



AGENDA
REGULAR CITY COUNCIL /
SUCCESSOR AGENCY MEETING
TUESDAY, MARCH 12, 2013, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

CITY COUNCIL:

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

1. CALL TO ORDER FLAG SALUTE

- 2. 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

3. 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.)

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

- a. **Resolution No. 2013-17**, A Resolution of the City Council of the City of San Dimas approving certain demands for the month of March 2013.
- b. Approval of minutes for regular City Council meeting of February 12, 2013.
- c. Approval of minutes for Study Session of February 26, 2013
- d. **Lot Line Adjustment 12-02** – Minor adjustment to lot lines to be consistent with approved revisions to site plan for 156 unit apartment project at northwest corner of Bonita Avenue and San Dimas Canyon Road. Applicant: VCH-San Dimas Company, LLC.
- e. **Resolution No. 2013-18**, A Resolution confirming prior action in the adoption of Resolution No. 94-78 vacating portions of Railway Street and an alley near San Dimas Avenue and Commercial Street.

END OF CONSENT CALENDAR

4. PLANNING/DEVELOPMENT SERVICES

- a. **RESOLUTION NO. 2013-07** – A Resolution of the City of San Dimas denying the appeal request and upholding the denial of reasonable accommodation request case no. 12-01, a request for an accommodation from zoning code section 18.156.100.b to store a non-motorized trailer on the front driveway of 633 North Billow Drive (APN: 8386-023-027)
- b. Authorization of General Fund Transfer to add ICI Building at 175 W. Bonita Avenue to Downtown Façade Project

5. OTHER MATTERS

- a. Successor Agency Update (verbal report)

6. ORAL COMMUNICATIONS (Speakers are limited to five (5) minutes or as may be determined by the Chair.)

- a. Members of the Audience
- b. City Manager
- c. City Attorney
- d. Members of the City Council
 - 1) Councilmembers' report on meetings attended at the expense of the local agency.
 - 2) Individual Members' comments and updates.

7. ADJOURNMENT

The next City Council meeting will be held on Tuesday, March 26, 2013, 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 DURING NORMAL BUSINESS HOURS. [PRIVILEGED AND CONFIDENTIAL DOCUMENTS EXEMPTED]

POSTING STATEMENT: ON FEBRUARY 22, 2013, A TRUE AND CORRECT COPY OF THIS AGENDA WAS POSTED ON THE BULLETIN BOARDS AT 245 EAST BONITA AVENUE (SAN DIMAS CITY HALL); 145 NORTH WALNUT AVENUE (LOS ANGELES COUNTY PUBLIC LIBRARY, SAN DIMAS BRANCH); AND 300 EAST BONITA AVENUE (UNITED STATES POST OFFICE) AND AT THE VONS SHOPPING CENTER (Puente/Via Verde) AND THE CITY'S WEBSITE AT www.cityofsandimas.com/minutes.cfm

RESOLUTION NO. 2013-17

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN DIMAS, CALIFORNIA, APPROVING
CERTAIN DEMANDS FOR THE MONTH OF
MARCH 2013**

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: 03/15/13; 143112 through 143234 in the amount of
\$190,031.43.

PASSED, APPROVED AND ADOPTED THIS 12th DAY OF MARCH 2013.

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

ATTEST:

Debra Black, Deputy 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 March 12th, 2013 by the following
vote:

AYES: Councilmembers Badar, Bertone, Ebiner, Templeman, Morris
NOES: None
ABSTAIN: None
ABSENT: None

Debra Black, Deputy City Clerk

3a



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

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

SORRY FOR ANY INCONVENIENCES.

DOCUMENT IMAGING DEPT.



MINUTES
REGULAR CITY COUNCIL
SUCCESSOR AGENCY MEETING
TUESDAY, FEBRUARY 12, 2013, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.

CITY COUNCIL:

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

City Manager Blaine Michaelis
City Attorney Ken Brown
Assistant City Manager Community Development Larry Stevens
Assistant City Manager Ken Duran
Director of Parks & Recreation Theresa Bruns
Director of Public Works Krishna Patel
Deputy City Clerk Debra Black

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:00 p.m.

- 2. 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

Introduction of new employee Jennifer Williams, Associate Planner was made by Director Stevens.

Pui Ching Ho Librarian announced monthly activities for the library.

Jose Martinez Parks & Recreation Commissioner announced community input meetings with the commission held on the third Tuesday of each month at various locations throughout the city. Contact the Parks and Recreation Department for information.

Hiba Mouri ASB President of San Dimas High School announced activities of the student body.

Piet Van Gaalen resident announced his write-in candidacy for City Council.

3. 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.)

MOTION: Motion was made by Councilmember Badar, seconded by Councilmember Bertone and carried to approve, accept and act upon the consent calendar as follows:

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

RESOLUTION 2013 - 06, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF JANUARY AND FEBRUARY, 2013.

- b. Approval of minutes for the regular City Council meeting of January 8, 2013 and January 22, 2013.
- c. **ORDINANCE NO. 1216, APPROVING MUNICIPAL CODE TEST AMENDMENT 12-07, A REQUEST TO DELETE CHAPTER 18.151 (SENIOR CITIZEN HOUSING DEVELOPMENTS) SECOND READING AND ADOPTION**
- d. **ORDINANCE NO. 1217, APPROVING MUNICIPAL CODE TEXT AMENDMENT 12-08, A REQUEST TO ADD CHAPTER 18.40 TO THE SAN DIMAS MUNICIPAL CODE ESTABLISHING THE AFFORDABLE HOUSING OVERLAY ZONE SECOND READING AND ADOPTION**
- e. **ORDINANCE NO. 1218, APPROVING ZONE CHANGE 12-01, A REQUEST TO CHANGE THE ZONING TO ADD AFFORDABLE HOUSING OVERLAY ZONE 1 (AHO-1) TO THE EXISTING UNDERLYING ZONING ON THE PROPERTY LOCATED SOUTH OF THE 210 FREEWAY, WEST OF SAN DIMAS AVENUE, NORTH OF ALLEN AVENUE AND EAST OF MONTE VISTA AVENUE SECOND READING AND ADOPTION**
- f. **ORDINANCE NO. 1219, APPROVING ZONE CHANGE 12-02, A REQUEST TO CHANGE THE ZONING TO ADD AFFORADABLE HOUSING OVERLAY ZONE 2 (AHO-2) TO THE EXISTING UNDERLYING ZONING ON THE PROPERTY LOCATED SOUTH OF THE AT&SF (GOLD LINE) RAILROAD, EAST OF SAN DIMAS AVENUE, NORTH OF ARROW HIGHWAY AND WEST OF WALNUT AVENUE SECOND READING AND ADOPTION**

- g. Approval of the updated Community Forest Management Plan
- h. Approve 2013 Farmers Market Proposal
- i. San Gabriel Valley COG Summary of Governing Board Meeting
- j. Gold Line Update

Councilmember Bertone requested Council to read item I and J of the agenda packet.

END OF CONSENT CALENDAR

4. PLANNING MATTERS

- a. Appeal of Development Plan Review Board Denial of Reasonable Accommodations Request Case No. 12-01 – Consideration of Appeal filed by Joseph Abdella regarding RAR Case No. 12-01, a request for an accommodation from Zoning Code Section 18.156.100.B.4.b to store a non-motorized trailer on the front driveway of 633 North Billow Drive (APN: 8386-0230027)

RESOLUTION NO. 2013-07, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS DENYING THE APPEAL REQUEST AND UPHOLDING THE DENIAL OF REASONABLE ACCOMMODATION REQUEST CASE NO. 12-01, A REQUEST FOR AN ACCOMMODATION FROM ZONING CODE SECTION 18.156.100.B.4.b TO STORE A NON-MOTORIZED TRAILER ON THE FRONT DRIVEWAY OF 633 NORTH BILLOW DRIVE (APN: 8386-023-027)

Associate Planner Kristi Rojas presented staff's report on this item and recommended upholding the appeal.

