



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 Ebner
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 Krisnha 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.

Respectfully Submitted

Deputy City Clerk