



**MINUTES
REGULAR CITY COUNCIL
SUCCESSOR AGENCY MEETING
TUESDAY, JANUARY 8, 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 Jeff Templeman
Councilmember Denis Bertone
Councilmember John Ebner

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

1. CALL TO ORDER AND 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

Pui Ching Ho Librarian announced the planned events for the month.

Hiba Mouri ASB President San Dimas High School, announced the activities before the holiday break and the planned upcoming activities.

Laura Gallardo Chamber of Commerce representative introduced the Chamber's slogan for 2013 "The Year We Make Business Happen" and announced upcoming activities.

Elaine Regis, Chairman of Chamber of Commerce reported on the success of Shop local campaign.

Caryol Smith, Friends of San Dimas Dog Park gave an update on the activities of the dog park.

Theresa Bruns Parks & Recreation Director announced upcoming community meetings with the public to get feedback on parks, facilities and programs. The first meeting is at 6:00 pm. on Tuesday, January 15, 2013 at Marchant Park.

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: It was moved by Councilmember Bertone and seconded by Councilmember Ebner, and carried to accept, approve and act upon the consent calendar, as follows:

- a. Resolutions read by title. further reading waived, passage and adoption recommended as follows:
 - (1) **RESOLUTION NO. 2013 - 01** , A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF DECEMBER 2012 AND JANUARY 2013.
- b. Approval of minutes for the Special City Council Meeting of December 10, 2012 and Regular City Council Meeting of December 11, 2012
- c. Approval of a ten year extension of the Joint Use, Maintenance and Operation Agreement for the SportsPlex between the City of San Dimas and Bonita Unified School District
- d. Approve Resolution No. 2013 - 02, A Resolution authorizing the city to become a member of the California Statewide Communities Development Joint Powers Authority.
- e. Gold Line Update – Dedication of 210 Freeway Bridge

END OF CONSENT CALENDAR

4. PUBLIC HEARING

- a. A request to construct a new 4,000 square foot building for a bank to be located at 614 North Lone Hill Avenue at the Citrus Station

RESOLUTION NO. 2013 – 03, A RESOLUTION APPROVING PRECISE PLAN REVIEW 12-01 AND DEVELOPMENT PLAN REVIEW BOARD CASE NO. 12-20, A REQUEST TO CONSTRUCT A 4,000 SQUARE FOOT BANK (BANK OF THE WEST WITHIN THE CITRUS STATION (APN: 8383-009-097)

Associate Planner Kristi Rojas outlined staff's report on the item. Mrs. Rojas also shared that a question of walkability was brought to staff's attention today and will be discussed with the City Engineer tomorrow; there is concern over the amount of landscape that could be removed to accommodate that access.

Mayor Morris stated that if you could walk out there, there's no place to walk to.

Mrs. Rojas answered that you would be walking to the sidewalk on Lone Hill.

Councilmember Templeman asked if there were any requests for a drive-thru.

Mrs. Rojas answered there were none.

Councilmember Ebner shared that he brought the question of the pedestrian access. He also point out two areas where he thought there might be space to accommodate this.

Mrs. Rojas stated that it would be discussed with the Engineer tomorrow.

Larry Stevens, Director of Development Services stated that there are some grade issues there and would require ADA access.

Mayor Morris shared that he thought there would be a major concern if you couldn't get the slope that would qualify for the ADA requirement.

Councilmember Templeman asked if we thought someone from home would be walking through the location.

Mrs. Rojas identified on the screen a crosswalk that might be used to reach the location.

Mayor Morris opened the public hearing.

David Powell with Pacific Development Group, explained that they have other projects in escrow they will be bringing to Council in the upcoming weeks.

Mayor Morris closed the public hearing and brought the item back to council for a decision.

Councilmember Ebiner stated every development should have pedestrian access that is convenient and encourages people to walk; and should include ADA access. He shared an experience of walking past a location where the sidewalk ended and they had to walk through the driveway to continue to their destination. He illustrated that someone walking at the location in discussion would have to walk out of their way to end up at the bank. He suggested taking a look at a path that doesn't disturb landscaping too much.

MOTION: After the title was read, it was moved by Councilmember Ebiner and seconded by Councilmember Badar to waive further reading and adopt **Resolution No. 2013-03**. Motion carried unanimously.