Mayor Morris announced that this is an appeal and the appellant will be given an opportunity to present his case and staff will provide a response. He questioned item number 6, page 5 of the staff report that has to do with the determination "since it doesn't require construction there is no permanent change in the character of the neighborhood". It does change the code because it permits a person to not be bound by the code. He went on to confirm and ask that a suspension of the application of the code section to this property is what would be required.

Director of Community Development Stevens responded yes, however the distinction being made is that the accommodation is for the transitory need of a vehicle versus construction of an area that would be necessary to accommodate something the existing house could not.

Mayor Morris asked City Attorney Brown to comment on the standards which they should consider because this request does deal with the Americans with Disabilities Act.

City Attorney Brown stated that after reading the staff report he reviewed the ADA requirements and some of the court decisions that were issued regarding it. He went on to summarize the definition of a disability as described in the American with Disabilities Act. He stated it was appropriate for the Council to consider whether what is being discussed is a matter of convenience for the applicant or whether it limits one or more of the major life activities of the applicant. He added that there are ordinances in place that apply citywide, that have been adopted by Council.

Mayor Morris opened the meeting for the appellant to present his case. The appellant was not present. A motion was made by Councilmember Bertone and seconded by Councilmember Ebiner to continue the matter in two weeks.

- b. A request to approve the Conceptual Grading Plans for Tentative Tract Map 70583 (Brasada).

RESOLUTION NO. 2013-08, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN 12-03, CONCEPTUAL GRADING PLANS FOR TENTATIVE TRACT MAP 70583 (BRASADA)

- c. Consideration Of Tree Removal Permit No. 12-48 – A request to approve the removal of 468 mature trees in preparation for grading for Tentative Tract Map 70583 (Brasada).

Mayor Morris announced that items b through f are all related to the same project.

Mr. Stevens provided a history of the previous entitlement approvals of this project. He stated that the items this evening are the next round of design related entitlements. He stated that changes have occurred to the project since the approval of the original Tentative Tract Map. He added that staff reviewed the changes to determine whether or not the changes should trigger reconsideration of the original approval. He added that staff concluded that while the changes are seemingly major they are consistent with the map that was approved and did not warrant reconsideration of the tract map.

Mr. Stevens reported that one of the more significant changes is a substantial increase in grading quantities. He added that on the surface the increase may seem substantial but it is driven by the hydrology and the changes in design of the detention basins. He added that staff felt the changes were positive and appropriate and were consistent with the approved map. He reviewed the need for the detention basin system and the capacity issues. He also commented that another change in the grading was a result of better understanding of landslide issues, change in the water tank location, changes in many of the lot sizes to move natural areas outside of lots onto common area.

Mr. Stevens also commented that another area of change has been in the number of trees to be removed. He added that the number of trees to be removed has increased from 430 to 468; however the identification of the total number of trees on site has increased from 3,900 to 4,900. He added that the increase in count is due to a more precise count of trees.

Councilmember Bertone stated that the draft EIR contained certain mitigation measures that the City adopted. He asked if any of those mitigation measures have been changed. Mr. Stevens responded that no mitigation measures have been changed. He added that the standards set forth in the mitigation measures are applied without change to the revised project.

In response to a question Mr. Stevens reviewed the natural flow and run off flow amounts and the capacity of the existing storm drain pipe and how they detention basin system works.

Mr. Stevens reviewed a chart that showed the differences in tree removals.

In response to a question Mr. Stevens commented that the overall footprint of the grading has changed very little. He reviewed a chart which showed a breakdown of the grading changes. He pointed out and identified 6 areas where staff thought that there should be less engineered grading and more contoured grading. He stated that the developer is in agreement and are revising the plans to include more contour grading in these areas.

Mr. Stevens reported that one of the biggest areas of discussion at the DPRB and Planning Commission hearings was with the redesign of the lower retention basin. He stated that the main reason for redesign was to reduce the height of the previously approved 55' high berm so the basin would not be subject to State dam review. The new design reduces the height to 23'. He added that the result of the lower height was that the basin is closer to the rear property line of the Dalepark residents. He added that because of this significant change there were additional notification and a community meeting with the Dalepark residents during the hearing processes.

Mr. Stevens reviewed the changes in the basin design. He commented that the design provides for an 18' area from the toe of the slope of the basin berm to the Dalepark homes property line. He added that there has been a lot of discussion as to what to do with the 18'. He also added that staff's recommendation was that the separation be increased to 25', but that both the DPRB and Planning Commission recommended approving the design at 18' instead of the change to 25'. Mr. Stevens described with the need for a fence at the toe of slope and v ditch there would actually be 15' of open space to the resident's property line. He added that the discussions have revolved around what should be within that 15' area. He added that both the DPRB and Planning Commission recommended a 10' improved access, with improved not yet defined. The applicant desires a 6 – 8' access that would prohibit vehicular access. He added that in either case the balance would be landscaped. He added that from resident comments, some would like to have some trail with access from their lots and some would like to have some access for vehicles and trailers. He added that a trail would not connect to anything but only service those properties. He added that some residents had suggested a trail loop around the east side of the detention basin but the DPRB and Commission did not support that. Mr. Stevens commented that the DPRB did not take a position on who should own the 15' area but the Commission recommended that it should be owned and maintained by the City.

Council member Templeman commented that during the Equestrian Commission discussions it was discussed that at the east end of the trail there is only one property between it and the Shirlimar trail and maybe something could be worked out to make the connection. Mr. Stevens responded that some residents brought that up and mentioned that that would be good but also felt that at a minimum they would like some access to a trail in back to use to exercise their horses. There was further discussion on the historic use of that area.

Mr. Stevens also reported that some residents have expressed their desire to have a traffic signal at Cataract and Foothill Blvd. and have been told that the traffic studies done for the project do not warrant a signal and cannot be made a condition of the development.

There was further discussion about the design of the basin and County's standards and ownership.

Mr. Stevens reviewed some of the issues in regards to the tree removal permit. He commented that one of applicant's requests was to include trees planted in the front yard of homes as credit towards the tree replacement requirement at a credit ratio of 2 to 1. He added that staff is in support of that concept. He added that another tree credit issue is the applicants desire to receive an extraordinary replacement credit, up to 18 to 1 ratio, for potential relocated trees. He added that DPRB and the Commission felt there was not enough information regarding the potential for relocation to approve a specific credit ratio and recommend that this matter be left open to allow for some exchange credit for relocation but that the specifics be brought back to DPRB. Council member Bertone expressed his opinion that the requests be brought back to the City Council. The Council consensus was that they were okay with the matter being reviewed by the DPRB with the understanding that their decision could be appealed to the City Council.

Mr. Stevens presented staff's recommendation that the City Council approve the grading plan pursuant to Resolution 2013-08 with the Council to provide direction on Condition 9 e relating to the area between the lower detention basin and the Dalepark residents. Mr. Stevens also pointed out that there is a condition that the City will push County flood control to allow for landscape planting on the berm of the basin.

Mr. Stevens presented staff's recommendation that the Council approve the tree removal permit subject to the Conditions. Mayor Pro Tem Badar asked for Council's clarification on allowing the DPRB to make a determination on the replacement credit for relocated trees. The consensus of the Council was that they have confidence in the DPRB to make that determination with the understanding that their decision can always be appealed to the Council.

Stan Stringfellow, developer representative, made a presentation. He reported that the storm drain system was designed not to increase any down stream flows. He added that the system was redesigned to remove it from the need for dam review which required redesign of the upstream basins. He added that the County is currently reviewing the design of the system and he feels they are in a good position for the County to approve the design and take ownership of all the basins.

