



AGENDA
REGULAR CITY COUNCIL
SUCCESSOR AGENCY METING
TUESDAY, JUNE 25, 2013, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE., SAN DIMAS, CA

CITY COUNCIL:

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

1. CALL TO ORDER AND FLAG SALUTE

2. RECOGNITIONS

- a. Recognize Los Angeles County Fire Department Firefighter of the Year
- b. Recognize Los Angeles County Sheriff's Department Public Safety Employee of the Year
- c. Recognize Los Angeles County San Dimas Branch Library – 100 Years

3. ORAL COMMUNICATIONS (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or asked to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

- a. Members of the Audience

4. CONSENT CALENDAR

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

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

RESOLUTION NO. 2013-41, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF JUNE, 2013.

- b. Approval of minutes for special meeting of May 28, 2013 and regular City Council meeting of June 11, 2013.
- c. Reject claim from Southern California Edison
- d. Renewal of Cash Contract No. 2011-04, Concrete Maintenance Project – Various Citywide Locations – Grigolla & Sons Concrete, \$81,000
- e. Renewal of Cash Contract No.2011-05, Asphalt Maintenance Project – Various Citywide Locations – Paveco Construction, Inc. \$117,000
- f. Renewal of Cash Contract 2011-07, Annual Striping Maintenance to Superior Pavement Markings, Inc. in the amount of \$50,000
- g. Proposed Amendment to the Measure R Expenditure Plan
- h. San Gabriel Valley Council of Government Report
- i. Request for Authorization to enter into a Cooperative Purchasing Contract with HGAC

END OF CONSENT CALENDAR

5. PUBLIC HEARINGS

- a. Consideration of Municipal Code Text Amendment 12-03, a request to amend Section 18.542.250, and other sections as deemed appropriate, of the San Dimas Municipal Code, to allow an up to 950 square foot second story architectural element on lots with a one-story height limit and other associated revisions, as deemed appropriate. (Applicant: NJD, Ltd.)

ORDINANCE 1221, An Ordinance of the City Council of the City of San Dimas approving a Municipal Code Text Amendment 12-03, amending building height and pad coverage standards in Specific Plan No 25, Planning Area One – **FIRST READING**

- b. Consideration of Municipal Code Text Amendment 12-02 - A request to amend Specific Plan No. 20, Areas 2 and 3, (Code Section 18.532) to allow for expanded uses not currently allowed, located at 802-888 W. Arrow Highway, San Dimas Marketplace/Target Center. (APN: 8383-024-027, -028, -029, -030, -031, -035, -036, -037)

ORDINANCE 1222, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 12-02, AMENDING ALLOWABLE USES WITHIN AREA 2 AND DELETING AREA 3 WITHIN SPECIFIC PLAN NO. 20 – **FIRST READING**

- c. Consideration of Municipal Code Text Amendment 13-03 – A Request to Modify Chapter 18.40 of the San Dimas Municipal code to increase the acreage in AHO-1 by an additional 1.33 acres; and delete various references to the non-existing Senior Housing Chapter.

ORDINANCE 1223, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 13-03, AMENDING THE HOUSING GOAL FOR AFFORDABLE HOUSING OVERLAY ZONE NO. 1 (AHO-1) AND DELETING VARIOUS OBSOLETE REFERENCES TO CHAPTER 18.151 – **FIRST READING**

6. OTHER MATTERS

- a. Update regarding adopted waste discharge requirements for Municipal Separate Storm Sewer Systems (MS4) – National Pollutant Discharge Elimination system (NPDES)
 1. Authorization to join the Cities of Claremont, La Verne and Pomona relating to the administration and Development of a Watershed Management Program (“WMP”)
 2. Principal approval of the draft Memorandum of Understanding Program (“MOU”) by and among Cities for Costs Sharing in the Development of Watershed Management Program and Monitoring Plans
 3. Approval to file a Notice of Intent (“NOI”) to develop a WMP with the Los Angeles Regional Water Quality Control Board (LARWQCB)

7. SUCCESSOR AGENCY

A. Verbal Update

8. ORAL COMMUNICATIONS

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

9. ADJOURNMENT

The next meeting is July 9, 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://cityofsandimas.com/minutes.cfm>

SUPPLEMENTAL REPORTS: AGENDA RELATED WRITINGS OR DOCUMENTS PROVIDED TO A MAJORITY OF THE SUBJECT BODY AFTER DISTRIBUTION OF THE AGENDA PACKET SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE CITY CLERK'S OFFICE AT 245 EAST BONITA AVENUE DURING NORMAL BUSINESS HOURS. [PRIVILEGED AND CONFIDENTIAL DOCUMENTS EXEMPTED]

POSTING STATEMENT: ON JUNE 21, 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 AS A COURTESY, AT THE VONS SHOPPING CENTER (PUENTE/VIA VERDE) AND THE CITY'S WEBSITE AT WWW.CITYOFSANDIMAS.COM/MINUTES.CFM.

RESOLUTION NO 2013-41

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN DIMAS, CALIFORNIA, APPROVING
CERTAIN DEMANDS FOR THE MONTH OF
JUNE 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: 06/281/13; 144099 through 144233 in the amount of \$658,167.58.

PASSED, APPROVED AND ADOPTED THIS 25th DAY OF JUNE 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 June 25th, 2013 by the following vote:

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

Debra Black, Deputy City Clerk

4a



***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
SPECIAL CITY COUNCIL MEETING
MONDAY, MAY 28, 2013 5:30 P. M.
SAN DIMAS COUNCIL CHAMBERS
CONFERENCE ROOM
245 E. BONITA AVENUE

CITY COUNCIL:

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

City Manager Blaine Michaelis
City Attorney Ken Brown
Assistant City Manager/City Clerk Ken Duran
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 Meeting to order at 5:30 p.m.

2. ORAL COMMUNICATIONS

No comments.

3. CONTINUED DISCUSSION REGARDING RECENT PLANNING AND LAND USE PROJECTS AND PROPOSALS

Assistant City Manager Stevens commented that this study session is a continuation of the case study study session a few weeks back. He referenced his staff report where he tried to identify issues that he thought were raised.

Mr. Stevens commented that he understood it was the consensus of Council to adjust the fee related to the initiation of a Code Text Amendment so it is collected on a staggered basis and staff would propose making that change. Mayor Morris confirmed that it was the consensus of the Council to make that fee change.

Mr. Stevens referenced the fee chart in the staff report that identified the other planning related fees. He mentioned that to raise the amount of fees would require a nexus study. He also mentioned that San Dimas fees are on the low side compared to other cities. There was discussion on fees and keeping them as low as possible. Mayor Morris suggested looking at condition requirements that may not be relevant, especially if they have a cost to the applicant.

Mr. Stevens described the various review processes and the amount of staff time involved with each. It was the consensus of the Council not to adjust any other fees.

Mr. Stevens referred to the chart in the staff report showing the typical processing time for each type of process.

Councilman Templeman commented that communication with the public is his biggest concern. He suggested finding a way to document counter discussions between the planning staff and the public and to provide that documentation to the public. There was discussion about the feasibility and ways to provide that type of documentation and feedback. Mr. Michaelis suggested contacting other cities to see what they may be doing. Councilman Badar commented on a presentation by Long Beach at the Contract Cities conference about how they are processing things faster. Mayor Morris distributed a handout about business-friendly cities ideas. Mr. Stevens summarized that he understands that it is the consensus of the Council for staff to look at a method that allows staff to communicate back to the public with some summary of the contact and a way to log and track those contacts.

In response to a question Mr. Stevens described the current staffing in the Development Services Department. It was suggested and there was discussion about adding a paid Intern position in the Department. It was the consensus of the Council to include funding in next year's budget for an Intern position.

Mr. Stevens referenced the section of his staff report regarding archaic regulations in the Code. In particular he mentioned broadening the categories in the industrial zones and using form based code. He described the theory of form based codes. There was discussion of broadening the code definitions. Mayor Morris commented that the City should look at ways to assist failing centers. It was suggested that a joint meeting with the Planning Commission might be a good idea to further discuss some of these ideas with changes to the code.

4. ADJOURNMENT

Mayor Morris adjourned the Special City Council at 6:57 p.m.



MINUTES
REGULAR CITY COUNCIL
SUCCESSOR AGENCY MEETING
TUESDAY, JUNE 11, 2013, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 EAST BONITA AVENUE

CITY COUNCIL:

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

STAFF

City Manager Blaine Michaelis
City Attorney Ken Brown
Assistant City Manager of Community Development Larry Stevens
Assistant City Manager/Treasurer 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 and led the flag salute.

2. RECOGNITIONS

Nikki Bonomo Athletic Director for San Dimas High School presented certificates of recognition to Mike Regan and Mark Chiappelli, San Gabriel Valley Baseball Coaches of the Year, Danny Feola San Gabriel Valley Boys Swim Coach of the Year and George Duran Daily Bulletin Girls' Soccer Coach of the Year

- 3. ORAL COMMUNICATIONS** (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or 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

Carolyn Anderson Corrao with Waste Management along with the Mayor drew the winner's name for a composter raffled off by Waste Management for the San Dimas Earth Day Event.

Amy Crow Acting Manager of the San Dimas Library announced the upcoming activities planned at the library including the 100th Birthday Party celebration of the San Dimas Library June 15th, 2013.

4. CONSENT CALENDAR

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

MOTION: A motion was made by Councilmember Denis Bertone, seconded by Councilmember John Ebner and carried to approve, accept and act upon the consent calendar as follows:

Councilmember Bertone commented on the San Gabriel Valley Council of Governments Budget

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

RESOLUTION NO. 2013-36, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTHS OF MAY AND JUNE, 2013.

- b. Approval of minutes for the regular meeting of May 28, 2013.
- c. Reject claim for damages from Dean Riccioni
- d. San Gabriel Valley Council of Governments Report – 2013-2014 Budget

END OF CONSENT CALENDAR

5. OTHER MATTERS

- a. 2013-2014 Annual City Budget
 - 1) Adoption of 2013-2014 Annual Capital and Operating Budget.

City Manager Blaine Michaelis gave a brief overview of the events of the past year that played a part in the development of the budget. He thanked the employees for their efforts in working through these challenges. Mr. Michaelis introduced Assistant City Manager Ken Duran to present staff's report on the budget

Assistant City Manager Kern Duran presented staff's report and summarized some of the highlights of the budget:

- General Fund Revenue - \$18,996,000
- General Fund Expenditures - \$17,824,735
- General Fund Reserves - \$15,383,818
- Special Funds - \$21.4 million

Staff's recommendation is to adopt 2013-2014 Annual Operating Capital Budget, Resolution 2013-37, Resolution 2013-38 and Resolution 2013-39

- 2) Adoption of Appropriation Limit for FY 2013-2014

RESOLUTION N. 2013-37, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING APPROPRIATIONS LIMIT FOR FISCAL YEAR 2013-14 AND APPROPRIATE EXCESS REVENUES.

- 3) Adoption of Resolution Amending PERS

RESOLUTION NO 2013-38, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING THE PUBLIC EMPLOYEES RETIREMENT FUND (PERS) EMPLOYER PAID MEMBER CONTRIBUTIONS

- 4) Adoption of Salary Resolution 2013-39

RESOLUTION NO 2013-39, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING AND EXTENDING THE PAY PLAN AND REIMBURSEMENT SCHEDULE FOR CITY EMPLOYEES WITH ADJUSTMENTS TO OPTIONAL BENEFIT PLAN AND EMPLOYEE CONTRIBUTION TO PERS

Councilmember Bertone stated that he thought our budget numbers were very good.

Councilmember Templeman shared the reasoning behind the position for a Planning Intern.

Councilmember Ebner asked how many hours would the Intern would work and would it be the same person.

Assistant City Manager of Development Services Larry Stevens answered that it would be 40 hours a week during the summer and 15 -20 hours a week during the school year. He added that they have had someone volunteering for the last six to eight weeks and will be given the opportunity for the position.

Councilmember Templeman shared that the Planning Department staffing is down with having picked up the functions of the Housing Department.

Councilmember Bertone asked how the Motor Vehicle Fee is calculated.

Assistant City Manager Duran responded that we get a portion of registration fees paid by residents of San Dimas.

Councilmember Templeman explained how important it is to have 86% of general fund budget in cash reserves.

Mayor Morris opened the meeting for public comment.

Gil Gonzales San Dimas resident expressed his disagreement with several areas of operation at the city and added that some of the reserve funds should be put back into the community.

MOTION: A motion was made by Councilmember Badar, seconded by Councilmember Ebner to approve the 2013-2014 Annual Operating Budget. The motion passed unanimously.

MOTION: A motion was made by Councilmember Bertone, seconded by Councilmember Ebner to waive further reading and adopt Resolution 2013-37, 2013-38 and 2013-39. The motion passed unanimously.

Councilmember Ebner pointed out that there have been lots of things that the city has done that have been in the best interest of the city. He also pointed out that it has been a number of years since Council has raised their salary.

- 5) Consideration of Inclusion of City Properties in the California HERO Program and approving an Amendment to Certain Joint Powers Agreement

RESOLUTION NO 2013-40, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE AMENDMENT TO A CERTAIN JOINT POWERS AGREEMENT AND CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND

WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

Assistant City Manager of Community Development Larry Stevens presented staff's report on this item, recommended adoption of Resolution 2013-40 and authorize the City Manager to execute the necessary agreement. He also indicated that Dustin Reilich with the Western Riverside Program is in the audience to answer any questions.

Councilmember Templeman asked if there were any dues.

Assistant City Manager Stevens answered no.

Councilmember Bertone explained that this is simply another method for homeowners to obtain financing for environmental home improvements.

Councilmember Ebner asked if this was aimed at homeowners or commercial properties.

Mr. Reilich answered that it could also be for commercial properties.

Councilmember Templeman asked if staff would put some information on the city website.

Assistant City Manager Stevens answered that we would probably put a link to the HERO website and have some flyers available at the counter.

Councilmember Badar suggested that there be some distinct made between this HERO Program and the HEROES Organization here in the city.

Councilmember Ebner asked what HERO stood for.

Mr. Reilich answered that is stood for Home Energy Retrofit Opportunity. He also shared some of the numerical statistics on the program to date and how this will bring revenue to the city.

MOTION: A motion was made by Councilmember Ebner, seconded by Councilmember Bertone to adopt Resolution 2013-40 and approval for the City Manager to execute necessary agreements. The motion passed *unanimously*.

6. PUBLIC HEARINGS

- a. Consideration of Municipal Code Text Amendment 12-03, a request to amend Section 18.542.250, and other sections as deemed appropriate, of the San Dimas Municipal Code, to allow an up to 950 square foot second story architectural element on lots with a one-story height limit and other associated revisions, as deemed appropriate, located in Specific Plan No. 25 in the Northern Foothills of San Dimas.

- (1) **ORDINANCE 1221**, An Ordinance of the City Council of the City of San Dimas approving a Municipal Code Text Amendment 12-03, amending building height and pad coverage standards in Specific Plan No 25, Planning Area One

City Manager Blaine Michaelis advised that because of recent conversation between the applicant and staff this item will be continued in two weeks.

Stan Stringfellow confirmed the request to continue the item in two weeks.

Mayor Morris opened the matter for public hearing for purposes of continuing the matter in two weeks. 7:55 p.m.

MOTION: A motion was made by Councilmember Badar, seconded by Councilmember Bertone to grant the continuance for two weeks.

Councilmember Ebner asked if the City Council would need to act on the Planning Commission's recommendation if the applicant decides not to pursue the recommendation.

City Attorney Ken Brown answered no.

7. SUCCESSOR AGENCY

a. Verbal Update

Assistant City Manager Ken Duran reviewed the next phase of the dissolution of the Redevelopment Agency of dealing with the disposition of former Agency owned properties and assets. He explained that the approach being taken is identifying the governmental use properties and separating them from the others, taking them to the Oversight Board for their consideration. Prior to the Board meeting to decide this, staff would like to meet with the board to give them some insight on the properties.

Councilmember Bertone shared that he is concerned with the Department of Finance not approving some of the properties.

Assistant City Manager Duran explained that the Oversight Board after reviewing the properties individually could eliminate any of them if they feel they don't meet the findings for governmental use. Additionally whatever the Oversight approves would be submitted to the State for their review within a timeframe and decide whether to approve the Oversight Board's findings or deny any part of the request.

City Manager Michaelis shared that Senator Liu and Assemblyman Holden are ready to provide support letters.

Mayor Morris shared that the Oversight Board receives training from the County and we need to make a case so that they can make a finding.

Assistant City Manager Duran stated that he feels confident the uses of these eight properties are within the intent of the legislation.

Councilmember Templeman asked if the properties would belong to the city if the State gives approval.

Assistant City Manager Duran replied yes, the titles would be transferred to the city and become city properties.

Councilmember Badar asked that the San Dimas Avenue Grove Station Street improvements be explained.

Assistant City Manager Duran responded that as part of the San Dimas Avenue Grove Station Project there was a part of the city right of way that the Redevelopment Agency purchased and is part of the list for approval.

8. ORAL COMMUNICATIONS

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

- b. Resident Gil Gonzales continued his request to reinvest some general fund monies back into the community.

Resident Nancy Newman shared details of the videography done on Prudy Short.

In response to comments by Mr. Gonzales, Councilmember Bertone clarified that the Council has not given itself a raise in the last several years.

- c. City Manager

Mayor's call in show Thursday, 7:00 p.m. channel 3.

- d. City Attorney

None

- e. Members of the City Council

- 1) Designation of Voting Delegates and Alternate for League of California Cities Meeting September 20, 2013

Delegate Jeff Templeman and Alternate Emmett Badar.

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

None

- 3) Individual Members' comments and updates.

Councilmember Templeman commented on the success of the Historical Society's Ice Cream Social. He added that he would like to call a meeting of the Finance Committee.

Councilmember Ebiner shared that he and staff had a good meeting with Film LA, a non-profit organization whose mission is to keep film production from leaving Southern California.

Councilmember Badar inquired about the interviews for the Public Safety Commission.

Deputy City Clerk Debra Black answered that she is waiting to hear from Council on available dates.

9. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:28 p.m. The next meeting is on July 9, 2013, 7:00 p.m.

Respectfully submitted,

Debra Black, Deputy City Clerk

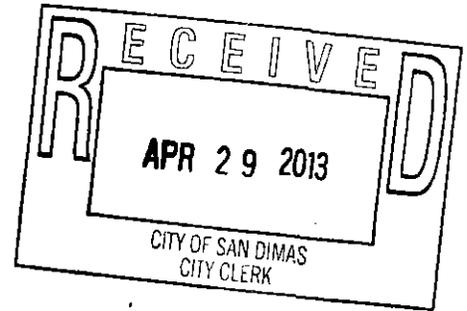


CARL WARREN & COMPANY
 Claims Management and Solutions

April 29, 2013

TO: City of San Dimas

ATTENTION: Ken Duran, Assistant City Manager



RE: Claim : SCE v. City of San Dimas
 Claimant : Southern California Edison
 Member : City of San Dimas
 Date Rec'd by Mbr : 3/2713
 Date of Event : 11/5/12
 CW File Number : 1854451

Please allow this correspondence to acknowledge receipt of the captioned claim. Please take the following action:

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

Please include a Proof of Mailing with your rejection notice to the claimant. An exemplar copy of a Proof of Mailing is attached. Please provide us with a copy of the Notice of Rejection and copy of the Proof of Mailing. If you have any questions feel free to contact the assigned adjuster or the undersigned supervisor.

Very Truly Yours,

CARL WARREN & CO.

Richard Marque
 Supervisor

AN EMPLOYEE-OWNED COMPANY

770 S. Placentia Avenue | Placentia, CA 92870

P. O. Box 25180 | Santa Ana, CA 92799-5180

www.carlwarren.com | Tel: 714-572-5200 | 800-572-6900 | Fax: 866-254-4423

CA License No. 2607296

4c

Our File No. 201213443

CLAIM AGAINST A GOVERNMENTAL AGENCY

The Southern California Edison Company, a corporation, is hereby presenting its claim for damage/loss to City Of San Dimas

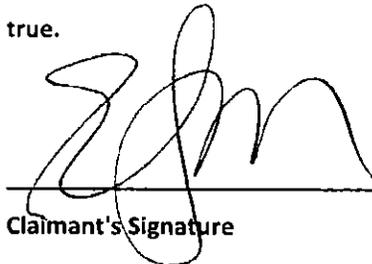
- | | |
|--|--|
| 1. Date of occurrence/discovery | November 05, 2012 |
| 2. Location of occurrence | Gladstone at Amelia, San Dimas, CA |
| 3. Cause of damage/loss | Gentry Brothers, working for and at the City of San Dimas, struck and damaged Edison's vault cement casting during the street improvement. |
| 4. Amount or estimate of damage/loss | The claim will not be a limited civil case. |
| 5. Name and address (if known) of public employee or agency causing damage | N/A |

All correspondence in regard to this claim should be addressed to: Southern California Edison Company (Claims Department), P.O. Box 900, Rosemead, California 91770, Attention: Elaine Tan

VERIFICATION AND CERTIFICATION

State of California, County of Los Angeles (ss.) Elaine Tan, being by me duly sworn, deposes and says: that he/she is a Claims Representative for Southern California Edison Company, a corporation, claimant; that he/she has read the foregoing

claim and knows the contents thereof; and that the same is true and correct of his/her own knowledge, except as to the matters which are therein stated upon his/her information or belief, and as to those matters that he/she believes to be true.



