited to, the following:

(1) Deteriorated or inadequate foundations.

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceilings and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(7) Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(c) Any nuisance.

(d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.

(e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.

(f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.

(g) Faulty weather protection, which shall include, but not be limited to, the following:

(1) Deteriorated, crumbling, or loose plaster.

(2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.

(3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

(4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(i) All materials of construction, except those which are specifically allowed or approved by this code, and which have been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.

(l) All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.

(m) All buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and

fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.

(o) Inadequate structural resistance to horizontal forces.

"Substandard building" includes a building not in compliance with Section 13143.2.

However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.

ORDINANCE NO. 1210

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA AMENDING THE SAN DIMAS MUNICIPAL CODE TITLE 1 AND TITLE 8 REGARDING ENFORCEMENT PROCEDURES

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

SECTION 1. Title 1 of the San Dimas Municipal Code is hereby amended to add a new chapter to read as follows:

Chapter 1.14

ADMINISTRATIVE ENFORCEMENT PROCEDURES

1.14.010 Purpose and Intent.

A. The City Council has determined that the enforcement of the Municipal Code and applicable state codes throughout the city is an important public service and is vital to the protection of the public's health, safety and quality of life. The Council also finds that there is a need to establish procedures for administrative enforcement of Municipal Code violations to afford due process of law to any person who is directly affected by an administrative action. These procedures are also intended to establish a method to efficiently, expeditiously and fairly resolve issues raised in any administrative enforcement action.

B. The procedures in this chapter shall be in addition to criminal, civil or any other legal remedies established by law that may be pursued to address violations of this code and applicable state codes. By adopting this section, the City does not intend to limit its discretion to utilize any other remedy, whether independently or concurrent, civil or criminal actions for such violations that the City may select in a particular case.

1.14.020 Administrative enforcement authority.

The director of development services or the city manager's designee, designated code enforcement officers, other city directors and/or their designated agents shall have the authority and powers necessary to determine whether a violation of the code exists and the authority to take appropriate action to gain compliance with the provisions of the San Dimas Municipal Code and the applicable state codes. These powers include the power to issue notices of violation, administrative citations, infractions, notices and orders, and civil penalties, the power to inspect public and private property and use the remedies available under the San Dimas Municipal Code, California Building Standards Codes or other applicable codes.

1.14.030 Additional enforcement authority.

The director of development services or the city manager's designee also may enter into code compliance agreements with the affected persons to resolve abatement matters expeditiously and fairly. Said agreements, voluntarily entered into by the parties, may

EXHIBIT B

include provisions which address the nature and extent of abatement activities, a time schedule for completion of abatement procedures, assessment of fines and costs, the consequences of failing to comply with the terms and conditions thereof, and any other provision which expeditiously and reasonably resolves the abatement dispute between the city and affected persons. Said agreements shall be executed, acknowledged and recorded in the official records of the county of Los Angeles clerk/recorder. Said agreements shall run with the land and be binding on the heirs, successors and assigns of the affected persons who entered into said agreements with city

1.14.040 Interference with enforcement procedures prohibited.

It is unlawful for any person to:

- A. Either orally or in writing, give information to an enforcement official which the person knows to be false; or
- B. Remove or violate a notice or order posted as required by any provision of the San Dimas Municipal Code for the purpose of interfering with or preventing the enforcement thereof; or
- C. Obstruct, impede, or interfere with the lawful activities of any city enforcement official, including inspections, examinations, or surveys. Such interference with enforcement procedures shall constitute a misdemeanor.

1.12.050 Notice of violation procedures.

Whenever it is determined that a violation of this code or applicable state codes exists, the director of development services or code enforcement officer may issue a written notice of violation to the responsible person(s). The notice of violation shall include the following information:

- A. The name of the responsible party;
- B. The name of the owner, if different from the responsible person;
- C. Street address;
- D. The code sections in violation;
- E. A description of the conditions which violate the applicable codes;
- F. A list of necessary corrections to bring the property into compliance;
- G. A deadline or specific date to correct the violations listed in the notice of violations;
- H. A list of the potential consequences for failure to comply with the notice including, but not limited to criminal prosecution, civil injunction, administrative

abatement, administrative citations, civil penalties, revocation of permits, recordation of the notice of violation and withholding of future municipal permits.

