



**MINUTES  
REGULAR CITY COUNCIL /  
SUCCESSOR AGENCY MEETING  
TUESDAY, FEBRUARY 26, 2013, 7:00 P. M.  
SAN DIMAS COUNCIL CHAMBERS  
245 E. BONITA AVENUE**

**NOTE: Students in Government Day participants will be present at the City Council meeting and sit with their counterparts.**

**CITY COUNCIL:**

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

**STAFF**

City Manager Blaine Michaelis  
City Attorney Ken Brown  
Assistant City Manager Community Development Larry Stevens  
Assistant City Manager Ken Duran  
Director of Parks and Recreation Theresa Bruns  
Director of Public Works Krishna Patel  
Deputy City Clerk Debra Black  
Senior Planner Marco Espinosa  
Associate Planner Jennifer Williams

**1. CALL TO ORDER FLAG SALUTE**

The meeting was called to order at 7:04 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

Daniel Cedeno District Representative from Senator Carol Liu's office. His contact information is [daniel.cedeno@sen.ca.gov](mailto:daniel.cedeno@sen.ca.gov)

Pui Ching Ho and Chelsea Gonzalez announced the monthly activities for the library.

Judy Neal resident and Central Committee Member for the 41<sup>st</sup> Assembly District spoke on the LA County Clean Water Measure. She shared her concerns over residents not taking part in the process and responding to the notification on the upcoming hearing.

Matt Lyons with the office of Assembly Member Chris Holden announced upcoming calendar events for the Assembly Member.

Caroyl Smith with Friends of the Dog Park reported the on the reopening of the park on March 1, 2013.

Brian Wierzchucki San Dimas High School Government Teacher thanked Council for participating in the Students in Government Day.

Jim Mc Cants resident reminded everyone of the upcoming election and the importance of supporting Measure "A".

Margie Green Chamber of Commerce representative announced the Toast of the Town event coming up on March 21, 2013 at 5:00 p.m. to 8:30 p.m.

David Harbin representative of San Dimas Historical Society reported on and announced the events of the Historical Society and Festival of Arts.

### 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:** A motion was made by Councilmember Templeman and seconded by Councilmember Bertone and carried to approve, accept and act upon the consent calendar as follows:

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

- a. **RESOLUTION NO. 2013-10**, A Resolution of the City Council of the City of San Dimas approving certain demands for the month of February, 2013.
- b. Reject claim for damages from Joyce Rowland
- c. Cash Contract No. 2012-08, "Gray Oaks Sign Rehabilitation Project over Terrebonne Avenue at San Dimas Canyon Road", to Brandt Group, Inc. in the amount of \$22,000.00
- d. **RESOLUTION NO. 2013-11**, A Resolution of the City Council of the City of San Dimas authorizing the City Engineer to proceed with the preparation of annual reports for the annual Levy of Assessments for the Boulevard Open Space Maintenance District (TR 32818).
- e. **RESOLUTION NO. 2013-12**, A Resolution of the City Council of the City of San Dimas authorizing the City Engineer to proceed with the preparation of annual reports for the annual Levy of Assessments for the Northwoods Open Space Maintenance District (TR 32841).
- f. Authorization to Initiate the Development of the National Pollutant Discharge Elimination System (NPDES) Permit Requirement to Implement a Low Impact Development (LID) Ordinance and Green Streets Policy.
- g. Proclaim March 13, 2013 Arbor Day to support efforts to protect our trees and woodlands.