Mr. Stringfellow commented that in regards to the 15' area, the original Tentative Tract Map had contemplated a trail behind the Dalepark homes but the trail study showed that that was not practical so it was removed. He added that if the City desires a trail there, the developers preference is that it be 6-8' to prohibit vehicular access. He further added that their preference would be that the City own and maintain the trail.

Mr. Stringfellow commented that in regards to the basin construction, it would have a concrete lining with a soft bottom. He elaborated on the design of the basin.

Mr. Stringfellow commented that in regards to the tree relocation credit that the cost to relocate trees is very expensive and that is why they were proposing an extraordinary replacement credit.

Mr. Stringfellow stated that his only comment on the grading conditions was condition 9 e 2 requiring the 10' access, he would like to define that as a trail owned by the City at a width of 6 – 8'. He reiterated that their first preference would be an all landscaped area, but if it is a trail it be 6 – 8' owned by the City.

Mr. Stringfellow commented that in regards to the tree removal permit he would like to amend the condition that prohibits no trees from being removed prior to grading. He requested that they be allowed to remove 60-67 eucalyptus trees prior to grading because of the length of process to monitor raptor nesting. Mr. Stevens clarified that the earlier removal would still require all of the mitigation measures and staff is okay with the requested change. The Council consensus was to agree to the change of removal of the eucalyptus trees prior to grading.

Mayor Morris asked for comments from the audience on this matter.

Bernard Boler, 2725 Dalepark, commented that he was pleased to hear that the City will try to put pressure on the County for landscaping on the berm. He commented on the historic access for homes on the north side of Dalepark. He stated that he agrees with including the trail on the north side but felt it should be full width not 6 – 8'. He also commented that Edison has a 10' easement on the north part of the properties and wondered how they would service their poles if they didn't have access.

Jim McCants asked if the project would be subject to requirements of the Clean Water Act. Mayor Morris responded that they would and that has been taken into consideration with the detention basin designs.

Mayor Morris asked for Council decision on the 18' area. Mr. Stevens recapped the Planning Commission's recommendation that the v ditch be located at the tow of the slope, an access trail be provided at 10' width and any remaining area be landscaped in some form and that the area be publicly owned and maintained.

Council member Templeman expressed concern that if the area is called an access he doesn't want it to be fully improved, such as curb and gutter.

Council member Ebner stated that it would be a good amenity to have the trail and it should be 10' wide. Mayor Morris expressed concerns with enforcement of vehicles. Council member Templeman expressed he is in favor of a 10' trail, rural in appearance. There was discussion on whether there should be access by the residents from the back of their property. It was the consensus that it should be owned by the City and that there should be some limited vehicle access by the property owners.

Mr. Stevens suggested a motion to adoption Resolution 2013-08 subject to conditions of approval with revisions to condition 9 e to reflect public ownership of the area, a 10' trail and for staff to work out access arrangements that are appropriate.

Kim Scott, developer, asked for clarification on whether the intention of the ownership was for the entire 15' or just the trail. Mayor Morris clarified it would be the entire 15'.

Council member Ebner made a motion to waive further reading and adopt Resolution 2013-08 with the change in condition as described by Mr. Stevens. The motion was seconded by Mayor Pro Tem Badar.

Council member Bertone stated that he planned on voting against the motion based upon his prior votes and comments on the project. He commented on the certified final EIR that the City previously approved which contains very specific mitigation measure which he expects to follow to the letter of the law. He added that he thinks this is a good project but is too hard on the environment.

Council member Ebner commented that he felt the grading is horrendous but the lowering of the detention basin and adding the trail allows him to vote for the motion.

MOTION: The motion carried on a vote of 4 – 1 with Council member Bertone voting against.

Mr. Stevens stated that staff recommends that Council approve Tree Removal Permit 12-48 subject to conditions with the understanding the staff revise conditions 1A and 11 that would allow for the earlier removal of eucalyptus trees with staff approval and compliance with all mitigation measures. Mayor Pro Tem Badar made a motion to approve staff's recommendation as stated by Mr. Stevens. The motion was seconded by Council member Templeman.

Council member Bertone stated that his previous comments on the prior motion apply to this motion as well.

Council member Ebner stated that he can't vote for this motion because approximately 10% of the natural coastal live oak trees are being removed and in his opinion a better development would have preserved them.

MOTION: The motion carried by a vote of 3 – 2 with Council members Bertone and Ebner voting against.

Mr. Stevens commented that the next three items are the conceptual fencing plan, conceptual landscape plan and architectural design guidelines and will be discussed together.

Mr. Stevens commented that staff has generally concluded that the fencing plan is acceptable with the exception of the materials for the trail fencing on the east – west trail. He added that the plan calls for a concrete post and cable fence material that does not meet the City standard and since the trail will be maintained by the City this material cannot be approved.

Mr. Stevens provided a summary of the landscape guidelines describing the various zones, hardscape standards, shared fencing standards, lighting and street furniture standards. Council member Templeman asked if the fire department has approved the plant palette. Mr. Stevens responded that the palette meets the fire department standards. In response to question Mr. Stevens responded that the City has the ability to enforce the guidelines but it will be the primary responsibility of the homeowners association.

Mr. Stevens commented that there are some areas with limited tree heights and he has asked the applicant to revise the tree palette in those areas the specify trees that would grow to the limited height to avoid topping or requests to remove trees in the future.

Mr. Stevens commented that there are two substantive remaining issues, the issue of the street light standard and the water tank design. He added that it has yet to be determined who will maintain the street lights, the HOA, Edison or the City. If the HOA maintains them then the standard in the guidelines is acceptable, if it is Edison they will need to use an Edison standard and if it is the City they will need to use the City standard. Once the maintenance issue is decided the standard will need to be modified. He added that also related to the lighting standard, the applicant desires to use the same standard of light on the portions of Cataract that are outside of their project. Staff feels this would be okay if the standard is the City's or Edison's but not the HOA.

Mr. Stevens described that the water tank has been relocated and redesigned. He added that staff has not seen much detail of the design and would like to reserve the right for additional review to determine if it is appropriately screened and its view obscured.

Mr. Stevens reviewed the architectural design guidelines and stated that staff is in general agreement with a few areas that could use some clean-up. He described those areas including the reference to allow second story elements which is currently under review for a change to the Specific Plan, clarification needed on the secondary structure design, clarification on the solar panel lot designations, need to clarify the fire department construction and green building standards and better explanation on how the illustrative site plans are to be used. Mr. Stevens also explained that there is a condition that specifies that as long as future house plans that come in meet the guidelines they do not have to go through the precise plan review and will only be subject to DPRB review.

Mr. Stevens stated that staff recommends that the Council approve Resolution 2013-09 approving the conceptual fencing plan, conceptual landscape plan and architectural guidelines subject to the conditions including the changes described by staff and included in the staff reports. He added that staff be given the authority to approve the details of the changes with the caveat that the Planning Commission requested a summary of the changes be provided to them.

Council member Ebner asked if the lighting standards as far as illumination are different in the Foothills. Mr. Stevens responded not really but they are trying to maintain a dark sky circumstance, primarily through the number and spacing of lights. There was discussion lighting standards and dark sky concepts.

Stan Stringfellow requested that the Council approve the concrete post and cable trail fence design because they feel the vinyl fence look would detract from what they are trying to accomplish with the project design. Mayor Morris asked if the applicant would be willing to defer the decision on the fence material until the issue of inclusion of the trail is resolved and safety information on their fence material can be evaluated. Mr. Stringfellow responded that Mr. Scott indicated that he would like a decision this evening either approval of their design or a two rail vinyl with an earth tone color.

Mr. Stringfellow commented that they are in agreement with items presented in Mr. Stevens report. He reviewed the changes to the water tank location and design and felt that the new design has less impact on grading and view. He added that Golden State Water who will own and maintain the tank prefers the new design.

Mayor Morris commented that he feels the Council cannot approve anything other than the vinyl fence this evening without the knowledge of engineering and safety tests of the proposed material.