Claimant's Signature



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the Meeting of June 25, 2013

From: Blaine Michaelis, City Manager

Initiated By: Public Works Department *LM*

Subject: **Renewal of Cash Contract No. 2011-04, Concrete Maintenance Project—Various Citywide Locations to Grigolla & Sons Concrete in the amount up to \$81,000**

BACKGROUND

The original Contract was awarded by the City Council July 12, 2011 to Grigolla & Sons, Inc. and renewed in July, 2012. Since that time the Contractor has performed a variety of concrete repairs throughout the City including the installation and repair of concrete sidewalks, curbs, gutters, wheel chair access ramps along with tree root preservation operations throughout the City.

The original bid prices for repairs were very competitive as compared to the other 9 bids received in June, 2011. The following table is the current & proposed Unit Prices for the Concrete Maintenance Project –Various Citywide Locations.

Grigolla & Sons, Inc.

<i>Bid Item</i>	<i>Bid Item</i>	<i>Current Unit Price</i>	<i>Proposed Unit Price (increases in bold)</i>
1	Per ton-Pea Gravel	\$35.00 / sq. ft.	\$35.00 / sq. ft.
2	4" concrete walks	\$5.60 / sq. ft.	\$5.85 / sq. ft.
3	6 " concrete drive approach	\$6.35 / sq. ft.	\$6.65 / sq. ft.
4	Concrete curb / gutter	\$28.50 / sq. ft.	\$29.00 / sq. ft.
5	Concrete curb	\$17.00 / lin. ft.	\$17.00 / lin. ft.
6	Concrete gutter	\$17.00 / lin. ft.	\$18.00 / lin. ft.
7	Reinforcement	\$2.00 / sq. ft.	\$2.00 / sq. ft.
8	Access Ramps - 5 specific designs	\$1,900 to \$2,000 per ramp	\$1,900 to \$2,000 per ramp

The funds for this maintenance project have been allocated in Funds 01, General Funds and in 02, Gas Tax Funds, for the fiscal year 2012-13.

DISCUSSION

Included are contract provisions intended to provide cost-effective and responsive repairs along with requirements for advanced notification to residents and businesses intended to allow for coordination of repair activities with the needs of those affected residents/businesses. Other provisions of the contract include cancellation provisions for non-compliance or poor performance along with an annual option for contract renewal with a cost-of-living process clearly outlined.

The contract includes bid items for most concrete facilities maintained by the City. These bid items will allow for prompt, cost-effective response to a wide variety of concrete repairs and maintenance throughout the City. Also, the contract includes a minimum of five (5) move-ins during the course of the annual contract period. Using well planned project scheduling methods the work required throughout the year is intended to be completed during these five move-in opportunities, therefore avoiding possible extra work charges.

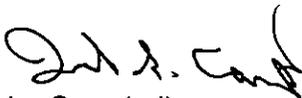
If the contract were to be renewed, the project budget \$81,000 would be as follows:

- Hazardous Sidewalk Repair – Various Locations \$60,000.00
- Town Core Sidewalk Repair \$10,000.00
- Citywide Pavement Maintenance up to \$ 5,000.00
- Vehicle Parking District up to \$ 6,000.00

RECOMMENDATION

Staff recommends that Council consider renewing Cash Contract 2011-04, Concrete Maintenance Project – Various Citywide Locations to Grigolla & Sons Construction Co., Inc. for a one year period in an amount not to exceed \$81,000.00.

Respectfully submitted,



John Campbell
Street Maintenance Superintendent

Attachment: June 17, 2013 – Grigolla letter

=====
Grigolla & Sons Construction Co., Inc.

P.O. Box 949. Azusa, Ca. 91702
Ph# (626) 334-6634 - Fax# (626) 334-5591
License # 514132-A
Email: david@grigollaandsons.com

=====
City of San Dimas
245 E. Bonita Ave.
San Dimas, CA 91773

June 17th, 2013

Subject: Renewal for Cash Contract 2011-04. Concrete Maintenance Project Various Locations

Dear Mr. Campbell,

It has been a pleasure once again having another successful year as your project maintenance contractor. We formally request that our contract be renewed for another year. Grigolla & Sons has completed the following items for your review. We have requested from our main supplier Holliday Rock to maintain their current cost for concrete. They have agreed to keep the same price until the end of September, but after that they will have a \$3.00 increase per yard until the end of the year. At the end of the year they will increase again another \$3.00 until the end of June. Our cost has not changed, but we are expecting another labor increase in July. I have done a calculation based on last year's work and have added a very modest increase to only items that it will affect. Please review and let me know if you have any concerns or comments. We look forward to another year of providing the city our services.

Item # per unit prices

- 1 Pea Gravel Back Fill @ \$ 35.00
- 2 4"sidewalk/residential driveway @ \$ 5.85
- 3 6"driveways @ \$ 6.65
- 4 6"-8"curb & 24"gutter @ \$ 29.00
- 5 24"gutter @ \$ 17.00
- 6 6"-8"curb only @ \$ 18.00
- 7 Reinforcement for walks/curbs per square foot @ \$ 2.00
- 8 A)Construct handicap access ramp 111-3 Case B type1 or 2 @ \$ 1,900.00
- 9 B)Construct handicap access ramp 111-3 Case A type 3,5, or 6 @ \$ 2,000.00

Best regards,

David Grigolla; Project Manager
Grigolla & Sons Const., Co., Inc.



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the Meeting of June 25, 2013

From: Blaine Michaelis, City Manager

Initiated By Public Works Department

Subject: **Renewal of Cash Contract No. 2011-05, Asphalt Maintenance Project –Various Citywide Locations Contract to Paveco Construction, Inc. in the amount up to \$117,000.**

BACKGROUND

The City Council awarded Cash Contract 2011-05, Asphalt Maintenance Project–Various Citywide Locations Contract to Paveco Construction, Inc. on July 12, 2011. The contract was renewed on July 24, 2012. A variety of asphalt repairs have been completed throughout the City addressing routine maintenance, pavement preservation projects as well as emergency repairs.

DISCUSSION

This contract provides competitive prices and well-defined operational & procedural specifications. Paveco Construction is a well equipped asphalt contractor with over 30 years of experience working in the San Gabriel Valley, eastern San Bernardino County as well as the Western Los Angeles County area. The City of San Dimas is served well by this type of maintenance contract that allows for medium and small-scale asphalt repair work to be done promptly, including pavement repairs of streets prior to application slurry in a cost-effective manner.

The following are some provisions of this contract:

- Upon notification from the City of San Dimas a 5-day response-time to perform repair work is required.
- Emergency repairs are to begin within 2 days of notice or less (emergency repairs are determined by City staff).
- Most types of asphalt repairs are covered as part of this contract.
- 1 year contract, with annual cost of living allowance (based on April C.P.I.).
- Contract cancellation for poor performance or insolvency.

In May, 2013 Paveco Construction, Inc. requested renewing the Asphalt Maintenance Project –Various Citywide Locations Contract for the 2011-05 fiscal year with no increases or changes to the current contract.

If the contract were to be renewed, the project budget \$117,000 would be as follows:

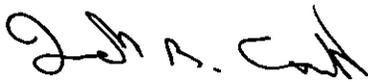
- | | |
|----------------------------------|-------------|
| • City Wide Pavement Maintenance | \$80,000.00 |
| • Pavement Preservation | \$30,000.00 |
| • Vehicle Parking District | \$ 7,000.00 |

The funds for the asphalt maintenance project are funded by Fund 01, General funds and Fund 02, Gas Tax for fiscal year 2012-13.

RECOMMENDATION

Staff recommends the Council consider renewing Cash Contract 2011-05, Asphalt Maintenance Contract with Paveco Construction, Inc. for a one year period at current contract rates for an amount not to exceed \$117,000.

Respectfully submitted,



John G. Campbell
Maintenance Superintendent

Attachment: May, 2013 - Paveco letter

5049 Bleecker Street
Baldwin Park, CA 91706
E-mail: paveco@pavecoinc.com



PAVECO
CONSTRUCTION, INC.
Lic. No. 515002
Union Contractor
CPUC Certified WBE #90AS3014



Phone (626) 337-5589
Phone (818) 242-1733
Fax (626) 337-0549

City of San Dimas
245 East Bonita Avenue
San Dimas, CA 91773-3002
Attn: John Campbell

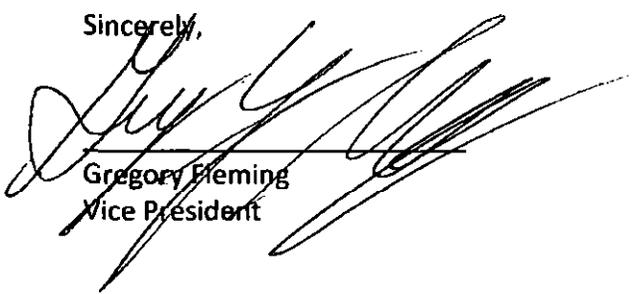
RE: Renewal Letter for 2013 to 2014 Cash Contract 2011-05, Asphalt Maintenance Project
Various Locations.

Please accept this letter as our intent to renew this cash contract for the next year with the following conditions;

- 1) No Increase to current unit rates.
- 2) Adjust any Time and Material projects per current Caltrans rates and adjusted Labor Rates

If you have any questions or need additional information please contact me at your earliest convenience.

Sincerely,


Gregory Fleming
Vice President



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the Meeting of June 25, 2013

From: Blaine Michaelis, City Manager

Initiated By: Public Works Department *LM*

Subject: **Renewal of Cash Contract 2011-07, Annual Striping Maintenance Contract to Superior Pavement Markings, Inc. in the amount of \$50,000**

BACKGROUND

The City Council awarded Cash Contract 2011-07, Annual Striping Maintenance Contract to Superior Pavement Markings, Inc. on September 13, 2011. The Contract was renewed in July, 2012 with no increase in cost. The contract consists of painting, repainting, removal & layout of traffic markings and striping throughout the City.

DISCUSSION

Superior Pavement Markings, Inc. has performed a variety of pavement striping and marking maintenance projects consisting of a variety of smaller projects as well as larger projects including striping in Pavement Preservation Maintenance Zones as well as striping and marking projects identified as necessary by the Traffic Committee.

The following are some provisions of this contract:

- Upon notification from the City of San Dimas the Contractor is required to meet a 7-day response-time to perform striping or marking work.
- Most types of traffic striping, markings & parking lot striping are covered as part of this contract.
- 1 year contract, with annual cost of living allowance (based on April C.P.I.).
- Contract cancellation for poor performance or insolvency.

The contract also allows for modifications or additions to traffic striping and markings that occur as part of normal traffic engineering activities.

On May 13, 2013 Superior Pavement Markings, Inc. requested renewing the Annual Striping Maintenance Contract for the 2013-14 fiscal year with 2.5% cost of living increase to the current contract unit prices.

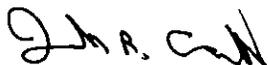
If the contract were renewed, the project budget \$50,000 would be as follows:

- | | |
|---|-------------|
| • Citywide Striping & Marking Maintenance | \$35,000.00 |
| • Vehicle Parking District (up to) | \$ 2,000.00 |
| • Pavement Preservation Zone Striping | \$13,000.00 |

RECOMMENDATION

Staff recommends the Council consider renewing Cash Contract 2011-07, Annual Striping Maintenance Contract to Superior Pavement Markings, Inc. with a 2.5% cost of living increase for a one year period according to the terms and rates of the original contract in the amount of \$50,000.

Respectfully submitted,



John Campbell
Street Maintenance Superintendent

Attachment: May 13, 2013 Renewal letter - Superior



5/13/2013

John G Campbell
City Of San Dimas Public Works
301 S. Walnut Avenue
San Dimas, Ca 91773

Subject: Citywide Traffic Striping Contract

Dear John Campbell,

Superior Pavement Markings would like to renew our contract with the City Of San Dimas for the next fiscal year. We would like to request a cost of living increase of 2.5%.

Sincerely,

Darren Veltz
Superior Pavement Markings



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of June 25, 2013

FROM: Blaine Michaelis, City Manager *BM*

SUBJECT: Letter to Metro regarding their Proposed Amendment to the Measure R Expenditure Plan

SUMMARY

Metro is putting together an amended Expenditure Plan for Measure R monies trying to accelerate some projects. The Gold Line Extension JPA has identified some misrepresentations regarding the Gold Line in the expenditure plan and has encouraged member cities to send comments to the MTA which meets June 27th to consider the Expenditure Plan Amendments.

Staff used a letter from the City of Claremont to prepare the attached letter for your consideration and approval.

RECOMMENDATION

Authorize the Mayor to sign the attached letter to Metro regarding the Expenditure Plan Amendments.

Attachment: Proposed letter

City Council
CURTIS W. MORRIS, Mayor
DENIS BERTONE, Mayor Pro Tem
EMMETT BADAR
JOHN EBNER
JEFF TEMPLEMAN

City Manager
BLAINE M. MICHAELIS

**Assistant City Manager
Treasurer/City Clerk**
KENNETH J. DURAN



**Assistant City Manager of
Community Development**
LAWRENCE STEVENS

Director of Public Works
KRISHNA PATEL

**Director of Parks
and Recreation**
THERESA BRUNS

City Attorney
J. KENNETH BROWN

June 26, 2013

Metro Board of Directors

RE: Comments on the Proposed Amendment to the Measure R Expenditure Plan

Chairman Antonovich and Directors,

The City of San Dimas expresses concerns regarding the proposed Measure R Expenditure Plan Amendment, as presented by Metro CEO Art Leahy. The amendment is out of date and incomplete. It must be updated. Since Measure R is a tax payer approved plan, the proposed amendment is not reflecting the will of the voters. It is not transparent enough and does not fulfill your legal obligations.

The proposed amendment is incomplete in some cases, and incorrect in others. The expenditure plan was put together in 2008, and since that time extensive study has been conducted on many of the transit projects. Regrettably, the proposed amendment does not contain the information from those studies. In addition the amendment does not provide information about the additional cost associated with accelerating selected projects.

In the transit section there are a number of obvious examples of line items that are out of date. The proposed plan continues to show the cost estimates for the I-405/Sepulveda Pass and Santa Ana Branch corridors as "TBD;" while Metro's own financial plan for the accelerated projects shows the cost as \$2.5 billion and \$650 million respectively. Actual cost estimates for completing these two projects must be included in the expenditure plan amendment, as well as the amount of Measure R funding being allocated to each project, and the additional cost associated with project acceleration.

The Foothill Extension project is an important example of inaccurate information in the amendment. The current plan shows an incorrect total cost estimate of \$758 million, and 2017 completion year. This information reflects the initial segment of the project only, not completion of the project as defined in statute. The updated expenditure plan must reflect the true "estimated total cost" of \$1.714 billion to complete the project to Claremont, as well as an updated completion year. Although Measure R will not fully fund the project to Claremont, you must include information related to completing the entire project in the plan to meet your legal obligations. As you have done with all underfunded Measure R projects, you can include "TBD" in the "other funding" category for the Foothill Extension project to deal with the funding gap. No additional Measure R funding is expected.

The agency's planning work over the last five years must be incorporated for all projects in the expenditure plan. New information on the estimated total cost for each project, the assumed Measure R funding, and the timeline for completion should be updated for each project. If additional funding is planned for accelerating select projects, that too must be identified.

As elected leaders overseeing tens of billions of dollars in transportation funding, you must demand transparency from your staff. The expenditure plan is a legally-required planning document that must provide a full understanding of how and when Measure R funds are being spent. As the Board considers accelerating the projects, it must also explain how much acceleration of certain projects will cost the taxpayers. Furthermore the plan must show how the allocation of funds by Metro and the additional cost, will impact completion of other Measure R projects.

The Board must not accept the current expenditure plan amendment. Rather, the Board must require staff to provide an updated and accurate plan that reflects the full information currently available about each project.

We hope the board will take appropriate action to rectify the deficiencies in the current expenditure plan amendment.

Sincerely,

Curtis W. Morris
Mayor, City of San Dimas

Cc: Eric Garcetti, Mayor-elect, City of Los Angeles
Art Leahy, Metro CEO
Habib F. Balian, Metro Gold Line Foothill Extension Construction Authority CEO



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of June 25, 2013

FROM: Denis Bertone, Mayor Pro Tem

SUBJECT: Report on the June 12, 2013 Strategic Planning Retreat of the
San Gabriel Valley Council of Governments

SUMMARY

Attached is a summary of the proceedings of the June 12, 2013 Strategic Planning Retreat of the SGVCOG for your information. Please feel free to contact me with any questions or observations.

RECOMMENDATION

Receive report.

Attachment: Summary of the June 12, 2013 Strategic Planning Retreat of the SGVCOG

To San Gabriel Valley Council of Government Members:

As you are aware, the San Gabriel Valley Council of Governments (SGVCOG) held its Strategic Planning Retreat yesterday, June 12, 2013. The notes from the Retreat are attached for your review. You are also encouraged to share the information with the members of City Council and others in your organization. This year's Retreat provided *an opportunity for the group to reaffirm the commitment to the Mission Statement and the Core Values/Guiding Principles and identify priority areas for the SGVCOG.* A list of the priority areas identified by the group during the discussion is included in the notes on Page 5. At the June 20, 2013, Governing Board meeting, the Strategic Planning Retreat outcomes including this list will be presented for further discussion, refinement and direction by the Board. The Board will also discuss the next workshop, which is tentatively scheduled for December 2013 or January 2014, and set a date and provide further direction on the process.

Sixteen of the San Gabriel Valley Council of Governments' 35 member organizations were represented at the June 12 Retreat. Attached is a list of the attendees. Also attached are the Strategic Planning Retreat notes from the November 30, 2012, Retreat, which include the SGVCOG's three-year goals and six-month objectives.

If you have any questions or require additional information, please do not hesitate to contact me.

Andrea

Andrea M. Miller
San Gabriel Valley Council of Governments

San Gabriel Valley Council of Governments
Strategic Planning Meeting
June 12, 2013

CITY	FNAME	LNAME
Alhambra	Barbara	Messina
Azusa	Angel	Carrillo
	James	Makshanoff
Claremont	Joe	Lyons
	Sam	Pedroza
Duarte	Darrel	George
	Karen	Herrera
	John	Fasana
Glendora	Gene	Murabito
	Chris	Jeffers
La Canada Flintridge	Donald	Voss
	Patrick	Clarke
	Robert	Stanley
Monrovia	Becky	Shevlin
Montebello	Jack	Hadjinian
Pomona	Andrea	Rico
Rosemead	Jeff	Allred
	Margaret	Clark
San Dimas	Denis	Bertone
San Gabriel	Chin Ho	Liao
	Juli	Costanzo
	Mark	Gallatin
South El Monte	Joe	Gonzales
	Manuel	Mancha
South Pasadena	Dennis	Woods
Walnut	Eric	Ching
West Covina	Frederick	Sykes
ACE	Mark	Christoffels

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS
(S G V C O G)

STRATEGIC PLANNING RETREAT

June 12, 2013 * Garvey Community Center, Rosemead

Marilyn Snider, Facilitator—Snider and Associates (510) 531-2904
Michelle Snider Luna, Recorder – Snider Education & Communication (510) 735-7744

MISSION STATEMENT

The San Gabriel Valley Council of Governments is a unified voice to maximize resources and advocate for regional and member interests to improve the quality of life in the San Gabriel Valley.

CORE VALUES/GUIDING PRINCIPLES

not in priority order

The San Gabriel Valley Council of Governments values...

- **Reflecting the diversity of our member communities**
 - **Accountability**
 - **Mutual respect**
 - **Integrity**
- **Unity of common goals and objectives**
 - **Collaboration**
 - **Fiscal responsibility**
 - **Transparency**
- **Being proactive and results oriented**
 - **Creativity**

WHAT ARE THE BENEFITS OF BELONGING TO THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS (SGVCOG)?

Brainstormed Perceptions

- Greater regional perspective
- Access to information
- Learning from others' experience
- Financial benefits to your city and areas that cities can't afford
- Recognition of this region as a player
- Representation on MPO, SCAG and other organizations
- Mountains and Rivers Conservancy—the role the COG played
- Financial benefits
- Economies of scale
- Energy efficiency accomplishments
- Technical assistance
- Assistance with new revenue sources
- It's a forum for communication
- Opportunities to maximize resources
- Strength in numbers
- Regional solutions
- Networking
- Best practices
- Attention from other regional bodies
- Lobbying as a group on bills and issues
- Research on regional issues
- Creation of ACE
- Innovative programs
- Assist with grant funding
- Speaking with a stronger voice

WHAT ARE THE STRENGTHS AND ACCOMPLISHMENTS OF THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS SINCE THE NOVEMBER 2012 STRATEGIC PLANNING RETREAT?