SECTION 2. Title 1 of the San Dimas Municipal Code, Chapter 1.06 Administrative Penalties, is hereby amended to add new sections to read as follows:

1.06.150 Recordation of notices of violation purpose.

A. The city council finds that there is a need to give notice of pending enforcement actions to persons who may subsequently acquire the property as a means by which to ensure the violations will be corrected. An appropriate method to accomplish this is through the issuance and recordation of notices of violation.

B. The procedures established in this division shall be in addition to criminal, civil, or any other remedy established by law which may be pursued to address violations of this code or applicable state codes.

1.06.160 Procedures for recordation.

A. Once the city has issued an administrative citation to a responsible person and the property remains in violation after the deadline established in the citation, the director of development services or the city manager's designee may record the notice of violation with the Los Angeles County Recorder's Office.

B. The recorded notice of violation shall include the name of the property owner, the assessor's parcel number, the street address, the parcel's legal description, and a copy of the latest notice of violation.

C. The City shall cause copies of the recorded notices of violation to be served on all persons having an ownership interest in the subject real property as shown in the last equalized assessment roll of the Los Angeles County Assessor's Office. Service thereof shall be by first class mail. Failure to receive such notices shall not invalidate any action or proceedings conducted hereunder.

D. Any costs associated with recording and removal may be assessed against the property as provided for herein.

1.06.170 Cancellation of recorded notice of violation.

A. When the violations list on the administrative citation have been corrected, the responsible person or property owner may file with the director of development services a written request for a notice of compliance.

B. The city shall reinspect the property to determine whether the violations have been corrected, whether all necessary permits have been issued and final inspections have been performed, and whether all administrative penalties have been paid. If so, then the director of development services or the city manager's designee shall record a notice of compliance with the county of Los Angeles

recorder's office and provide a copy to the responsible person and property owner. If not, then the director of development services or the city manager's designee shall serve notice to the responsible person and property owner with a written explanation in accordance with the methods of service listed in this chapter.

- C. The director of development services or the city manager's designee decision denying a request to issue a notice of compliance constitutes the final decision in the matter and is not appealable.

1.06.180 Prohibition against issuance of permits.

For properties where a notice of violation has been recorded, the city may withhold building permits for repair, construction and/or alteration on the affected property, and may withhold zoning permits or other development entitlements, until a notice of compliance has been issued by the city pursuant as provided in this chapter. The city may not withhold permits which are necessary to abate the violation or to correct serious health and safety violations as determined by the director of development services or building official.

SECTION 3. Title 1 of the San Dimas Municipal Code, Chapter 1.06 Administrative Penalties, Sections 1.06.050 and 1.06.060, are hereby amended to read as follows (added text shown in underline; deleted text shown in ~~strike through~~):

1.06.050 Content of violation notice.

All violation notices imposing an administrative penalty shall contain the relevant Municipal Code sections for which an administrative penalty is being imposed along with a brief description of the violation, the amount of the administrative penalty, the location of the violation, the date the violation was first observed, the name and address of the property owner of record as determined by the latest Los Angeles County Tax Assessor Roll data (if the violation pertains to any real property), and/or the name and address of any other person(s) determined by the enforcing officer to be responsible for any violation of the Municipal Code. The notice shall also contain the final date by which an appeal may be filed, where the appeal may be filed, and the cost of the administrative hearing should the appeal be ultimately denied.

The notice referred to in this section shall be in substantially the following format:

**NOTICE OF ADMINISTRATIVE PENALTY FOR VIOLATION
OF THE SAN DIMAS MUNICIPAL CODE**

This notice is to inform you that on _____, 20_____, at _____ [location] you violated section _____ of the San Dimas Municipal Code by _____ [description of violation]. The Municipal Code provides that the penalty for this violation is \$ _____. ~~[However, because this violation pertains to building, plumbing, electrical, or other similar structural or zoning violation, you may avoid paying the penalty if you correct the violation, and present proof of the correction to the City Clerk within _____ days.]~~

You must pay the penalty for this violation within 21 days from the date of this notice. If you fail to timely pay the penalty, the City will initiate collection procedures against you in any manner permitted by law.

If you contest this penalty, you may request a hearing by providing a written explanation to the City Clerk as to why the violation is being contested. The City will thereafter review your explanation and either schedule an administrative hearing under section 1.06.080 of the San Dimas Municipal Code, or withdraw the penalty.