END OF CONSENT CALENDAR

### 4. PUBLIC HEARING

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

- a. Consideration of DPRB Case No. 11-05; CUP 12-04; TTM 11-01; Tree Removal Permit No. 12-24 – A request to Subdivide Two Lots, consisting of 1.81 acres of vacant land, into a total of Six (6) Lots located at 301 South San Dimas Avenue. Five (5) of the lots will be developed with Single-Family Residences, and the sixth lot will have Six (6) Townhomes, and Eight (8) Mixed-Use Residences. (APN: 8390-019-037, 8390-019-036)
  - (1) **RESOLUTION NO. 2013-14**, A Resolution of the City Council of the City of San Dimas recommending approval of DPRB 11-05, a request to construct five (5) single-family residences along Shirlmar Avenue and fourteen (14) townhomes (six (6) regular and eight (8) mixed use) facing San Dimas Avenue on the parcels located at 301 South San Dimas Avenue (APN: 8390-019-037, 8390-019-036)
  - (2) **RESOLUTION NO. 2013-15**, A Resolution of the City Council of the City of San Dimas recommending approval of tentative tract map no. 71259, a request to subdivide two (2) existing lots that total approximately 1.81 acres in size into six (6) residential lots (five (5) single-family residences and one (1) multi-family/mixed-use) on the property located at 301 South San Dimas Avenue (APN: 8390-019-037, 8390-019-036)
  - (3) **RESOLUTION NO. 2013-16**, A Resolution of the City Council of the City of San Dimas recommending approval of conditional use permit 12-04, a request to construct five (5) single-family residences along Shirlmar Avenue and fourteen (14) townhomes (six (6) regular and eight (8) mixed use) facing San Dimas Avenue on the parcels located at 301 South San Dimas Avenue (APN: 8390-019-037, 8390-019-036)

Senior Planner Marco Espinosa presented staff's report that included a power point presentation and recommended approval of the Planning Commission DPRB 11-05, CUP 12-04, Tree Permit 12-24 and Tentative Tract Map 11-01.

Councilmember Ebner asked where the entrance to the homes would be.

Senior Planner Espinosa replied that they would be located off of Shirlmar Avenue.

Councilmember Templeman asked if it was city property and who would maintain the landscape between the sidewalk and the parcel.

Senior Planner Espinosa replied yes that there is a parkway there that is maintained now.

Councilmember Ebner asked about property near the site and if some of the proposed site was currently being for parking.

Senior Planner Espinosa replied if they are it is not by consent.

Councilmember Bertone commented that he drives down the street for Meals on Wheels and the city might want to send Code Enforcement to some of the houses to get a head start on correcting issues.

Councilmember Badar asked Mr. Espinosa to go over the size of the houses again.

Senior Planner Espinosa replied 2,000 to 2,400 which includes the garage.

Councilmember Ebner requested Mr. Espinosa to go over the lot coverage of the house and garage and what is allowed.

Senior Planner Espinosa replied the typical percentage allowable is 35% and he would check on the lot coverage.

Councilmember Ebner asked if the applicant discussed what is envisioned for or what would be successful going into the live work units.

Senior Planner Espinosa replied that based on the size they are looking at office use, food uses would be very limited.

Councilmember Ebner asked if the 9 feet by 18 feet with 26 foot aisle parking spaces were standard.

Senior Planner Espinosa replied yes and that they also have an additional 2 feet encroachment into the landscaping if needed.

Councilmember Badar asked for clarification of the downtown Bonita Corridor where we don't allow office space, if this would affect that.

Senior Planner Espinosa replied that this is different from Bonita Corridor and is allowed here.

Mayor Morris opened the Public Hearing on the item.

Steve Ide from the Steve Ide Design Group came forward to answer questions of Council.

Councilmember Ebner asked Mr. Ide what he thought the prospects are of the live work units to have businesses in them.

Mr. Ide replied that it would be selective use; they envision someone semi-retired who still wants to work 1 or 2 days a week and is looking to downsize.

Councilmember Ebner replied that there would be no foot traffic.

Mr. Ide answered that there isn't much foot traffic because the area dead ends at Arrow Highway.

Josie Norman resident who lives across the street from the project is looking forward to the project and shared that there is more foot traffic than expected. She is in the process of opening a store downstairs from her unit and there are people walking their dogs and bicyclist riding bikes.

Councilmember Ebner asked Ms. Norman how big is her store front.

Ms. Norman replied 750 square feet may be a bit more. She has submitted plans for opening a coffee shop and the development behind her are looking forward to her doing that.

Councilmember Ebner asked if that food use would be allowed in the new project.

Senior Planner Espinosa replied yes, but there are some constraints because of health department requirements.

Mayor Morris asked if anyone would like to speak in opposition of the project.

