



**AGENDA**  
**REGULAR CITY COUNCIL /**  
**REDEVELOPMENT AGENCY MEETING**  
**TUESDAY, JANUARY 24, 2012, 7:00 P. M.**  
**SAN DIMAS COUNCIL CHAMBERS**  
**245 E. BONITA AVENUE**

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**COUNCIL:**

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

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

**2. ANNOUNCEMENTS**

- a. Pui-Ching Ho, Librarian, San Dimas Library
- b. Update on sales process for four city-owned condominiums at Grove Station.

**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 and ask 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) **RESOLUTION NO. 2012-04, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JANUARY AND FEBRUARY, 2012.**
- b. Approval of minutes for the regular City Council meeting of January 10, 2012 and the joint City Council/San Dimas Redevelopment Agency meeting of January 10, 2012.
- c. Reject claim for damages from Alyssa Brackley.

END OF CONSENT CALENDAR

## **5. PUBLIC HEARING**

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

- a. Performance Report for FY 2010-11 and FY 2012-13 CDBG Program Years and Proposed FY 2012-13 Projected Use of funds.

## **6. PLANNING/DEVELOPMENT SERVICES**

- a. Appeal of DPRB Case No. 08-47 Revised house layout and grading plan from the previously approved plans.  
DPRB CASE NO. 08-47, A request to construct a 5,117 sq. ft. two-story, single-family residence and several attached garages totaling 1,908 sq. ft. within Specific Plan No. 4 at 1658 Gainsborough Road (APN: 8426-034-020).  
ASSOCIATED CASE: TREE PERMIT 10-48, A request to remove a mature Coast Live Oak in order to accommodate the revised layout of the house and garages.

1) **RESOLUTION NO. 2012-05**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS DENYING THE APPEAL REQUEST AND UPHOLDING THE DENIAL WITHOUT PREJUDICE OF DPRB CASE NO. 08-47, A REQUEST TO CONSTRUCT A 5,117 SQ. FT. TWO-STORY, SINGLE-FAMILY RESIDENCE AND SEVERAL ATTACHED GARAGES TOTALING 1,908 SQ. FT. WITHIN SPECIFIC PLAN NO. 4 AT 1658 GAINSBOROUGH ROAD. (APN: 8426-034-020).

- b. 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.

## **7. OTHER MATTERS**

- a. Lease Agreement with the Pacific Railroad Society for use of the Santa Fe Depot, 210 W. Bonita Avenue.
- b. Report on Food Concessionaire Agreement for the Walker House. Direction on process to solicit proposals for new Concessionaire.

## **8. 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 San Dimas Redevelopment Agency minutes for meeting of January 10, 2012.
- c. Update on ABx1 26 – Dissolution of San Dimas Redevelopment Agency.
- d. Adoption of Amended Agency Enforceable Obligation Payment Schedule.
- e. Executive Director
- f. Members of the Agency

**9. JOINT MEETING OF THE CITY COUNCIL AND SAN DIMAS HOUSING AUTHORITY CORPORATION**

- 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 San Dimas Housing Authority Corporation minutes for meeting of December 13, 2011.
- c. Determination that San Dimas Housing Authority shall retain the housing assets and functions of the dissolved Redevelopment Agency.
  - (1) **RESOLUTION NO. 3**, A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF SAN DIMAS DETERMINING THAT IT SHALL RETAIN THE HOUSING ASSETS AND FUNCTIONS OF THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34176.
  - (2) **RESOLUTION NO. 2012-06**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ELECTING TO HAVE THE HOUSING AUTHORITY OF THE CITY OF SAN DIMAS RETAIN THE HOUSING ASSETS AND FUNCTIONS OF THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY AS PROVIDED IN CALIFORNIA HEALTH AND SAFETY CODE SECTION 34176.
- d. Executive Director
- e. Members of the Agency

**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) Reappointments to Public Safety Commission.
  - 2) Reappointment of Public Member to the Development Plan Review Board.
  - 3) Councilmembers' report on meetings attended at the expense of the local agency.
  - 4) Individual Members' comments and updates.

## 11. CLOSED SESSION

### Recess to a City/Redevelopment Agency closed session pursuant to Government Code Section 54957:

- a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION.**  
Title: City Manager
- b. Report on closed session items.

## 12. ADJOURNMENT

The next meeting is on Tuesday, February 14, 2012, at 7:00 p.m.

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

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

**POSTING STATEMENT:** ON JANUARY 20, 2012, 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); THE VONS SHOPPING CENTER (Puente/Via Verde) AND THE CITY'S WEBSITE AT [www.cityofsandimas.com/minutes.cfm](http://www.cityofsandimas.com/minutes.cfm).

**RESOLUTION NO. 2012-04**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SAN DIMAS, CALIFORNIA, APPROVING  
CERTAIN DEMANDS FOR THE MONTH OF  
JANUARY 2012**

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Dimas  
does hereby approve Warrant Register: 01/30/2012; 138766 through 138915; in the amount of  
\$774,394.85.

PASSED, APPROVED AND ADOPTED THIS 24th DAY OF JANUARY 2012.

\_\_\_\_\_  
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 January 24, 2012, by the following  
vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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

4.a.1



THE WARRANT DISBURSEMENT  
JOURNAL IS NOT AVAILABLE TO  
VIEW THROUGH LASERFICHE

A PAPER COPY IS AVAILABLE  
IN THE FINANCE DIVISION



**MINUTES**  
**REGULAR CITY COUNCIL**  
**TUESDAY, JANUARY 10, 2012, 7:00 P. M.**  
**SAN DIMAS COUNCIL CHAMBERS**  
**245 E. BONITA AVE.**

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**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

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

Mayor Morris called the meeting to order at 7:02 p.m. and led the flag salute.

**2. RECOGNITIONS**

- Present Proclamation to Randy Dominguez, San Dimas Postmaster, retiring after 40 years of service

On behalf of the City Council and staff, Mayor Morris extended sincere congratulations and presented a proclamation to San Dimas Postmaster Randy Dominguez, who made the decision to retire after a successful 40 years of service to the United States Postal Service, 18 years of which were served in San Dimas. Mayor Morris said Mr. Dominguez has been active in the community and will be missed.

Randy Dominguez thanked the City Council for the recognition and said it has been an honor to be Postmaster in San Dimas, which is a very attractive city. He is moving to the next stage of his life.

Councilmember Bertone congratulated Mr. Dominguez on his upcoming nuptials.

**3. ANNOUNCEMENTS/PRESENTATIONS**

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

1) Pui-Ching Ho, Library Manager, invited families to explore a variety of musical instruments to tell stories on Wednesday, January 18, at 6:30 p.m.; The Book Party Group will discuss the book for January *L.A. Confidential* on Thursday, January 19, at 6:30 p.m.; a free Handwriting Analysis workshop will be held on Saturday, January 21, at 3:00 p.m. for teens and adults; The Book Party Group will meet at 10:30 a.m. on Wednesday, February 1, at the Senior Citizen/Community Center, to discuss *1984*. Children were invited to meet and pet puppies at a special Valentine Day program on Saturday, February 11. The children can stay to decorate stuffed puppies and enjoy refreshments. For detailed information, contact the Library at 909/599-6738.

*H.B.*

b. Update on San Dimas HEROES and recognition

1) Gary Enderle, San Dimas HEROES, reported that they are in the process of repairing two banners and replacing approximately 13 banners that were damaged during the November windstorm. On behalf of the HEROES, he thanked the city crew for an excellent job maintaining the banner brackets.

Mr. Enderle announced that Phase I of the Veterans Memorial project is now complete and encouraged all to go by to see it. He thanked Mayor Morris and Councilmembers who participated in the flag raising event. Mr. Enderle reported that the organization raised \$190,000 and paid \$130,000 for Phase I, and the organization is now in the process of working on Phase II, which will be the sculpture water feature. He praised Architect and Designer Eddie Martinez; thanked the community for their financial support of the project; and city staff who made this a success.

Mayor Pro Tem Templeman thanked Mr. Enderle and the HEROES Committee for all the work and said he hears compliments on the very attractive project.

2) Janie Graef, San Dimas HEROES, described the Remembrance Fountain, a five-pointed star water feature representing the five branches of the military service flowing together to become one and signifying the blood shed by veterans. She said the Fountain was designed by Mr. Martinez and will be located in front of the monument with the names of veterans, to invite visitors to reflect on what the veterans have done for us. She said the Committee is working hard on fundraising events and anticipates that the Fountain will be completed by June 2012.

3) Tom Nuss, San Dimas HEROES, added his thanks to everyone who worked together on this project. He mentioned he has difficulty walking and would appreciate it if funds can be budgeted for the purchase of benches so that older veterans can spend a few minutes at the monument site without feeling uncomfortable.

4) Gary Enderle announced two fundraisers that will be held to benefit the HEROES monument project: 1) Bedazzle Beauty Salon will donate 100% proceeds from their Cut-A-Thon on Saturday, February 11, 2012; and 2) Fritz Coleman Comedy Night on Saturday, March 10, 2012, 6:30-8:30 p.m., in the Stanley Plummer Building. Social Hour will be held from 6:00-7:00 p.m. and refreshments will be served. Tickets are \$25 and proceeds will benefit the Veterans Monument.

5) Mr. Enderle invited Mayor Morris and all committee members to recognize Eddie Martinez, General Contractor/Designer, who put in much of his personal time and effort into the memorial project.

Mayor Morris presented a proclamation to Eddie Martinez of EM3 Group in appreciation for his dedication and commitment to the San Dimas Veterans Monument project.

Eddie Martinez said it has been an honor and joy to work on this project.

Gary Enderle thanked everyone who contributed in different ways to get us where we are today.

- c. Update and reminder on sales process for four city-owned condominiums at Grove Station.

Assistant City Manager Stevens said the city acquired four units at the Grove Station project to accommodate compliance with affordable housing requirements. The City is actively advertising the units to solicit potential buyers, and has extended the closing date to February 24, 2012 for filing pre-qualification applications. Mr. Stevens reviewed the preliminary qualifications to pursue acquisition of the property and encouraged interested parties to contact the City Housing Division at 909.394.6207. He added that all information is posted on the City's website at [www.cityofsandimas.com](http://www.cityofsandimas.com).

4. **ORAL COMMUNICATIONS** (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time and ask 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) Michael Felberg, representing the American Cancer Society Relay for Life, said he lost his uncle and almost lost his mother to cancer. The goal is to have someone on the track 24 hours for the two-day period, starting April 28, 2012.

- 2) Margaret Felberg, Chair for San Dimas Relay for Life, distributed fliers and announced the kick-off event will be held on February 1<sup>st</sup>, 6:30-8:30 p.m., at Clayton Brewing. She invited everyone to participate in the San Dimas Relay for Life event, scheduled from 9:00 a.m. Saturday, April 28<sup>th</sup> to 9:00 a.m. Sunday, April 29<sup>th</sup>, at Horsethief Canyon Park. She thanked Parks and Recreation staff and said over 22 teams raised \$50,000 last year.

#### 5. **CONSENT CALENDAR**

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

Councilmember Ebner requested amendment to page four of the minutes to strike the word "appeal" in the fourth paragraph to reflect "the existing ~~appeal~~ policy."

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

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

- (1) **RESOLUTION NO. 2012-01**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF DECEMBER 2011 AND JANUARY, 2012.

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

- (1) Ordinance No. 1210 amending various provisions of the San Dimas Municipal Code Title 1 and Title 8 regarding enforcement.  
**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. **SECOND READING AND ADOPTION**

**(2) 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. SECOND READING AND ADOPTION**

- c. Approval of minutes for the regular City Council meeting of December 13, 2011.

END OF CONSENT CALENDAR

**6. OTHER MATTERS**

- a. Request for the appropriation of \$45,000 from Fund 12, Infrastructure Fund, for ADA inspection of all City facilities, and improvements at the Senior Citizen/Community Center and the San Dimas Avenue Park and Ride Parking Lot.

Facilities Manager DeLeon reported that the Americans with Disabilities Act was revised effective 2012 to allow a "safe harbor" window of opportunity for facilities that have not yet met the 1991 standards to become compliant under previous standards. Staff evaluated and identified potential facilities and compiled a list of potential improvements to the Senior Citizen/Community Center and the Park and Ride lot. Staff recommended appropriation of \$45,000 from Infrastructure Fund 12 for the completion of ADA compliance projects and to purchase the necessary survey tools.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to approve appropriation of \$45,000 from the Infrastructure Fund 12 to complete the projects identified at the Senior Citizen/Community Center, the San Dimas Avenue Park and Ride parking stall modifications and to purchase the necessary inspection tools to complete the survey of the remaining city facilities. The motion carried unanimously.

- b. City Council approval of Agreement with Bank to substitute cash transfer to City in place of Letter of Credit for Grove Station.

City Attorney Brown reported that on March 21, 2008 the City Council entered into a Subdivision Agreement between the City and the Developer of the Grove Station project, and in conjunction therewith, Surety Bonds in the amount of \$802,038 were posted. Subsequently, issues arose as the project moved forward, and a Receiver was appointed to complete construction of the project. In July 2010, the City and the Receiver executed a Letter of Credit and Segregation of Funds Agreement in the amount of \$80,203.80 to cover problems that might arise during the warranty period. After discussion with staff and the Receiver, the Bank has proposed to substitute a transfer of \$80,000 to the City for the Letter of Credit, in return for release of further obligations as stipulated in the Letter of Credit Agreement and the Subdivision Agreement. City Attorney Brown and staff recommended that the City Council authorize the execution of an agreement with the Bank to substitute the cash transfer in the amount of \$80,000 to the City in lieu of the Letter of Credit for Grove Station.

It was moved by Councilmember Bertone, seconded by Councilmember Ebiner, to authorize the City Manager to execute an Agreement with the Bank consistent with provisions set forth as reported and on terms acceptable to the City Engineer, the Public Works Director, and the City Attorney. The motion carried unanimously.

- c. Review of decorative lights for the Walker House.

Assistant City Manager Duran provided a brief background on the purchase of holiday lights and said the removal of holiday lights at the Walker House was postponed to allow discussion and direction on whether or not to keep the lights on year-round. He said the city contracts for installation, removal and repair of the lights and the only additional expense is wear and tear of the lights. The decision to keep the lights year-round is the pleasure of the City Council.

In response to Councilmember Badar, Mr. Duran replied that the city paid \$1,000 for the entire set of lights and pays the contractor \$5,000 to install and remove the lights. He said the major cost is for the rental of equipment required to reach the higher elevation of the building. He added there is no cost to postpone or cancel the removal of lights and he does not have a cost estimate for a more permanent type of light.

Mayor Pro Tem Templeman said he has heard positive remarks from the community to keep the lights on. He said the City Council can consider a more permanent type of light when the lights get into disrepair. He moved to keep the decorative lights on year-round at the Walker House.

In response to Councilmember Ebner, Mr. Duran replied that according to the contractor, the plastic sockets and materials would deteriorate due to exposure to UV and individual bulbs or entire strands could go out, which would require equipment for replacement.

Councilmember Ebner expressed concern that if a few bulbs burned out, it could cause a spotty appearance that would detract from the building.

Councilmember Badar said the lights were installed to highlight the holiday season. He asked what happens when the holidays approach next year and citizens ask how the Walker House will be decorated for Christmas.

Councilmember Bertone seconded Mayor Pro Tem Templeman's motion to keep year-round the decorative lights at the Walker House. He added that when the Christmas or holiday season approaches, the City Council can then decide to do something extra at the Walker House.

Mayor Morris mentioned that members voted unanimously at the Bonita Avenue Corridor meeting to ask the City Council to keep the lights on year-round at the Walker House. Mayor Morris said the lights outline the architectural features of the building and as suggested by Mayor Pro Tem Templeman, the City Council can decide what to do if the bulbs burn out.

The motion carried unanimously.

## **7. JOINT CITY COUNCIL/SAN DIMAS REDEVELOPMENT AGENCY**

Mayor Morris recessed the regular City Council meeting at 7:53 p.m. to convene a meeting of the joint City Council/San Dimas Redevelopment Agency Board of Directors. The regular City Council meeting was reconvened at 8:40 p.m.

## **8. ORAL COMMUNICATIONS**

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

No one came forward to comment.

- b. City Manager

There was no report.

- c. City Attorney

There was no report.

d. Members of the City Council

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

Councilmember Badar reported that he attended the California Contract Cities Association annual legislative tour in Sacramento on January 8-10, 2012, for an opportunity to speak with legislators. He said the topics on the agenda were: 1) the elimination of redevelopment; 2) Continued State budget crisis; 3) Realignment; and 4) Water and the Future of California. He said all discussion revolved around redevelopment. He added that the majority of legislators are concerned with the direction the Bill went and the two parties are working together to see if amends can be made.

2) Individual Members' comments and updates.

a) Mayor Pro Tem Templeman thanked Public Works for the report on the upcoming street projects. He said now that redevelopment has been eliminated, it will be interesting to see what State Housing has to say about our Housing Element.

Assistant City Manager Stevens replied that Director Coleman participated in a conference call and there is no one willing to say anything about how it will affect Housing Element Law now that all financial resources have been eliminated.

b) Councilmember Bertone said city staff has been prudent with the housing projects and he praised the City Manager for his frugality.

c) Mayor Pro Tem Templeman said the Costco site was a pretty blighted area that was eliminated with the construction of the Costco Store.

d) Mayor Morris thanked staff for putting together an excellent presentation.

**9. ADJOURNMENT**

Mayor Morris adjourned the meeting at 8:51 p.m. The next City Council meeting is January 24, 2012, at 7:00 p.m.

Respectfully submitted,

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Ina Rios, CMC, City Clerk



**MINUTES**  
**JOINT CITY COUNCIL/**  
**SAN DIMAS REDEVELOPMENT AGENCY**  
**TUESDAY, JANUARY 10, 2012, 7:00 P. M.**  
**SAN DIMAS COUNCIL CHAMBERS**  
**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

**1. CALL TO ORDER**

Mayor/Chairman Morris called the meeting to order at 7:53 p.m.

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

There were no speakers who stepped forward to comment.

**b. APPROVAL OF SAN DIMAS REDEVELOPMENT AGENCY MINUTES**

It was moved by Mr. Badar, seconded by Mr. Templeman, to approve the San Dimas Redevelopment Agency minutes for the meeting of December 13, 2011. The motion carried unanimously.

**c. REPORT ON AB1X26 IMPLICATIONS – DISSOLUTION OF SAN DIMAS REDEVELOPMENT AGENCY**

- (1) **RESOLUTION NO. 2012-02, A RESOLUTION OF THE CITY OF SAN DIMAS DETERMINING THAT THE CITY OF SAN DIMAS ELECTS TO, AND SHALL, SERVE AS THE SUCCESSOR AGENCY TO THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34173.**

City Manager/Executive Director Michaelis stated that he met with City/Agency Attorney Brown and Assistant City Manager Duran to discuss actions after the California Supreme Court announced their ruling on December 29, 2011. He said Mr. Duran will provide a summary of the actions and recommendations on those actions, and stated that this is an ongoing situation as more information becomes available.

Assistant City Manager/Deputy Executive Director Duran summarized key points and terminology on the analysis and dissolution process for redevelopment agencies and said Senate Bill 659 was introduced last week to extend the implementation of AB 26 from its current effective date of February 1<sup>st</sup> to April 15<sup>th</sup>. He mentioned that a separate lawsuit, filed by a number of cities and redevelopment agencies challenging the constitutional aspects of AB 26 and AB 27, will be heard Thursday.

Court Ruling: Assistant City Manager Duran provided a Powerpoint outline of the December 29, 2011 California Supreme Court ruling to uphold Bill AB1X26, which would dissolve redevelopment agencies, and to invalidate Bill AB1X27, which would have allowed redevelopment agencies to continue if a voluntary payment were made to the State.

Effective Date: February 1, 2012 is the effective date that the redevelopment agency would be dissolved as a legal entity.

Successor Agency: The City of San Dimas has until January 13, 2012 to formally determine if the City of San Dimas will serve as the Successor Agency to the San Dimas Redevelopment Agency. If the City Council declines to serve as the Successor Agency, the City would not be in a position to control the preparation and contents of the Agency's Recognized Obligation Payment Schedule, which lists the Agency's financial obligations to be paid from former tax increment funds. Additionally, the City is likely to incur administrative costs throughout the dissolution process with no means of securing funds from the State to pay for those expenses.

Staff recommended that the City Council adopt Resolution No. 2012-02 electing to serve as Successor Agency to the dissolved San Dimas Redevelopment Agency and take responsibility for managing the operation of all prior obligations of the Redevelopment Agency prior to dissolution.

In response to Councilmember Ebiner, Mr. Duran replied that if the City opts to not serve as Successor Agency, it would default to an agency that would be created under the auspices of the County of Los Angeles and members to that Board would be appointed by the Governor. The City would not be involved in any continued operation of the Agency.

In response to Councilmember Badar, Mr. Duran replied that the legislation did not require a resolution to affirm the desire to s Successor Agency, however, it was staff's intent to err on the side of caution.

Oversight Board: Effective March 1, 2012, an Oversight Board will be established to direct staff of the Successor Agency to perform the work to continue with the prior obligations of the former agency. Mr. Duran said the Board shall be comprised of seven members: two appointed by the City; two by the County; one by the largest Special District, which is believed to be the Fire District; one by the County Supervisor of Education, and one by the Chancellor of California Community Colleges. He said the Board will approve payments, liquidation of assets, sale of property and all functions associated with the dissolution of the agency.

Enforceable Obligation Payment Schedule (EOPS) and Recognized Obligation Payment Schedule (ROPS): Prior to dissolution of the Agency, the City and Existing Agency are required to identify and list on the EOPS and the ROPS all financial obligations committed prior to adoption of legislation in June 2011. Staff recommends adoption of the Enforceable Obligation Payment Schedule. The Recognized Obligation Payment Schedule (ROPS) will be brought before the City Council at their next meeting. He said the Oversight Board would need to approve the Recognized Obligation Payment Schedule (ROPS.)

Administrative Cost Allowance: There is a provision to allow a cost allowance to pay for administrative costs of the Successor Agency in the performance of the agency functions. Mr. Duran said the allowance may be up to 5% of the tax increment allocation, or a minimum of \$250,000, and up to 3% or a minimum of \$250,000 each year thereafter.

Redevelopment Property Tax Trust Fund: All tax increments previously allocated to the Redevelopment Agency will be deposited into a Trust Fund established by the County Auditor/Controller, as a source of funding to pay prior obligations from the ROPS, including the administrative cost allowance.

Housing Functions: The dissolution of redevelopment agencies eliminates the requirement for low-moderate income housing in a housing project within a redevelopment project. The 20% set aside revenue source is also eliminated and any surplus funds shall be deposited into the Redevelopment Trust Fund. The City may elect to retain the existing housing responsibilities without any new revenue stream. He said Senator Steinberg introduced SB 654 to allow for accumulated housing revenue to be transferred to the Successor Agency that assumes the housing obligations.

Redevelopment Owned Property: Title to Agency-owned property must be transferred to the Successor Agency or other entity. Pursuant to AB 26, that property must be liquidated and proceeds transferred to the Trust Fund, to be made available for redistribution to other taxing entities.

In response to Mayor Pro Tem Templeman, Mr. Duran replied that Charter Mobile Home Park is owned and titled by the Housing Authority, and title to other properties are in the name of the City, Housing Authority, or the Redevelopment Agency. He added that staff is reviewing title to all properties to figure out options regarding transfer of title to another entity prior to February 1, 2012.

In response to Councilmember Bertone, Mr. Duran stated that Costco is a prior obligation with a binding Development Agreement. He said funds come from property taxes that will be deposited into the Trust Fund and it is staff's intention to request funds from the Oversight Board for annual payment. He noted that the schedule has to be approved by the Oversight Board, County Auditor/Controller and ultimately by the Department of Finance. If any of those agencies make the determination that it was not a legal contract, that contract could be nullified.

In response to Councilmember Ebner, Mr. Duran replied that bond obligations would be identified in the Recognized Obligation Payment Schedule (ROPS) to be paid directly by the Successor Agency. He explained that all funds are deposited to the Trust Fund and requests would be submitted to the County Auditor/Controller for remittance to the Successor Agency, who is responsible for making payments toward the debt.

In response to Mayor Pro Tem Templeman, Mr. Duran stated that legislature is silent on any interest earned on the funds while in the Trust Fund. He said the County Auditor/Controller has a lot of responsibility in the Oversight Board, and are authorized to reimburse themselves for administrative costs.

Mr. Duran reviewed key operative dates for the Agency/City and said the determination of Successor Agency and the amended Enforceable Obligation Payment Schedule (EOPS) are on the agenda for approval tonight. It is staff's plan to revise the Recognized Obligation Payment Schedule (ROPS) for consideration at the next meeting. Also at their next meeting, the Council will need to make the determination whether or not they want to assume responsibility of the housing functions and how properties will be transferred. Effective February 1, the Agency is dissolved and the Successor Agency becomes operative. Only payments under the Enforceable Obligation Payment Schedule (EOPS) could be made until the Oversight Board adopts the Recognized Obligation Payment Schedule (ROPS.) The Oversight Board is in place by March 1, and will begin reviewing the Recognized Obligation Payment Schedule (ROPS.)

In response to Councilmember Badar, Mr. Duran replied that assuming there is no change to the legislation and that AB 26 and the State Supreme Court ruling is intact without modification, staff will recommend quit claim title transfers for the Agency-owned properties. He said an urgency ordinance to modify AB 26 would need to be enacted prior to February 1 and requires a 2/3 vote of the legislators. However, if the Governor vetoes the Bill, another political issue would need to be addressed.

After the title was read, it was moved by Councilmember Badar, seconded by Councilmember Ebner, to waive further reading and adopt **RESOLUTION NO. 2012-02**, A RESOLUTION OF THE CITY OF SAN DIMAS DETERMINING THAT THE CITY OF SAN DIMAS ELECTS TO, AND SHALL, SERVE AS THE SUCCESSOR AGENCY TO THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34173. The motion carried unanimously.

- (2i) **RESOLUTION NO. 2012-03**, A RESOLUTION OF THE CITY OF SAN DIMAS MAKING A DECLARATION UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 33354.8 THAT, DURING THE PERIOD FROM JANUARY 1, 2010 TO DECEMBER 31, 2011, THE CITY HAS NOT FORGIVEN THE REPAYMENT, WHOLLY OR PARTIALLY, OF ANY LOAN, ADVANCE, OR INDEBTEDNESS OWED TO THE CITY BY THE SAN DIMAS REDEVELOPMENT AGENCY.
- (2ii) **RESOLUTION NO. 193**, A RESOLUTION OF THE SAN DIMAS REDEVELOPMENT AGENCY MAKING A DECLARATION UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 33354.8 THAT, DURING THE PERIOD FROM JANUARY 1, 2010 TO DECEMBER 31, 2011, THE AGENCY HAS NOT FORGIVEN THE REPAYMENT, WHOLLY OR PARTIALLY, OF ANY LOAN, ADVANCE, OR INDEBTEDNESS OWED TO THE AGENCY BY A PUBLIC BODY.

Assistant City Manager/Deputy Executive Director Duran provided a brief background on Governor Brown's Assembly Bill 936 requiring public disclosure of any Redevelopment Agency loans to or from public entities that were forgiven by said Agency or public entity between the time period of January 1, 2010 through December 31, 2011. Health and Safety Code Section 33354.8 requires the City of San Dimas and the San Dimas Redevelopment Agency to each adopt a Resolution between January 1, 2012 and February 1, 2012, declaring whether or not they have forgiven, during the period between January 1, 2010 ending December 31, 2011, the repayment, wholly or partially, of a loan, advance, or indebtedness that has been owed to the City or Agency by a public body. Mr. Duran said neither the City of San Dimas or the San Dimas Redevelopment Agency have forgiven the repayment, wholly or partially, of a loan, advance, or indebtedness that has been owed to the City by the Agency or to the Agency by a public body, between January 1, 2010 and December 31, 2011. Staff recommended adoption of City of San Dimas Resolution No. 2012-03 and San Dimas Redevelopment Agency Resolution No. 193.

After the title was read, it was moved by Councilmember Ebner, seconded by Councilmember Bertone, to waive further reading and adopt **RESOLUTION NO. 2012-03**, A RESOLUTION OF THE CITY OF SAN DIMAS MAKING A DECLARATION UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 33354.8 THAT, DURING THE PERIOD FROM JANUARY 1, 2010 TO DECEMBER 31, 2011, THE CITY HAS NOT FORGIVEN THE REPAYMENT, WHOLLY OR PARTIALLY, OF ANY LOAN, ADVANCE, OR INDEBTEDNESS OWED TO THE CITY BY THE SAN DIMAS REDEVELOPMENT AGENCY. The motion carried unanimously.

After the title was read, it was moved by Mr. Bertone, seconded by Mr. Ebner, to waive further reading and adopt **RESOLUTION NO. 193**, A RESOLUTION OF THE SAN DIMAS REDEVELOPMENT AGENCY MAKING A DECLARATION UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 33354.8 THAT, DURING THE PERIOD FROM JANUARY 1, 2010 TO DECEMBER 31, 2011, THE AGENCY HAS NOT FORGIVEN THE REPAYMENT, WHOLLY OR PARTIALLY, OF ANY LOAN, ADVANCE, OR INDEBTEDNESS OWED TO THE AGENCY BY A PUBLIC BODY. The motion carried unanimously.

(1) Adoption of Amended Agency Enforceable Obligation Payment Schedule.

Deputy Executive Director Duran provided a summary of AB 26 requiring that all Redevelopment Agencies adopt a schedule of Enforceable Obligation Payment Schedule (EOPS). The Agency adopted an EOPS in August 2011. Staff recommends the Agency adopt the amended EOPS.

In response to Chair Morris, Mr. Duran replied that this is an amended schedule to reflect actual dollar amounts and additional categories.

It was moved by Mr. Bertone, seconded by Mr. Templeman, to adopt the amended Agency Enforceable Obligation Payment Schedule pursuant to AB 26, Section 34167 and 34169. The motion carried unanimously.

d. **EXECUTIVE DIRECTOR**

Executive Director Michaelis had nothing further to report.

e. **MEMBERS OF THE AGENCY**

Mr. Templeman expressed his disappointment that there is no possibility of paying off Charter Oak Mobile Home Estates with surplus housing funds. He is proud of the projects that were accomplished that the community seems to enjoy. He added that city government got seven cents of property tax dollars to eliminate blight in the city.

f. **ADJOURNMENT**

Mayor/Chairman Morris adjourned the joint meeting of the City of San Dimas and San Dimas Redevelopment Agency and reconvened the regular City Council meeting at 8:40 p.m..

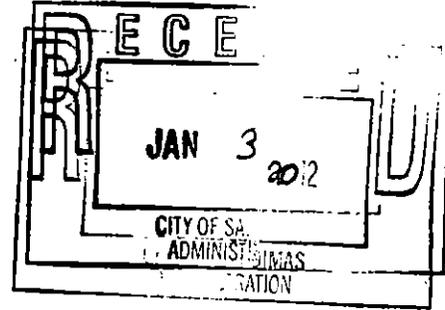
Respectfully submitted,

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Ina Rios, CMC, City Clerk/Secretary



**CARL WARREN & COMPANY**  
Claims Management and Solutions



December 25, 2011

TO: The City of San Dimas

ATTENTION: Ken Duran, Assistant City Manager

RE: Claim : Brackley vs. The City of San Dimas  
Claimant : Alyssa Brackley  
D/Event : 11/30/2011  
Rec'd Y/Office : 12/23/2011  
Our File : S-1604385-LMQ

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

**CLAIM REJECTION: Send a standard rejection letter to the claimant.**

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

Very truly yours,

CARL WARREN & COMPANY



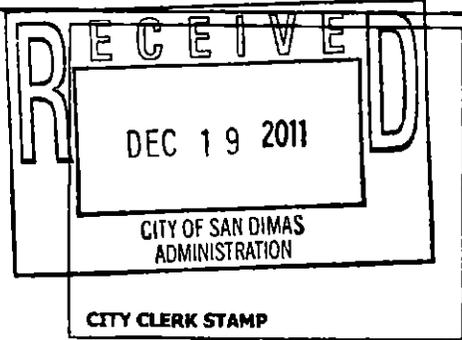
Richard D. Marque

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

AN EMPLOYEE-OWNED COMPANY  
770 S. Placentia Avenue | Placentia, CA 92870  
P. O. Box 25180 | Santa Ana, CA 92799-5180  
www.carlwarren.com | Tel: 714-572-5200 | 800-572-6900 | Fax: 856-254-4423  
CA License No. 2607296

H.C

COPY



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

Received by \_\_\_\_\_ initials

Via

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

FAX

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

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

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

- 1. Name of Claimant Alyssa Brackley
a. Address 462 US Small Drive
b. City Beverly Hills CA Zip Code 90211
c. Telephone Number ( ) d. Cell Number (818) 431-1717
e. Date of Birth f. Drivers' license
g. e-mail: alyssa.brackley@gmail.com

- 2. Name, telephone and post office address to which claimant desires notices to be sent if other than above:
NA

- 3. Event or occurrence from which the claim arises:
a. Date November 30th b. Time Night a.m./p.m.
c. Place (exact & specific location)

812 N Oakway Ave
San Dimas, CA 91773

- d. How and under what circumstances did damage or injury occur? Specify the particular occurrence, event, act or omission you claim caused the injury or damage. (Use additional paper if necessary)
An untrimmed city tree lost several branches in a wind storm, totaling my car.

- e. What particular action by the City, or its employees, caused the alleged damage or injury?
The city arborist who took pictures & viewed the scene should have periodically been checking/inspecting the tree - should have perhaps been trimmed or homeowners should have been warned that it is a potential hazard ... because several branches fell.

- 4. Give a description of the injury, property damage or loss, so far as is known at the time to this claim. If there were no injuries, state "no injuries".
No injuries; car totaled

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

\_\_\_\_\_  
NA  
\_\_\_\_\_

6. Name and address of any other person injured:

\_\_\_\_\_  
NA  
\_\_\_\_\_

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

\_\_\_\_\_  
Alyssa Brackley  
462 S Small Drive  
Beverly Hills, CA  
90211  
\_\_\_\_\_

8. Damages claims:

- a. Amount claimed as of this date: \$ 8,100
- b. Estimated amount of future costs: \$ ?
- c. Total amount claimed: \$ 8,100
- d. Basis for computation of amounts claimed  
(attach copies of all bills, invoices, estimates, etc.)

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

- a. James Collins - La Habra HTS
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. All neighbours ..

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

\_\_\_\_\_  
car estimate attached  
\_\_\_\_\_  
letter from Boxer Wachler Vision Institute for days lost  
\_\_\_\_\_  
letter from Selma Boxer Wachler to follow (nanny days  
lost)

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

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

Signed this 10th day of December, 20 11  
at 12:00 pm

*Alyssa Brackley*  
Claimant's signature





## AGENDA ITEM STAFF REPORT

**TO:** Honorable Mayor and Members of the City Council  
For the Meeting of January 24, 2012

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Administration Department

**SUBJECT:** Performance Report for FY 2010-11 and FY 2011-12 CDBG Program Years  
and Proposed FY 2012-13 Projected Use of Funds

### **SUMMARY**

*The Housing Division is in the process of planning activities for FY 2012-13 Community Development Block Grant (CDBG) Program Year.*

*Performance goals established for FY2010-11 through the current date have been met. The proposed FY 2012-13 programs are a direct result of HUD's reduced allotment and the City's success of existing viable projects.*

### **BACKGROUND**

Each year, Community Development Block Grant (CDBG) funds are apportioned to cities by the U.S. Department of Housing and Urban Development (HUD). As a participating city, these funds are allocated and administered through the entitlement of the Los Angeles Urban County. Participating cities receive funding based upon the number of cities participating in the County's program, community development need, and a city's commitment to provide housing, economic and community development opportunities. Recently, HUD notified grantees of deep cuts at the national level and that FY2012-13 will be the first year that the CDBG formula allocation will rely on the 2010 Census data. Using these new statistics, and national reduction to the CDBG program, Los Angeles County is targeted to receive a significant cut in CDBG funding of approximately 37 percent over a two year period. Although we do not have the final allocation figures, the County is projecting an estimated allocation of \$140,829 for San Dimas. This represents a significant reduction of approximately 40 percent from last year's allocation which will drastically minimize the amount of recipients we can assist.

While cities have a great deal of flexibility in the selection of projects, all funded projects must be implemented according to the 1974 Housing and Community Development Act and the National Affordable Housing Act passed by Congress in 1990. Activities carried out with CDBG funds must address at least one of the national objectives of the CDBG program which include:

- Benefiting low and moderate income persons,
- Addressing slum or blight; or,
- Meeting a particular urgent community development need.

Activities may include, but are not limited to, public facilities and improvements, acquisition and relocation, public services and housing improvement programs. Applicable statutes and regulations place specific requirements on certain activities such as a limitation on the amount of CDBG funds which may be used for public services, planning and administration costs.

5.0

Consequently, our preparation for the FY 2012-13 program year will be regulated in a manner consistent with these laws.

## DISCUSSION/ANALYSIS

### FY 2010-11 and FY 2011-12 PERFORMANCE

The following table summarizes the actual FY 2010-11 and FY 2011-12 CDBG program budgets and their accomplishments.

<b>Program Budgets and Accomplishments – FY 2010-11 and FY2011-12</b>				
<b>PROJECT</b>	<b>FY 2010-11</b>	<b>Accomplishments</b>	<b>FY 2011-12</b>	<b>Accomplishments*</b>
Housing Rehabilitation	\$ 238,367	66 grants	\$ 172,665	30 grants 1 loan
Lead Base Paint/Assessment	\$ 20,000	15 grants	Merged with Hsg. Rehab Program	Included in Hsg. Rehab Program
SHARES	\$ 30,000	106 Persons (P)	\$ 25,000	43 Persons (P)
Administration	\$ 20,000	CDBG Management	\$ 13,566	CDBG Management
<b>TOTALS</b>	<b>\$ 308,367</b>	<b>81 (H) and 106 (P)</b>	<b>\$ 211,231</b>	<b>31 (H) and 43 (P)</b>

\*Accomplishments through second quarter ending 12/31/2011.

### **Housing Rehabilitation Program**

The Housing Rehabilitation Program continues to assist eligible households with the high cost of repairing their residences. The program merged with the Lead Based Paint Assessment project in FY2011-12 streamlining processing efforts when both programs were used simultaneously.

Reimbursement for personnel costs and the retention of asbestos and lead professionals to assess and mitigate asbestos and lead hazards continue under the merged program. The program continues to provide support to City code enforcement efforts to correct substandard housing conditions and remains the most successful and highly supported CDBG program of our residents.

<b>Housing Rehabilitation</b>											<b>Total Accomplishments (Households)</b>	
<b>Type of Assistance</b>	<b>Recipient Characteristics by Income (Households)</b>										<b>FY 10-11</b>	<b>*FY 11-12</b>
	<b>Very Low Income</b>		<b>Low Income</b>		<b>Moderate Income</b>		<b>Over 62 yrs</b>		<b>Female head of hshd.</b>	<b>Female head of hshd.</b>		
	<b>FY 10-11</b>	<b>*FY 11-12</b>	<b>FY 10-11</b>	<b>*FY 11-12</b>	<b>FY 10-11</b>	<b>*FY 11-12</b>	<b>FY 10-11</b>	<b>*FY 11-12</b>	<b>FY 10-11</b>	<b>*FY 11-12</b>		
Grants (Up to \$3000)	17	9	32	8	17	13	39	25	39	20	66	30
Deferred Loans (Average \$10,000)		1										1
<b>TOTALS</b>	<b>17</b>	<b>10</b>	<b>32</b>	<b>8</b>	<b>17</b>	<b>13</b>	<b>39</b>	<b>25</b>	<b>39</b>	<b>20</b>	<b>66</b>	<b>31</b>

\*Accomplishments through second quarter ending 12/31/2011

**Lead Based Paint Assessment/Interim Control**

This program assisted housing rehabilitation applicants with lead-based paint assessments and interim control processes. Merged in FY2011-12 with the Rehabilitation Program, the Lead-Based Paint Project continues to fund the costs of retaining a lead-based paint professional to inspect, test, and provide rehab oversight and clearance of each project. Most importantly the project continues to assist in protecting children from lead exposure which can result in lead poisoning.

<b>Lead Based Paint Assessment</b>												
Type of Assistance	Recipient Characteristics by Income (Households)										Total Accomplishments	
	Very Low Income		Low Income		Moderate Income		Female head of household		Over 62 yrs		FY 10-11	FY 11-12
	FY 10-11	FY 11-12	FY 10-11	FY 11-12	FY 10-11	FY 11-12	FY 10-11	FY 11-12	FY 10-11	FY 11-12		
<b>Lead Inspections/Lead Control</b>	<b>4</b>	<b>5</b>	<b>7</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>8</b>	<b>8</b>	<b>6</b>	<b>6</b>	<b>15</b>	<b>9</b>

**Administration**

Remaining funds were expended in FY 2010-11 and FY 2011-12 for Administration and Finance staff engaged in CDBG program administration and management. Staff maintained and accomplished proposed CDBG activity numbers and program goals for FY 2010-11 and anticipates similar productivity goals for FY 2011-12.

**SHARES (Seniors Housing Alternatives, Resources, Education, and Support)**

San Dimas SHARES provided information and referral, case assessment and shared housing services in addition to informative workshops to seniors. The program reimbursed the salary of a full-time coordinator and administration costs associated with the program. The table below details all persons 55 years of age and older assisted through San Dimas SHARES.

<b>SHARES</b>										
Type of Assistance	Recipient Characteristics by Income (Persons)								Total Accomplishments* (Persons)	
	Homeless		Home Share Match Assistance		Referrals		Female head of hshd.	Female head of hshd.	FY 10-11	*FY 11-12
	FY 10-11	*FY 11-12	FY 10-11	*FY 11-12	FY 10-11	*FY 11-12	FY 10-11	*FY 11-12		
<b>Case Assessment/Information/Referral</b>	<b>6</b>	<b>5</b>	<b>8</b>	<b>6</b>	<b>98</b>	<b>43</b>	<b>69</b>	<b>32</b>	<b>106</b>	<b>43</b>

\* Accomplishments through second quarter ending 12/31/2011

**PROPOSED FY 2012-2013**

The FY 2012-13 grant allocation of \$140,829 represents a 40 percent reduction of the FY 2011-12 funding level of \$249,450. For FY 2012-13, staff is proposing to allocate 100 percent of the City's total program budget to activities benefiting low to moderate income persons and maintain HUD's public service cap of fifteen percent (15 percent) of annual grant allotment. Given the ongoing trend of CDBG funding reductions, the County has eliminated the ability of participating cities to allocate general administrative costs for their CDBG programs. This policy change will not alter the ability to charge administrative costs used in direct support of a project but rather disallow a separate project solely used for CDBG general administration.

The City has not yet been informed of the final allotment of CDBG funds for FY2012-13. However, in order to move the CDBG process forward we have been advised to utilize the recent figures provided. Once the actual amount is known, adjustments will be made to the program activity budgets.

The proposed projects continue to maintain the city's affordable housing supply and provide supportive services for targeted low-income groups, including persons who are homeless, persons with disabilities, the elderly and other special needs groups. Two projects identified below are existing CDBG programs that have been most successful and supported in the community.

<b>Proposed Projects FY 2012-13</b>			
Project	Budget	% of Budget	Estimated Accomplishments
<b>Housing Rehabilitation Program</b>	\$ 127,829	85	30 households
<b>SHARES</b>	\$ 21,000	15	90 persons
<b>TOTALS</b>	<b>\$ 140,829</b>	<b>100%</b>	<b>30 households and 90 persons</b>

As customary, additional funding from prior year carryover and loan paybacks are reallocated to the Housing Rehabilitation program when financial closeout is completed.

### **CONCLUSIONS**

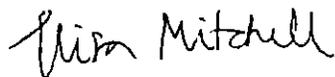
Staff believes the proposed projects continue to enhance the ability to achieve our goals of maintaining a safe, decent and sanitary environment for our residents. In the event final CDBG allocation funds vary from the \$140,829 estimate, the proposed projects and budgets will be adjusted accordingly.

Staff is prepared to support any recommendations Council may provide within the scope, objectives and mandated requirements of the CDBG program.

### **RECOMMENDATION**

Administration Department recommends that the City Council approve the proposed FY 2012-13 CDBG program as outlined in the staff report and authorize the City Manager to execute any and all documents necessary to further the projects approved herein, including but not limited to amendments and modifications thereto for CDBG projects with the Los Angeles County Community Development Commission.

Respectfully Submitted,



Elisa Mitchell  
Housing Coordinator



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of January 24, 2012*

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Marco A. Espinoza, Associate Planner

**SUBJECT:** **Appeal of Denial without prejudice of DPRB CASE NO. 08-47 Revised house layout and grading plan from the previously approved plans.**  
**DPRB CASE NO. 08-47**, a request to construct a 5,117 sq. ft. two-story, single-family residence and several attached garages totaling 1,908 sq. ft. within Specific Plan No. 4 at 1658 Gainsborough Road (APN: 8426-034-020).

**ASSOCIATED CASE: TREE PERMIT 10-48**  
A request to remove a mature Coast Live Oak in order to accommodate the revised layout of the house and garages.

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## **SUMMARY**

*This project was previously approved by the Board on June 28, 2007 and on November 11, 2008.*

*The project was stopped in September 2009 during the grading process due to an excessive amount of unpermitted soil imported onto the site, caused in part by an inaccurate topographic map and incorrect cut and fill quantities.*

*Subsequent to the project being stopped, Staff has worked with the applicant, his Architect, and Engineer to understand what went wrong in the grading process and how to modify the project to meet the Code requirements of a Type "C" lot within Specific Plan 4. Staff has not been successful in accomplishing either, due to the fact that the applicant and architect feel they are complying with the Code requirements. In addition, the engineer of record has moved out of State and is no longer involved with the project and a new engineer has not been hired at this time.*

*6.0*

*Due to the extended time since the project has been stopped (over 2 years), erosion concerns, and the lack of Code compliance, Staff recommended to the Board to deny the project without prejudice, and require the applicant to restore the site to its original grading level within three months; the Board concurred at their October 27, 2011 meeting.*

*The applicant filed an appeal to overturn the Board's decision.*

## **BACKGROUND**

- This project was originally approved by the Board on June 28, 2007, as DPRB Case No. 07-34. The applicant let the approval expire without applying for an extension.
- The applicant resubmitted the same proposal under DPRB Case No. 08-47 and was approved by the Board on November 11, 2008.
- Grading permits were issued on March 13, 2009.
- Staff received several complaints regarding excess import of soil. Staff verified the complaints and determined that there was additional soil on-site than was approved. In early September 2009, the project was placed on hold until further review of the approved grading plans and the on-site conditions.
- It was later discovered that the original topographic map that was used by the civil engineer was incorrect, therefore creating inconsistencies in the grading. The incorrect topographic map identified the rear portion of the lot to be five to six feet higher than it really was.
- If the applicant had used the correct topographic map, the proposed project would have exceeded the allowable 200 cubic yards of cut and fill combined, outside the driveway and house pad, and the project would not have been approved.
- The applicant resubmitted plans for review by the Board on February 24, 2011. Staff reported that the applicant had not made a significant effort to address the issues created by the additional soil. Staff felt that the proposal exacerbated Staff's concerns regarding grading, mass, and scale of the residence. The applicant had also submitted a tree removal permit to remove one of the three mature Oak trees on site.

- The Board concurred with most of Staff's concerns and voted to recommend that the applicant redesign the house to meet the requirements of Specific Plan No. 4, Type "C" Lot development requirements. The design of the residence should be integrated into the natural terrain of the sloping lot and be consistent with a tri-level type of design. The redesign of the residence shall also meet the allowable grading of 200 cubic yards of cut and fill behind the rear building line. Revised plans shall be resubmitted for the Board's review within 90 days from the notification letter sent to the applicant. The Board also voted to continue Tree Permit 10-48 until the new house design is reviewed by the Board.
- Since the February 24, 2011, DPRB meeting Staff has been working with the applicant in developing an alternative house layout, design and grading. Staff understands the Boards timeframe was not adhered to, but the applicant had been in contact with Staff on their progression.
- The applicant revised the layout, design and grading of the previous plans. Staff feels that the applicant is still not compliant with the requirements of Specific Plan No. 4, Type "C" Lot development requirements, but due to the protracted time frame of revising the plans and concerns from the adjacent neighbors, Staff felt the case needed to be reviewed by the Board at this time.
- At their October 27, 2011 meeting the Board voted to deny DPRB Case No. 08-47, without prejudice and require the applicant to restore the site to its original grading level within three months after reviewing the DPRB Fact Sheet and hearing all the testimony from Staff, the adjacent neighbor and the applicant. At the meeting the Board also discussed that they had previously given the applicant sufficient time to comply with the Code requirements without much success and should not extend the time frames any further. Tree Permit No. 10-48 was also denied since the Board could not make the findings for the removal of the tree, as the development of the house was denied.
- The applicant appealed the DPRB decision to the City Council.

### **APPEAL**

The applicant filed an appeal (see Exhibit A) requesting that the City Council overturn the Development Plan Review Board's decision to deny DPRB Case No. 08-47, without prejudice, and require the applicant to restore the site to its original grading level within three months. The appeal letter also requests that the Council approve the traditional two-story designed residence proposed for the site; however the architect also describes the house as "actually a tri-level".

The appeal letter discusses the issues of the type of form the residence should be designed in (two-story vs. multi-level). Based on development requirements of the Specific Plan No. 4, the lot's designation is a "C" lot, a split-level type of house would be best suited for this property based on the topography; the applicant disagrees. As shown in Exhibit "E" within Specific Plan No.4 (see Exhibit G) there are three types of cross sections showing different types of building formation placed on different types of hillsides. The applicant's lot is considered a custom lot due to the extensive grading proposed; therefore, the last example has been the one Staff has been focusing on. The second to the last illustration would also be appropriate for the site in its original condition which is the intent shown, but not proposed, by the applicant. The second and third to the last illustrations are meant to show homes designed within the existing natural contours, as the intent of Specific Plan No. 4 is to build upon the natural contours of the land and to minimize the amount grading.

### **"C" Lot Classification**

Specific Plan No. 4 was approved with an understanding that the area was made up of different types of landform therefore, each lot was individually classified and each classification has its own grading requirements. The lots were each classified as an "A", "B", or "C" lot; the subject lot was determined to be a "C" lot based on its topography. Specific Plan No. 4, Exhibit B, identifies the subject property as a Type "C" lot (see Exhibit F).

- **"A" lots tend to be flat lots with some sloping in the rear.**  
*"Type A Lots. Type A lots are located in areas that are relatively flat. Grading of the entire developable lot area is permitted on Type A lots." Code Section 18.504.110(B)(1).*
- **"B" lots tend to be more sloped than "A" lots with a mild slope.**  
*"Type B lots are grouped throughout the specific plan. These lots are characteristically located on minor inclined terrain that represents moderately sensitive landform. Grading on Type B lots is permitted for the placement of an access to permitted uses. This grading may include a slab-on-grade foundation and driveway access to the garage. The grading of the entire lot is not consistent with the intent of a Type B classification." Code Section 18.504.110(B)(2).*
- **"C" lots tend to have greater slopes than any of the other lots.**  
*"Type C lots are predominately located along major changes in topography and are highly visible to the surrounding community. These lots are located on the most sensitive landform. Grading on Type C lots is restricted to only that earth movement necessary for roadway access and excavation for retaining-type building*

*foundations where there will be no visible signs of grading beyond the structure's main walls." Code Section 18.504.110(B)(3).*

Staff has attached on the following page an aerial of the subject property and some of the surrounding properties with their lot classification. The applicant mentions in the appeal letter that the two adjacent properties have similar slopes. Both these lots are similar within the first 50 feet of the lot facing the street but then the subject lot's slope changes, therefore classifying it as a "C" lot. The adjacent neighboring properties are both classified as "B" lots due to the difference in their topography.

As mentioned the "C" lots tend to have the greatest slopes within the Specific Plan and the intent of the zone is for the residences to be developed within the natural contours of the existing slopes. If grading is proposed, it should be minimal. "Grading Design Approach. The reshaping of the natural terrain to permit access and construction shall be kept to the absolute minimum." Code Section 18.504.110 Grading Design. The Code does allow for minimal grading up to **200 cubic yards** (cut and fill combined) outside of the house pad and access. In cases where the Board determines that additional grading **will reduce the overall mass and bulk of the proposed structure**, the 200 cubic yard limit may be increased to a total of 500 cubic yards of cut and fill. One cubic yard is a box that measure 3' x 3' x 3' = 27 cubic feet.

Staff has attached (see Exhibits H & I) elevations, photos, and cross-sections of the "C" lots identified within the aerial to illustrate how the other property owners have been able to comply with the grading requirements by developing multi-level residences. The grade of each of the lots tends to dictate the different elevations of the floor plan of the house. On average the existing "C" lot properties are developed with 2 to 3 different first floor elevations (split-level, also known as tri-level) that vary from 3 to 5 feet in difference per floor. Staff feels that the applicant's current proposal does not meet the intent of the Code nor the previous approved developments within Specific Plan No. 4 for "C" lots. Staff has discussed this type of building design with the applicant on a number of occasions but they feel their current design with a two-foot difference in the floor plan is appropriate and meets the Code.

The applicant's letter also included two cross-sections of two different properties within San Dimas but not within the same zone, with different development requirements. They should not be used to analyze this project.

## **Grading**

As part of the appeal letter the applicant is requesting that the City Council accept the grading quantities calculated by the architect, not the engineer of record. Staff has requested from the applicant on a number of occasions certified documentation of the soil imported onto the site but has only obtained some of

the documentation requested. Staff has received complaints from neighbors that soil has been imported late at night and on the weekends which has not been accounted for within the documentation. Since the project was placed on hold, Staff has received different grading calculations on each of the resubmittals. The City Engineer has reviewed the submitted information and revised grading plans with some concern about the accuracy of the information provided.

Case in point: the appeal letter has different grading quantities compared with the information submitted to the Board at the October 27, 2011 meeting. The applicant was proposing to export 480 cubic yards of soil, but in the appeal letter it is now "about" 400 cubic yards. Staff understands the complexity of this case due to incorrect information of the grading quantities and the error in the original topographical map. Therefore, Staff feels that restoring the lot to its original grade would be best.

Staff's recommendation to the Board and their decision to require the applicant to restore the hillside back to its original grade would help accomplish the following:

1. Help establish the original grade elevations by having the property surveyed once the imported soil is removed.
2. Allow for the architect to understand the established grade, in order to design a split-level house that conforms to the "C" lot requirements.
3. Allow for the City Engineer to verify submitted information based on current and certified plans.
4. Reduce erosion concerns that have previously produced soil discharge onto the adjacent neighbors and into the public sewer system, which is an NPDES violation.
5. Would remove any timelines requiring the applicant to resubmit redesigned house plans that would meet the Code requirements.
6. Allows for their engineer to comply with Specific Plan No. 4 standards, including but not limited to, Section 18.504.110 Grading Design. *"Grading Design Approach. The reshaping of the natural terrain to permit access and construction shall be kept to the absolute minimum. The improvements should be designed to conform to the terrain. Where grading is necessary, the following guidelines shall apply to Type B and Type C lots:*
  1. *Transition Design. The angle of the grading slope shall be gradually adjusted to the angle of the natural terrain.*
  2. *Angular Forms. Angular forms shall not be permitted. The graded form shall reflect the natural rounded terrain.*

3. *Exposed Sloped. Graded slopes shall be concealed wherever possible."*

### **ISSUES OF CONCERN:**

The following are issues of concern that were presented as part of the Fact Sheets at both DPRB meetings that are related to the applicant's case and were discussed as part of the Board's overall decision to deny the project (see Exhibits B – E). Staff is presenting them as they were presented to the Board.

#### **1. Height and Mass of Slope.**

In the previous proposal reviewed by the Board, the mound of soil reached a height of 12 feet within some areas. The edge of the mound was approximately five to six feet from the southwest property line for about 80 linear feet. The applicant was proposing to locate the house atop the flat pad mound that was created. The rear portion of the two-story house was approximately 10 to 20 feet from the edge of the mound.

In the current plan the applicant will remove four feet of soil behind the house reducing the mound to 8 feet high. But if you compare the previous proposal to the current proposal the applicant has actually increased the rear yard grade by two feet. As mentioned, the previous submittal showed the elevation grade behind the house at 690; the current proposal shows it a 692: Staff expected to see a reduction from the 690 elevation in order to comply with Exhibit "E" of the Specific Plan, Type "C" lots which allows for custom design that should be integrated into the hillside and not create extensive flat pad areas.

Staff recommends removing additional soil starting from the 690 elevation.

#### **2. Mass and Bulk of the Residence**

In the previous proposal the design of the house did not change much from its original design. What changed was the location of the house; it was relocated further into the site in a southeast direction. Placing the house towards the edge of the mound further exacerbated the scale and mass of the building to the residents below. The house appeared to overshadow the other properties at the rear. Staff and the Board recommended to the applicant that the house design should take into consideration the topography of the lot and integrate the house into the hillside. The Board recommended the applicant redesign the house in a tri-level design which is a typical design for hillsides and would help reduce the amount of grading needed and avoid creating flat pad areas on hills.

In the current proposal the applicant moved the house and garage pads back to the original location but did little to reduce the mass and bulk of the house. When looking at the finish floor elevations of the current proposal you will notice that there is a one to two-foot difference within the house pad rooms; Staff would not consider this a tri-level design. In comparing the previous submittal the applicant

has actually raised a large portion of the house pad by three to four feet, increasing the mass and bulk. The previous submittal had the house pad at an elevation of 694; the current proposal is at 698 at its highest point and 695 at its lowest point.

Staff recommends the house be redesigned in a tri-level design, built into the hillside, helping reduce the amount of grading needed and avoid creating flat pad areas on the hill.

### **3. Findings – Standards of Review**

In reviewing the proposed project with its modification to the grading plan and new building location, Staff feels that the following Standards of Review under Code Section 18.12.060(A) have not been met:

*2. The location, configuration, size and design of the buildings and structures should be visually harmonious with their sites and with the surrounding sites, buildings and structures.*

*5. The location and configuration of buildings should minimize interference with the privacy and views of occupants of surrounding buildings.*

*6. The height and bulk of proposed buildings and structures on the site should be in scale with the height and bulk of buildings and structures on surrounding sites, and should not visually dominate their sites or call undue attention to themselves.*

### **4. Tree Permit 10-48**

In the previous submittal the relocation of the house and garage pads by as much as 30 feet to the southeast created an encroachment into the drip line and possibly the trunk of one of the Oak Trees. The applicant submitted an arborist report (see Exhibits J & K) that indicates that the tree should be removed because it will encroach on the building pad; in addition, the tree has been heavily pruned which has led to bad structure. The pruning, which is mentioned in the arborist report, was initiated by the applicant at the start of the project and performed by a certified arborist. The Board voted to defer their recommendation on the Oak tree until revised plans for the house were resubmitted.

In the current proposal the applicant is still proposing to remove the Oak tree even though no portion of the house or garage pad encroaches into the tree's drip line or trunk. Staff recently visited the site to look at the tree; the tree looked in good health and appears to be thriving.

Staff recommends the applicant realign the proposed walkway along the garage walls with retaining walls, in order to preserve the tree.

## **Conclusion**

Staff would like to make clear that no one (Staff, the Board or the neighbors) has opposed the construction of a residence at the subject site. The opposition is with the construction of a residence that does not comply with the Code requirements of Specific Plan 4, in addition to the erosion concerns, and the unusually long period of time the applicant is taking in modifying the house layout and grading plans. Due to the previously mentioned reasons, it was determined that it would be in everyone's best interest to have the hillside restored to its original elevations, mitigating the erosion concerns and allowing the applicant to submit revised plans within his own timeframe, that meet Specific Plan No. 4 development requirements.