Failure of responsible persons to abate the violation as specified in this notice could result in the commencement of further administrative, civil, and/or criminal enforcement actions against all responsible persons. Furthermore, the City may record a Notice of Violation with the Los Angeles County Recorder's Office against the premises if the violation is not fully abated or corrected (with all required approvals, permits and inspections), as determined by the City, in the manner and time set forth in this notice of administrative penalty and provided that a timely appeal therefrom has not been made.

Dated this _____ day of _____, 20_____.

_____(Title)

Authority: San Dimas Municipal Code Chapter 1.06 et. seq.

1.06.060 Service of notices.

Service of notices required under this chapter shall be made by the following means:

- A. By personal service on the violator(s) in the same manner as a summons in a civil action; or,
- B. By ~~registered~~ certified United States mail. Service shall be complete at the time of deposit into the United States mail.
- C. Failure to receive any notice specified in this chapter does not affect the validity of proceedings conducted hereunder.

SECTION 4. Title 8 of the San Dimas Municipal Code, Chapter 8.16 Nuisance Abatement, subsection 8.16.040 Form and notice of hearing, is hereby amended to read as follows (added text shown in underline; deleted text shown in ~~strikethrough~~):

8.16.040 Form and notice of hearing.

Whenever the building official or community development director finds that any premises is being maintained contrary to the provisions of Section 8.16.020, then he shall cause notice to be given in the manner provided in this chapter for the holding of a public hearing to ascertain whether the same does in fact constitute such a public nuisance. Notice of the time and place of hearing before the hearing officer as designated by the city manager shall be titled "notice of hearing" and shall be substantially in the following form:

"NOTICE OF HEARING TO ABATE NUISANCE

NOTICE IS HEREBY GIVEN that on the _____ day of _____, at the hour of _____ of said day, the (Building Official, Community Development Director, or other title of Hearing Officer designated by the city manager) of the City of San Dimas will hold a public hearing in the Council Chambers of the San Dimas City Hall, located at 245 E. Bonita Avenue, San Dimas, California, 91773, to ascertain whether certain premises situated in the City of San Dimas, State of California, known and designated as _____, in said City, and

more particularly described as _____, constitute a public nuisance subject to abatement by the rehabilitation, repair, demolition or removal of _____ situated thereon.

If said premises, in whole or in part, are found to constitute a nuisance, and if not promptly abated by the owner, the same will be abated by the City, in which case, the cost of such abatement will be assessed upon and against the land on which the nuisance is located and that the cost thereof will constitute a lien upon such land until paid, and will be a personal obligation of the owner of the property.

Said alleged violations consist of the following:

_____.

Said methods of abatement available include:

_____.

All persons having any objection to, or interest in said matters are hereby notified to attend said hearing, when ~~the~~ their testimony and evidence will be heard and given due consideration.

Following the hearing, if the hearing officer determines that the violations constitute a public nuisance, then the City may record a Notice of Violation with the Los Angeles County Recorder's Office against the premises if the violation is not fully abated or corrected (with all required approvals, permits and inspections), as determined by the City, in the manner and time set forth in the hearing officer's written order of abatement and provided that a timely appeal therefrom has not been made.

DATED:

This _____ day of _____.

_____.

San Dimas Hearing Officer"

SECTION 5. Title 8 of the San Dimas Municipal Code, Chapter 8.16 Nuisance Abatement, is hereby amended to add new sections to read as follows:

8.16.270 Recordation of notices of violation purpose.

A. The city council finds that there is a need to give notice of pending enforcement actions to persons who may subsequently acquire the property as a means by which to ensure the violations will be corrected. An appropriate method to accomplish this is through the issuance and recordation of notices of violation.

B. The procedures established in this division shall be in addition to criminal, civil, or any other remedy established by law which may be pursued to address violations of this code or applicable state codes.

8.16.280 Procedures for recordation.

Once the hearing officer's order of abatement has been served upon the owner of the property, then the director of development services or the city manager's designee may record a notice of violation with the county of Los Angeles recorder's office as provided in Chapter 1.06 of this code.

8.16.290 Cancellation of recorded notice of violation.

When the violations list on the administrative citation have been corrected, the responsible person or property owner may file with the director of development services a written request for a notice of compliance as provided in Chapter 1.06 of this code.