Christine Bellow resident on nearby street feels that this will have a big impact on her neighborhood as far as noise, dust and big equipment. She is not happy with the density factor, does not mind the homes but feels the mixed uses make it messy. She also shared that San Dimas Avenue already has traffic issues and this would add to the congestion.

Dr. Marvin Ersher resident feels that we already have a project that has not been successful and asked what the occupancy rate on the project across the street is. He wanted to know if a feasibility study was done on the new project and thinks it makes more sense to build townhomes back and front.

Mayor Morris closed the public hearing.

Discussion continued on the uses of the properties and the setback conditions.

Councilmember Ebner shared his suggestion of expansion capabilities for the commercial units that would give the project more flexibility.

Discussion on the probability of the project's impact on the downtown area continued.

Councilmember Badar asked how difficult would it be for the owner of a unit to request permits to remove a wall, somewhere down the line.

Director Stevens replied that it would be difficult and there would be an issue with the 50% live work ratio. It would also require some action under the MAP Act because of the air space property line there.

Councilmember Badar asked Mayor Morris to reopen the public hearing for Mr. Ides to address Councilmember Ebner's concerns.

Mr. Ides stated that they did have notes on their plans to add headers that would accommodate what Councilmember Ebner is suggesting. The issues that Director Stevens mentioned would have to be addressed. The numbers could change from eight and six to eight and seven and still met the 50% rule.

Director Stevens added that if the live work units on both sides of the street are not successful, the city could revisit other options.

Mayor Morris closed the public hearing.

**Motion:** A motion to waive further reading and approve Resolutions, was made by councilmember Bertone and seconded by Councilmember Badar. The motion carried unanimously.

## 5. PLANNING/DEVELOPMENT SERVICES

- 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)

Senior Planner Marco Espinoza explained the Reasonable Accommodation Request concept and process and the existing Municipal Code provisions and the findings that have to be made. He then presented staff's report on for the item on the agenda.

Mayor Morris opened the floor for the appellant.

Mr. Abdella stated that he feels this is discrimination against physically disabled persons and if denied he will have to take legal action.

Mayor Morris asked Mr. Abdella if he had any additional information to present that hadn't been presented to the DPRB or included in the staff report.

Mr. Abdella answered no.

City Attorney Ken Brown responded to Mr. Abdella saying that at the last meeting one of the questions asked dealt with ADA and the guidelines associated with it. He stated that when looking at the court decisions involving ADA, there is frequent reference to a disability that affects the claimant's ability to carry out those activities which are of central importance to daily life. He is not sure that the material presented by Mr. Abdella supports this finding or the findings required in the Municipal Code.

Mayor Morris closed the appeal hearing.

Councilmember Templeman feels that some compassion should be considered.

Councilmember Bertone feels that motorhomes, boats and other things in driveways do not make the neighborhood look good.

Councilmember Badar has concerns that we don't have enough details from the doctor and would like to send this back to staff for more fact finding. He feels the note was very generic.

Mayor Morris refocused the conversation back to the matter of the appeal and stated that City Attorney Brown has offered the opinion that the materials presented indicate that allowing the trailer to be parked in the driveway would be convenient for Mr. Abdella but not necessary to accommodate an activity of central importance to daily life. If the City Council accommodates this request they will be hard pressed to turn down any other requests. He further stated that he doesn't feel that what was presented to the DPRB and at this meeting is adequate to approve this request.

City Attorney Brown stated that one of the findings of the existing ordinance is whether the requested accommodation requires a fundamental alteration of the city's rules, policies or procedures. If council does grant the accommodation to Mr. Abdella they would be changing the requirement of the city ordinance.

City Attorney Ken Brown recommended that after a motion is made, staff will prepare the appropriate resolution based on the materials presented and present it to Council at the next meeting.

Councilmember Bertone made a motion to deny the appeal and direct staff to prepare an appropriate resolution for the next meeting. This motion was seconded by Councilmember Ebner.

Councilmember Templeman voted against the motion because he was of the opinion that an accommodation for the quality of life that could be made.