Council member Templeman commented that he sees their community starting at their entry gate and thinks that the street lights on the public street should be City design and he doesn't have a problem with the HOA design in their community. He added that he doesn't have a problem with the tank design.

Council member Ebner stated that he wouldn't mind a different light standard outside the community, but he could really go either way with it. He added he is okay with a two rail fence, in fact would prefer it to three rail.

Mayor Pro Tem Badar commented that he is okay with the water tank location.

MOTION: After the Resolution was read by title, Council member Bertone made a motion to waive further reading and adopt Resolution 2013-09. The motion was seconded by Council member Badar and passed unanimously.

- g. Request from Worldwide, Inc. located at 175 W. Bonita Avenue for financial assistance regarding a proposed façade renovation.

5. OTHER BUSINESS

- a. Successor Agency verbal update

Assistant City Manager Ken Duran reported that on February 4, 2013 there was an Appeal Hearing with the Department of Finance on the consideration of the 4 Grove Station Units as Housing Assets and felt that the meeting went well. We will receive written confirmation within two weeks of their findings. The regularly scheduled meeting of the Oversight Board was cancelled due to lack of business; the next meeting is scheduled for February 28, 2013 to approve ROPS 4 for July thru December of 2013. Staff has been responding to questions from the Department of Finance on their review of our non-housing assets due diligence review.

Mayor Morris asked what type of questions they are asking.

Assistant City Manager Duran answered that they are asking for more financial records to try to duplicate the auditors review.

6. ORAL COMMUNICATIONS

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

No one came forward.

- b. City Manager

Announced "Asked the Mayor" call in show this February 14, 2013.

- c. City Attorney

Announced closed session tonight. Mr. Brown thanked Council for 36 years of serving the city.

- d. Members of the City Council

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

None to report.

- 2) Individual Members' comments and updates

Councilmember Ebner reminder of the Parks & Recreation Commission meeting.

Councilmember Bertone thanked Krishna Patel for the memo on Waste Water and asked City Manager to have staff inform Council when any community meetings scheduled.

Adjourned meeting at 10:24 p.m. to closed session.

7. CLOSED SESSION

- a. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
(Recess to closed session pursuant to Government Code Section 54956.8):

Property: Assessor Parcel Number 8665-003-001 and 8665-001-005

Negotiating Parties:

For City: Blaine Michaelis, City Manager; Larry Stevens, Assistant City Manager for Community Development; and J. Kenneth Brown, City Attorney.

For Seller: NJD Limited; Agent: Travis W. Gillmore, Phelps-Tointon, Inc.

Under Negotiation: Potential property acquisition and the conditions under which the transaction would take place.

There was no reportable action from the Closed Session.

8. ADJOURNMENT

Preliminary 2013-14 Budget Study Session February 26, 2013 5:00 p.m. followed by the regular City Council meeting 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 DURING NORMAL BUSINESS HOURS. [PRIVILEGED AND CONFIDENTIAL DOCUMENTS EXEMPTED]

POSTING STATEMENT: ON February 8, 2013, 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); VONS SHOPPING CENTER (Puente/Via Verde) AND THE CITY'S WEBSITE AT www.cityofsandimas.com/minutes.cfm.



MINUTES
SPECIAL CITY COUNCIL MEETING
TUESDAY, FEBRUARY 26, 2013, 5:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
CONFERENCE ROOM
245 E. BONITA AVENUE

PRESENT:

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

City Manager Blaine Michaelis
Assistant City Manager Ken Duran
City Attorney Ken Brown
Assistant City Manager for Community Development Larry Stevens
Director of Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns

1. CALL TO ORDER

Mayor Morris called the Special City Council Meeting to order at 5:00 p.m.

2. ORAL COMMUNICATIONS

- a. Members of the Audience

None.

3. STUDY SESSION – Mid-Year 2012-13 Budget Report; Budget Preparation

City Manager Michaelis reported that the Study Session will consist of a mid-year budget report and discussion of objectives for the 2013-14 budget preparation.

Mr. Duran provided an overview of his mid-year budget report staff report.

In response to a question he commented that parking citation revenue is estimated to be down due to greater compliance, however, revenue will still exceed the cost of enforcement. He also responded that the vacant Plans Examiner position is being staffed with contract assistance. The contract is for fewer hours than a full-time position and allows for greater flexibility. Mr. Stevens added that the fewer hours does mean less counter time for the examiner.

Mr. Duran referenced the capital projects update list which provides a status report on capital projects that were approved with the 2012-13 budget.

Mr. Patel provided a description of the Arrow Hwy and Lone Hill intersection widening project and Lone Hill reconstruction project. He explained the "full depth reclamation" process that is proposed for the project. He added that due to this process it is recommended that Lone Hill Ave. from Arrow Hwy to Cienega be closed for up to 15 days in each direction during construction. He elaborated that while the

road would be closed in one direction, the road would be open to opposite direction traffic. In response to a question he commented that all work would be performed during the day. He also explained the infeasibility of keeping one lane of traffic in each direction open due to the difficulty of traffic detours at the Arrow Hwy. and Lone Hill intersection.

It was the consensus of the City Council to approve of the temporary road closures to accommodate the construction project.

Mr. Patel also described the approved project of adding crosswalk warning devices on Bonita Ave. He added that since the project was approved he has been made aware of a different technology that would add a camera to detect pedestrian movements to trigger a flashing beacon at the crosswalk. He requested that the Council appropriate an additional \$15,000 to the already approved \$15,000, for the change to the project. In response to a question he mentioned that he has observed this technology in Brea and Fullerton. Councilmember Bertone made a motion to allocate an additional \$15,000 for the crosswalk enhancement project. The motion was seconded by Mayor Pro Tem Badar and passed unanimously.

Mr. Patel also provided an update on the timing of the Foothill Blvd. bridge widening project. He reminded the Council that the majority of the funds for the project are from a Federal grant and delays to the project have been due to the Federal and State review process. He added that construction should begin in April 2014. Mr. Stevens commented that staff has had some discussion on the continued use of the existing trail bridge versus having a trail along Foothill Blvd. Mr. Michaelis added that staff will continue to discuss this issue.

Mr. Michaelis provided an overview of the staff report on the 2013-14 budget preparation. He commented that the theme for the budget will be "Reassess, Regroup and Rebuild."

Mr. Michaelis emphasized that the approach last year was to make budget adjustments in the current fiscal year to allow for the ability to prepare a balanced budget in FY 13 – 14. He added that the plan is to keep the existing staffing levels the same but also evaluate opportunities as future staffing vacancies occur through natural attrition. Council member Ebner commented that he hopes that staff looks at these opportunities with a critical eye to determine if we are stronger if there is a chance to keep a position vacant and not just the fiscal savings.

Mr. Michaelis emphasized the focus on strategies to rebuild capital improvement and capital improvement funds.

Council member Templeman commented that staff should rethink the alley improvement schedule. He added that he thinks that alley improvement projects should be compared with the needs for street improvement projects and compete for the same funds. Mr. Patel responded that there are 30 alleys in the City on an improvement schedule but their condition is constantly being reevaluated and not automatically repaired based on the schedule.

Mr. Michaelis commented on some long term fiscal options as described in his report. Mr. Templeman commented that he would not be comfortable going below 60 or 70% general fund reserves.

Mr. Michaelis described a way to become more effective with our capital street projects by combining smaller projects into one larger "super project" to take advantage of economies of scale on bids. In response to a question he commented that he is not proposing to bond for capital projects but to have fewer, larger projects using available funds.

Mr. Michaelis also commented that staff is also looking at ways to prioritize and complete non capital projects. He proposed that staff will prepare a list of projects with a prioritization and present them to the Council at a Study Session on March 26th at 5:30.