8.16.300 Prohibition against issuance of permits.

For properties where a notice of violation has been recorded, the city may withhold building permits for repair, construction and/or alteration on the affected property, and may withhold zoning permits or other development entitlements, until a notice of compliance has been issued by the city pursuant as provided in Chapter 1.06 of this code. The city may not withhold permits which are necessary to abate the violation or to correct serious health and safety violations as determined by the director of development services or building official.

SECTION 6. Compliance with California Environmental Quality Act.
The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 7. Severability. If any section, subsection, subdivision, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 8. This Ordinance shall take effect 30 days after its final passage, and within 15 days after its passage the City Clerk shall cause it to be published in the San Gabriel Valley Tribune, a newspaper of general circulation in the City of San Dimas hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED THIS _TH DAY OF ____, 2012.

Curt Morris, Mayor of the City of San Dimas

Ina Rios, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance No. 1210 was regularly introduced at the regular meeting of the City Council on December 13, 2011 and was thereafter adopted and passed at the regular meeting of the City Council held on _____, 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

I DO FURTHER CERTIFY that within 15 days of the date of its passage, I caused a copy of Ordinance No. 1210 to be published in the Inland Valley Daily Bulletin.

Ina Rios, City Clerk



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of December 13, 2011

FROM: Blaine Michaelis, City Manager

INITIATED BY: Dan Coleman, Director of Development Services 

SUBJECT: **CONSIDERATION TO REPEAL CHAPTER 15.40 OF THE SAN DIMAS MUNICIPAL CODE, WHICH WAS SUPERCEDED BY ORDINANCE NO. 1200.**

SUMMARY

The proposed municipal code amendment repeals an outdated chapter which was replaced by the 2010 California Fire Code adopted by Ordinance No. 1200.

ANALYSIS: Title 15, Chapter 15.40 Fire Code adopted the Fire Code of the County of Los Angeles in 1986 by Ordinance 850. That Fire Code is outdated. In 2010, the City adopted Ordinance No. 1200 which included Chapter 15.51 adopting the 2010 California Fire Code. This new Chapter 15.51 supercedes Chapter 15.40. The proposed amendment is necessary to clean-up the Municipal Code by repealing the outdated Chapter 15.40.

RECOMMENDATION: Staff recommends that the Council:

- Introduce Ordinance No. 1211 at this meeting.
- Set second reading and adoption of Ordinance No. 1211 for the January 10, 2012 meeting.

Attachments: Ordinance No.1211

6.C

ORDINANCE NO. 1211

**AN ORDINANCE OF THE SAN DIMAS CITY COUNCIL
REPEALING CHAPTER 15.40 OF THE SAN DIMAS
MUNICIPAL CODE**

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

Section 1. Title 15, Chapter 15.40 of the San Dimas Municipal Code is hereby repealed.

Section 2. The provisions of Chapter 15.40 have been superseded by the City's adoption of Ordinance 1200 which is now incorporated as Chapter 15.51 of the San Dimas Municipal Code.

PASSED, APPROVED AND ADOPTED THIS ___ DAY OF JANUARY 2012.

Mayor of the City of San Dimas

ATTEST:

City Clerk



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of December 13, 2011

FROM: Blaine Michaelis, City Manager

INITIATED BY: Ken Duran, Assistant City Manager

SUBJECT: 2011 – 12 COPS Grant Budget

SUMMARY

The City will be receiving \$100,000 this year from the State COPS grant program. The funds can be used to supplement law enforcement. Staff is recommending a budget for the expenditure of the funds this year.

BACKGROUND

For a number of years the State budget has included a supplemental law enforcement grant program known as COPS. For the past several years the amount available to the City has been \$100,000. Also in the past several years, the status of the continued funding of the COPS program has not been known when the City adopts its annual budget. This year was no different. In fact, even after the State budget as adopted, which included the COPS grant funding, there was clean-up legislation that may have threatened those funds. It has now been confirmed that the City will be receiving a \$100,000 Grant again this year.