## **RECOMMENDATION**

Staff recommends the City Council uphold the Development Plan Review Board's determination to deny DPRB Case No. 08-47, without prejudices and require the applicant to restore the site to its original grading level within three months.

Respectfully Submitted,

Marco A. Espinoza  
Associate Planner

### **Attachments:**

- Resolution No. 2012-55
- Exhibit A – Appeal Letter with attached exhibits and photos
- Exhibit B – DPRB Fact Sheet, October 27, 2011
- Exhibit C – DPRB Minutes, October 27, 2011
- Exhibit D – DPRB Fact Sheet, February 24, 2011
- Exhibit E – DPRB Minutes, February 24, 2011
- Exhibit F – Specific Plan No. 4, Code Section 18.504.110 Grading Design
- Exhibit F – Exhibits from SP4.
- Exhibit G – Aerial Map that Identifies "B" & "C" Lots.
- Exhibit H – Elevations, Photos and Cross-sections of other developed "C" lots.
- Exhibit I – Tree Removal Arborist Report
- Exhibit J– Photos of Oak tree proposed to be removed in its current condition.
- Exhibit K – Letters from Neighbors

**RESOLUTION NO. 2012-05**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS DENYING THE APPEAL REQUEST AND UPHOLDING THE DENIAL WITHOUT PREJUDICE OF DPRB CASE NO. 08-47, A REQUEST TO CONSTRUCT A 5,117 SQ. FT. TWO-STORY, SINGLE-FAMILY RESIDENCE AND SEVERAL ATTACHED GARAGES TOTALING 1,908 SQ. FT. WITHIN SPECIFIC PLAN NO. 4 AT  
1658 GAINSBOROUGH ROAD (APN: 8426-034-020)

WHEREAS, an appeal was filed for DPRB Case No. 08-47 by:

Pete Volbeda  
Pete Volbeda Architecture Planning  
180 N. Benson Ave., Unit D  
Upland, CA 91786

On behalf of

Aspen Financial Group, Inc.  
800 N. Rainbow Blvd., Suite 208  
Las Vegas, NV 89107

WHEREAS, the Appeal of DPRB Case No. 08-47 is described as:

A request to modify the previously approved house layout and grading plan due to inaccurate topographic map that was used in the originally approval, thereby voiding the original approval. The request to modify the house layout and grading plans is in order to construct a 5,117 sq. ft. two-story, single-family residence and several attached garages totaling 1,908 sq. ft.

WHEREAS, the Appeal of DPRB Case No. 08-47 applies to the following described real property:

1658 GAINSBOROUGH ROAD (APN: 8426-034-020).

WHEREAS, the City Council has received the written report and recommendation of Staff and the Development Plan Review Board; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on January 24, 2012 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, the Planning Division Staff has determined that the project is considered Categorically Exempt under 15332 Class 32, In-Fill Development Project.

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 Staff responses to the appellant's appeal letter within the attached Staff report as "Exhibit A", the City Council cannot make the following required findings:

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

The proposed development does not meet one of the Development Standards of Specific Plan No. 4 which is "*To minimize the alteration of existing landforms*" and "*To provide an enriched residential environment with aesthetic cohesiveness, harmonious massing of structures, and interfacing of open space through the utilization of superior land planning and architectural design*". The applicant has created a hillside platform for the residence instead of designing the house into the natural grade with minimal grading.

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

The creation of the hillside platform due to excessive import of soil on the site will further exacerbate the scale and mass of the house to the residents below creating a high probability of creating adverse effects on the neighboring properties. These lots are located on the most sensitive landform. Grading on Type C lots is restricted to only that earth movement necessary for roadway access and excavation for retaining-type building foundations where there will be no visible signs of grading beyond the structure's main walls with exception of minor grading.

C. The development is in general accord with all elements of the general plan, zoning ordinance and all other ordinances and regulations of the City.

The development as proposed does not meet the intent of Specific Plan No. 4 for a "C" lot due to the excessive grading proposed and the form of the residence as a traditional two-story vs. a multi-level house. In addition to not meeting the Development Standards for SP-4, the project also does not meet several of the Standards of Review under Code Section 18.12.060

and Considerations of Review under 18.504.040(B) within Specific Plan No. 4.

D. That in reviewing the proposed project with its modification to the grading plan and the mass and bulk of the proposed residence the following Standards of Review under Code Section 18.12.060(A) also have not been met:

*2. The location, configuration, size and design of the buildings and structures should be visually harmonious with their sites and with the surrounding sites, buildings and structures.*

*5. The location and configuration of buildings should minimize interference with the privacy and views of occupants of surrounding buildings.*

*6. The height and bulk of proposed buildings and structures on the site should be in scale with the height and bulk of buildings and structures on surrounding sites, and should not visually dominate their sites or call undue attention to themselves.*

E. In addition to the above mentioned Findings for Standard of Review, the project also does not meet the following Considerations of Review under Code Section 18.504.040(B) within Specific Plan No. 4 (the other Considerations of Review are not applicable).

*1. The proposed improvements will maintain or enhance the existing character and purpose of Specific Plan No. 4.*

*3. The house and appurtenances are sited in a manner that minimizes visual impact and disturbance to the natural terrain.*

*4. The architectural character, style and use of materials harmonize with the natural setting. (Ord. 1137, Exh. A (part), 2003)*

IT IS, HERE BY RESOLVED that the City Council hereby denies the appeal of Development Plan Review Board Case No. 08-47 and upholds the Board's determination to deny without prejudice DPRB Case No. 08-47 and require the applicant to restore the site to its original grading level within three months. 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 24<sup>th</sup> DAY OF JANUARY  
2012.**

---

Curt Morris, Mayor of the City of San Dimas

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Ina Rios, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Resolution No. 2012-05 was passed and adopted at the regular meeting of the City Council held on the 24<sup>th</sup> day of January 2012, by the following vote-to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:



# Pete Volbeda

Architect

Pete Garrido

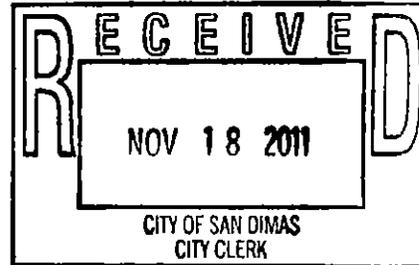
Nassar Pirouzan

Aurora Volbeda

City of San Dimas  
245 E Bonita,  
San Dimas, Ca 91773

November 16, 2011

Attention: City Council



Re: DPRB Case No 08-47 and Tree Permit 10-48

We hereby request the council overturn the decision to deny and continue our case for the 2 story single family residence.

We request the council approve our design as submitted, and that we able to proceed to complete a revised grading plan for approval through the appropriate city departments for our proposed design.

Apparently planning staff and the DPRB committee had requested we provide a tri level design for the home that would incorporate a full level basement below the 1st floor entrance level. The way planning staff explained it, they were looking for a home that was one story in appearance from the street and 2 story in the rear. There was a "flimsey paper" sketch that was displayed at the previous hearing. There was also reference made by staff to a "Lot C" type configuration that we should follow, labeled Exhibit E. This diagram shows three Grade lot conditions: A, B and C. Lot type C has 3 illustrations. The bottom illustration was highlighted by planning staff. It is obvious by looking at our sections that we have a slope more like the middle illustration, not the one at the bottom.

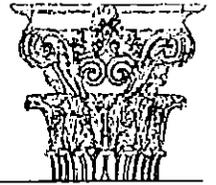
We have attached as Exhibit A our proposed design for the site which slopes 7.5% between exterior walls. We have stepped the floor with the grade and it is actually tri-level. It steps from elevation 698, to 697 and finally to 695. We see no reason to excavate a floor level below existing grade as suggested by planning. This would cause more steps in the design and make the house less livable.

We would like to point out the 2 adjacent homes with similar slope, have not incorporated a full basement as required by planning.  
(Photos attached) If we are not able to receive approval of our design, which is similar to these homes, we would be denied a property right others have enjoined.

We have attached illustrations of both our proposed design and of 2 other designs the architect has constructed in the city of San Dimas.

Exhibit B illustrates a home with a slope of 19% between the exterior walls and the floor level is stepped at the existing grade line between the walls.

**EXHIBIT A**



# Pete Volbeda

Architect

Pete Garrido

Nassar Pirouzan

Aurora Volbeda

Exhibit C illustrates a slope of 21% and the 1st floor has only one split level, making the house very livable. Note both these examples have a slope that is at least double our slope.

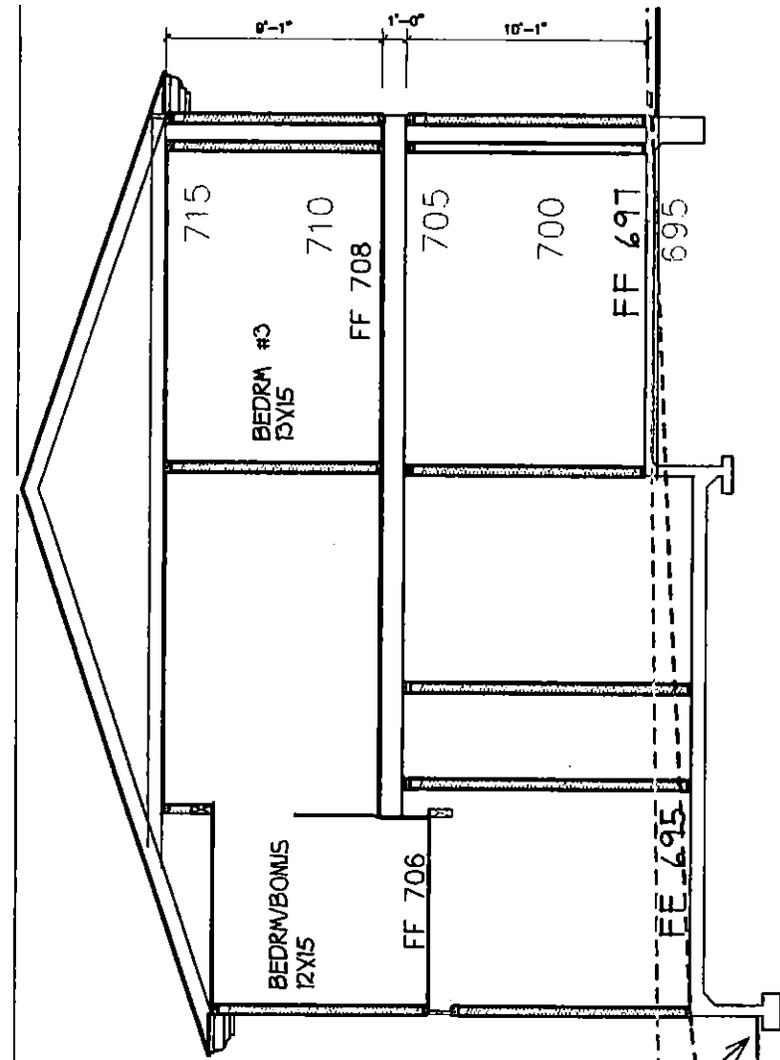
So a floor that steps with grade is only a logical solution for our house.

We are proposing to leave only 111 cubic yards outside of the footprint and the allowable is 200 yards. This requires us to export about 400 yards at a great expense.

DPRB's request for us to restore the lot to original condition, and then submit a trilevel design is both a further unnecessary delay and expense.

We look forward to your approval of our design.

Pete Volbeda



PROPERTY LINE

CUT AND EXPORT FILL  
 107 SF  
 FILL BEYOND FOOTPRINT  
 4 SF

FIN ELEV  
 692

- ORIGINAL EXISTING GRADE
- CURRENT GRADED LEVEL
- \_\_\_\_\_ PROPOSED NEW GRADE

SECTION B  
 EXHIBIT A

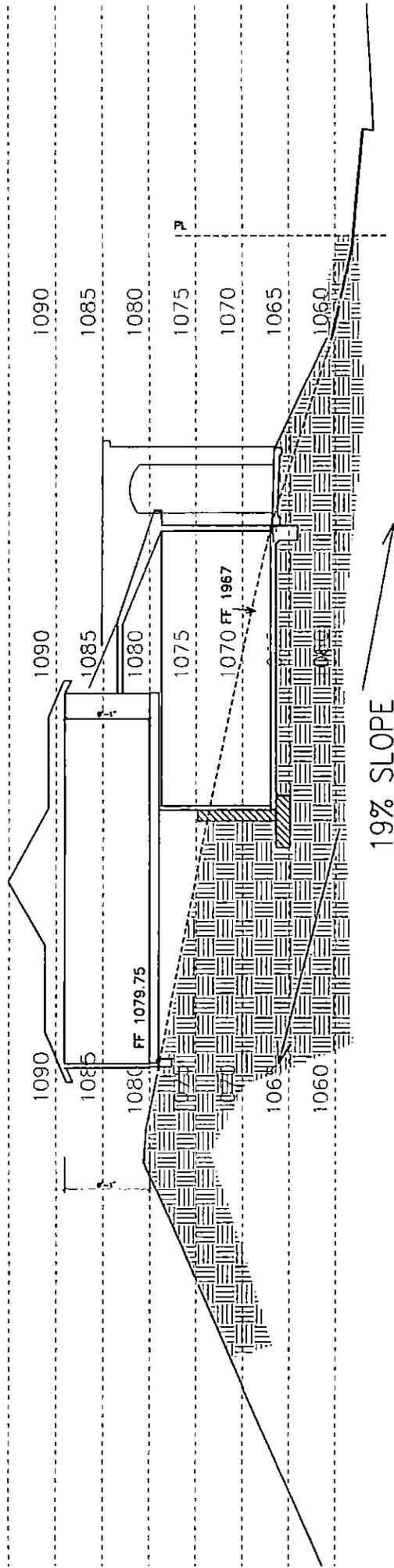
EXHIBIT A

690

685

680

675

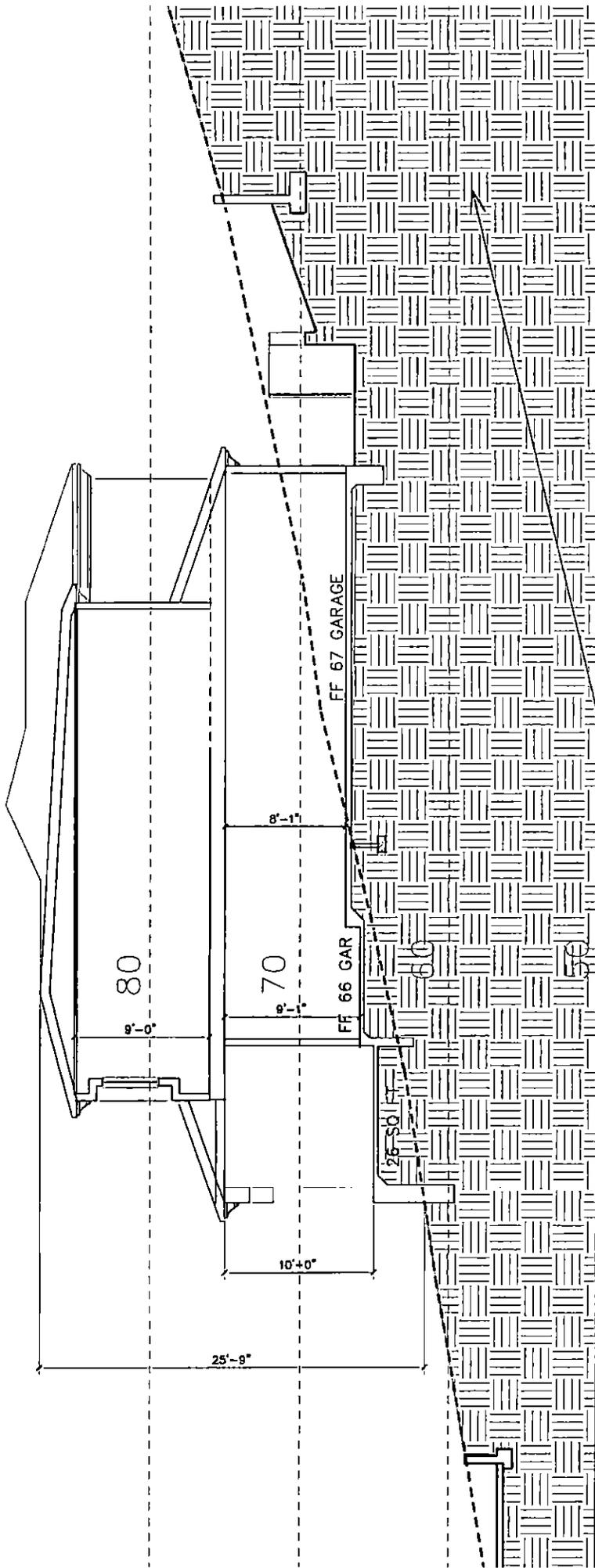


19% SLOPE

SECTION B B  
 SCALE 1 INCH = 10 FT - 0 IN  
 RESIDENCE FOR MR AND MRS VINCENT QUEVAS  
 1030 VIA ROMALES, SAN DIMAS

EXHIBIT B

EXHIBIT A



1032 VIA ROMALES, SAN DIMAS

SECTION B B 40

EXHIBIT C

EXHIBIT A

# LOT TYPES

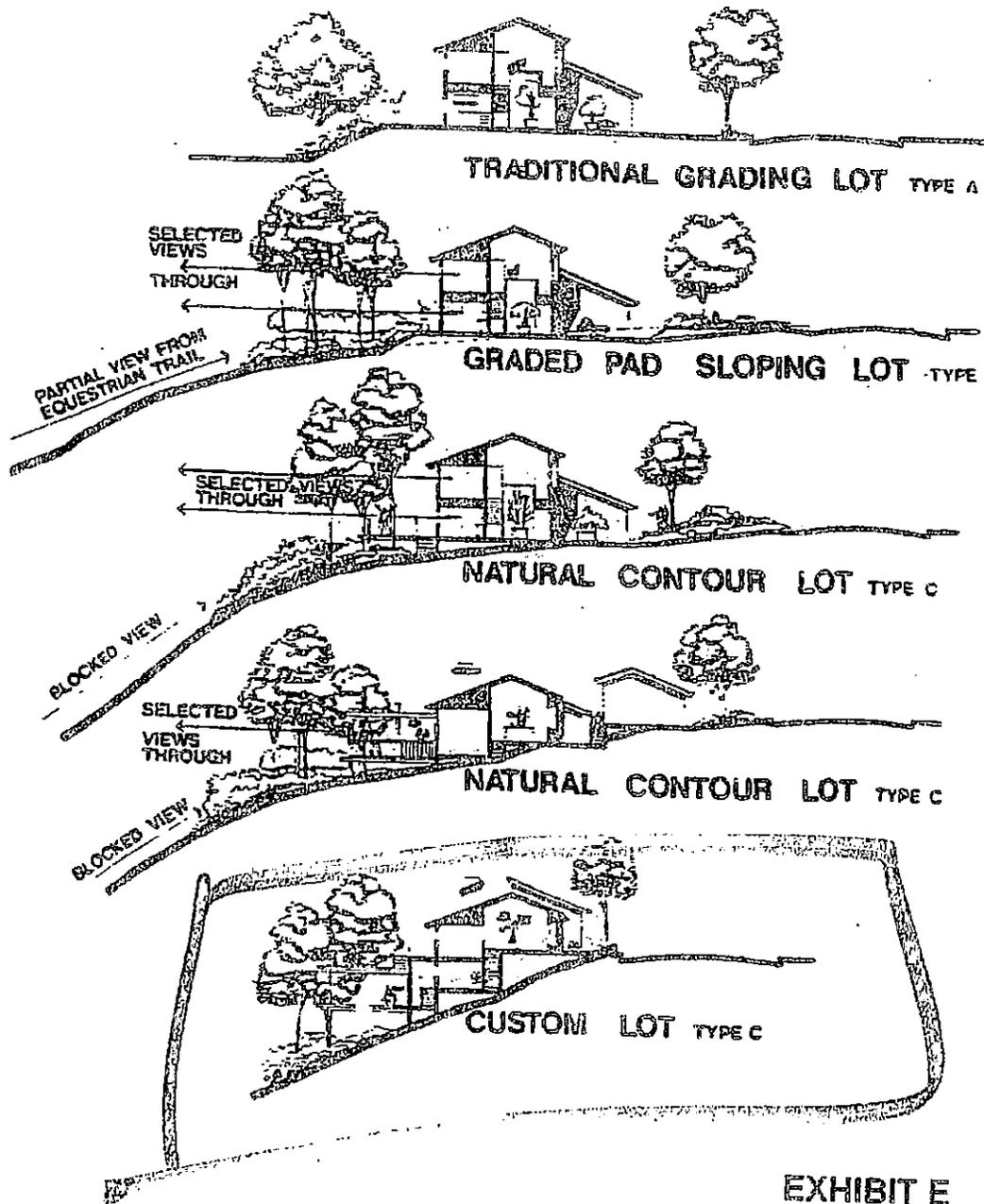
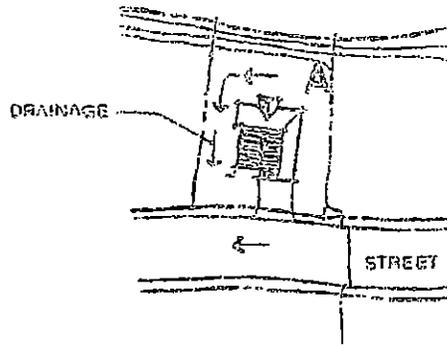
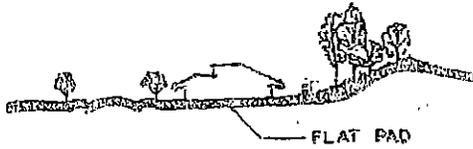
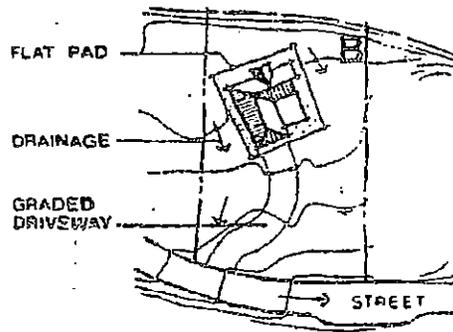


EXHIBIT E

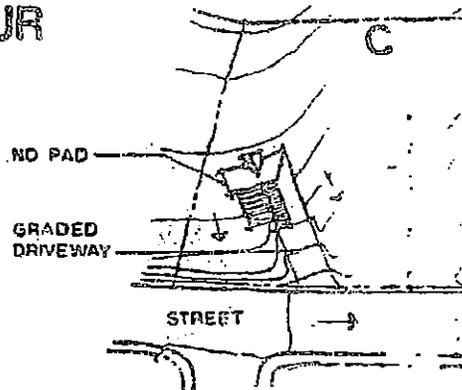
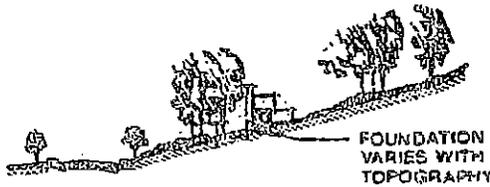
**LOT GRADING TECHNIQUES**  
**TRADITIONAL**  
**GRADING**  
 Conventional Product  
 LOT TYPE A



**GRADED PAD**  
**SLOPING LOT**  
 Conventional Product  
 LOT TYPE B

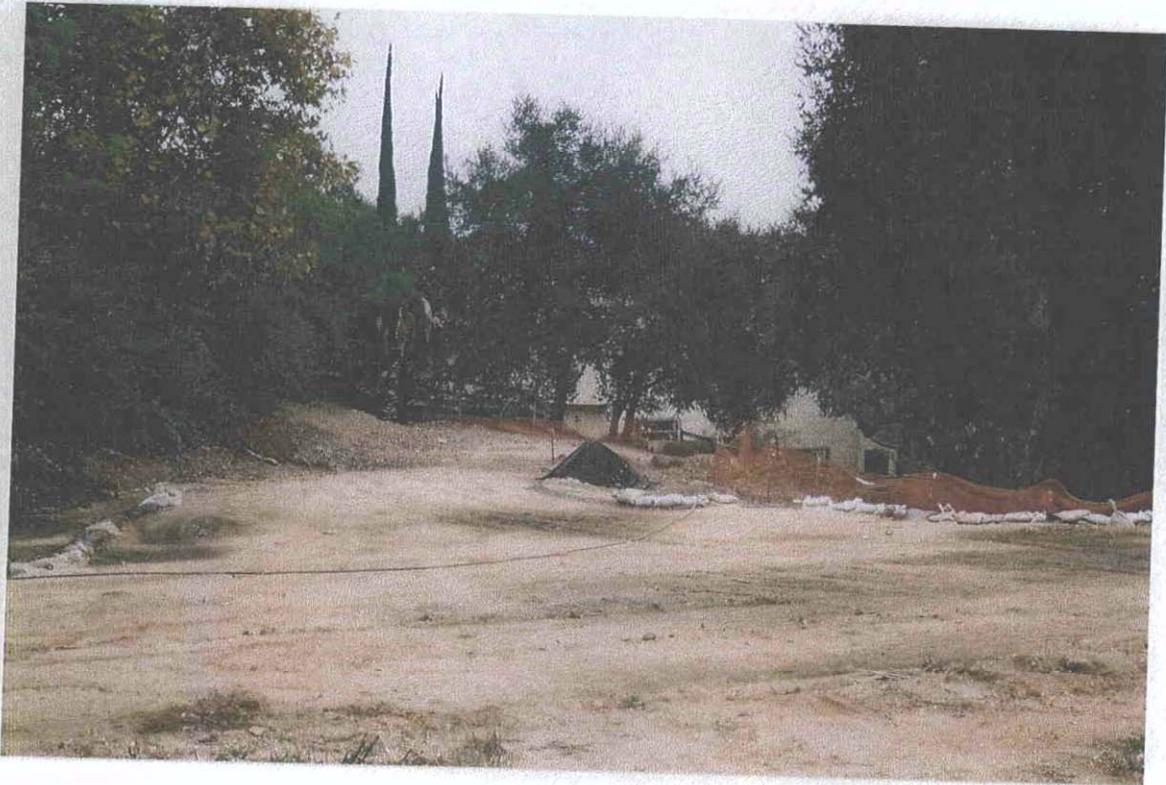
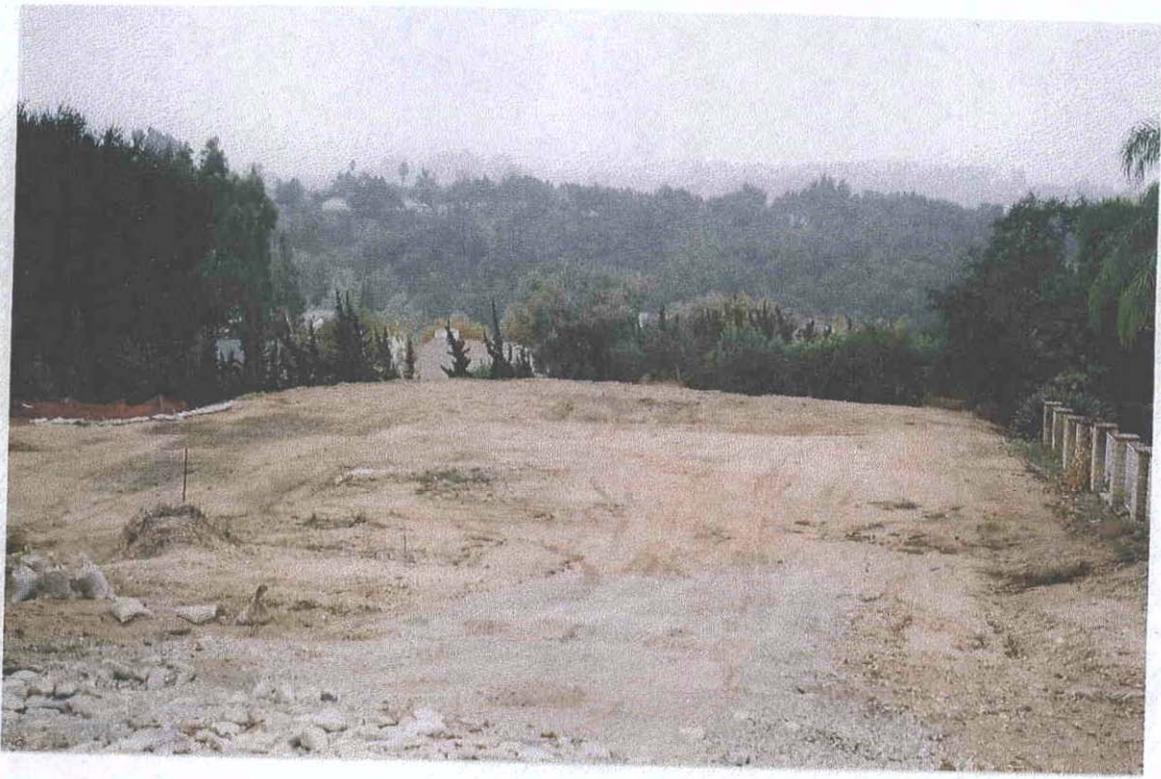


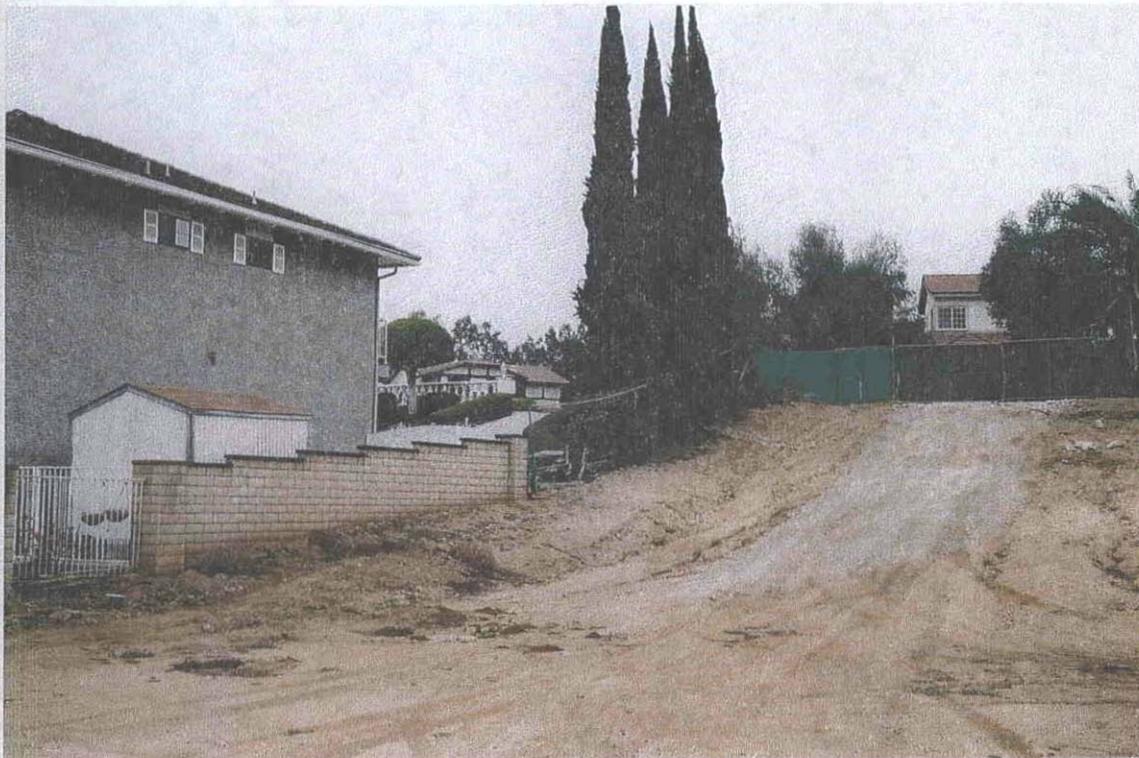
**NATURAL CONTOUR**  
**LOT**  
 Customized Foundation  
 LOT TYPE C



**EXHIBIT G**







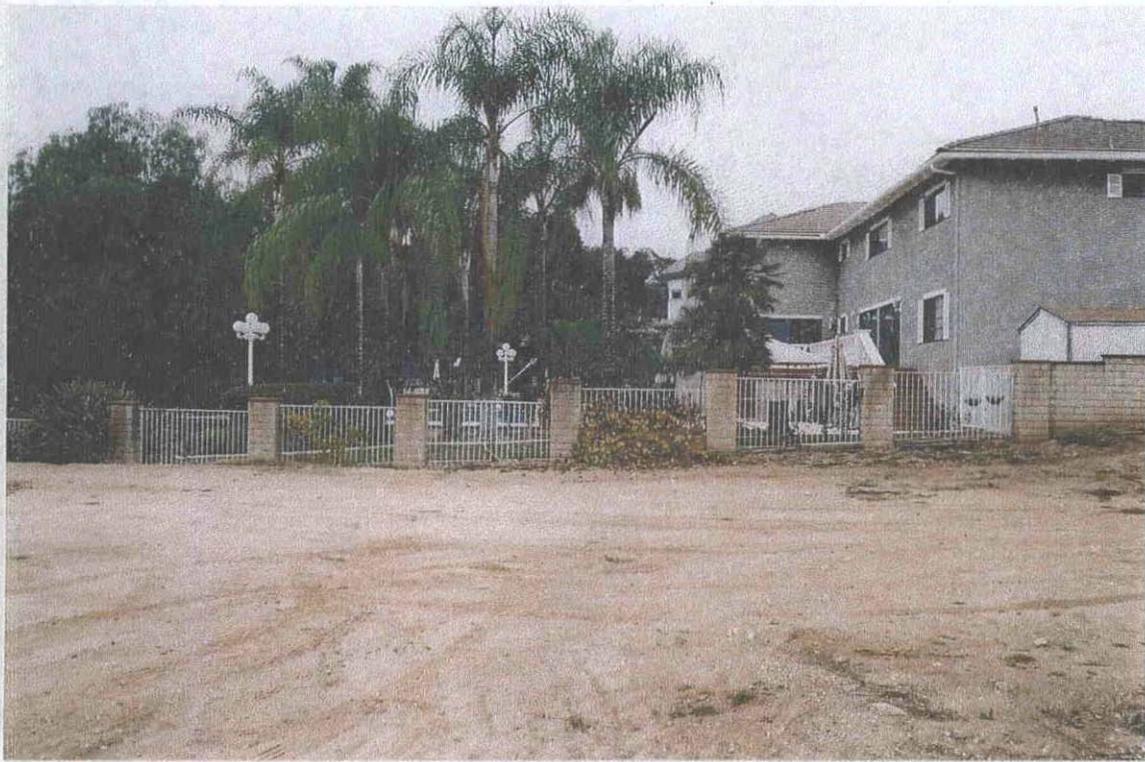


EXHIBIT **A**

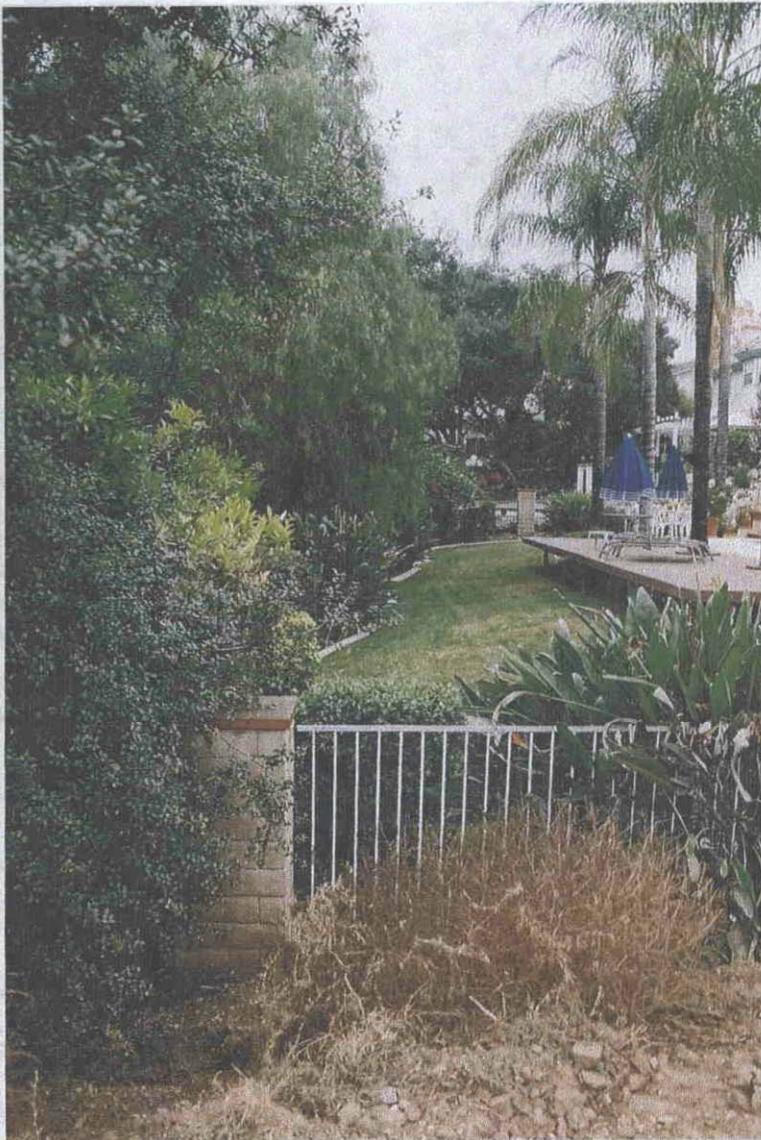
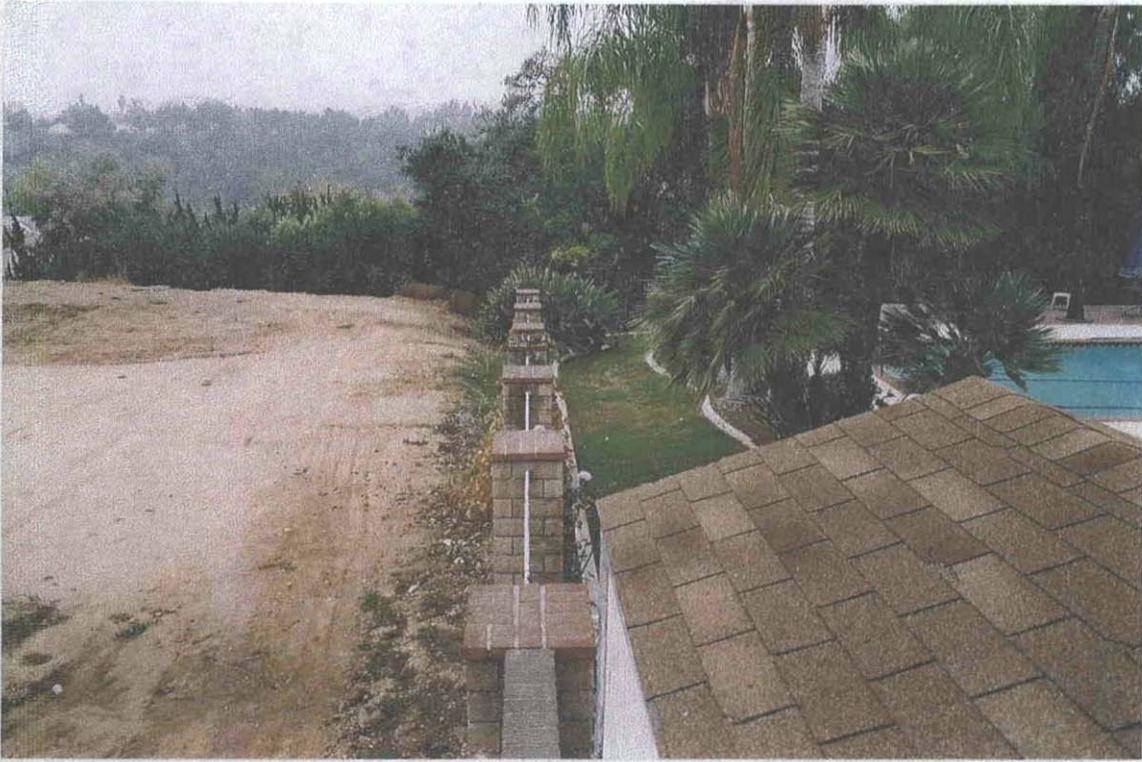
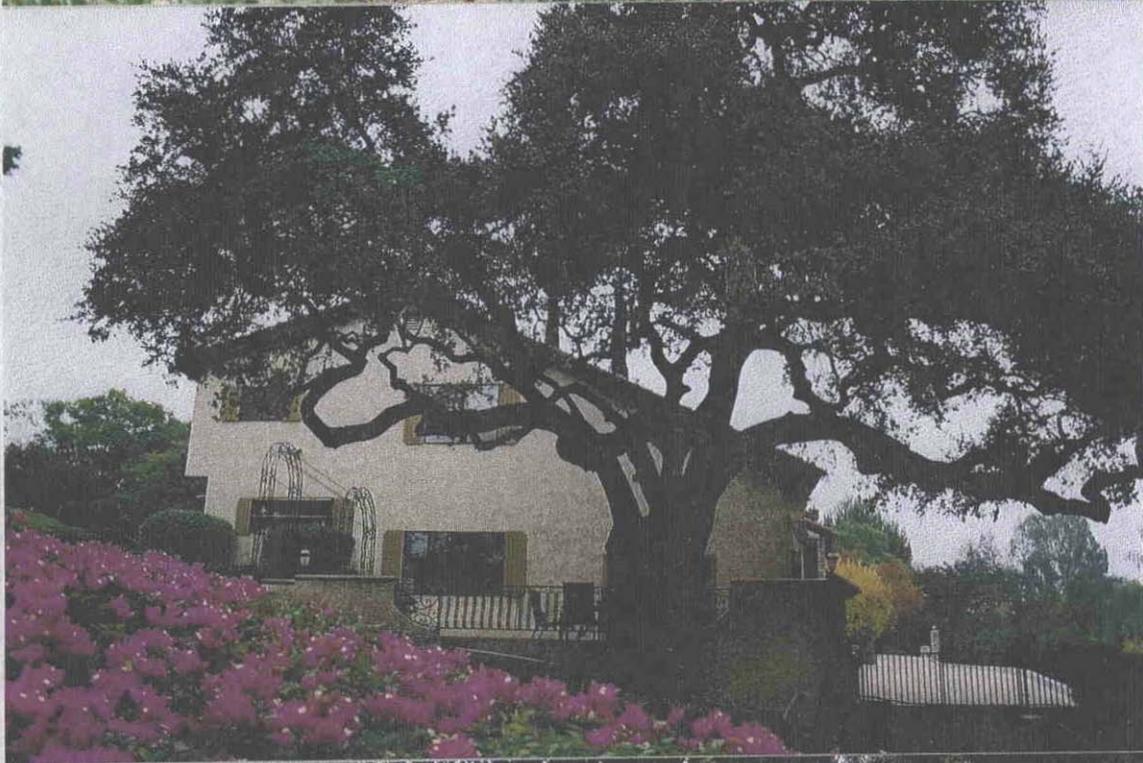
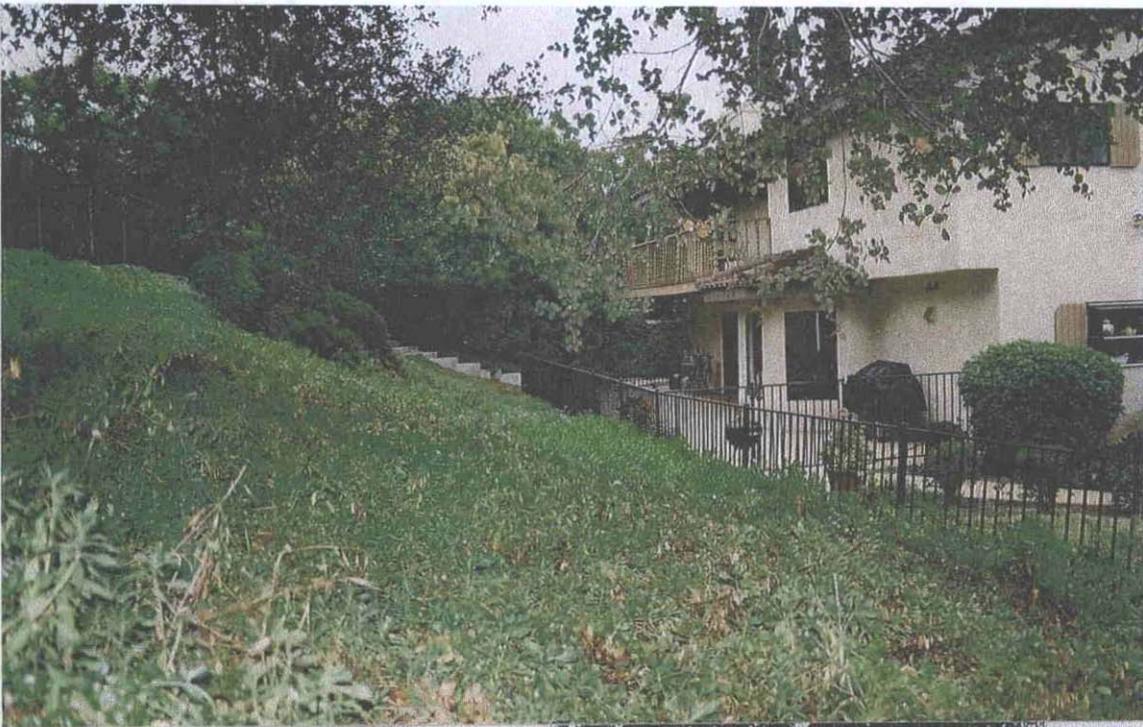


EXHIBIT A 5



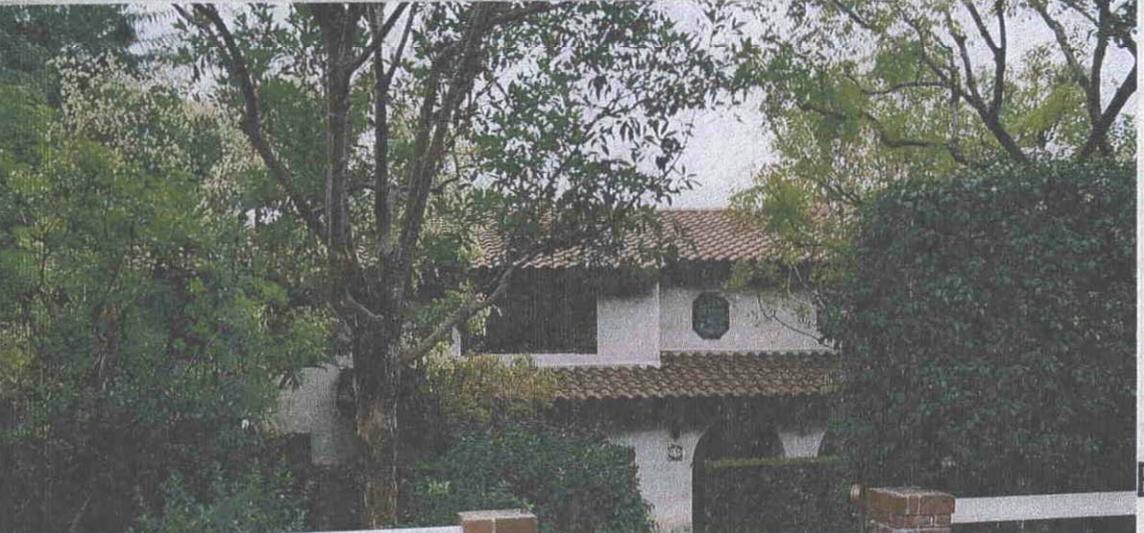
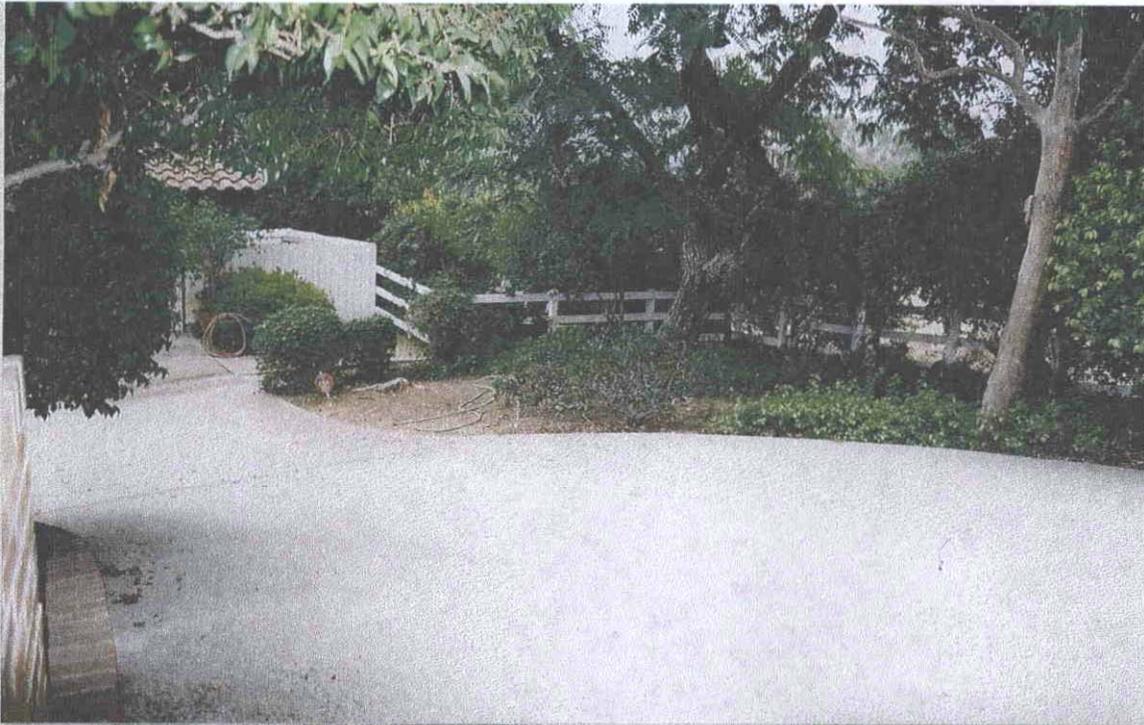
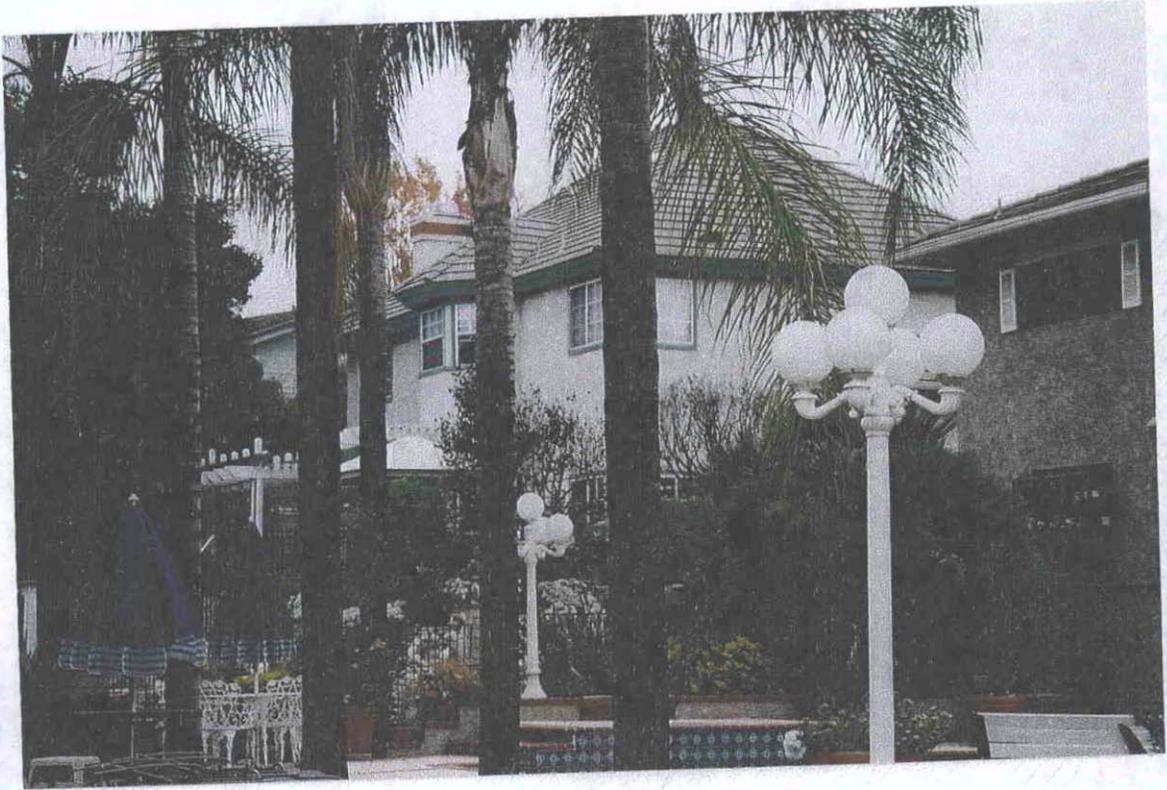


EXHIBIT A7



EXHIBIT A **8**



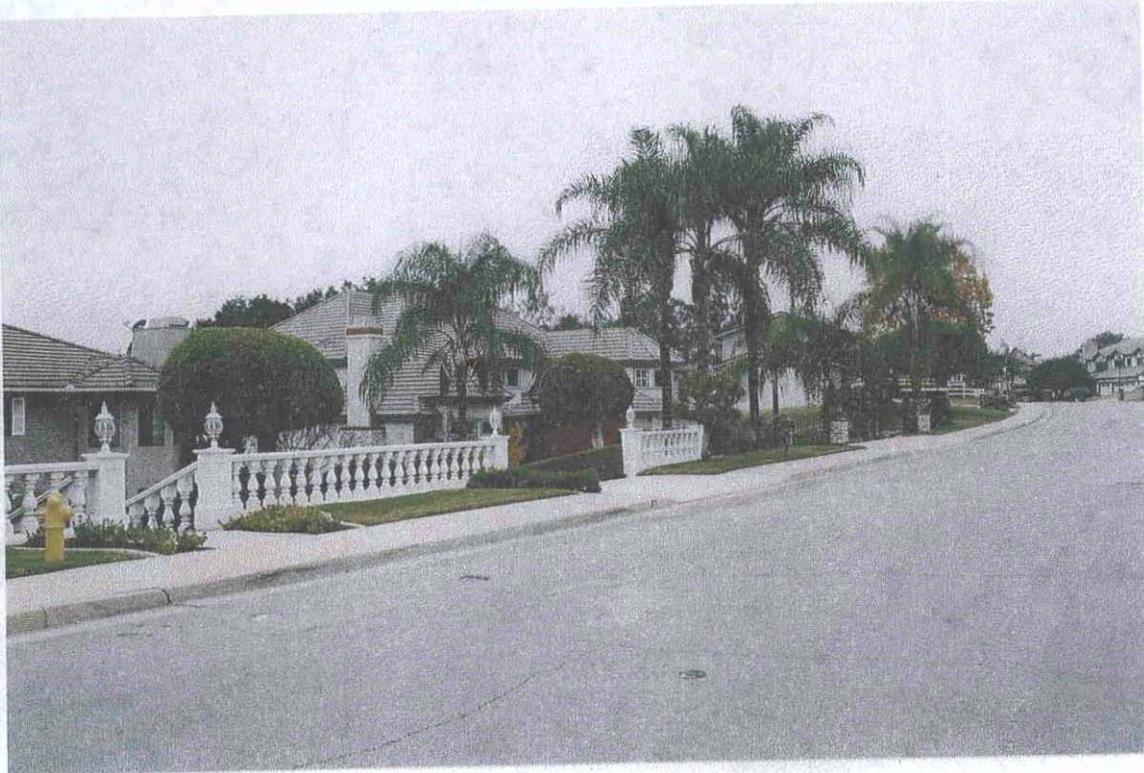
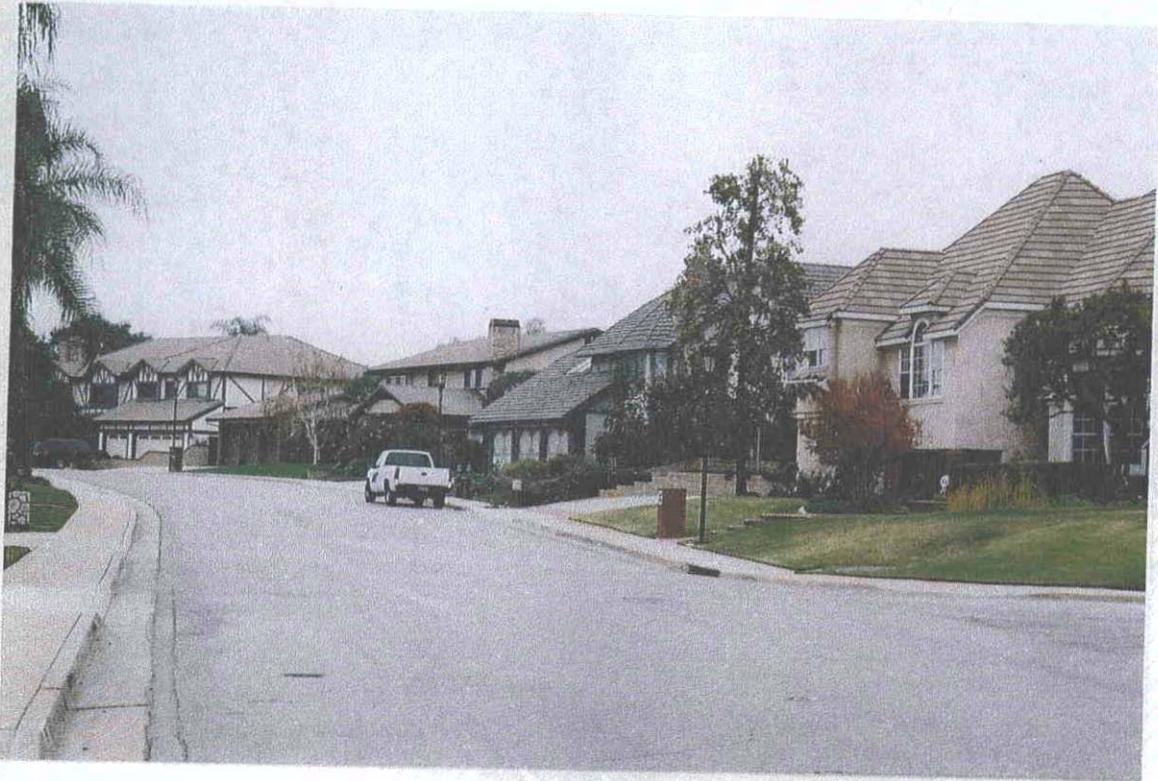


EXHIBIT A

10



# DEVELOPMENT PLAN REVIEW BOARD FACT SHEET



**DATE:** October 27, 2011

**TO:** Development Plan Review Board

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

**SUBJECT:** Continued from February 24, 2011 meeting  
**REVISED HOUSE LAYOUT AND GRADING PLAN FROM THE PREVIOUSLY APPROVED PLANS.  
DPRB CASE NO. 08-47**  
A request to construct a 5,117 sq. ft. two-story, single-family residence and several attached garages totaling 1,908 sq. ft. within Specific Plan No. 4 at 1658 Gainsborough Road (APN: 8426-034-020).  
**ASSOCIATED CASE: TREE PERMIT 10-48**  
A request to remove a mature Coast Live Oak in order to accommodate the revised layout of the house and garages.