Brainstormed Perceptions

- Brought several energy programs to our cities that otherwise would not be doable
- Improved our image in the community with our new Executive Director
- Improved our transparency
- Improved lines of communication
- Working on the website
- We have a strong voice in the National Recreation Area (NRA) discussion
- Expanded the California Hero Program to provide loans for energy upgrades
- ACE has started a number of key projects
- Improved our budgeting process and transparency with the use of funds
- Brought in a staff team
- We are working on SR710
- Brought the gas company in for energy efficiency programs
- Executive Director has been visiting City Council meetings
- We are working on regional issues
- Hosted a meeting of the SGV Legislative Caucus
- Balanced budget has been approved by the Board
- Initiated a forum for discussion of realignment
- Working on SR710 options
- We are much more welcoming to reps at the State level
- We have clout with State legislators—improved relations
- We haven't had any dues increases for the sixth year
- Continued leveraging of financial resources
- Compliance with AB32 and SB375
- Reenergized interest in the Small Business Development Center
- High profile of our leadership in the community
- We are working on collective water permitting available for cities
- Resolution of ACE policy issue
- Improved the amount of community outreach through new publications
- The new newsletter
- Bringing transit to the Valley
- Maintained advocacy for rail and highway projects
- Brought back cities to the COG who had left the COG or were considering leaving it
- Brought in a brand new Executive Director
- Have begun the process of creating a public agency
- We are prepared to commence an integrated plan to address homelessness
- Hosted a Tri-COG meeting for netter cooperation among the COGs in the region

WHAT DO THE SGVCOG's MEMBERS EXPECT/NEED FROM EACH OTHER TO WORK TOGETHER EFFECTIVELY AND ACHIEVE UNITY?

Consensus List:

- Mutual respect
- Support the SGVCOG and members' rights to share their ideas and opinions
- Open communication
- Be active
- Don't be afraid to ask questions
- Think regionally
- Dedicated and committed to the organization
- Professional demeanor
- Friendly
- Courteous
- Civility
- Don't have side conversations during a presentation
- Don't be dismissive
- Keep yourself educated and up to date
- Don't take things personally
- Accessibility
- Value the experience of your co-members and staff
- Welcoming and helpful to new members
- Candid honesty
- Information sharing
- Positive collaboration
- Open-mindedness (e.g., be willing to look at other members' views)
- Professional expertise
- Considerate deliberation
- Focus on the positive
- No bullying tactics
- Open debate and discussion
- Trust
- Be transparent—no secrets
- Be inclusive
- Support the decision-making process and respect the decisions of SGVCOG
- Be respectful of time
- Do not spread *misinformation*
- Listen
- Use considerate electronic etiquette and pay attention in the meetings
- Network with each other
- Show up and be engaged (e.g., go to meetings)
- Provide and seek factual and accurate information
- Cooperation
- Consensus building
- Value the ideas of seasoned and new members
- Avoid self-interest
- Strive to be objective, not subjective
- Willingness to participate in committees and encourage participation of your staff

IDENTIFY PRIORITY AREAS FOR THE FUTURE DEVELOPMENT OF THREE-YEAR GOALS (WHAT SGVCOG NEEDS TO ACCOMPLISH) FOLLOWING RESEARCH BY THE SGVCOG STAFF

Brainstormed Focus Areas

- Transportation
- Water resources
- Health care reform
- Realignment
- Comprehensive realignment, public safety and crime issues
- Aging demographics
- NPDES/MS4
- Sewer
- Solid waste management
- Homelessness
- Affordable housing
- Natural disasters
- Jobs
- Emergency preparedness
- Increased cost of PERS
- Economic development
- Health
- Environment
- Health care
- Senior housing
- Infrastructure
- Air quality
- Housing
- New economic development legislation
- Small business development
- Immigration/flight
- State level budget issues
- Lobbying and advocacy
- Planning for many City Managers' retirements
- Energy
- Creating organizational efficiencies
- Consolidating interagency resources
- Recreation and open space
- Local sharing and access to infrastructure (water, sewer and flood control)
- Educational opportunities and partnerships
- Wildlife management and containment
- Bicycle infrastructure
- Sustainability
- Public relations

PRIORITY ISSUES

(2014–2017 * Not in priority order)

Transportation – infrastructure, health, air quality, mobility options, bicycle infrastructure

Economic development – homeless, senior housing, jobs, SBC, revenue, new legislation

Environment – air quality, health, recreation, energy, solid waste management, sewer, natural disasters, sustainability

Water – sewer, sustainability

Public safety – realignment, natural disasters, emergency preparedness, public relations, best practices

NEXT STEPS/FOLLOW-UP PROCESS

WHEN	WHO	WHAT
June 13, 2013	Executive Director Andrea Miller	Distribute the retreat record to SGVCOG members.
Within 48 hours of receipt	All SGVCOG members	Read the retreat record.
June 20, 2013	Executive Director Andrea Miller and Board President Barbara Messina	Share the retreat record with the Governing Board.
By June 30, 2013	COG Delegates	Share the retreat record with their colleagues (City Council and Management).
Early December 2013 or January 2014	Strategic Planning Attendees (e.g., Governing Board and Committee Members)	Strategic planning retreat to select Three-Year Goals, Key Performance Measures, Six-Month Objectives and a follow-up process.

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS
(S G V C O G)

STRATEGIC PLANNING RETREAT

November 30, 2012 * Garvey Community Center, Rosemead

Marilyn Snider, Facilitator—Snider and Associates (510) 531-2904
Michelle Snider Luna, Recorder – Snider Education & Communication (510) 735-7744

MISSION STATEMENT

The San Gabriel Valley Council of Governments is a unified voice to maximize resources and advocate for regional and member interests to improve the quality of life in the San Gabriel Valley.

VISION STATEMENT

The San Gabriel Valley Council of Governments will be recognized as the leader in advocating and achieving sustainable solutions for transportation, housing, economic growth and the environment.

CORE VALUES

not in priority order

The San Gabriel Valley Council of Governments values...

- *Reflecting the diversity of our member communities*
 - *Accountability*
 - *Mutual respect*
 - *Integrity*
- *Unity of common goals and objectives*
 - *Focus on the greater good*
 - *Collaboration*
 - *Fiscal responsibility*

THREE-YEAR GOALS

2012-2015 * not in priority order

Take the leading role in redefining and revitalizing economic development, affordable housing and homeless services

Advocate for and secure funding for prioritized COG transportation projects

Advocate for and secure funding for prioritized energy, environmental and natural resources projects

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS ❁ SIX-MONTH STRATEGIC OBJECTIVES

November 30, 2012 – May 15, 2013

THREE-YEAR GOAL: *Take the leading role in redefining and revitalizing economic development, affordable housing and homeless services*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By January 31, 2013	HCED member Joe Lyons	Re-establish contact with Congresswoman Judy Chu and the University of LaVerne to move forward on the Small Business Development Centers (SBDCs).				
2. By January 31, 2013	Joe Lyons and Michael Cacciotti	Re-establish the connection with the SGV Consortium on Homelessness to include a member of that organization on the HCED Committee.				
3. Beginning April 30, 2013 and quarterly thereafter	HCED member Joe Lyons	Report to the Governing Board progress on the SBDCs.				
4. Beginning April 30, 2013 and ongoing thereafter	Joe Lyons and Michael Cacciotti	Provide updates on the SGV Consortium on Homelessness to the Governing Board.				
5. By May 15, 2013	Executive Director, with input from the COG members	Facilitate and organize a fact-driven presentation for SGV Caucus legislators, City Managers, elected officials, Sheriffs and Police Chiefs to review the impact of realignment on local municipalities with the ultimate goal to identify strategies to address these impacts.				
6. By May 15, 2013	Executive Director	Share information and present to the COG members strategies that local cities have used to replace redevelopment.				

THREE-YEAR GOAL: *Advocate for and secure funding for prioritized COG transportation projects*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By February 1, 2013	Executive Director and the Transportation Committee	Convene the first meeting with the Gateway and South Bay COG Transportation Committees to discuss funding, priorities and strategies for transportation projects.				
2. By the February 21, 2013 Governing Board meeting	Transportation Committee Chair John Fasana	Draft federal transportation objectives/talking points for DC advocacy activities and present to the COG Governing Board for action.				
3. At the February 21, 2013 Governing Board meeting	SGVCOG Legal Counsel	Present to the Governing Board legal analysis of the ACE-COG separation.				
4. By May 1, 2013	Transportation Committee (John Fasana-lead)	Develop a white paper outlining policy principles related to Transportation Priority List and present it to the Governing Board for action.				

THREE-YEAR GOAL: Advocate for and secure funding for prioritized energy, environmental and natural resources projects

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. Ongoing	EENR Committee (Sam Pedroza-lead)	Administer Energy Wise Partnership, CEESP grant and Energy Upgrade California, and identify and pursue additional funding for energy-related projects, including Plug In Electric Vehicle.				
2. Beginning with the January 17, 2013 Governing Board meeting and monthly thereafter	Water Working Group (Mary Ann Lutz-lead)	Present the efforts to coordinate with the LA Permit Group to assist cities countywide with MS4 permit implementation.				
3. Beginning January 2013 and monthly thereafter	Denis Bertone	Identify and present to COG membership funding for open space projects in the San Gabriel Valley.				
4. By April 1, 2013	Water Working Group (Mary Ann Lutz-lead)	Provide at least monthly updates to the Governing Board on the status of LA County's Flood Control District's Water Quality Initiative and host a workshop (as needed).				

THREE-YEAR GOAL: *Strengthen internal and external relationships and communication*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the January 17, 2013 Governing Board meeting	Interim Executive Director Fran Delach and the ad hoc Recruitment Cmte	Recommend to the Governing Board for action a candidate for the position of new Executive Director.				
2. Beginning January 23, 2013 and within 5 days following each Governing Board meeting	Executive Director	Send the Governing Board Action Summary to all COG delegates, alternates and City Managers with a request to City Managers to disseminate the summary to all their City Council members.				
3. Beginning in January 2013 and monthly thereafter	Executive Director	Disseminate the Governing Board Summary to the SGV State and Federal Legislators' offices.				
4. By February 1, 2013	Executive Director	Set and hold a meeting with the San Gabriel Valley Caucus and newly elected State Representatives to introduce SGVCOG to them and identify shared interests.				
5. By February 1, 2013	Executive Director	Request all San Gabriel Valley State and Federal Legislative Representatives to attend Governing Board meetings.				
6. By February 15, 2013	Governing Board	Hire the new SGVCOG Executive Director.				
7. By May 15, 2013	Executive Director, working with a PR consultant	Develop and present to the Governing Board for action a Communication Plan, including media training for the Governing Board and a potential quarterly newsletter for public distribution.				
8. By May 15, 2013	Executive Director and Executive Committee	Recommend to the Governing Board for action a SGVCOG policy on Best Practices Regarding Protocol and Official COG Communications.				

Strengthen internal and external relationships and communication

S.W.O.T. ANALYSIS

Strengths – Weaknesses - Opportunities - Threats

WHAT ARE THE STRENGTHS AND ACCOMPLISHMENTS OF THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS SINCE THE JANUARY 2012 STRATEGIC PLANNING RETREAT?

Brainstormed Perceptions

- Completed management services audit
- Successfully administered \$6.8 million of energy grants
- San Gabriel Trench groundbreaking
- Eliminated appearance of conflict of interest
- Retained cities as members
- Started a process for a new Executive Director
- Closed out pending litigation
- *San Gabriel Valley Transportation Summit*
- Grouped cities together for the MS4 permit negotiations
- Retained relationship with State and Federal officials
- Did a priority list and matrix of transportation issues
- Member cities' help with the Homeless Coordinating Council
- We have been educating our members regarding AB32, SB375 and AB341
- Did some assistance and education with the elimination of redevelopment agencies
- Resilience
- Worked through organizational changes
- Energy Wise Partnership saving over 13 million kilowatt hours of electricity
- Visibility to member agencies
- Established 40 battery take-back locations
- Marketing the strengths of the organization
- Became more concerned about our image
- Received \$56 million in grant funds for open space
- We held a workshop on the National Recreation Area to explain to cities how it would impact them
- Infrastructure for the small businesses *centers is in place*
- Generated \$725,000 to member cities through the Energy Wise Partnership
- Completed 27 Energy Plans for member cities to assist with AB 32
- Cities have received education and outreach that have helped them apply to programs and realize significant savings (e.g., energy, water programs)
- Cities received assistance and support to receive greenhouse gas inventory

WHAT ARE THE CURRENT INTERNAL WEAKNESSES/CHALLENGES OF THE SAN GABRIEL VALLEY COG?

Brainstormed Perceptions

- Tarnished image
- Lack of media relations policy or training
- Are not handling policy issues well that can hurt COG members (e.g., 710 issue)
- Disagreement and uncertainty about ACE
- Lack interaction between TACs and committees
- Lack of COG delegates to their city council and staff
- We are not moving forward on Arroyo issue
- Contributed to negative press about COG relationship
- We are not building non-partisan bridges among elected
- Unnecessary distractions
- Lack of communication on accomplishments and work of the COG
- Perceived lack of cohesion among member cities
- Lack of regional collaboration activities other than transportation and housing
- Not handling the diversity of the group
- Not proactive on recent issues
- Lack of acceptance of each other
- Lack of implementation of NPDES permit
- Uncertainty of potential financial status
- Lack of internal transparency and communication between Executive Board and committees
- Sometimes lacking a cohesive vision
- ACE-COG structure unresolved issues
- Lack of emphasis on COG's involvement in reforming the RHNA process
- Lack of understanding of COG benefits
- North vs. South COG cities—lack of commonalities
- Not addressing image problem and issues
- Weak alliances with other COGs, specifically in transportation
- Agenda organization does not allow sufficient time to address subcommittee items
- Dissenting cities breaking away from the COG
- Dealing with lawsuits
- Haven't reinforced mission to avoid personal agendas
- Continued threat of litigation
- ACE-COG relationship
- Not getting through the Governing Board agenda

WHAT ARE THE EXTERNAL FACTORS/TRENDS THAT WILL/MIGHT HAVE A POSITIVE IMPACT ON THE SGVCOG IN THE COMING YEAR?

Brainstormed Perceptions

- New Executive Director
- Hopefully the State will stop taking money from the cities
- Growing business and travel coming from Asia
- 710 EIR process underway
- Express Lanes Demonstration is moving forward on 10 and 110
- EIR soon to be released for East Side Extension alternatives

- MS4 LA Permitting Group will continue to work together through implementation
- Clean Water Clean Beaches parcel fee
- Prop 30
- Renewal of Transportation Reauthorization Policy
- National Park designation for the foothills and watershed of the San Gabriel Valley
- The economy is going in the up direction
- Gold Line is being completed through Azusa
- 605/10 interchange is getting fixed
- ACE projects
- Energy Wise Partnership is continuing
- Largest freshman class in the newly elected State representatives with local roots
- Opportunity to explain clean fuel vehicle infrastructure
- More stability for statewide funding
- Redistricting
- New home construction increase
- Statewide pension reform

WHAT ARE THE EXTERNAL FACTORS/TRENDS THAT WILL/MIGHT HAVE A NEGATIVE IMPACT ON THE SGVCOG IN THE COMING YEAR?

Brainstormed Perceptions

- Takeaways
- Loss of redevelopment
- Sacramento comes back to cities for money
- CDBG cuts
- State Department of Finance and Successor Agencies
- RHNA mandates
- High unemployment
- Reactivation/restart of San Onofre
- Lack of energy and the impact on the economy
- Drought
- Closing of landfill
- Increased utility rates
- Unreasonable partisanship
- Lack of water
- High cost of water
- Realignment of Water Board members
- Lack of comprehensive mass transit system
- Disasters
- Climate change
- No Measure J resources
- Storm water permitting
- Federal financial cliff
- VLF fees
- Lack of financial tools
- Realignment
- Aging infrastructure

- Court cutbacks
- National Park Service designation
- AB 109
- Negative press about COG leadership
- Increased homeless numbers
- Pest threatening the citrus crop
- Loss of housing funds
- Asian tiger mosquito
- Unfunded mandates
- Traffic congestion
- Rising pension rates
- Aging population—the silver tsunami
- Scarcity of experienced City Managers, Finance Directors and Police Chiefs
- Inmate release

NEXT STEPS/FOLLOW-UP PROCESS

WHEN	WHO	WHAT
December 3, 2012	Interim Executive Director Fran Delach	Distribute the strategic planning retreat record to SGVCOG members.
Within 48 hours of receipt	All SGVCOG members	Read the retreat record.
By December 7, 2012	COG Delegates	Share and discuss the draft updated SGVCOG Strategic Plan with their colleagues.
January 2013 Executive Committee meeting	Executive Committee and Interim Executive Director Fran Delach	Review the "Internal Weaknesses/Challenges" list for possible action items.
At the January 17, 2013 meeting	COG Governing Board	Take action on the updated SGVCOG Strategic Plan.
Monthly	SGVCOG Governing Board and Executive Director	Monitor progress on the goals and objectives and revise objectives (add, amend and/or delete), as needed.
Monthly	Executive Director, Kathy Boyd and Marisa Creter	Prepare and distribute the updated Strategic Plan Monitoring Matrix to all COG members.
June 12, 2013 8:00/8:30-1:00	COG Delegates	Strategic Planning Retreat to: <ul style="list-style-type: none"> - assess progress on the goals and objectives - develop strategic objectives for the next six months for each of the three-year goals.

STRATEGIC PLANNING ELEMENTS

Marilyn Snider, Strategic Planning Facilitator • Snider and Associates (510) 531-2904

"SWOT" ANALYSIS

Assess the organization's:

- Internal Strengths - Internal Weaknesses
- External Opportunities - External Threats

MISSION/PURPOSE STATEMENT

States WHY the organization exists and WHOM it serves

VISION STATEMENT

A vivid, descriptive image of the future – what the organization will BECOME

CORE VALUES

What the organization values, recognizes and rewards – strongly held beliefs that are freely chosen, publicly affirmed, and acted upon with consistency and repetition

THREE YEAR GOALS

WHAT the organization needs to accomplish (consistent with the Mission and moving the organization towards its Vision) - usually limited to 4 or 5 key areas

KEY PERFORMANCE MEASURES

What success will look like upon achievement of the goal

SIX MONTH STRATEGIC OBJECTIVES

HOW the Goals will be addressed: By when, who is accountable to do what for each of the Goals

FOLLOW-UP PROCESS

Regular, timely monitoring of progress on the goals and objectives; includes setting new objectives every six months



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of June 25, 2013

From: Blaine Michaelis, City Manager

Initiated By: Theresa Bruns, Director of Parks and Recreation

Subject: Request for Authorization to enter into a Cooperative Purchasing Contract with HGAC

Summary

Request for Authorization to enter into a Cooperative Purchasing Contract with HGAC for the replacement of the playground equipment at Via Verde Park.

BACKGROUND

The existing playground equipment at Via Verde Park was installed in 1990 and replacement of the equipment is scheduled in the fiscal year 2012-13 Fund 20, Community Park and Facility Development budget. Staff has solicited designs and quotes from Miracle Recreation Equipment Co. and the designs have been reviewed by the Parks and Recreation Commission. The total project costs, including demolition, site preparation and installation of equipment and Fibar surfacing, are \$136,049, with \$160,000 budgeted.

Miracle Recreation Equipment Co. holds Contract No. PR11-12 HGAC for Supply of Parks and Recreation Equipment. HGAC is a nationwide government procurement service organized to allow the governmental procurement process to be more efficient by establishing competitively priced contracts for goods and services. All purchasing contracts available to participating members of HGAC have been awarded by virtue of a public competitive procurement process compliant with state statutes. All units of local government, including non-profits providing governmental services, are eligible to become participating members of HGAC.

In order to participate in the HGACBuy program and purchase the equipment at the contracted bid price, the City must become a member of HGAC, as authorized by City Council, through the completion of an Interlocal Contract for Cooperative Purchasing.

RECOMMENDATION

Staff recommends that the City Council authorize the execution of an Interlocal Contract for Cooperative Purchasing with HGAC for the purchase and installation of playground equipment from Miracle Recreation Equipment Co. for Via Verde Park.

Attachments:

- HGACBuy Interlocal Contract for Cooperative Purchasing



**INTERLOCAL CONTRACT
FOR COOPERATIVE PURCHASING**

ILC
No.: _____
Permanent Number assigned by H-GAC

THIS INTERLOCAL CONTRACT ("Contract"), made and entered into pursuant to the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code (the "Act"), by and between the Houston-Galveston Area Council, hereinafter referred to as "H-GAC," having its principal place of business at 3555 Timmons Lane, Suite 120, Houston, Texas 77027, and * City of San Dimas, a local government, a state agency, or a non-profit corporation created and operated to provide one or more governmental functions and services, hereinafter referred to as "End User," having its principal place of business at * 245 E. Bonita Avenue, San Dimas, CA 91773

WITNESSETH

WHEREAS, H-GAC is a regional planning commission and political subdivision of the State of Texas operating under Chapter 391, Texas Local Government Code; and

WHEREAS, pursuant to the Act, H-GAC is authorized to contract with eligible entities to perform governmental functions and services, including the purchase of goods and services; and

WHEREAS, in reliance on such authority, H-GAC has instituted a cooperative purchasing program under which it contracts with eligible entities under the Act; and

WHEREAS, End User has represented that it is an eligible entity under the Act, that its governing body has authorized this Contract on * June 25, 2013 (Date), and that it desires to contract with H-GAC on the terms set forth below;

NOW, THEREFORE, H-GAC and the End User do hereby agree as follows:

ARTICLE 1: LEGAL AUTHORITY

The End User represents and warrants to H-GAC that (1) it is eligible to contract with H-GAC under the Act because it is one of the following: a local government, as defined in the Act (a county, a municipality, a special district, or other political subdivision of the State of Texas or any other state), or a combination of two or more of those entities, a state agency (an agency of the State of Texas as defined in Section 771.002 of the Texas Government Code, or a similar agency of another state), or a non-profit corporation created and operated to provide one or more governmental functions and services, and (2) it possesses adequate legal authority to enter into this Contract.