Mayor Morris commented that it is also important to identify the cost of projects, in particular in staff time. He added that he thinks we should get away from a long list of projects and only list those that we can afford to complete.

Council member Templeman commented that he has concern with the staff time it would take to prepare a priority list of projects. Council member Bertone added that the Executive Director of the Chamber prepared a man hour assessment of Chamber activities and it was helpful for the Board in determining which programs to continue. Council member Ebner commented that he liked the idea of comparable costs of projects but the cost analysis does not need to be finite, maybe grouped in categories like small, medium and large.

Mr. Michaelis commented that staff feels that the time to prepare the list will be beneficial in giving the Council information to allow them to give staff direction on priorities. There was more discussion on the benefits of a list and the need to keep a project list shorter and manageable.

Mr. Michaelis reported on the requirements, resources and funding needed for the new MS4 storm water permit. There was some discussion on the permit requirements and the County proposed assessment.

Mr. Michaelis commented that staff is recommending that the Council defer further discussion on sidewalk and landscape changes to the downtown to Spring of 2014. He added that until decisions are made on capital improvement funding, this project competes with all other projects. He also commented that some of the things done this year like the selective tree removal and façade enhancements have improved the look of the downtown. The Council was in agreement with holding off on further discussion until next spring.

Mr. Michaelis reported that staff has been evaluating future options for street sweeping because of requirements to replace new sweepers with alternative fuel. He added that one of the options to be considered may be contracting for all or a part of that function. He further added that staff will present options as a part of future budget discussions.

Council member Ebner commented that the sweeper operators are additional eyes and ears throughout the community. Mr. Michaelis responded that that is a factor that will be taken into consideration with the options.

Mr. Duran provided an update on some of the Successor Agency activities anticipated for the upcoming year, in particular the preparation of the Long Range Property Management Plan. He briefly described the process and time line for preparing the Plan. He also mentioned that as issues are becoming more clear on the Housing Authority assets decisions will need to be made on the those assets. Council member Bertone asked if the requirement on a minimum of three family members to be eligible to purchase the City owned Grove Station units could be changed. Mr. Michaelis responded that that is a State requirement based on the number of bedrooms in the unit.

Mr. Michaelis asked for additional budget related items or comments from the Council.

Council member Ebner asked staff to prepare costs for the City to take over the maintenance of the horse trail fence on Baseline currently maintained by the homeowners association. Mr. Duran responded that there is also similar homeowners association maintained trail within Crystal Indian Springs.

Council member Templeman commented that he is concerned with non-profit organizations having to pay to use City building when having fundraisers. He added that we should consider giving a fee waiver for one event per year for groups the City has an agreement with. Council member Bertone expressed concern with where to draw the line on which groups would be eligible. There was some discussion

regarding this issue. The issue of how the rental rates are determined was also raised. It was suggested that staff bring back a report on non-profit facility use and potential fee waivers and explanation of fees.

Council member Templeman noted that commercial real estate representatives have contacted the city requesting that consider changes in the recently adopted sign code provisions that affect them. After a brief discussion the council expressed the consensus that staff could meet with the representatives to listen to their concerns and any proposed changes and to then report back to the city council. The city council further instructed staff to continue with the enforcement of the current sign provisions as enacted by the recent sign code.

4. ADJOURNMENT

The Study Session adjourned at 6:50 p.m.



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of March 12, 2013

FROM: Blaine Michaelis, City Manager

INITIATED BY: Community Development Department

SUBJECT: **Lot Line Adjustment 12-02** – Minor adjustment to lot lines to be consistent with approved revisions to site plan for 156 unit apartment project at northwest corner of Bonita Avenue and San Dimas Canyon Road. Applicant: VCH-San Dimas Company, LLC.

BACKGROUND

In August 2011 DPRB Case No. 11-26 was approved. This approval was necessary to address revisions to the previously approved site plan to address County Fire Department requirements. This approval changed building locations placing buildings on the parcels lines established by Tract Map 69609. Conditions of approval required this lot line adjustment.

ANALYSIS

The lot line adjustment is necessary to ensure that no buildings in the approved revised site plan cross property lines. The adjustment complies with applicable revisions to the project, Specific Plan No. 26 and the City Subdivision Ordinance (Chapter 17). Revised legal descriptions have been reviewed and approved by the City Engineer.

RECOMMENDATION

Approve Lot Line Adjustment 12-02 per attached map..

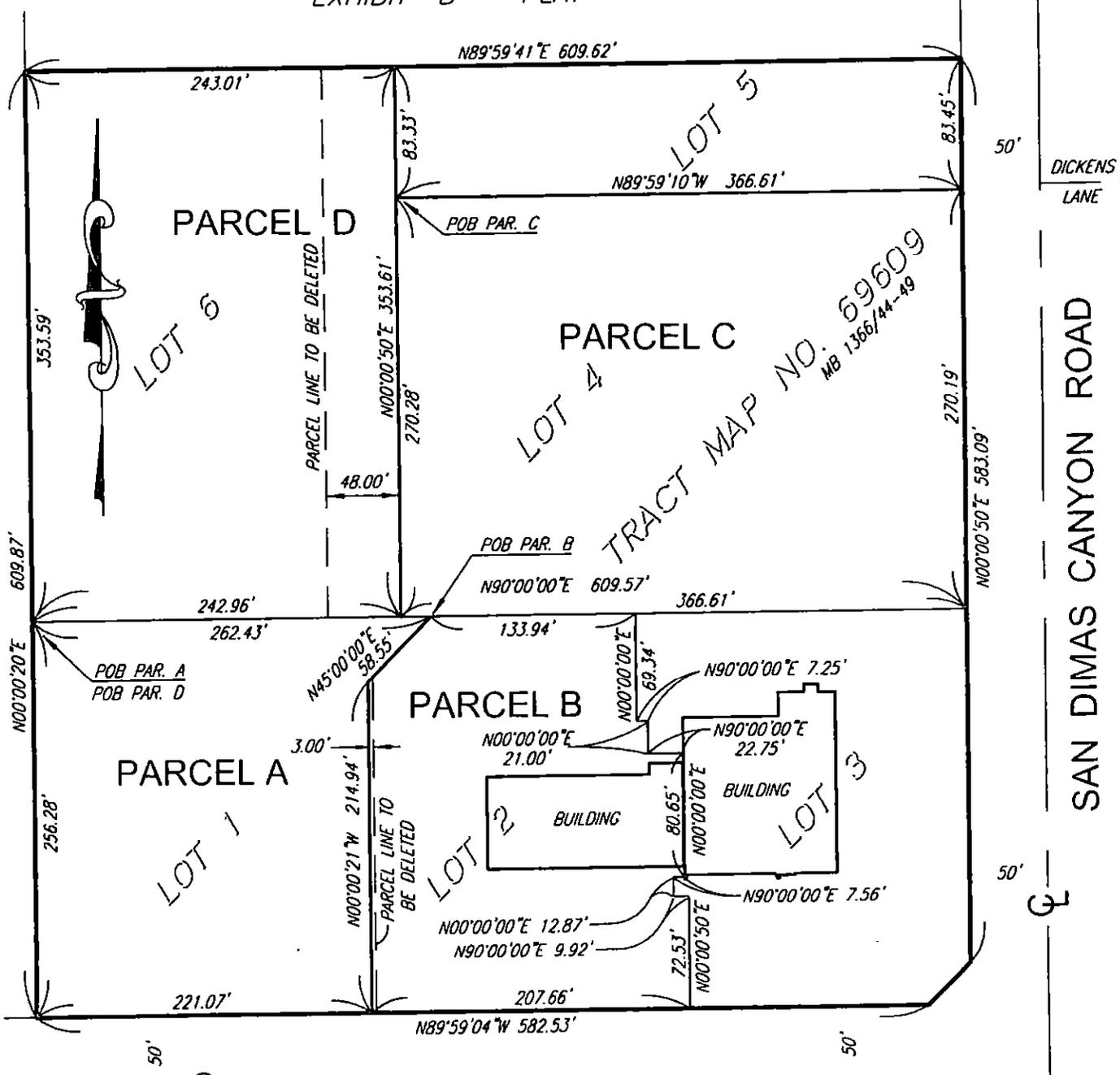
Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Larry Stevens".