## **FACTS:**

- This project was originally approved by the Board on June 28, 2007, as DPRB Case No. 07-34. The applicant let the approval expire without applying for an extension.
- The applicant resubmitted the same proposal under DPRB Case No. 08-47 and was approved by the Board on November 11, 2008.
- Grading permits were issued on March 13, 2009.
- Staff received several complaints regarding excess import of soil. Staff verified the complaints and determined that there was additional soil on-site than was approved. In early September 2009, the project was placed on hold until further review of the approved grading plans and the on-site conditions.
- It was later discovered that the original topographic map that was used by the civil engineer was incorrect, therefore creating inconsistencies in the grading. The topographic map identified the rear portion of the lot to be five to six feet higher than it really was.
- If the applicant had used the correct topographic map, the proposed project would have exceeded the allowable 200 cubic yards of cut and fill combined,

outside the driveway and house pad, and the project would not have been approved.

- The applicant resubmitted plans for review by the Board on February 24, 2011. Staff reported that the applicant has not made a significant effort to address the issues created by the additional soil. Staff felt that the proposal exasperates Staff's concerns regarding grading, mass, and scale of the residence. The applicant had also submitted a tree removal permit to remove one of the three mature Oak trees on site.
- The Board concurred with most of Staff's concerns and voted to recommend that the applicant redesign the house to meet the requirements of Specific Plan No. 4, Type "C" Lot development requirements. The design of the residence should be integrated into the natural terrain of the sloping lot and be consistent with a tri-level type of design. The redesign of the residence shall also meet the allowable grading of 200 cubic yards of cut and fill behind the rear building line. Revised plans shall be resubmitted for the Board's review within 90 days from the notification letter sent to the applicant. The Board also voted to continue Tree Permit 10-48 until the new house design is reviewed by the Board.
- Since the February 24, 2011, DPRB meeting Staff has been working with the applicant in developing an alternative house layout, design and grading. Staff understands the Boards timeframe was not adhered to, but the applicant had been in contact with Staff on their progression.
- The applicant has revised the layout, design and grading of the previous plans. Staff feels that applicant is still not compliant with the requirements of Specific Plan No. 4, Type "C" Lot development requirements; but due to the protracted time frame of revising the plans and concerns from the adjacent neighbors, Staff felt the case needed to be reviewed by the Board at this time.

## ISSUES OF CONCERN:

### 1. Cut and Fill

The allowable amount of cut and fill for this lot, which is classified as a type "C" lot, is **200 cubic yards** outside of the house pad and access. In cases where the Board determines that additional grading **will reduce the overall mass and bulk** of the proposed structure, the 200 cubic yard limit may be increased to a total of 500 cubic yards of cut and fill. One cubic yard is a box that measure  $3' \times 3' \times 3' = 27$  cubic feet.

In the February 24, 2011, DPRB Fact Sheet Staff mentioned that due to the error in the topographic map, the amount of soil imported for just the area outside of the building walls was 840 cubic yards; **640 cubic yards more than what is allowed**. Since then the engineer for the project has left and is no longer involved with the project. The architect has stepped in to recalculate the grading amounts.

The architect has re-evaluated the grading calculations based on the correct topography map and the existing conditions and has determined that 422 cubic yards were imported and 355 cubic yards were cut for a total of 777 cubic yards of soil. The proposed house pad is back where it was originally approved prior to discovering the error in the grading. The architect also has calculated that there is a total of 591 cubic yards of soil outside of the proposed house pad. The architect is proposing to remove 480 cubic yards, leaving 111 cubic yards outside of the pad. The remaining 111 cubic yards could be acceptable outside of the building pad if the Board felt it was appropriate based on the following for a Type "C" lot:

*"Type C lots are predominately located along major changes in topography and are highly visible to the surrounding community. These lots are located on the most sensitive landform. Grading on Type C lots is restricted to only that earth movement necessary for roadway access and excavation for retaining-type building foundations where there will be no visible signs of grading beyond the structure's main walls." Code Section 18.504.110(B)(3).*

## **2. Height and Mass of Slope.**

In the previous proposal reviewed by the Board, the mound reached a height of 12 feet within some areas. The edge of the mound was approximately five to six feet from the southwest property line for about 80 linear feet. The applicant was proposing to locate the house atop the flat pad mound that was created. The rear portion of the two-story house was approximately 10 to 20 feet from the edge of the mound.

In the current plan the applicant will remove four feet of soil behind the house reducing the mound to 8 feet high. But if you compare the previous proposal to the current proposal the applicant has actually increased the rear yard by two feet. As mentioned, the previous submittal showed the elevation grade behind the house at 690; the current proposal shows it a 692: Staff expected to see a reduction from the 690 elevation. In order to comply with Exhibit "E" of the Specific Plan, Type "C" lots which allow for custom design that should be integrated into the hillside and not create extensive flat pad areas.

Staff recommends removing additional soil starting from the 690 elevation.

## **3. Mass and Bulk of the residence**

In the previous proposal the design of the house did not change much from its original approval. What changed was the location of the house; it was relocated further into the site in a southeast direction. Placing the house towards the edge of the mound further exacerbated the scale and mass of the building to the residents below. The house appeared to overshadow the other properties at the rear. Staff and the Board recommended to the applicant that the house design should take into consideration the topography of the lot and integrate the house into the hillside. The Board recommended the applicant redesign the house in a tri-level design which is a typical design for

hillsides and would help reduce the amount of grading needed and avoid creating flat pad areas on hills.

In the current proposal the applicant moved the house and garage pads back to the original location but did little to reduce the mass and bulk of the house. When looking at the finish floor elevations of the current proposal you will notice that there is a one-to-two-foot difference within the house pad rooms; Staff would not consider this a tri-level design. In comparing the previous submittal the applicant has actually raised a large portion of the house pad by three to four feet, increasing the mass and bulk. The previous submittal had the house pad at an elevation of 694; the current proposal is at 698 at its highest point and 695 at its lowest point.

Staff recommends the house be redesigned in a tri-level design, built into the hillside, helping reduce the amount of grading needed and avoid creating flat pad areas on the hill.

#### **4. Findings – Standards of Review**

In reviewing the proposed project with its modification to the grading plan and new building location, Staff feels that the following Standards of Review under Code Section 18.12.060(A) have not been met:

*2. The location, configuration, size and design of the buildings and structures should be visually harmonious with their sites and with the surrounding sites, buildings and structures.*

*5. The location and configuration of buildings should minimize interference with the privacy and views of occupants of surrounding buildings.*

*6. The height and bulk of proposed buildings and structures on the site should be in scale with the height and bulk of buildings and structures on surrounding sites, and should not visually dominate their sites or call undue attention to themselves.*

#### **5. Tree Permit 10-48**

In the previous submittal the relocation of the house and garage pads by as much as 30 feet to the southeast created an encroachment into the drip line and possibly the trunk of one of the Oak Trees. The applicant submitted an arborist report that indicates that the tree should be removed because it will encroach on the building pad; in addition, the tree has been heavily pruned which has led to bad structure. The pruning, which is mentioned in the arborist report, was initiated by the applicant at the start of the project and performed by a certified arborist. The Board voted to defer their recommendation on the Oak tree until revised plans for the house were resubmitted.

In the current proposal the applicant is still proposing to remove the Oak tree even though no portion of the house or garage pad encroaches into the tree's drip line or

truck. Staff recently visited the site to look at the tree; the tree looked in good health and appears to be thriving (see Exhibit D).

Staff recommends the applicant realign the proposed walkway along the garage walls with retaining walls, in order to preserve the tree.

**OTHER ISSUES:**

Since the project has been on hold the site has had a few instances of runoff last year. Runoff has occurred at the rear of the property spilling into the adjacent neighbors' properties and then into the storm drain. This type of discharge is a violation of National Pollution Discharge Elimination System (NPDES). In order to prevent further discharge Staff is recommending that the applicant be required to restore the lot to its original grade, in addition to hydro seeding the lot, until an acceptable project is approved by the Board.

**RECOMMENDATION:**

*DPRB Case No. 08-47 – Deny without prejudice and require the applicant to restore the lot to its original grade within three months from the Board's decision.*

Or

Allow the applicant to redesign the house into a tri-level design which is integrated into the original slope. Since the Board granted the applicant a three month continuance last time too little avail, Staff would recommend only a one month time extension in order to resubmit.

*Tree Permit No 10-48 - Deny*

**Attachments:**

- Exhibit A – Lot Types Exhibit "E" from Specific Plan 4
- Exhibit B – Lot Grading Techniques Exhibit "G" from Specific Plan 4
- Exhibit C – Arborist Report
- Exhibit D – Current picture of Oak tree proposed to be removed
- Exhibit E – Email from Concerned Resident Discharge from the subject property.
- Exhibit F – Minutes from February 24, 2011 BPRB meeting

**Subject Site**



Motion carried 5-0-0-2 (Badar and Michaelis Absent)

**DPRB Case No. 08-47 – Revised house layout and grading plan from the previously approved plans & Tree Permit Case No. 10-48**

**Continued from the meeting of February 24, 2011 (DPRB 08-47).** A request to construct a 5,117 sq. ft. two-story, single-family residence and several attached garages totaling 2,136 sq. ft. and a request to remove a mature Coast Live Oak in order to accommodate the revised layout of the house and garages at 1658 Gainsborough Road.

APN: 8426-034-020

Zone: Specific Plan No. 4

Paul and Karen Feintuch, residents of 1139 Edinburgh Rd, were present  
Jim Polson, applicant, was present  
Peter Volbeda, applicant, was present

Associate Planner Espinoza indicated that the Board approved this project on June 28, 2007 as DPRB Case No. 07-34; however, the approval expired and no extension was applied for. The applicant resubmitted the same proposal under DPRB Case No. 08-47 and approved by the Board on November 11, 2008 with grading permits issued on March 13, 2009. Staff received complaints regarding excess import of soil. In early September 2009, the project was placed on hold until further review of the approved grading. The original topographic map used by the engineer was incorrect and in actuality the rear portion was five to six feet higher than indicated; however, if the correct topographic map was used, it would have exceeded the allowable 200 cubic yards of cut and fill combined. The applicant submitted a tree removal permit for review as part of the revised plans for the February 24, 2011 Board meeting. At the same meeting, the applicant submitted plans appeared to make an effort to address issues created by additional soil. The Board recommended that the house be redesigned to meet zoning requirements of "C" type lots and the grading requirements and hold off on the Tree Permit until revised plans are reviewed by the Board. Since then, the applicant has been in contact with Staff on progression; however, Staff feels that the new design layout still does not meet zoning requirement and would like the Board's opinion on changes and also review of the Tree Removal application

Associate Planner Espinoza indicated that the main concern is in Specific Plan No. 4 Zone, grading is limited. The applicant has made no effort to address the outstanding issues. A Type C lot should not have any grading but does allow for minimal grading depending on the house design. The house should be integrated into the hillside and not on a flat pad. Staff has worked with the applicant and there has been no significant progress. The adjacent neighbors are concerned with the grading that has occurred with the potential of discharge of soil on their properties. There is a discrepancy on how much soil has been brought onto the property and the project engineer is no longer working on this project. The applicant moved the house to its original location and the garages back to be under the 200 cubic yard allowance. The applicant is proposing 111 cubic yards of grading outside of the building pad which meets the Specific Plan No. 4 Zone allowance. The other concern is the mass of the hillside. Staff is requesting that a condition be added that once the project is engineered during the plan check process,

if the applicant exceeds the said "111 cubic yards", they return to the Board. Also, the outstanding issue that the Type C house be integrated into the hillside.

Mr. Schoonover asked if the slope is in the same condition as it was back in February when the Board visited the site.

Associate Planner Espinoza replied that it is exactly as it was in February. He indicated that by moving the house forward, the Oak tree request for removal will be saved. The garage was within the drip line but since it was moved back it would not. Staff feels that it is unnecessary to remove the tree. Staff recommends that the applicant be given an additional 30 days to create a tri-level design or that the applicant be required to restore the hillside based on topographic map to address neighbors' concerns of drainage and resolve the issue of grading within 90 days. The concern of the neighbors is that there is discharge of water and during the rainy season, mud falls onto their property. The catch basin created needs to be drained frequently.

Mr. Coleman asked how many Oak trees are on the property and how many will be removed.

Associate Planner Espinoza replied four Oak trees in total, one is requested for removal; however, it's on hold until the determination of the home is taken care of. He added that Staff recommends that the tree be preserved.

Mrs. Garwick pointed out that there are two sewer easements, one to the Southwest and one to the Southeast which is about 20 feet wide and has a sewer line.

Mr. Coleman asked how one would physically get to the easements from the street.

Mrs. Garwick replied that the easement on the property is behind Edinburg Rd. where it can be accessed. A tract map has been provided pointing this out.

Mr. Sorcinelli asked how far back in February the house was.

Associate Planner Espinoza replied 16-30 feet.

Mr. Sorcinelli commented that the house profile does appear to have changed.

Associate Planner Espinoza stated that it is the same layout with minor layout changes of the garages.

Mr. Sorcinelli asked how much grading is proposed now versus back in February.

Associate Planner Espinoza replied that the applicant is now proposing 111 cubic yards of soil behind the building pad. Since the topographic map was incorrect and excess soil was brought on to the site, the Civil Engineer is no longer on the project. It is difficult to know how much soil was actually brought onto the site.

Dave Gilbertson, RKA Engineer, stated that the issue is that the original topographic map was incorrect. The applicant started grading without informing Staff and made alterations thus the previous contours are known.

Mr. Sorcinelli asked if the proposal is to put the original contours on the site plan after 30 days and how long will they have to restore the site.

Associate Planner Espinoza replied they have two options. One is to resubmit plans with a tri-level in 30 days or restore the hillside within 90 days.

Mrs. Garwick pointed out that multiple stop work notices have been issued to this property.

Mr. Beilstein stated that the Building Department has received phone calls that grading is taking place on Holidays when Staff is not around. It has been eight months since the applicant was directed to design a tri-level house to meet the Type C requirements.

Mr. Coleman stated that the proposed pad level is lower than originally approved.

Associate Planner Espinoza indicated that the pad is higher and is noticeable when you see the finished floor. The grade of the house pad is at 698.

Mr. Coleman commented that the originally approved grade was 698, which was in 2007 and 2008.

Mrs. Garwick asked if the homes abutting are in compliance.

Associate Planner Espinoza responded that the homes are different types with different designations. Type C needs a tri-level design built into the hillside.

Mr. Sorcinelli stated that there was a greater separation in the footprint in the home which reduces the amount of fill. The applicant traded a lower grade for a taller building.

Associate Planner Espinoza recommended that both the minimal grading and home be built into a hillside; however the applicant has done neither.

Pete Volbeda, architect, pointed out that the exporting of 400 cubic yards occurred and 111 cubic yards were left outside of the footprint. They have complied with the fill outside of the building. As far as the contour grading on the hill, that is where the dirt is designated for. The house is the same design. He added that retaining walls can be built to save the Oak trees. Type C allows for a 4 ft. retaining wall. The existing grading with the terrace is under the height limit and an Engineer will need to verify those numbers.

Jim Polson, of Aspen Financial, stated that there is a retention basin and not a catch basin. He also asked how would the original grade be determined since on one knows what it was.

Mr. Gilbertson stated that it won't be until the grading material and typographic map are submitted for restoring the hillside.

Mr. Polson stated that the water flows into the neighbor's property but that it has always done so prior to this project. There is a retention basin that fills up and is pumped out frequently. He added that there have not been any floods in over 2 years because of the retention basin.

Paul Feintuch, neighbor, stated that his property is directly behind this property and faces two issues: flooding and visual impact. The home is being compromised to change the terrain to match the design. The slope lot is on a flat pad and is created by brining on a lot of dirt thus a pad was created. In February, the Board asked for the grade to be restored and to respond to the Specific Plan No. 4 Zone which included moving the house up and the applicant has not complied. In regards to the flooding, a big catch basin was built, dug out from natural grade and raised to be higher with sandbags along the wrought-iron fence and fills up to 3 ft. in height. The water then sits on the clay soil and does not drain but instead produces a mud flow that creates property damage. The concern is that the catch basin is bigger than any swimming pool and not structurally designed to hold it and if it ruptures, there is a hazard for the residents below. He explained that he has been there through two rainy seasons and overflow and erosion has occurred.

Mr. Coleman stated that the design of the home should follow the land form.

Mrs. Garwick stated that if the homes should be built into the hillside. She agreed with Staff that a tri-level design home on a hillside is the best.

Mr. Sorcinelli asked RKA Engineering the long term solution for grading and retention at the bottom of the hill.

Mr. Gilbertson stated that the original grading had a retention area. He added that the grading plan needs to be re-addressed. He added that he worked with Mr. Polson during the rainy season to pump out water on a frequent basis.

Mr. Feintuch stated that the traditional catch basin created was to catch debris which allows the water to flow through. The function is different, it is not a retention basin but instead a catch basin.

Mr. Gilbertson stated that it is a retention basin that is the interim solution until the project is approved and built with no erosion.

Mr. Sorcinelli stated that the solution is to mitigate the neighbor's hazard in the long term. The drainage and grading plan would address the concerns of the neighbors.

Associate Planner Espinoza had a discussion with RKA Engineering who indicated that a retention basin will be addressed prior to the home being built.

Mrs. Garwick stated that the slope needs to be restored and the runoff needs to be much less towards the back of the properties with less erosion.

Mr. Sorcinelli stated that the long term grading needs to be evaluated and asked if the original topographic map can include the retention basin.

**MOTION:** Moved by Dan Coleman, seconded by Shari Garwick to deny the project without prejudices and for applicant to restore the site to its original grading level within three months and submit a new grading plan and obtain a grading permit within 30 days.

Motion carried 4-1-0-2 (Sorcinelli No and Badar and Michaelis Absent)

Mr. Sorcinelli asked if a 30 day grading plan is sufficient amount of time for a grading plan and restoration of a hillside and 60 days to construct it. He asked if they will ever be able to restore the hillside.

Mr. Gilbertson replied that the restoration needs to occur and a new revised grading plan to be submitted.

**DPRB Case No. 11-17 & Tree Permit Case No. 11-34**

A request to construct a new 4,801 sq. ft. single-family residence, 1,458 sq. ft. detached garage, and 710 sq. ft. second-unit, including the removal of one (1) oak tree, at 674 S Walnut Ave.

APN: 8382-011-050

Zone: Single-Family Hillside, Private Horse Overlay

Ben Kawachi, property owner of 674 S Walnut Ave, was present  
Takaaki Koyama, applicant, was present  
Robert Meister, 680 S Walnut Ave, was present  
Vickie Meister, 680 S Walnut Ave, was present  
Sheryl Hurford, 660 S Walnut Ave, was present

Assistant Planner Concepcion stated that the flag-lot property is currently vacant and is 1.1 acres. The applicant is proposing a Japanese-style residence consisting of a 4,801 sq. ft. single-family residence, a 1,458 sq. ft. detached garage and a 710 sq. ft. second-unit. The majority of the mature Oak and Eucalyptus trees will be saved; however, one oak tree is proposed for removal. The development is consistent with horse keeping setbacks for the zone. Horse corrals are not proposed at this time but the buildings are configured in a way that there could be horse corrals while meeting horse keeping setbacks of today. An ingress/egress easement is located on the adjacent property to the west at 680 S Walnut Ave. According to the Title Deed, the easement can be used by both 674 S Walnut Ave and 680 S Walnut Ave. The applicant is proposing to use this easement for the driveway. The style of the home will have Japanese Architectural features like deep overhanging roofs with a low pitch and clay tile.

Assistant Planner Concepcion stated that the ground floor elevations of the house follow the contours of the slope. The 2<sup>nd</sup> unit is raised on piers contours of the land to remain natural. The main issue is vehicular access onto the property. Instead of using the flag lot's "pole" for access, the property owner is proposing to use an existing 12 foot wide ingress/egress easement going through the neighboring property at 680 S. Walnut Ave. A title deed was provided describing ingress/egress easement. The City would require a minimum 15-foot wide driveway/easement if it were to be used by both properties for access. He mentioned that there has not been much communication between the property owners as well as no agreement regarding shared access between properties. Because of this, Staff has changed its original recommendation of approval to continuation to a date uncertain to allow applicant to work on driveway/easement issues with neighbors.

Mr. Schoonover stated that if this item is not going to be considered for approval then there should not be any discussion.

# DEVELOPMENT PLAN REVIEW BOARD FACT SHEET



**DATE:** February 24, 2011

**TO:** Development Plan Review Board

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

**SUBJECT:** **REVISED HOUSE LAYOUT AND GRADING PLAN FROM THE PREVIOUSLY APPROVED PLANS.  
DPRB CASE NO. 08-47**

A request to construct a 5,117 sq. ft. two-story, single-family residence and several attached garages totaling 2,136 sq. ft. within Specific Plan No. 4 at 1658 Gainsborough Road (APN: 8426-034-020).

**ASSOCIATED CASE: TREE PERMIT 10-48**

A request to remove a mature Coast Live Oak in order to accommodate the revised layout of the house and garages.

**FACTS:**

- This project was originally approved by the Board on June 28, 2007, as DPRB Case No. 07-34. The applicant let the approval expire without applying for an extension.
- The applicant resubmitted the same proposal under DPRB Case No. 08-47 and was approved by the Board on November 11, 2008.
- Grading permits were issued on March 13, 2009.
- Staff received several complaints regarding excess import of soil. Staff verified the complaints and determined that there was additional soil on-site than was approved. In early September 2009, the project was placed on hold until further review of the approved grading plans and the on-site conditions.
- It was later discovered that the original topographic map that was used by the civil engineer was incorrect, therefore creating inconsistencies in the grading. The topographic map identified the rear portion of the lot to be five to six feet higher than it really was.
- If the applicant had used the correct topographic map, the proposed project would have exceeded the allowable 200 cubic yards of cut and fill combined,

outside the driveway and house pad, and the project would not have been approved.

- Staff has met with the applicant, his soils engineer and architect to try to rectify the issues. Staff feels that the applicant has not made a significant effort to address the issues created by the additional soil. On the contrary, Staff feels that the current proposal exasperates Staff's concerns regarding grading, mass, scale of the residence and the lack of protecting the mature Oak Trees.

## ISSUES OF CONCERN:

### 1. Cut and Fill

The allowable amount of cut and fill for this lot, which is classified as a type "C" lot, is **200 cubic yards** outside of the house pad and access. In cases where the Board determines that additional grading **will reduce the overall mass and bulk** of the proposed structure, the 200 cubic yard limit maybe increased to a total of 500 cubic yards of cut and fill. One cubic yard is a box that measure 3' x 3' x 3' = 27 cubic feet.

The original proposal was less then 200 cubic yards outside of the house pad and access. Due to the error in the topographic map, the amount of soil imported for just the area outside of the building walls is 840 cubic yards; **that is 640 cubic yards more then what is allowed.**

Staff has recommended that the applicant remove a significant amount of the soil imported and redesign the house as a tri-level. The applicant has been firm on his decision not to redesign the house nor remove a large portion of the soil.

The applicant instead has rearranged the location of the garages and moved the house pad approximately 30 feet to the southeast in order to meet the allowable grading maximums.

As part of relocating the garages and house pad, the applicant has submitted two option for the Board to review regarding allowable grading quantities:

*Option A* – Specific Plan 4 allows for the Board to increase the 200 cubic yard limit to 500 cubic yards, total, if the additional yardage will reduce the overall mass and bulk of the proposed structure. In this option the applicant is proposing 391 cubic yards; the City's Engineer feels it is closer to 450 cubic yards.

Staff feels that this option does not meet the intent of Specific Plan 4. The house is set closer to the rear neighbors without any modification to the design to decrease the mass and bulk of the house. In fact the house would now appear larger to the adjacent neighbors because it would be set 30 feet closer to them and perched on a 12-foot high mound created by the additional imported soil.

The proposal does nothing to reduce the mass and bulk of the proposed structure.

*Option B* – In this option the applicant is removing four feet of soil around the rear portion of the house reducing the yardage to 167 cubic yards. This might sound like the best option but in reality the house pad is still at the same elevation as in Option "A", again creating concern about the mass and bulk of the structure and the proximity of the neighbors.

## **2. Height and Mass of Slope.**

Due to the error in the original topographic map, a significant amount of soil was imported creating a large mound with a steep slope. The mound reaches a height of 12 feet within some areas. The edge of the mound is approximately five to six feet from the southwest property line for about 80 linear feet. The applicant is proposing to locate the house atop the flat pad mound that was created. The rear portion of the two-story house will sit approximately 10 to 20 feet from the edge of the mound. As shown on Exhibit "E" of the Specific Plan, Type "C" lots allow for custom design that should be integrated into the hillside and not on created extensive flat pad areas.

## **3. Mass and Bulk of the residence**

Even though the design of the house is not changing, the house has been relocated further to the southeast. The new location of the house towards the edge of the mound further exasperates the scale and mass of the house to the residents below. The house appears to overshadow the other properties at the rear. Staff has recommended to the applicant that the house design should take into consideration the topography of the lot and integrate the house into the hillside. Tri-level designs are typical designs for hillsides, helping to reduce the amount of grading needed and avoid creating flat pad areas on hills.

## **4. Findings – Standards of Review**

In reviewing the proposed project with its modification to the grading plan and new building location, Staff feels that the following Standards of Review under Code Section 18.12.060(A) have not been met:

2. *The location, configuration, size and design of the buildings and structures should be visually harmonious with their sites and with the surrounding sites, buildings and structures.*

5. *The location and configuration of buildings should minimize interference with the privacy and views of occupants of surrounding buildings.*

6. *The height and bulk of proposed buildings and structures on the site should be in scale with the height and bulk of buildings and structures on surrounding sites, and should not visually dominate their sites or call undue attention to themselves.*

### 5. Tree Permit 10-48

Due to the relocation of one of the one-car garages to the westerly property line, the entire house pad was relocated 30 feet to southeast. The shift of the house pad now encroaches into the drip line and possibly the trunk of one of the Oak Trees. The applicant has submitted an arborist report that indicates that the tree should be removed because it will encroach on the building pad; in addition, the tree has been heavily pruned which has led to bad structure. The pruning which is mentioned in the arborist report was initiated by the applicant at the start of the project, which he mentioned was performed by a certified arborist. The tree was heavily pruned over a year ago and Staff feels that the tree is still viable and should not be removed.

Staff recommends the applicant delete the one-car garage and attached storage area from the westerly property line and relocate back to its original location, therefore allowing the house pad to move back to its original location where it did not encroach into the Oak Trees.

### OTHER ISSUES:

Since the project has been on hold the site has had a few occurrences of runoff. Runoff has occurred at the rear of the property spilling into the adjacent neighbors' properties and then into the storm drain. This type of discharge is a violation of National Pollution Discharge Elimination System (NPDES). In order to prevent further discharge Staff is recommending that the applicant be required to restore the lot to its original grade, in addition to hydro seeding the lot, until an acceptable project is approved by the Board.

### RECOMMENDATION:

*DPRB Case No. 08-47 – Deny without prejudice and require the applicant to restore the lot to its original grade within three months from the Board's decision.*

Or

If the applicant wishes to redesign the house into a tri-level design which is integrated into the original slope, a continuance would be appropriate. A timeline of three months should be set in order for the applicant to resubmit plans for Staff and Board review.

*Tree Permit No 10-48 - Deny*

### Attachments:

- Exhibit A – Lot Types Exhibit "E" from Specific Plan 4
- Exhibit B – Lot Grading Techniques Exhibit "G" from Specific Plan 4
- Exhibit C - Arborist Report
- Exhibit D - Email from Concerned Resident Discharge from the subject property.

Mr. Badar asked Theresa Bruns, what the long range oversight includes.

Ms. Bruns responded that she reviewed the preliminary plans and projected that the details make certain that decomposed granite will assist with controlling erosion and washout.

**MOTION:** Moved by Emmett Badar, seconded by Jim Schoonover to approve with the deletion of Condition No. 28 and the inclusion of minor word changes for the paths and pergolas be added.

Motion carried unanimously, 7-0

**DPRB Case No. 08-47 REVISED and Tree Permit Application 10-48**

Revised house layout and grading plan from the previously approved plans requesting to construct a 5,117 sq. ft. two-story single-family residence and several attached garages totaling 2,136 sq. ft. within Specific Plan No. 4 located at 1658 Gainsborough Road and associated tree permit application to remove a mature Coast Live Oak in order to accommodate the revised layout of the house and garages.

APN: 8426-034-020

Zone: Specific Plan No. 4

Pete Volbeda, Architect, was present

James Polson, Owner's Agent, was present

Dr. Raymond Bouchereau, Neighbor 1666 Gainsborough Road, was present

John Peggs, Neighbor 1133 Edinburgh Road, was present

Paul Feintuch, Neighbor 1139 Edinburg Road, was present

Dave Gilbertson, RKA & Associates, was present

Chairman Schoonover noted that the Board went on a site visit to 1658 Gainsborough Road at 7:30 a.m. prior to the Development Plan Review Board meeting.

Associate Planner Marco Espinoza explained that this project was originally approved as DPRB 07-34 on June 28, 2007 but the application expired without the applicant applying for an extension. It was resubmitted as DPRB Case Number 08-47 and approved on November 11, 2008 and grading permits were issued on March 13, 2009. He stated that Staff received complaints about excess importing of soil. He noted that Staff reviewed the submitted topographic map again and compared it to the actual site and discovered that the map identified the rear portion of the lot to be five or six feet higher than the original grade. He expressed that if the correct topographic map had been submitted, then the proposed project would have exceeded the allowable 200 cubic yards of cut and fill combined outside the driveway and house pad and the project would not have been approved for Specific Plan No. 4. He noted that Staff has met with the applicant and soils engineer to rectify the issues; however, Staff feels the applicant has not made a significant effort to address the issue of concern mentioned in the fact sheet.

Associate Planner Espinoza continued by stating that there are issues with the cut and fill quantity, height and mass of the slope and added it is difficult to make findings for approval. He added the new location for the house affects two Oak trees, which one (1) is proposed to be removed; however removal was not part of the original proposal. He explained that there are some grading issues and two options were submitted: A and B.

Option "A" will include an increase soil within the 201 to 500 cubic yard limit; this option is allowed if the additional yardage will reduce the overall mass and bulk of the proposed structure. The applicant is proposing 391 cubic yards; the City's Engineer feels it is closer to 450 cubic yards. He pointed out that Staff does not believe this option meets the intent of Specific Plan No. 4. He noted that the house is set closer to the rear neighbors by about 30 feet, which makes the house appear larger to the adjacent neighbors. The house would also now be perched on a 12-foot high mound, created by the additional imported soil. He stated that Option B would require removing four feet of soil around the rear portion of the house reducing the yardage to 167 cubic yards. He noted that this might sound like the best option but the house pad is still the same elevation as Option A which will create concern in regards to mass and bulk of the structure and the proximity of the neighbors.

He stated Specific Plan No. 4 labels various lots as A, B, C, and D with C lots requiring contour grading for the house pad to fit into the limited amount of grading allowed. He stated that the amount of soil brought onto the property was 840 cubic yards which is 640 cubic yards more than allowed in the rear portion. He pointed out that instead of reducing and removing the soil, the applicant wanted to retain it and move the house further back, thus reducing the soil amount. He explained that all of these situations are making it difficult to approve the project and added that the structure is not visually harmonious and recommended that the location be minimized so that the height and bulk of the building does not dominate the property. He stated that there are currently 7 homes in the C Lot that are designed into the hillside with some cross sections that are tri-level. He recommended that the home be designed at a tri-level and be brought down with the front appearing one story and the back as a two-story to meet the Specific Plan No. 4 grading requirements. He reiterated the issue with the tree being removed and added that the City Arborist, Deborah Day, indicated the tree appears to have been trimmed improperly but is viable.

Pete Volbeda applicant stated that the dirt removed from Option B will have the elevation at 4 ft. lower to the 167 cubic yards of dirt. He pointed out that because the house is moved back it gives the appearance that it is 12 ft. higher than the adjacent property. He expressed that the owner prefers the level flat. He added that the Oak tree should not prohibit the design and can be replaced by 2 trees. He stated that they do need to remove excess dirt; however they feel the proposal meets City standard requirements.

Mr. Coleman recommended denial of the project and a submittal of a redesigned home to follow the land form. He asked the applicant if he was willing to redesign project.

In response to Mr. Coleman, Mr. Volbeda responded he is not willing to redesign the project.

Mr. Beilstein stated that the garage is half the size of the home and questioned the creative use of the terrain, grading and the need for that size home.

In response to Mr. Beilstein, Mr. Volbeda responded that the garage is designated for an RV but does not solve the grading problem.

Associate Planner Espinoza stated that the one of the garages can be moved and the house moved back to its original location.

James Polson, owner's agent expressed his concern with the Oak tree and pruning. He stated that the tree grew branches straight down to the ground which were not attractive and noted that is why they were trimmed. He stated that the street view of the RV garage has a 130 ft. setback.

Dr. Raymond Bouchereau at 1666 Gainsborough Road expressed his support and approval for a new home in the vacant lot because it will help eliminate people using the lot for driving their dirt bikes and other unpermitted uses.

Mr. Polson provided a letter to the Board that was sent to the Planning Department in November.

John Peggs at 1133 Edinburgh Road, stated that the new home is a good idea; however there are concerns with the south east corner when it rains. He noted that excess water goes onto his property and added that corrections were attempted; however the dirt and fill has caused erosion. He indicated that there was an area on the proposed project designated to capture water with plastic and noted that it is currently being pumped. He stated that dirt was being place on their fence without permission. He recommended resubmittal of the project to the Board to make necessary corrections that will also include how the water will be controlled and maintained and recommended that the terrain be built more practical and more intoned with the land.

Paul Feintuch at 1139 Edinburgh Road, indicated that his property is directly below and added that he has various concerns. He questioned the visual impact from below with moving the home further back on the lot, and how it will loom over the houses below. He added that there will be a flood control issue since the pond was built to hold water versus letting the water flow to the storm drain on Edinburgh Road. He explained that the pond sits above the house below, and when the pond fills it creates a hazard and added that it is not engineered to hold that amount of water.

James Polson responded to Mr. Feintuch stating that the drainage has always been a problem. He noted that on June 28, 2007, the Development Plan Review Board minutes quoted Mr. Feintuch stating that the drainage on the property has the water flowing onto his property.

Mr. Coleman stated that he is not in favor of the excess imported soil on the lot and felt it should be restored to its original condition.

In response to Mr. Schoonover, Associate Planner Espinoza replied that 840 cubic yards of dirt was brought in, which is in excess by 640 cubic yards.

Mr. Coleman added that 640 cubic yards will then need to be removed.

Mr. Sorcinelli recommended that the applicant proceed with the original plan and original grading that was submitted.

Mr. Coleman stated that the applicant can still use the original house design.

Mr. Michaelis emphasized that the plans should resemble Lot C to conform to the natural lay of land.

In response to Mr. Patel, Associate Planner Espinoza replied that the original house was not a Lot C design and emphasized that the topographic map that was used was incorrect and therefore, the apparent house design would have not been possible and a redesign would have been required

James Polson Owner's Agent, indicated that when the lot was purchased, the previous building plans were not used but the soils report and topographic map were used in the current submittal. He added that the applicant did not know the Specific Plan limitations of dirt to be imported onto the site..

Mr. Sorcinelli asked if the limitation of dirt was discovered after the grading took place.

In response to Mr. Sorcinelli, Mr. Polson responded that the soils/civil engineer was out of town when the grading occurred and it was all accidental.

Mr. Michaelis added that the Lot C design is very attractive and is an exceptional design that works in the neighborhood.

In response to Mr. Sorcinelli, Associate Planner Espinoza responded the average home size in that area is 7,300 sq. ft.

Mr. Sorcinelli expressed his concern with the project being approved twice.

Associate Planner Espinoza reiterated that the topographic map was inaccurate, thus those approvals could be considered granted under false pretenses. He noted that the project would of never been reviewed by the Board if Staff was aware of the inconsistency of the topographic map and would have required redesign of the house layout.

Mr. Sorcinelli asked how much higher the soil is in Option A then the original approval.

In response to Mr. Sorcinelli, Associate Planner Espinoza replied that it is the same; however, the soil is incorrect by 5 to 6 feet from the original grade.

The Board discussed if the proposed house plan could be used with the correct topographical map but concerns were expressed by Mr. Gilbertson that it would change the steepness of the driveway to an unacceptable grade and the best solution would be to remove the house forward to its original position and step the house down along the original contour grade.

Mr. Beilstein interjected and stated that there is no limit for grading of the house but and driving access.

Mr. Badar asked if the pond water issue will be addressed.

Associate Planner Espinoza stated that RKA has seen the proposal and emphasized that the drainage system will be the first thing installed. He noted that the timeframe for resubmission for hillside restoration should be 3 months.

Mr. Schoonover reconfirmed the 90 day timeframe.

Associate Planner Espinoza added that the pond needs to be drained out during that timeframe discussed with the applicant.

Dave Gilbertson, RKA, stated that NPDES regulates that mud needs to be onsite; but added that the existing water retention basin is not the best solution but is working. He added that the ultimate design would contain a larger basin were the water would filter into the ground.

**MOTION:** Moved by Dan Coleman, seconded by Blaine Michaelis to direct the applicant to redesign the home with a step pad integrated into the slope, with a Type C grading design and being back within the next 3 months, and to continue the Tree permit application 10-48.

Motion carried unanimously, 7-0.

Break occurred from 9:55 a.m. until 10:10 a.m.

Mr. Schoonover stated that Item 4 be heard at this time in the agenda to accommodate Mr. Stevens filling in as voting member for Mr. Coleman, who will be presenting DPRB Case No 07-27.

**DPRB Case No. 07-27**

Request to construct a 4,690 sq. ft. single story house, 484 sq. ft. detached garage and a 1,892 sq. ft. barn, on 40 acres of land (Falcon Ridge Ranch) located on Sycamore Canyon Road.

Related Case: Precise Plan No. 11-01

APN: 8678-030-005

Zone: Specific Plan No. 25

John DeFalco, Applicant

Mr. Coleman indicated that Staff has been working on this project since May 2007 and noted there have been a number of changes to the proposed one-story home with detached barn and garage. He pointed out that extensive improvements have been done such as clearing out trash and debris near the duck pond area and horse stable. He pointed out that solar panels will be used on the garage and added that currently there is no electricity serving the property. He noted the architectural features are consistent for Specific Plan No. 25 which includes traditional barn wood and stucco being used. He noted that the issue previously was a proposed two-story home which at the time the Specific Plan did not allow to be on a major ridge line, but in January City Council adopted Ordinance 1201 which reclassified this location as a minor ridgeline which allows for development. He noted that over the years the area has created a nature preserve and bird aviaries which have been registered with the Department of Fish and Game. He explained that Ordinance 1201 allows nature preserve as a land use. He noted that fire retardant standards have been met. He pointed out that once the project is approved by the Board it will need Planning Commission and City Council approval.

Mr. Stevens stated it appears the conditions focus on the house versus the entire site.

Mr. Coleman noted only the applicant is working on getting permits for sheds on the property.

## **SPECIFIC PLAN NO. 4**

### **18.504.110 Grading design.**

A. General. All grading must conform to standards set forth in the attached Exhibits and the standards set forth in this section both of which outline the intended grading techniques.

B. Lot Type Classification. All lots within the specific plan have been classified into one of three categories: Type A, Type B or Type C lots. Lot classifications are indicated on Exhibit B.

1. Type A Lots. Type A lots are located in areas that are relatively flat. Grading of the entire developable lot area is permitted on Type A lots. The drainage of runoff water will be redirected to the adjacent streets.

2. Type B Lots. Type B lots are grouped throughout the specific plan. These lots are characteristically located on minor inclined terrain that represents moderately sensitive landform. Grading on Type B lots is permitted for the placement of an access to permitted uses. This grading may include a slab-on-grade foundation and driveway access to the garage. The grading of the entire lot is not consistent with the intent of a Type B classification. The drainage of runoff will follow its natural course. Minor grading outside the house pad and access may be permitted with development plan review board approval. For the purposes of this section, minor grading shall mean grading that does not exceed a total of two hundred cubic yards of cut and fill (e.g., one hundred fifty cubic yards of cut and fifty cubic yards of fill). The two hundred cubic yard limit does not count export required for in-ground pools and spas. The maximum height of retaining walls created by minor grading shall be four feet. In cases where the development plan review board determines that additional grading will reduce the overall mass and bulk of the proposed structure, the two hundred cubic yard limit may be increased to five hundred total cubic yards (e.g., three hundred cubic yards of cut and two hundred cubic yards of fill).

3. **Type C Lots.** Type C lots are predominately located along major changes in topography and are highly visible to the surrounding community. These lots are located on the most sensitive landform. Grading on Type C lots is restricted to only that earth movement necessary for roadway access and excavation for retaining-type building foundations where there will be no visible signs of grading beyond the structure's main walls. The drainage of runoff will follow its natural course. Minor grading outside the house pad and access may be permitted with development plan review board approval. For the purposes of this section, minor grading shall mean grading that does not exceed a total of two hundred cubic yards of cut and fill (e.g., one hundred fifty cubic yards of cut and fifty cubic yards of fill). The two hundred cubic yard limit does not count export required for in-ground pools and spas. The maximum height of retaining walls created by minor grading shall be four feet. In cases where the development plan review board determines that additional grading will reduce the overall mass and bulk of the proposed structure, the two hundred cubic yard limit may be increased to five

hundred total cubic yards (e.g., three hundred cubic yards of cut and two hundred cubic yards of fill).

C. **Cut and Fill Slopes.** No manufactured slopes shall exceed a maximum of two feet horizontal to one foot vertical unless approved by the planning commission through the conditional use permit process as set forth in Chapter 18.200. Manufactured slopes of less than two-to-one may be permitted where adequate slope control measures such as retaining walls or rip-rap embankments are utilized. The slope shall in no case exceed the natural angle of repose of the material. Cut and fill slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with the natural topography to the maximum extent possible.

D. **Erosion Control.** All manufactured slopes, other than those constructed in rock, shall be planted or otherwise protected from the effects of storm runoff erosion and shall be benched or terraced as required to provide for adequate stability. Planting shall be designed to blend the slopes with the surrounding terrain and development. Manufactured slopes in rock shall be provided with soil pockets to contain landscaping where appropriate. Irrigation facilities shall be required where necessary to provide for property maintenance of the planted areas.

E. **Slope Maintenance.** All slopes shall be maintained in accord with one or both of the following provisions:

1. A declaration of covenants, conditions and restrictions relating to the maintenance of the slope areas, signed and acknowledged by those parties having any record title to the land to be developed and which are enforceable by the city shall be recorded. The covenants, conditions and restrictions shall ensure that:

a. All improvements included within the slope areas, such as landscaping and irrigation, shall be maintained in a safe condition and a state of good repair.

b. Failure to maintain such improvements, located on slope areas, is unlawful and a public nuisance endangering the health, safety and general welfare of the public and a detriment to the surrounding community.

2. A landscape maintenance district established pursuant to the provisions of the Landscape and Lighting Act of 1972.

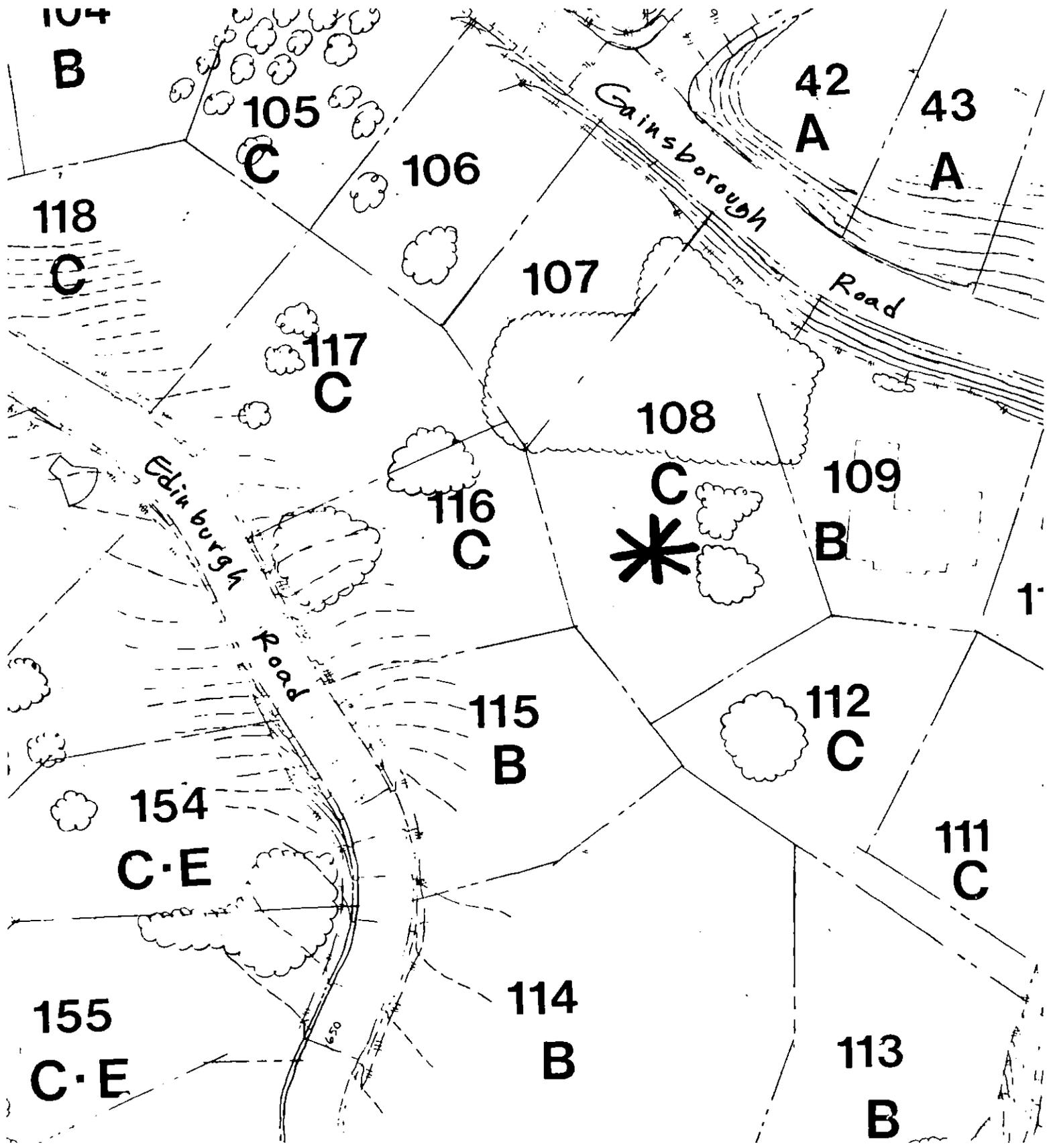
F. **Grading Design Approach.** The reshaping of the natural terrain to permit access and construction shall be kept to the absolute minimum. The improvements should be designed to conform to the terrain. Where grading is necessary, the following guidelines shall apply to Type B and Type C lots:

1. **Transition Design.** The angle of the grading slope shall be gradually adjusted to the angle of the natural terrain.

2. Angular Forms. Angular forms shall not be permitted. The graded form shall reflect the natural rounded terrain.

3. Exposed Sloped. Graded slopes shall be concealed wherever possible.  
(Ord. 1137, Exh. A (part), 2003)





# LOT TYPES

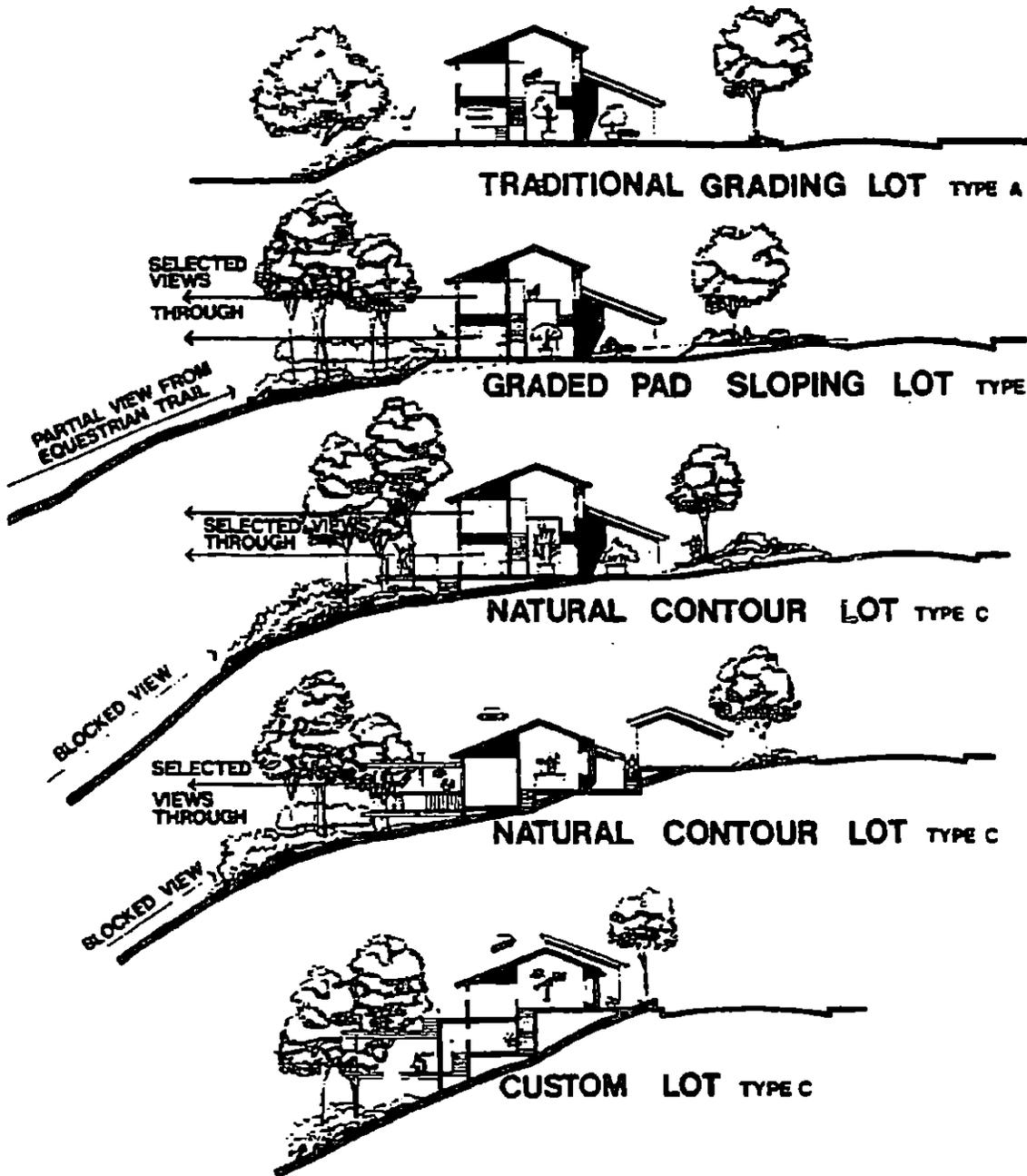
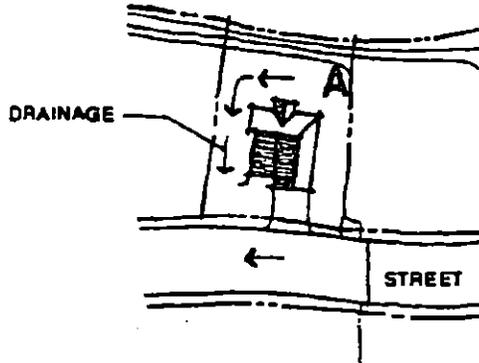
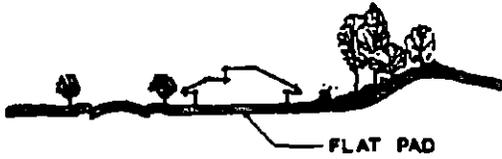
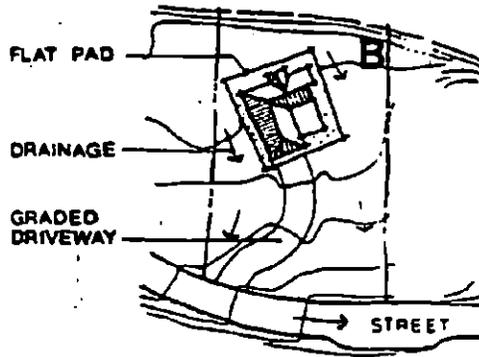
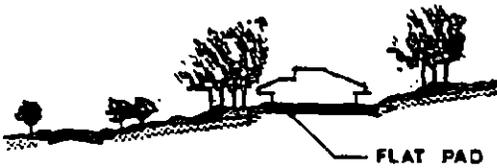


EXHIBIT E

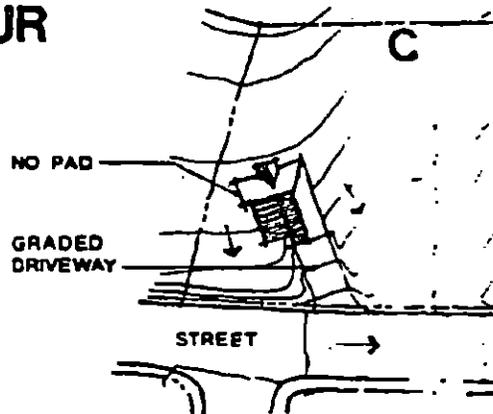
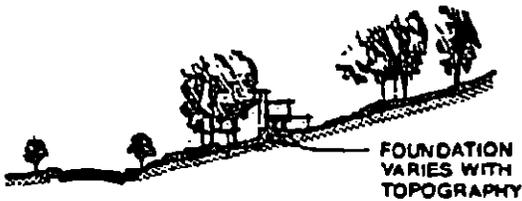
**LOT GRADING TECHNIQUES**  
**TRADITIONAL GRADING**  
Conventional Product  
LOT TYPE A



**GRADED PAD SLOPING LOT**  
Conventional Product  
LOT TYPE B



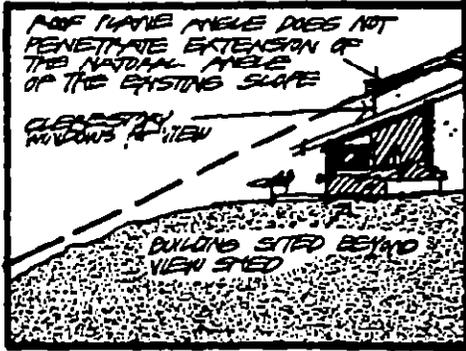
**NATURAL CONTOUR LOT**  
Customized Foundation  
LOT TYPE C



**EXHIBIT G**

# LOW PROFILE PERFORMANCE STANDARDS

## Do This



## Instead of This

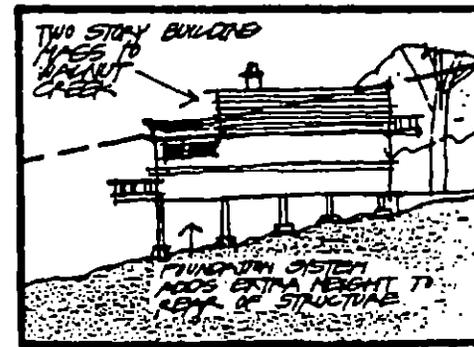
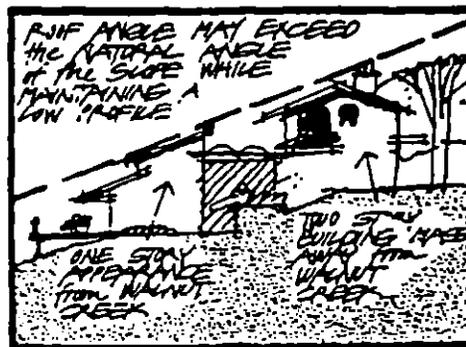
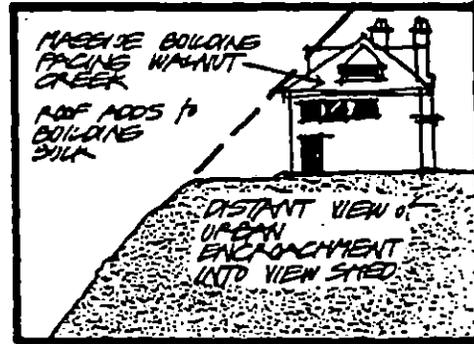
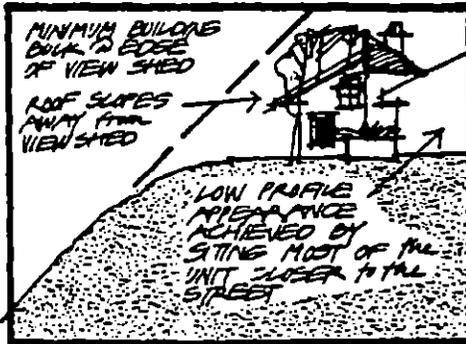
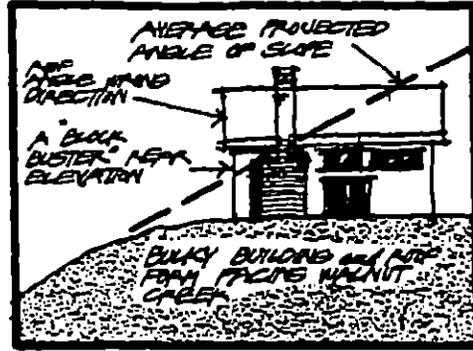
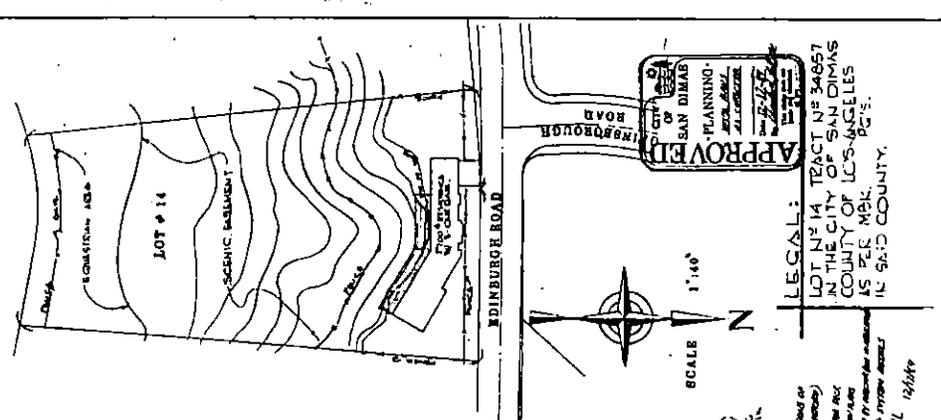


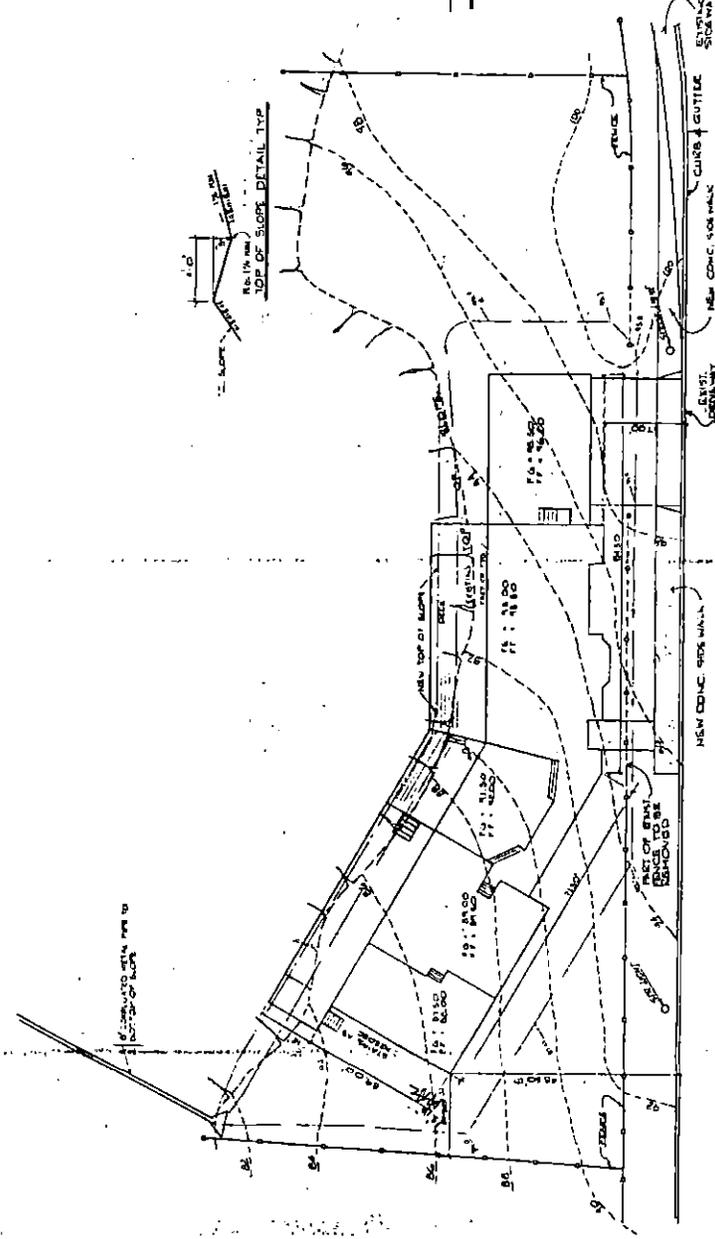
EXHIBIT H





LEGAL:  
 LOT # 14 TRACT # 34857  
 IN THE CITY OF SAN DIMAS  
 COUNTY OF LOS ANGELES  
 AS PER MAP  
 IN SAID COUNTY.