ARTICLE 2: APPLICABLE LAWS

H-GAC and the End User agree to conduct all activities under this Contract in accordance with all applicable rules, regulations, and ordinances and laws in effect or promulgated during the term of this Contract.

ARTICLE 3: WHOLE AGREEMENT

This Contract and any attachments, as provided herein, constitute the complete contract between the parties hereto, and supersede any and all oral and written agreements between the parties relating to matters herein.

ARTICLE 4: PERFORMANCE PERIOD

The period of this Contract shall be for the balance of the fiscal year of the End User, which began *2012 and ends *2013. This Contract shall thereafter automatically be renewed annually for each succeeding fiscal year, provided that such renewal shall not have the effect of extending the period in which the End User may make any payment due an H- GAC contractor beyond the fiscal year in which such obligation was incurred under this Contract.

ARTICLE 5: SCOPE OF SERVICES

The End User appoints H-GAC its true and lawful purchasing agent for the purchase of certain products and services through the H-GAC Cooperative Purchasing Program. End User will access the Program through HGACBuy.com and by submission of any duly executed purchase order, in the form prescribed by H-GAC to a contractor having a valid contract with H-GAC. All purchases hereunder shall be in accordance with specifications and contract terms and pricing established by H-GAC. Ownership (title) to products purchased through H-GAC shall transfer directly from the contractor to the End User.

(over)

ARTICLE 6: PAYMENTS

H-GAC will confirm each order and issue notice to contractor to proceed. Upon delivery of goods or services purchased, and presentation of a properly documented invoice, the End User shall promptly, and in any case within thirty (30) days, pay H-GAC's contractor the full amount of the invoice. All payments for goods or services will be made from current revenues available to the paying party. In no event shall H-GAC have any financial liability to the End User for any goods or services End User procures from an H-GAC contractor.

ARTICLE 7: CHANGES AND AMENDMENTS

This Contract may be amended only by a written amendment executed by both parties, except that any alternations, additions, or deletions to the terms of this Contract which are required by changes in Federal and State law or regulations are automatically incorporated into this Contract without written amendment hereto and shall become effective on the date designated by such law or regulation.

H-GAC reserves the right to make changes in the scope of products and services offered through the H-GAC Cooperative Purchasing Program to be performed hereunder.

ARTICLE 8: TERMINATION PROCEDURES

H-GAC or the End User may cancel this Contract at any time upon thirty (30) days written notice by certified mail to the other party to this Contract. The obligations of the End User, including its obligation to pay H-GAC's contractor for all costs incurred under this Contract prior to such notice shall survive such cancellation, as well as any other obligation incurred under this Contract, until performed or discharged by the End User.

ARTICLE 9: SEVERABILITY

All parties agree that should any provision of this Contract be determined to be invalid or unenforceable, such determination shall not affect any other term of this Contract, which shall continue in full force and effect.

ARTICLE 10: FORCE MAJEURE

To the extent that either party to this Contract shall be wholly or partially prevented from the performance within the term specified of any obligation or duty placed on such party by reason of or through strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, accident, order of any court, act of God, or specific cause reasonably beyond the party's control and not attributable to its neglect or nonfeasance, in such event, the time for the performance of such obligation or duty shall be suspended until such disability to perform is removed; provided, however, force majeure shall not excuse an obligation solely to pay funds. Determination of force majeure shall rest solely with H-GAC.

ARTICLE 11: VENUE

Disputes between procuring party and Vendor are to be resolved in accord with the law and venue rules of the State of purchase.

THIS INSTRUMENT HAS BEEN EXECUTED IN TWO ORIGINALS BY THE PARTIES HERETO AS FOLLOWS:

***City of San Dimas**

Name of End User (*local government, agency, or non-profit corporation*)

***245 E. Bonita Avenue**

Mailing Address

***San Dimas CA 91773**

City State ZIP Code

***By:**

Signature of chief elected or appointed official

***Curtis Morris, Mayor June 25, 2013**

Typed Name & Title of Signatory Date

Houston-Galveston Area Council

3555 Timmons Lane, Suite 120, Houston, TX 77027

By: _____
Executive Director

Date: _____

Attest: _____
Manager

Date: _____

**Denotes required fields*



MEMORANDUM

DATE: June 25, 2013

TO: Mayor and City Council

FROM: Community Development Department 

SUBJECT: MUNICIPAL CODE TEXT AMENDMENT 12-03 - A proposal to Amend Section 18.542.250, and other Sections as deemed appropriate, of the San Dimas Municipal Code, to allow an up to 950 Square Foot Second-Story Architectural Element on lots with a One-Story Height Limit and other associated revisions, as deemed appropriate. (Applicant: NJD, Ltd.)

On June 11, 2013 the City Council continued the above public hearing at the applicant's request to allow a discussion of newly raised concerns. A meeting was held to discuss those concerns and the applicant took the following position (See Planning Commission memo dated June 20, 2013 for more detailed description and discussion):

- They object to any inclusion of a pad coverage, lot coverage or FAR standard.
- Such standards were not part of their request or reasonably related to their request and could not be considered based on provisions in the Development Agreement.
- They only wanted their original request to be considered – allowing all of the one story lots to have a habitable second story architectural element not exceeding 10 % or 950 square feet whichever was less.

This was changed circumstances from the prior Planning Commission public hearing and the matter was scheduled as a "review and report back" by the Commission on June 20, 2013.

The Planning Commission discussed the matter and their consensus was, based upon the new information, as follows:

1. The Planning Commission majority (with Commissioner Davis dissenting and Commissioner Bratt absent) was to support their prior recommendation indicating they clearly felt there was sufficient relationship between the applicant's one story exception request and the recommended pad coverage standard. Chairman Schoonover noted he still preferred a 40% maximum rather than the recommended 45%.
2. The Planning Commission majority (with Commissioner Davis dissenting and Commissioner Bratt absent) also indicated that, if the Development Agreement precludes their consideration of a pad coverage standard, they would not have supported the requested one story exception.
3. Commissioner Davis simply felt the two considerations were unrelated and should each be evaluated on its merits.
4. At prior public hearings Commissioner Bratt was initially concerned with any changes but changed his perspective based upon the pad coverage standard.



MEMORANDUM

DATE: June 20, 2013

TO: Planning Commission

FROM: Larry Stevens, Assistant City Manager for Community Development

SUBJECT: REVIEW AND REPORT TO CITY COUNCIL regarding MUNICIPAL CODE TEXT AMENDMENT 12-03 - A proposal to Amend Section 18.542.250, and other Sections as deemed appropriate, of the San Dimas Municipal Code, to allow an up to 950 Square Foot Second-Story Architectural Element on lots with a One-Story Height Limit and other associated revisions, as deemed appropriate. (Applicant: NJD, Ltd.)

On May 16, 2013 the Planning Commission adopted attached Resolutions PC-1482 and 1483 setting forth its recommendation on the above referenced amendment to SP-25. The Commission supported the requested revision to allow a habitable second story architectural element on the one story structures and to establish a 45% pad coverage standard.

The City Council was scheduled to hear the matter on June 11, 2013 but the Applicant requested a continuance to June 25, 2013 to allow consideration of additional information regarding the amendment.

Staff met with the applicant to discuss the additional information. At the meeting the Applicant asserted the following:

- They object to any inclusion of a pad coverage, lot coverage or FAR standard.
- Such standards were not part of their request or reasonably related to their request and could not be considered based on provisions in the Development Agreement.
- They only wanted their original request to be considered – allowing all of the one story lots to have a habitable second story architectural element not exceeding 10 % or 950 square feet whichever was less.

The City Attorney has taken under advisement the assertion concerning the Development Agreement but, at this point, does not support Staff's contention that the inclusion of a coverage standard is sufficiently related to the Applicant's request to increase building height and/or mass. As a result the Development Agreement may preclude its consideration in light of the Applicant's revised position.

The applicable provision of the Development Agreement is as follows:

Section 5. Changes.

5.1 Nonapplication of Changes; Additional Conditions of Approval and Other Exceptions.

5.1.1 Nonapplication of Changes to Applicable Rules Without Developer Consent. The adoption of any change in the Applicable Rules, adopted or becoming effective after the Effective Date of this Agreement, shall not be applied to the Project, unless the Developer gives written notice to the City of its election to have such change in the Applicable Rules applied to the Project, which it may grant or withhold in Developer's sole and absolute discretion, or unless such change in the Applicable Rules constitutes a lawful exercise of the City's Reserved Powers or is otherwise expressly authorized by this Agreement

5.1.9 Discretionary Approvals. Any approval involving a Discretionary Action or Discretionary Approval and required or needed after the Effective Date in order to commence or complete the approved Project, which does not materially change, modify or alter the Project, shall be governed by the Applicable Rules. Any subsequent Discretionary Action or Discretionary Approval sought by Developer in connection with a modification which materially changes, modifies or alters the Project shall be subject to all then applicable governmental rules, regulations and requirements without limitation to the Applicable Rules. Notwithstanding anything to the contrary contained herein, no subsequent Discretionary Action or Discretionary Approval shall require further CEQA review unless the City finds, based on substantial evidence, that such further CEQA review is required in order to comply with CEQA

The asserted position and information was not available to the Planning Commission during its three public hearings and may affect the Planning Commission recommendation. Additional comments from the Planning Commission may be appropriate under these changed circumstances.

Staff continues to believe there is a reasonable relationship between the Applicant's requested change and the additional inclusion of a pad coverage standard but the City Attorney has not made a determination on Staff's position. If he agrees with the Applicant's assertions then the City Council may only consider the requested one story exception request and not the pad coverage standards. Under such circumstance, the Planning Commission may desire to revise their recommendation and/or provide additional comments.

IF THE PLANNING COMMISSION CANNOT CONSIDER INCLUDING A PAD COVERAGE STANDARD AS IT PREVIOUSLY RECOMMENDED, WOULD THE PLANNING COMMISSION:

- A. MAKE A DIFFERENT RECOMMENDATION (I.E., DENIAL OR FURTHER REVISION TO THE TEXT OF THE EXCEPTION) ON THE EXCEPTION ALLOWING HABITABLE AREA ABOVE THE FIRST FLOOR ON A ONE STORY HOUSE?**
- B. DESIRE TO PROVIDE OTHER COMMENTS FOR CONSIDERATION BY THE CITY COUNCIL.**

The Applicant request that you approve support ONLY the following revision (NOTE: Underlined portion reflects the substantive change other than minor reformatting) as set forth in Resolution PC-1482:

Revise Section 18.542.250.A.1 (Building Height) to read as follows:

1. *Within Planning Area One,*
 - a. *A limited number of two-story structures, not exceeding twenty-seven percent of the total number of parcels thereby created, may be allowed. Such structures shall not exceed thirty-five feet in overall height. A visual analysis shall be required to demonstrate that the additional height will not increase visual intrusiveness. Lots approved for such height increase shall be determined at time of parcel or tract map review and shall be so designated on the recorded map. Provided further that no other parcels shall be allowed for two-story structures after the map is recorded.*
 - b. Any primary residential structure limited to one story in height may include a habitable second story architectural element with any habitable floor area not to exceed ten percent of the habitable area of the first floor of the primary structure, or 950 square feet, whichever is lesser. Any such architectural element shall not exceed thirty feet in height, shall be consistent with the architectural style of the residence and shall enhance the architectural character of the structure. All such architectural elements shall be subject to the review and approval of the development plan review board.

Staff believes that a pad coverage standard is critical and, if is not allowed by the limitations in the Development Agreement, that no other change allowing habitable space above the first floor on the 45 one story lots is appropriate.

The Planning Commission may revise its previous Resolutions as deemed appropriate or may provide any other comments it deems appropriate for the City Council to consider in this matter.

ATTACHMENTS:

1. Planning Commission Resolution PC-1482
2. Planning Commission Resolution PC-1483

ORDINANCE NO 1221

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS
APPROVING MUNICIPAL CODE TEXT AMENDMENT 12-03,
AMENDING BUILDING HEIGHT AND PAD COVERAGE STANDARDS
IN PLANNING AREA ONE OF SPECIFIC PLAN NO. 25

**THE CITY COUNCIL OF THE CITY OF SAN DIMAS DOES ORDAIN AS
FOLLOWS:**

SECTION 1. Revise Section 18.542.250.A.1 (Building Height) to read as follows:

1. Within Planning Area One,
 - a. A limited number of two-story structures, not exceeding twenty-seven percent of the total number of parcels thereby created, may be allowed. Such structures shall not exceed thirty-five feet in overall height. A visual analysis shall be required to demonstrate that the additional height will not increase visual intrusiveness. Lots approved for such height increase shall be determined at time of parcel or tract map review and shall be so designated on the recorded map. Provided further that no other parcels shall be allowed for two-story structures after the map is recorded.
 - b. Any primary residential structure limited to one story in height may include a habitable second story architectural element with any habitable floor area not to exceed ten percent of the habitable area of the first floor of the primary structure, or 950 square feet, whichever is lesser. Any such architectural element shall not exceed thirty feet in height, shall be consistent with the architectural style of the residence and shall enhance the architectural character of the structure. All such architectural elements shall be subject to the review and approval of the development plan review board.

SECTION 2. Add Section 18.542.265 (Pad Coverage) to read as follows:

18.542.265 Pad Coverage.

The maximum ground coverage shall not exceed forty-five percent of the total graded pad area on any lot or parcel. For the purposes of this Section, coverage shall include the primary residential structure and garage, other habitable and non-habitable accessory structures, patios and similar covered structures other than hardscape, pools, spas, sports courts, minor storage

sheds, play houses and similar structures under 120 square feet each and not requiring a building permit .

SECTION 3. This Ordinance shall take effect 30 days after its final passage, and within 15 days after its passage the City Clerk shall cause it to be published in the Inland Valley Daily Bulletin, a newspaper of general circulation in the City of San Dimas hereby designated for that purpose.

PASSED, AND APPROVED THIS XX DAY OF June, 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 Ordinance No. 1221 was regularly introduced at the regular meeting of the City Council on June 25th, 2013 and was thereafter adopted and passed at the regular meeting of the City Council held on July XX, 2013 by the following vote:

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

I DO FURTHER CERTIFY that within 15 days of the date of its passage, I caused a copy of Ordinance No. 1221 to be published in the Inland Valley Daily Bulletin.

Debra Black, Deputy City Clerk

RESOLUTION PC-1482

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 12-03, AMENDING BUILDING HEIGHT STANDARDS IN SPECIFIC PLAN NO. 25

WHEREAS, an Amendment to the San Dimas Municipal Code has been duly initiated by City Council upon application by NJD, Ltd.;

WHEREAS, the Amendment is described as an amendment to the building height standards in Specific Plan No. 25; and

WHEREAS, the Amendment would affect the area known as the Northern Foothills within Specific Plan No. 25; and

WHEREAS, notice was duly given of the public hearing on the matter and public hearings were held on April 18, May 2, and May 16, 2013 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, all requirements of the California Environmental Quality Act and the City's Environmental Guidelines have been met for the consideration of whether the project will have a significant effect on the environment.

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, the Planning Commission now finds as follows:

- A. The proposed Municipal Code Text Amendment will not adversely affect adjoining property as to value, precedent or be detrimental to the area. The revision to accommodate limited second floor areas on one story houses increases flexibility to accommodate additional architectural interest consistent with the intent of the Specific Plan.
- B. The proposed Municipal Code Text Amendment will further the public health, safety and general welfare. The revisions create opportunities for enhanced architectural design while not exacerbating views from outside the project.
- C. The proposed Municipal Code Text Amendment is consistent with the General Plan. To ensure consistency the second-story component must be constrained to ensure that the future houses are primarily one-story in nature and character as intended by the General Plan. A limited architectural feature as proposed does not detract from the intent of the one story limitation applicable to 73 percent of the lots.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 12-03 as follows:

SECTION 1. Revise Section 18.542.250.A.1 (Building Height) to read as follows:

1. Within Planning Area One,
 - a. A limited number of two-story structures, not exceeding twenty-seven percent of the total number of parcels thereby created, may be allowed. Such structures shall not exceed thirty-five feet in overall height. A visual analysis shall be required to demonstrate that the additional height will not increase visual intrusiveness. Lots approved for such height increase shall be determined at time of parcel or tract map review and shall be so designated on the recorded map. Provided further that no other parcels shall be allowed for two-story structures after the map is recorded.
 - b. Any primary residential structure limited to one story in height may include a habitable second story architectural element with any habitable floor area not to exceed ten percent of the habitable area of the first floor of the primary structure, or 950 square feet, whichever is lesser. Any such architectural element shall not exceed thirty feet in height, shall be consistent with the architectural style of the residence and shall enhance the architectural character of the structure. All such architectural elements shall be subject to the review and approval of the development plan review board.

PASSED, APPROVED and ADOPTED, the 16th day of May, 2013 by the following vote:

AYES: Bratt, Davis, Ensberg, Rahi

NOES: Schoonover

ABSENT: None

ABSTAIN: None

Jim Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

Jan Sutton, Planning Secretary

RESOLUTION PC-1483

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 12-03, AMENDING PAD COVERAGE STANDARDS IN SPECIFIC PLAN NO. 25

WHEREAS, an Amendment to the San Dimas Municipal Code has been duly initiated by City Council upon application by NJD, Ltd.;

WHEREAS, the Amendment is described as an amendment to the pad coverage standards in Specific Plan No. 25; and

WHEREAS, the Amendment would affect the area known as the Northern Foothills within Specific Plan No. 25; and

WHEREAS, notice was duly given of the public hearing on the matter and public hearings were held on April 18, May 2, and May 16, 2013 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, all requirements of the California Environmental Quality Act and the City's Environmental Guidelines have been met for the consideration of whether the project will have a significant effect on the environment.

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, the Planning Commission now finds as follows:

- A. The proposed Municipal Code Text Amendment will not adversely affect adjoining property as to value, precedent or be detrimental to the area. The revision to establish pad coverage standards ensures future houses are constrained in mass and bulk in a manner consistent with the intent of the Specific Plan.
- B. The proposed Municipal Code Text Amendment will further the public health, safety and general welfare. The revisions provide assurance that reasonable standards on pad coverage and house size allow adequate flexibility to develop sites while not exacerbating views from outside the project.
- C. The proposed Municipal Code Text Amendment is consistent with the General Plan. The establishment of a pad coverage standards ensures that policies intending to minimize potentially adverse views of development in the Northern Foothills can be effectively implemented.

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, May 16, 2013 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman Jim Schoonover
Commissioner David Bratt
Commissioner John Davis
Commissioner Stephen Ensberg
Commissioner M. Yunus Rahi
Assistant City Manager for Comm. Dev. Larry Stevens
Senior Planner Marco Espinoza
Planning Commission Secretary Jan Sutton

CALL TO ORDER AND FLAG SALUTE

Chairman Schoonover called the regular meeting of the Planning Commission to order at 7:03 p.m. and Commissioner Bratt led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes: May 2, 2013

MOTION: Moved by Bratt, seconded by Ensberg to approve the Consent Calendar. Motion carried unanimously, 5-0.

PUBLIC HEARINGS

2. **CONSIDERATION OF CONDITIONAL USE PERMIT 12-05; MODIFICATION TO DEVELOPMENT STANDARDS 12-01; AND DPRB CASE NO. 12-07 (Associated Case: Lot Combination 12-01)** - A request to construct a 95,455 sq. ft. enclosed RV storage facility consisting of eight structures on a 4.39 acre site, located at 638 E. Baseline Road. (APN: 8661-016-004, -030, -031, and -032)

MOTION: Moved by Schoonover, seconded by Davis to continue this item to a date uncertain. Motion carried unanimously, 5-0.

Assistant City Manager Stevens stated the height can exceed 25 feet already for a non-habitable architectural element. The request for extra height was the Applicant's desire but Staff did not see the need for the increase.

Commissioner Ensberg asked if Staff could support a 50% pad coverage standard, and would it address the concerns of some of the Commissioners about mansionization, or would he feel better about 45%.