Larry Stevens,
Assistant City Manager for Community Development

Attachments: Lot Line Adjustment Map

CERTIFICATE OF COMPLIANCE
 LOT LINE ADJUSTMENT NO.
 EXHIBIT "B" PLAT



BONITA AVENUE

- LEGEND**
- ADJUSTED PARCEL BOUNDARY LINES
 - ORIGINAL LOT LINES (TO BE ADJUSTED)



Prepared by HILLWIG-GOODROW, INC.: 31407 Outer Hwy. 10, Redlands, CA 92373 (888) 626-5137	SCALE: 1" = 100'
	FILE NO.: 228-070
ALAN C. HILLWIG, PLS 5137 LICENSE EXPIRES: 6-30-13	DATE
	SHEET <u>1</u> OF <u>2</u>



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of March 12, 2013

From: Blaine Michaelis, City Manager

Initiated By: Public Works Department 

Subject: **Adoption of Resolution No: 2013-18 Vacating portions of Railway Street and an Alley near San Dimas Avenue and Commercial Street.**

BACKGROUND

Resolution 2013-18 confirms a prior action of Council to correct what appears to be an administrative error that has left incomplete the vacation of an alley and portion of Railway Street near the City's Park and Ride Lot at 201 South San Dimas Avenue.

In 1994 as part of the Park and Ride improvements, the north south alley north of Commercial Street and West of San Dimas Avenue along with an adjacent section of Railway Street were determined to be unnecessary for street purposes and Council approved these streets to be vacated. For reference these portions eventually were integrated into the San Dimas Park and Ride facility, and the west side of Freedom Park. As part of the vacation, the property at 113 West Commercial Street also received the westerly 10 feet of the south half of the alley. This division is consistent with vacation procedures where the vacated street is typically divided between the adjacent properties.

At its November 8th, 1994 Meeting Council passed Resolution 94-73 which declared the City's intent to vacate the aforementioned property and set the public hearing for December 13, 1994. At the December 13, Meeting, Council conducted the public hearing and afterwards passed Resolution 94-78 approving the vacation. In Resolution 94-78, Council did require the reservation of underground easement for utility purposes.

The property has since been apportioned in accordance with the vacation procedures and abutting property owners have installed non-structural improvements on the property.

While processing a development application it came to Staff's attention that Resolution 94-78 was never recorded at the Los Angeles Recorder's Office. As recordation is the final step in completing the vacation process, the vacation remains technically incomplete.

Resolution 2013-18 is needed to reaffirm the Council's intent to vacate the property. It will also affirm that the City records show that the vacation process other than the actual recordation was completed in accordance with the laws at the time. Finally the resolution will authorize the recordation of the Street Vacation to complete the process.

For the record, included for Council review is Resolution 94-73 Notice of Public Hearing, Resolution 94-78 Approving the Vacation, Resolution 2013-18 Confirming the prior Vacation Action.

RECOMMENDATION

Staff recommends Council approve Resolution 2013-18.

Respectfully submitted,



Shari Garwick
Senior Engineer

Attachments:

Resolution 94-73
Resolution 94-78
Resolution 2013-18

02-13-24

RESOLUTION NO. 94-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SAN DIMAS DECLARING ITS INTENTION TO VACATE
PORTIONS OF RAILWAY STREET AND AN ALLEY NEAR
SAN DIMAS AVENUE AND COMMERCIAL STREET

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

SECTION 1. That the City Council of the City of San Dimas does hereby declare its intention to vacate portions of Railway Street and of the alley parallel and west of San Dimas Avenue at Commercial Streets, as shown on attached Exhibit A.

SECTION 2. That the City Council of the City of San Dimas does hereby elect to proceed to vacate said streets, under the provisions of Part 3, Division 3, of the Streets and Highways Code of the State of California.

SECTION 3. That the City Council of the City of San Dimas does hereby determine that the public convenience and necessity requires the reservation and exception from the vacation of the permanent easements, and right at any time, or from time to time to construct, maintain, operate, replace, remove and renew sanitary sewers and storm drains and appurtenant structures in, upon, over and across the said streets proposed to be vacated, and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipes, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipe lines, telegraphic and telephone lines, railroad lines, and for the transportation and distribution of electric energy, petroleum and its products, ammonia, water, and incidental purposes, including access and the right to keep the property free from inflammable materials and weed growth, and otherwise to protect the same from all hazards in, upon, and over said streets to be vacated.

SECTION 4. That the hour of 7:30 p.m., on the 13th day of December, 1994, is hereby fixed as the time and date, and the San Dimas City Council Chambers at 245 East Bonita Avenue, San Dimas, California, is hereby fixed as the place for hearing all persons interested in or objecting to the proposed vacation of said street.

SECTION 5. Notices of the street vacation shall be posted in the manner prescribed in Section 8322 of the Streets and Highways Code of the State of California, or any amendment thereto.

Resolution No. 94-73
Page two

SECTION 6. The City Clerk shall certify to the adoption of this Resolution and shall cause the same to be posted in the manner prescribed by law.

APPROVED AND ADOPTED THIS 8th day of November, 1994.


MAYOR

ATTEST:

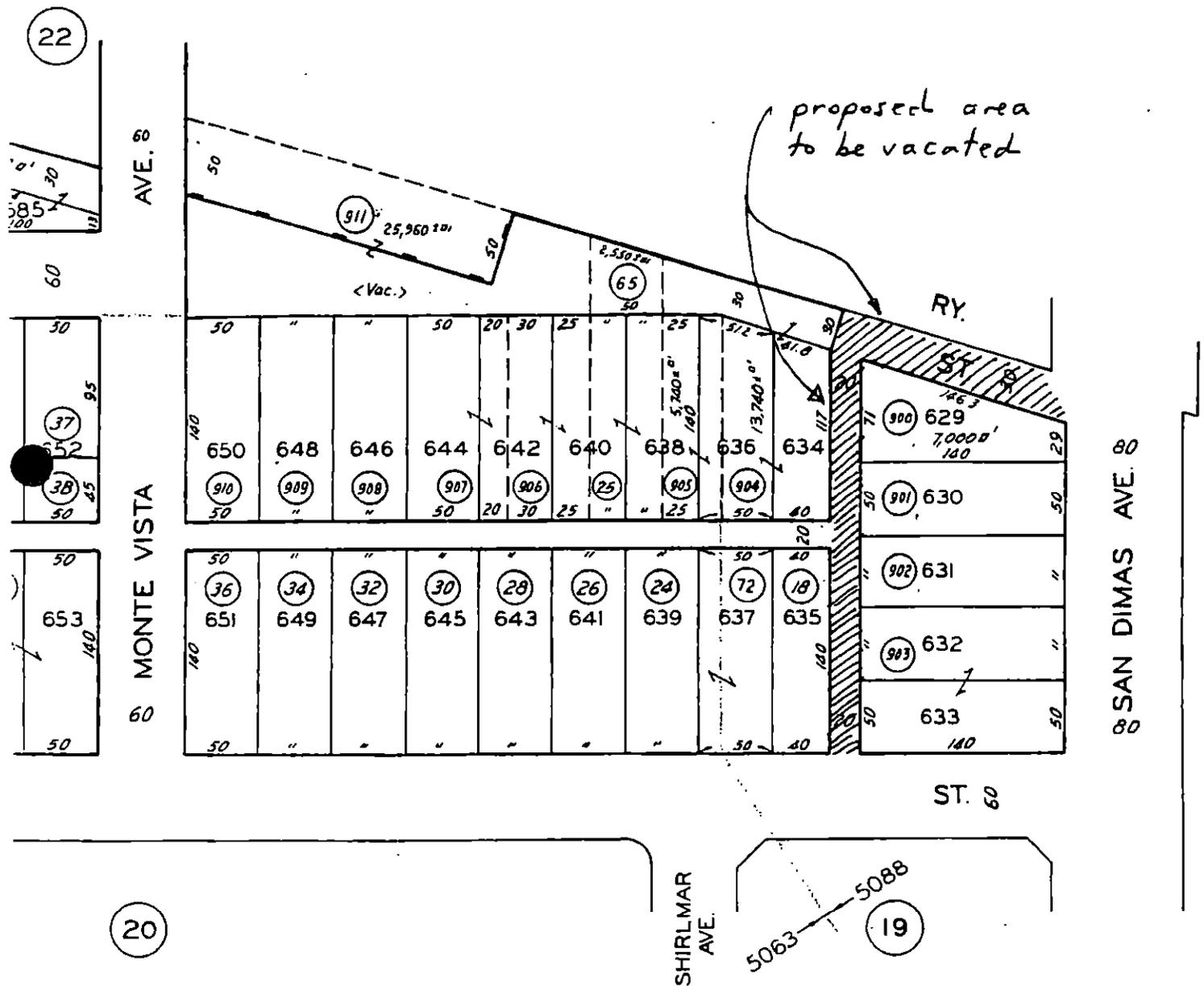
By 
Deputy City Clerk

I HEREBY CERTIFY that the foregoing Resolution No. 94-73 was adopted by vote of the City Council of the City of San Dimas at its regular meeting of November 8, 1994 by the following vote:

AYES: Councilmembers Bertone, Ebner, McHenry, Morris, Dipple
NOES: None
ABSENT: None
ABSTAIN: None


DEPUTY CITY CLERK

EXHIBIT A



All 900 series parcels on this page are assessed to the City of San Dimas unless otherwise noted.

-53-54
32-293

RESOLUTION NO. 94-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SAN DIMAS VACATING PORTIONS OF RAILWAY STREET
AND AN ALLEY NEAR SAN DIMAS AVENUE AND COMMERCIAL
STREET

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

SECTION 1. That the City Council of the City of San Dimas does hereby find, determine and declare that, by Resolution No. 94-73. the City Council of the City of San Dimas declared its intention to vacate portions of Railway Street and of the alley parallel and west of San Dimas Avenue at Commercial Streets, as described in said Resolution, and fixed the 13th day of December, 1994, as the date of the hearing thereon, and that said Resolution was posted and published in accordance with the law, and notice of said hearing was given in the manner prescribed by law and said hearing was thereafter duly heard.

SECTION 2. That said portion of Railway Street and alley, as depicted on maps on file in the Office of the City Clerk of said City, and as described in the legal descriptions, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A" is unnecessary for present and prospective public street purposes, and is hereby ordered to be vacated.

SECTION 3. That the City Council of the City of San Dimas does hereby determine that the public convenience and necessity requires the reservation and exception from the vacation of the permanent easements, and right at any time, or from time to time to construct, maintain, operate, replace, remove and renew sanitary sewers and storm drains and appurtenant structures in, upon, over and across the said streets proposed to be vacated, and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipes, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipe lines, telegraphic and telephone lines, railroad lines, and for the transportation and distribution of electric energy, petroleum and its products, ammonia, water, and incidental purposes, including access and the right to keep the property free from inflammable materials and weed growth, and otherwise to protect the same from all hazards in, upon, and over said streets to be vacated.

SECTION 4. The City Clerk shall certify to the adoption of this Resolution and shall cause the same to be recorded with the Recorder of the County of Los Angeles.

APPROVED AND ADOPTED THIS 13th DAY OF DECEMBER, 1994.



MAYOR

ATTEST:



CITY CLERK

I HEREBY CERTIFY that the foregoing Resolution was adopted by vote of the City Council of the City of San Dimas at its regular meeting of December 13, 1994 by the following vote:

AYES: Councilmembers Bertone, McHenry
NOES: None
ABSENT: Mayor Dipple, Councilmember Morris
ABSTAIN: Councilmember Ebner



CITY CLERK

EXHIBIT A

Legal Description

TO BE PROVIDED

RESOLUTION NO. 2013-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS CONFIRMING ITS PRIOR ACTION IN THE ADOPTION OF RESOLUTION NO. 94-78 VACATING PORTIONS OF RAILWAY STREET AND AN ALLEY NEAR SAN DIMAS AVENUE AND COMMERCIAL STREET

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

SECTION 1. That the City Council of the City of San Dimas does hereby find, determine and declare that, pursuant to the provisions of Section 8320 et. seq. of the California Streets & Highway Code, on November 8, 1994 the City Council of the City of San Dimas adopted Resolution No. 94-73 declaring its intention to vacate portions of Railway Street and of the alley parallel and west of San Dimas Avenue at Commercial Streets, as described in said Resolution, and fixed the 13th day of December, 1994, as the date of the hearing thereon, and that said Resolution was posted and published in accordance with the law in effect at that time and notice of said hearing was given in the manner prescribed by law and said hearing was thereafter duly heard.

SECTION 2. That on December 13, 1994 the City Council adopted Resolution 94-78 and found that said portion of Railway Street and the alley as described in the legal description attached hereto as Exhibit A and depicted on the map attached hereto as Exhibit B, both of which are incorporated herein by reference, is unnecessary for present and prospective public street purposes and is hereby ordered to be vacated.

SECTION 3. That the City Council of the City of San Dimas does hereby determine that the public convenience and necessity requires the reservation and exception from the vacation of the permanent easements, and right at any time, or from time to time to construct, maintain, operate, replace, remove and renew sanitary sewers and storm drains and appurtenant structures in, upon, over and across the said streets proposed to be vacated, and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipes, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipe lines, telegraphic and telephone lines, railroad lines, and for the transportation and distribution of electric energy, petroleum and its products, ammonia, water, and incidental purposes, including access and the right to keep the property free from inflammable materials and weed growth, and otherwise to protect the same from all hazards in, upon, and over said streets to be vacated.

SECTION 4. That in reliance upon the prior action of the City Council and its adoption of Resolution 94-78 vacating the property described in Exhibit A, the vacated property has been incorporated as part of the contiguous properties in the following way: (i) the property owned by the City of San Dimas is now part of the City's Park and Ride lot and the adjacent Freedom Park; and (ii) the property at 113 West Commercial Street has had its fence relocated, other improvements made and landscaping installed in the 10 feet that was vacated.

SECTION 5. This City Council does reconfirm the vacation of the property described in Exhibits A and B and the prior adoption of Resolution No. 94-78 and directs that the City Clerk certify to the adoption of this Resolution and cause the same to be recorded with the Recorder of the County of Los Angeles.

PASSED, APPROVED AND ADOPTED THIS 12th day of March, 2013.

Curtis W. Morris, Mayor

ATTEST:

Deputy City Clerk

I HEREBY CERTIFY that the foregoing Resolution was adopted by a vote of the City Council of the City of San Dimas at its regular meeting of March 12th, 2013 by the following vote:

AYES: Badar, Bertone, Ebner, Templeman, Morris
NOES: None
ABSTAIN: None
ABSENT: None

Debra Black, Deputy City Clerk



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of March 12, 2013

FROM: Blaine Michaelis, City Manager *jm*

SUBJECT: Resolution 2013-07 regarding the Abdella Reasonable
Accommodation Request Appeal heard February 26, 2013 – Case
No. 12-01

SUMMARY

At the February 26, 2013 appeal hearing on behalf of Mr. Abdella, the city council asked staff to prepare a resolution and findings regarding their decision to deny the appeal. The resolution is attached for your consideration and adoption.