SCALE 1" = 40'



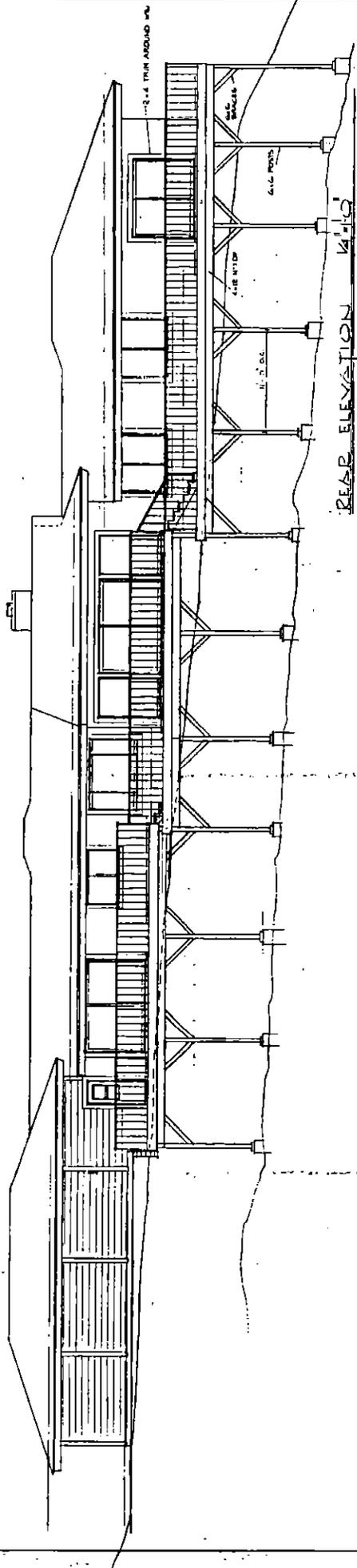
1178 EDINBURGH ROAD

ATTENTION:  
 THE PLANNING DEPARTMENT HAS REVIEWED THIS PROJECT AND APPROVED IT FOR THE CITY OF SAN DIMAS. THE CITY ENGINEER HAS REVIEWED THE PROJECT AND APPROVED IT FOR THE CITY OF SAN DIMAS. THE COUNTY ENGINEER HAS REVIEWED THE PROJECT AND APPROVED IT FOR THE COUNTY OF LOS ANGELES. THE PROJECT IS SUBJECT TO THE CITY OF SAN DIMAS PLANNING DEPARTMENT'S REVIEW AND APPROVAL. THE PROJECT IS SUBJECT TO THE CITY OF SAN DIMAS PLANNING DEPARTMENT'S REVIEW AND APPROVAL. THE PROJECT IS SUBJECT TO THE CITY OF SAN DIMAS PLANNING DEPARTMENT'S REVIEW AND APPROVAL.

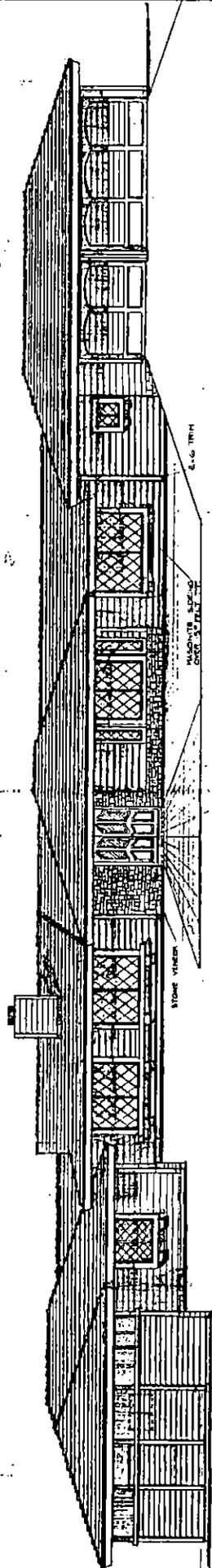
FOR THE OFFICE OF PNDRES HAJAGOS 2122 N. LINCOLN BLVD. COSTA MESA, CALIFORNIA 92626 PHONE (714) 931-1104	RESIDENCE FOR MR. & MRS. ROBERT H. HAYES 1178 EDINBURGH ROAD SAN DIMAS, CALIF. 91767	PLOT PLAN 1178 EDINBURGH ROAD SAN DIMAS, CALIF. 91767	DATE 1/15/77	SCALE 1" = 40'	PROJECT NO. 1178
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C-607  
 1178 EDINBURGH RD.

EXHIBIT H



REAR ELEVATION 1/4" = 1'-0"



FRONT ELEVATION 1/4" = 1'-0"

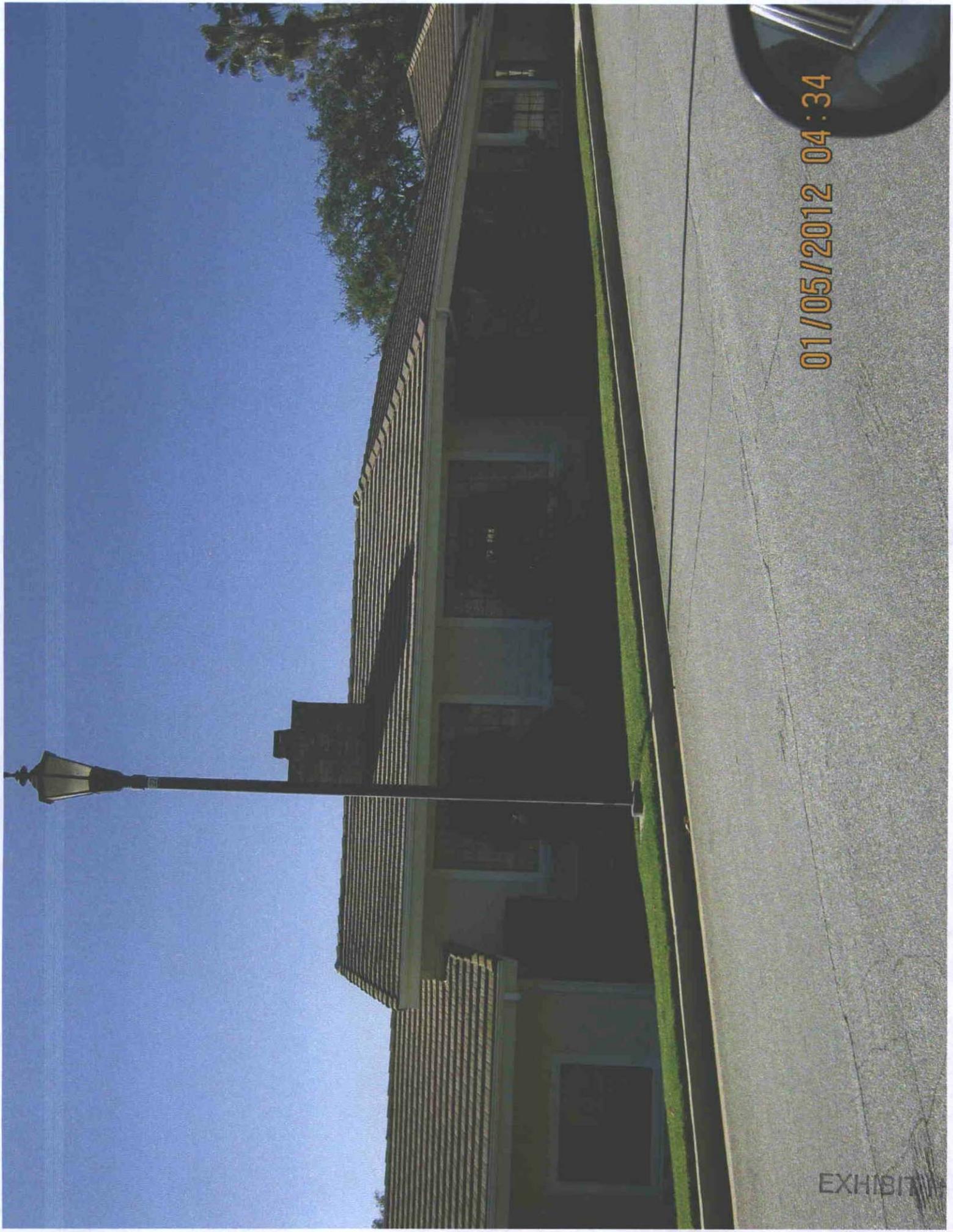
FROM THE OFFICE OF  
**ANDRE HAJAGOS**  
 2111 E. Cambridge St. Denver, Colorado 80218  
 PHONE: 338-1704

RESIDENCE FOR  
 MR. & MRS. ROBERT MCGEE/TOM  
 PHONE: 338-1704

EXTERIOR ELEVATIONS

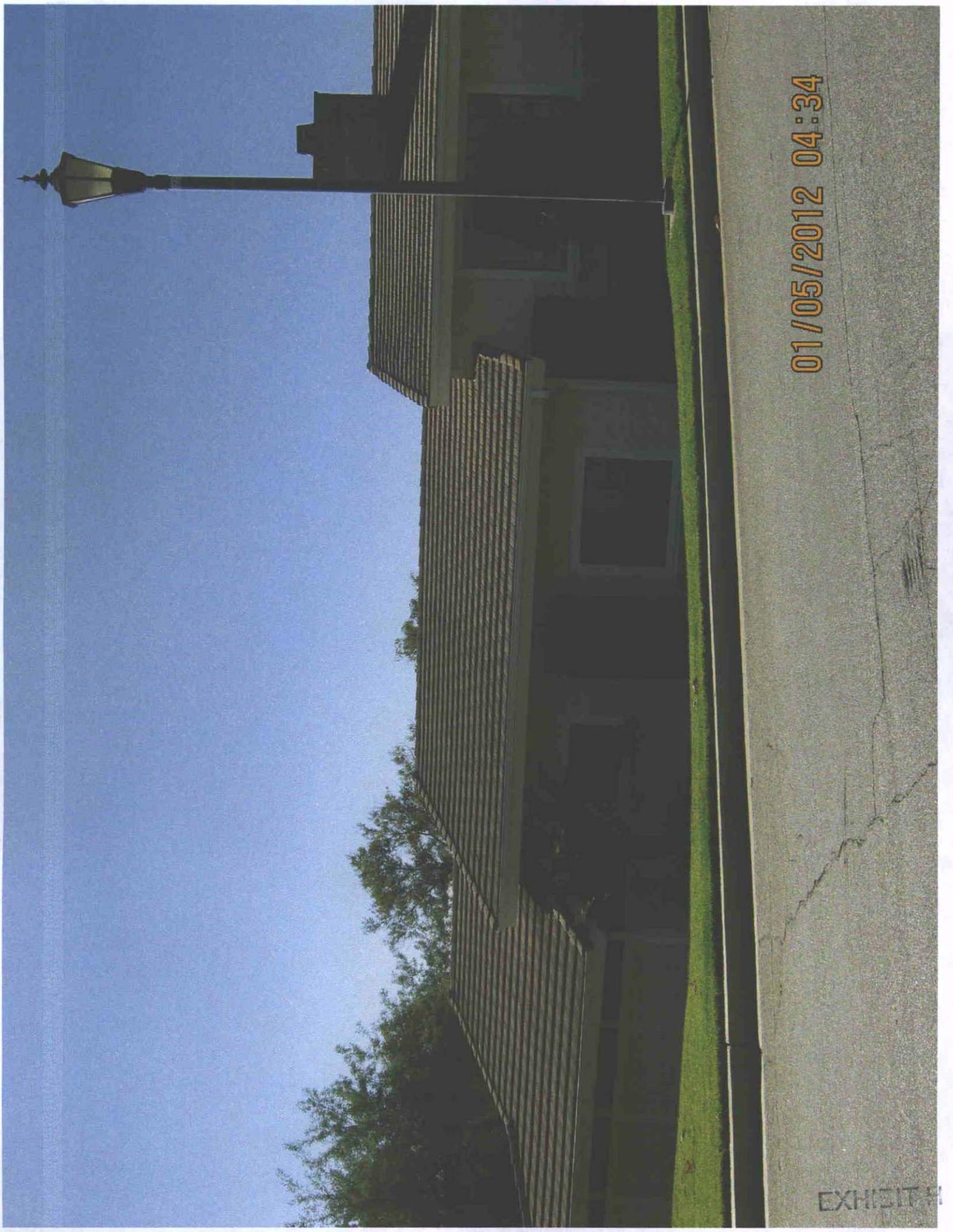
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6	11-15-61	AMH





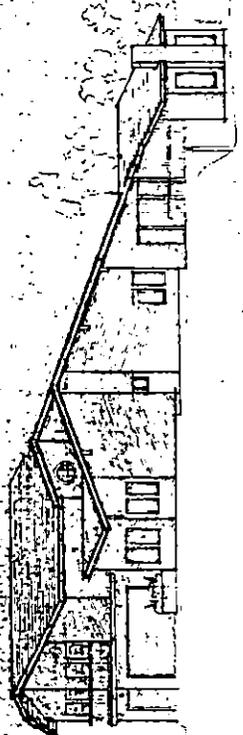
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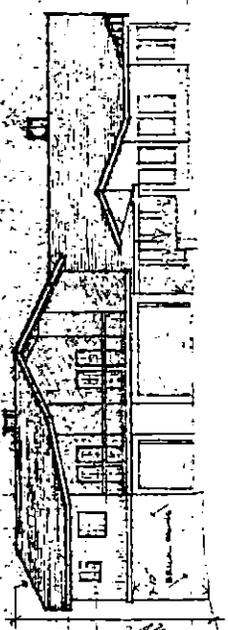


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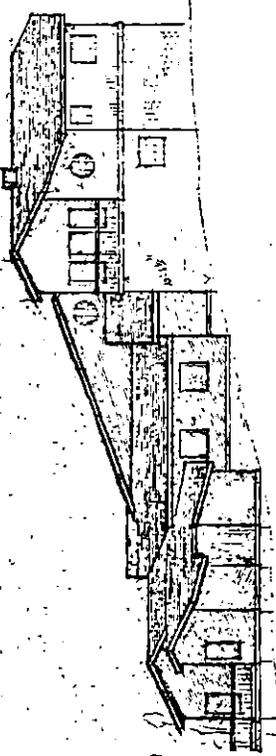


WEST ELEVATION

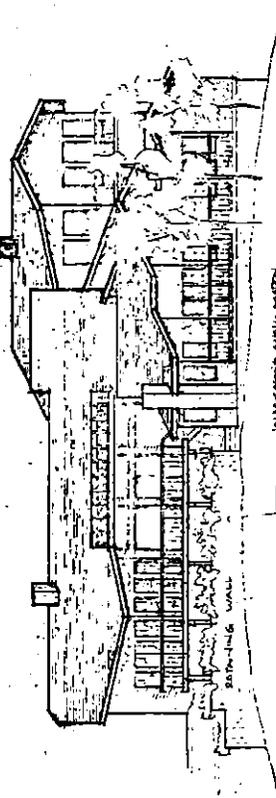


NORTH ELEVATION

ELEVATION



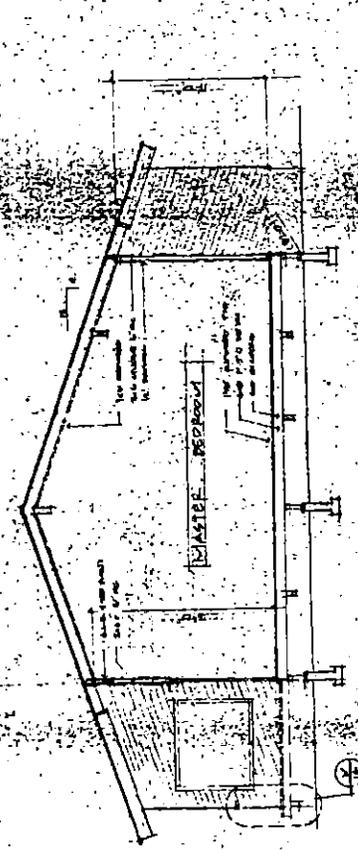
EAST ELEVATION



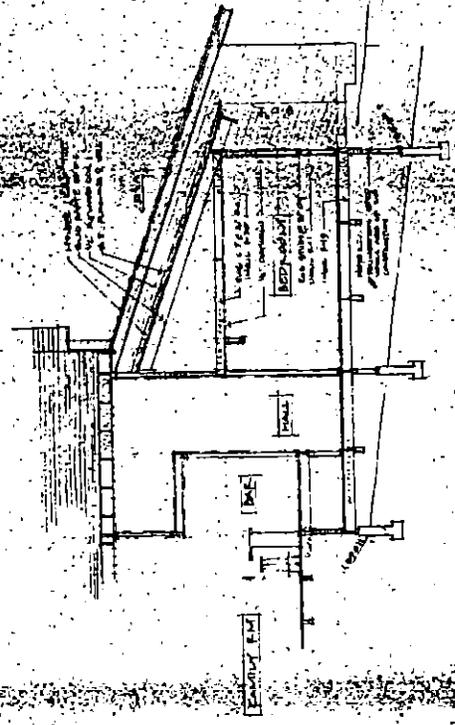
SOUTH ELEVATION

NOTES:  
 1. All elevations are to be finished with [Material]  
 2. All windows to be [Material]  
 3. All doors to be [Material]  
 4. All exterior walls to be [Material]  
 5. All exterior trim to be [Material]

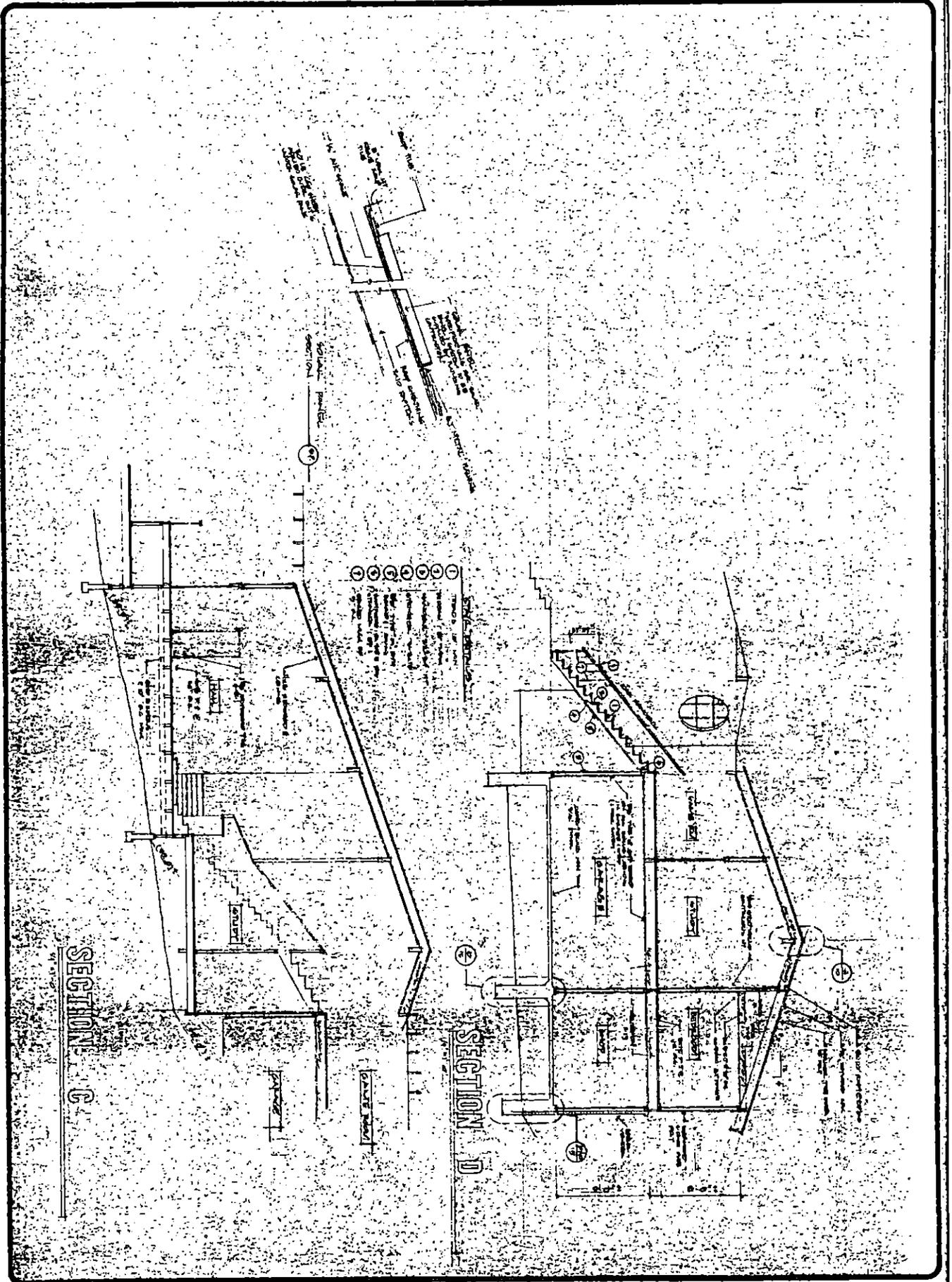
C-Cot  
 1172 EDENBURGH RD.



SECTION F F



SECTION E E

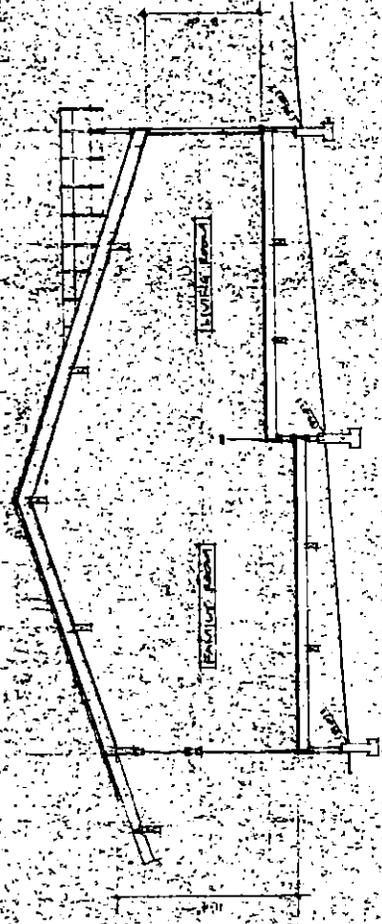


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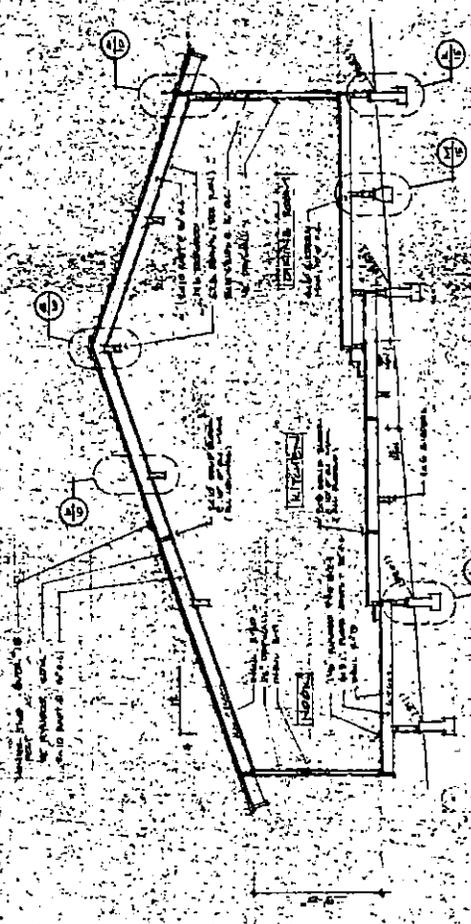
SECTIONS C & D

ARCHITECTURAL  
 DESIGN  
 TITLE: SECTION D  
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 SCALE: 1/4" = 1'-0"

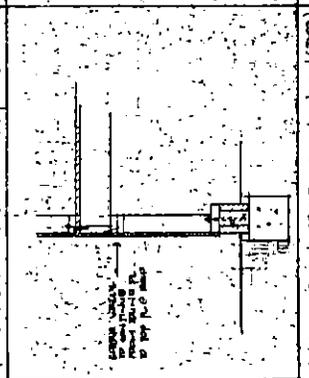
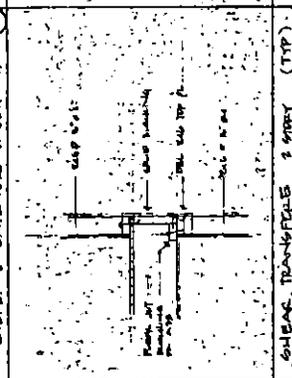
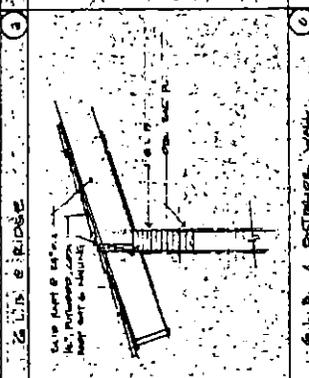
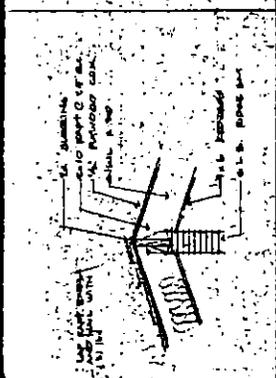
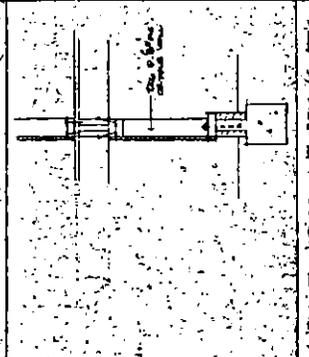
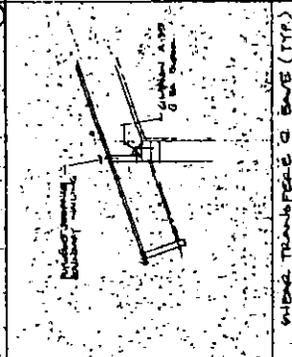
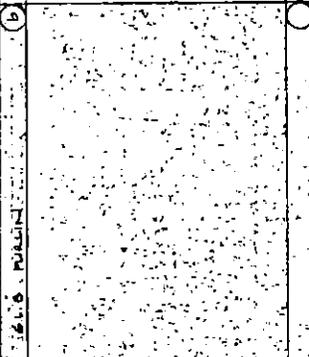
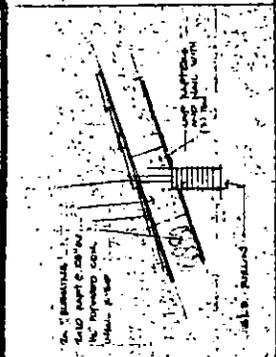
NO.	DATE	REVISION

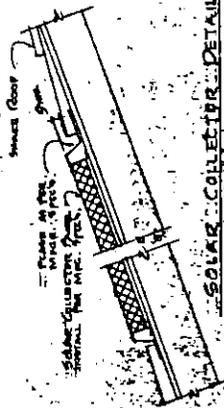


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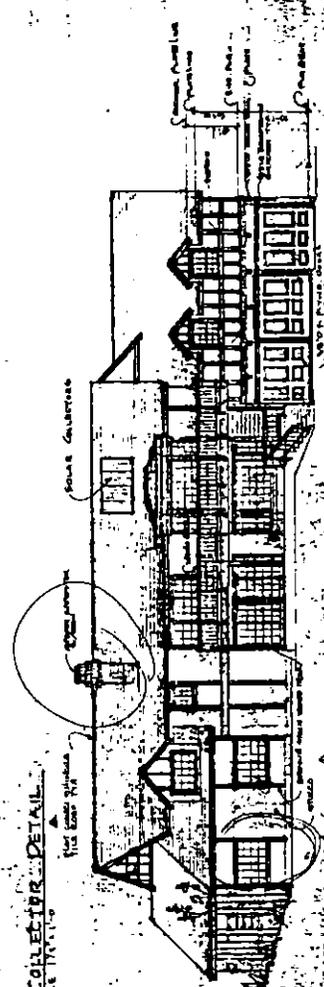
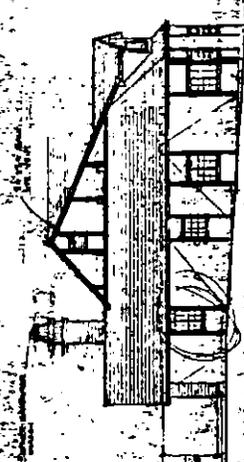


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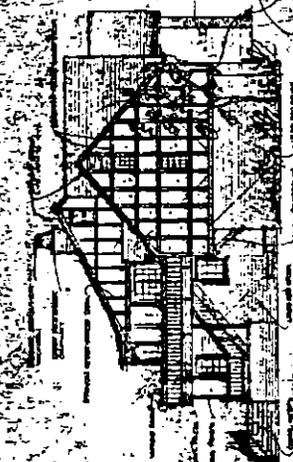




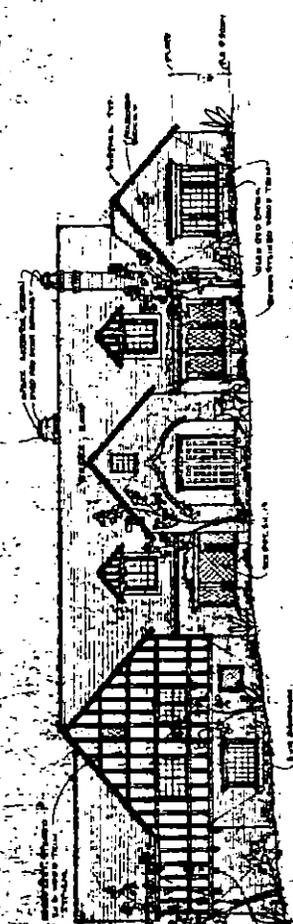
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NORTH ELEVATION  
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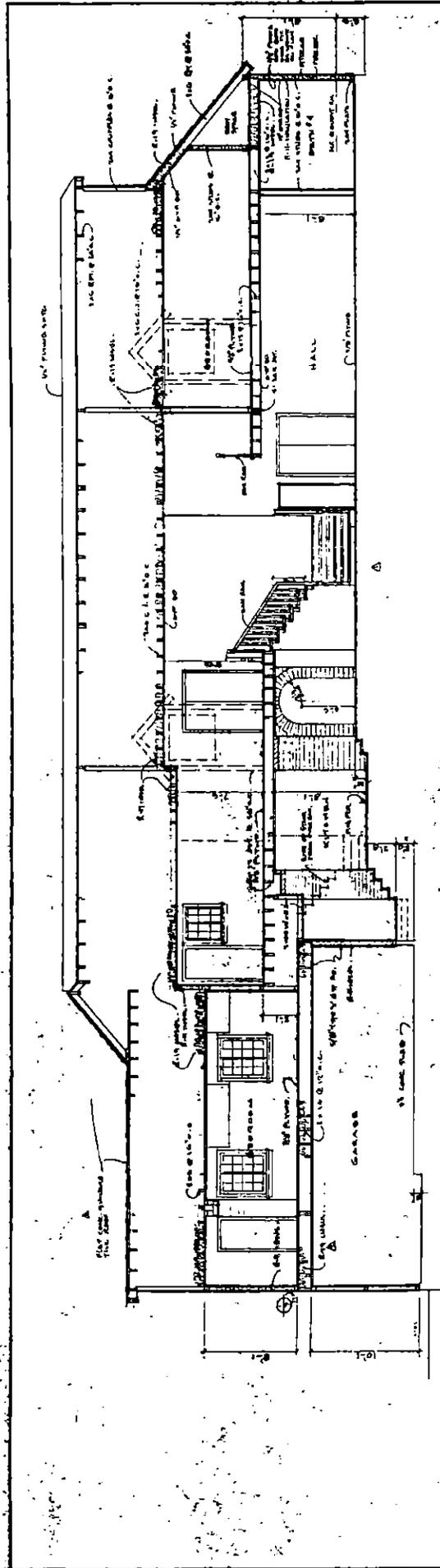
<b>GEORGE STOOPS ASSOCIATES</b> ARCHITECTS 100 S. W. 10th St., Miami, Fla. Telephone: 357-1111 U.S. Patent Pending		RESIDENCE C GARAGE 1160 EDINBURGH RD. MIAMI, FLA. 1958
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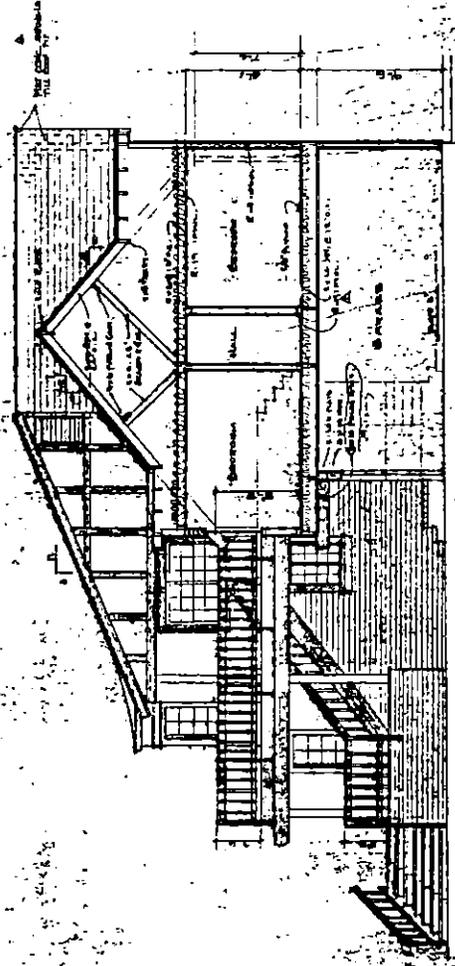
1160 EDINBURGH RD.

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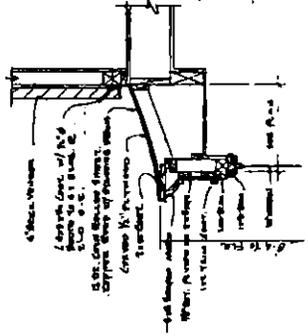
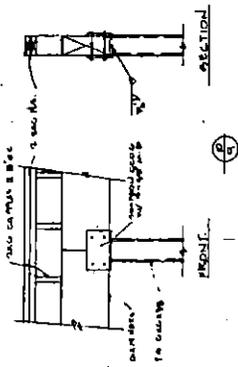
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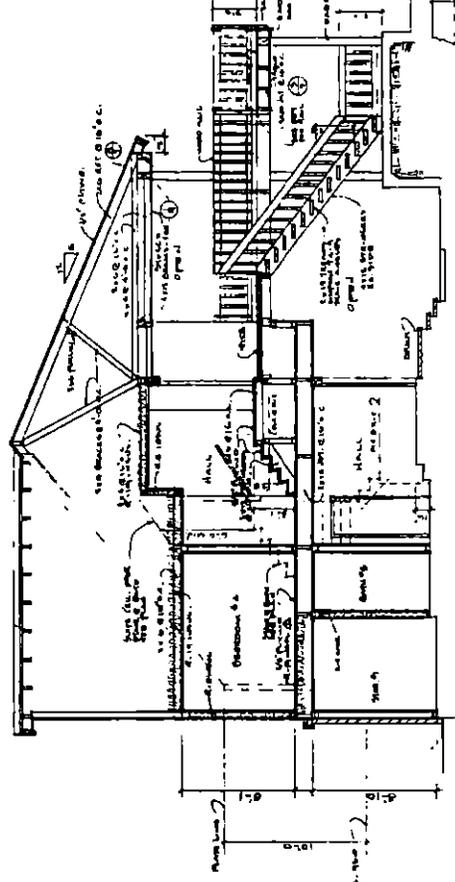
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<b>GEORGE STOOPS ASSOCIATES</b> ARCHITECTS 314 S. CENTER ST., CORNER, CHICAGO, ILL.		<b>CONDENCE &amp; GARAGE</b> FOR MR. & MRS. KING 1214 S. CENTER ST., CHICAGO, ILL.	
SHEET NO. 8 OF 12	DATE 1934	DRAWN BY G. S.	CHECKED BY G. S.

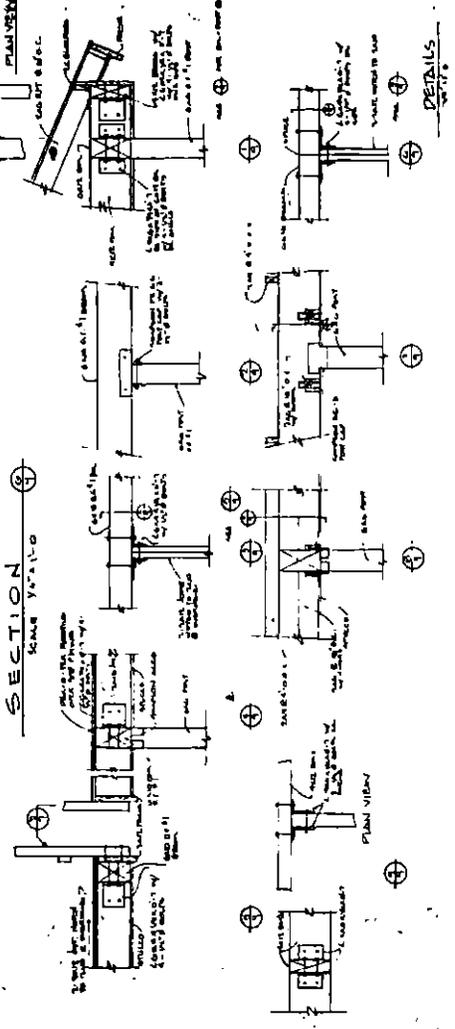
*Handwritten signature: G. Stoops*



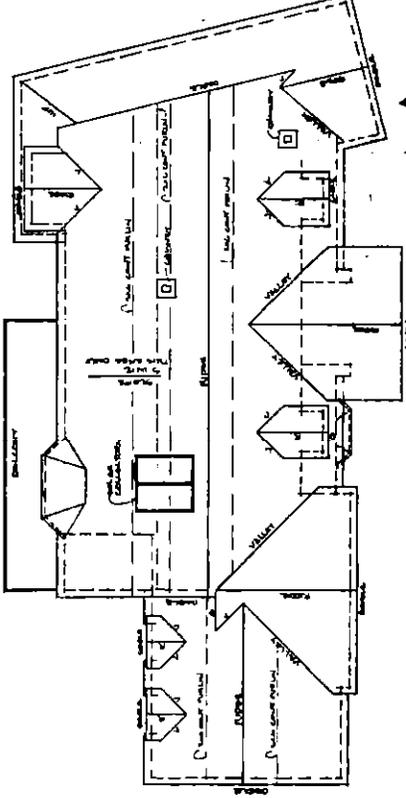
**BAY WINDOW DETAIL**  
DINING ROOM SHOWN - OTHERS SIM.



**SECTION**  
SCALE 1/8" = 1'-0"



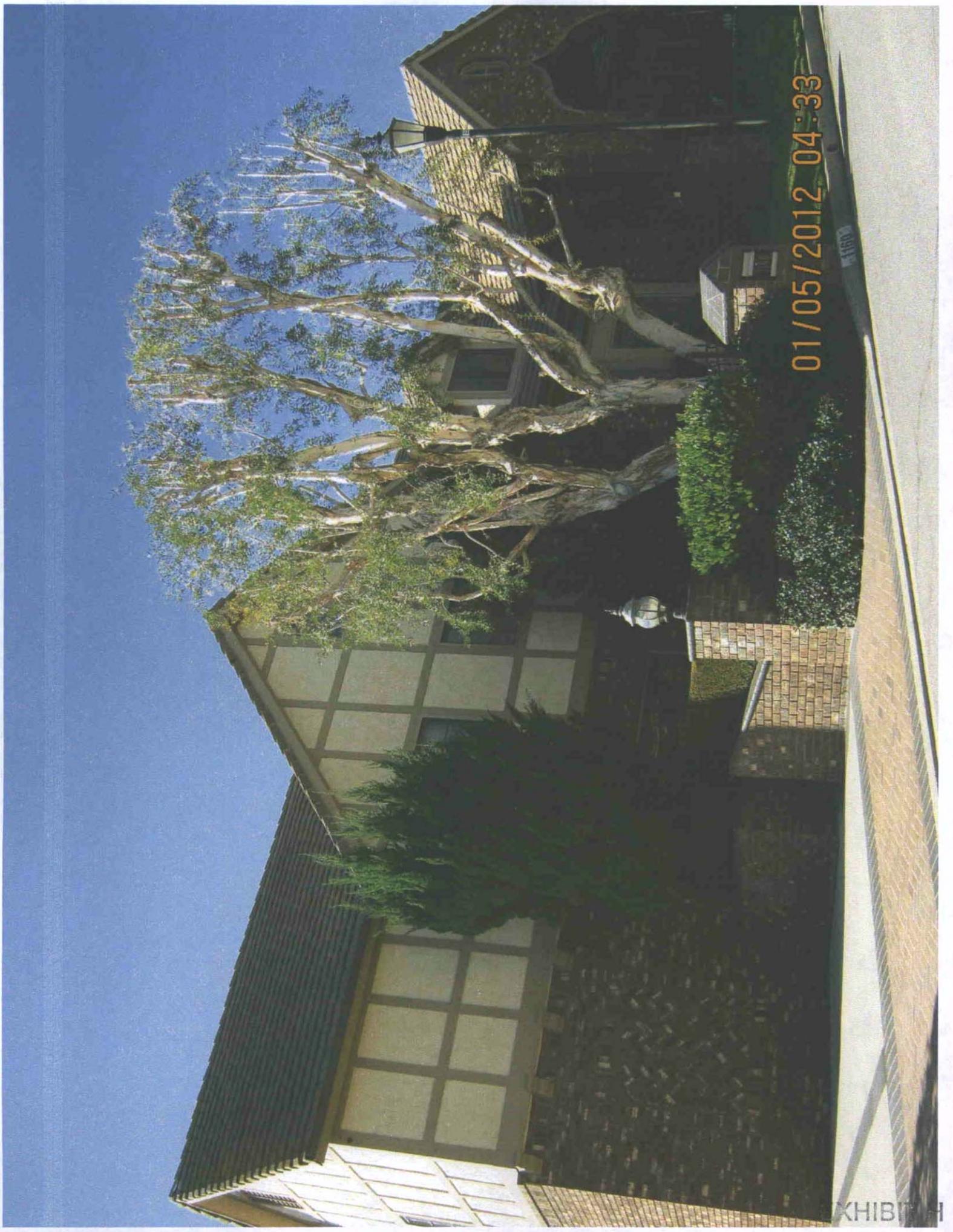
**DETAILS**  
SCALE 1/4" = 1'-0"



**ROOF PLAN**  
SCALE 1/8" = 1'-0"

WOOD WINDOW, WOOD SASH, WOOD FRAME, WOOD STUD, WOOD JOIST, WOOD PLATE, WOOD BRACKET, WOOD SCREW, WOOD NAIL, WOOD LAG SCREW, WOOD BOLT, WOOD WEDGE, WOOD SHIM, WOOD GROUT, WOOD FILLER, WOOD JOINT, WOOD GLUE, WOOD PAINT, WOOD STAIN, WOOD VARNISH, WOOD POLISH, WOOD OIL, WOOD RESIN, WOOD PUTTY, WOOD PUTTY, WOOD PUTTY, WOOD PUTTY

PROJECT NO.	115 E CENTER ST. CORNER GARWOOD ST. ST. LOUIS, MISSOURI
DATE	APR 1928
DESIGNED BY	A. I. B. D.
DRAWN BY	GEORGE STOOPE ASSOCIATES
CHECKED BY	RESIDENCE E. GARAGE FOR MR. ARLESTER KING
SCALE	1/8" = 1'-0"
NO.	9



01/05/2012 04:33

KHIBI H





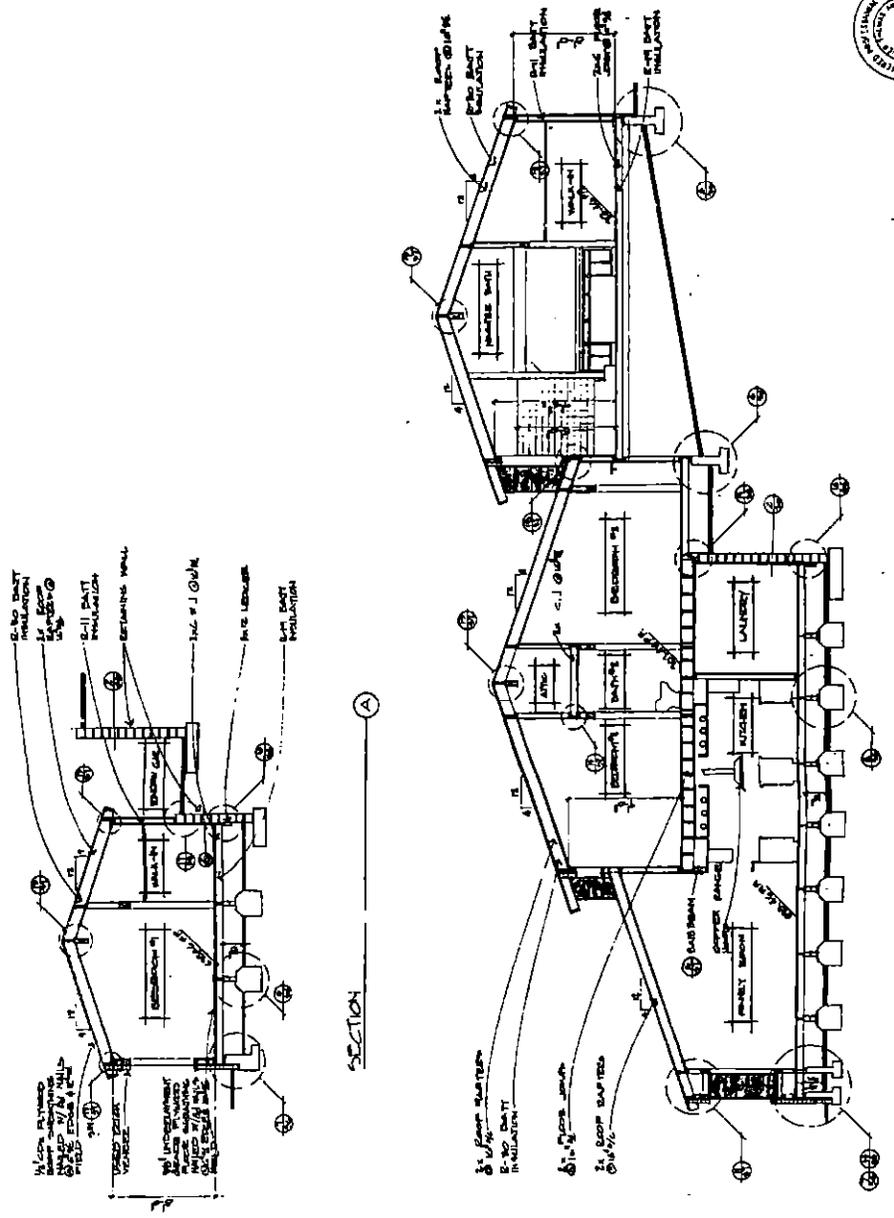


DATE	DESCRIPTION

128 CONCRETE

MR. & MRS. DON BRUHN  
 1000 S. 10th St.  
 Phoenix, Arizona

SCALE: 1/4" = 1'-0"  
 SHEET NO. 1  
 OF 1



SECTION A-A

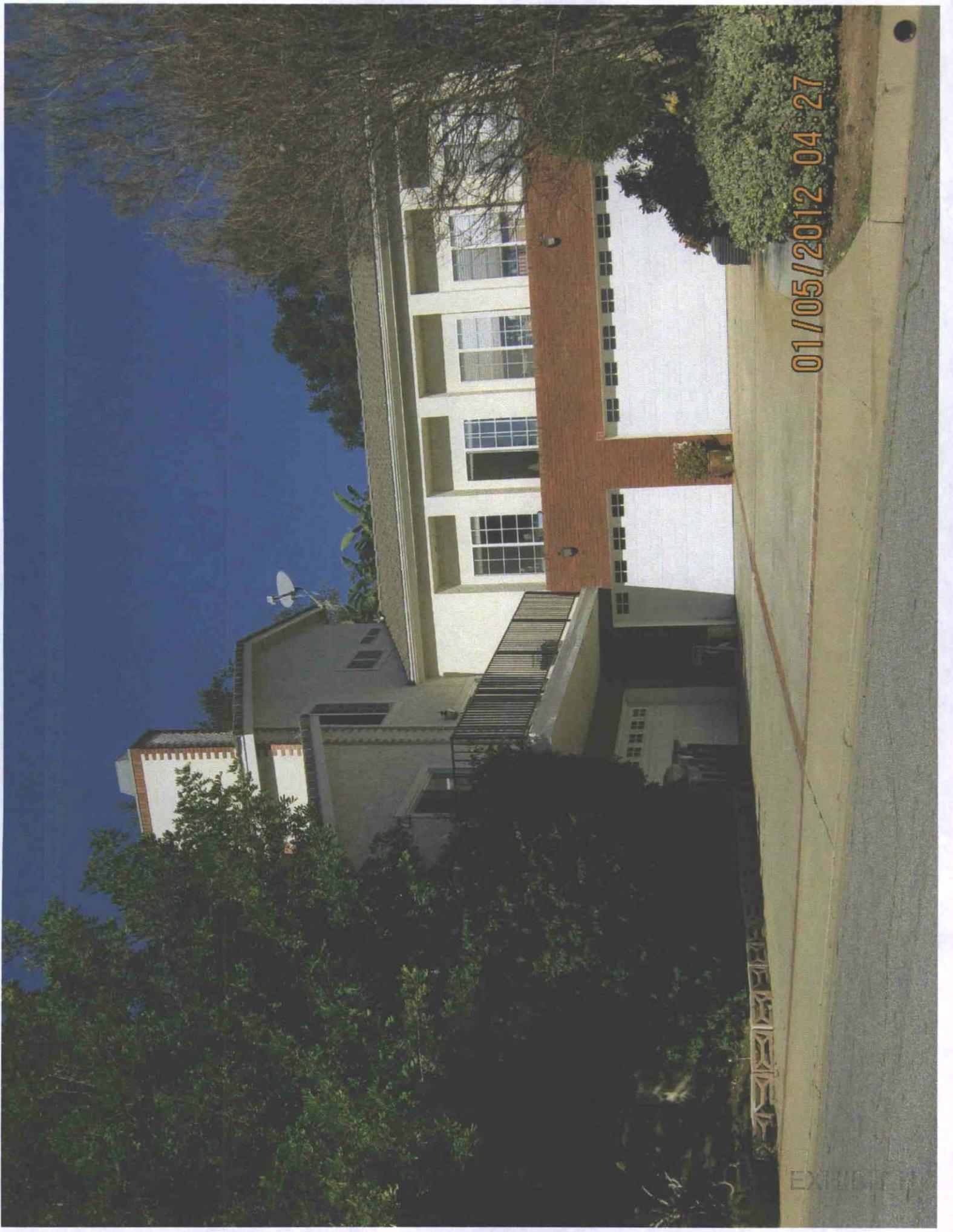
SECTION D-D





01/05/2012 04:27

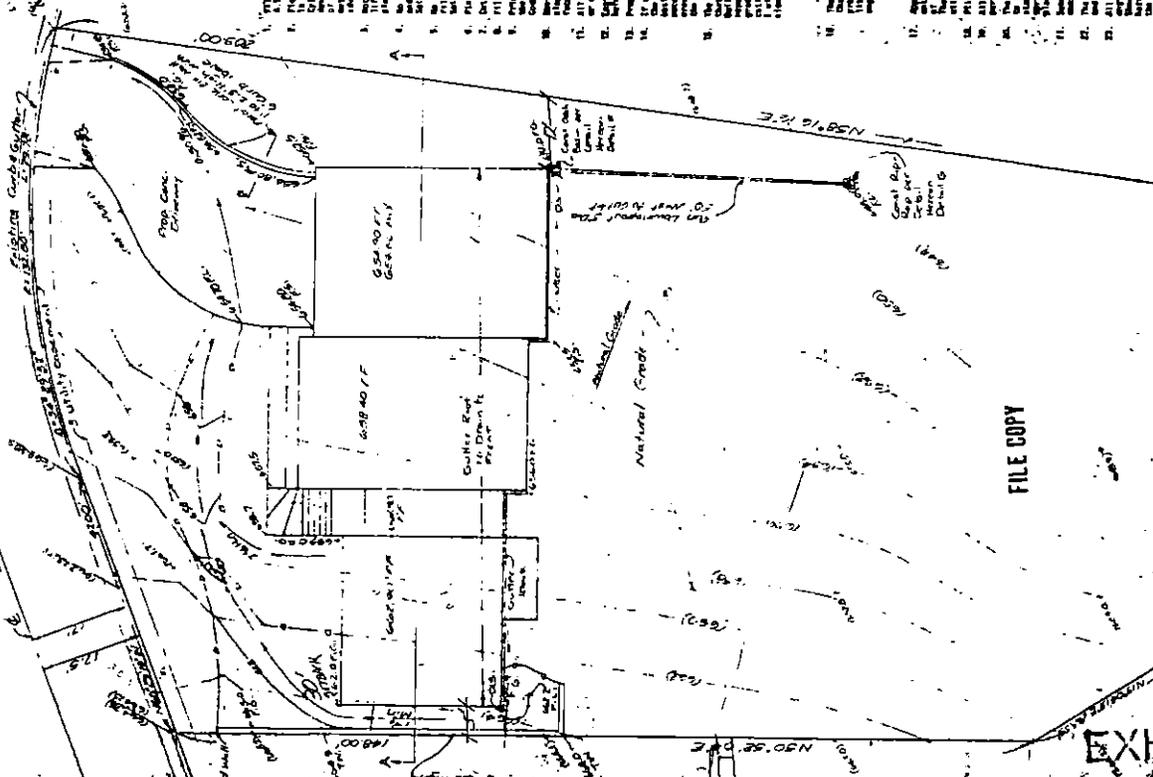
EXHIBIT H



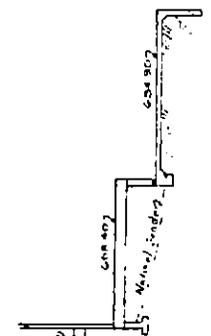
01/05/2012 04:27

EXHIBIT

EDINBURGH ROAD



655  
660  
665  
650

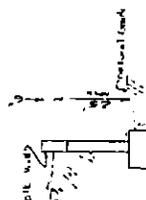


Section A-A  
Scale 1/4" = 1'-0"

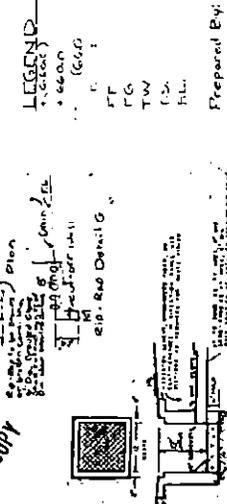
When subject to...  
The contractor shall be responsible for...  
The contractor shall be responsible for...  
The contractor shall be responsible for...

- 1. The contractor shall be responsible for...  
2. The contractor shall be responsible for...  
3. The contractor shall be responsible for...  
4. The contractor shall be responsible for...  
5. The contractor shall be responsible for...  
6. The contractor shall be responsible for...  
7. The contractor shall be responsible for...  
8. The contractor shall be responsible for...  
9. The contractor shall be responsible for...  
10. The contractor shall be responsible for...  
11. The contractor shall be responsible for...  
12. The contractor shall be responsible for...  
13. The contractor shall be responsible for...  
14. The contractor shall be responsible for...  
15. The contractor shall be responsible for...  
16. The contractor shall be responsible for...  
17. The contractor shall be responsible for...  
18. The contractor shall be responsible for...  
19. The contractor shall be responsible for...  
20. The contractor shall be responsible for...

Section B-E  
Scale 1/4" = 1'-0"



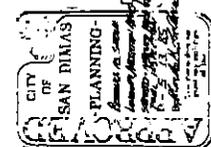
Attention  
The contractor shall be responsible for...  
The contractor shall be responsible for...  
The contractor shall be responsible for...