Assistant City Manager Stevens stated if you look at Attachment #5, it affects maybe 7-8 parcels at the most from achieving an 8,500 sq. ft. house, which is an arbitrary number to begin with, and on the equestrian lots a decision will probably have to be made about the square footage of the houses versus accessory buildings, such as having a barn or covered stable, so he doesn't think 50% is the optimum amount. While 45% could be acceptable, he still felt 40% was a better number to use. He also would not exclude any garage area from the requirement.

Commissioner Ensberg thought it would be acceptable to go with the Applicant's suggestion to eliminate review authority by the Development Plan Review Board because that seemed too subjective. He did not think the DPRB should have the right to limit something if it meets the objective standard.

Assistant City Manager Stevens stated all architectural review has an element of subjectivity. The City will have to review the architecture no matter what, so it could stand with or without it. It is a criteria in which to measure an objective standard, and would be beneficial to keep the language in, but is not mandatory. He was trying to bring to the forefront that this is primarily a one-story development, and wanted to emphasize that it is not a two-story development.

Commissioner Bratt asked why the second floor is not included in the Pad Coverage section. That was his whole point against mansionization, so if you don't include the second story or the enhancement, then what is the point.

Assistant City Manager Stevens stated originally he concurred with that viewpoint which is why a FAR was suggested, but when he started doing the numerical analysis, he became concerned that using a FAR and trying to apply it uniformly across the 61 parcels wouldn't work because it negatively affected the two-story lots, several of which are under 20,000 square feet in pad area. If you look at Attachment #5 in the second column, there are nine lots less than 20,000 square feet, and if you used a FAR standard, not only would they be way under the maximum square footage allowed, they would be under the mid-point. So while he did not support there being two-story homes originally, there still needs to be some type of standard, and because of the negative impact of using a FAR, he went back to a pad coverage standard and felt they could achieve the same goal without having to create a separate standard for the two-story lots.

Chairman Schoonover opened the meeting for public hearing. Addressing the Commission was:

Stan Stringfellow, 2011 E. Financial Way #203, Glendora, CA 91741, Applicant, stated their request for an amendment was for an architectural element and felt it was being turned into a second story, when at best it would be a 1-1/2 story architectural element for the one-story homes. Their intent is to enhance the quality of the architecture, and of the five variations that could be incorporated, only one has habitable area. He has spoken to several architects who have stated that when you have large homes like these, you need something to break up the rooflines, and they object to it being called a second-story element.

Stan Stringfellow, Applicant, stated he was fine with a 50% coverage on all the lots and felt it would be easier to administer.

Commissioner Rahi asked who would be the people on the architectural committee he referred to earlier.

Stan Stringfellow, Applicant, stated initially it would be comprised of the developer and the builder, but once there are a certain number of homes occupied, members of the community will be brought in to be on the committee.

Commissioner Rahi felt that by the time they have enough occupants, those people will be reviewing additions and accessory structures, but that there wouldn't be community members involved in the initial review of homes as he had stated.

Commissioner Bratt concurred that since it will be the builder that is the architectural committee when the homes are initially being built, it wasn't right to say that the residents will be involved in the design review.

Stan Stringfellow, Applicant, stated the builder will have to adhere to the Design Guidelines.

Commissioner Rahi stated the homeowners really don't have any say in the design of the homes because they are mostly built before there are enough homeowners to be on the committee.

Commissioner Davis asked what number of lots have to be sold to trigger formation of the HOA. He asked if they would be developing the lots.

Stan Stringfellow, Applicant, stated either 50% of the lots or possibly after two years; he would have to go back and check. He stated the plan was to sell to a builder. This project was designed so that Brasada would install the backbone, and then a semi-custom home builder would come in and buy a number of the lots to develop, and then they would sell off the more estate type lots to individuals.

Commissioner Bratt stated that by the time you sell 50-60% of the lots, the houses are already built. He felt the builder will control what they are discussing tonight and the homeowners will be around to control the accessory structures. There did not seem to be any controls to protect what they are discussing.

Chairman Schoonover stated it can also be difficult to find homeowners that want to serve on the architectural committee.

Commissioner Rahi felt they should retain the language to have the DPRB make the design decisions because the homeowners won't be involved. He asked why the Applicant objected to having review by the DPRB called out in the language.

Stan Stringfellow, Applicant, stated their objection was to the wording, "shall be allowed only if the DPRB determines it enhances the architectural character of the structure." He felt if the people who live up there and own the property in the development have given their approval, why should the DPRB have the authority to possibly deny it.

Commissioner Rahi stated the homeowners won't come into the decision making process until much later. They went through that process in his community and the homeowners had a

RESOLUTION PC-1482

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 12-03, AMENDING BUILDING HEIGHT AND PAD COVERAGE STANDARDS IN SPECIFIC PLAN NO 25, PLANNING AREA ONE

MOTION: Moved by Davis, seconded by Bratt to approve the Applicant's submitted language under Section 18.542.250.A.1.b with the exception of the strikeout for review by the DPRB. Motion carried 4-0-1 (Schoonover no).

MOTION: Moved by Ensberg, seconded by Bratt for new Section 18.542.265 to approve the Applicant's submitted language, except change 50% to be 40%, and include all structures, including all garage space and other habitable and non-habitable accessory structures. Motion carried 3-0-2 (Davis, Schoonover no).

Assistant City Manager Stevens stated he will amend Resolution PC-1482 to address the architectural element, and create a new resolution with slightly different findings to address the pad coverage and asked if the Commission would like the new resolutions to come back for approval or to direct Staff to create the findings that reflect the motions.

The Commission concurred to have Staff write the appropriate findings to reflect the motions and to move the item forward in the process without coming back to the Commission for further action.

ORAL COMMUNICATION

4. Assistant City Manager for Community Development

Assistant City Manager Stevens stated in regards to recent discussions about the fate of the Walker House subsequent to the dissolution of the Redevelopment Agency, the first issue is regarding the loan between the City and the Walker House LLC, which was approved in the first three ROPS but not in the last one. The second part relates to whether the Walker House is a property the Agency has to dispose of. The Property Management Plan has just begun which will identify which properties are government property, which are to be held, and which are to be disposed of. That should be completed approximately September of this year, and then will be submitted to the State for review. If the City does not receive a favorable decision, then we will seek legal or legislative relief.

There has still been no submittal from the real estate community for review to amend the code regarding commercial real estate signs. All but one site has complied, and two citations have been issued to the property owner. Grove Station should be pulling permits for the last three phases next week, and the City Council approved the code amendment regarding the carports for Bonita Canyon Gateway and the assignment of the Affordable Housing Agreement from VCH to Avalon Bay. The new owner would like to start construction in early June. The City should have a draft of the Housing Element by early July and will probably start hearings in late August or early September.

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, May 2, 2013 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman Jim Schoonover
Commissioner David Bratt
Commissioner John Davis
Commissioner Stephen Ensberg
Commissioner M. Yunus Rahi
Assist. City Manager for Comm. Dev. Larry Stevens
Senior Planner Marco Espinoza
Planning Secretary Jan Sutton

CALL TO ORDER AND FLAG SALUTE

Chairman Schoonover called the regular meeting of the Planning Commission to order at 7:00 p.m. and Commissioner Bratt led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes: April 18, 2013 (Davis absent)

MOTION: Moved by Bratt, seconded by Ensberg to approve the Consent Calendar. Motion carried 4-0-0-1 (Davis abstain).

PUBLIC HEARINGS

2. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 12-03** – A Request to Amend Section 18:542:250, and other Sections as deemed appropriate, of the San Dimas Municipal Code, to allow an up to 950 Square Foot Second-Story Architectural Element on lots with a One-Story Height Limit and other associated revisions, as deemed appropriate, located in Specific Plan No. 25 in the Northern Foothills of San Dimas. **(Continued from April 18, 2012)**

Staff report presented by **Assistant City Manager Larry Stevens**, who stated this item was continued from the previous meeting after considerable discussion, at the conclusion of which there was a split opinion on whether to allow any change at all or to support a change if there were additional standards. A question was also raised regarding General Plan Policy 10.2.10 which has specific language relative to the number of two-story lots allowed, mimicking the Specific Plan, and whether it needed to be amended as well.

are all custom lots, but some of the pads are not very large. If you put a 15,000 square foot house on a 20,000 square foot pad, you won't have an equestrian lot any longer because there won't be enough room left to meet the distance requirements for horsekeeping facilities as required by code. If someone only wanted a 5,000 to 6,000 square foot home, there won't be a problem, but there is no guarantee that people won't want the maximum size house. He stated if you look at Morgan Ranch in Glendora, they do not have a one-story limit on height, but the houses cover the entire pad, and some are approaching 20,000 square feet in size.

He stated once Staff receives direction from the Commission, he will prepare code language to reflect the selected standard. In regards to the General Plan, if you considered the 10% or 950 square foot architectural element as an exception to the one-story height limit instead of considering it a second floor, then it would be consistent with the General Plan language, and you could make a finding to support that interpretation. But the argument could also be made that this is adding a second-story and then the General Plan would need to be amended as well. Staff is recommending they consider this as an exception on all one-story lots, and secondly that they establish an additional standard to address massing by using a .50 FAR to pad ratio, including all habitable and non-habitable floor area.

Commissioner Rahi wanted to clarify the pad size includes only the flat buildable area but the lot size included the slopes as well.

Assistant City Manager Stevens stated the lot size is based on revisions to the Tract Map, and the pad size is the flat, buildable area that is shown on the grading plan, so they are fairly fixed now. Even if the plan is approved, someone could still come in and propose a change, and that in the future a homeowner might want to try to grade a larger pad area, especially on the custom lots.

Commissioner Davis stated he reviewed the presentation from last meeting, the minutes and the Applicant's presentation so he felt he was familiar with the issue. He asked if the garage across the street from him would be considered an accessory structure. He also stated he did not see in any of the previous information how the architectural elements would be designed, so could they be 10' x 90' or 30' x 30', or would this be something DPRB looks at.

Assistant City Manager Stevens stated any building that is not part of the main house is considered accessory, so this action in theory could limit the types and size of those structures. They have not discussed in detail with the Applicant how these elements would be achieved, but the 950 square feet would only be on the custom lots because the semi-custom lots were smaller so the elements would be smaller as well. The house plans will be subject to the normal design review process so the DPRB will consider how it is integrated into the overall design. What Staff is looking for right now is an Ordinance standard that will allow a small component on the site, but to also ensure that the sites will not be overbuilt.

Commissioner Davis stated using the lot coverage standard seemed to be more consistent with other zones in the City. He asked if all the custom homes will be one-story.

Assistant City Manager Stevens stated the plan for this project is not consistent with any other zone in the City so that is not really an issue. There have been discussions about mansionization in the past, especially in the downtown area, and using floor area is an effective way to deal with the second-story component. He stated all the custom homes are designed to be one-story, but they could have this additional 950 square foot element.

Commissioner Davis asked if there were any two-story homes that were affected by the .50 ratio.

Chairman Schoonover stated he thought with the 2010 revision a height limit was specified in the General Plan. He asked what the height limit was in other zones.

Assistant City Manager Stevens stated he did not recall there being an actual number discussed in 2010, just that the houses would be one-story. He stated the 35 foot limit was set as a cap, which is a standard height for two-story houses in other zones. Since there are no other zones that limit structures to only one-story in height, there is no designation other than 35 feet for two-stories.

Commissioner Davis stated it appears they have two issues to address; to allow the architectural element or not, and the coverage issue. On the coverage issue, he liked the Applicant's proposal of using .50 for all the buildings on the pad because he thought that might be a little more restrictive for the accessory buildings than using Option 2.

Assistant City Manager Stevens stated .50 is fairly generous for pad coverage, and when you look at other zones in the City, .40 is the maximum for all buildings.

Commissioner Davis stated that .40 coverage is for the lot, not the pad. He concurred with Staff that the architectural elements will make the community more interesting and not have a negative visual effect, so he would be in support of allowing them.

Assistant City Manager Stevens stated he did not calculate the difference between the pad to the lot, but most of the lots are at least 20% larger than the pads. He clarified things like pools and sports courts are not included in the coverage calculations unless they are enclosed and indoor facilities. He stated that in regards to this not creating a negative visual impact, as pointed out at the last meeting, once the grading is done that will have more of a negative visual impact than the houses themselves.

Commissioner Ensberg stated as discussed at the last meeting he felt this would not have a visual impact from outside of the project, and that adding the FAR standard as Staff has suggested will help alleviate some of the concerns expressed by the other Commissioners, and would be in support of allowing both the architectural element and setting FAR standards. He stated he would not object to either Staff's recommendation or the suggestion from the Applicant.

Commissioner Bratt stated he favored Option 1 for the FAR standard because it included all floor area and not just the first floor, and it would alleviate some of his concerns. He would still like to see some type of condition to be able to require additional landscaping if the houses are found to create some type of negative visual impact after construction.

Commissioner Rahi stated he is in support of Staff's recommendation but wasn't sure about the wording regarding habitable and non-habitable. He stated he wanted the applicant to have maximum flexibility but also control visual impact.

Assistant City Manager Stevens went over different scenarios regarding separating the calculations, and explained that you could run into problems if someone wanted to convert space that was originally non-habitable into habitable, and felt it was better to merge the two areas into one calculation. Having a FAR standard will warn future buyers that they may not be able to build the lot to the maximum square footage. In regards to Commissioner Bratt's desire to possibly require additional landscaping after construction, they can't add a condition for after construction. However, after the first few homes are built, they can review what kind of impact they have and if it seems like more screening is needed, they can condition it on future homes to be built.

Assistant City Manager Stevens stated there is only one location that has not complied and Code Enforcement is in the process of sending them a citation. There is a group of brokers and lessees that are trying to put together an alternative regulation because they do not like the current standards, but they have not been able to come to an agreement on what that should be. If they do submit something, Staff will bring that to the Commission to review.

In response to Commissioner Rahi, he stated he met with the County regarding who should have lead agency status for processing the environmental documents for the Tzu Chi project, and they were agreeable to letting the City be the lead agency. He explained how the process would work. He is also contacting LAFCO about the potential for annexation and to see how they would view a request that did not include the residential portion to the west and presented various scenarios that may occur.

Commissioner Bratt stated he will be out of town and unable to attend the June 20, 2013 meeting.

ADJOURNMENT

MOTION: Moved by Ensberg, seconded by Davis to adjourn. Motion carried 5-0. The meeting adjourned at 8:52 p.m. to the regular Planning Commission meeting scheduled for Thursday, May 16, 2013, at 7:00 p.m.

Jim Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

Jan Sutton
Planning Commission Secretary

Approved: May 16, 2013

With this amendment he is also addressing two other inconsistencies he found between the plan and the setback standards, and the code has been reformatted into an A and B section. Section A changes the setback from 15 to 10 feet due to an issue of an existing habitable building located between the residential and the commercial portions of the project. It also includes the exception for covered carports that are one-story or less in height. The new Section B is a clarification of the previous Subsections D and E, where the intention of the original language was to keep buildings away from the drive aisles when using the wording "building to curb face."

Staff is recommending approval of MCTA 12-01 as outlined in the staff report and set forth in Resolution PC-1481.

Commissioner Bratt asked what was located on the other side of the wall along the west property line.

Assistant City Manager Stevens stated it is almost entirely driveway or parking area along that property line, and also to the north. That is another reason why Staff is willing to allow the parking in that area, and felt the height limitation set some protection for the neighboring properties. He estimated that all the residential buildings on the neighboring properties were at least 45 feet away.

Commissioner Rahi asked about the standard in Item A3 being reduced from 15 feet to 10 feet.

Assistant City Manager Stevens stated that apparently Building Pad 18.3 is approximately 11 feet from the property line instead of 15 feet, so he amended the setback to allow it to remain in that location. It abuts the Fresh & Easy parking lot so there is still plenty of distance between the buildings.

Chairman Schoonover opened the meeting for public hearing. There being no response, the public hearing was closed.

RESOLUTION PC-1481

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 12-01, A REQUEST TO AMEND SECTION 18.544.380 OF SPECIFIC PLAN NO. 26 TO ALLOW ACCESSORY STRUCTURES, INCLUDING CARPORTS, INTO REQUIRED INTERIOR PROPERTY LINE SETBACK

MOTION: Moved by Bratt, seconded by Ensberg to recommend approval of Municipal Code Text Amendment 12-01 and adopt Resolution PC-1481. Motion carried 4-0-1 (Davis absent).

- 3. CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 12-03** – A Request to Amend Section 18.542.250, and other Sections as deemed appropriate, of the San Dimas Municipal Code, to allow an up to 950 Square Foot Second-Story Architectural Element on lots with a One-Story Height Limit and other associated revisions, as deemed appropriate, located in Specific Plan No. 25 in the Northern Foothills of San Dimas.

Staff report presented by **Assistant City Manager Larry Stevens** who stated this item was mentioned when they reviewed the Precise Plan for the Architectural Guidelines, and the final

amended. He stated they could just amend the code without additional standards, but the concern is that in the future, without having some protections in place, it may allow the houses to become too large.

Commissioner Bratt stated the City has worked very hard to keep the number of houses in the foothills down, and the original approval gave them a reasonable mix of one- and two-story homes. He feels the developer is just going to keep picking away at the standards, and that will lead to mansionization.

Chairman Schoonover stated they could also leave the standard as it is with only 16 lots allocated for two-story houses and make no change.

Commissioner Bratt stated he supports business and development, but felt in this case the Applicant is going to make it as big and offensive as they possibly can and build castles with turrets. They were allowed to have two-story homes on a quarter of the property. If they increase the size on the one-story houses, he felt that wherever you are, you are going to see a massive housing development in the hills.

Commissioner Ensberg stated Staff indicated the visual impact was not going to be a problem.

Assistant City Manager Stevens clarified it was his opinion that the approved grading plan and the tract layout have already created a negative impact on the hills, so allowing the houses to be slightly larger isn't going to increase that negativity.

Commissioner Ensberg felt the Applicant had certain rights to develop their property as they see fit and didn't see why the Commission needed to discuss such a small change.

Commissioner Bratt stated the purpose of this board is to control what is done. If we allow them to do whatever they want, then you have a development like Morgan Ranch. He stated he did not want to increase the standard.

Commissioner Ensberg felt they should allow them to have the 950 square feet and set that as the limit without imposing another set of standards.

Commissioner Bratt stated even though Staff is recommending approval, he does not agree and does not support changing the standard.

Chairman Schoonover stated they are not a rubber stamp for the Staff.

Commissioner Ensberg stated he concurred but felt they should take into consideration the point of view of the professionals. His concern was whether the view was going to be impacted, and Staff has indicated it will not be largely impacted, so that is why he is in support of the recommendation.

Chairman Schoonover stated during the 2010 hearings, the General Plan was amended to state that only 27% of the houses can be two-story, so does this code amendment also amend the General Plan, or does the General Plan need to be amended.

Assistant City Manager Stevens stated you could probably interpret it either way but he would review it closely and advise the Commission on if a General Plan Amendment was needed as well.

Commissioner Ensberg felt the Applicant was not asking for two-story homes, they were asking for the ability to include architectural changes that are visually pleasing. He felt the proposed home styles were attractive and the elements will enhance the value to the people who will live there. He was willing to add a FAR standard to help address the concerns expressed by Commissioner Bratt regarding mansionization. He felt the key consideration was that it will not create a negative visual impact and that the property owner should be able to use his property the way he wants as long as it doesn't negatively impact the community.

Commissioner Bratt stated he would not be opposed as long as Staff feels there are appropriate controls in place, but in looking at the presentation, it looked like they were planning to build castles with turrets and he did not think this is what the City of San Dimas wants to see in the hillsides.

Commissioner Rahi felt they want to help the Applicant and felt this would allow architectural variations but no living space, except in the one option. He asked the Applicant why they are requesting this change.

Stan Stringfellow, Applicant, stated at the time the Tract Map was approved there was no particular style of architecture contemplated for this development. After reviewing the market, they identified six styles they felt were appropriate for the community, and have created an ambiance reminiscent of northern Tuscany, and incorporated Old World European designs, along with a California Craftsman. Because of this selection, they felt they needed to add the option for these architectural elements to present the best possible product.

Commissioner Rahi asked if this will be their final request for changes.

Stan Stringfellow, Applicant, stated it will be the final request from him but he can't speculate on what someone might ask for in the future. Now that they have the approval, they have individual lot studies on where the homes can be placed.

Chairman Schoonover stated he shared Commissioner Bratt's concerns, and when they saw the project in 2010, they had an idea of what it would look like when they agreed to 16 two-story lots, with the rest being one-story homes. He felt a good architect can create interesting one-story designs without adding all these turrets. He is willing to see what the Staff can come up with for them to review, but he would not be comfortable with moving forward approving more than the original 16 two-story homes.

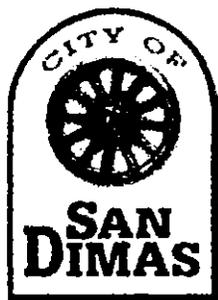
Commissioner Ensberg felt they should allow Staff to come back with their recommendations, and then Commissioner Davis would also be present to review the proposal.

MOTION: Moved by Schoonover, seconded by Bratt to direct Staff to prepare standards and findings for further review of this item, and to continue the public hearing to May 2, 2013. Motion carried 4-0-1 (Davis absent).