- b. TEFRA Hearing concerning the proposed issuance of Multifamily Housing Revenue Obligations by California Statewide Communities Development Authority to finance the acquisition and rehabilitation of the 64 unit Voorhis Village property at 653 East Juanita Avenue

RESOLUTION NO. 2013-04, A RESOLUTION APPROVING THE ISSUANCE BY CALIFORNIA COMMUNITIES IN THE AGGREGATE PRINCIPLE AMOUNT NOT TO EXCEED \$12,000,000.00 FOR THE ACQUISITION AND REHABILITATION OF THE 64 UNIT VOORHIS VILLAGE PROPERTY

City Manager Blaine Michaelis presented staff's report on this item and introduce Caitlin Lanctot the representative from California Statewide Communities Development Authority.

Mayor Morris asked City Attorney Brown if members of the JPIA were jointly liable for certain obligations and if that would be the case with this.

Mr. Brown answered he didn't think that was the case and thought that there was an indemnification clause in the document and asked Ms. Lanctot to the podium to respond.

Ms. Lanctot responded that the city would be third party on the agreement and is under no obligation to pay any of the bonds back or if there is any sort of default.

Mayor Morris asked Mr. Brown if this was a concern.

Mr. Brown answered no and that generally under the Joint Powers Authority Act the obligations of the Authority are separate and independent from the members. He will confirm whether there is an indemnification in the agreement.

Mayor Morris opened the meeting for public comment.

Myra White a member of the Voorhis Village Co-op expressed she is highly in favor of the project and corrected the number of units to 65 instead 64.

Mayor Morris closed the public hearing and asked for the title of the Resolution 2013-04 to be read.

MOTION: A motion to waive further reading and approve Resolution 2013-04 was made by Councilmember Bertone and seconded by Councilmember Ebner. The motion passed unanimously.

- c. A request to add Chapter 18.22 to the San Dimas Municipal Code establishing standards for granting density bonuses as required by Government Code Section 65915

**ORDINANCE NO. 1214, APPROVING MUNICIPAL CODE TEXT AMENDMENT
12-05 ADDING CHAPTER 18.22 REGARDING DENSITY BONUSES TO THE SAN
DIMAS ZONING CODE FIRST READING AND INTRODUCTION**

Assistant City Manager Larry Stevens presented staff's report on this item and recommended introducing Ordinance 1214.

Councilmember Bertone expressed that it doesn't matter how many public hearings you have or what the public or the council thinks, this is mandatory.

Mr. Stevens replied that you can't have a public hearing on any of these items, the uses are permitted by right and only a design review can be done and this is required of us.

Councilmember Ebner asked if to make this affordable the developer has to enter into an agreement for a certain amount of time.

Mr. Stevens answered yes he believes it to be a minimum of 45 or 55 years and has to be a firm commitment that runs with the property.

Councilmember Ebner asked if the developer could be the one proposing this to try to get the density bonus or is it something the city is going to be requesting or requiring.

Mr. Stevens responded that they are required to make the request as part of their proposal; it is not part of our requirements.

Councilmember Ebner asked if 5% of the units are very low then they get a 20% bonus and 5% are low income they get zero; and on a 100 unit project they would get what?

Mr. Stevens answered yes, if they had a 100 unit project and 5 units proposed as very low they would get a bonus of twenty units of any type. The bonus component is not required to be affordable. The purpose of the bonus is to help them justify the ability to afford the units they are proposing.

Councilmember Ebner asked if 10% of the units were low and 10% very low do they get to add those percentages together or is it the maximum of the two?

Mr. Stevens answered add up all of the bonuses.

Councilmember Ebner continued that they would then get 52.5 extra units in the 100 unit concept.

Mayor Morris added the only real limitation is that the costs of building goes up, as you build more units those individual units become expensive. He further explained that when we say build at thirty to qualify for things, builders say thirty is a bad number they would rather build 24 units.

Mr. Stevens stated that most people would rather build 20 to 24 units because the types of construction they can build at and the costs of construction. Thirty is not a number that makes a lot of sense to the industry but it's the number that Sacramento chose as the default density.

Councilmember Badar asked if any of these bonuses were a part of the public hearing project that was just heard tonight.

Mr. Stevens responded it was unrelated to that project because it already exists. They had already received a density bonus under an earlier version of the law when it was built around 1970, but that this ordinance has no impact on the Voorhis Village Project at all.

Mayor Morris opened the public hearing for comment.

Seeing no one come forward Mayor Morris closed the public hearing.