FILE COPY

LEGEND  
1. Existing Floor  
2. Existing Ceiling  
3. Existing Floor  
4. Existing Ceiling  
5. Existing Floor  
6. Existing Ceiling  
7. Existing Floor  
8. Existing Ceiling  
9. Existing Floor  
10. Existing Ceiling  
11. Existing Floor  
12. Existing Ceiling  
13. Existing Floor  
14. Existing Ceiling  
15. Existing Floor  
16. Existing Ceiling  
17. Existing Floor  
18. Existing Ceiling  
19. Existing Floor  
20. Existing Ceiling

Prepared For:  
John B. Abell Inc.  
140 W. Orange St.  
Covina, Ca. 91725  
(916) 915-7471



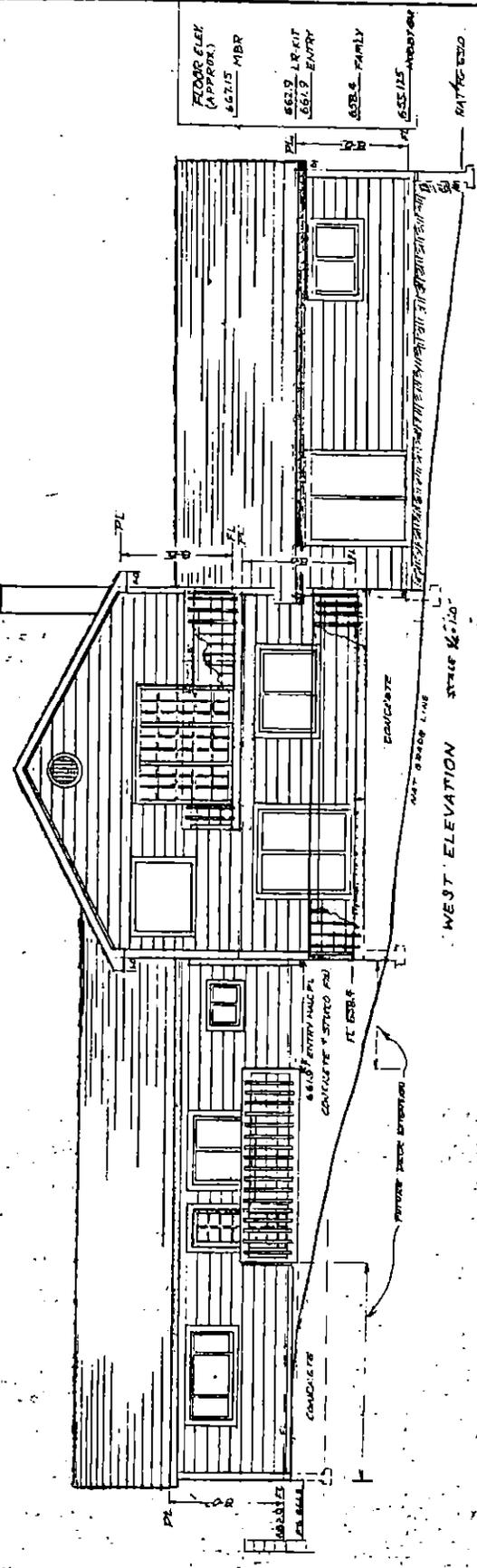
FILE COPY

FILE COPY

FILE COPY

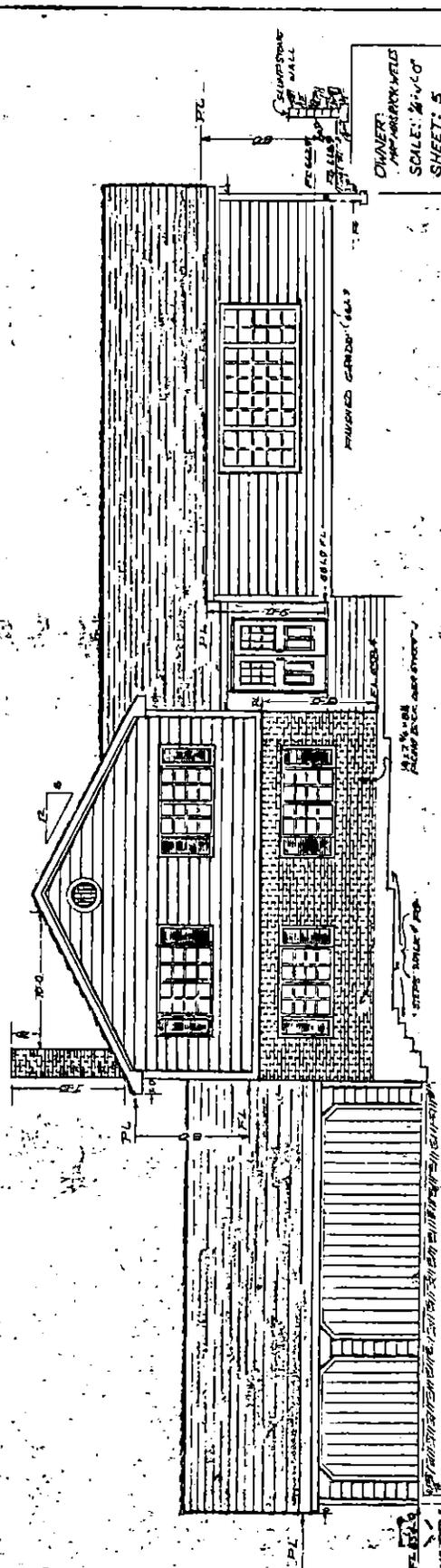
EXHIBIT H

C-67  
1154 EDINBURGH RD.



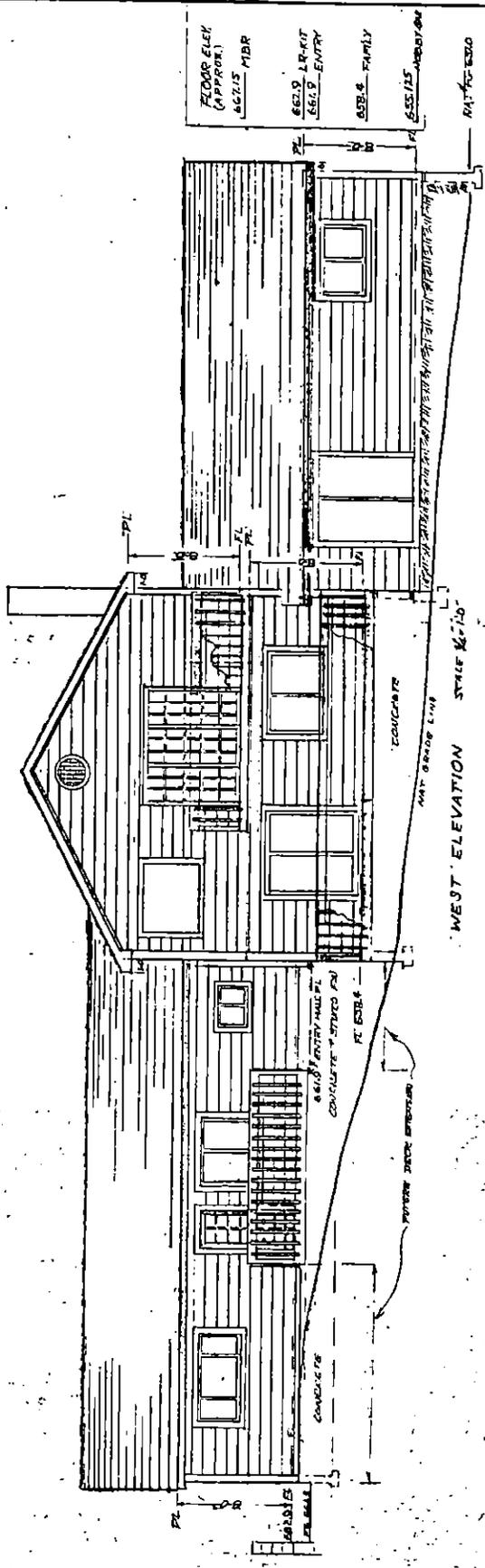
FLOOR ELEV (APPROX)  
 667.15 MBR  
 662.0 LR KIT  
 661.0 ENTRY  
 658.6 FAMILY  
 655.15 WOODFLOOR

WEST ELEVATION SCALE 1/4" = 1'-0"

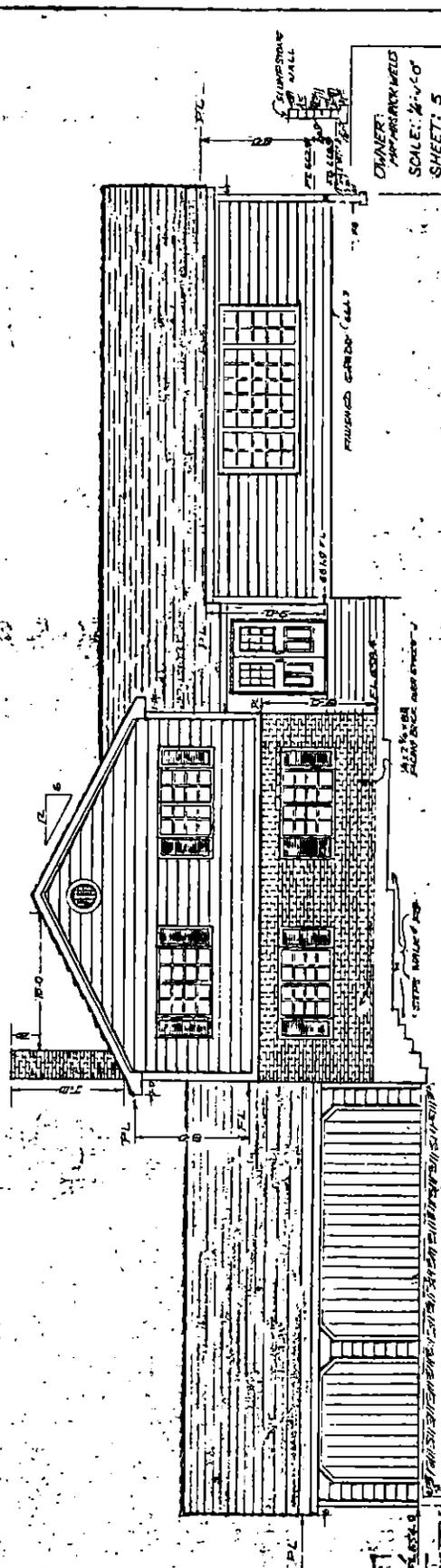


DRAWN BY: M. W. WOODRUFF  
 SCALE: 1/4" = 1'-0"  
 SHEET: 5  
 DATE: 7-94  
 BY: G. W. STONE

EAST ELEVATION SCALE 1/4" = 1'-0"



WEST ELEVATION SCALE 1/4"=1'-0"



EAST ELEVATION SCALE 1/4"=1'-0"





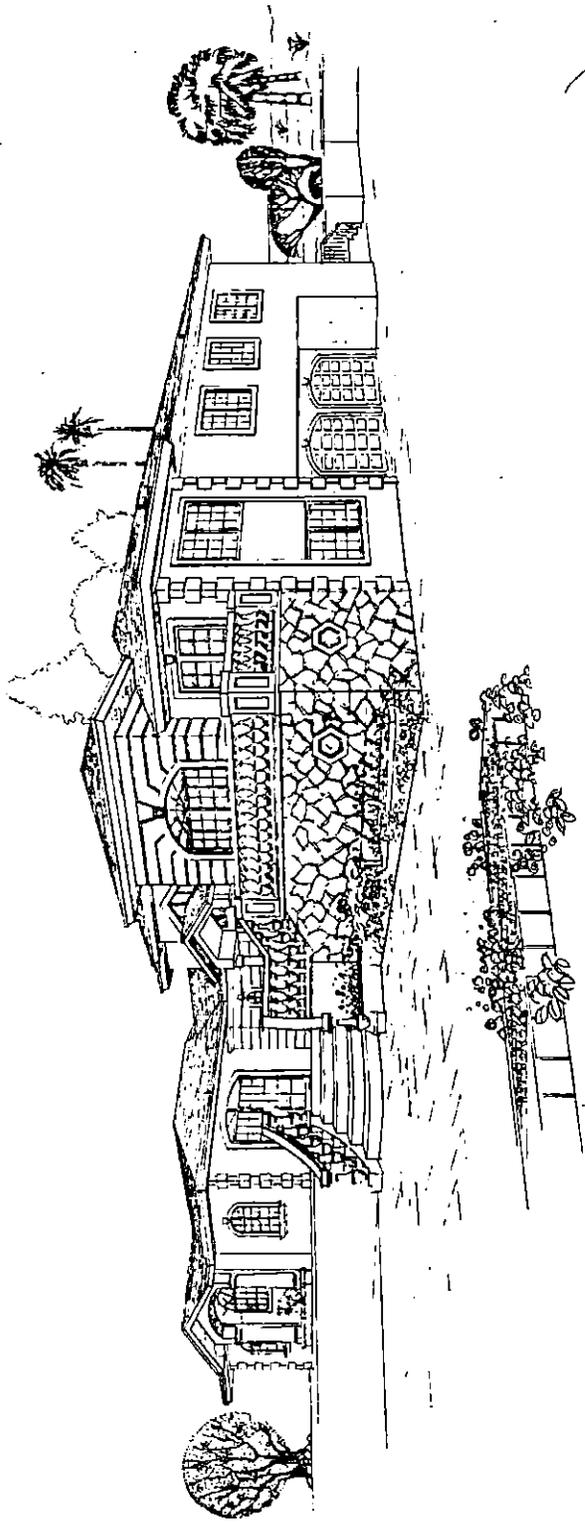
01/05/2012 04:32

FILE COPY -

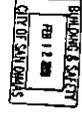
ORDER JOB TITLE  
DR & MRS. NAJIB J. BOUZ  
JOB ADDRESS  
1151 EDINBURGH RD  
SAN DIMAS, CALIF. 91773-2848

DESIGNED BY  
AGOP G. KHANJAN  
272 HOGAN AVE. PASADENA CA 91105  
TEL. (626) 977-5003

DATE  
R 1



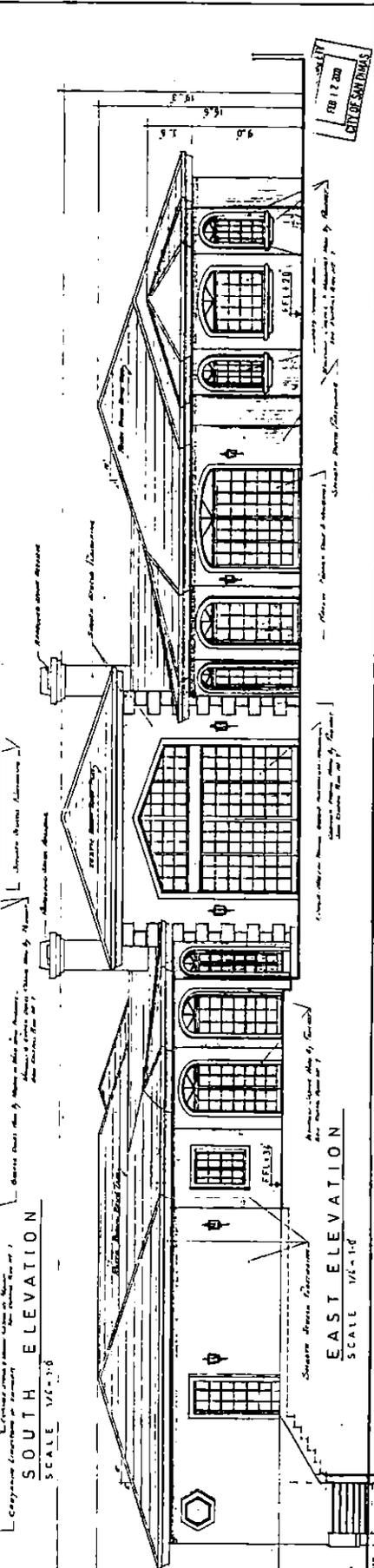
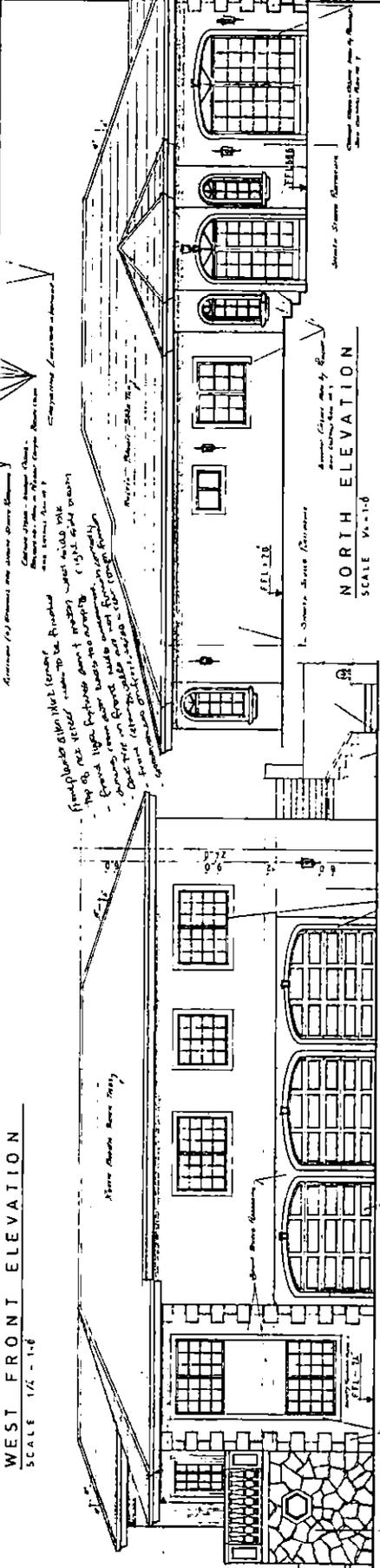
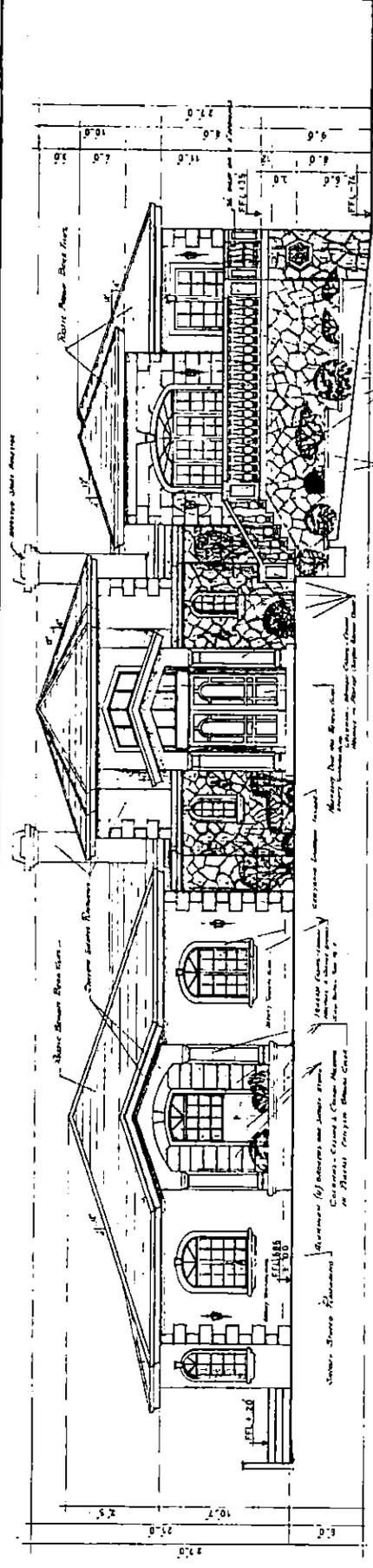
RECEIVED  
JUL 1 1988  
OFFICE OF THE CLERK  
COUNTY OF SAN DIMAS



**RESIDENCE FOR DR. BOUZ**  
**1151 EDINBURGH DR. S. DIMAS.**

EXHIBIT H

1151 EDINBURGH RD.  
C-607

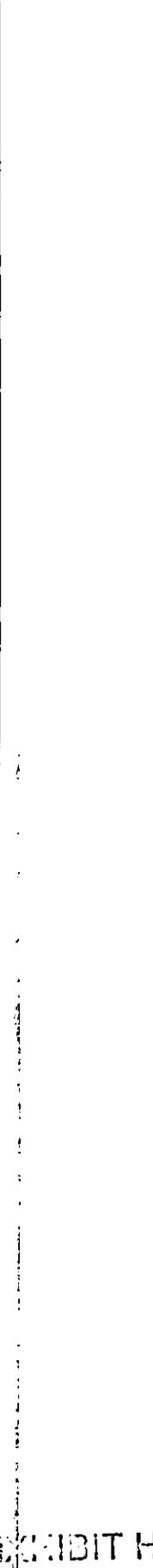
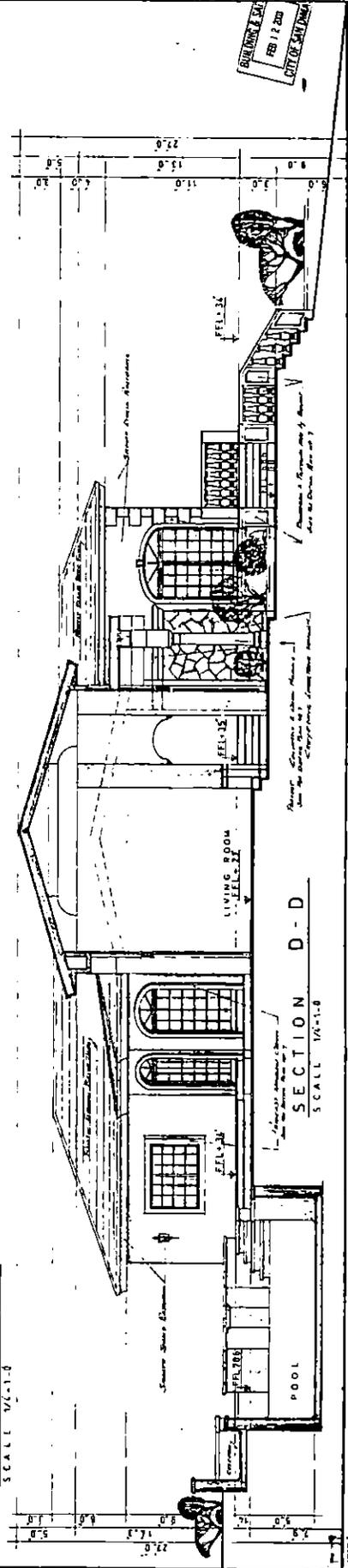
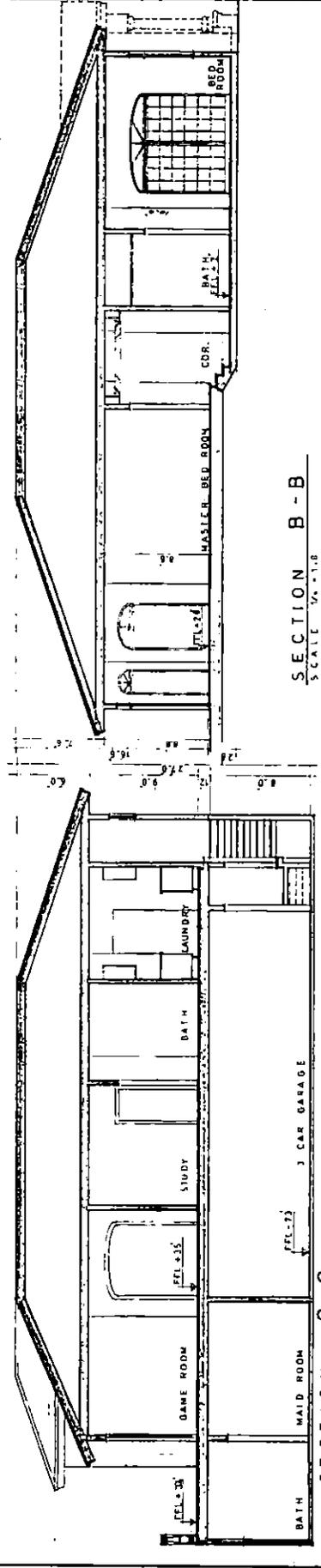
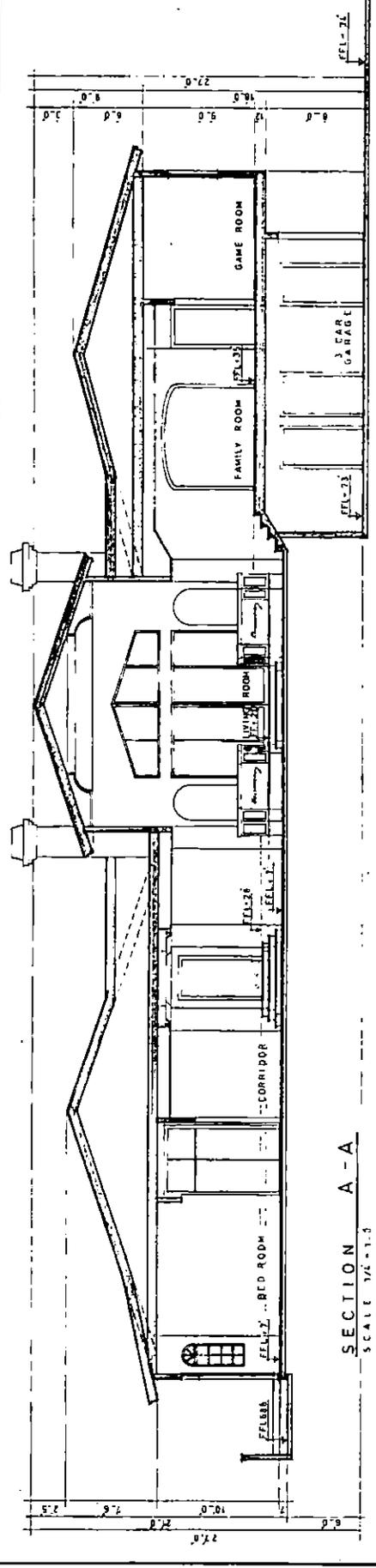


APPROVED FOR THE CITY OF PASADENA  
 NOV 12 1980

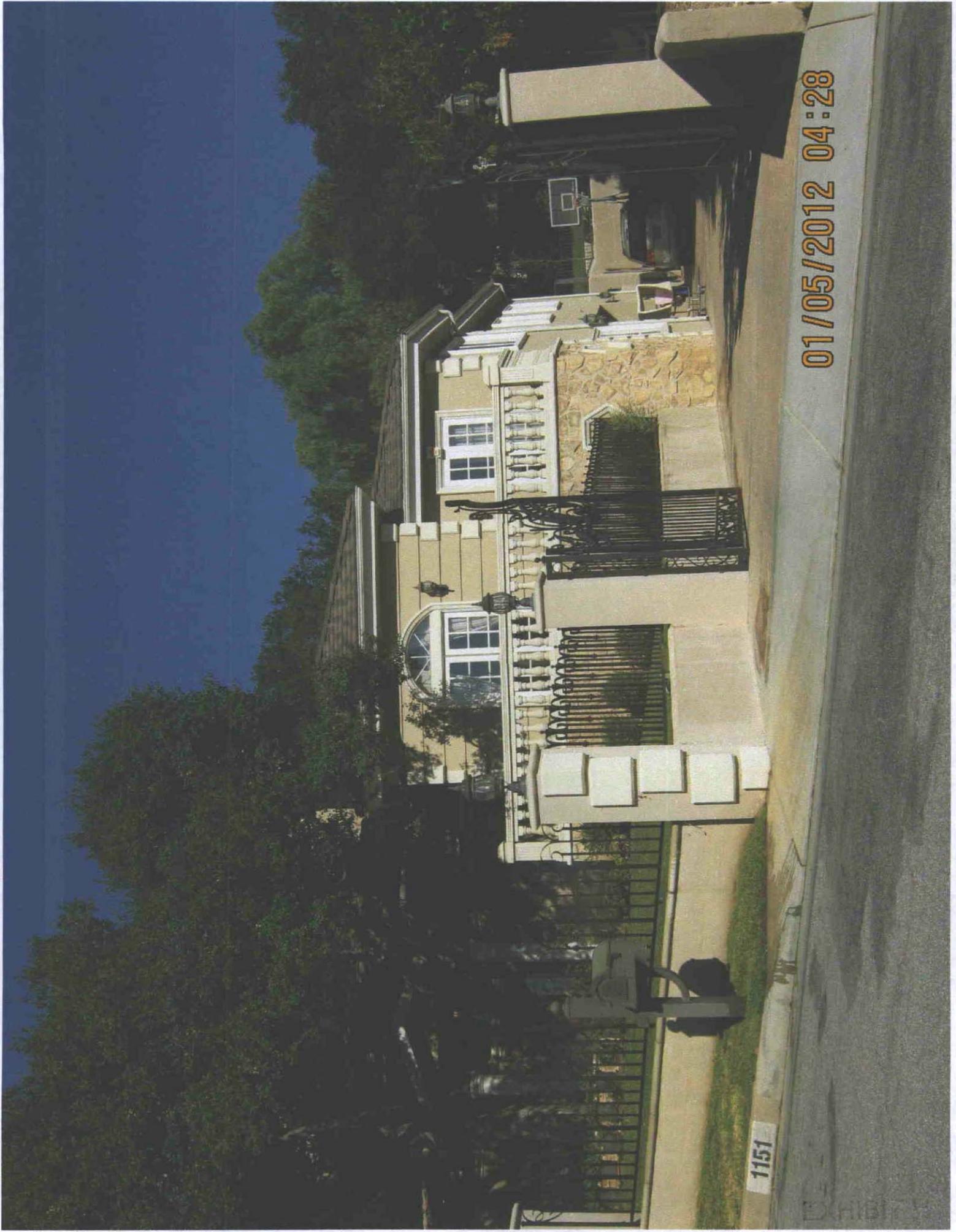
REVISIONS BY	

SECTIONS A, B, C, D.  
 DR. & MRS. NAJIB J. BOUZ  
 1151 EDIMBURGH RD  
 SAN DIMAS, CAL. 91773-1615

DESIGNED BY  
**AGOP G. KHANJIAN**  
 278 ARCADIAN AVE., PASADENA, CA 91106  
 TEL. (826) 577-5009  
 DATE: 0.3.2001  
 SHEET: 1/1-11.0  
 DRAWING: ADD P  
 PROJECT: ADD P  
 A 6



APPROVED FOR  
 FEB 12 2001  
 OFFICE OF THE ARCHITECT



01/05/2012 04:28

1151

EXHIBIT

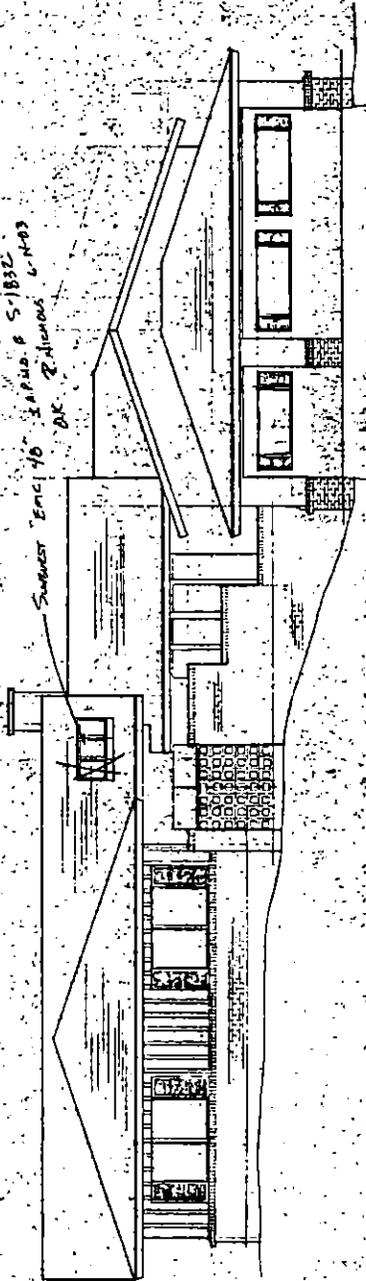


01/05/2012 04:28

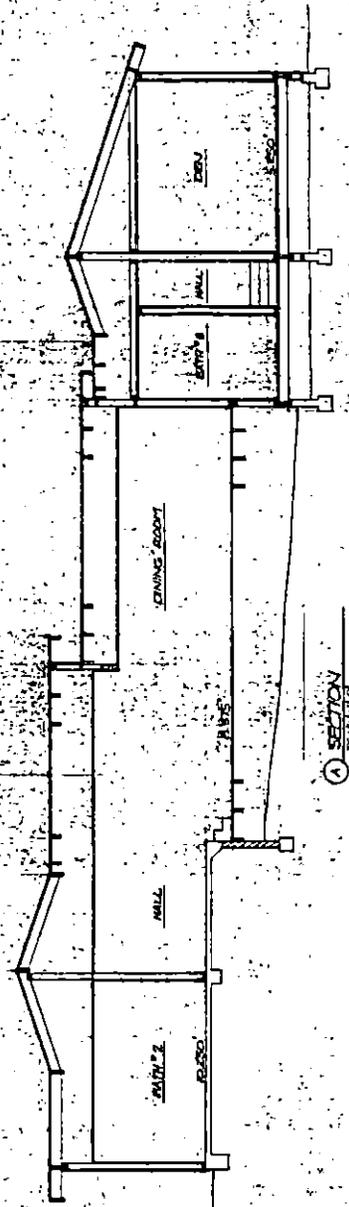
EXHIBIT H



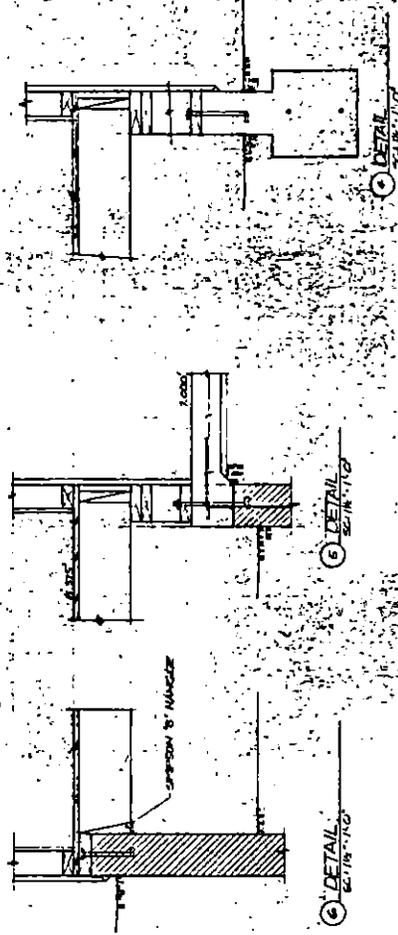
SUNSET ENCLOSURE  
S-1832  
R. ALANUS L-1003  
OK



SOUTH ELEVATION  
SCALE 1/8" = 1'-0"



A SECTION  
SCALE 1/8" = 1'-0"

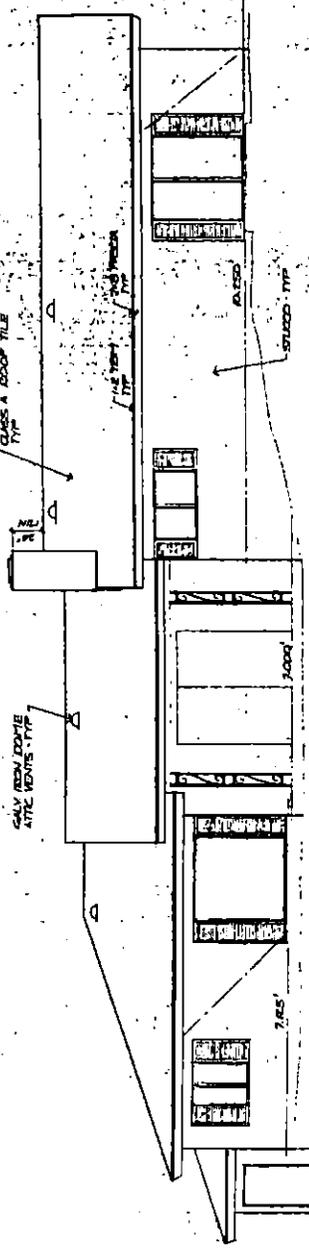


DETAIL 1  
SCALE 1/4" = 1'-0"

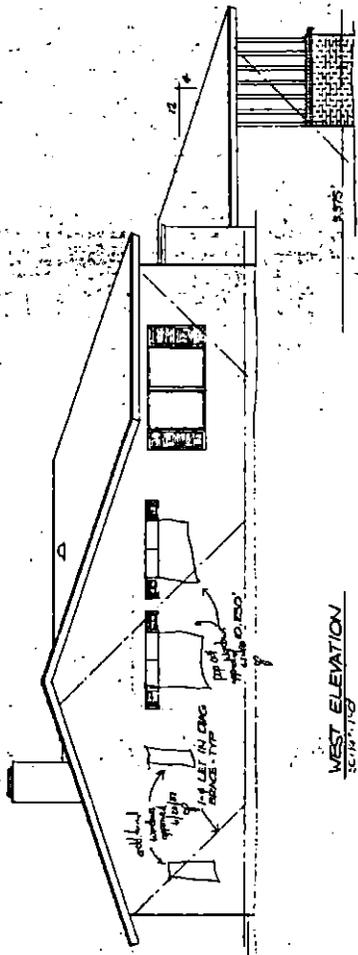
DETAIL 2  
SCALE 1/4" = 1'-0"

DETAIL 3  
SCALE 1/4" = 1'-0"

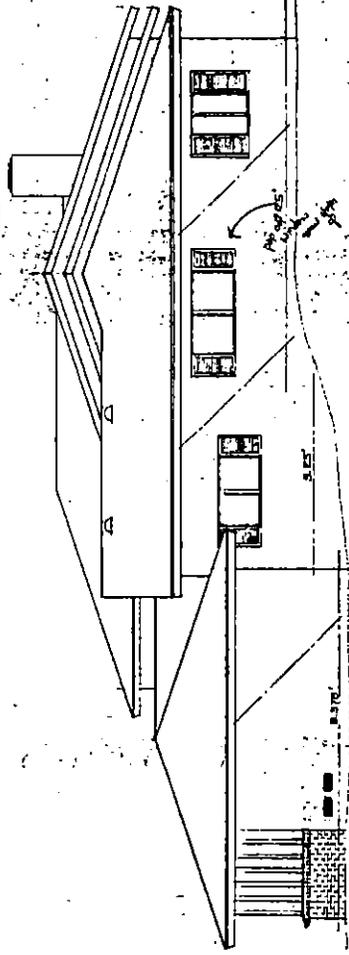
- C-607  
- 1145 EDINBURGH



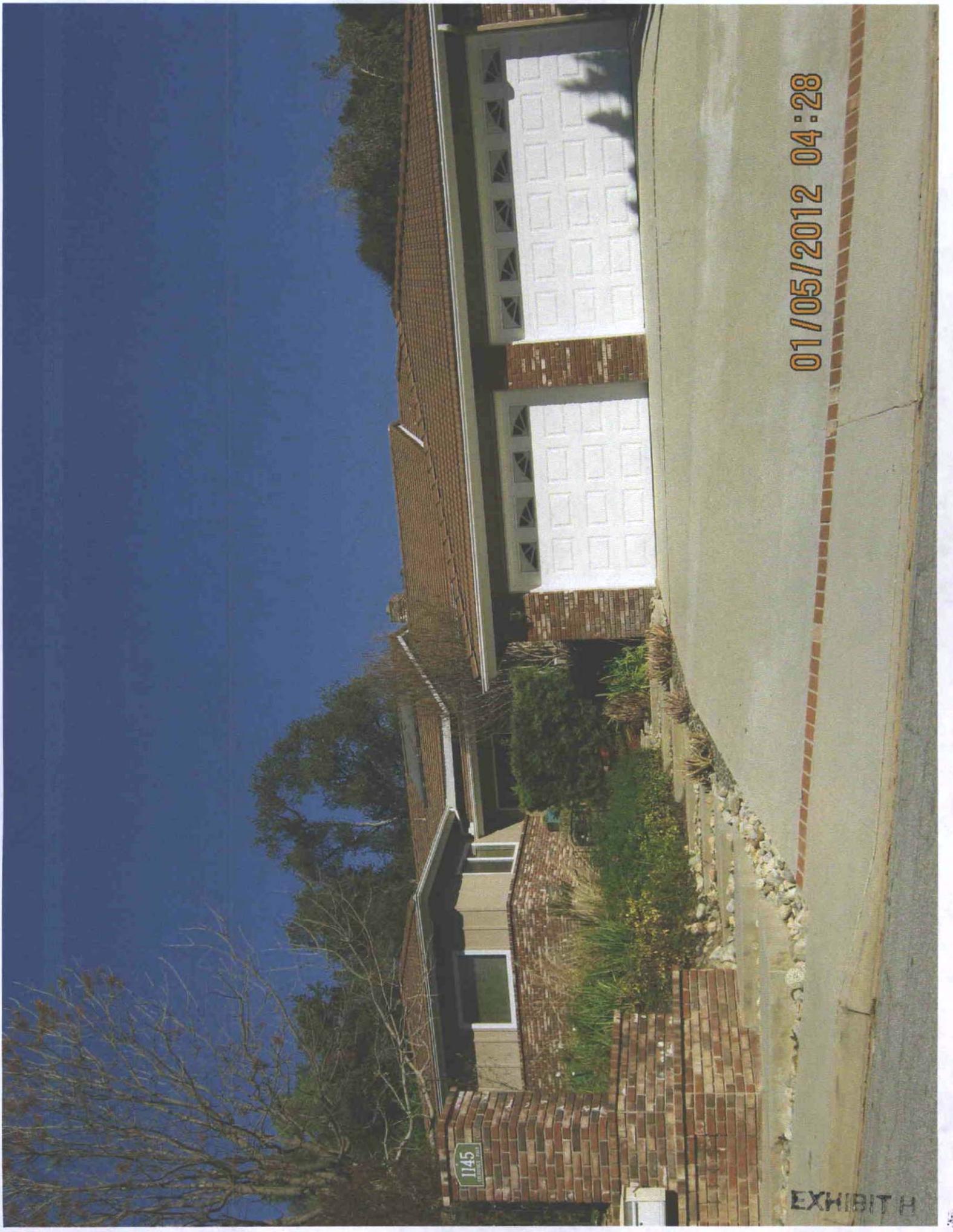
NORTH ELEVATION  
SECTION 11/10



WEST ELEVATION  
SECTION 11/10



EAST ELEVATION  
SECTION 11/10



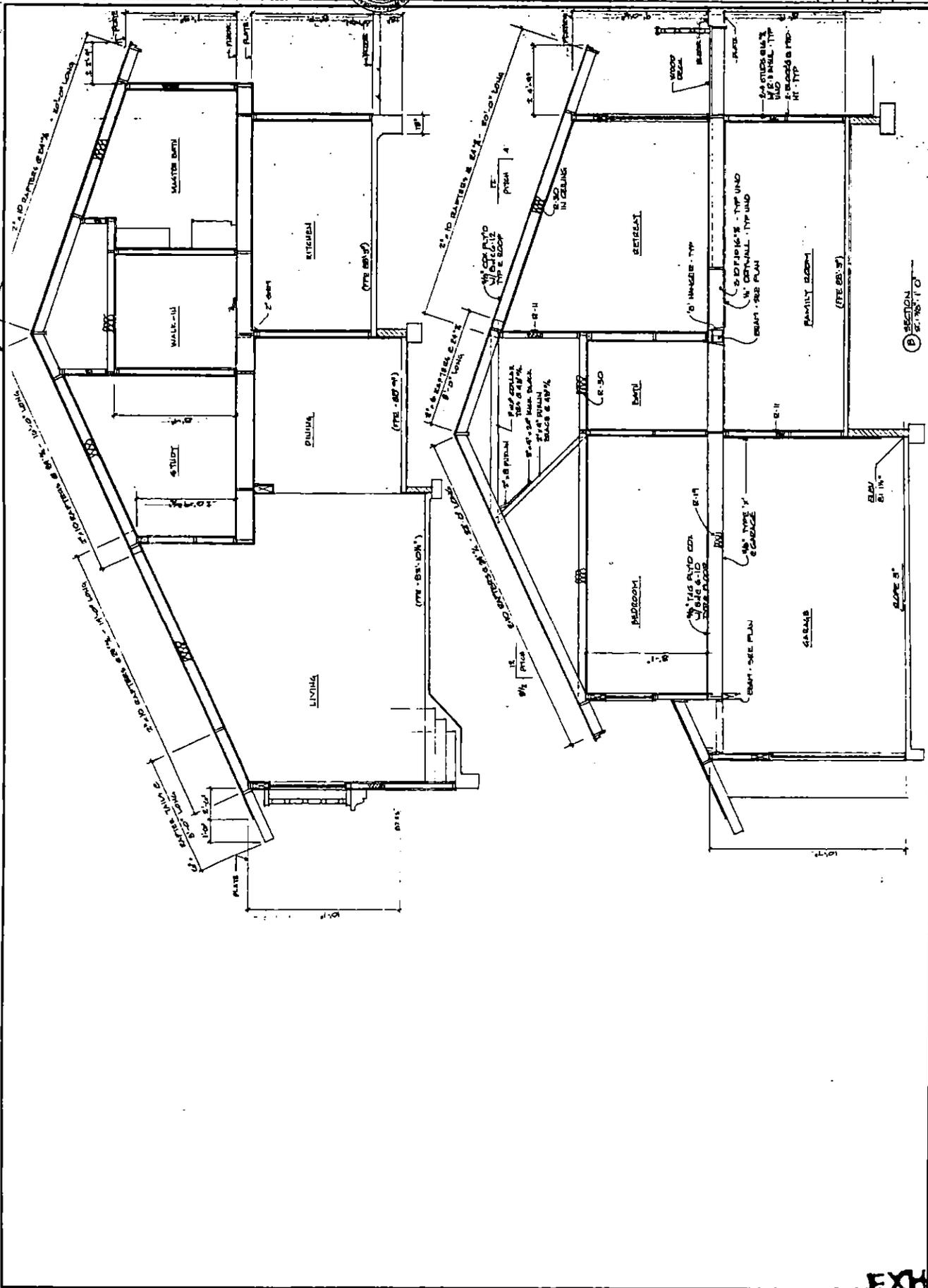
01/05/2012 04:28

1145

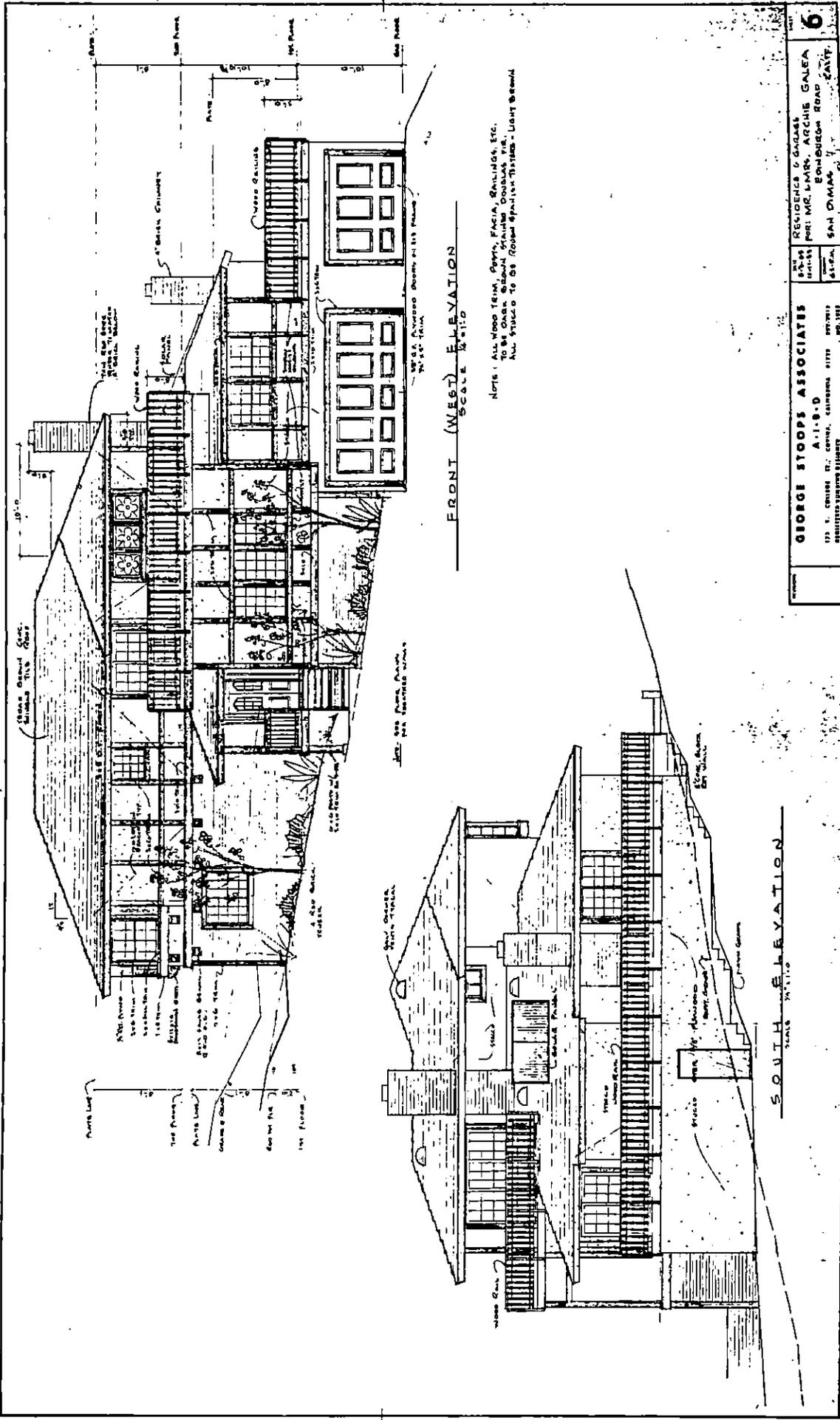
EXHIBIT H









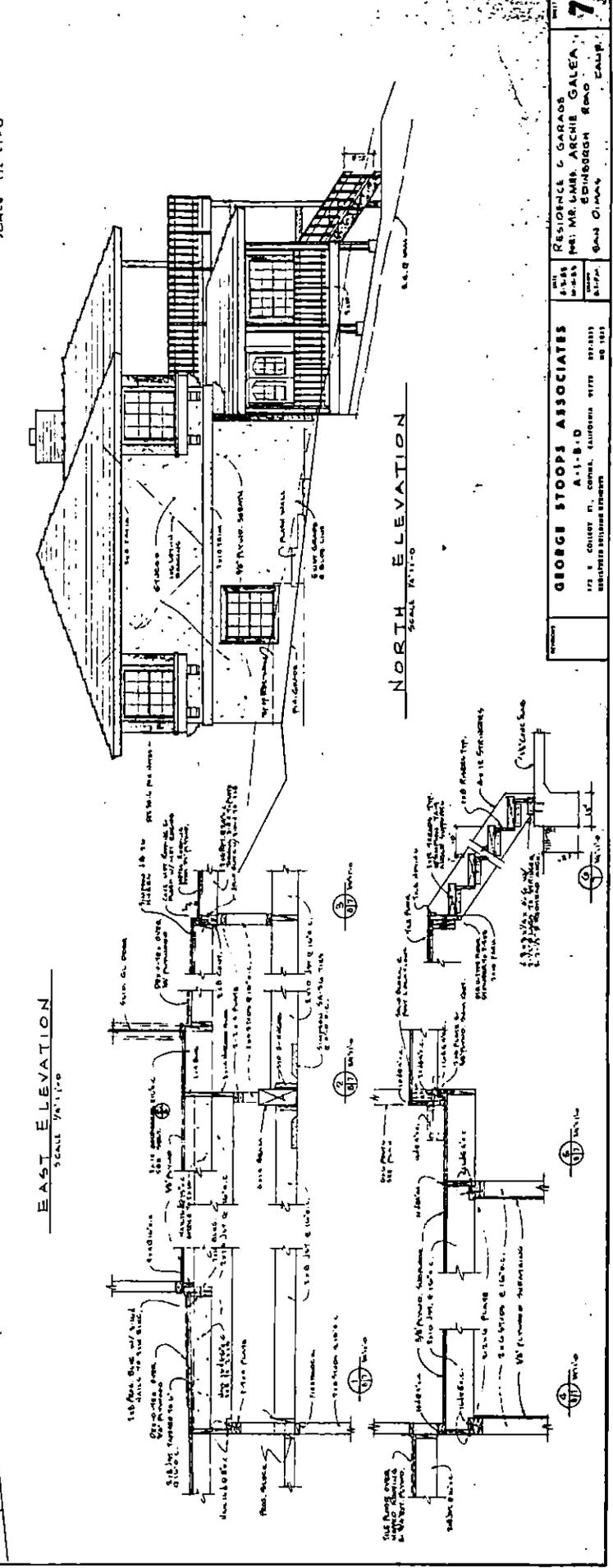
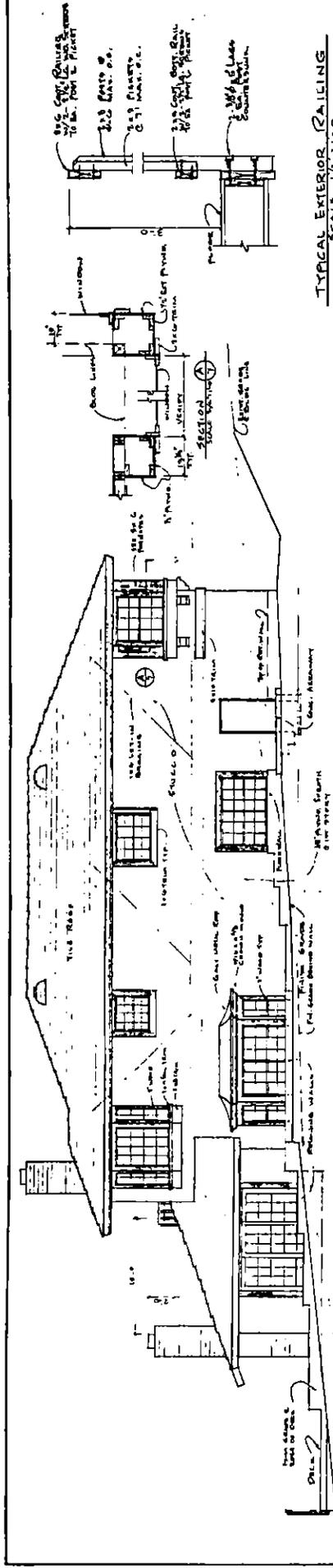


FRONT (WEST) ELEVATION  
SCALE 1/8"=1'-0"

NOTE: ALL WOOD TRIM, CASES, FACIA, BRACKETS, ETC.  
TO BE OAK OR BROWN STAINED DOUBLED UP.  
ALL STUCCO TO BE ROYAL SPANISH TILES - LIGHT BEIGE.