The City's adopted budget for FY 2011-12 did not include the grant funding. Therefore, the City needs to adopt a budget for expenditure of the grant funds. Since 2008 the City has used the majority of the funds to offset a portion of the expenses of the School Resource Officer position and the contract Probation Officer position. Staff would recommend that we continue with the practice this year. In addition to those expenditures staff consulted with Captain Slawson on department needs for a portion of the funds. He has requested that \$15,000 be

b.d

allocated for purchase of special equipment. For example there is a request for approximately \$4,000 to purchase trauma kits.

Therefore, the recommended COPS Budget is:

School Resource Officer	\$50,000
Probation Officer	\$35,000
Equipment	\$15,000

RECOMMENDATION

The recommended budget would provide partial funding for the School Resource Officer position and contract Probation Officer position, as we have done the past several years. Since both of these entire positions were budgeted in the General Fund, the use of \$85,000 of Grant Funds will relieve that amount of funds from the General Fund. \$15,000 for equipment will allow the Station to purchase trauma kits as well as provide \$11,000 in additional equipment funds for discretionary equipment needs. Therefore, staff recommends that the City Council approved the recommended budget for the 2011-2012 COPS Grant.



**MINUTES
SAN DIMAS REDEVELOPMENT AGENCY MEETING
TUESDAY, NOVEMBER 22, 2011
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE**

PRESENT:

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

CALL TO ORDER

Chairman Morris called the meeting of the San Dimas Redevelopment Agency to order at 7:50 p.m.

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

There were no comments.

APPROVAL OF MINUTES

It was moved by Mr. Ebner, seconded by Chair Morris, to approve the minutes of the November 8, 2011 meeting. The motion carried unanimously.

EXECUTIVE DIRECTOR

As an update on the marketing of the four city-owned units at Grove Station, Assistant City Manager for Community Development Stevens reported that he anticipates onsite issues to be resolved shortly, and upon issuance of the Certificate of Occupancy in early December, the City will accept the grant deed for the four units. He said Housing Programs Manager Kasuyama initiated the RFP process for a preferred lender and Wells Fargo was selected as the City's preferred lender for the four units. Mr. Stevens said prequalification packages to determine buyer eligibility will be available during the marketing period through January 20, 2012. He indicated that at the end of the marketing period, a random lottery will be conducted and eligible parties will be ranked. Potential buyers will be able to submit loan documents until four candidates qualify. He said packages will be mailed to the applicants who previously expressed interest in purchasing one of the four units, and information will be available in an article in the Frontier, the City's website, and by direct contact with the Housing Division.

In response to Mayor Pro Tem Templeman, Assistant City Manager Stevens replied that the Mortgage Branch Management is based in Arcadia, however, staff will coordinate with the local branch Wells Fargo Bank Office to make it as convenient as possible for applicants. He said pursuant to the City Council's identified priority, preference will given to first time home buyers and City of San Dimas residents.

7.6

In response to Mayor Morris, Mr. Stevens replied that staff will prequalify potential buyers for the purpose of making them eligible for the lottery, and verify loan eligibility until four qualified applicants have been identified.

In response to Councilmember Badar, Mr. Stevens replied that a review will be conducted annually to verify that the unit continues to be owner occupied. He said staff does not verify future income, however, to maintain affordability for 45 years, there is a restriction on the sale of the units and appropriate documents will be recorded against the property.

MEMBERS OF THE AGENCY

There were no comments.

ADJOURNMENT

Chairman Morris adjourned the meeting at 7:58 p.m.

Respectfully submitted,

Ina Rios, Secretary



Agenda Item Staff Report

TO: Chairman and Agency Board members

FROM: Blaine Michaelis, Executive Director

INITIATED BY: Ken Duran, Deputy Executive Director

SUBJECT: Maintenance and Operating Budget for Agency Owned Grove Station Housing Units

SUMMARY

The Agency needs to adopt an interim budget for the maintenance and operation of the four Agency owned housing units for the period of time from when it takes ownership until they are resold.

BACKGROUND

The four housing units that the Agency purchased as a part of the Grove Station project are close to being finalized. Shortly after the time of final completion the Agency will close escrow on the purchase and become the owners on Title to the properties. The Agency has begun the process of soliciting for potential buyers for the units. The deadline to submit interest packets is January 20th. However, the process of selecting and qualifying the buyers and closing escrow on the sale could take a few months. In the meantime the Agency will incur some minimal expenses from the time we take possession to the time we close escrow on the resale. Some of those expenses include closing costs on our purchase, homeowners insurance, monthly HOA dues and utilities. The Agency did not budget for these expenses. Therefore, staff is recommending the Agency adopt a budget.