MOTION: A motion to waive further reading and introduce Ordinance 1214 was made by Councilmember Bertone and seconded by Councilmember Ebner. Motion carried unanimously.

d. A request to add Chapter 18.44 to the San Dimas Municipal Code establishing the MF-30 Zone

**ORDINANCE 1215, APPROVING MUNICIPAL CODE TEXT AMENDMENT 12-06
ADDING CHAPTER 18.44 MF-30 ZONE TO THE SAN DIMAS ZONING CODE
FIRST READING AND INTRODUCTION**

Assistant City Manager Larry Stevens presented staff's report on this item.

Councilmember Bertone asked if this helps with our RHNA numbers.

Mr. Stevens answered that ultimately it would help. He stated that at the present time he is not proposing to rezone any property MF-30 and continued by explaining that when we adopted our Housing Element we committed to rezone three properties to comply with our RHNA numbers. Those three properties are the a portion of the Bonita Canyon Gateway Project, a 2 ½ acre portion of the School District Office site on San Dimas Avenue adjacent to the 210 Freeway.

Councilmember Bertone asked if this is required like the previous ordinance.

Mr. Stevens replied that it is required to some degree, but that there is a little more flexibility in terms of how it is written.

Councilmember Bertone asked if Mr. Stevens has taken all of the flexibility possible to our advantage.

Mr. Stevens replied he has done everything he could to minimize the impacts.

Councilmember Badar asked what the third property was.

Mr. Stevens answered the 3.3 acres of property behind Grove Station, the block surrounded by Arrow Highway, San Dimas Avenue, Walnut Avenue and the railroad.

Councilmember Badar asked if we've committed to any type of zone change for either of the two equestrian centers that are currently on the market.

Mr. Stevens answered that he has not at this point in time and that will be up for discussion at the next cycle.

Mayor Morris opened the public hearing for comments.

Seeing no one come forward Mayor Morris closed the public hearing.

MOTION: A motion to waive further reading and introduce Ordinance 1215 was made by Councilmember Badar and seconded by Councilmember Bertone. Motion carried unanimously.

Councilmember Ebner commented that he is for this Ordinance because it is good for us. The city has to supply places to build affordable housing; that is the requirement. The requirements and standards that are included tonight are great and ingenious in some ways. He likes the requirement of usable open space.

5. PLANNING MATTERS

- a. Request from NJD to initiate amendment to SP 25 to allow up to 950 square foot second story architectural element on lots with one story height limit

Assistant City Manager Larry Stevens presented staff's report on this item.

Councilmember Bertone asked if this request was granted what the disadvantage to the community would be.

Mr. Stevens answered it depends on what your perception of visibility would be, how much you can achieve and whether or not there needs to be some offset to it. He also added that you can offset any perceived disadvantage but you may need to adjust a couple of other development standards as part of that consideration.

Councilmember Bertone asked if this is granted would this come back for other adjustments.

Mr. Stevens answered it has to go through public hearings and he would evaluate whether or not there should be some changes to other standards. He may be constrained by the limitations of the development agreement. The development agreement constrains us from modifying many of the rules that apply to the zoning; so if it's not a development standard they've requested to be amended he is not sure how much he could push looking at other standards at this point. He would have to have a discussion with Ken Brown.

Councilmember Templeman asked do we have other residential areas that have a 35 foot height limitation.

Mr. Stevens answered this is the only zone with the one story limitation and then the exception to allow two story. Most of our other zones allow two story and 30 to 35 feet; and in some cases three story depending on where they are.

Councilmember Templeman asked if the location is what makes this different from other areas in the community where we've allowed different heights.

Mr. Stevens answered the Northern Foothills was perceived differently in terms of their potential visibility and exposure and that was the basis for the original one story height limit which was modified in 2010 for 27% of the parcels.

Councilmember Ebner asked when the project was originally proposed what the housing concepts looked like.

Mr. Stevens answered what was envisioned at the time when we imposed the one story height limit, which goes back to the original adoption of the Specific Plan in 1999, was more of a rural ranch style and one story component that could accommodate several different architectural styles but didn't envision any of the two story styles.

Councilmember Templeman asked if it was possible to do a topography scaling on the parcels to show the visibility issue as far as 35 feet height goes.

Mr. Stevens answered we could require as part of this review some modeling or graphics to evaluate visibility or view.

Councilmember Templeman stated if council is being asked tonight whether they would like to provide an opportunity for this to move further down the road he is okay with doing so. He may not be willing to give all the parcels as 35 feet depending on what he learns based on some of the modeling; but he is willing to keep looking at it.