SOUTH ELEVATION  
SCALE 1/8"=1'-0"

<b>GEORGE STOOPS ASSOCIATES</b> ARCHITECTS 175 S. CHURCH ST., CORNER, CALIFORNIA CITY, CALIF. REGISTERED PROFESSIONAL ARCHITECTS	PROJECT RESIDENCE OF GARGAS FOR MR. & MRS. ARCHIE GALEA BONDURUM ROAD - CALIF.
	DATE A-11-8-0



PROJECT	RESIDENCE & GARAGE
OWNER	MR. & MRS. ARCHIE GALEA
ARCHITECT	GEORGE STOOPS ASSOCIATES
DATE	A-1-B-D
SCALE	AS SHOWN
NO.	7
DATE	SEPTEMBER 1970

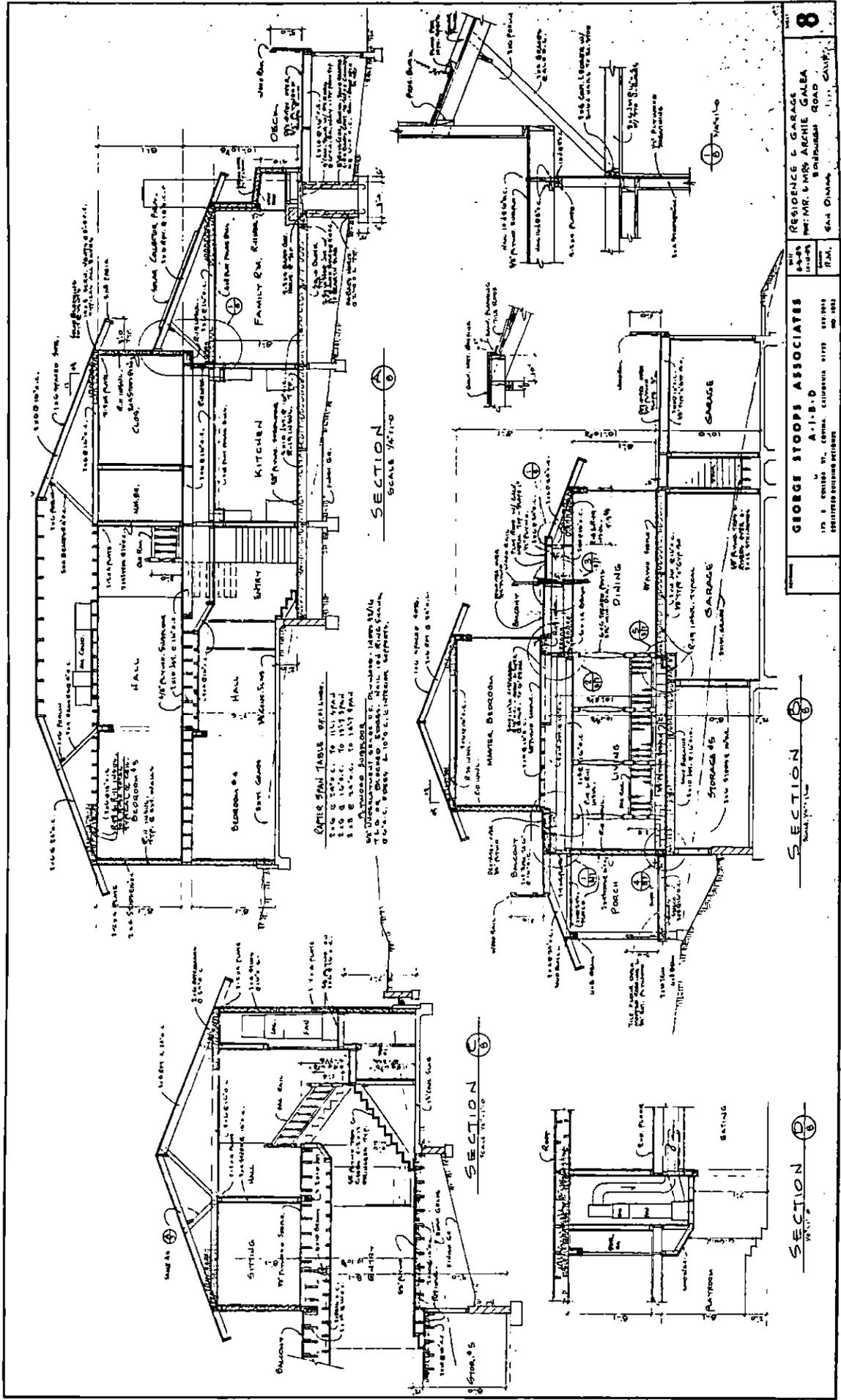
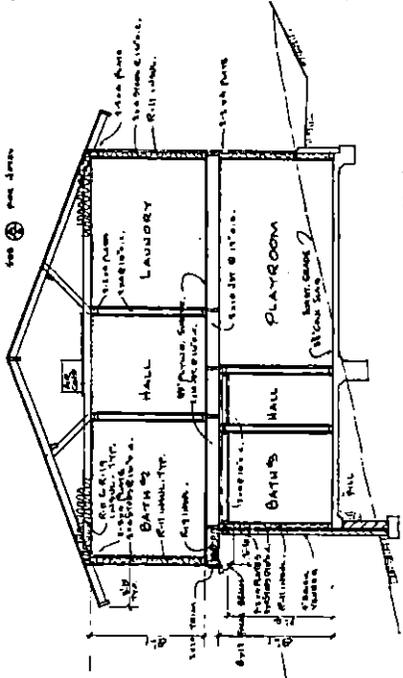
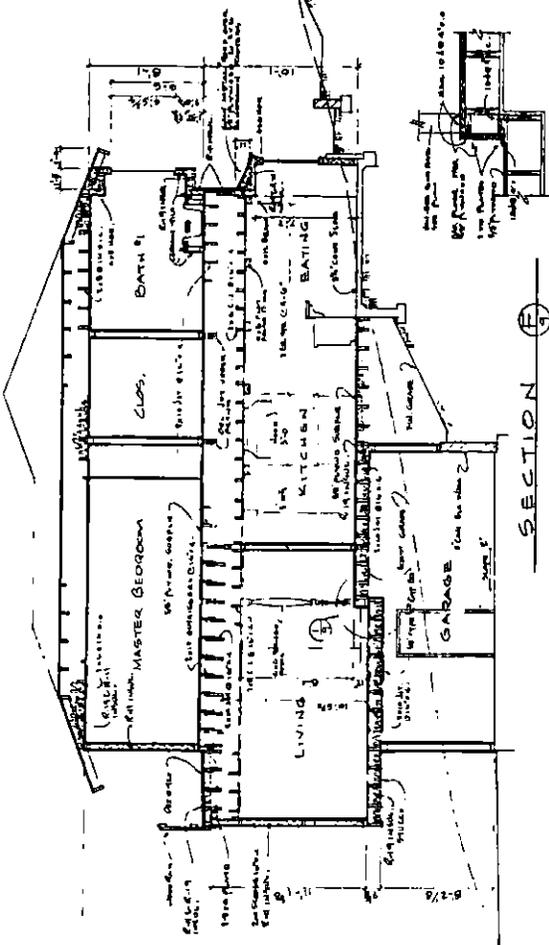


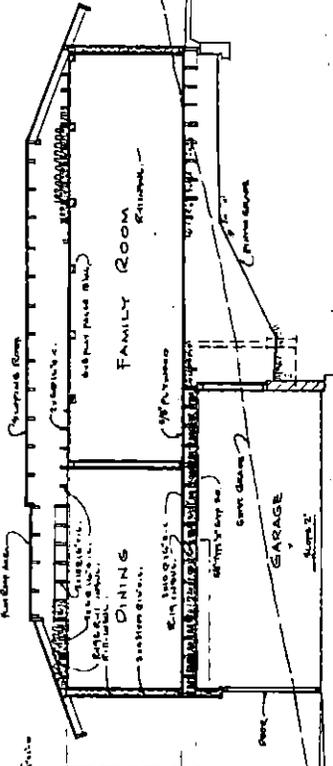
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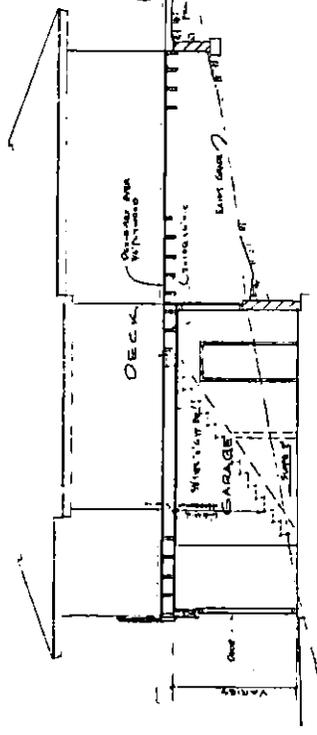
SECTION E



SECTION F



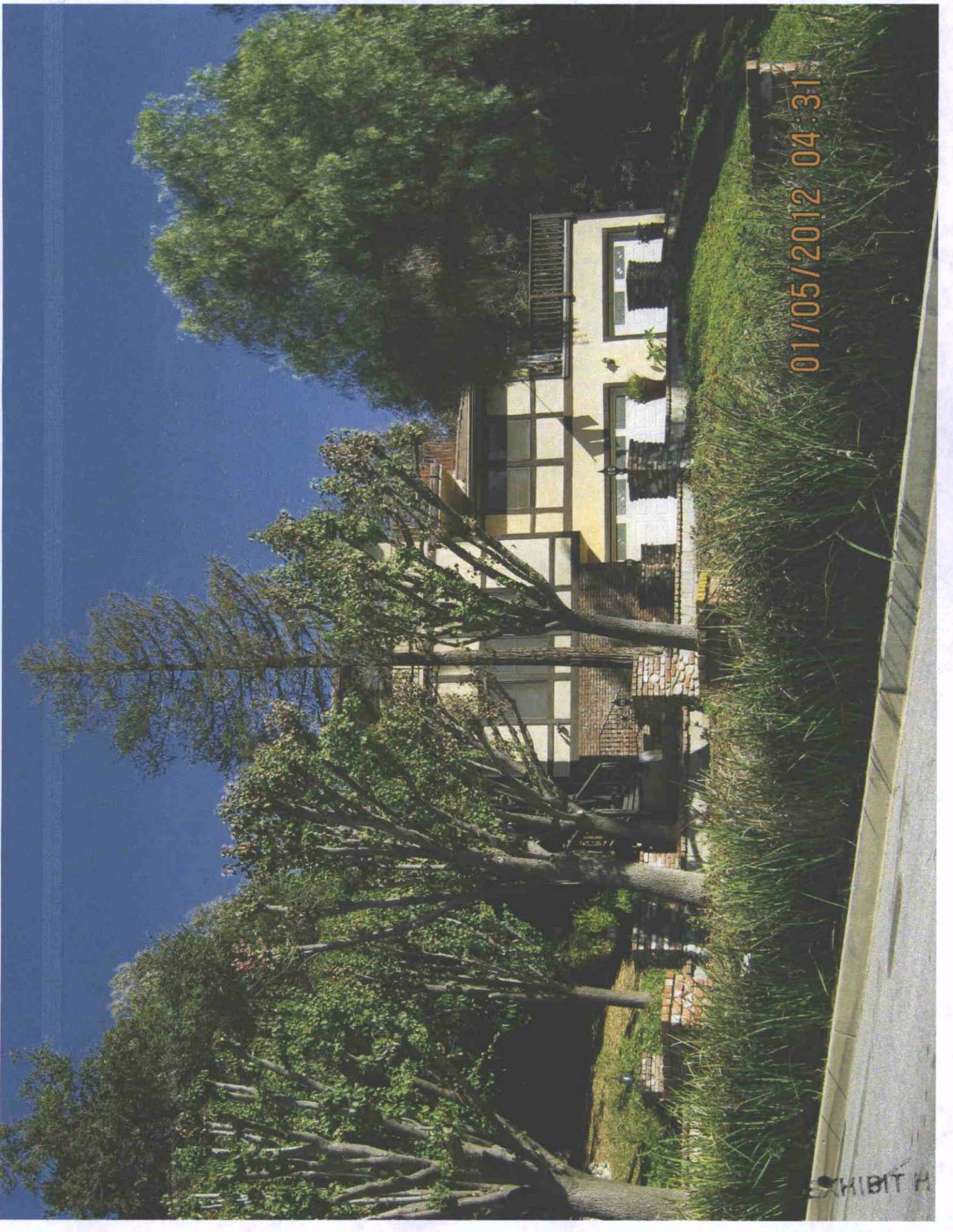
SECTION G



SECTION H

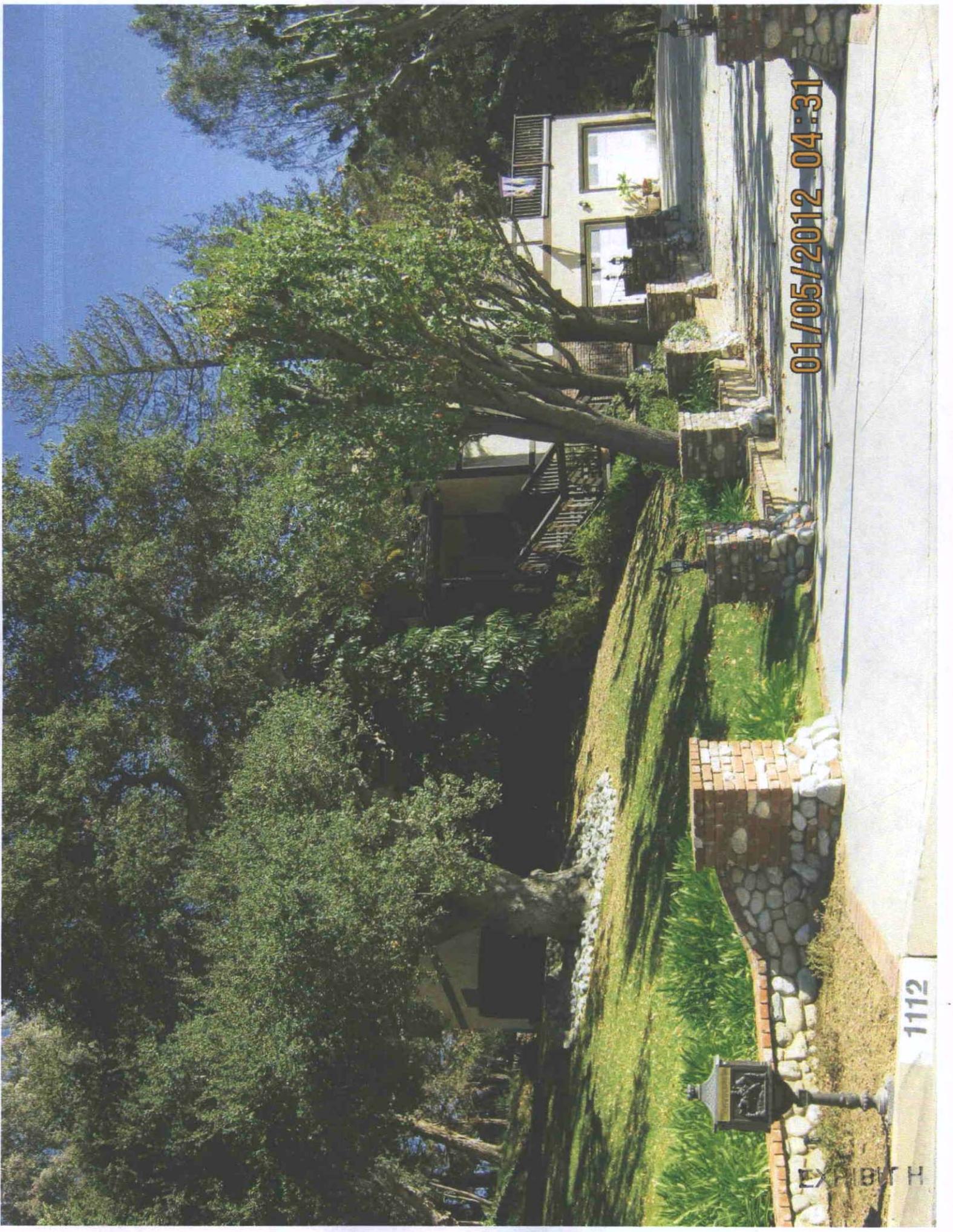
**GEORGE STOOPS ASSOCIATES**  
 ARCHITECTS  
 119 S. CALHOUN ST., CERRITOS, CALIFORNIA 94530  
 PHONE 925-858-1010  
 FOUNDED 1958

RESIDENCE - GARAGE  
 FOR MR. & MRS. ARBIE GALEA  
 5015 BIRCHWOOD ROAD  
 CERRITOS, CALIF.



01/05/2012 04:31

EXHIBIT H



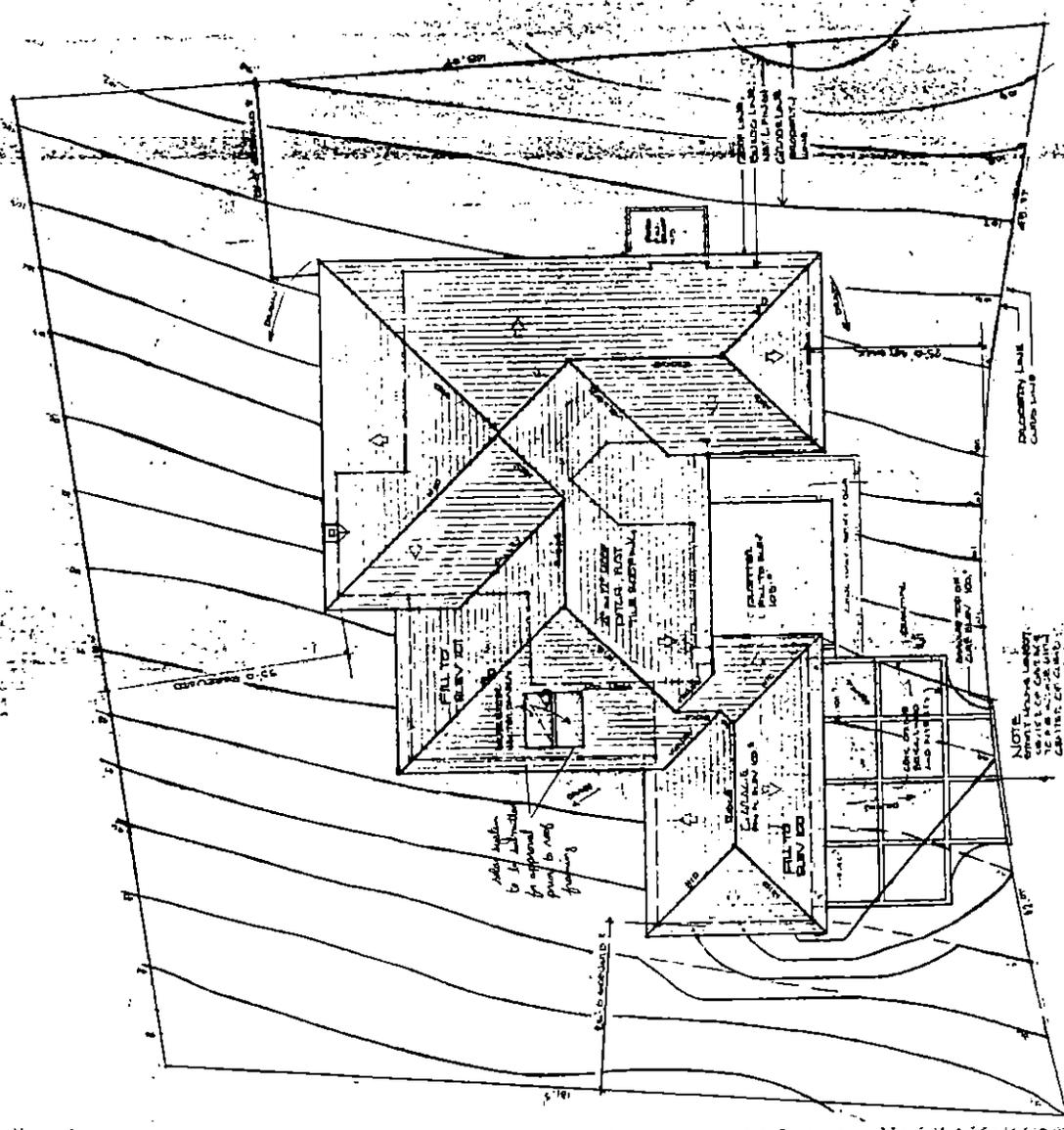
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1112

EXHIBIT H

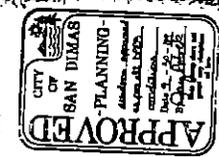
KLN BURLISS  
 BUILDING DESIGNER, 1934  
 150 W. LAUREL AVE. CHICAGO  
 CO. 91006 THE 4474020

MR & MRS JERRY VEDROUSE RESIDENCE  
 1109 EDINBURGH DR  
 DAN EMERY CO.  
 OWNERS HOME PHONE 215 576 0945



NOTE:  
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 2. ALL DIMENSIONS ARE TO BE MAINTAINED THROUGHOUT CONSTRUCTION.  
 3. ALL DIMENSIONS ARE TO BE MAINTAINED THROUGHOUT CONSTRUCTION.  
 4. ALL DIMENSIONS ARE TO BE MAINTAINED THROUGHOUT CONSTRUCTION.

NOTE:  
 Landscaping program plan to be submitted A.S.B. Landscaping and irrigation plan shall be approved prior to construction and installed and functional within 90 days of occupancy.



ATTENTION:  
 THESE PLANS HAVE BEEN REVIEWED BY THE DEVELOPMENT PLANNING BOARD AND APPROVED FOR CONSTRUCTION. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF THE PUBLIC INTEREST. THESE PLANS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE BOARD WITHOUT PREJUDICE TO THE BOARD'S FINAL DECISION.

1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 2. ALL DIMENSIONS ARE TO BE MAINTAINED THROUGHOUT CONSTRUCTION.  
 3. ALL DIMENSIONS ARE TO BE MAINTAINED THROUGHOUT CONSTRUCTION.  
 4. ALL DIMENSIONS ARE TO BE MAINTAINED THROUGHOUT CONSTRUCTION.

SUBMITTED TO

-- C-LOT

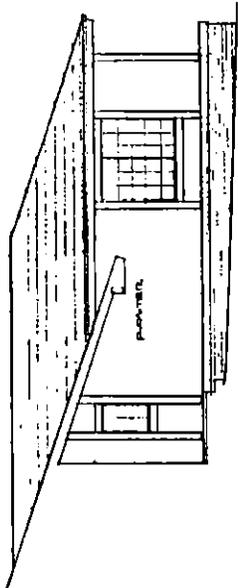
-- 1109 EDINBURGH DR.

EXHIBIT H

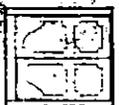




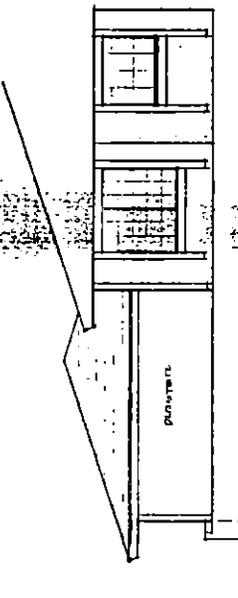
ENTRY - RIGHT SIDE



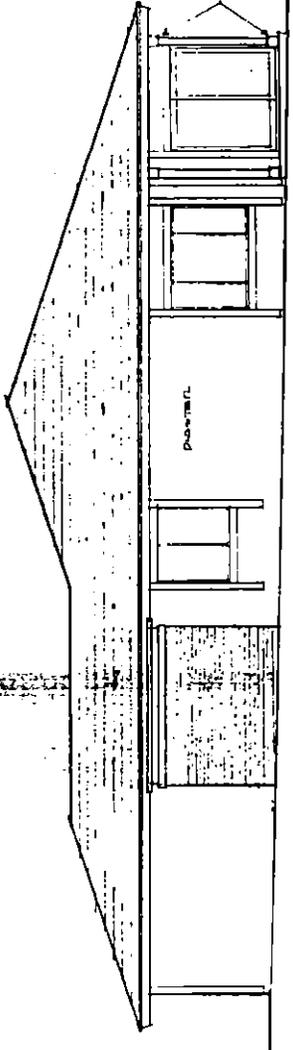
FRONT DOORS



ENTRY LEFT SIDE

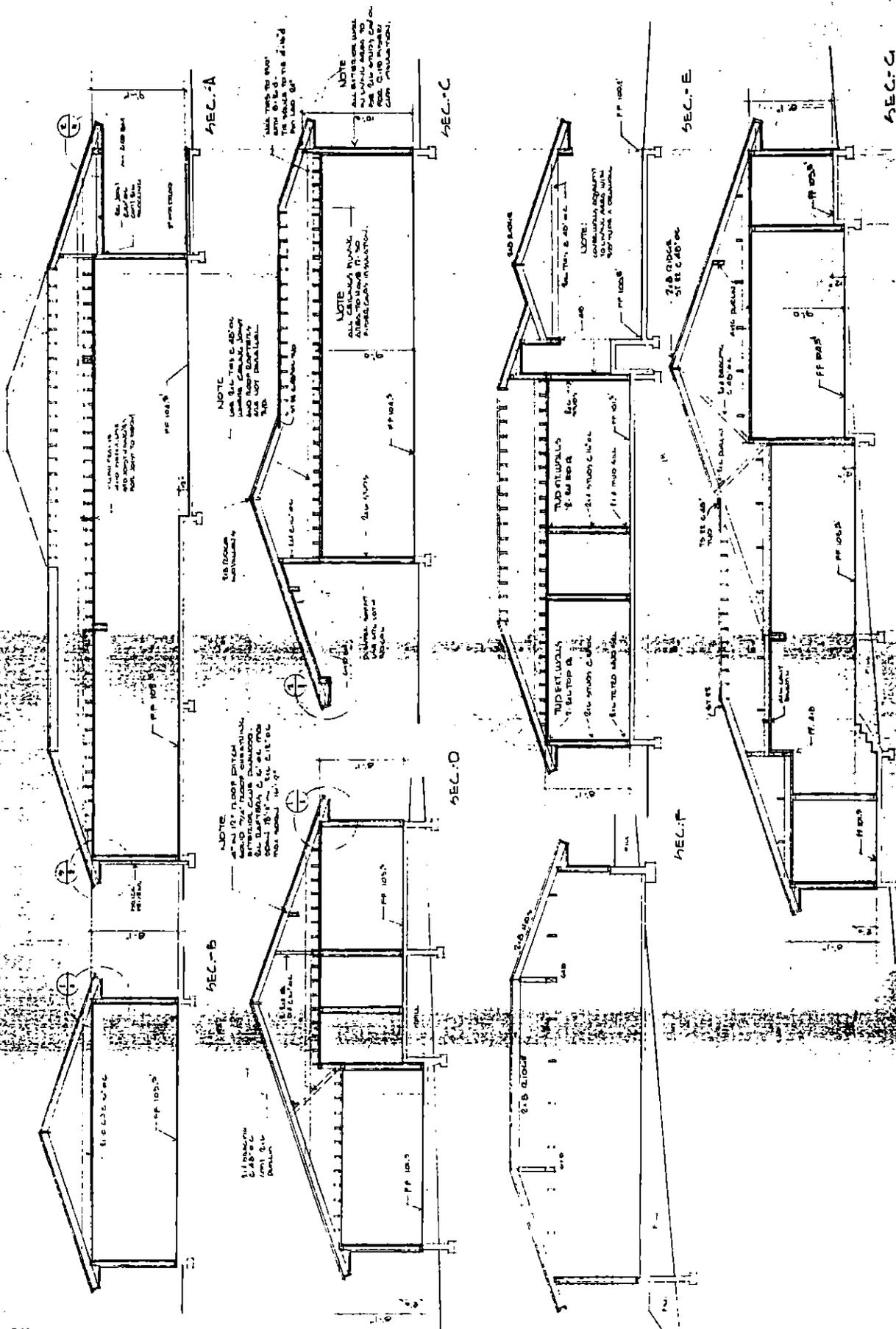


ENTRANCE

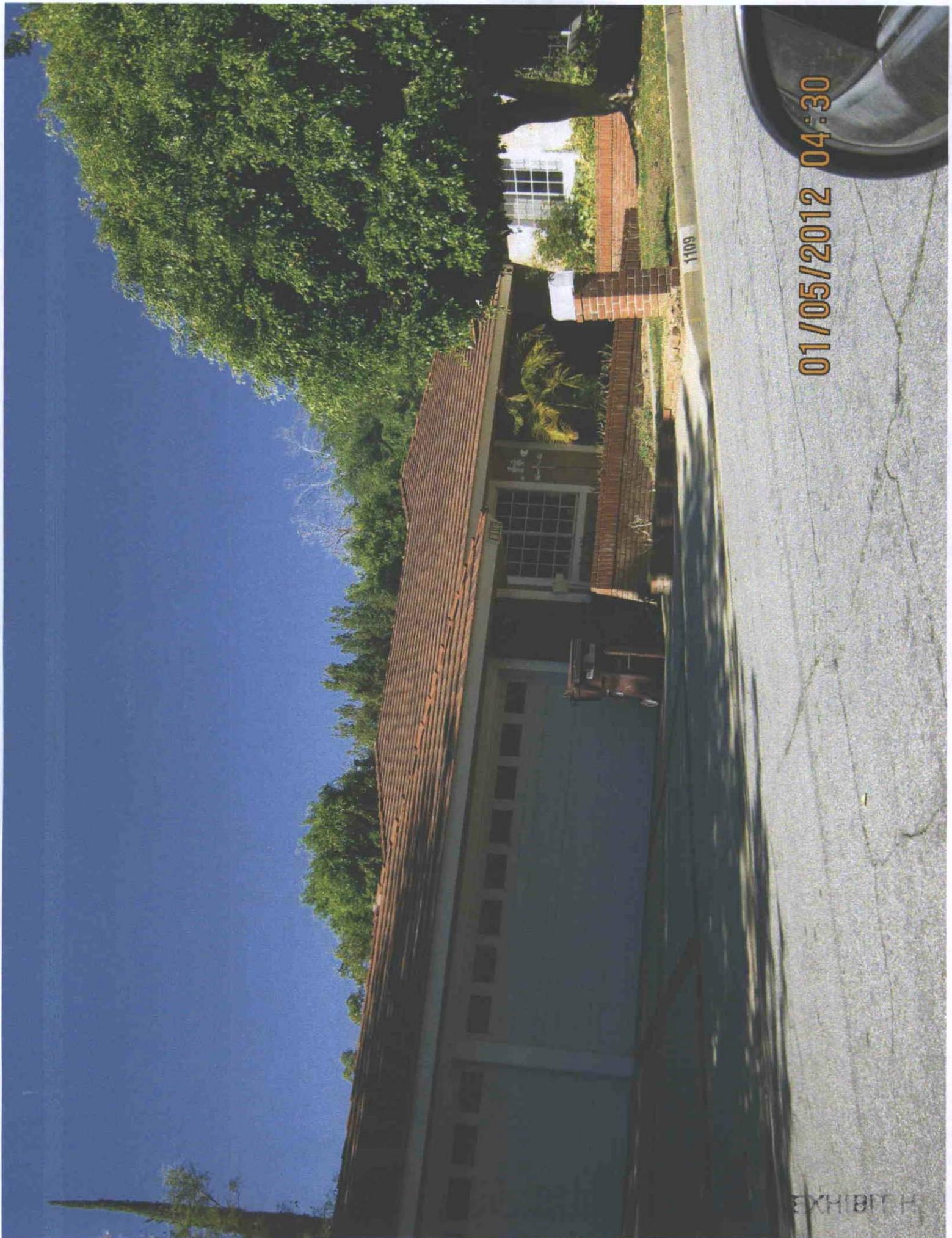


NORTH

ELEVATIONS CONT



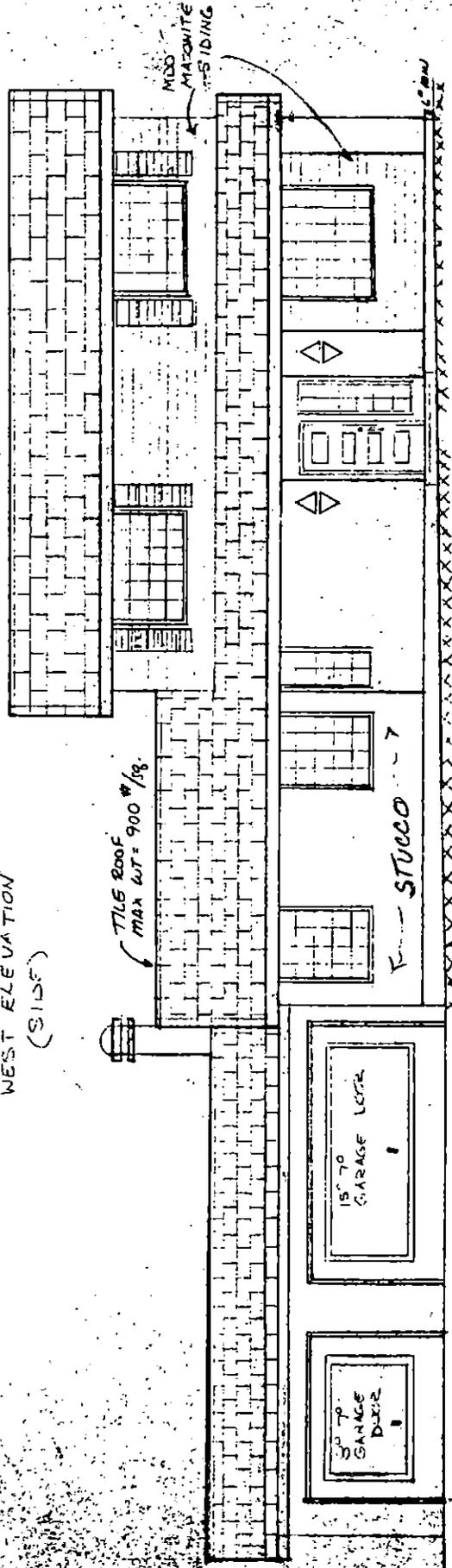
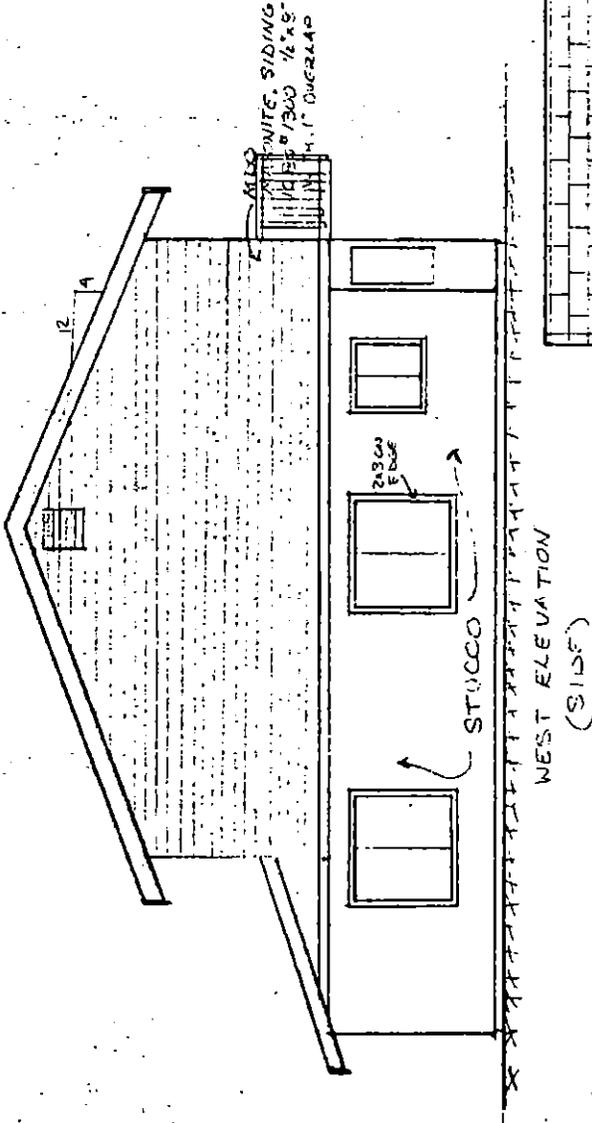
CROSS SECTIONS



01/05/2012 04:30

1109

EXHIBIT H



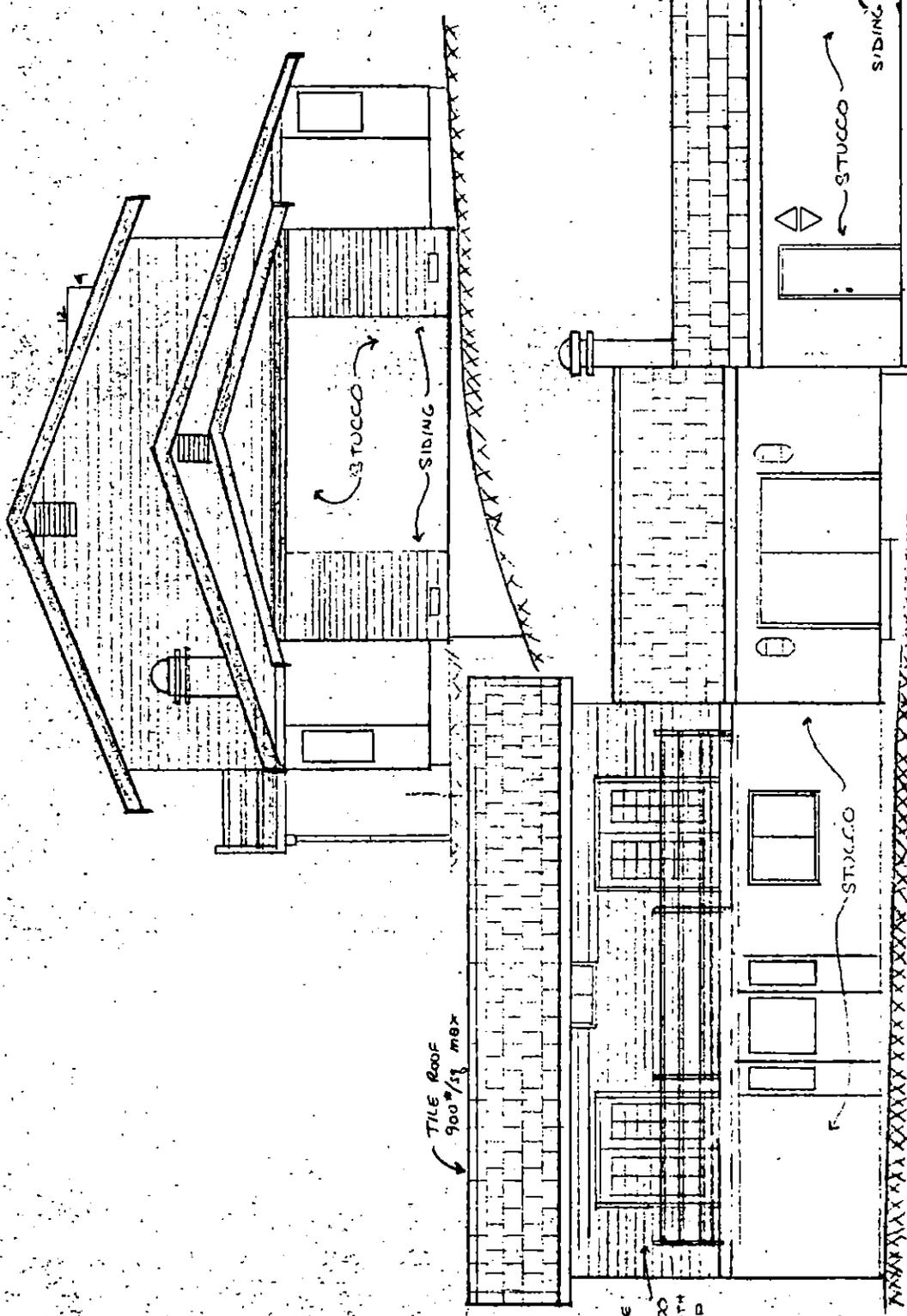
NORTH ELEVATION  
(FRONT)

REVISIONS		DATE		BY		REASON	
1							
2							
3							
4							
5							
6							

1710 GAINSBOROUGH

Plotted 6/10/83  
RG 14723

C Lot 1710 GAINSBOROUGH



SOUTH ELEVATION  
(REAR)

SCALE 1/4" = 10"

PAGE 9

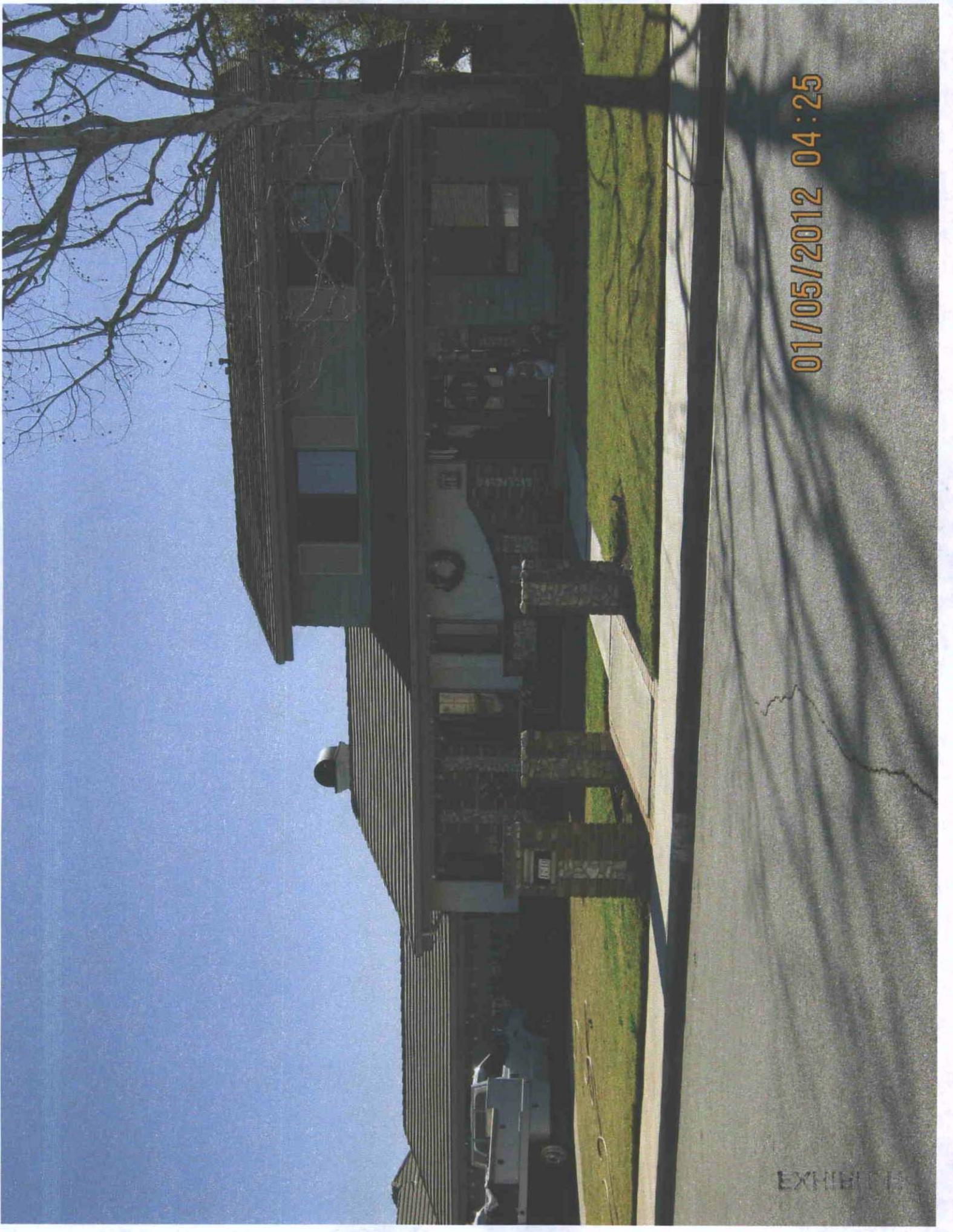
1710 GAIN'S BOUROUGH

DATE	APPROVED BY	DESIGNED BY
1/10/83		
DRAWN BY		SCALE
		1/4" = 10"
PROJECT NO.		

*P. H. H. 6/10/83*  
85 14723

EXHIBIT





01/05/2012 04:25

EXHIBIT

- LANDSCAPING**
- ① Plants desired
  - ② GARMENT JUNIPER
  - ③ LIVE OAK TREE
- LANDSCAPE PLAN TO BE APPROVED BY CITY OF SAN DIMAS  
LANDSCAPED AREA TO BE SERVED BY SPRINKLER SYSTEM

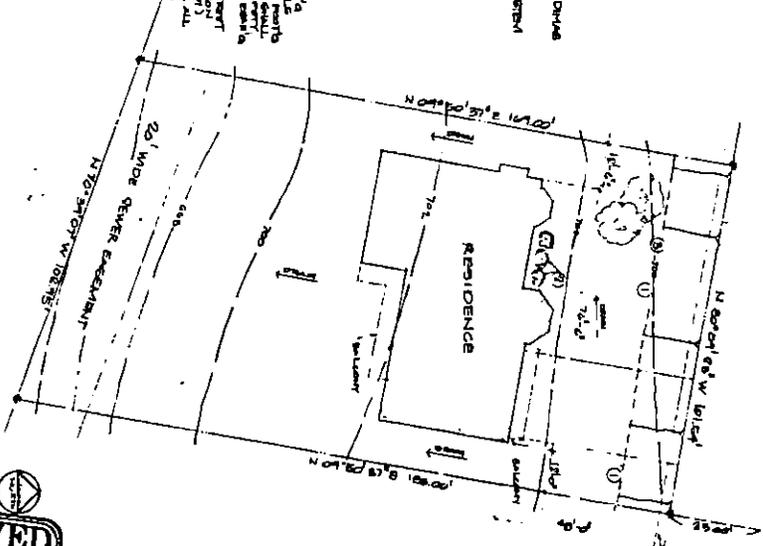
**NOTES**

- \* Soils: Substark earth, highest report.
- \* Foundation: 12" concrete foundation.
- \* Floor: 1 1/2" concrete on 4" insul. slabs on earth.
- \* Roof: 1 1/2" concrete on 4" insul. slabs on earth.
- \* Windows: 1/2" x 3/4" double pane with storm windows.
- \* Doors: 1 1/2" x 3/4" double pane with storm doors.
- \* Siding: 1/2" x 3/4" double pane with storm siding.
- \* Foundation: 12" concrete on 4" insul. slabs on earth.
- \* Floor: 1 1/2" concrete on 4" insul. slabs on earth.
- \* Roof: 1 1/2" concrete on 4" insul. slabs on earth.
- \* Windows: 1/2" x 3/4" double pane with storm windows.
- \* Doors: 1 1/2" x 3/4" double pane with storm doors.
- \* Siding: 1/2" x 3/4" double pane with storm siding.

**OWNER**  
J.C.C. BENTLEY  
32800 LANTANA BLVD  
TORRANCE, CA  
573-8567

**SUMMARY**

FIRST FLOOR	22' x 34' 0"
SECOND FLOOR	22' x 34' 0"
TOTAL LIVING AREA	1514 S.F.
LOT AREA	10,000 S.F.
COVERAGE	15.14%
SPACING	100'



**PLOT PLAN**



**LEGEND**

- 1. 1/2" x 3/4" double pane with storm windows
- 2. 1/2" x 3/4" double pane with storm doors
- 3. 1/2" x 3/4" double pane with storm siding
- 4. 12" concrete on 4" insul. slabs on earth
- 5. 1 1/2" concrete on 4" insul. slabs on earth
- 6. 1 1/2" concrete on 4" insul. slabs on earth

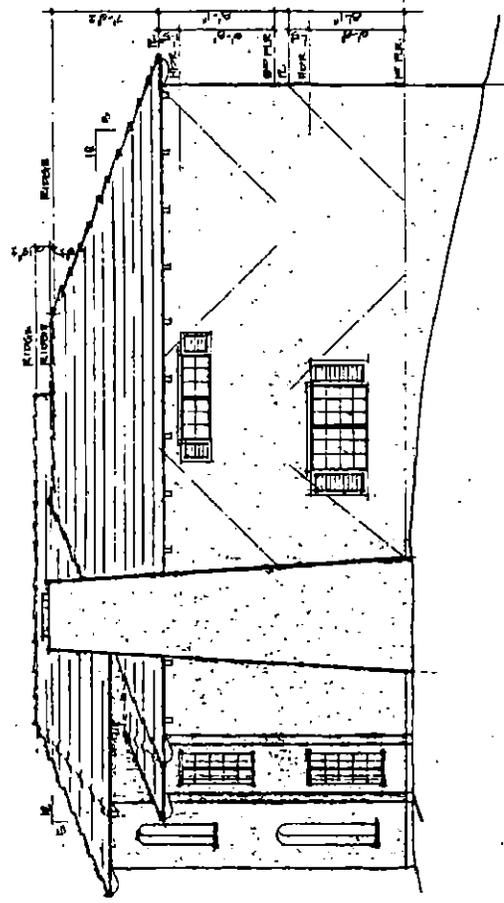
SAN DIMAS  
LOT 100  
100' x 100'  
MAY 12 1983

SHEET 1  
DATE 5-12-83  
LET USE SAN DIMAS

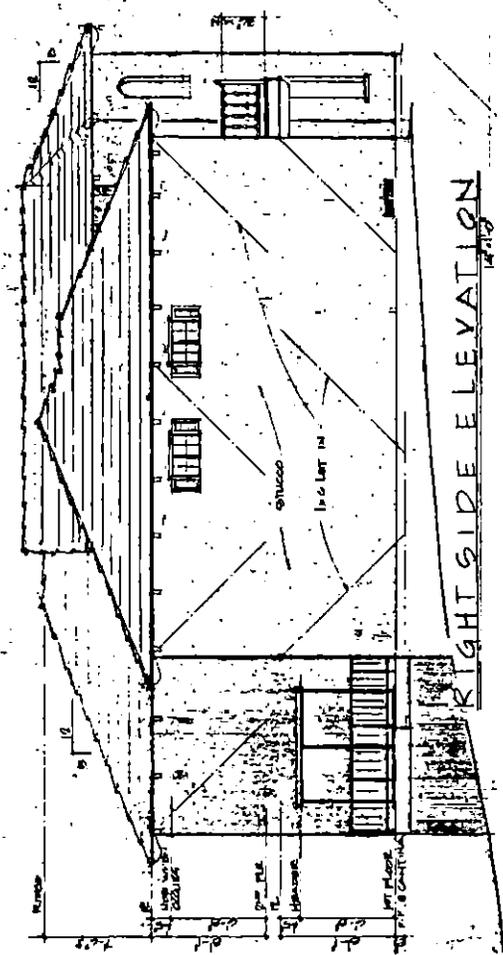
RECEIVED  
MAY 2 1983

*\* B Lot*  
*Welder Grains Borouch*

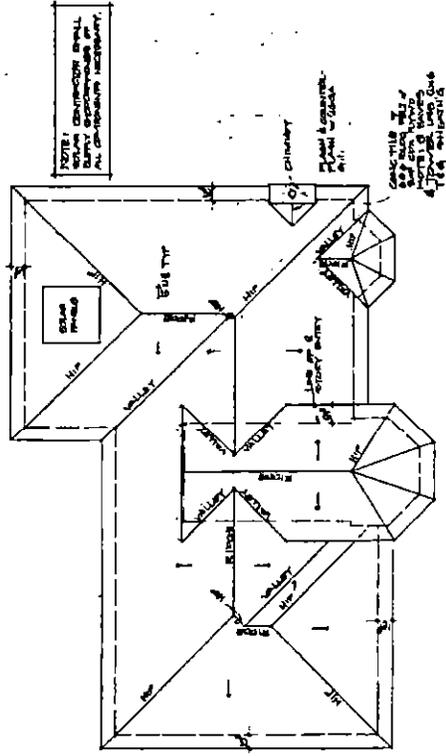




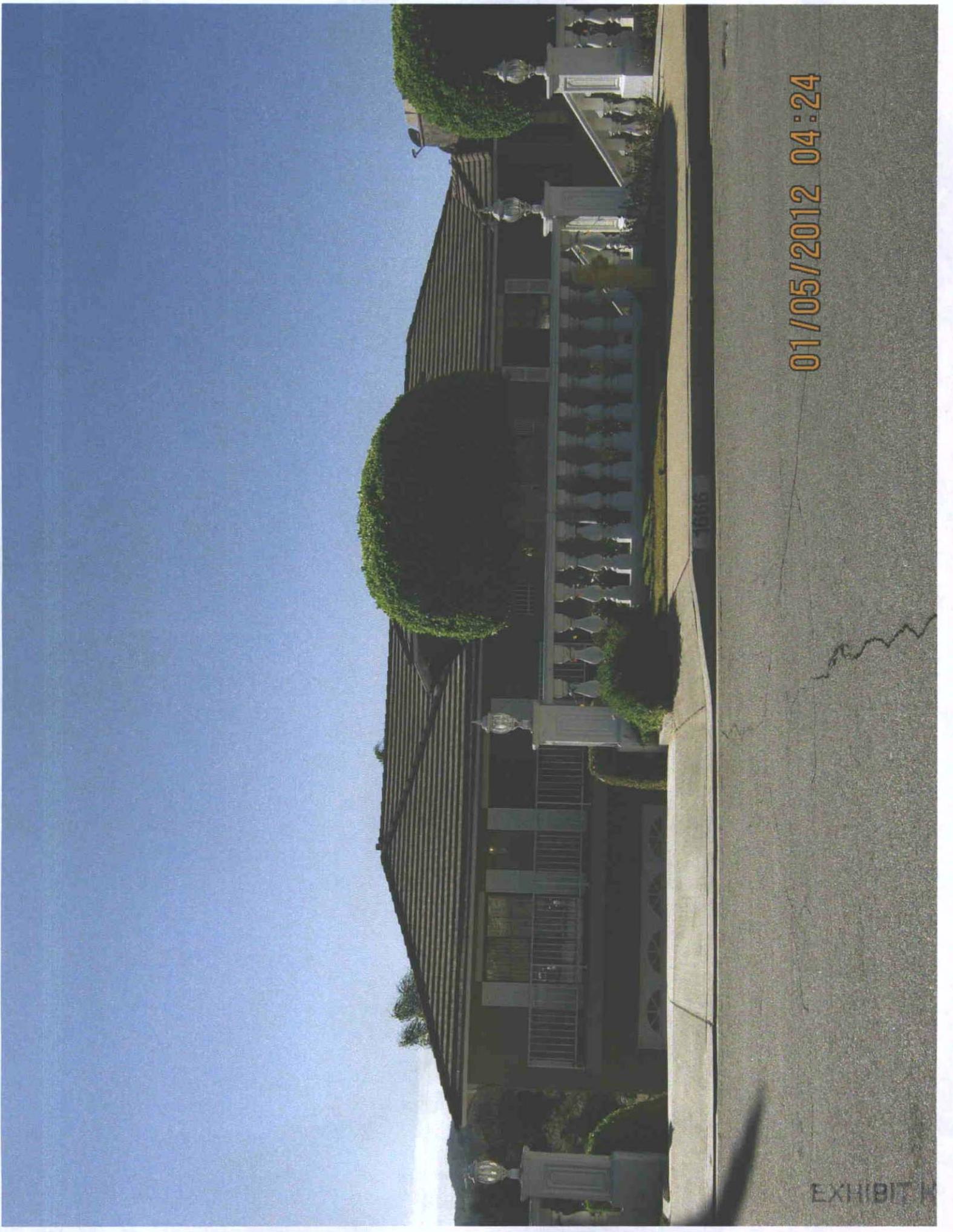
LEFT SIDE ELEVATION  
14-110



RIGHT SIDE ELEVATION  
14-110



ROOF PLAN  
14-110



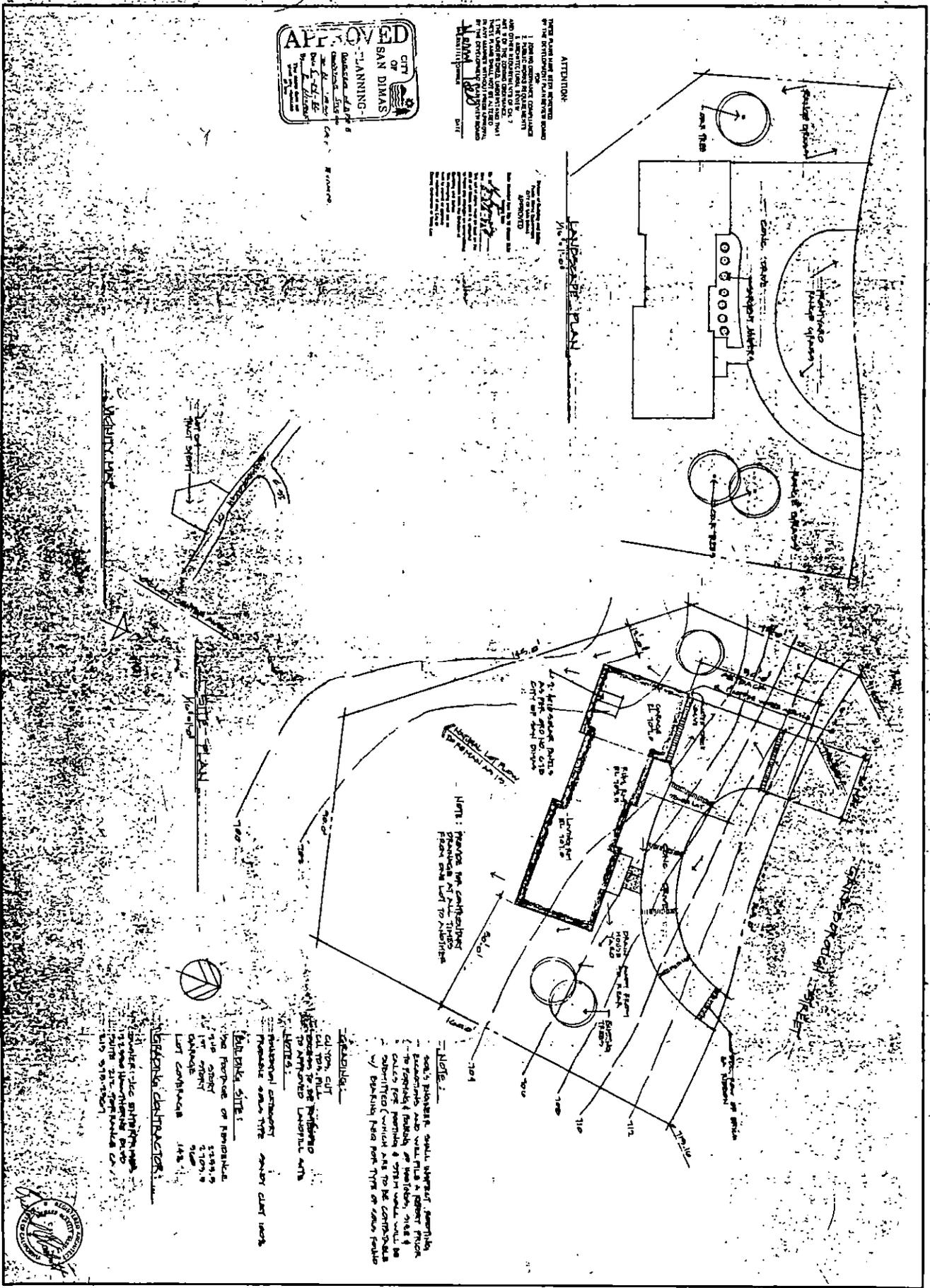
01/05/2012 04:24

EXHIBIT H



ATTENTION:  
THIS PLAN MUST BE RETURNED TO THE DEVELOPER WITHIN 30 DAYS OF THE DATE OF APPROVAL.  
1. THIS PLAN IS APPROVED FOR THE CITY OF SAN DIEGO AND DOES NOT CONSTITUTE A GUARANTEE OF THE CITY'S LIABILITY FOR THE DEVELOPMENT OF THE PROJECT.  
2. THE CITY OF SAN DIEGO IS NOT RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF THE PROJECT.  
3. THE CITY OF SAN DIEGO IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE DEVELOPER.  
4. THE CITY OF SAN DIEGO IS NOT RESPONSIBLE FOR THE RESULTS OF THE DEVELOPMENT OF THE PROJECT.

NOTES:  
1. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.  
2. THE CITY OF SAN DIEGO IS NOT RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF THE PROJECT.  
3. THE CITY OF SAN DIEGO IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE DEVELOPER.  
4. THE CITY OF SAN DIEGO IS NOT RESPONSIBLE FOR THE RESULTS OF THE DEVELOPMENT OF THE PROJECT.



**NOTE:** PROVIDER THE CONTRACTOR FROM THE LOT TO ADJUST THE LOT TO THE CITY.

**NOTE:** PROVIDER THE CONTRACTOR FROM THE LOT TO ADJUST THE LOT TO THE CITY.

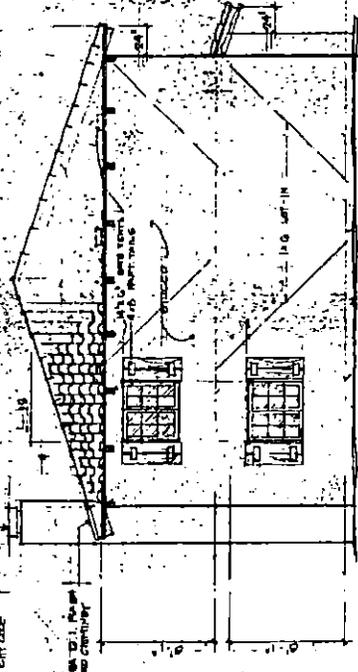
**NOTE:** PROVIDER THE CONTRACTOR FROM THE LOT TO ADJUST THE LOT TO THE CITY.

**NOTE:** PROVIDER THE CONTRACTOR FROM THE LOT TO ADJUST THE LOT TO THE CITY.

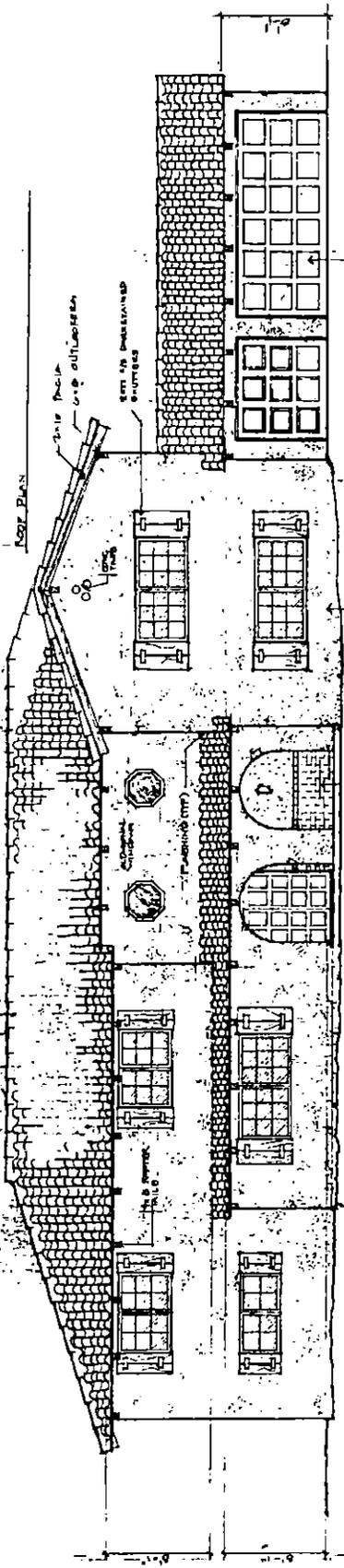
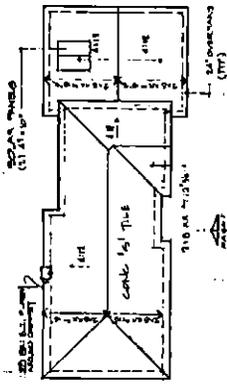
**NOTE:** PROVIDER THE CONTRACTOR FROM THE LOT TO ADJUST THE LOT TO THE CITY.

\* B-604  
1650 GRANTSBUILDING H

NO. 1650/78	DATE: 10/15/78	BY: [Signature]
A RESIDENTIAL PLAN		
JCC ENTERPRISES		
LOT 64		



EAST ELEVATION



FRONT ELEVATION



October 28, 2010

Marco Espinoza  
City of San Dimas- Planning Division  
186 Village Court  
San Dimas, CA 91773

RE: Oak Tree Permit 2010-00001  
Site: 1658 Gainsborough Road, San Dimas, CA 91773

Mr. Hinkel

Per your request, I have prepared an Oak Tree Report based on the comments from the City of San Dimas, CA. The following opinions expressed are based on field inspection.

My observations, recommendations, and opinions are within this report. Based on the site visit there are two (2) Quercus agrifolia, Coast Live Oak encroaching into subject proposed house floor plan. Based on architectural drawings Oak Tree #1 will encroach proposed house on east side of structure and will have to be removed. Oak Tree #2 will slightly encroach proposed structure on the south/east corner but will be preserved. Minor pruning might have to be done by certified arborist in order to limit encroachment. See picture 1 on page 6 of this report and attach "Tree Plan" for existing Oak Tree and proposed structure locations.