RECOMMENDATION

1. Review Resolution 2013-07
2. Ask staff questions as desired
3. Approve Resolution 2013-07

Attachment: Resolution 2013-07

RESOLUTION NO. 2013-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS DENYING THE APPEAL REQUEST AND UPHOLDING THE DENIAL OF REASONABLE ACCOMMODATION REQUEST CASE NO. 12-01, A REQUEST FOR AN ACCOMMODATION FROM ZONING CODE SECTION 18.156.100.B.4.B TO STORE A NON-MOTORIZED TRAILER ON THE FRONT DRIVEWAY OF 633 NORTH BILLOW DRIVE (APN: 8386-023-027)

WHEREAS, in August 2012 Joseph Abdella requested an accommodation to permanently park his 18 foot non-motorized trailer ("trailer"), which is currently stored offsite, in the front driveway of his residence at 633 North Billow Drive contrary to the provision of Zoning Code Section 18.156.100.B.4.b which requires recreational vehicles to be located behind the main building line in an interior side or rear yard in single family residences; and

WHEREAS, at the Development Plan Review Board ("DPRB") meeting of January 10, 2013 Mr. Abdella stated that; (i) because of his disability he is unable, without the assistance of another person, to attach his trailer to his vehicle; and (ii) if the trailer was stored in his driveway a neighbor would assist him; and

WHEREAS, Mr. Abdella stated that he uses the trailer on some weekends to go camping with family members; and

WHEREAS, the DPRB determined that whether the trailer was parked offsite or in the driveway of Mr. Abdella's home, Mr. Abdella would still require the assistance of some other person to attach the trailer to his vehicle; and

WHEREAS, permanently parking the trailer in Mr. Abdella's driveway, contrary to provisions of the Municipal Code, although more convenient for Mr. Abdella, was not reasonable and necessary; and

WHEREAS, the DPRB denied Mr. Abdella's request and he appealed that decision to the City Council; and

WHEREAS, on February 26, 2013 the City Council considered Mr. Abdella's request and received a staff report and other evidence; and

WHEREAS, Mr. Abdella, declined the opportunity to testify stating that all of the materials regarding his case were included in the staff report; and

WHEREAS, the City Council considered the staff report and the testimony of the City staff and other evidence regarding the reasons for ordinance 1146 and the City's efforts to comply with the California and Federal law, including the Fair Housing Act of 1988, the Americans with Disabilities Act of 1990 and the California Fair Employment and Housing Act; and

WHEREAS, Section 1.30.060 of Ordinance No. 1146 requires findings to be made before any action is taken to approve or deny a reasonable accommodation request; and

WHEREAS, the City Council finds as follows:

1. *Whether the request for accommodation is reasonable and necessary to afford the applicant with an equal opportunity to access publicly funded buildings, facilities and programs, or privately funded housing, including single and multiple family dwelling units, and public accommodations on an equal basis with citizens who are not disabled.*

The applicant; (i) suffers from asthma and multiple injuries to his pelvis, shoulder and back; (ii) owns an 18' trailer which he uses on some weekends to visit parks, campgrounds and recreation areas with his family; and (iii) requires assistance to connect the trailer to his vehicle, whether the trailer is parked off-site or in his driveway.

The City has received documentation that supports the applicant's a disability. However, the applicant has not demonstrated that permanently storing the trailer in the driveway for occasional use, although more convenient, is reasonable and necessary to accommodate his disability or to meet his major daily life activities.

2. *Whether there are preferable and feasible alternatives to the requested accommodation that may provide an equivalent level of benefit.*

The applicant has not demonstrated that his disability requires immediate access to the trailer on a daily basis. A feasible alternative, which the applicant is currently doing, is to store the trailer at an off-site storage facility. The applicant can park the trailer on the front driveway for 48 hours for loading and unloading and/or 72 hours on the street, if attached to a motorized vehicle, through an overnight parking permit.

If more loading and unloading time is needed in the front driveway, the Council may consider increasing the loading and unloading time to more than the 48 hours than is currently permitted.

3. *The physical attributes of and any proposed changes to property and structures.*

The existing house has narrow side setbacks, preventing the applicant from storing the trailer within the side yard or rear yard. There are no proposed changes to the existing property or structures. The applicant proposes to store the trailer in the driveway.

4. *Whether the requested accommodation will impose an undue financial or administrative burden on the City.*

The requested accommodation will not impose an undue financial or administrative burden on the City.

5. *Whether the requested accommodation will require a fundamental alteration of the City's rules, policies, practices or procedures.*

Section 18.156.100 prohibits the storage/parking of recreational vehicles within the front yard setback area. The requested accommodation would require an exemption from the City's zoning code but not require an alteration of the code.

6. *If a zoning related issue, whether the requested accommodation would result in a detriment of the residential character of that neighborhood.*

In 2009, the City Council voted to maintain Section 18.156.100, the existing ordinance regarding recreational vehicles, essentially prohibiting recreational vehicles from being parked within the front yard. The City Council determined that parking recreational vehicles in the front yard of residential properties was detrimental to the residential character of all neighborhoods in the City of San Dimas. An unwarranted exemption from Section 18.156.100 would be contrary to the objectives of the code prohibiting recreational vehicles in the front yard to the detriment of the neighborhood.

7. *Any other factor(s) that may have a bearing on the request.*

1. No testimony was provided that Mr. Abdella's disability requires the regular and consistent use of an RV trailer.
2. No testimony was provided that Mr. Abdella's use of an RV trailer relieves, improves or is necessary because of his disability.
3. No medical testimony was provided that the use of an RV trailer is required to assist Mr. Abdella in the performance of basic life functions.

From the testimony given – the instructions and conclusions are that Mr. Abdella should not and cannot hook up his RV trailer – and that a RV trailer is not necessary for him to use to relieve or accommodate his disability or perform basic life functions. It is determined that the ability to have the trailer stored at his property is a convenience but not a necessity for Mr. Abdella.

Based on these findings and the staff report and other testimony, IT IS RESOLVED that the City Council hereby denies the appeal of Reasonable Accommodation Request Case No. 12-01 and upholds the Development Plan Review Board's determination to deny RAR Case No. 12-01. 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 12th DAY OF MARCH 2013.

Curt Morris, Mayor of the City of San Dimas

Debra Black, Deputy City Clerk

I, DEBRA BLACK, DEPUTY CITY CLERK of the City of San Dimas, do hereby certify that Resolution No. 2013-07 was passed and adopted at the regular meeting of the City Council held on the 12th day of March 2013, by the following vote-to-wit:

AYES: Morris, Bertone, Ebner
NOES: Templeman, Badar
ABSENT: None
ABSTAIN: None



MEMORANDUM

DATE: March 12, 2013
TO: Mayor and City Council
FROM: Community Development Department 
SUBJECT: Authorization of General Fund Transfer to add ICI Building at 175 W. Bonita Avenue to Downtown Façade Project

Staff was previously directed to move forward with discussions on a façade renovation for the ICI Building. After meetings with the owner and City façade project contractor a cost proposal of \$70,865 has been negotiated. This may increase by \$750 if the sign is also changed. There is an understanding that the cost split would be 55% City (\$38,976 on base price) and 45% ICI (\$31,889). This split is less than the other façade where a 60/40 split was used.

The scope of work includes removal of all wood siding on the south and west building elevations and the front canopy, any needed repairs to headers, patching and repairing and painting of the stucco (all four sides), repairing and repainting wood on north elevation, new screening for equipment near northwest corner of building, and installation of two awnings (blue in color to match the second floor window awnings) in the front. This will bring the building (except for the small rear addition) very close to its historic photographs.

We are still finalizing payments with participants in the first phase façade project but do not have much left from the original allocation of \$215,000. To accommodate desired timing of phase 2 (complete by mid-April), Staff recommends a General Fund Transfer of \$40,000.