ORAL COMMUNICATION

4. Assistant City Manager for Community Development

Assistant City Manager Stevens stated a group of commercial brokers and tenants met and submitted a proposal in regards to the commercial for sale/leasing signs. When he responded back for clarification on several items, they responded that the group was not able to resolve their internal differences on how best to approach possible amendments to the sign code. At



MEMORANDUM

DATE: May 16, 2013

TO: Planning Commission

FROM: Larry Stevens, Assistant City Manager for Community Development

SUBJECT: MUNICIPAL CODE TEXT AMENDMENT 12-03 - A proposal to Amend Section 18.542.250, and other Sections as deemed appropriate, of the San Dimas Municipal Code, to allow an up to 950 Square Foot Second-Story Architectural Element on lots with a One-Story Height Limit and other associated revisions, as deemed appropriate. (Continued from April 18 & May 2, 2013)

Pursuant to Planning Commission direction at the May 2, 2013 meeting, the task at hand is to determine a rational standard to limit pad coverage and/or floor area. Staff met with the Applicant and their proposal (in addition to the initial request for a small second floor component on all lots) is as follows:

0.5 FAR of the pad surface area that includes the primary structure's first floor livable space, attached garage space in excess of three cars and any accessory structures excluding pools and sports courts

Once the second floor area is excluded the proposal is effectively a pad coverage standard with certain exclusions.

To evaluate possible standards the following considerations are offered:

Pad Coverage vs. Lot Coverage:

In hillside conditions the buildable pad is the more logical standard especially in circumstances where there is a Specific Plan, a grading plan and an approved Tentative Tract Map (see Attachment #4). The applicant's comments also support this approach.

FAR vs. Pad Coverage:

The FAR standard is distinguished from the pad coverage standard because it includes any second floor area in calculating building floor area. In evaluating various coverage standards (see Attachment #5), any FAR standard significantly limits those designated lots from achieving close to the maximum areas where the pads are less than 0.5 acres (21,780 square feet). It seriously constrains these lots even at a 0.5 FAR standard for nine of those lots. On all of the remaining lots the FAR approach has only minor benefits in limiting overbuilding a pad because the 10% not to exceed 950 square feet already accomplishes most of the benefit. Staff is comfortable with a pad coverage standard which excludes the second floor area from any coverage standard.

Looking at Attachment #5 and the above tables less than one third of the semi-custom lots are below the illustrative 20,000 square foot pad example. A similar percentage of custom lots are below the 30,000 square foot custom lot example. Those below the examples will not likely be able to achieve the maximum floor areas in the Guidelines but there should be a balance between built pad and pad space available for yards, guest parking, pools, sports courts and the like. It should be noted that the two-story lots can achieve maximum floor areas with a minimum of difficulty.

A pad coverage standard of 40%, or maybe even 45%, seems equitable. A 50% standard will likely encourage over building and seems excessive.

RECOMMENDATION:

Staff supports the request to allow a 10% second floor component, not to exceed 950 square feet, on all one-story lots and a maximum pad coverage of 40% (coverage to include all covered space except minor storage sheds, pool houses and similar structures under 120 square feet).

PLEASE REFER TO STAFF REPORT DATED MAY 2, 2013 FOR ADDITIONAL DISCUSSION.

NOTE : RESOLUTION TO FOLLOW

Attachments:

- Attachment #4
- Attachment #5

41 - SC2	15,442	0.52	22651	3400	8500	0.220	0.550	0.150	0.375
42 - SC	18,015	0.60	26136	3400	8500	0.189	0.472	0.130	0.325
43 - SC	16,426	0.57	24829	3400	8500	0.207	0.517	0.137	0.342
44 - SC	19,604	0.60	26136	3400	8500	0.173	0.434	0.130	0.325
45 - SC2	22,700	0.70	30492	3400	8500	0.150	0.374	0.112	0.279
46 - SC	24,914	0.73	31799	3400	8500	0.136	0.341	0.107	0.267
47 - SC2	30,235	1.27	55321	3400	8500	0.112	0.281	0.061	0.154
48 - SC2	22,300	0.92	40075	3400	8500	0.152	0.381	0.085	0.212
49 - CE	27,081	1.07	46609	3800	15,600	0.140	0.576	0.082	0.335
50 - CE	20,105	0.80	34848	3800	15,600	0.190	0.776	0.109	0.448
51 - CE	20,662	1.32	57499	3800	15,600	0.184	0.775	0.066	0.271
52 - CE	27,890	1.18	47049	3800	15,600	0.136	0.559	0.080	0.332
53 - CE	22,586	1.31	57064	3800	15,600	0.168	0.691	0.067	0.273
54 - C	21,062	0.67	29185	3800	15,600	0.180	0.741	0.130	0.535
55 - C	24,003	0.76	33106	3800	15,600	0.158	0.650	0.115	0.471
56 - C	27,885	0.85	37026	3800	15,600	0.136	0.559	0.102	0.421
57 - C	30,951	1.14	49658	3800	15,600	0.122	0.504	0.077	0.314
58 - SC	22,617	0.60	26136	3400	8500	0.150	0.376	0.130	0.325
59 - SC2	29,608	0.87	37897	3400	8500	0.115	0.287	0.090	0.224
60 - SC2	24,193	0.88	38333	3400	8500	0.141	0.351	0.089	0.222
61 - SC	20,908	1.29	56192	3400	8500	0.163	0.407	0.061	0.151

NOTE: SC = Semi-Custom (no shading); SC2 = Semi-Custom 2 Story (blue shading); C = Custom (red shading); CE = Custom Equestrian (light green shading).

59-SC2	29,608	0.87	37897	8500	11,843	13,324	14,804
60-SC2	24,193	0.88	38333	8500	9677	10,887	12,097
8-C	28,077	0.72	31363	15,600	11,231	12,635	14,039
9-C	56,734	1.60	69696	15,600	22,694	25,530	28,637
10-C	42,956	1.16	50530	15,600	17,182	19,330	21,478
11-C	39,270	1.71	74488	15,600	15,708	17,672	19,635
13-C	23,479	0.94	40946	15,600	9392	10,566	11,740
27-C	20,819	0.74	30928	15,600	8328	9369	10,410
34-C	29,408	0.94	40946	15,600	11,763	13,234	14,704
35-C	29,398	0.94	40946	15,600	11,759	13,229	14,299
36-C	38,742	1.06	46174	15,600	15,497	17,434	19,371
37-C	42,029	1.06	46174	15,600	16,812	18,913	21,015
38-C	83,320	2.32	101059	15,600	33,328	37,494	41,660
54-C	21,062	0.67	29185	15,600	8425	9478	10,531
55-C	24,003	0.76	33106	15,600	9601	10,801	12,002
56-C	27,885	0.85	37026	15,600	11,154	12,458	13,934
57-C	30,951	1.14	49658	15,600	12,380	13,298	15,476
19-CE	100,084	3.03	131987	15,600	40,034	45,038	50,042
20-CE	135,465	3.80	165528	15,600	54,186	60,959	67,733
21-CE	27,074	1.35	58806	15,600	10,830	12,183	13,537
22-CE	35,847	1.35	58806	15,600	14,339	16,131	17,924
49-CE	27,081	1.07	46609	15,600	10,832	12,186	13,541
50-CE	20,105	0.80	34848	15,600	8042	9047	10,053
51-CE	20,662	1.32	57499	15,600	8265	9298	10,331
52-CE	27,890	1.18	47049	15,600	11,156	12,551	13,945
53-CE	22,586	1.31	57064	15,600	9634	10,164	11,293

NOTE: SC = Semi-Custom (no shading); SC2 = Semi-Custom 2 Story (blue shading); C = Custom (red shading); CE = Custom Equestrian (light green shading).

In 2010 NJD filed applications to amend the General Plan and Specific Plan and to consider a Tentative Tract Map. As part of these approvals two areas were created within the original Specific Plan boundaries with Planning Area 1 consisting of the 270 acre NJD ownership and Planning Area 2 being the remaining private property in the Northern Foothills. As part of these approvals revisions were made to the building height standards as follows:

- Planning Area 1 : The one -tory and 25 foot height standard was retained except that up to 27% of the lots could be developed with two-story buildings up to 35 feet in height. It was required that these two-story lots undergo visual analysis and be identified on the Tract Map with the provision that no other two-story lots be allowed once the Tract Map was recorded.
- Planning Area 2: The one-story and 25 foot height standard was maintained for all properties except where a lot was capable of being divided into four or more parcels. In that instance one parcel could be developed with a two-story structure up to 35 feet in height and all others would be deed restricted to preclude future two-story buildings.

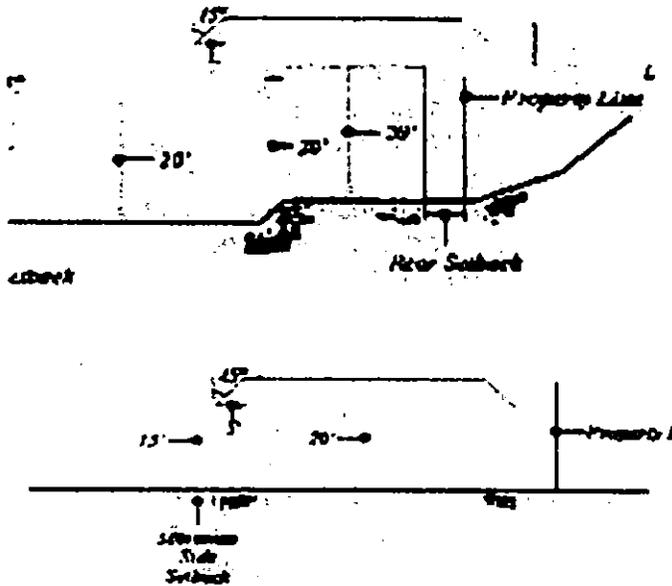
An additional revision to the building height limitation is now proposed. As submitted the request applies only to Planning Area 1. The request is to amend SP-25 to allow all of the designated one-story lots (45 of the 61 lots approved in the TTM) to have a two-story component. The component is limited to 35 feet in height and cannot exceed 10% of the habitable building floor area or 950 square feet, whichever is lesser. The Applicant indicates this is to allow better use of classic architectural features for the six architectural styles that have been selected for the project. See Attachments 1 & 2 to provide additional descriptive information on this proposal. It should be noted that the City Boards recently reviewed and approved a Precise Plan for the project Architectural Guidelines. While these Guidelines did include the amendment the Applicant is seeking, it was clearly noted that the Guidelines must be revised if this Amendment was not approved.

2. The existing building height limits in SP-25 are set forth in Section 18.542.250 as follows:

18.542.250 Building height. *The minimum building height shall be as set forth in this section. Building height shall be measured from the average of the lowest point and highest point of contact with the ground to the highest portion of the structure.*

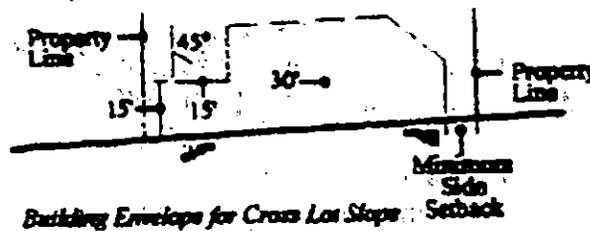
A. *Building height shall not exceed one story and a maximum of twenty-five feet, not including architectural projections for non-habitable areas, except as follows:*

setback, and shall extend up and toward the rear of the lot at a forty-five degree angle to a maximum overall height of twenty feet, as measured from finished grade, except for approved two-story designated lots. The maximum height at the side setbacks shall be fifteen feet extending towards the center of the lot at a forty-five degree angle to a maximum height of twenty feet, as measured from finished grade, except for approved two-story designated lots (see figures below).



3. **Cross Slope Lots.** A maximum height of twenty feet, except for approved two-story designated lots, is permitted, as measured from finished grade, from the minimum front setback extending towards the rear of the lot. The maximum height at the side setbacks shall be fifteen feet, except for approved two-story designated lots, extending towards the center of the lot at a forty-five degree angle to a maximum height of twenty feet as measured from finished grade, except for approved two-story designated lots (see figure below).

Street Elevation



pads. The second visual perspective emanates from outside of the project looking in. Certainly there are a variety of external viewing points and each might yield different conclusions. A limited height increase is not likely to have much view impact from the exterior, although the massing of more and larger structures, given the overall project design, may have some visual impacts.

It may be appropriate to consider some additional standards if this amendment is approved. Possible approaches include:

- Limiting the number of lots which can utilize the 10%/950 square foot option. This may be difficult to administer unless the lots are identified in advance and that would require additional analysis.
- Adding a new standard, such as a FAR (floor area ratio) or maximum square footage, to minimize the massing associated with larger floor areas. According to the Guidelines, Applicant is suggesting square footage limits by lot type as follows:
 - Semi-custom lot (one- or two-story) – 3400-8500 square feet
 - Custom Lot including Equestrian (one-story) – 3800-15,600 square feet

These standards are, however, not requirements of the Specific Plan and can be easily changed in the future.

In addition, there should be some discussion concerning whether or not to apply any revised standard to Planning Area 2. Staff is not inclined to include any of these changes in Planning Area 2.

In evaluating approaches to potential standards Staff has prepared Attachment #4 which evaluates the floor area to pad and lot ratios for the 61 lot subdivision. The lots are classified as Semi-Custom (SC), Semi-Custom/two-story (SC2), Custom (C) and Equestrian Custom (CE) and the ratios are calculated for the minimum and maximum floor areas (per the Architectural Guidelines) for each pad and lot.

In terms of considering a standard there are four approaches to consider. All are intended to limit the amount of buildable area in some form. Three are performance based while the last is simply a numerical maximum. They include:

1. *FAR using floor area to pad.* The project grading plan has identified the buildable, flat portion of the pads on each of the 61 lots. In the chart column 8 calculates the FAR/pad for each lot. They range from pad coverage of 11.5% to 77.6%. In considering an appropriate FAR/pad refer to the following breakdown:

This comparison is again based on the habitable area and does not include accessory buildings.

3. *Lot Coverage.* This is the actual standard currently used in the other SF Zones in the City rather than a FAR. The primary distinction is that a FAR includes all floor area in establishing an intensity on a site whereas lot coverage is only concerned with the actual ground level coverage and does not include any second floor area. FAR is a better standard if one desires to address the massing or intensity impacts. The City's common standard for lot coverage is 35% including both habitable floor area and accessory structures like garages. Applying the 35% standard to the project (not including accessory building lot coverage), ten lots exceed 35% if developed at the maximum (Note: one of these lots is a two-story designated lot).
4. *Maximum Floor Area.* If maximum floor areas are considered, they could be those specified in the Guidelines although a means to distinguish between custom and semi-custom lots would need to be determined. It should be noted that the Guidelines do not limit accessory buildings in terms of any coverage standard. If this standard is included in SP-25, then the Guidelines cannot be changed to increase the maximum without a Specific Plan Amendment.

In considering the consistency of this Specific Plan Amendment with the applicable General Plan policy it is notable that there is a one-story limit on all but 27% of the lots pursuant to General Plan Policy 10.2.10. There are two perspectives to consider. The strictest application is that a General Plan Amendment is required and must be considered before, or at the same time as, the Specific Plan Amendment. In this circumstance the proposed amendment cannot be approved. It is conceivable that the proposal could be viewed as a minor exception to the one-story height limit since it is limited to 10 percent of the floor area. Under this scenario the structure would be viewed as a one-story house with a limited second-story element. Whichever perspective is considered, Findings should make clear how this policy was interpreted as part of any final decision.

CONCLUSIONS

The proposed amendment is intended to be a minor exception to the one-story height limit to provide enhanced architectural interest within the project

The change probably has a limited impact when considering off-site viewsheds.

The intensity of site development or massing is currently limited primarily by the Architectural Guidelines.

APPENDIX A

GENERAL INFORMATION

Applicant: Stan Stringfellow, agent for NJD Ltd.

Owner: NJD Ltd.

Location: Specific Plan No. 25 in the Northern Foothills of San Dimas

General Plan: Very Low Density Residential

Surrounding Land Use and Zoning
North: Specific Plan No. 25 - vacant
South: SF-A 16,000 – single family residential
East: Specific Plan No. 25 * Open Space – vacant & open space
West: City of Glendora - vacant

Legal Notice: A legal notice was published in the Inland Valley Daily Bulletin; posted at City Hall, the Library, Post Office and Via Verde Shopping Center; and was mailed to property owners within 300 feet of the project on April 5, 2013

Environmental: A Final Environmental Impact Report was previously certified for changes to Specific Plan No. 25, provided that all adopted mitigation measures are complied with. No new environmental impacts have been identified.

ATTACHMENT #4

Lot # And Type	Pad Size	Lot Size (ac.)	Lot Size (sq.ft.)	Floor Area (min.)	Floor Area (max.)	Floor Area To Pad ratio (min.)	Floor Area To Pad ratio (max.)	Floor Area to Lot Ratio (min.)	Floor Area to Lot Ratio (max.)
1 - SC	20,577	0.64	27878	3400	8500	0.165	0.413	0.122	0.305
2 - SC2	20,987	0.64	27878	3400	8500	0.162	0.405	0.122	0.305
3 - SC2	18,155	0.66	28750	3400	8500	0.187	0.468	0.118	0.296
4 - SC2	17,592	0.52	22651	3400	8500	0.193	0.483	0.150	0.375
5 - SC	22,595	0.60	26136	3400	8500	0.150	0.376	0.130	0.325
6 - SC2	19,169	0.58	25265	3400	8500	0.177	0.443	0.135	0.336
7 - SC2	22,387	0.61	26572	3400	8500	0.152	0.380	0.128	0.320
8 - C	28,077	0.72	31363	3800	15,600	0.135	0.556	0.121	0.497
9 - C	56,734	1.60	69696	3800	15,600	0.067	0.275	0.055	0.224
10 - C	42,956	1.16	50530	3800	15,600	0.088	0.366	0.075	0.309
11 - C	39,270	1.71	74488	3800	15,600	0.097	0.397	0.051	0.209
12 - SC	25,283	1.06	46174	3400	8500	0.134	0.336	0.074	0.184
13 - C	23,479	0.94	40946	3800	15,600	0.162	0.664	0.093	0.381
14 - SC	29,651	0.88	38333	3400	8500	0.115	0.287	0.089	0.222
15 - SC	26,916	0.80	34848	3400	8500	0.126	0.316	0.098	0.244
16 - SC	20,635	0.90	39204	3400	8500	0.165	0.412	0.087	0.217
17 - SC	22,579	0.71	30928	3400	8500	0.151	0.376	0.110	0.275
18 - SC	20,315	1.29	56192	3400	8500	0.167	0.418	0.061	0.151
19 - CE	100,084	3.03	131987	3800	15,600	0.038	0.156	0.029	0.118
20 - CE	135,465	3.80	165528	3800	15,600	0.028	0.115	0.023	0.094
21 - CE	27,074	1.35	58806	3800	15,600	0.137	0.563	0.065	0.265
22 - CE	35,847	1.35	58806	3800	15,600	0.106	0.435	0.065	0.265
23 - SC2	17,360	0.77	33541	3400	8500	0.196	0.490	0.101	0.253
24 - SC	20,477	0.93	40511	3400	8500	0.166	0.415	0.084	0.210
25 - SC2	17,441	0.57	24829	3400	8500	0.195	0.487	0.137	0.342
26 - SC2	16,337	0.72	31363	3400	8500	0.208	0.520	0.108	0.271
27 - C	20,819	0.74	30928	3800	15,600	0.183	0.749	0.123	0.504
28 - SC	19,403	0.60	26136	3400	8500	0.175	0.438	0.130	0.325
29 - SC	18,793	0.97	42253	3400	8500	0.181	0.452	0.080	0.201
30 - SC	17,066	0.59	25700	3400	8500	0.199	0.498	0.132	0.331
31 - SC	20,221	0.70	30492	3400	8500	0.168	0.420	0.112	0.279
32 - SC	22,688	0.99	43124	3400	8500	0.150	0.375	0.079	0.197
33 - SC	25,156	0.97	42253	3400	8500	0.135	0.338	0.080	0.201
34 - C	29,408	0.94	40946	3800	15,600	0.129	0.530	0.093	0.381



Planning Commission Staff Report

DATE: April 18, 2013

TO: Planning Commission

FROM: Community Development Department

SUBJECT: MUNICIPAL CODE TEXT AMENDMENT 12-03 - A proposal to Amend Section 18.542.250, and other Sections as deemed appropriate, of the San Dimas Municipal Code, to allow an up to 950 Square Foot Second-Story Architectural Element on lots with a One-Story Height Limit and other associated revisions, as deemed appropriate.

SUMMARY

The Applicant proposes to allow all of the one story lots within Planning Area 1 to be allowed a limited amount of habitable second story floor area. This is intended to accommodate additional architectural diversity and styles within the project. While this change may be beneficial, Staff is recommending establishing additional standards to address massing concerns by establishing FARs or maximum building floor areas.

Staff recommends continuing the public hearing to consider additional standards.