Sincerely,

Phil May  
Landscape Architect  
License # 3104

EXHIBIT I

## **TREES ENCROACHED UPON**

QUANTITY = 2

### **TREE# 1**

#### **SITE & TREE DISCUSSION**

This oak tree has been there for 30-50 years. Tree is in poor condition due to over pruning that has lead to bad structure

AREAS: 1. Quercus agrifolia-Coast Live Oak

AGE: 40-60 years old

TRUNK DIAMETER: 32"

HEIGHT & WIDTH: 30'H- 33'W

HEALTH: Fair

MECHANICAL: Fair

STRUCTURE: Poor

INSECT/DESEASE: Minor

MAINTENANCE: Heavily Pruned

#### **PRESERVATION DISCUSSION**

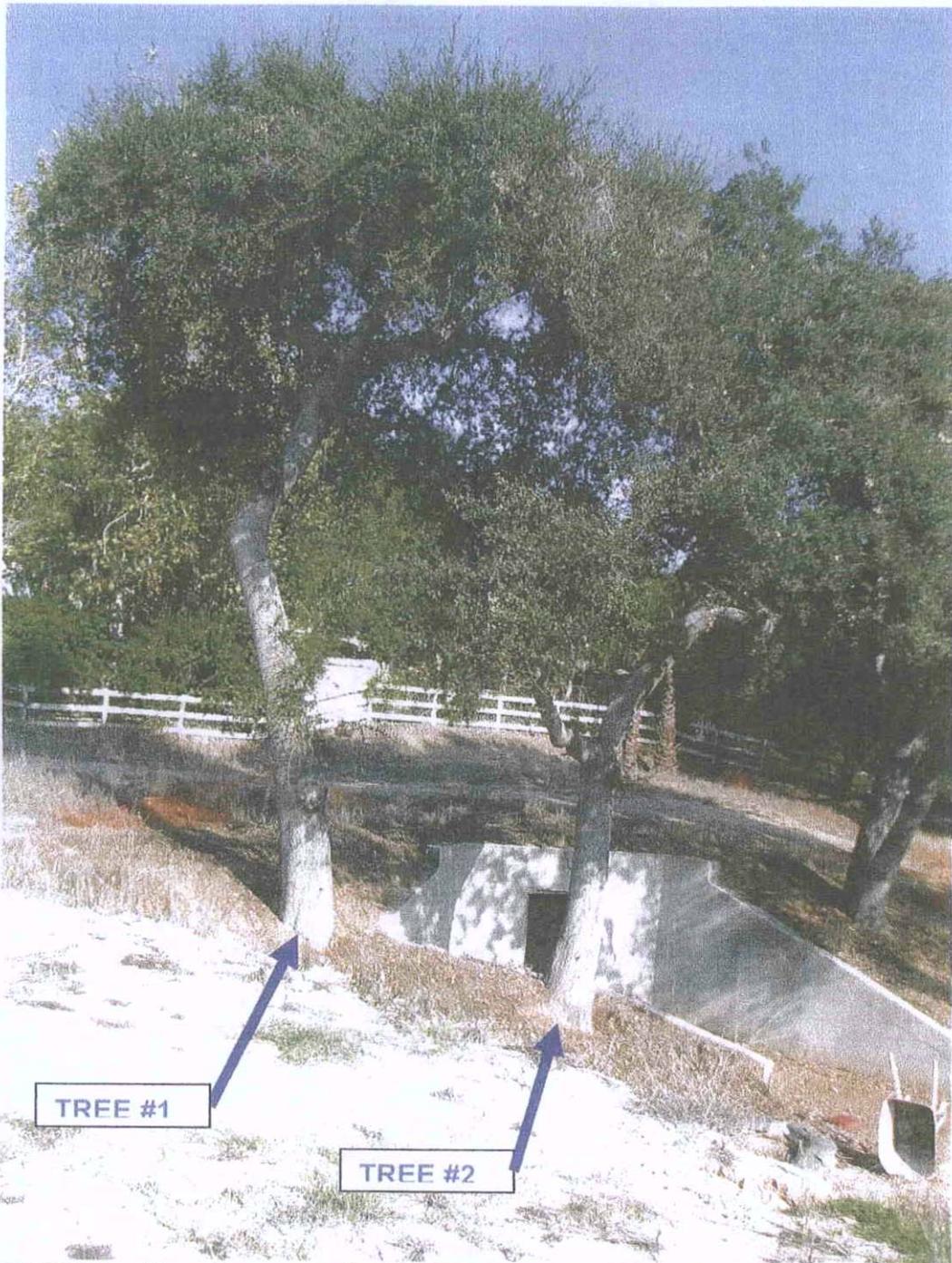
Tree is to be removed.

#### **SPECIES AND INVENTORY**

See attached sheet.

#### **SITE PLAN**

See attached sheet.



**PICTURE- #1, reference to the "TREE PLAN" for location of where picture was taken.**

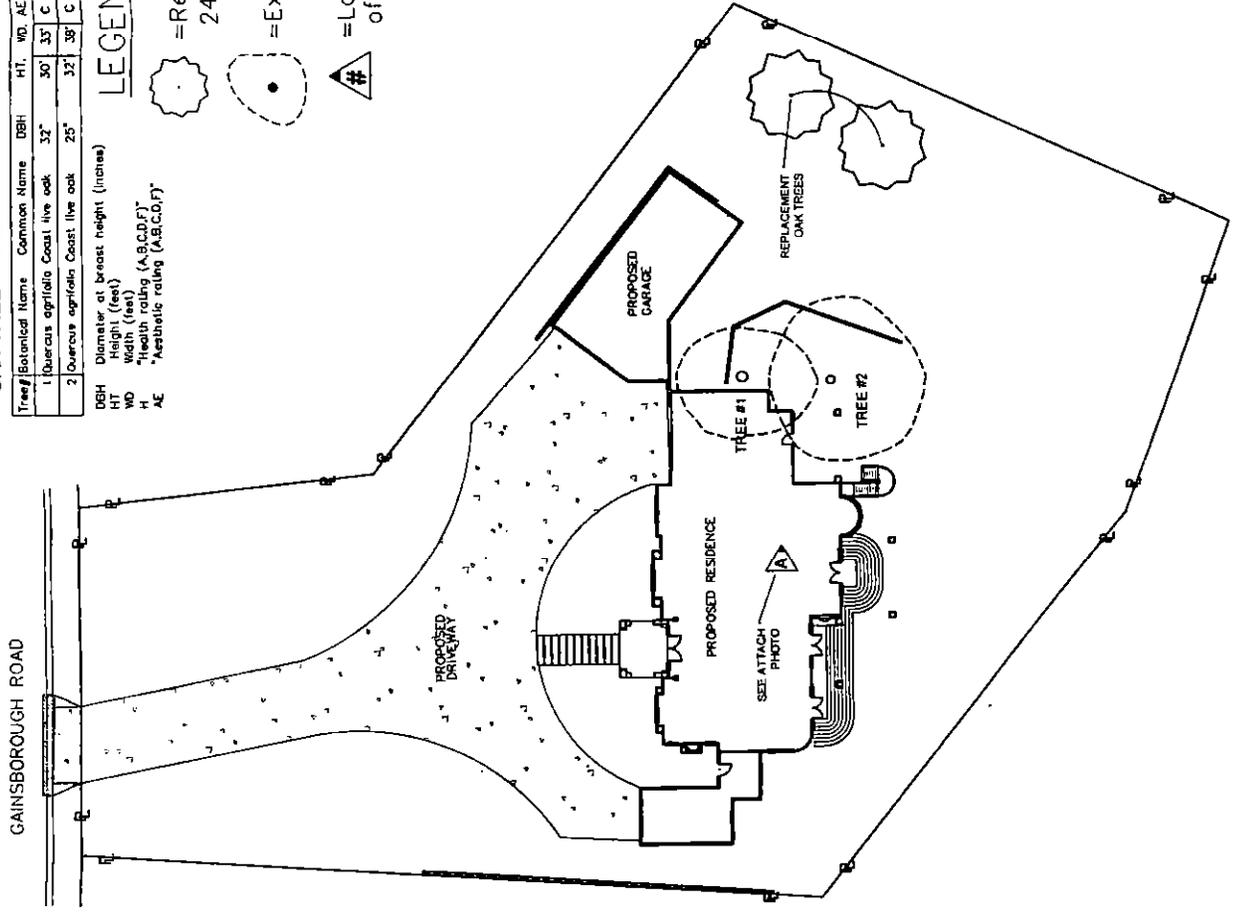
**OAK TREE TABLE**

Tree#	Botanical Name	Common Name	DBH	HT.	WD.	AE	H	REMARKS	ENCRoACHMENT
1	Quercus agrifolia	Coast live oak	32"	30'	33'	C	B	TO BE REMOVED	PROPOSED HOUSE UNDER CANOPY
2	Quercus agrifolia	Coast live oak	25"	32'	38'	C	A	TO BE PRESERVED	PROPOSED HOUSE UNDER CANOPY

DBH Diameter at breast height (inches)  
 HT Height (feet)  
 WD Width (feet)  
 H Health rating (A,B,C,D,F)  
 AE Aesthetic rating (A,B,C,D,F)

**LEGEND**

-  = Replacement Trees
-  = 24" box Quercus agrifolia—Coast Live Oak
-  = Existing Oak Trees see Oak Tree table
-  = Location & Direction of where picture was taken



**EXHIBIT I**

Phillip S. May  
 1937 West 9th Street  
 Upland, CA 91786  
 Phone: 909.373.1959  
 Fax: 909.373.1958  
 pmay@phillimaydesign.com  
 Landscape Architectural  
 Lic. No. 3104



**TREE PLAN**

ASPEN FINANCIAL GROUP INC.  
 LOT #20  
 1658 GAINSBOROUGH ROAD  
 SAN DIMAS CA 91773

DRAWN	CHECKED	DATE
R.S.	P.M.	10/27/10
SCALE		1"=30'
JOB NO.		07116
SHEET		[ 1 ]
OF 1 SHEETS		



EXHIBIT J

January 17, 2012

To: Mr. Marco Espinoza  
San Dimas Planning Department  
245 East Bonita Ave.  
San Dimas, CA 91773

From: Paul L. Feintuch  
1139 Edinburgh Rd.  
San Dimas, CA 91773

Subject: The construction project at 1658 Gainsborough Rd., and the upcoming City Council meeting dealing with the appeal of the DPRB decision of October 27, 2011.

Dear Mr. Espinoza,

The purpose of this letter is to make my comments known to the City Council regarding this construction project. I am one of the three homeowners directly below the project in question.

The DPRB decision was to a) Allow the applicant to redesign the house into a tri-level design which is integrated into the original slope, with one month to resubmit, and if not submitted then b) Deny without prejudice and require applicant to restore the lot to its original grade within three months. My understanding is that this decision is scheduled for appeal by the applicant at an upcoming City Council meeting.

This project has been going on for over three years, and the danger, damage, and required clean-ups have been a repeated concern. I strongly support the decision of the Planning Review Board, for the following reasons:

There are two basic issues here: visual impact and flooding safety.

Visual Impact:

There is always a compromise in construction between designing the house to suit the lot, vs. changing the lot to suit a house design. In this case there has been no compromise to the natural terrain. The plans are for a very large house on a flat pad, proposed on a very sloped lot. Without prior approval, the owner imported a very large amount of soil and graded the lot to make a flat pad all the way to the back of the property. The design places the house at the back of the lot with a steep cliff to the houses below. This was done with no account for the SP4 Lot C regulations governing the area, the integration of the design to the lot, or the impact on the rest of the neighborhood in which the home designs respect the natural terrain. The front of the proposed house starts behind any of the other homes on Gainsborough, and the structure would loom over the homes below. Recalling the Feb 2011 DPRB meeting on this issue, the motion was to restore the natural slope by removing most of the fill dirt, move the house closer to the street, and make it a multiple level that conforms to the slope. In other words design a house that respects the Lot C requirements. The proposed home does not comply with that motion in even a token manner, and that is why the follow-up DPRB reached the decision that is being appealed here.

**EXHIBIT K**

Flooding Safety:

There has always been water flowing over the lot. The natural flow has been both down the utility easement into drains on 1133 Edinburgh and down the path between 1133 and 1139 to the storm drains on Edinburgh. Problems developed after the importing of all the dirt and the creation of the cliff at the back of the lot. The water became mud and the natural flow was changed. We have had several mud flows with property damage and the need to hire help for clean-up. Two years ago, as a form of temporary remediation, a retention pond was built which was cut out of the slope at the back property line. It created a narrow berm at the property line that was further raised by sandbags supported by our wrought iron fence. This dammed up the flow out onto the utility easement. A pool, larger than most back yard swimming pools (it's about 50 ft x 40 ft by about 10 ft deep) was created which is not held in by any structural elements designed to hold that much water. If an applicant asked to build a swimming pool of that size along a property line with only a small dirt berm to contain it, and with a home directly below, it would never be allowed. Yet that is what we have here. What happens is that water seeps through and finds a way out, either through erosion or through gopher holes, and we get mud flow anyway. The basin built to contain this mud is only as good as the property owner's diligence to pump it out. Last rainy season it filled to capacity several times and was undermined by erosion resulting in mud flows. This represents a serious flood danger to the homes below if that berm were to rupture or overflow. Public safety should be paramount here, and yet a very hazardous situation exists. We have gone through two rainy seasons with this problem, and are facing another now. This is not an appropriate solution for such an extended period.

The DPRB decision was to restore the grading to the natural gradual slope up to Gainsborough Rd. and to restore vegetation to the area. This would reduce the mud and the velocity of the water as it flows down the lot and over the cliff in the back. Over time, as the vegetation develops, the retention pond for mud can be filled back in and the normal flow of water into the storm drains on Edinburgh could be restored.

Because the proposed house does not conform in any way to the neighborhood and does not meet SP-4 requirements, and because the lot in its present configuration represents a real flooding hazard, we strongly support the staff recommendations.

I cordially invite you and other city council members to come to my home and observe the subject property from the lower side, which cannot be seen from the street, so you can fully appreciate the situation.



Paul and Karen Feintuch  
1139 Edinburgh Rd.  
San Dimas, CA 91773  
(626) 253-1652

## Blaine Michaelis

---

**From:** pkfeintuch@roadrunner.com  
**Sent:** Tuesday, February 08, 2011 8:04 AM  
**To:** Curt Morris; Emmet Badar  
**Subject:** Subject: Concern re: danger to property

**Categories:** Red Category

Dear Mayor Morris and Councilman Badar,

The purpose of this letter is 1) to document discussions that have occurred with the building department and 2) to inform the City Council of a dangerous condition that exists in the city. I understand that this topic is on the agenda for the Feb 24th DPRB meeting that you may attend representing the City Council.

The concern is the construction project at 1658 Gainsborough Rd. and the hazard the current grading represents to the home below at 1139 Edinburgh Rd. For ease of reference in this note, 1658 Gainsborough Rd. will be referred to as the PROJECT, and 1139 Edinburgh Rd will be referred to as 1139.

After a year of illegal dumping of dirt on the PROJECT, grading for a building pad was begun on August 12, 2009, with regular dumping of dirt and bulldozing through November 2009. The grading dramatically changed the contour of the land by importing and cutting large quantities (my estimate is approximately 1,350 cu yds) of dirt. The gradual slope from Edinburgh Rd up to Gainsborough Rd was changed to a large steep cliff to the pad for the house, starting closer to the back property line than is allowed. This generated concern regarding what would keep all that dirt in place, since it was steeper than the 2-to-1 grade required without retaining walls.

The back of 1139 rises steeply for about 8 feet to a wrought iron fence at the property line. From there the terrain originally rose gradually all the way to Gainsborough Rd. Over the years rain has naturally drained down this slope to the east side of 1139 and onto Edinburgh. After the grading, large mud flows came onto 1139 in the rains of January and February of 2010, requiring two major clean ups, unclogging of drains, and the erosion under and resulting fall of a tree onto the RV garage. The owner of the PROJECT refuses to take responsibility for the tree or reimburse the cost of professional tree removal services.

To reduce the mud flow a retention pond was graded out to hold the water. This pond was cut out from the natural slope directly next to the back property line with 1139 to a depth lower than the level at which the back of 1139 begins its rise to the fence. In addition, three layers of sand bags were placed along the bottom of the fence to further raise the level of the pond. The sides of the pond were lined with plastic to reduce flow and erosion through gopher holes.

The result is a pond which can have a water level above the base of the fence by about the height of three sandbags. When full, there is an enormous amount of water in the pond: approximately 50 ft wide x 20 ft deep x 5 ft average depth = 5,000 cu ft = 37,500 gallons of water, or about the capacity of a swimming pool. Would the city ever allow someone to build a swimming pool directly up against a property line by digging out an earth levee to support it and by holding water in with sandbags against the neighbor's wrought iron fence,

AND on a slope with a home directly below? The Building Department would never let anyone do that because it would be a hazard to the house below. Yet the equivalent of this is what has been allowed here.

In addition, the pond does not drain into the ground. It was not built with a dry well below, but is just a large dip in clay soil, and has had to be pumped out twice in the last storm during in the week of Dec 20, 2010. This huge mass of water is being held in place by the rise to the fence and the back fence itself, and the pond depth goes below the height of the rise. Neither the fence nor the berm are structurally engineered to support the weight of all of that water. If this were to give way there would be a huge flood that would go right into the house. With substantial rain it would overflow the top and then erode away the slope. In addition, even mild earthquakes shake water out of pools. In a shaker the pond would slosh over its banks and pour water into the house.

This situation has created a significant danger to my family's personal safety and to my home. The city should be protecting homeowners from such threats rather than allowing the situation even on a temporary basis.

We request that this condition be fixed immediately. There are several possible options. Temporarily, the pond has to be pumped out during each rain storm. This is unfortunately not a reliable option since it requires regular action by the owner of the PROJECT. Perhaps a pump driven by a generator with an automatic float control can be installed. More permanently, the pond needs to be filled back in so as to create a natural flow, rather than holding the water in place, and that flow has to be safely directed onto Edinburgh Rd as it had been naturally. The grading should be made right and appropriate flood control measures should be put in place even if there is no construction on the PROJECT.

I spoke with the city's consulting engineer, Dave Gilbertson. He had seen the above letter and said the following:

1. He agreed with everything in it.
2. At the time the pond was dug to control mud flow the owner of the PROJECT was directed to pump it out whenever it filled by even a few feet (it gets to over 8 -10 feet to overflow)
3. He and Eric Beilstein would again direct the owner of the PROJECT that he must do this and have a pump on the site at all times
4. He expressed disappointment that the owner was negligent enough to allow let the pond fill to the point of overflowing twice without checking up on it during the storm, and thus had to be prodded to pump it out both times.
5. He was sympathetic to the danger that is being imposed by this and the stress it causes.

Although it was satisfying to obtain confirmation of the situation from the building department, unfortunately the risk still remains --- the safety of the house below and its occupants is reliant on the actions of the generally inattentive owner of the PROJECT. I request that a safer near-term solution be put into place. Without changing the grading, Dave agreed that the only truly reliable approach is to install an automatic pumping system so that it is not dependent on the response of the owner. Can the city insist that he do this?

Dave also said that the revised plans for the Project call for the house to be moved even further back with an even steeper cliff, and the removal of four large legacy oak trees to make room for more garages. This is going the wrong way. The plans already move the house further back than any other house on Gainsborough Rd by being on the artificial cliff, and change the character of this special area of San Dimas. With the revision, the PROJECT would loom even more over the houses below. The oak trees would visually soften this, but they

propose to take them out. Hopefully in the DPRB meeting, in addition to the flooding concerns, there will be some consideration for the visual impact on the homes below.

I cordially invite you and other city council members to come to my home and observe this situation from the lower side which cannot be seen from the street.

Please contact me so that we can all work together to correct this situation.

Dr. Paul L. Feintuch  
1139 Edinburgh Rd.  
San Dimas, Ca 91773  
(626) 253-1652

October 26, 2011 \*

To: Marco Espinoza  
Associate Planner  
245 East Bonita Ave.  
San Dimas, CA 91773  
mespinoza@ci.san-dimas.ca.us

From: John Peggs  
1133 Edinburgh Rd.  
San Dimas, CA 91773

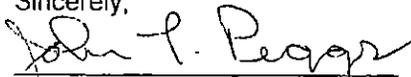
Subject: The construction project at 1658 Gainsborough Rd. and the DPRB meeting tomorrow, October 27, 2011.

The purpose of this letter is to make my comments known to the DPRB because unfortunately I cannot attend. I am one of the three homeowners directly below the project in question. I have serious concerns about the grading that has been done to that property and the erosion and mud flows that have resulted. The natural flow of water has been changed so that in heavy rains the flow from the property no longer goes between the two homes below and into the storm drains on Edinburgh Rd. What results now is mud that flows directly onto my property, creating substantial clean up.

The basin built to contain this mud is only as good as the property owner's diligence to pump it out. Last rainy season it filled to capacity several times and was undermined by erosion resulting in mud flows. In addition, that basin is held in by a narrow dirt berm. If that berm were to rupture my home would be subject to a severe flooding hazard.

Because of this, I want to strongly support the staff recommendation to return the grading to its original gradual slope so that it is safe for the homes below, and that the home be redesigned to conform to the slope and be more appropriate to the neighborhood.

Sincerely,



John Peggs

10/26/11



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of January 24, 2012*

**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.

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## **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*

*b.b*

*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.

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

### ***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
- Exhibit J – Applicants Alternative Proposed Municipal Code text Amendment

Aerial of Subject Site





## ***Jerry Ronnebeck, Engineering***

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909-599-3253 ♦ 909-599-2572 fax

Website: [Ronnebeck.com](http://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

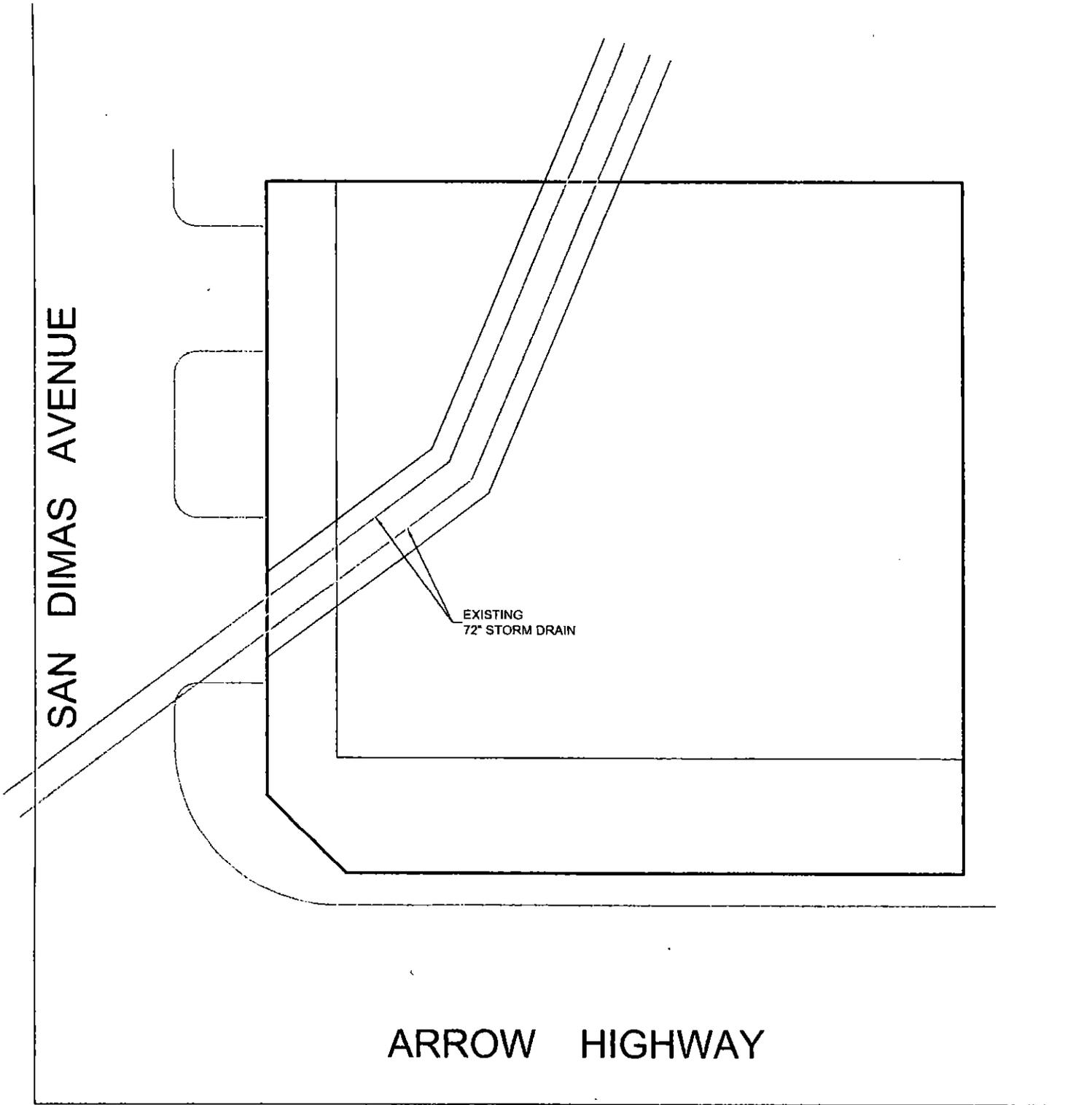
EXHIBIT A

**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:



**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;

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

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

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

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

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

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

3. Prohibited Uses.

a. Supermarkets;

b. Industrial uses;

c. Gambling facilities;

d. Residential uses;

e. Wholesaling or warehousing operations;

f. Convenience markets;

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

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

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

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

1. Permitted Uses.

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

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

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

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

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

f. Wire transmission office;

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

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 design to be compatible with traditional architecture, but may have more of an industrial or packing house feel because of higher building heights. Underground congregate parking areas are encouraged.

1. Area 3—Definitions.

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

b. "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, in-door;
- 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.

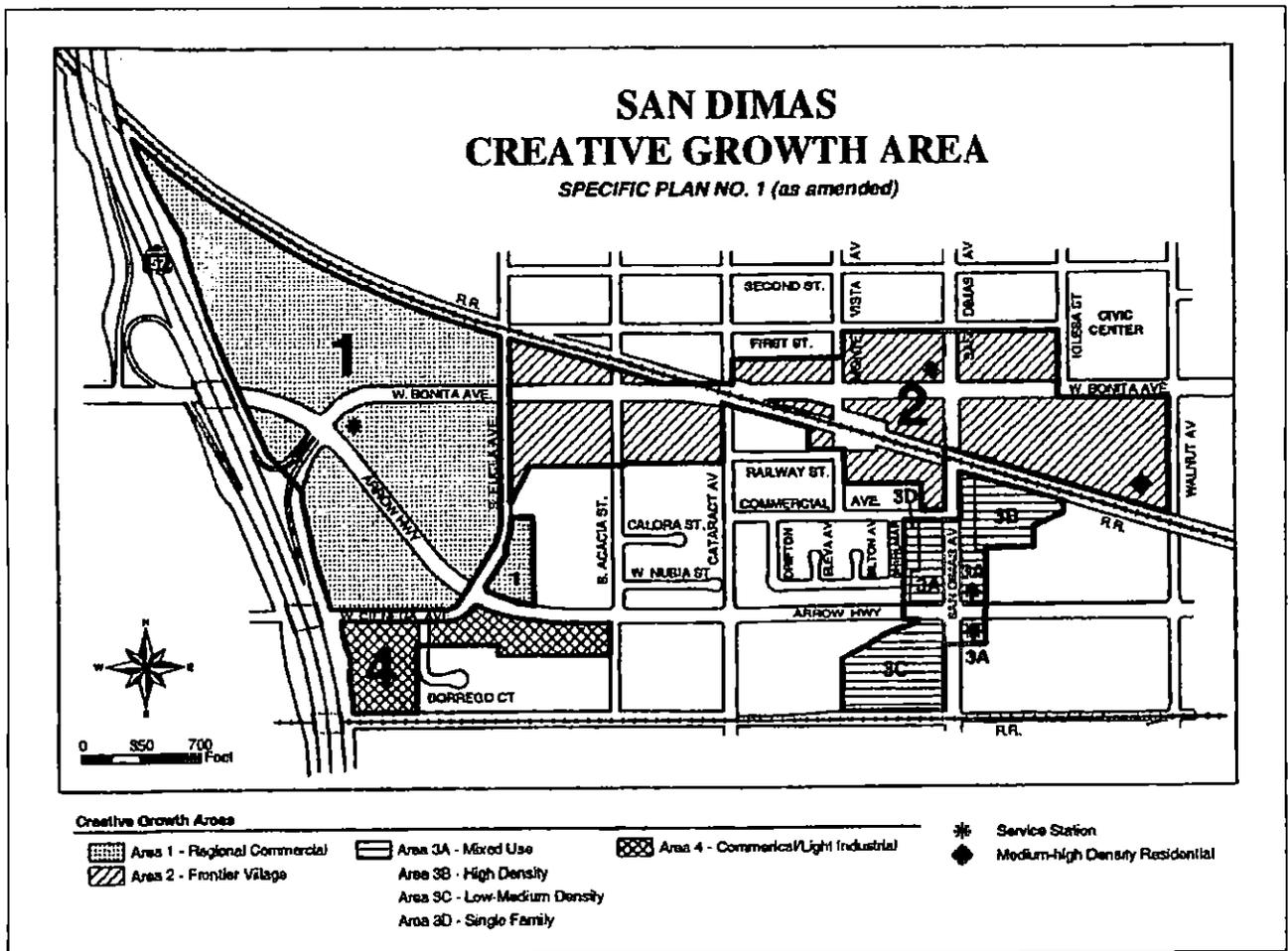
F. Off-Street Parking. The provisions of Chapter 18.156 shall apply.

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.

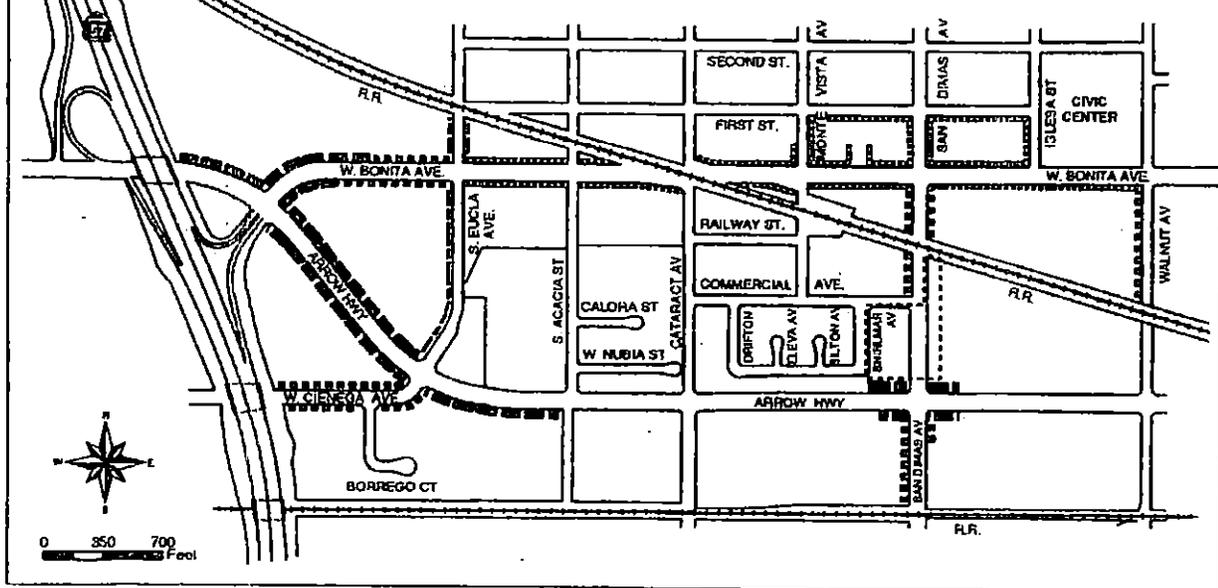
- J. Lighting.
  - 1. All exposed lighting fixtures shall be decorative and in keeping with the Early California village theme.
  - 2. Lighting shall be so designed to reflect away from adjoining properties, streets and roads.
- K. Landscaping. The review board may require landscaping in addition to 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)

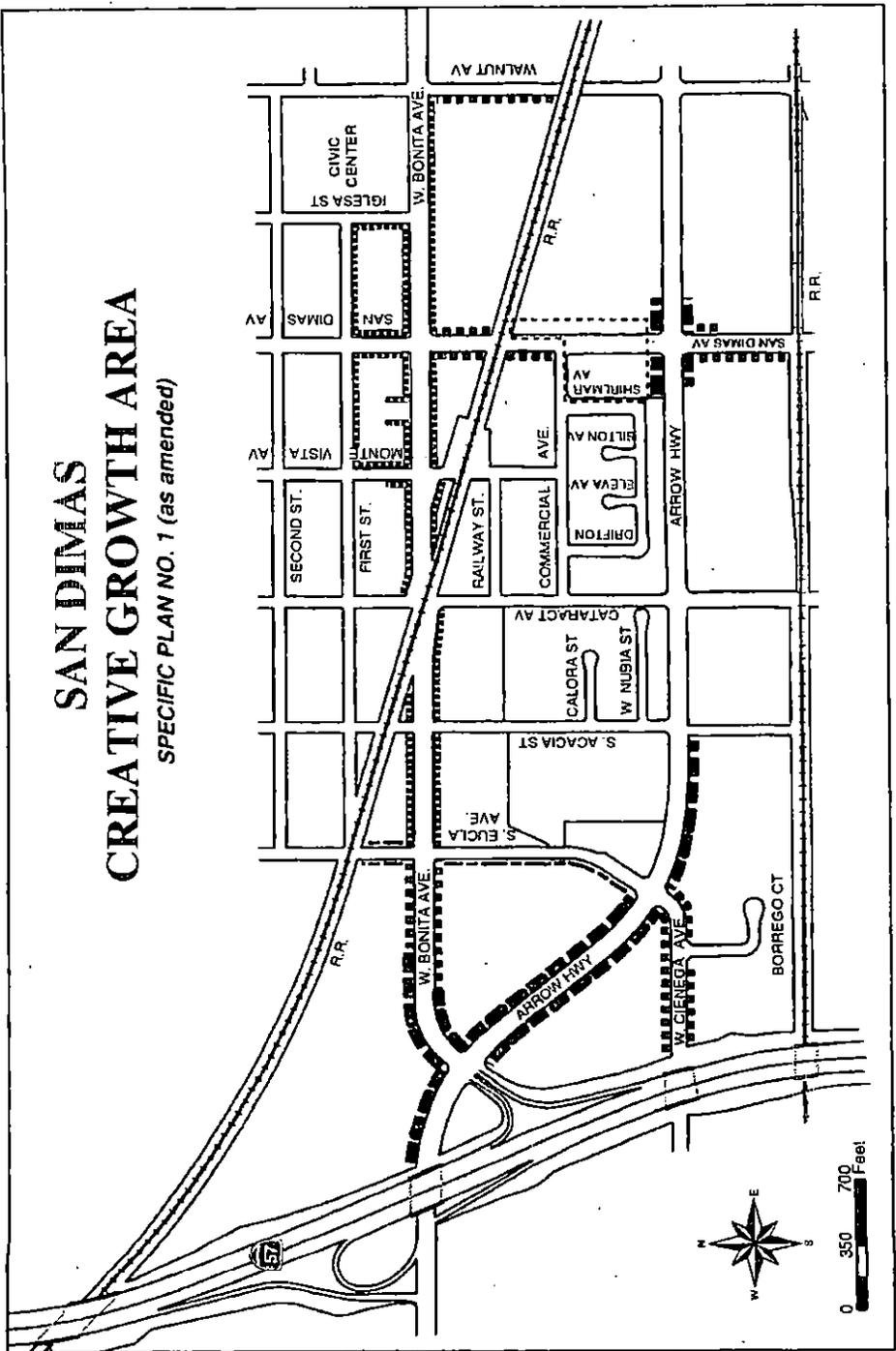


- Legend**
- 25-foot Setback
  - 10-foot Setback
  - 15-foot Setback
  - Zero Setback
  - ..... To be determined by City Council

**EXHIBIT B - SETBACKS**

# SAN DIMAS CREATIVE GROWTH AREA

SPECIFIC PLAN NO. 1 (as amended)



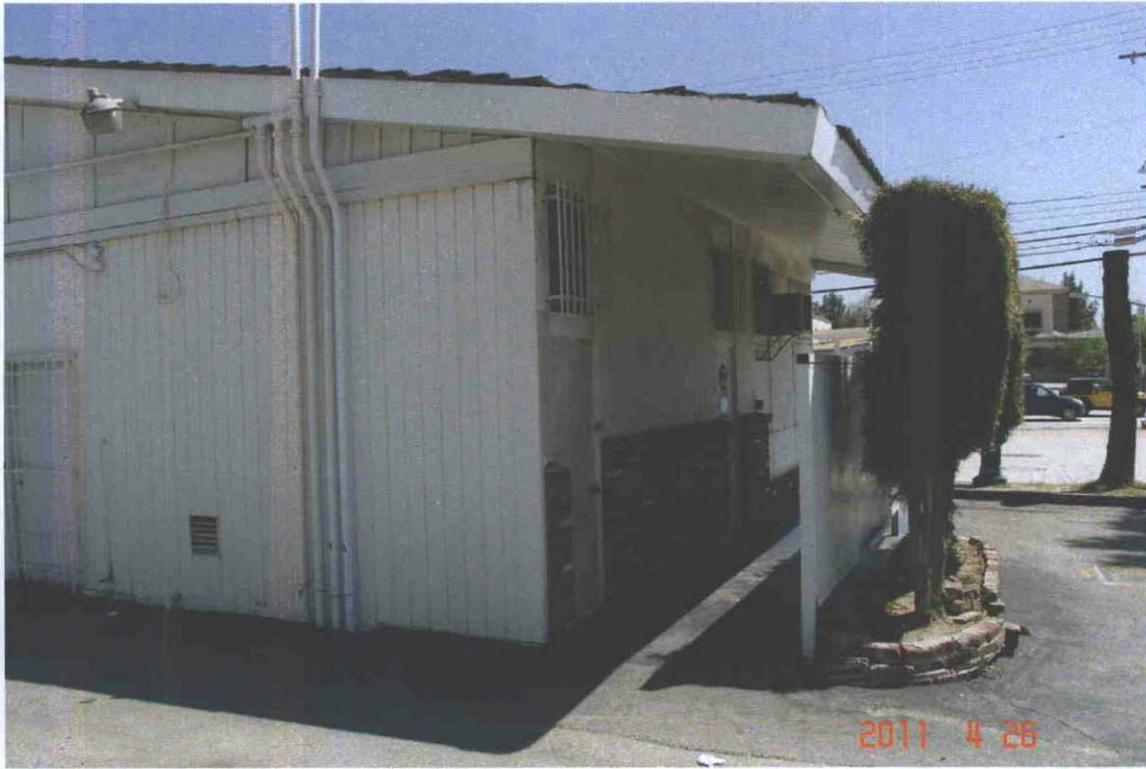
- Legend**
- 25-foot Setback
  - - - 10-foot Setback
  - ..... 15-foot Setback
  - Zero Setback
  - ..... To be determined by City Council

EXHIBIT B - SETBACKS



EXHIBIT C





NO.	DATE	REVISION
1	5-14-11	ISSUE FOR PERMITTING



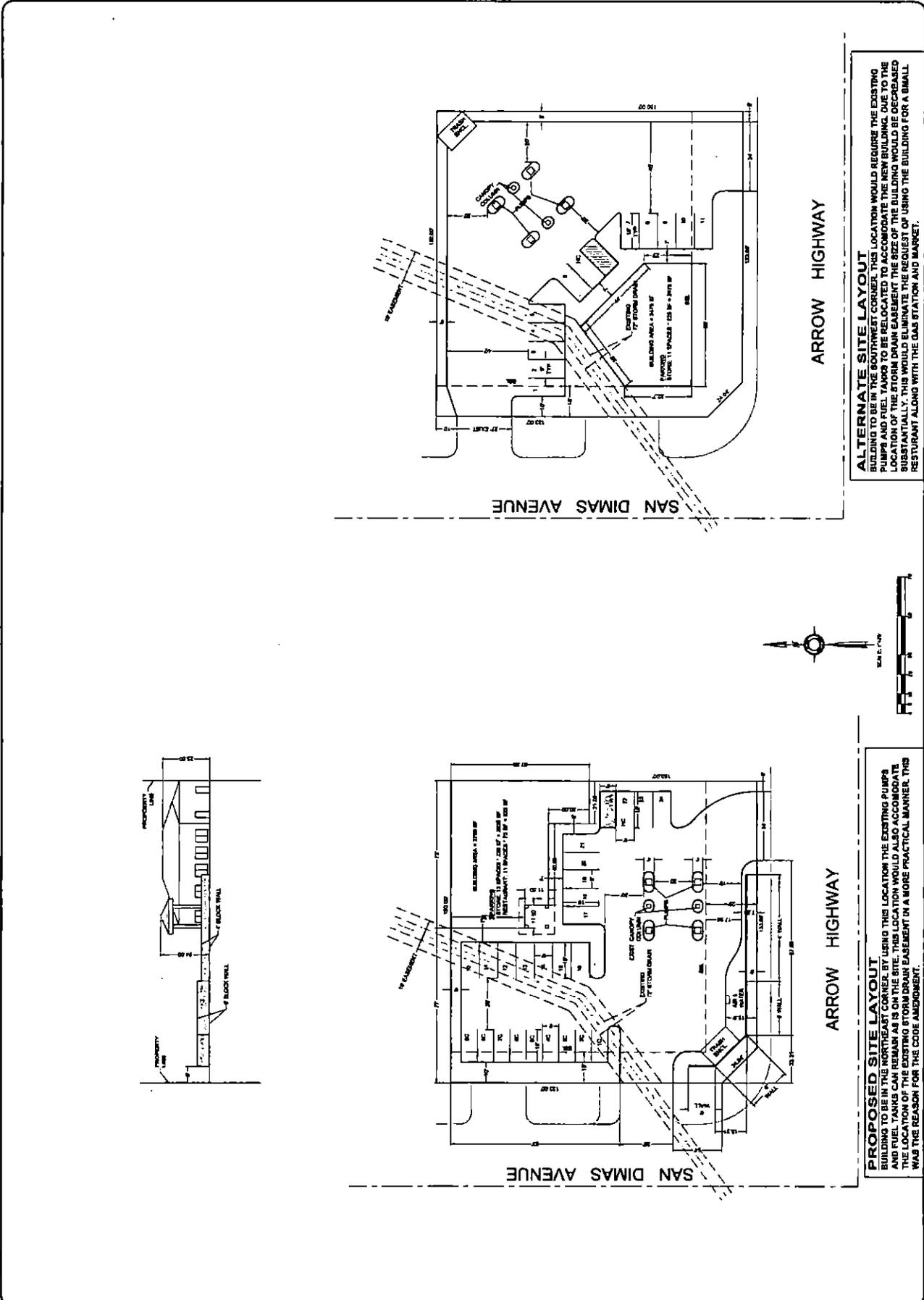
Jerry Rasmussen, Engineering  
 4100 South Main Street, Suite 100  
 Raleigh, North Carolina 27603  
 (919) 876-1111  
 www.jerryrasmussen.com



Hart Albritton  
 105 East Arrow Highway  
 Raleigh, North Carolina 27603  
 (919) 876-1111  
 www.hartalbritton.com

DATE	NO.	REVISION
5-14-11	1	ISSUE FOR PERMITTING

PSP-1  
 K10-2276



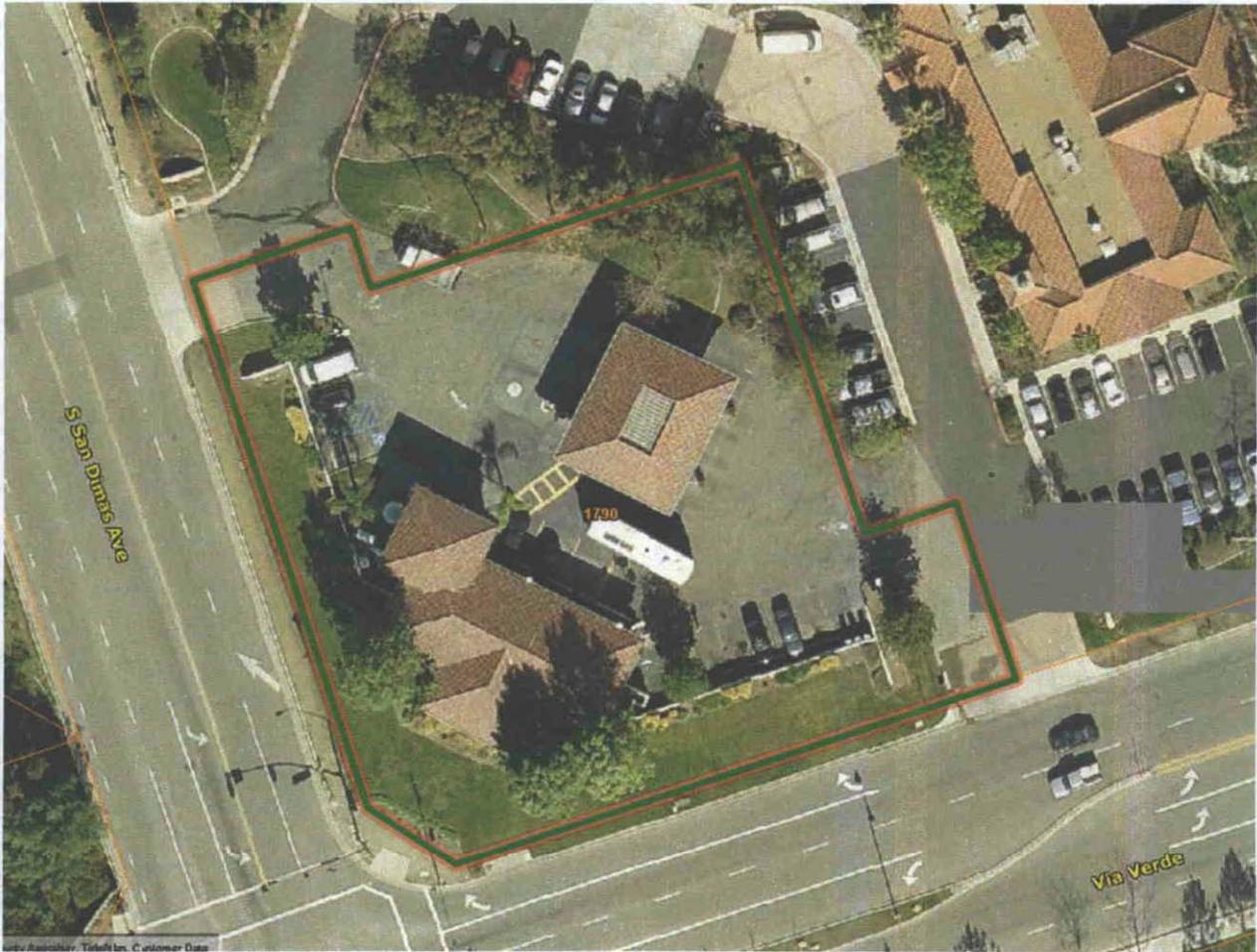
**ALTERNATE SITE LAYOUT**  
 BUILDING TO BE IN THE SOUTHWEST CORNER. THIS LOCATION WOULD REQUIRE THE EXISTING PUMPS AND FUEL TANKS TO BE RELOCATED TO ACCOMMODATE THE NEW BUILDING. DUE TO THE LOCATION OF THE STORM DRAIN EASEMENT THE SIZE OF THE BUILDING WOULD BE DECREASED SUBSTANTIALLY. THIS WOULD ELIMINATE THE REQUEST OF USING THE BUILDING FOR A SMALL RESTAURANT ALONG WITH THE GAS STATION AND MARKET.

**PROPOSED SITE LAYOUT**  
 BUILDING TO BE IN THE NORTHEAST CORNER. BY USING THIS LOCATION THE EXISTING PUMPS AND FUEL TANKS CAN REMAIN AS IS ON THE SITE. THIS LOCATION WOULD ALSO ACCOMMODATE THE LOCATION OF THE EXISTING STORM DRAIN EASEMENT IN A MORE PRACTICAL MANNER. THIS WAS THE REASON FOR THE CODE AMENDMENT.



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



PARKING 1/225 #

MAY REDUCE ONE SPACE IF EIGHT PUMPS ARE PROVIDED

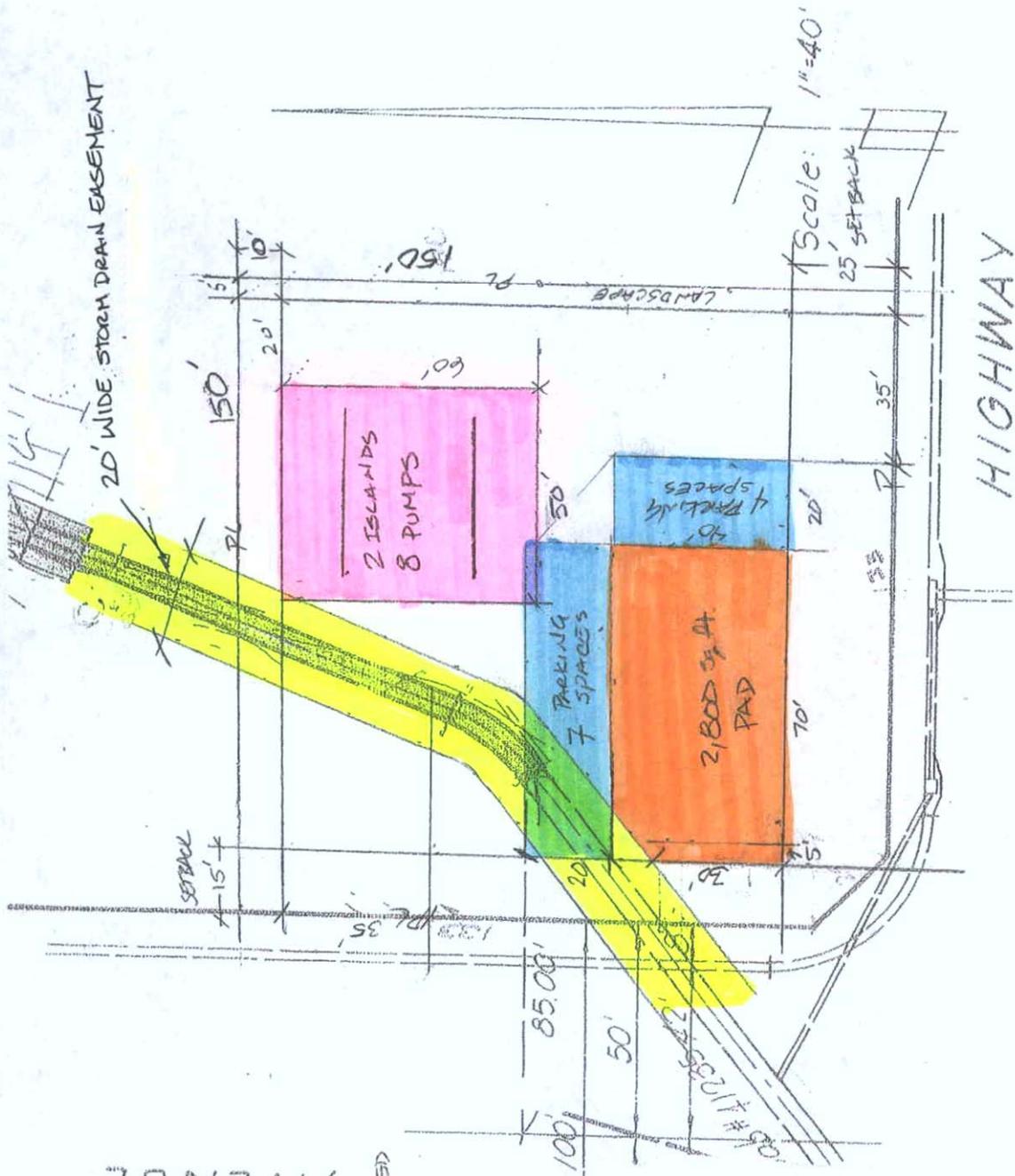
PAD 2,800 # / 225 = 12 SPACES

REDUCTION OF ONE SPACE ALLOWED

11 PARKING SPACES REQUIRED.

\* POTENTIAL DEVELOPMENT LAYOUT  
ACTUAL LAYOUT & SETBACKS WILL VARY

EXHIBIT G



ROBERT E. WEISS  
CRIS A KLINGERMAN  
EDWARD A. TREDER  
JOHN A. PERRY  
ARTHUR W. SHWACHMAN

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of  
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920 S Village Oaks Drive  
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FACSIMILE NUMBER  
(626) 967-9216

cklingerman@rewlaw.com

*Established 1973*

January 17, 2012

**VIA HAND DELIVERY**

Marco A. Espinoza, Associate Planner  
City of San Dimas  
245 E. Bonita Ave.  
San Dimas, CA 91773

RE: Alternate Proposed Municipal Code Text Amendment

Dear Mr. Espinoza,

The Law Office of Robert E. Weiss Incorporated remains counsel to Mr. Hari Alipuria, the Applicant for remodel of the service station located at 105 E. Arrow Hwy., San Dimas, CA. The Applicant, through his prior engineer, submitted a proposed Municipal Code Amendment, excepting the location from the required reverse station design to a traditional front design due to the existence of underground storm drains. The applicant desires that this proposed code Amendment remain for council review.

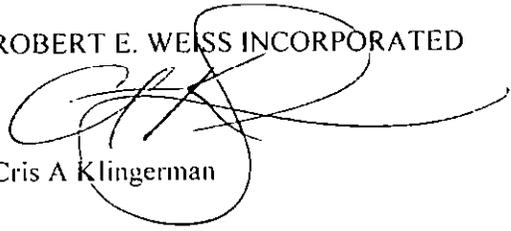
**As a an alternative for a proposed amendment to the Municipal Code, attached please find the applicant's second or alternate proposed Municipal Code Amendment. This second alternative provides for an amendment allowing flexibility in review of station design. This alternative proposed amendment is the Applicant's preferred amendment to avoid any implications that the development should be progressed by a variance rather than a code amendment.**

Please insure both the original proposed Amendment and preferred alternative proposed Amendment are presented to the City Council in conjunction with the Applicant's next requested City Council meeting.

Should you have any questions please do not hesitate to contact the undersigned. Thank you for your continued cooperation in this matter.

Sincerely,

ROBERT E. WEISS INCORPORATED

  
Cris A Klingerman

CAK:llc  
Cc: Client  
Drafting & Design, Ltd.  
Attn: Steve Eide, Architech – Via Email  
Enclosures

**EXHIBIT J**

# COPY

## APPLICATION FOR AMENDMENT TO THE SAN DIMAS MUNICIPAL CODE

Applicant: Hari Alipuria

Applicant Address: 105 E. Arrow Highway, San Dimas, CA (Northeast corner of Arrow Highway and San Dimas Avenue)

Existing Code: Section 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;

**Requested Code Amendment:** 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 a complete reconstruction of the existing facility. A reverse or turn around station design will be favored in an effort to create an architectural statement at the Arrow Highway and San Dimas Avenue intersection. A front access or regular station design will be considered, if the building and canopy are designed to meet an "Early California Village" design consistent with architectural styles, circa 1890's. If an existing gasoline service station is reconstructed to either a reverse or turn around station design or to the "Early California Village" architectural style, the use may expand and include, convenient store and restaurant use with a new or revised conditional use permit and subject to the provisions of Chapter 18.12 of this title;**

Comment.

It is requested that the background information to be submitted to the City Council include that the Applicant's intended reconstruction of the existing dated structure is specifically conditioned upon: 1) no removal or relocation of the existing gasoline tank or gasoline pump location; and 2) no abandonment of the limited alcohol license now held by Applicant. Any relocation of tanks or pumps or loss of the existing liquor license will render the project cost-prohibitive. The Applicant's cost estimate for reconstruction, without relocation of tanks or pumps, is approximately \$600,000.00. Applicant is convinced that reconstruction, with a historical design consistent with the northerly grove station development, will substantially benefit the City in progression of the historic theme in the San Dimas Avenue corridor.

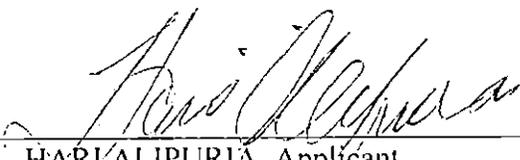
EXHIBIT J

It is requested this Application be submitted to City Council concurrently with the Applicant's proposed architectural design elevations and site plan.

Respectfully submitted,

By:   
CRIS A KLINGERMAN,  
Attorney for Applicant

APPROVED AS TO FORM AND CONTENT:

By:   
HARI ALIPURIA, Applicant



# Agenda Item Staff Report

**To:** Honorable Mayor and Members of the City Council  
*For the meeting of January 24, 2012*

**From:** Blaine Michaelis, City Manager

**Initiated By:** Ken Duran, Assistant City Manager

**Subject:** Agreement with Pacific Railroad Society for Lease of the Depot

---

## Summary

The City has had a lease agreement with the Pacific Railroad Society for lease of the Santa Fe Depot since 1995. The existing lease expires in September 2012. It is recommended that the City Council approve the proposed new lease agreement.

## BACKGROUND

The City originally entered into a Lease Agreement with the Pacific Railroad Society for their use of the Santa Fe Depot at Rhoads Park in 1995. The original presumption under the Lease was that the Society would make initial upgrades to the Depot, provide ongoing maintenance and to provide a railroad museum open to the general public. A new lease was entered into in 2002 maintaining the original intent with almost the same terms and conditions as the original. That lease expires in September 2012.

In the Spring of 2009 the City approved an agreement with the Historical Society to provide space in the Walker House for offices and their museum allowing them to relocate their museum out of the west end of the Depot. At that time the City had two requests for use of the vacant space. The Pacific Railroad Society expressed interest in expanding their operations into the vacant space and the Rodeo Committee requested the space for their office. The City agreed to allow the Rodeo Committee to use the space. At that time, at the request of the PRS, the Council agreed to enter into discussions with PRS for an early renewal of their agreement.

In November 2009 staff reported back to the Council that through discussions with PRS there were only 2 significant issues that PRS were proposing in a renewal of the agreement. The first was for another 10 year term and the second was that the agreement reflects that PRS is not responsible for maintenance, repairs or capital improvements to the west section of the building occupied by the Rodeo Committee. The PRS expressed that they have plans to expend major capital outlay for improvements to the building, specifically repainting the exterior and replacement of the deteriorated window frames in the main part of the building.

*M. A.*

They are requesting a 10 year lease in order to justify the capital expense. The PRS expressed that they feel if they are not occupying the platform area of the building they should not be responsible for its maintenance and repairs. The Council directed staff to work out the final details of the renewal with the PRS and bring it back to the Council for final approval. For various reasons staff and the PRS representatives have had on and off discussions on the lease over the past two years, however, we finally have a new lease agreement ready for Council consideration.

## ANALYSIS

The major area of change is the removal of the platform area, west end of the building, from the lease and PRS's maintenance responsibility. The following is a summary of the significant elements of the Agreement that are unchanged from the existing Agreement:

- Term is 10 years.
- PRS agrees to maintain the building alarm system, maintain the foundation planters, maintain a public museum open at least 3 days (total of 16 hours) per week, and maintain a research library open to the public.
- PRS pays all cost of utilities except water.
- PRS is required to gain prior City approval before any major repairs are commenced.
- Cancellation clause which allows either party to cancel the Agreement with a 90 day notice.

The following is a summary of the significant changes from the existing Agreement:

- The platform area, west end of the building, is removed from the leased property.
- PRS is responsible for their pro-rata share, 80%, of the cost to repaint the building.
- PRS is still responsible for repairs and maintenance of the building, except for the platform area. PRS is still responsible for the repair and maintenance of the mechanical equipment for the building, only now at the pro-rata share of 80%.

In addition to the above described significant changes there are a number of other minor changes to language in the Agreement that are non-substantive.

Since they have been tenants of the building the Pacific Railroad Society has made significant investment in upgrades and maintenance of the building. They intend to continue to make improvements including replacing the window casings in the main building and painting the exterior. In the past couple of years the displays in the museum have been upgraded and changed on a regular basis. They have also made efforts to provide better promotion of the museum and research library.

## RECOMMENDATION

Staff recommends that the City Council approve the new Lease Agreement with the Pacific Railroad Society and authorize its execution.