Mayor Morris shared that when all the modeling of this had been looked at before, the place that these are most visible from is Way Hill and its 2 ½ miles to the site. He asked for clarification on the approval as it stands now.

Mr. Stevens answered in theory you could have a tower element that was up to 30 feet in height as part of a one story unit. It doesn't have any floor space, could it be if it were circular it was the equivalent of a 950 square foot area, if it were architecturally proportionate then yes.

Mayor Morris asked is the 950 square feet related to the size of the building.

Mr. Stevens answered 950 square feet would be the maximum amount of the one story lots for this usable second floor floor area. In order to achieve that, the main house under their proposal would have to be 9500 square feet.

Discussion continued on the various styles and sizes being looked at while reviewing the photos in the staff report.

Mayor Morris asked if the City Council were to refer this back to the process, would it be limited to the Planning Commission or planning staff to what has been requested, or could you say 5%. Essentially all we're being asked to do is look at this.

Mr. Stevens answered that is correct. This is a little bit unique because the development agreement freezes a lot of the development standards in place. There might be a little bit of give and take, and if this isn't the right solution there might need to be some understanding of what those limitations are in the development agreement that might need to be tweaked in order to get to yes.

Councilmember Templeman commented that they are asking for a maximum standard and it should be the overall architecture at the submittal that makes the determination and they know it doesn't go over the standard; he doesn't see the harm in pursuing this further down the road.

Councilmember Ebiner asked if it is a requirement that there be changed conditions when considering the request.

Mr. Stevens answered it is a judgment as to what a changed condition is. It could be a lot of things, but this applicant has never really been very happy about the one story, and so we've nudged out the two stories and now we are nudging out the one story a little bit more; maybe it's appropriate maybe it's not but I think changed condition is a judgment call. I just wanted to remind you of a little bit of the historical background before jumping into it and saying ok yes it looks good let's do it. There was a basis for the original limitations.

Councilmember Bertone asked what happens if they initiate it, then we could approve it or not approve it.

Mr. Stevens answered yes.

Councilmember Bertone responded by saying that he thinks we should go forward, but he requested the Planning Commissions be advised of the discussion and understand that starting the process does not mean the council supports any changes.

Councilmember Badar asked about the average square footage of the houses.

Mr. Stevens answered we don't know because we don't have any really specific house proposals. They have included in their proposals some relatively broad square footage numbers. On custom equestrian lots the proposal shows 3,800 sq. ft. to 15,000 sq. ft.; on the custom lots they have identified 15 lots with the same square footage. These are all one story. There are 37 semi-custom lots 21 of which are one story, 16 are semi-custom lot categories which show square footages of 3,400 to 8,500 sq. ft.

Mayor Morris stated that this would be a single story house covering two of our city lots.

Mr. Stevens stated that we are probably going to see things like what've seen on Calle Christina, Via Romales; and some of what is on the Boulevard. He continued by saying that we may see a little under 5,000 sq. ft., but probably between 4,500 sq. ft. and 7,500 sq. ft. and a few in the 10 to 15,000 sq. ft. range. The majority will be plus or minus 6,000, this is relatively consistent with what we've been seeing in the custom lots around town.

Mayor Morris added that with the costs of development including the roads and other items we probably won't see anything under 5,000 sq. ft.

Mr. Mayor Morris asked Mr. Stevens how much guidance he would like from council as to what they would like to see come back.

Mr. Stevens asked if council would also like to see any changes in area two and if they would want to look at other adjustments that would offset any increased visibility.

Councilmember Bertone asked if they want changes to area two.

Mr. Stevens answered they do not own two, but when we do a code amendment we could do all of it, or we could simply stay with area one.

Councilmember Bertone asked what was area one.

Mr. Stevens answered everything else but their property in the Northern Foothills, including Mr. De Falco up to the National Forest.

Councilmember Badar asked if it would be easier to join them together.

Mr. Stevens answered he would probably stick with area one.

Councilmember Bertone stated he would stay with area one and allow other finessing to mitigate any problems.

Councilmember Ebner stated his only comment is it is an additional benefit to the property owner, and since conditions have changed to allow this kind of modification perhaps they've also changed to allow a modification that helps the city with the views, open space or trails.

Mr. Stevens explained that he can't do anything that is not specifically spelled out or approved in the tract map.

Councilmember Badar stated that he agreed with Councilmember Bertone on area one, but then when he began talking about adjusting something he missed that part.