BACKGROUND

1. Specific Plan No. 25 was adopted in 1999 and established standards for low density hillside development for the entire Northern Foothills area. At that time the maximum building height was established as one story not to exceed 25 feet.

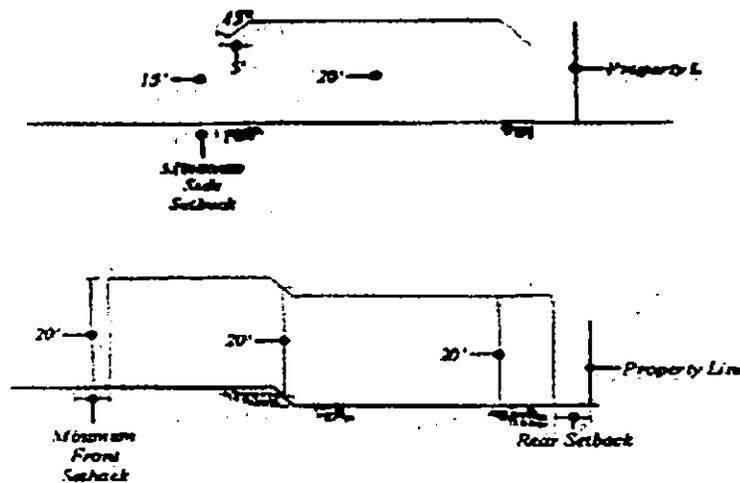
As a result of subsequent litigation and a corresponding settlement agreement certain revisions to SP-25 were identified including allowing some two story buildings (as well as increasing density and revising certain other standards).

1. Within Planning Area One, a limited number of two-story structures, not exceeding twenty-seven percent of the total number of parcels thereby created, may be allowed. Such structures shall not exceed thirty-five feet in overall height. A visual analysis shall be required to demonstrate that the additional height will not increase visual intrusiveness. Lots approved for such height increase shall be determined at time of parcel or tract map review and shall be so designated on the recorded map. Provided further that no other parcels shall be allowed for two-story structures after the map is recorded.

2. Within Planning Area Two, on a parcel where a minimum of four parcels are allowed, not more than one parcel may be approved for a two-story structure. Such structures shall not exceed thirty-five feet in overall height. A visual analysis shall be required to demonstrate that the additional height will not increase visual intrusiveness. Any other parcels created in the future shall include a deed restriction prohibiting two-story structures.

B. On sloping lots building height shall be determined as follows:

1. Downhill Lot. An overall maximum height of twenty feet, except for approved two-story designated lots, is permitted, as measured from finished grade, from the minimum front setback extending towards the rear of the lot. The maximum height at the side setbacks shall be fifteen feet, except for approved two-story designated lots, extending towards the center of the lot at a forty-five degree angle to a maximum height of twenty feet as measured from finished grade, except for approved two-story designated lots (see figures below).



ANALYSIS

Consideration of this request should be evaluated in a historical context of the intent behind the previous one-story standard which initially applied to the entirety of SP-25. The intent of SP-25 was to encourage a very rural, large lot residential development opportunity with limited infrastructure and one rambling ranch style building. In doing so, the topography and character of the Northern Foothills was intended to remain intact with limited alteration.

The 2010 revisions substantially altered this intent at least for Planning Area 1 with the result being a more urbanized, albeit large lot, lower density development. The infrastructure and grading deviate substantially from the original intent and are much more suburban in character. Nevertheless 73% of the lots were intended to maintain the smaller scale character of the residential buildings by maintaining the one-story height limit.

This dichotomy has resulted in a push towards more grandiose residential structures desiring greater architectural diversity than can be available with a one-story height limitation. As you will recall during the Precise Plan discussions, only a couple of the architectural styles readily accommodate a one-story building. This can be partially offset by the 10% up to 950 square foot limit which may retain part of the originally intended character. It would also not be surprising to see additional requests to erode this offset in the future.

There are two visual perspectives to consider in evaluating the proposed amendment. First there is the internal street character which would likely be enhanced by the architectural diversity and an opportunity to vary building heights a bit – especially since the project design is largely one of flat building pads. The second visual perspective emanates from outside of the project looking in. Certainly there are a variety of external viewing points and each might yield different conclusions. A limited height increase is not likely to have much view impact from the exterior although the massing of more and larger structures, given the overall project design, may have some visual impacts.

It may be appropriate to consider some additional standards if this amendment is approved. Possible approaches include:

- Limiting the number of lots which can utilize the 10%/950 square foot option. This may be difficult to administer unless the lots are identified in advance and that would require additional analysis.
- Adding a new standard, such as a FAR (floor area ratio) or maximum square footage, to minimize the massing associated with larger floor areas. According to the Guidelines, the Applicant is suggesting square footage limits by lot type as follows:
 - Semi-custom lot (one- or two-story) – 3,400-8,500 square feet

APPENDIX A

GENERAL INFORMATION

Applicant: Stan Stringfellow, agent for NJD Ltd.

Owner: NJD Ltd.

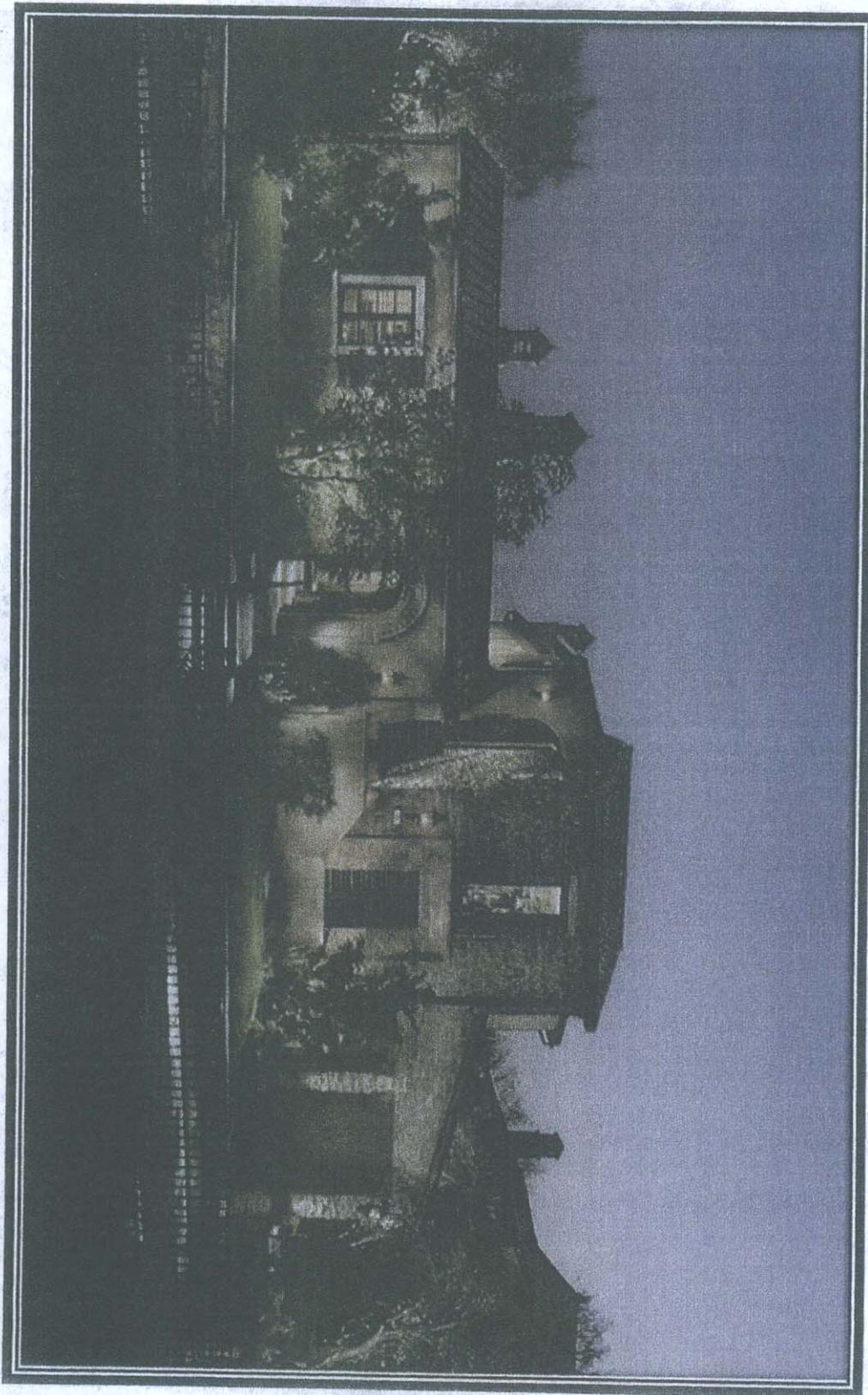
Location: Specific Plan No. 25 in the Northern Foothills of San Dimas

General Plan: Very Low Density Residential

Surrounding Land Use and Zoning
North: Specific Plan No. 25 - vacant
South: SF-A 16,000 – single family residential
East: Specific Plan No. 25 * Open Space – vacant & open space
West: City of Glendora - vacant

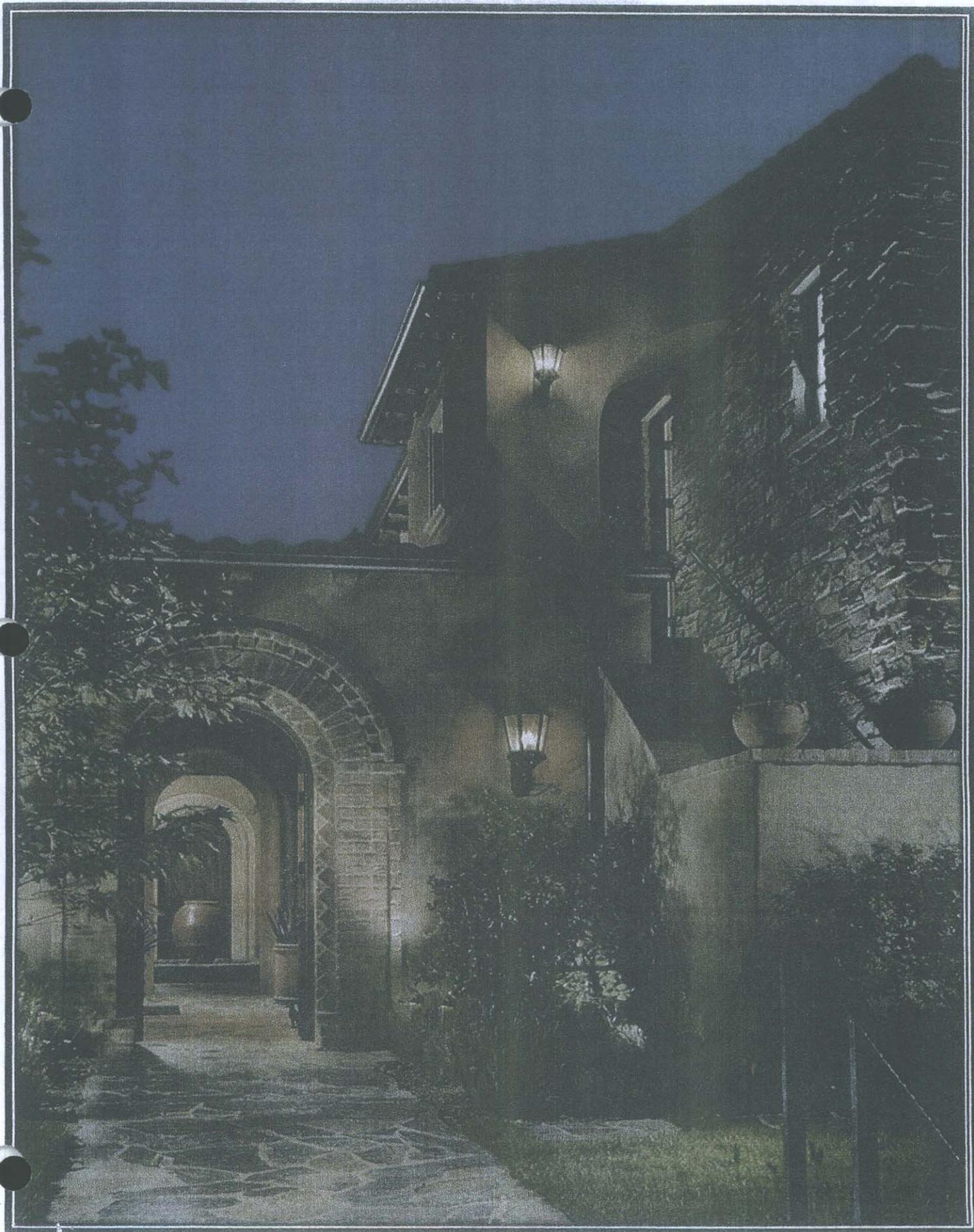
Legal Notice: A legal notice was published in the Inland Valley Daily Bulletin; posted at City Hall, the Library, Post Office and Via Verde Shopping Center; and was mailed to property owners within 300 feet of the project on April 5, 2013

Environmental: A Final Environmental Impact Report was previously certified for changes to Specific Plan No. 25, provided that all adopted mitigation measures are complied with. No new environmental impacts have been identified.



"Exhibit 1" Specific Plan Amendment Request







ATTACHMENT #2

Section One

OVERVIEW

OVERVIEW

1.1 BRASADA DESIGN PHILOSOPHY
Brasada's Architectural and Landscape Guidelines apply to the design, construction and development within the community of Brasada, gainfully sited within the foothill province of San Dimas. Its premier hillside setting offers spectacular views and panoramas of the San Gabriel Valley in Southern California.

Brasada is a scenic countryside neighborhood reminiscent of the "Old World" vineyard regions of Southern Europe. The unification of timeless Italian, French, Spanish, Tuscan, and Andalusian together with early California Craftsman architecture defines this prominent community's enhancing appeal.

1.2 PURPOSE

The Architectural Guidelines, Landscape Design Guidelines and the Design Review Process serve this community as the principal instrument to facilitate authentic European along with early California Craftsman architecture contained by a development infrastructure implementing the vision at Brasada. It defines and provides the framework needed to guide each Lot-Owner through planning, design, document processing and construction of each custom homestead within the community of Brasada.

These development guidelines are intentionally distinctive and shall mandate the high degree of design and construction quality expected at Brasada. Architects, engineers, landscape architects, and all-involved professionals need to be familiar with Brasada's selective and exclusive design development standards. Our objective is intended to underwrite and establish that these development standards are executed in a unified manner; with the high-level of construction quality essential to provide tradition and conformance within the overall development of Brasada's proposed design objectives.

1.3 GOALS & OBJECTIVES

These design guidelines are intended to assist each Lot-Owner with the permissible development of their property through planning, design, and construction. In addition to all applicable municipal codes and regulations and the San Dimas General Plan, Specific Plan No. 25, Tentative Tract Map 70583, Conditions of Approval, CEQA mitigation measures, city of San Dimas approved Building Codes, the Development Agreement, Final Tract Map as it may be Amended, recorded CC&R's and Home Owners Association Articles & By-laws and other agency permits and approvals, as they may be updated or amended from time to time, use these guidelines to offer direction to Lot-Owners and design professionals. In addition, these guidelines are also inclusive to the entire Brasada community which governs the planning, design, architecture, landscape, the lighting / materials, and the design review process mandated by the project approvals

The primary objective is to establish and safeguard the architectural integrity of the community while providing a context and design principle which seeks to provide affirmation to Lot-Owners of a high level of design excellence and prestigious distinction

Harmonious material selection and use; building massing with featured architectural details; compatibility between structure and individual site; exhilarating floor plans; and appropriate colors and textures together must contribute to the authenticity of its architectural style. Landscape implementation shall be expected to be regionally influenced to compliment and enhance each property

RESIDENTIAL DESIGN GUIDELINES

The architectural standards serve to introduce the Lot Owners to Brasada Community and provide the detail that each home site is to include in order to enhance the overall community character. While certain guidelines or standards contained in the Architectural Standards are required by the Project Approvals, others are included in order to maintain a uniform and well-maintained appearance throughout Brasada.

RESIDENTIAL DESIGN GUIDELINES

**RESIDENTIAL DESIGN
GUIDELINES**

or prevent any residence or other structure which, in the opinion of the Architectural Committee, would appear excessive in height when viewed from a street, common space, or other adjacent lots, and which would appear out of character with other residences because of height.

Consequently, even when a dwelling structure is designed within the maximum height limit, the Architectural Committee may, at its discretion, disapprove a residence or other structure if the Committee deems it controversial in height and out of character with existing residences, or if it appears undeniably prominent because of its loftiness.

Building height shall be measured as per S.D.M.C. 18.542.250 Planning Area One.

Any exceptions which may over-ride these height guidelines require the Lot-Owner to consult with the Architectural Committee and must be in conformance with Project Approvals.

FOR SEMI-CUSTOM LOTS

- ◆ Building Height 25' maximum
- One-Story 25' maximum
- Two-Story 35' maximum

FOR CUSTOM LOTS

- ◆ Building Height 25' maximum
- One-Story 25' maximum

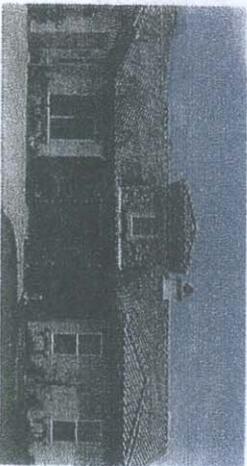
2.2.3 ARCHITECTURAL DESIGN ELEMENT

This feature element may be added to any lot which has been identified as a single story lot. The Architectural Design Element (A.D.E.) is limited to 30' maximum height. This Architectural Design Element may be any of the following components:

- ◆ A tower element at the entry area
- ◆ An outdoor roofed space with exterior access, and does not calculate as part of the maximum allowed S.F.
- ◆ An open viewing level (deck) w/ exterior stair access, and does not calculate as part of the maximum allowed S.F.
- ◆ An open California outdoor living room with a roof, and does not calculate as part of the maximum allowed S.F.
- ◆ An enclosed conditioned multi-purpose room w/ interior stairs, and does calculate as part of the maximum allowed S.F.

This element shall be limited in floor area not to exceed 950 S.F. or 10% of the conditioned area of the primary first floor, whichever is the lesser in square footage

For enclosed conditioned and covered unconditioned elements, see the following three examples:

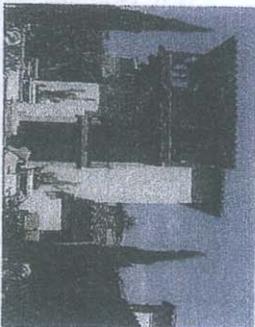


EXAMPLE 1

If the primary first floor is 15,000 S.F.

- ◆ The 10% permitted A.D.E. would be 1,500 S.F. however the maximum allowed for the A.D.E. shall not exceed 600 S.F. of enclosed space as permitted by these guidelines.

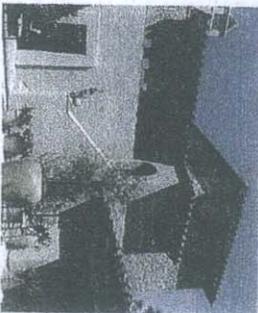
- ◆ The maximum home and A.D.E. for a Custom Lot is 15,600 S.F.
- ◆ While the maximum A.D.E. is 950 S.F. the maximum building size is 15,600 S.F. thus restricting the A.D.E. to 600S.F.



EXAMPLE 2

If the primary first floor is 4,200 S.F.

- ◆ The 10% permitted A.D.E. would be 420 S.F.
- ◆ The total dwelling could thus contain 4,200 S.F. plus 420 S.F. as permitted by these guidelines



EXAMPLE 3

- ◆ An open viewing level (deck)
- ◆ The primary first floor is 5,400 S.F.