Attachments: Lease Agreement

Lease of San Dimas' Santa Fe Railroad  
Station

By and Between

The City of San Dimas, as Landlord

And

Pacific Railroad Society, As Tenant

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Lease of San Dimas' Santa Fe Railroad Station By and Between the City of San Dimas, As Landlord, and Pacific Railroad Society, As Tenant

This Lease ("Lease") is made on \_\_\_\_\_, 2011 between the City of San Dimas, as California body politic, and municipal corporation ("City"), as Landlord, and Pacific Railroad Society, Inc., a California non-profit public benefit corporation ("Society"), as Tenant. The City is sometimes hereinafter referred to as "Landlord" and the Society sometimes hereinafter referred to as "Tenant". Further, the City and Society are sometimes singularly referred to as "Party" and collectively referred to in this Lease as the "Parties."

Recitals

- A. The City owns a certain rectangular parcel of real property with a building situated thereon, commonly known as the Santa Fe San Dimas Railroad Station (built in or about 1934) as shown and depicted on Exhibit "A", appended hereto and by this reference hereby made a part hereof ("Leased Premises").
- B. The Society is an educational organization dedicated to the preservation and study of railroads and their impact upon Southern California.
- C. In 1995 the Society entered the original lease with the City for the Leased Premises to display permanent exhibits and house a library, maintain an office and conduct meetings. In 2002 the parties entered into a new lease agreement. The Society and the City desire to enter into a new lease for the Leased Premises.
- D. For mutual consideration exchanged and promises made herein, the Parties hereby agree as follows:
  - 1. Leased Premises. The Leased Premises are shown and depicted in Exhibit "A" and include only that part of the City's real property which is shaded in green. Therefore, other land which is part of the real property where the Santa Fe Station is situated and owned by the City is excluded from this Lease. The Society has expressed its desire to lease the entire building, however, at this time the City has leased the platform portion of the building to another entity, and therefore the portion of the building referred to as the platform portion is excluded from the Lease.
  - 2. Right of Entry.
    - 2.1 Society's Entry Rights. So long as the Lease is in effect, the Society, its agents, employees and invitees are hereby granted the right to reasonably use the walkways providing access to the Leased Premises, as well as a right to drive onto and park vehicles in adjacent driveways and parking lots owned by the City, subject to applicable laws and ordinances governing same and reasonable rules and regulations which from time to time may be issued by the City.
    - 2.2 City's Entry Rights. The City shall have the right to enter the Leased Premises and to inspect same at any reasonable time without giving Society any form of prior notice during business hours and upon giving the Society sufficient notice to disengage any security system during non-business hours.

### 3. Term of Lease

**3.1 Lease Term.** The term of this Lease shall be for ten (10) years commencing on \_\_\_\_\_, 2011 ("Commencement Date"), and ending on \_\_\_\_\_, 2021 unless sooner terminated pursuant to any provision contained in this Lease.

**3.2 Cancellation of Lease.** The City or the Society shall have the right to cancel the lease prior to the Lease term in Section 3.1 upon giving the other party ninety (90) days written notice.

### 4. Rent and Work to be Performed on the Leased Premises by Society.

**4.1 Rent.** Society shall pay to the City the sum of One Dollar and 00/100 (\$1.00) in advanced at least one day prior to the Commencement Date. The City, at its discretion, may choose to waive the rent.

**4.2 Other Considerations and Work to be Performed by Society.** As additional and valuable consideration for use of the Leased Premises under the lease, Society agrees to perform the following work:

- (1) Maintain the building alarm system.
- (2) Maintain foundation plantings on Leased Premises in reasonable manner, including watering, trimming and cleaning up near or around plantings.
- (3) Maintain a public museum.
- (4) Maintain public restroom facilities for Museum visitors.
- (5) Maintain the entire structure paint coverings in the colors of the original building on the Leased Premises when it was first constructed in 1934. The Society shall be responsible for a pro rata share, 80%, of the cost of painting. Such pro rata share will apply to any other major exterior maintenance, or repair encompassing the entire building.
- (6) Maintain a fully functional research library. The public shall be permitted to use the library in accordance with reasonable procedures and under the rules adopted by the Society. In the event of a dispute between the Parties over library compliance with the foregoing requirement, the City's sole discretion and decision shall control.
- (7) Have interesting and informative exhibits on display and opening the Leased Premises to the general public. The Santa Fe Station shall be open to the general public during reasonable hours at least three (3) days per week as mutually agreed upon by the Parties. The Society shall open the Santa Fe Station to the general public for a minimum of sixteen (16) hours per week.

**4.3 Detailed Plans.** The Society shall submit detailed plans to the City and obtain City's written approval to proceed before commencing work to make any of its proposed improvements, alterations, additions or changes to the Leased Premises, including making of notations on such plans to explain the proposed exterior work. The City shall respond to submitted plans in a timely manner and shall not unreasonably withhold

approval of plans for necessary repairs or improvements of the leased premises. Minor repairs, of \$1,000 (one-thousand dollars) or less, to building or mechanical equipment are exempt from this requirement. Failure of Society to comply with this requirement may result in the City refusing to approve any or all of such work, even after the work is completed by Society. If any such work is performed by or for Society without first obtaining written approval from the City, City may at its sole discretion declare the Society is in material default of the Lease. The time requirements when such submissions are to be made to the City and other obligations undertaken by Society in this Lease for obtaining approvals from the City are contained in Section 9 below.

5. Non-Discrimination. Society hereby warrants that no person will be barred from the use of facilities because of race, sex, national origin, physical handicap, religious preference, or other non-discrimination criteria established by State of California or by the City. General meetings of members of Society held on the premises will be open to all members of the public who desire to peaceably attend such meetings.

6. Use. Society shall have exclusive use and occupy the Leased Premises for the maintenance of a museum, office, library and meeting room, and for no other purpose.

7. Utilities. Society shall pay all costs for the utilities, except water, used by Society on the Leased Premises. In addition, the City shall pay for and provide reasonable trash hauling.

8. Repair and Maintenance. The City has no obligation to repair and maintain the Leased Premises during the Lease term. The Society accepts the Premises on an "as is" basis. Society shall reasonably maintain and repair the Leased Premises following reasonable written notice by City to Society, in good working order, including mechanical systems for the entire building installed on same, at the pro rata share of 80% reasonable wear and tear excepted. The Society is not responsible for repair or maintenance to the ramp or platform space on the west of the building. Failure of Society to reasonably maintain and repair the Leased Premises shall be a material default of this Lease. In the event Society fails to maintain and repair the Leased Premises in accordance with the terms of this Lease, the City may within its discretion undertake the necessary maintenance and repair and charge the Society for the costs incurred by the City for doing so. Society shall pay City for any amount billed to Society pursuant to this Section within fifteen (15) days from receipt of the City's statement. Failure of Society to make any such payment to City shall constitute a material default of this Lease.

9. Obtaining approval from City and Submission of Estimates. Society shall provide to City a written estimate of the Society's costs to perform any of the work covered in section 4.3 above at least thirty (30) calendar days in advance of performing any such work along with the plans, specifications of other written details explaining the work Society is required to complete on the Leased Premises. The City shall either approve or disapprove any such submissions of Society in writing within thirty (30) calendar days after City's receipt of same. Failure of the City to do so shall constitute approval by the City. All approvals or disapprovals by the City shall be exercised within the sole discretion of the City Manager or his duly appointed designee. Within 30 days after any unit of work in excess of \$1,000 is accomplished by the Society, Society will submit a written summary of the actual cost incurred to the City.

10. Vacation of Leased Premises. When Society vacates the Leased Premises upon expiration of any term of the Lease or for any other reason, Society shall surrender the Leased Premises in good repair and condition, reasonable wear and tear excepted. Society shall remove all Society owned permanently attached trade fixtures from the Leased Premises when notified by the City Manager or his duly appointed designee in writing to do so. Thereafter, Society shall remove such improvements within 30 days from receipt of such written notice. Unless Society is duly notified by City to remove any or all of the permanently attached improvements within thirty (30) days after Society's vacation of the Leased Premises, any such improvements remaining on the Leased Premises, which Society was not notified to remove by the City and not removed by Society, shall become the property of the City after 30 days have lapsed from the date of Society's vacation of the Leased Premises. If permanently attached improvements are to be removed by Society pursuant to this Section, that part of the Leased Premises where such improvements are located shall be restored to the condition existing prior to placing such improvements on the Leased Premises. The City has the opportunity to inspect the Leased Premises at any time as set forth herein, and has previously allowed Society to enter into the premises without any warranty as to its condition. Upon vacating the building, Society is not obligated for the cost to improve or repair any latent or patent defects in the premises which were present when Society took possession. If any dispute arises over fixing the actual date vacation occurs, the City, by its City Manager or duly appointed designee, within its sole discretion, shall fix the date and the Parties shall be bound by the City's decision. Notwithstanding anything to the contrary otherwise stated in this Lease, Society shall leave the building power lines, power panels, electrical distribution systems, lighting fixtures, space heaters, air conditioning, plumbing and fencing on the Premises in good operating condition.

11. Compliance with Laws. Society agrees to comply with all applicable municipal, county, state and federal laws and the City's ordinances and rules and regulations governing the use of the Leased Premises and any covenants or restrictions of record. Society agrees to secure any local, state or federal licenses or permits required in order to use the Leased Premises for the purposes stated in Section 10 of this Lease.

12. Signage. Society may not erect any sign on the Leased Premises without first obtaining the prior written approval of the City, which approval may be withheld within the sole discretion of the City. Any sign erected by Society shall be removed by Society on or before vacating the Leased Premises.

13. Condition of Leased Facilities. Society acknowledges that neither the City nor City's officials, employees or agents have made any representation or warranty whatsoever as to the condition of the Leased Premises, or the present or future suitability of the Leased Premises for the conduct of Society's intended use of same. Society covenants not to bring any hazardous materials in, on, or about the Leased Premises, and on immediately report to City of any hazardous materials that are discharged onto or discovered on the Leased Premises.

City shall not be liable to Society for any latent or patent defects in or about the Leased Premises. Society hereby waives any and all expressed or implied warranties or representations regarding any latent or patent defects in or about the Leased Premises.

14. Indemnity and Exculpation. Tenant shall indemnify, defend and hold harmless City and its officials, employees, agents or contractors from and against any and all claims, loss, costs, expenses, attorney's fees and liabilities ("claims" or "liabilities") including without limitation those resulting from personal injury, disability or death, even if caused in whole or part by the passive negligence of City, its officials, employees, agents and contractors (e.g., failure to supervise or control, or warn of or remove a condition on the Leased Premises) arising from (1) the condition of the Leased Premises, (2) Tenant's use of the Leased Premises, or (3) the conduct of Society's affairs and business operated in, upon or about the Leased Premises, except that Society shall not indemnify, defend or hold harmless the City from and against any claims to the extent they result from the active negligence or willful misconduct of City or City's officials, employees and agents. Society shall further indemnify, defend and hold harmless the City from and against any and all claims or liabilities arising from any breach or default in the performance of any obligation on Society's part under the terms of this Lease, or arising from any negligence of the Society or Society's directors, officers, employees, agents, contractors and invitees. Members of the general public visiting the Leased Premises shall be deemed to be invitees of Society.

Society, as a material part of the consideration given to City, hereby (1) assumes all the risk of damage to property or injury to persons in, upon or about the Leased Premises arising from any cause including but not limited to, any damage, injury to person or debt resulting from the condition of the Leased Premises during the Initial Lease Term or any extended term of Lease hereof, but excluding any claims arising from the negligent or willful misconduct of City, except for those claims arising from Landlord's alleged failure to supervise or control Society's actions or Society's use of the Leased Premises and (2) waives all claims in respect thereof against the City. When referring to "in, or about the Leased Premises." In this Section, this term shall include, but is not limited to, the walkways providing ingress and egress access to the Leased Premises, the adjoining parking lots and driveways to be used by Society, its directors, officers, employees, agents, contractors and invitees and other real property owned by the City which is immediately adjacent to the Leased Premises and part of the grounds and/or real property of the City acquired from the Atchison, Topeka and Santa Fe Railway Company at or about the time the City acquired the Leased Premises.

City shall indemnify, defend, and hold harmless Society and its officials, employees, agents, representatives or contractors from and against any and all claims, litigations, loss, costs, expenses, attorney's fees, damages, or liabilities which result from or are contributed to by the tenancy, occupation or presence in portions of the leased premises by persons or entities other than Society.

#### 15. Insurance

15.1 Liability Insurance. Society shall at Society's expense, obtain and keep in force during the Initial Lease Term and any extended term thereof, a liability insurance policy (or policies) covering bodily injury and property damage, insuring City and its officials, employees and agents and invitees and Society against any liability arising out of ownership, use, occupancy or maintenance of the Leased Premises. Such insurance shall be combined single limit policy in an amount not less than one million dollars (\$1,000,000) per occurrence. The policy shall insure

performance by Society of the indemnity provisions of Section 14. The limits of said required insurance coverage shall not, however, limit the liability of Society under this Lease.

**15.2 Property Insurance.** The City shall obtain and keep in force during the term of this Lease a policy or policies of insurance covering loss or damage to the Leased Premises only, in an amount equal to or greater than the full replacement value thereof, as the same may exist from time to time, providing protection against all perils included within the classification of fire, extended coverage, vandalism, malicious mischief, flood, and earthquake. The City shall be named as the insured in such policy or policies. The insurance shall be provided under the City's blanket property insurance coverage through its pooled insurance program with the California Joint Powers Insurance Authority. The Society shall be responsible for paying its pro rata share, 80%, of the blanket coverage for the leased premises. Society shall, upon receipt of an invoice from City covering the cost of the premium, promptly remit to the City the amount of the invoice. Society shall also be responsible for securing any property damage insurance which it deems necessary to cover loss to contents of the Leased Premises belonging to Society or placed at or within the Leased Premises by Society. Under no circumstances whatsoever shall the City be liable for any loss or destruction of the Society's property or of any property placed in or upon the Leased Premises by the Society.

**15.3 Evidence of Insurance.** Society shall deliver to the City copies of the policy (or policies) so such insurance or certificate(s) evidencing the existence and amounts of such insurance with loss payable clauses and additional insured endorsements in favor of the City. The policy (or policies) shall provide that no such policy shall be cancelable or subject to reduction of coverage or other modification, with the exception of increases in coverage, during the Initial Lease Term and extended term of Lease except after 30 days prior written notice to City.

**16. Total Destruction of the Leased Premises.** In the event of total destruction of the Leased Premises, the City shall have within its sole discretion the right to elect whether or not to terminate the Lease and retain the insurance proceeds or to replace the building and require that the Lease remain in effect. In the event such destruction was not caused by the negligence of Society, its directors, officers, employees, agents or contractors, and if the City elects to replace the building, the City may, but shall not be obligated to extend the Initial Lease Term or extended term of Lease, if applicable, for the period of the time the building was unusable for Society's occupancy.

**17. Taxes and Fees.** Society shall pay any taxes or fees which are imposed on the Leased Premises by virtue of Society's use thereof. In the event taxes or fees are assessed by any governing body, agency or district, Society shall pay such taxes or fees before or when due. City shall do nothing which shall interfere with or delay the efforts of Society to secure any applicable tax exemptions and shall reasonably cooperate in the performance of any acts necessary on its part to assist Society in obtaining applicable tax exemptions so long as such assistance will not impose an unreasonable burden upon the City. City hereby waives any otherwise applicable fees for the processing or issuance of building permits relating to Society's work on the Leases Premises.

18. Assignments; Subletting. Society shall not voluntarily or by operation of law assign, transfer, mortgage, sublet or otherwise transfer and encumber all or any part of Society's interest in the Lease or in the Leased Premises.

19. Defaults; Remedies.

19.1 Defaults. The occurrence of any one or more of the following events shall constitute a material default and a breach of this Lease by Society:

- a) The vacating or abandonment of the Premises by Society;
- b) The failure of Society to make any payment of rent or any other payment required to be made by Society hereunder, as and when due, when such failure shall continue for a period of fifteen (15) days or longer after written notice thereof from City to Society;
- c) The failure of Society to observe or perform any of the covenants, conditions or provisions of this Lease to be observed or performed by Society or to perform any of those obligations where the breach of which has been designated as a material default by Society of this Lease, when such failure shall continue for a period of thirty (30) days after receipt of written notice thereof from City to Society.
- d) (1) the making by Society of any general arrangement or assignment for the benefit of creditors;  
  
(2) Society becomes a "debtor" as defined in 11 USC § 101 or any successor statute thereto (unless, in the case of a petition filed against Society, the same is dismissed within 30 days);  
  
(3) The appointment of a trustee or receiver to take possession of substantially all Society's assets located at the Leased Premises or of Society's interest in this Lease when possession is not restored to Society within 30 days; or  
  
(4) The attachment, execution or other judicial seizure of substantially all of Society's assets located at the Lease Premises or of Society's interest in this Lease when such seizure is not discharged within 30 days.

19.2 Remedies. In the event of an occurrence of any material default or breach by Society, and after Society has been provided any notice required by subsection 19.1 above and Society fails to cure within the prescribed time, if applicable, City may at any time thereafter with or without notice or demand and without limiting the City in the exercise of any right or remedy which City may have by reason of such default or breach.

- (a) Terminate Society's right to possession of the Leased Premises by any lawful means, in which case this Lease shall terminate and Society shall immediately surrender possession of the Leased Premises to City;

(b) Maintain Society's right to possession in which case this Lease shall continue in effect whether or not the Society shall have abandoned the Leased Premises. In such case, City shall be entitled to enforce all of the City's rights and remedies under the Lease;

(c) Pursue any other remedy now or hereinafter available to City. Any unpaid monetary obligations of Society to City under the terms of the Lease shall bear interest from the date due at the maximum rate than applicable and allowable by law; and

(d) Failure of the City to enforce any material breach and seek remedy thereof shall not constitute a waiver by the City to subsequently seek any available remedy for any previous breach by Society of the Lease.

20. Rules and Regulations. City reserves the right to adopt reasonable rules and regulations from time to time to govern the use of the Leased Premises which rules and regulations shall be binding on Society upon written notice to Society by City.

21. Holding Over. If Society, with City's consent, remains in possession of the Leased Premises or any part thereof after the expiration of the Initial Lease Term or any extended term of the Lease thereof, such occupancy shall be a tenancy from month to month with all provisions of this Lease pertaining to the obligations of Society.

22. Cumulative Remedies. No remedy or election hereunder shall be deemed exclusive but shall, whenever possible, be cumulative with all other remedies at law or in equity.

23. Covenants and Conditions. Each obligation imposed upon Society shall be deemed both a covenant and a condition.

24. Binding Effect; Choice of Law. Subject to the provisions hereof restricting assignment or subletting by Society, this Lease shall bind the Parties, their personal representatives, successors and the assigns of each. This Lease shall be governed by laws of the State of California. In case of any dispute, the parties agree that the venue shall be in the County of Los Angeles, California.

25. Amendments to be in Writing. This Lease contains the entire agreement between the Parties. This Lease may only be modified in a writing which is fully executed by each of the Parties hereto.

26. Non Waiver. Notwithstanding any other provision of this Lease to the contrary, any delay in enforcing any rights hereunder granted or received by either Party to be effective, such waiver must be in writing and signed by either Party, expressly acknowledging and consenting to such waiver.

27. Attorney's Fees. In case an action or proceeding is brought by either Party against the other under this Lease, the Prevailing Party shall be entitled to recover its attorney's fees and costs in the action or proceeding in the amount which the court deems to be reasonable.

28. Time is of the Essence. All times set forth in this Lease, providing when obligations of either Party or the Parties are to be performed shall be deemed to be of the essence.

29. Notices. All communication, notices and demands of any kind that either Party may be required or desires to give to or serve on the other shall be made in writing and by personal service or sent by registered mail or certified mail, return receipt requested, to the following addresses:

To City:

City of San Dimas  
Attn. City Manager  
245 E. Bonita Ave.  
San Dimas CA 91773-3002

To City Attorney:

J Kenneth Brown, Esq  
Mckenna, Long and Alderidge  
300 S. Grand Ave., Suite 1500 Los Angeles CA 90071-3125

To Society:

Pacific Railroad Society, Inc.  
c/o Mrs. Marti Ann Draper  
President and Attorney at Law  
421 N. El Molino St.  
Alhambra CA 91801-2826

Either Party may change its address by giving the other Party written notice of its new address.

30. Headings and Titles. Section and sub-section headings or titles of this Lease are inserted as a matter of convenience and reference only and in no way define, limit or describe the scope of or intent of this Lease or in any way affect the terms and provisions hereof.

31. Partial Invalidity. If any term, provision, condition or covenant of this Lease or the application thereof to any Party or circumstances shall to any extent be held invalid or unenforceable, the remainder of this Lease or the application of such term, provision, condition or covenant to the Party or circumstances other than those to whom or which it is held invalid or enforceable, shall not be affected thereby, and each term and provision of this Lease shall be valid and enforceable to the fullest extent permitted by law.

32. Construction of Language. The use of (1) the singular number shall be deemed to mean the plural; (2) the masculine gender shall be deemed to mean the feminine or neuter; (3) the neuter gender shall be deemed to mean the masculine or feminine, whenever the sense of the Lease so requires; (4) the word "shall" shall be deemed to mean mandatory; and (5) the word "may" shall be deemed to mean permissive.

33. Relationship of Parties. The relationship of the Parties hereto is that of Landlord and Tenant and it is expressly understood and agreed that City and Society are neither in any way nor for any purpose

partners of the other Party nor a joint venture with the other in the conduct of the other Party's business or otherwise.

34. Authority. Each individual executing this Lease on behalf of a corporation or public entity, represents and warrants that he or she is duly authorized to execute and deliver this Lease on behalf of said entity; and that the execution of the Lease has only been made following the authorization at the execution by Board of Directors of Society and the City Council of the City.

35. Easements. City reserves to itself the right, from time to time, to grant such easements, rights and dedications that City deems necessary or desirable, and to cause the recordation of parcel maps and restrictions, so long as such easements, rights, dedications, maps and restrictions do not reasonably interfere with the use and occupancy of the Premises by Society.

IN WITNESS WHEREOF, the Society and City have duly executed this Lease.

Tenant:

Pacific Railroad Society, Inc.,  
A California corporation

Dated: \_\_\_\_\_, 2011

By: \_\_\_\_\_

Its: President

Dated: \_\_\_\_\_, 2011

By: \_\_\_\_\_

Its: Secretary

Landlord:

City of San Dimas

Dated: \_\_\_\_\_, 2011

By: \_\_\_\_\_

Its: City Manager

Approved as to Form:

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City Attorney



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of January 24, 2012*

**FROM:** Blaine Michaelis, City Manager

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

**SUBJECT:** Discussion on process to solicit proposals for new food concessionaire at the Walker House

## **BACKGROUND**

The Concessionaire Agreement with Marstllers LLC for operating the food service at the Walker House expires January 31, 2012. In mid-December the City notified Marstellers that if they desired to submit a new proposal for beyond January 31<sup>st</sup> it needed be submitted by January 13<sup>th</sup>. On January 18<sup>th</sup> the City was told by Marstellers representatives that they have chosen not to submit a new proposal and therefore will be closing their operations by January 31<sup>st</sup>.

This week the sub-committee of Mayor Morris and Mayor Pro-Tem Templeman met with staff to discuss the process for selecting a new food service concessionaire. It was suggested to follow a similar process as previously. The City would develop a Request for Qualifications/Proposals (RFQ/P) to be used to solicit proposals. Staff would suggest using the assistance of the Cal Poly Pomona consultants that we have used in the past to assist with its preparation. Once complete we would distribute the RFQ/P to potential operators who have previously expressed interest and others that we identify with the assistance of the consultants.

Some of the Factors of Consideration that will be outlined in the RFQ/P would be:

- Description of the building and spaces available for the food service operations.
- An understanding of the limitations on making building improvements.
- Description of the equipment and furnishings provided by the City.
- An understanding that it is a public building, shared with other users and uses.
- An understanding of the maintenance responsibilities of the various parties.
- The City's desire to have lunch and dinner food service a minimum of 5 days per week, including Saturday.

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Some of the requirements to be included in the proposers Statement of Qualifications would include:

- A General description of the business and financial capacity of the operator. Including details of previous experience and financial statements.
- Resumes and experience of the principal staff including front of house management and kitchen management.
- Description of their proposed business approach, operations plan and food service concepts.

The deadline to submit proposals would probably be a minimum of 45 days, to allow potential proposers adequate time to prepare a solid proposal. Staff would develop a process to review the proposals, most likely using the assistance of the consultant and the Sub-Committee.

The above described process is the recommended approach to solicit proposals and select a new food concessionaire. Staff is seeking City Council discuss and direction on the RFQ/P process.



MINUTES  
JOINT SAN DIMAS REDEVELOPMENT AGENCY/  
CITY COUNCIL MEETING  
TUESDAY, JANUARY 10, 2012  
SAN DIMAS COUNCIL CHAMBERS  
245 E. BONITA AVENUE

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**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**

Mayor/Chairman Morris called to order at 7:53 p.m. the joint meeting of the City Council/San Dimas Redevelopment Agency Board of Directors.

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

No one stepped forward to comment.

**APPROVAL OF SAN DIMAS REDEVELOPMENT AGENCY MINUTES**

It was moved by Mr. Badar, seconded by Mr. Templeman, to approve the San Dimas Redevelopment Agency minutes for the meeting of December 13, 2011. The motion carried unanimously.

**REPORT ON AB1X26 IMPLICATIONS – DISSOLUTION OF SAN DIMAS REDEVELOPMENT AGENCY**

- (1) **RESOLUTION NO. 2012-02**, A RESOLUTION OF THE CITY OF SAN DIMAS DETERMINING THAT THE CITY OF SAN DIMAS ELECTS TO, AND SHALL, SERVE AS THE SUCCESSOR AGENCY TO THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34173.

City Manager/Executive Director Michaelis stated that he met with City/Agency Attorney Brown and Assistant City Manager Duran to discuss actions after the California Supreme Court announced their ruling on December 29, 2011. He said Mr. Duran will provide a summary of the actions and recommendations on those actions, and stated that this is an ongoing situation as more information becomes available.

Assistant City Manager/Deputy Executive Director Duran summarized key points and terminology on the analysis and dissolution process for redevelopment agencies and said Senate Bill 659 was introduced last week to extend the implementation of AB 26 from its current effective date of February 1<sup>st</sup> to April 15<sup>th</sup>. He mentioned that a separate lawsuit, filed by a number of cities and redevelopment agencies challenging the constitutional aspects of AB 26 and AB 27, will be heard Thursday.

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Court Ruling: Assistant City Manager Duran provided a Powerpoint outline of the December 29, 2011 California Supreme Court ruling to uphold Bill AB1X26, which would dissolve redevelopment agencies, and to invalidate Bill AB1X27, which would have allowed redevelopment agencies to continue if a voluntary payment were made to the State.

Effective Date: February 1, 2012 is the effective date that the redevelopment agency would be dissolved as a legal entity.

Successor Agency: The City of San Dimas has until January 13, 2012 to formally determine if the City of San Dimas will serve as the Successor Agency to the San Dimas Redevelopment Agency. If the City Council declines to serve as the Successor Agency, the City would not be in a position to control the preparation and contents of the Agency's Recognized Obligation Payment Schedule, which lists the Agency's financial obligations to be paid from former tax increment funds. Additionally, the City is likely to incur administrative costs throughout the dissolution process with no means of securing funds from the State to pay for those expenses.

Staff recommended that the City Council adopt Resolution No. 2012-02 electing to serve as Successor Agency to the dissolved San Dimas Redevelopment Agency and take responsibility for managing the operation of all prior obligations of the Redevelopment Agency prior to dissolution.

In response to Councilmember Ebner, Mr. Duran replied that if the City opts to not serve as Successor Agency, it would default to an agency that would be created under the auspices of the County of Los Angeles and members to that Board would be appointed by the Governor. The City would not be involved in any continued operation of the Agency.

In response to Councilmember Badar, Mr. Duran replied that the legislation did not require a resolution to affirm the desire to s Successor Agency, however, it was staff's intent to err on the side of caution.

Oversight Board: Effective March 1, 2012, an Oversight Board will be established to direct staff of the Successor Agency to perform the work to continue with the prior obligations of the former agency. Mr. Duran said the Board shall be comprised of seven members: two appointed by the City; two by the County; one by the largest Special District, which is believed to be the Fire District; one by the County Supervisor of Education, and one by the Chancellor of California Community Colleges. He said the Board will approve payments, liquidation of assets, sale of property and all functions associated with the dissolution of the agency.

Enforceable Obligation Payment Schedule (EOPS) and Recognized Obligation Payment Schedule (ROPS): Prior to dissolution of the Agency, the City and Existing Agency are required to identify and list on the EOPS and the ROPS all financial obligations committed prior to adoption of legislation in June 2011. Staff recommends adoption of the Enforceable Obligation Payment Schedule. The Recognized Obligation Payment Schedule (ROPS) will be brought before the City Council at their next meeting. He said the Oversight Board would need to approve the Recognized Obligation Payment Schedule (ROPS.)

Administrative Cost Allowance: There is a provision to allow a cost allowance to pay for administrative costs of the Successor Agency in the performance of the agency functions. Mr. Duran said the allowance may be up to 5% of the tax increment allocation, or a minimum of \$250,000, and up to 3% or a minimum of \$250,000 each year thereafter.

Redevelopment Property Tax Trust Fund: All tax increments previously allocated to the Redevelopment Agency will be deposited into a Trust Fund established by the County Auditor/Controller, as a source of funding to pay prior obligations from the ROPS, including the administrative cost allowance.

Housing Functions: The dissolution of redevelopment agencies eliminates the requirement for low-moderate income housing in a housing project within a redevelopment project. The 20% set aside revenue source is also eliminated and any surplus funds shall be deposited into the Redevelopment Trust Fund. The City may elect to retain the existing housing responsibilities without any new revenue stream. He said Senator Steinberg introduced SB 654 to allow for accumulated housing revenue to be transferred to the Successor Agency that assumes the housing obligations.

Redevelopment Owned Property: Title to Agency-owned property must be transferred to the Successor Agency or other entity. Pursuant to AB 26, that property must be liquidated and proceeds transferred to the Trust Fund, to be made available for redistribution to other taxing entities.

In response to Mayor Pro Tem Templeman, Mr. Duran replied that Charter Mobile Home Park is owned and titled by the Housing Authority, and title to other properties are in the name of the City, Housing Authority, or the Redevelopment Agency. He added that staff is reviewing title to all properties to figure out options regarding transfer of title to another entity prior to February 1, 2012.

In response to Councilmember Bertone, Mr. Duran stated that Costco is a prior obligation with a binding Development Agreement. He said funds come from property taxes that will be deposited into the Trust Fund and it is staff's intention to request funds from the Oversight Board for annual payment. He noted that the schedule has to be approved by the Oversight Board, County Auditor/Controller and ultimately by the Department of Finance. If any of those agencies make the determination that it was not a legal contract, that contract could be nullified.

In response to Councilmember Ebner, Mr. Duran replied that bond obligations would be identified in the Recognized Obligation Payment Schedule (ROPS) to be paid directly by the Successor Agency. He explained that all funds are deposited to the Trust Fund and requests would be submitted to the County Auditor/Controller for remittance to the Successor Agency, who is responsible for making payments toward the debt.

In response to Mayor Pro Tem Templeman, Mr. Duran stated that legislature is silent on any interest earned on the funds while in the Trust Fund. He said the County Auditor/Controller has a lot of responsibility in the Oversight Board, and are authorized to reimburse themselves for administrative costs.

Mr. Duran reviewed key operative dates for the Agency/City and said the determination of Successor Agency and the amended Enforceable Obligation Payment Schedule (EOPS) are on the agenda for approval tonight. It is staff's plan to revise the Recognized Obligation Payment Schedule (ROPS) for consideration at the next meeting. Also at their next meeting, the Council will need to make the determination whether or not they want to assume responsibility of the housing functions and how properties will be transferred. Effective February 1, the Agency is dissolved and the Successor Agency becomes operative. Only payments under the Enforceable Obligation Payment Schedule (EOPS) could be made until the Oversight Board adopts the Recognized Obligation Payment Schedule (ROPS.) The Oversight Board is in place by March 1, and will begin reviewing the Recognized Obligation Payment Schedule (ROPS.)

In response to Councilmember Badar, Mr. Duran replied that assuming there is no change to the legislation and that AB 26 and the State Supreme Court ruling is intact without modification, staff will recommend quit claim title transfers for the Agency-owned properties. He said an urgency ordinance to modify AB 26 would need to be enacted prior to February 1 and requires a 2/3 vote of the legislators. However, if the Governor vetoes the Bill, another political issue would need to be addressed.

After the title was read, it was moved by Councilmember Badar, seconded by Councilmember Ebner, to waive further reading and adopt **RESOLUTION NO. 2012-02**, A RESOLUTION OF THE CITY OF SAN DIMAS DETERMINING THAT THE CITY OF SAN DIMAS ELECTS TO, AND SHALL, SERVE AS THE SUCCESSOR AGENCY TO THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34173. The motion carried unanimously.

- (2i) **RESOLUTION NO. 2012-03**, A RESOLUTION OF THE CITY OF SAN DIMAS MAKING A DECLARATION UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 33354.8 THAT, DURING THE PERIOD FROM JANUARY 1, 2010 TO DECEMBER 31, 2011, THE CITY HAS NOT FORGIVEN THE REPAYMENT, WHOLLY OR PARTIALLY, OF ANY LOAN, ADVANCE, OR INDEBTEDNESS OWED TO THE CITY BY THE SAN DIMAS REDEVELOPMENT AGENCY.
- (2ii) **RESOLUTION NO. 193**, A RESOLUTION OF THE SAN DIMAS REDEVELOPMENT AGENCY MAKING A DECLARATION UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 33354.8 THAT, DURING THE PERIOD FROM JANUARY 1, 2010 TO DECEMBER 31, 2011, THE AGENCY HAS NOT FORGIVEN THE REPAYMENT, WHOLLY OR PARTIALLY, OF ANY LOAN, ADVANCE, OR INDEBTEDNESS OWED TO THE AGENCY BY A PUBLIC BODY.

Assistant City Manager/Deputy Executive Director Duran provided a brief background on Governor Brown's Assembly Bill 936 requiring public disclosure of any Redevelopment Agency loans to or from public entities that were forgiven by said Agency or public entity between the time period of January 1, 2010 through December 31, 2011. Health and Safety Code Section 33354.8 requires the City of San Dimas and the San Dimas Redevelopment Agency to each adopt a Resolution between January 1, 2012 and February 1, 2012, declaring whether or not they have forgiven, during the period between January 1, 2010 ending December 31, 2011, the repayment, wholly or partially, of a loan, advance, or indebtedness that has been owed to the City or Agency by a public body. Mr. Duran said neither the City of San Dimas or the San Dimas Redevelopment Agency have forgiven the repayment, wholly or partially, of a loan, advance, or indebtedness that has been owed to the City by the Agency or to the Agency by a public body, between January 1, 2010 and December 31, 2011. Staff recommended adoption of City of San Dimas Resolution No. 2012-03 and San Dimas Redevelopment Agency Resolution No. 193.

After the title was read, it was moved by Councilmember Ebner, seconded by Councilmember Bertone, to waive further reading and adopt **RESOLUTION NO. 2012-03**, A RESOLUTION OF THE CITY OF SAN DIMAS MAKING A DECLARATION UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 33354.8 THAT, DURING THE PERIOD FROM JANUARY 1, 2010 TO DECEMBER 31, 2011, THE CITY HAS NOT FORGIVEN THE REPAYMENT, WHOLLY OR PARTIALLY, OF ANY LOAN, ADVANCE, OR INDEBTEDNESS OWED TO THE CITY BY THE SAN DIMAS REDEVELOPMENT AGENCY. The motion carried unanimously.

After the title was read, it was moved by Mr. Bertone, seconded by Mr. Ebner, to waive further reading and adopt **RESOLUTION NO. 193**, A RESOLUTION OF THE SAN DIMAS REDEVELOPMENT AGENCY MAKING A DECLARATION UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 33354.8 THAT, DURING THE PERIOD FROM JANUARY 1, 2010 TO DECEMBER 31, 2011, THE AGENCY HAS NOT FORGIVEN THE REPAYMENT, WHOLLY OR PARTIALLY, OF ANY LOAN, ADVANCE, OR INDEBTEDNESS OWED TO THE AGENCY BY A PUBLIC BODY. The motion carried unanimously.

(3) Adoption of Amended Agency Enforceable Obligation Payment Schedule.

Deputy Executive Director Duran provided a summary of AB 26 requiring that all Redevelopment Agencies adopt a schedule of Enforceable Obligation Payment Schedule (EOPS). The Agency adopted an EOPS in August 2011. Staff recommends the Agency adopt the amended EOPS.

In response to Chair Morris, Mr. Duran replied that this is an amended schedule to reflect actual dollar amounts and additional categories.

It was moved by Mr. Bertone, seconded by Mr. Templeman, to adopt the amended Agency Enforceable Obligation Payment Schedule pursuant to AB 26, Section 34167 and 34169. The motion carried unanimously.

**EXECUTIVE DIRECTOR**

Executive Director Michaelis had nothing further to report.

**MEMBERS OF THE AGENCY**

Mr. Templeman expressed his disappointment that there is no possibility of paying off Charter Oak Mobile Home Estates with surplus housing funds. He is proud of the projects that were accomplished that the community seems to enjoy. He added that city government got seven cents of property tax dollars to eliminate blight in the city.

**ADJOURNMENT**

Chairman Morris adjourned at 8:40 p.m. the joint meeting of the City of San Dimas and San Dimas Redevelopment Agency.

Respectfully submitted,

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Ina Rios, Secretary



## Agenda Item Staff Report

**DATE:** January 24, 2012  
**TO:** Chairman and Board members  
**FROM:** Blaine Michaelis, Executive Director *BM*  
**INITIATED:** Ken Duran, Deputy Executive Director  
**SUBJECT:** Adoption of Amended Agency Enforceable Obligation Payment Schedule

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### SUMMARY

ABx1 26 requires that all Redevelopment Agencies adopt a schedule of Enforceable Obligation Payment Schedule (EOPS). The Agency adopted an EOPS in August 2011 and an amended EOPS on January 11, 2012. Staff recommends the Agency adopt another amended EOPS.

### Background

One of the requirements of ABx1 26, the legislation that dissolves Redevelopment Agencies, is for each Agency to adopt an "Enforceable Obligation Payment Schedule" (EOPS). This schedule lists all of the payment obligations of the Agency based upon commitments prior to the legislation being adopted. Examples of obligations include bond debt, loan debt, payments required in development agreements, existing contracts for work or services, payroll and rent under agreement and pass thru obligations. Under ABx1 26 the Agency is not allowed to make any payment unless it is identified on the EOPS. On August 23, 2011 the Agency adopted its initial EOPS. On January 11, 2012 the Agency adopted an amended EOPS that updated some of the payment expenses. Since the adoption of the amended EOPS staff has learned even more about the EOPS and is recommending adoption of a further amended EOPS.

The original EOPS was only required to include payments through December 2011. However, the Agency and or City are only authorized to make payments on Agency obligations that are

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listed on the EOPS until the ROPS is approved, which may not occur until as late as May. Therefore, it has been recommended that the Agency amend the EOPS to include payment obligations through June of 2012. The attached amended EOPS takes the payment schedule out through June 2012.

**Recommendation**

Staff recommends that the Agency Board adopt the amended Enforceable Obligation Payment Schedule.

**ENFORCEABLE OBLIGATION PAYMENT SCHEDULE**  
 Per AB 26 - Section 34167 and 34169 (\*)

Project Name / Debt Obligation	Payee	Description	Outstanding Debt or Obligation	Total Due During Fiscal Year	Aug**	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
1) 1991 Taxable Bond Issue	US Bank	Bond issue to fund non-housing projects	425,939.00	71,938.00	61,813.00						10,125.00					\$ 71,938.00
2) 1998 Taxable Bond Issue	US Bank	Bond issue to fund non-housing projects	3,592,250.00	592,250.00	526,750.00						65,500.00					\$ 592,250.00
3) 1996 Housing Set Aside Bond	US Bank	Bond issue to fund housing projects	200,509.00	200,509.00	200,509.00											\$ 200,509.00
4) 1998 Charter Oak Mobile Home	US Bank	Bond issue to fund housing projects	10,138,221.00	571,950.00												\$ 571,950.00
5) Loan to CRA	City of San Dimas	Loan for non-housing projects	12,947,796.00	647,338.00												\$ 647,338.00
6) Loan CRA Walker House Fund 30	City of San Dimas	Loan for rehabilitation project	9,273,999.00	546,177.00												\$ 546,177.00
7) Loan to Rancho San Dimas	City of San Dimas	Loan for non-housing projects	1,506,021.00	64,015.00												\$ 64,015.00
8) Loan to CRA Walker House 30	Walker House Master Tenant	Loan for rehabilitation projects	2,249,678.00	132,470.00						417,110.00						\$ 132,470.00
9) SERAF loan	Housing Set Aside	Repayment to housing fund	1,668,441.00	417,110.00												\$ 417,110.00
10) Administrative Agreement - Creative Growth Fund 30	City of San Dimas	Payroll and rent costs	1,409,222.00	217,862.00												\$ 217,862.00
11) Administrative Agreement - Housing Fund 34	City of San Dimas	Payroll and rent costs	2,072,485.00	414,497.00												\$ 414,497.00
12) Rancho San Dimas Fund 35	City of San Dimas	Payroll and rent costs	204,263.00	31,578.00												\$ 31,578.00
13) Agency Attorney	McKenna Long & Aldridge	Legal Services	42,000.00	9,398.00	5,699.00	1,384.00	1,100.00	2,045.00	4,475.00	4,475.00	4,475.00	4,475.00	4,475.00	4,475.00	4,475.00	\$ 42,000.00
14) Audit	Lance, Soll & Lunghard LLP	Audit Services	21,736.00	12,329.00						1,980.00				5,420.00		\$ 21,736.00
15) Trustee Fees	US Bank	Trustee to administrator bond	6,533.00	3,025.00							3,163.00					\$ 6,533.00
16) Boardmember Meeting Stipends	Agency Boardmembers	Stipend to attend meetings	3,600.00	300.00	300.00	300.00	300.00	300.00	150.00	300.00						\$ 1,800.00
17) Bonita Canyon Gateway Low/Mod Housing	Agency Boardmembers	Housing assistance per development agreement	2,684,000.00	2,684,000.00												\$ 2,684,000.00
18) Facade Assistance	Sorcinelli Architects	Downtown Facade designs	14,505.00	1,308.00						14,505.00						\$ 14,505.00
19) Property Sales Tax Analysis	HDL	Analyze taxes	30,000.00	3,375.00	2,339.00	1,285.00	3,375.00									\$ 30,000.00
20) Parking Assessment	Puddingstone Parking District	Parking lot maintenance operations	9,814.00	1,402.00												\$ 1,402.00
21) Lowes Business Assistance	Lowes	Commitment per development agreement	50,000.00	50,000.00												\$ 50,000.00
22) Parking Lot Lease	Costco Wholesale Corp.	Lease to ensure adequate public parking	7,000,000.00	400,000.00	86,560.00		99,222.00				107,109.00			107,109.00		\$ 400,000.00
23) Improvements	Ruiz Engineering	Street improvements per development agreement	45,000.00	45,000.00									45,000.00			\$ 45,000.00
24) County Admin Fee	County of Los Angeles	Fee to administer tax increment	115,000.00	115,000.00												\$ 115,000.00
25) Monte Vista Insurance	C.J.P.I.A.	Property insurance	7,370.00	7,370.00												\$ 7,370.00
26) Monte Vista Expenses	Bessire & Casenhiser Inc.	Maintenance and Operating Expenses for apartments	55,619.00	3,613.00	5,493.00				6,463.00	6,675.00	6,675.00	6,675.00	6,675.00	6,675.00	6,675.00	\$ 55,619.00
27) Housing Legal Fees	McKenna Long & Aldridge	Housing legal services	141,428.00	12,317.00	18,648.00	9,261.00	11,082.00	15,120.00	15,000.00	15,120.00	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	\$ 141,428.00
28) Charter Oak Insurance	C.J.P.I.A.	Property insurance	8,233.00	8,233.00												\$ 8,233.00
29) Housing Consultants	Keyser Marston	Low-Mod Analysis	\$2,500.00	2,500.00												\$ 2,500.00
30) Membership Dues	CRA	Membership dues	\$3,820.00	3,820.00												\$ 3,820.00
31) Housing Administration	Diana Kasayama	Car Allowance	\$4,800.00	4,800.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	\$ 4,400.00
32) Grove Station Low/Mod Housing	Olson Co	Housing assistance per development agreement	2,700,000.00	2,700,000.00												\$ 2,700,000.00
33) Grove Station M&O	Driver Utilities	Insurance, Utilities, Grove Station Housing Units	9,320.00	9,320.00							1,664.00	1,664.00	1,664.00	1,664.00	1,664.00	\$ 9,320.00
<b>Totals - This Page</b>			\$ 58,263,492.00	\$ 10,245,240.00	\$ 680,156.00	\$ 2,297,578.00	\$ 37,194.00	\$ 111,652.00	\$ 124,207.00	\$ 458,135.00	\$ 212,448.00	\$ 83,209.00	\$ 26,550.00	\$ 83,209.00	\$ 26,550.00	\$ 9,590,117.00
<b>Totals - Page 2</b>			\$ 343,174.64	\$ 343,174.64	\$ -	\$ -	\$ -	\$ 343,174.64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 343,174.64
<b>Totals - Page 3</b>			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Totals - Page 4</b>			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Totals - Other Obligations</b>			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Grand total - All Pages</b>			\$ 58,606,686.64	\$ 10,588,414.64	\$ 680,156.00	\$ 2,297,578.00	\$ 37,194.00	\$ 455,026.64	\$ 124,207.00	\$ 458,135.00	\$ 212,448.00	\$ 83,209.00	\$ 26,550.00	\$ 83,209.00	\$ 26,550.00	\$ 9,933,291.64

\* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)  
 If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.  
 \*\* Include only payments to be made after the adoption of the EOPS.

### ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (\*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month													
					Aug**	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total		
1) Pass Thru Obligations	Los Angeles County Library	Payments per CRL 33607.5 and 7	16,757.51	16,757.51					16,757.51									\$ 16,757.51
2) Pass Thru Obligations	Consolidated Fire Protection District	Payments per CRL 33607.5 and 7	81,572.83	81,572.83					81,572.83									\$ 81,572.83
3) Pass Thru Obligations	LA County Flood Control Imp. District Maint.	Payments per CRL 33607.5 and 7	1,408.81	1,408.81					1,408.81									\$ 1,408.81
4) Pass Thru Obligations	LA County Flood Control Maint.	Payments per CRL 33607.5 and 7	7,973.70	7,973.70					7,973.70									\$ 7,973.70
5) Pass Thru Obligations	County Sanitation District No 22 Operating	Payments per CRL 33607.5 and 7	9,801.56	9,801.56					9,801.56									\$ 9,801.56
6) Pass Thru Obligations	Three Valley MWD - 111	Payments per CRL 33607.5 and 7	2,670.63	2,670.63					2,670.63									\$ 2,670.63
7) Pass Thru Obligations	Three Valley MWD Original Area	Payments per CRL 33607.5 and 7	3,206.98	3,206.98					3,206.98									\$ 3,206.98
8) Pass Thru Obligations	County School Services Children's Institutional	Payments per CRL 33607.5 and 7	903.14	903.14					903.14									\$ 903.14
9) Pass Thru Obligations	Children's Institutional Tuition Fund	Payments per CRL 33607.5 and 7	1,792.24	1,792.24					1,792.24									\$ 1,792.24
10) Pass Thru Obligations	Citrus Community College District	Payments per CRL 33607.5 and 7	280.10	280.10					280.10									\$ 280.10
11) Pass Thru Obligations	Children's Center Fund Citrus Community College	Payments per CRL 33607.5 and 7	7.31	7.31					7.31									\$ 7.31
12) Pass Thru Obligations	Mt San Antonio Community College	Payments per CRL 33607.5 and 7	19,001.71	19,001.71					19,001.71									\$ 19,001.71
13) Pass Thru Obligations	Center Fund Bonita Unified School District	Payments per CRL 33607.5 and 7	183.37	183.37					183.37									\$ 183.37
14) Pass Thru Obligations	Bonita Unified School District	Payments per CRL 33607.5 and 7	108,182.04	108,182.04					108,182.04									\$ 108,182.04
15) Pass Thru Obligations	County School Services Fund - Bonita	Payments per CRL 33607.5 and 7	4,497.61	4,497.61					4,497.61									\$ 4,497.61
16) Pass Thru Obligations	Dev Center HDGPD Minor - Bonita	Payments per CRL 33607.5 and 7	500.43	500.43					500.43									\$ 500.43
17) Pass Thru Obligations	Glendora Unified School District	Payments per CRL 33607.5 and 7	2,307.05	2,307.05					2,307.05									\$ 2,307.05
18) Pass Thru Obligations	Fund - Glendora	Payments per CRL 33607.5 and 7	98.07	98.07					98.07									\$ 98.07
19) Pass Thru Obligations	- Glendora	Payments per CRL 33607.5 and 7	10.87	10.87					10.87									\$ 10.87
20) Pass Thru Obligations	San Dimas Creative Growth	Payments per CRL 33607.5 and 7	59,706.33	59,706.33					59,706.33									\$ 59,706.33
21) Pass Thru Obligations	San Dimas Vehicle PD#1 & 2	Payments per CRL 33607.5 and 7	146.08	146.08					146.08									\$ 146.08
22) Pass Thru Obligations	San Dimas LI District Zone	Payments per CRL 33607.5 and 7	22,166.27	22,166.27					22,166.27									\$ 22,166.27
23)																		
38)																		
39)																		
40)																		
<b>Totals - This Page</b>			<b>\$ 343,174.64</b>	<b>\$ 343,174.64</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$ 343,174.64</b>	<b>\$</b>	<b>\$ 343,174.64</b>							

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 If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.  
 \*\* Include only payments to be made after the adoption of the EOPS.



**CITY OF SAN DIMAS  
MINUTES  
SAN DIMAS HOUSING AUTHORITY MEETING  
TUESDAY, December 13, 2011  
SAN DIMAS COUNCIL CHAMBERS  
245 E. BONITA AVENUE**

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**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 8:14 p.m.

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

Chairman Morris commented that throughout the year the Housing Authority owns and operates the Monte Vista apartments above the Hardware Store and Charter Oak Mobile Home Park.

**APPROVAL OF MINUTES**

It was moved by Mr. Templeman, seconded by Mr. Ebner, to approve the minutes of the December 14, 2010 meeting. The motion carried unanimously.

**MEMBERS OF THE AUTHORITY**

There were no comments.

**ADJOURNMENT**

Chairman Morris adjourned the meeting at 8:15 p.m.

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Secretary

q.b

## AGENDA REPORT

TO: Honorable Mayor and Members of the San Dimas City Council of the City of San Dimas  
Honorable Chairman and Members of the Housing Authority of the City of San Dimas

FROM: Blaine Michaelis, City Manager/Executive Director

DATE: January 24, 2012

SUBJECT: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS DETERMINING THAT IT SHALL RETAIN THE HOUSING ASSETS AND FUNCTIONS OF THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34176**

**A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF SAN DIMAS DETERMINING THAT IT SHALL RETAIN THE HOUSING ASSETS AND FUNCTIONS OF THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34176**

### BACKGROUND

On December 29, 2011, the California Supreme Court (Court) issued its opinion in *CRA v. Matosantos* and upheld the validity of AB1x26, the bill that dissolves all the redevelopment agencies (Agencies) in the State, and invalidated AB1x27, the bill that would have allowed Agencies to remain in operation by making a payment to assist with the State budget. As a result of the Court's ruling, the dissolution of all Agencies will be effective as of February 1, 2012.

With the pending dissolution of Agencies on February 1, 2012, the City Council of the City of San Dimas (the "City Council") must decide whether it or the San Dimas Housing Authority ("Housing Authority"), will be the successor to the "housing assets and functions" of the dissolved San Dimas Redevelopment Agency (Agency). Although AB1x26 does not define the term "housing assets and functions," said law expressly states that "housing assets" do not include the funds currently in the Agency's Low and Moderate Income Housing Fund, but may include land currently owned by the Agency that was purchased with Low and Moderate Income Housing Funds. The "Successor Housing Agency" is given the right to enforce affordability covenants and take other actions consistent with the former Agency's authority with respect to affordable housing.

**ANALYSIS**

As a result of the Court's ruling dissolving the Agency, the City staff is recommending that the Housing Authority adopt a resolution stating that it elects to retain the Agency's housing assets and functions. The Housing Authority presently owns property and is engaged in providing affordable housing in the City. Further, the Housing Authority staff will continue with ongoing compliance monitoring to insure that Agency and/or Housing Authority owned units are sold to qualified persons at affordable prices set forth by the State of California and other existing affordability covenants are enforced.

Both the City Council and the Housing Authority retain the right to rescind this action and the accompanying resolutions if the obligations undertaken are found to exceed any assets or resources received by the Housing Authority; or the City or the Housing Authority determine that it is not in the best interest of the City or Housing Authority to retain the housing functions of the former Redevelopment Agency. In that event the obligations and responsibilities shall pass to the successor agency as provided by applicable law.

**RECOMMENDATION**

It is recommended that the:

- City Council of the City of San Dimas; and
- the Housing Authority of the City of San Dimas:

1. Waive reading of and adopt the following resolutions entitled:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS DETERMINING THAT IT SHALL RETAIN THE HOUSING ASSETS AND FUNCTIONS OF THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34176**

**A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF SAN DIMAS DETERMINING THAT IT SHALL RETAIN THE HOUSING ASSETS AND FUNCTIONS OF THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34176**

### RESOLUTION NO. 3

#### **A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF SAN DIMAS, CALIFORNIA DETERMINING THAT IT SHALL RETAIN THE HOUSING ASSETS AND FUNCTIONS OF THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34176**

WHEREAS, the Housing Authority of the City of San Dimas ("Housing Authority") is a public body, corporate and politic, organized and existing under Health & Safety Code Section 34200 *et seq.*; and

WHEREAS, the Housing Authority owns property and engages in providing affordable housing in the City of San Dimas ("City"); and

WHEREAS, on December 29, 2011, the California Supreme Court issued its opinion in the case *California Redevelopment Association, et al. v. Ana Matosantos, etc., et al.*, Case No. S196861, and upheld the validity of Assembly Bill 1x26 ("AB1x26") and invalidated Assembly Bill 1x27; and

WHEREAS, the Court's decision results in the implementation of AB1x26 which dissolves all the redevelopment agencies in the State of California as of February 1, 2012; and

WHEREAS, pursuant to a provision of AB1x26, codified as Health and Safety Code Section 34176, the Housing Authority may elect to retain the housing assets and functions of the dissolved redevelopment agency; and

WHEREAS, the Housing Authority, having considered the matter, has determined that it is in the best interests of the City for the Housing Authority to retain the housing assets and functions of the dissolved Redevelopment Agency;

NOW, THEREFORE, the Housing Authority of the City of San Dimas resolves as follows:

**SECTION 1.** The foregoing Recitals are true and correct and are incorporated herein.

**SECTION 2.** The Housing Authority of the City of San Dimas hereby determines that it shall retain the housing assets and functions of the dissolved San Dimas Redevelopment Agency.

**SECTION 3.** The City Manager and his authorized designees are authorized and directed to take such other and further actions, and to sign such other and further documents and instruments, as may be necessary to implement and effect this Resolution on behalf of the Housing Authority.

**Section 4.** The Housing Authority retains the right to rescind this Resolution if it determines that the obligations undertaken are found to exceed any assets or resources received by it or determines that it is not in the best interest of the Housing Authority to retain the housing functions of the former Redevelopment Agency.

PASSED, APPROVED, AND ADOPTED this 24th day of January, 2012.

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Curtis Morris, Chairman  
Housing Authority of the City of San Dimas

ATTEST:

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Ina Rios, Secretary  
Housing Authority of the City of San Dimas

**RESOLUTION NO. 2012-06**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ELECTING TO HAVE THE HOUSING AUTHORITY OF THE CITY OF SAN DIMAS RETAIN THE HOUSING ASSETS AND FUNCTIONS OF THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY AS PROVIDED IN CALIFORNIA HEALTH AND SAFETY CODE SECTION 34176**

WHEREAS, on December 29, 2011, the California Supreme Court issued its opinion in the case *California Redevelopment Association, et al. v. Ana Matosantos, etc., et al.*, Case No. S196861, and upheld the validity of Assembly Bill 1x26 ("AB1x26") and invalidated Assembly Bill 1x27; and

WHEREAS, the Court's decision results in the implementation of AB1x26 which dissolves all the redevelopment agencies in the State of California as of February 1, 2012; and

WHEREAS, the Housing Authority of the City of San Dimas ("Housing Authority") is a public body, corporate and politic, organized and existing under Health & Safety Code Section 34200 *et seq.*; and

WHEREAS, the Housing Authority owns property and engages in providing affordable housing in the City of San Dimas ("City"); and

WHEREAS, pursuant to a provision of AB1x26, codified as Health and Safety Code Section 34176, the City Council may elect to retain the housing assets and functions of the dissolved redevelopment agency; and

WHEREAS, the City Council, having considered the matter, has determined that it is in the best interests of the City for the Housing Authority to retain the housing assets and functions of the dissolved Redevelopment Agency;

NOW, THEREFORE, the City Council of the City of San Dimas resolves as follows:

**SECTION 1.** The foregoing Recitals are true and correct and are incorporated herein.

**SECTION 2.** The City Council hereby determines that the Housing Authority shall retain the housing assets and functions of the dissolved San Dimas Redevelopment Agency.

**SECTION 3.** The City Manager and his authorized designees are authorized and directed to take such other and further actions, and to sign such other and further documents and instruments, as may be necessary to implement and effect this Resolution on behalf of the City.

**Section 4.** The City Council retains the right to rescind this Resolution if it determines that the obligations undertaken are found to exceed any assets or resources received by it or determines that it is not in the best interest of the Housing Authority to retain the housing functions of the former Redevelopment Agency.

PASSED, APPROVED, AND ADOPTED this 24th day of January, 2012.

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Curtis Morris, Mayor  
City of San Dimas

ATTEST:

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Ina Rios, City Clerk  
City of San Dimas



# Agenda Item Staff Report

**To:** Honorable Mayor and Members of the City Council  
*For the meeting of January 24, 2012*

**From:** Blaine Michaelis, City Manager

**Subject:** Public Safety Commission Appointments

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**SUMMARY**

Six Public Safety Commissioners' terms will expire in February, 2012 and all are eligible for and requested reappointment.

**BACKGROUND**

Terms will expire next month for the following Public Safety Commissioners:

Arthur Alva  
Karol Curtis, Civilian Advisory Board  
Patrick Jones  
James McCants  
Alan Nash, Civilian Advisory Board  
Ted Ross

All are eligible for and have expressed a willingness to serve another term.

**RECOMMENDATION**

Pleasure of the City Council.

10.d.1



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of January 24, 2012*

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Dan Coleman, Director of Development Services

**SUBJECT:** Reappointment of Public Member to the Development Plan Review Board

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**SUMMARY**

*Consideration of reappointment of the public member to the DPRB.*

**BACKGROUND:** The creation and membership of the Development Plan Review Board is established by Municipal Code Section 18.12.020. One of the Board members shall be "an appointed member of the general public."

**ANALYSIS:** Currently, the public member seat is held by John Sorcinelli, who was first appointed to the Board in 1989. Mr. Sorcinelli is a licensed architect and resident of San Dimas. He has expressed an interest in being reappointed to the Board for 2011 and 2012. The City Council has authority to determine the length of appointment. Traditionally it has been a two-year appointment.

**RECOMMENDATION:** Staff recommends reappointing John Sorcinelli to the DPRB through 2012.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Dan Coleman".

Dan Coleman  
Director of Development Services

10.d.2