Mr. Stevens answered it was on landscaping, setbacks or maybe some floor area standards that aren't in there now that are consistent with their guidelines and they can't decide to change the guidelines later on and exceed them.

Mayor Morris would be in favor of telling the Planning Commission that referring this back does not mean that we suggest they make any changes. We want them to exercise their discretion in this design review. It should be specific to them that all we're doing is sending it back to say we are willing to take a look at it.

Mayor Morris asked if a vote was needed to proceed with this.

Mr. Stevens answered a motion to authorize proceeding with an amendment to the height limits pursuant to the discussion.

MOTION: Motion made by Councilmember Bertone and seconded by Councilmember Badar. Councilmember Ebner abstained from the vote. Motion carried by a vote of 4-0-1.

6. OTHER MATTERS

a. Successor Agency Activities Verbal Update

Assistant City Manager Ken Duran shared that the State did reverse their denial of two of the most significant items that we had appealed in the Recognized Obligation Payment Schedule. One is the payment obligation to COSTCO under the DDA and the other was the \$2.7 million low and moderate housing commitment for the GROVE Station Project. Those items were funded with the ROPS 3 payment and we received funding last week. The money that was leftover from the ROPS 3 that we did not receive was redistributed to the other taxing entities, roughly \$2.5 million. The City is one of those taxing entities, so we were the recipient of \$291,000. The other item action was the Low and Moderate Income Housing Fund Due Diligence Review. This was an accounting of how much cash we had available in the low moderate housing fund. We submitted what we felt we had in committed

obligations of that cash. The cash available was about \$5.9 million; we submitted that we had all but about \$366,000 of that committed on the two projects. We will receive \$35,000 from those redistributed funds.

Councilmember Badar asked what happened to the money from the Bonita Gateway Project.

Mr. Duran answered we get to keep that money and it is obligated under the agreement we have the with developer with the project. We have about \$2.5 million set aside to contribute to that project when it moves forward.

Councilmember Badar asked if the project doesn't happen then what.

Mr. Duran answered the money would go back to redistribution. He continued that the third item was a review of the cash that was non-housing related. The audit review will be going before the Oversight Board for their approval this Thursday. It was determined by the auditors that there is no excess cash available for redistribution; so we will not have to distribute any cash if the Oversight Board approves the review and if the State approves the Oversight Boards approval. The last appeal was on our housing assets list. One of the items was the four units of the Grove Station that we had purchased for resale, the State denied those four as an obligations. We have an appeal date for February 4, 2013 where the City Attorney and I will be appearing before the Department of Finance in Sacramento.

Councilmember Templeman acknowledged the good work done by both the City Attorney and Assistant City Manager.

Mayor Morris also shared that both Ken's had done a tremendous job on this and that the Oversight Board has been very supportive of our positions.

7. ORAL COMMUNICATIONS

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

Matt Lyons with Representative Chris Holden's office thanked the Chamber of Commerce and the City for the opportunity to introduce Mr. Holden to the Chamber Members and the constituents who attended the State of the City. He shared the four committees that Mr. Holden has been assigned to: Appropriations, Transportation, Business and Professions and Labor and Employment. Invitations will be coming soon for the opening of the District Office. Office hours will be established for the communities east of the 605 Fwy. Mr. Lyons will be the contact for San Dimas, La Verne and Claremont.

- b. City Manager

Mayor's call in show is this Thursday.

- c. City Attorney

Nothing

- d. Members of the City Council

Nothing

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

Nothing

2) Individual Members' comments and updates.

Councilmember Ebiner reported on the tour of all the city parks and gave a reminder of the Parks & Recreation Commission meeting at Marchant Park.

Councilmember Badar thanked the Chamber for hosting the State of the City address.

Councilmember Bertone shared news that the San Gabriel Valley Energywise Program has saved the city 6.1 million kilowatt hours which is 155% over their goal. The city has been reimbursed \$22,000. This was equivalent in energy for 900 homes. The COG is working to restart the program.

Adjourned to closed session 9:08 p.m.

8. CLOSED SESSION

a. CONFERENCE WITH REAL PROPERTY NEGOTIATION (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.

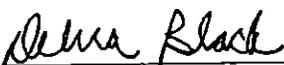
Under Negotiation: Potential property acquisition and the conditions under which the transaction would take place

9. ADJOURNMENT

Closed session adjourned at 9:45 pm. with no reportable action.

The next meeting is January 22, 2013, 7:00 p.m.

Respectfully,



Debra Black, Deputy City Clerk