Director Stevens commented that staff generally feels there should be a lower threshold of proof and that is why there has not been an effort to double check, verify and better document the doctor's note and accept that there is a disability. He further stated staff's position hinges on the whether or not the accommodation is for a daily regular continued use.

Discussion continued with council agreeing on the idea of a lower threshold.

Councilmember Badar stated he will vote against this and wants more fact finding to know if we are on stable ADA ground.

**The appeal was denied by a three to two vote, with Councilmembers Bertone, Ebner and Morris voting in favor and Councilmembers Badar and Templeman opposed.**

Councilmember Badar asked the City Manager to put this item on a study session agenda for discussion on other fact finding possibilities.

- b. Consideration of Precise Plan 12-06 and DPRB 12-31 a request to construct a new 8,416 square foot multi-tenant shops building to be located at 462, 464, 466, 468, and 470 North Lone Hill Avenue at the Citrus Station (APNs: 8383-009-082, 8383-009-094, and 8383-009-088)

**RESOLUTION NO. 2013-13**, A Resolution of the City Council of the City of San Dimas approving precise plan 12-06 and development plan review board case no. 12-31, a request to construct an 8,416 square foot multi-tenant shops building within the Citrus Station at 462, 464, 466, 468, and 470 North Lone Hill Avenue (APN: 8383-009-082, -088, and -094)

Associate Planner Jennifer Williams presented staff report on this item and recommend that council adopt and approve the resolution.

Councilmember Badar asked about increased seating capacity.

Director Stevens responded by saying that although staff has not discussed with the applicant there is a possibility of increased seating capacity by taking a portion of the parking spaces. The parking is for the whole center.

Councilmember Templeman asked if signage has been discussed.

Associate Planner Williams answered staff has discussed signage with the applicant and that there is a sign program already in place for the center.

Councilmember Ebner asked if there will be any tree removals on the site.

Associate Planner Williams responded that there are no plans for any tree removals, will be adding more for buffer.

Applicant David Powell reported that they have presented an architecturally pleasing building, have worked in the criteria of the specific plan and are in compliance and they are over parked within the parcel. In addition COSTCO has placed a more stringent parking requirement and they have ten more spaces over and above the specific plan requirement. They have two signed leases and are looking for two more tenants and are looking for food uses.

Motion: A motion was made by Councilmember Badar to waive further reading and adopt resolution 2013-13, and seconded by Councilmember Templeman. Motion passed unanimously.

## 6. OTHER MATTERS

### a. Gold Line Final EIR Update – verbal report

Director of Development Services Larry Stevens reported that Goldline Authority had intended to certify the report tomorrow night, however our staff as well as others were not happy with the limited review time and have drafted a letter to be sent, but because of concerns expressed by surrounding cities as well they have given additional time for review which may be March 6<sup>th</sup> or March 20<sup>th</sup> at their regular board meeting. The concerns we expressed were the impact on emergency response time, intention of operating across Bonita and Cataract and placement of power stations. Staff feels that the Goldline staff didn't do an adequate job in responding to our concerns. We will be sending the letter asking them to do an additional review before they certify the document and will wait for their response.

Councilmember Bertone asked if they would have to do another EIR since this won't be built until 2012.

Director Stevens answered that we will most likely see two or three more EIR's before anything is done, but we can't assume that and we have to protect our interests.

### b. Successor Agency Update – verbal report

Assistant City Manager Ken Duran reported that we received a letter yesterday from the Department of Finance that reversed their decision of denial and have approved for the city to retain the four units in the Grove Station. The Oversight board meets Thursday to approve the ROPS for July 2013 thru December 2013; there are no new items on this ROPS. We are starting the process for the property management plan.

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

### a. Members of the Audience

No one

### b. City Manager

Ask the Mayor call in show this Thursday is cancelled; the next live broadcast will be on March 14, 2013. Adjourn meeting tonight in honor of former employee Laura Lockett.

c. City Attorney

None

d. Members of the City Council

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

None

2) Individual Members' comments and updates.

None

**8. ADJOURNMENT**

Meeting adjourned at 9:38 p.m.

Respectfully submitted,

Debra Black  
Deputy City Clerk