Staff's recommendation would be to adopt a six month budget through June 2012. Hopefully the units would be sold before then but this would establish a conservative budget through the end of the fiscal year. Staff would recommend a budget of \$2,800 per unit for six months. Therefore, the entire budget for all four units would be \$11,200.

7.C.1

RECOMMENDATION

Staff recommends that the Agency amend the Agency budget to add a line item for Maintenance and Operation Expenses for Grove Station Units in the amount of \$11,200.



San Dimas Public Financing Authority Staff Report

TO: Honorable President and members of the Authority
For the Meeting of December 13, 2011

FROM: Blaine Michaelis, Secretary Treasurer *BM*

SUBJECT: Annual meeting of the Authority

SUMMARY

This is the annual meeting of the Authority. The only business is to approve the minutes from the last annual meeting December 14, 2010 and to appoint officers for 2012.

RECOMMENDATION

1. Approve the minutes from the December 14, 2010 meeting.
2. Appoint Curt Morris as President of the Corporation; Mayor Pro Tem Jeff Templeman as Vice President and Blaine Michaelis as Secretary/Treasurer as provided for in the by-laws.

Attachment:
December 14, 2010 meeting minutes

8.6



CITY OF SAN DIMAS
MINUTES
SAN DIMAS PUBLIC FACILITIES FINANCING
CORPORATION
TUESDAY, DECEMBER 14, 2010
SENIOR CITIZEN/COMMUNITY CENTER
MULTIPURPOSE ROOM, 201 E. BONITA AVENUE

PRESENT:

President Curtis W. Morris
Mr. Emmett Badar
Mr. Denis Bertone
Mr. John Ebiner
Mr. Jeff Templeman

Secretary/Treasurer Blaine Michaelis
Attorney J. Kenneth Brown

CALL TO ORDER

Chairman Morris called the meeting to order at 1:39 a.m.

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

There were no comments.

APPROVAL OF MINUTES

It was moved by Mr. Bertone, seconded by Mr. Ebiner, to approve the minutes for the meeting of June 8, 2010. The motion carried unanimously.

ELECTION OF OFFICERS

It was moved by Mr. Bertone, seconded by Mr. Templeman, to confirm the appointment of Mr. Morris as President of the Corporation, as stipulated in the bylaws; to confirm the appointment of Mr. Ebiner as Vice President, as stipulated in the bylaws; and to reappoint Mr. Michaelis to serve as Secretary/Treasurer of the Corporation. The motion carried unanimously.

MEMBERS OF THE CORPORATION

There were no comments.

ADJOURNMENTS

Chairman Morris adjourned the meeting at 1:40 a.m.

Secretary/Treasurer



San Dimas Housing Authority Staff Report

TO: Honorable President and members of the Authority
For the Meeting of December 13, 2011

FROM: Blaine Michaelis, Secretary *BM*

SUBJECT: Annual meeting of the Authority

SUMMARY

This is the annual meeting of the Authority. The only business is to approve the minutes from the last meeting – December 14, 2010.

RECOMMENDATION

1. Approve the minutes from the December 14, 2010 meeting.

Attachment:
December 14, 2010 meeting minutes

q.b



CITY OF SAN DIMAS
MINUTES
SAN DIMAS HOUSING AUTHORITY MEETING
TUESDAY, December 14, 2010
SENIOR CITIZEN/COMMUNITY CENTER
MULTIPURPOSE ROOM, 201 E. BONITA AVENUE

PRESENT:

Chairman Curtis W. Morris
Mr. Emmett Badar
Mr. Denis Bertone
Mr. John Ebner
Mr. Templeman

Executive Director Blaine Michaelis
City Attorney J. Kenneth Brown
Secretary Ina Rios

CALL TO ORDER

Chairman Morris called the meeting to order at 1:40 a.m.

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

APPROVAL OF MINUTES

It was moved by Mr. Templeman, seconded by Mr. Ebner, to approve the minutes for the meeting of December 8, 2009. The motion carried unanimously.

MEMBERS OF THE AUTHORITY

There were no comments.

ADJOURNMENT

Chairman Morris adjourned the meeting at 1:41 a.m.

Secretary