2.17 ITALIANATE ARCHITECTURE

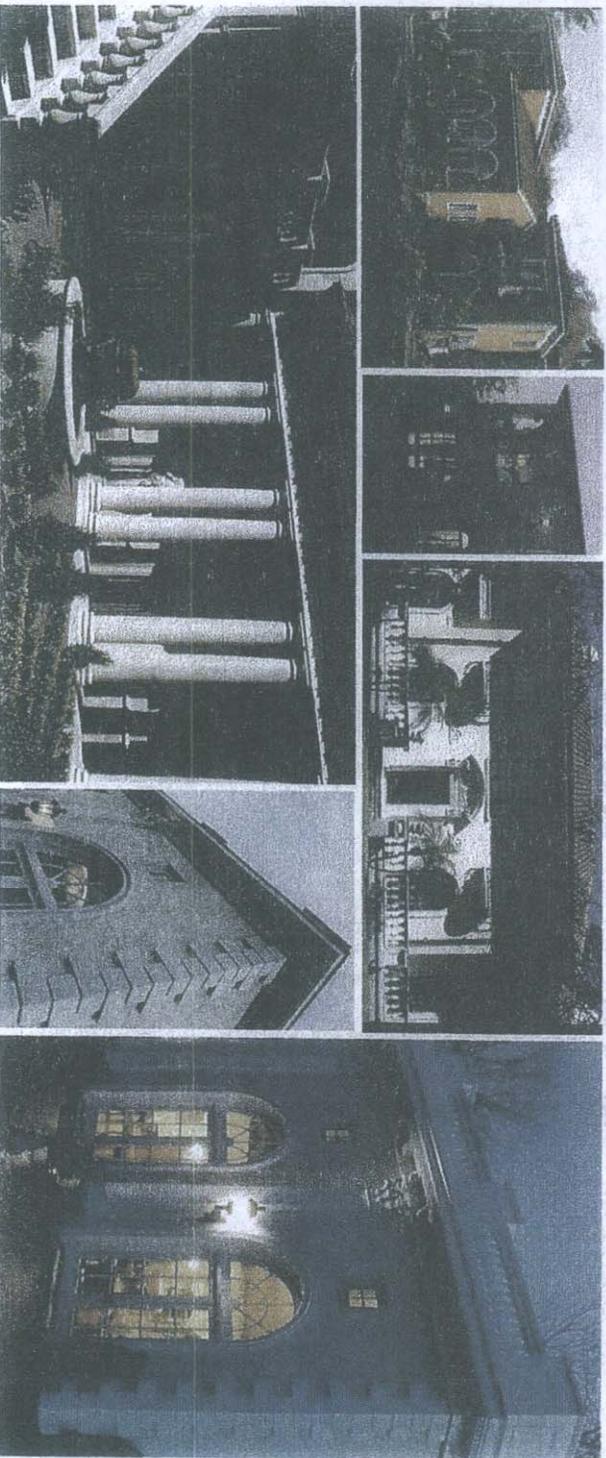
Italian style homes feature a gently-pitched roof with wide, overhanging eaves supported by large decorative brackets creating an impression resembling the pediment shape of classical temples. The Italian style floor plan typically revolves around a circular staircase in a tall tower. Common Italianate features are the grouping of either straight or round-headed windows into threes or small arcades, and the placement of porches or arched loggias between the tower and house or at the corners. Italian style homes dominated American housing construction between 1850 and 1880 when the idea of rural Italy was romanticized by Americans. Many historians believe the Italian style, or Italian villa

style was favored for two reasons: these homes could be built with many different materials and the style could be easily adapted depending on the budget. New technologies of the Victorian Era made it possible to quickly and inexpensively produce cast-iron and press-metal decorations.

Today, most historians differentiate between two main styles of architecture inspired by Downing's books: the Italian Villa and the Italianate. The Italian Villa has two main distinguishing features: a prominent tower, which was often called a campanile (a term used in Italian to describe a church bell tower), and a picturesquely irregular plan. By way of contrast, the Italianate is distinguished by having rooms that conform to regular, geometric forms: usually a square

or L-shaped plan. Moreover, in place of Italian Villa's tower, the Italianate, when it has a square plan, often features a cupola, which is sometimes referred to as a belvedere (literally meaning a good view). Besides adding a picturesque quality to the home, cupolas and towers afforded light and ventilation; to aid in ventilation, stairways were often placed beneath them.

There are many interpretations of Italianate architecture. Centuries of character modifications include styling accents from several periods: Romanesque, Gothic, Renaissance, Baroque, Tuscan and Italian Villa style have comprehensible distinctions which formulates Italianate architecture to several individual interval styles.



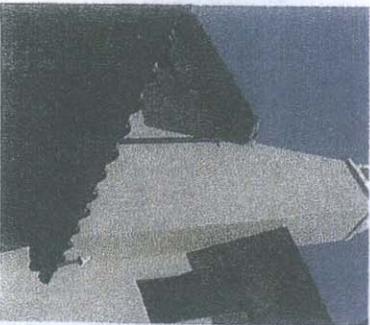
RESIDENTIAL DESIGN GUIDELINES

ITALIANATE

ITALIANATE STYLE ARCHITECTURAL FEATURES:

2.171 SIDING & EXTERIOR FINISHES

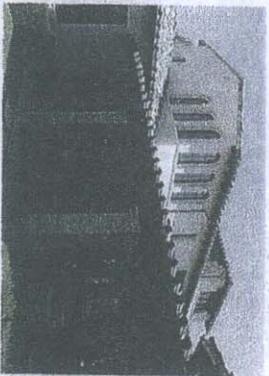
- ◆ Fine to light sand finish or smooth light laced finish stucco



fine light stucco

2.172 ROOFS

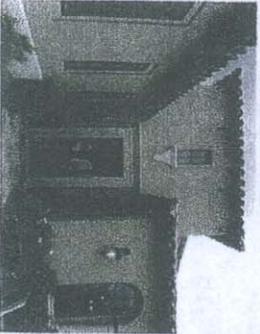
- ◆ All have low-pitched roofs L-shaped plans have gable roofs; square shaped plans have hipped roofs
- ◆ Main hipped roof with smaller secondary intersecting hip roofs
- ◆ Deep overhanging eaves with decorative brackets or S-shaped consoles
- ◆ Roofs are often capped with cupolas, sometimes referred to as a belvedere
- ◆ Barrel or V shaped tile with Roman / flat pan roof tiles or S roof tiles sometimes stacked randomly



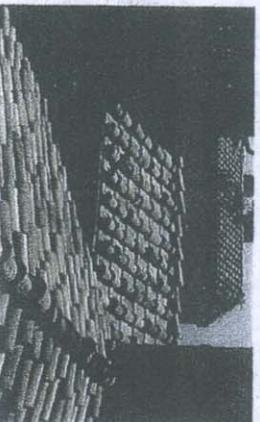
deep overhanging eaves



cantilevered balconies



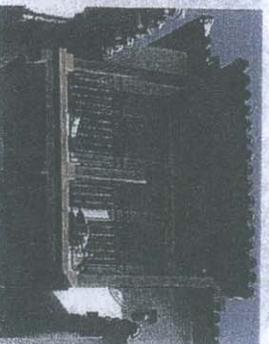
L shaped roof plan



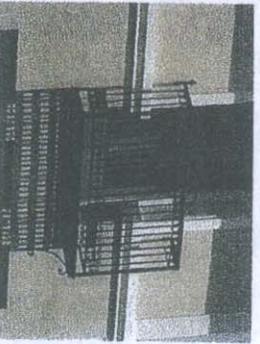
roof tiles

2.173 PORCHES AND BALCONIES

- ◆ Balconies are common and may be open or roofed
- ◆ Small cantilevered second-story balconies with wrought iron
- ◆ Decorative wrought iron balustrade at Juliet balconies



roofed balcony



Juliet balcony

**RESIDENTIAL DESIGN
GUIDELINES**

ITALIANATE

2.18 FRENCH COUNTRY ARCHITECTURE

The French Country design is more of a style than a set of specifics--the feel of a lace curtain drifting in the breeze, a sun-washed kitchen, a roaring fire. The rural homes of France that provide the basis for French Country style are diverse in all but their charm. There are the indigenous granite cottages with roofs of tufted thatch of Brittany, a northwestern province, and the half-timbered structures of Normandy, reminiscent of Tudor style, faced with clay and topped with steep roofs. In the south of France, whitewashed cottages boast canal-tiled roofs in Basque country. The country homes of Provence have a Mediterranean flavor, with cheerful hints of limestone, with narrow, deep windows and

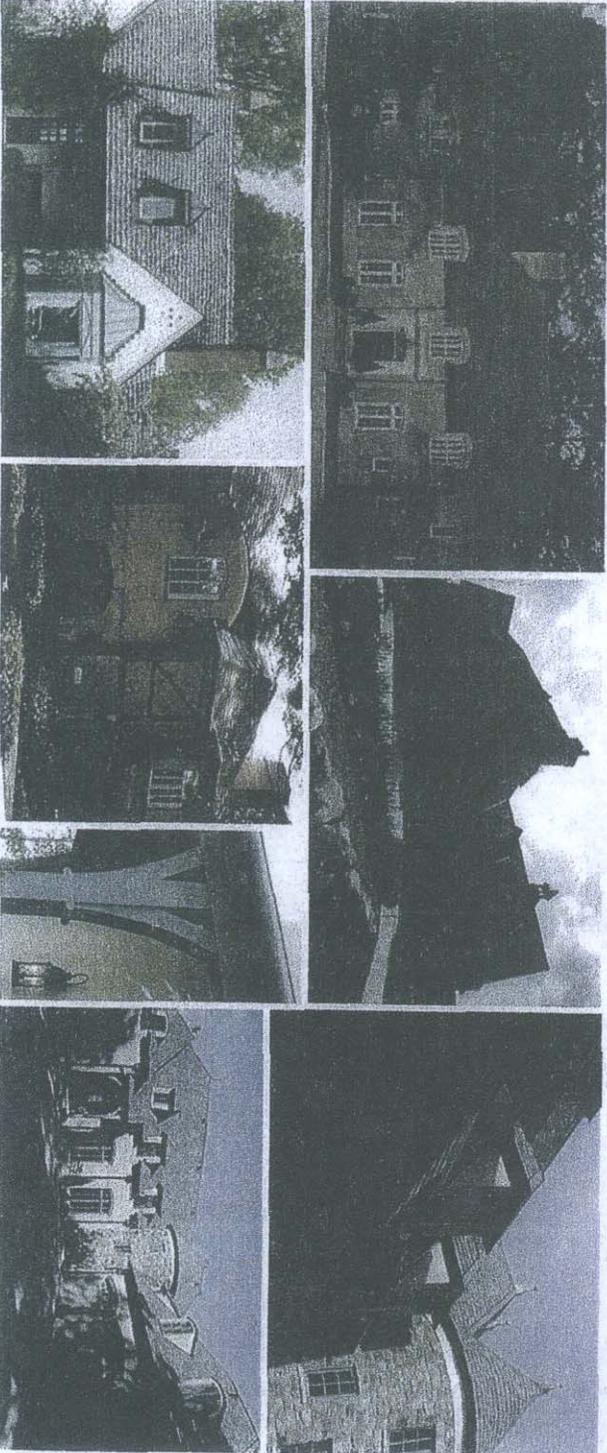
doors, flanked by slat-board shutters and painted vividly.

One common trait is the multi-paned windows that extend down to the floor, which we call "French windows" and that are used like doors, inside and out. The basic interiors of all these homes are also similar in design, though each uses regional materials in construction. The kitchen is huge--the heart of the family--and comfortable, with exposed, sturdy beams, tiled floors, and open hearth cooking.

Also known as French Provincial, French Country house plans are inspired by the rustic manors that dot the lavender fields of southern France. Particularly impressive on large properties,

French Country style home plans also fit well into upscale suburban enclaves where their fine pedigree and handsome lines make them an outstanding choice for those who seek a residence with style and elegance.

French Country home styles range from modest farmhouse designs to estate-like chateaus which all exude rustic warmth through a variety of Old World influences including arches, soft lines, stonework, wood beams, plaster walls and stone floors. French country home designs bring together such eclectic elements as Georgian-style quoins, Palladian windows, Normandy-style turrets, and Provincial-style dormers which give the home a touch of sophistication.



RESIDENTIAL DESIGN GUIDELINES

FRENCH COUNTRY

FRENCH STYLE ARCHITECTURAL FEATURES:

2.18.1 SIDING & EXTERIOR FINISHES

- ◆ Stone, brick, and/or stucco facade

2.18.2 ROOFS

- ◆ Very tall hipped roof, sometimes with a slight upward pitch break tilt at the eaves
- ◆ Tall steep hipped roofs, with flared eaves
- ◆ Gables or dormers with their own roofs
- ◆ Multiple roof elements, including decorative roof vents
- ◆ Flat roof tiles

2.18.3 PORCHES AND BALCONIES

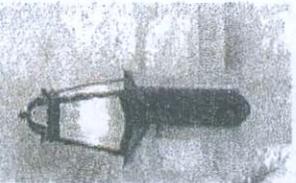
- ◆ Small balconies, but high detail with decorative wrought iron spindling, wood or iron pot shelves
- ◆ Roofed porches are clean stucco forms with brick arched heads, columns full-bodied and square

RESIDENTIAL DESIGN
GUIDELINES

FRENCH COUNTRY



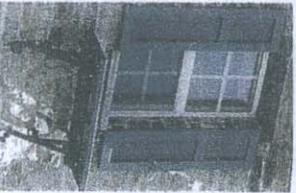
smooth stucco & siding



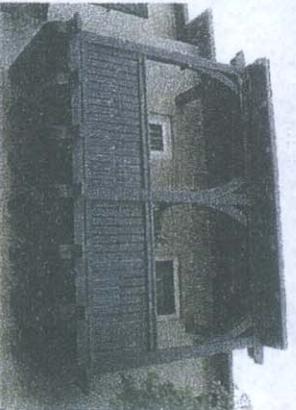
stone & brick



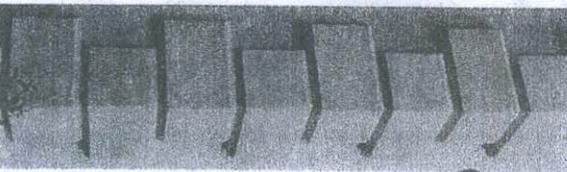
steep gable with roof vent



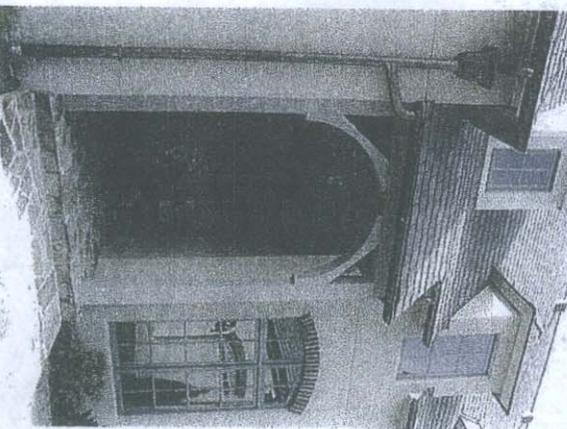
stone & brick



small balcony



quoins



small roofed porch

2.19 SPANISH ARCHITECTURE

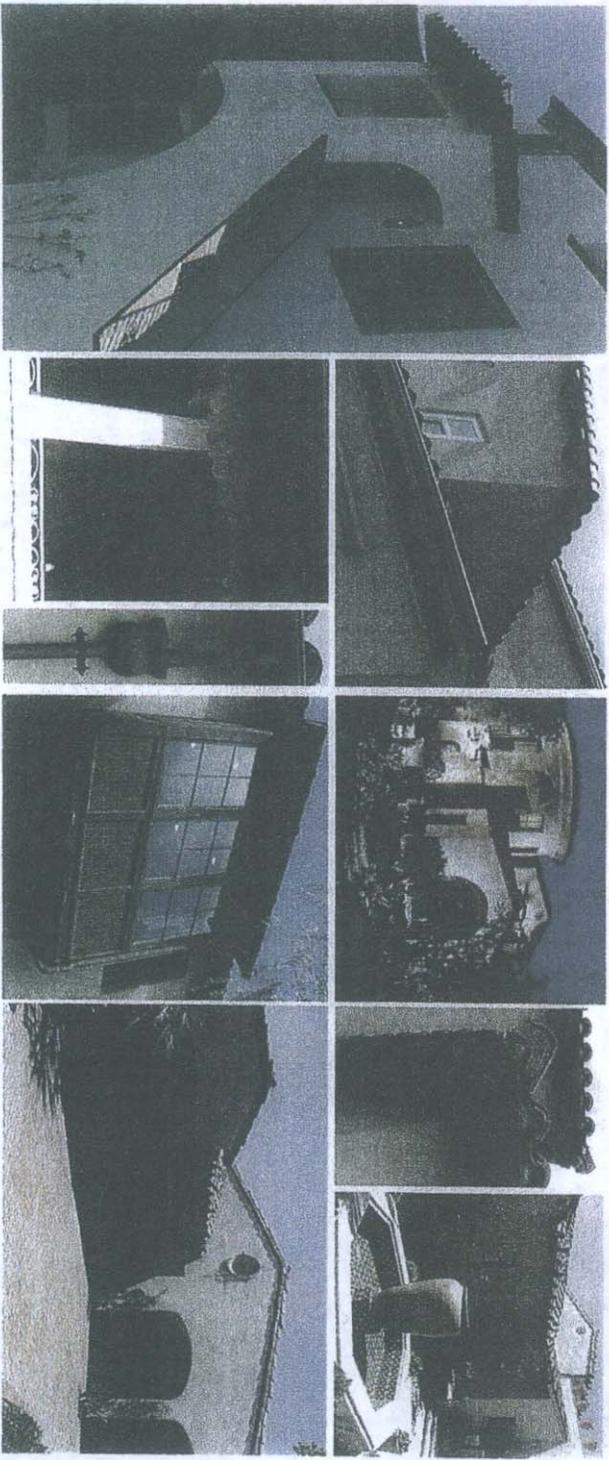
Spanish architecture refers to architecture carried out in any area in what is now modern-day Spain, and by Spanish architects worldwide. The term includes buildings within the current geographical limits of Spain before this name was given to those territories (whether they were called Iberia, Hispania or were formed of several Christian kingdoms). Due to its historical and geographical diversity, Spanish architecture has drawn from a host of influences.

Spanish House Plans draw on the heritage and architectural detail of America's Spanish-colonial history found in the Southwest, Texas and Florida. Heavily ornamented, Spanish style homes feature red-tile roofs and stucco walls as part of their romantic appeal. Spanish Revival houses are built with thick walls to create cool interiors that make them well suited to southern climates. Heavy ornamentation with wrought-iron window and door hardware, heavily carved and shaped columns, and patterned tile or ceramic floor treatments bring touches of Old Spain to the Spanish house plan. Spanish floor plans have an asymmetrical front with small, irregularly placed windows and heavy, rounded doors with decorative carving.

Spanish style home plans capture the essence of sunny Mediterranean Spain and incorporate a rich and varied history of Moorish, Byzantine, Gothic and Renaissance decorative styles. Most common in California, Arizona, Texas and Florida, Spanish style house plans reached their height in popularity in America during the 1920s and early 1940s. Wonderfully at home in the Southwest but rare elsewhere, these hospitable houses infuse everyday life with the spice of Spanish style.

RESIDENTIAL DESIGN GUIDELINES

SPANISH



**RESIDENTIAL DESIGN
GUIDELINES**

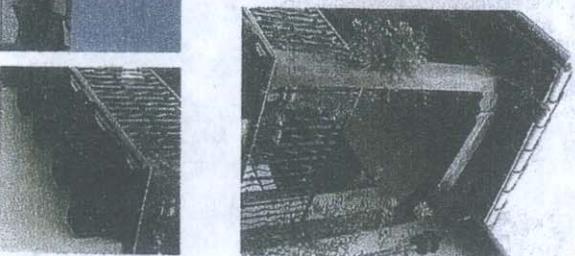
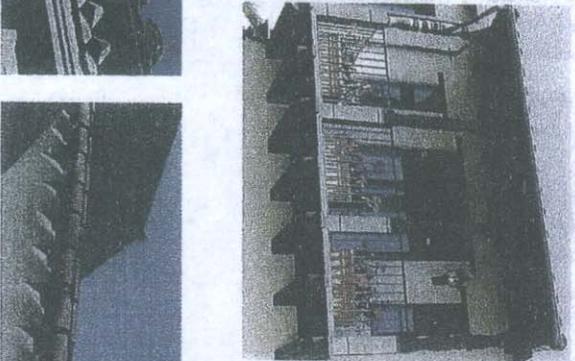
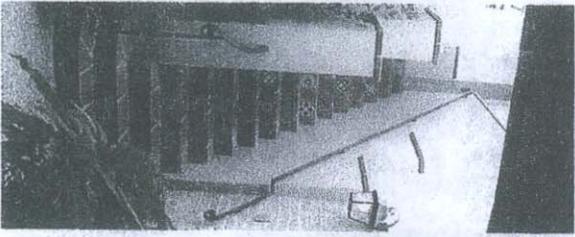
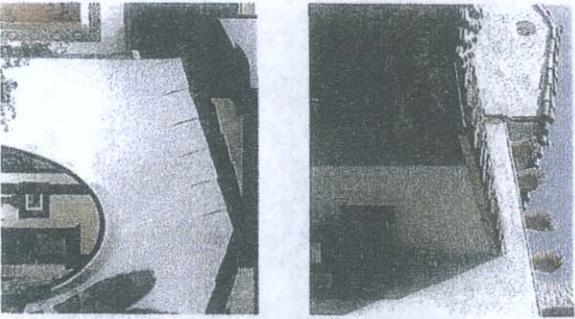
SPANISH

SPANISH ARCHITECTURAL FEATURES:

- 2.19.1 SIDING & EXTERIOR FINISHES
- ◆ Smooth finish stucco is most common; sometimes the smooth finish is over an irregular subsurface

- 2.19.2 ROOFS
- ◆ Low pitched side gable or cross-gabled roof, sometimes hipped
 - ◆ Complex, multilevel roof form that complements an asymmetrical massing
 - ◆ Eave with little or no overhang
 - ◆ Flat roof with short parapet on some smaller examples
 - ◆ Red clay tile, either half-barrel or S-curve

- 2.19.3 PORCHES AND BALCONIES
- ◆ Porches are relatively uncommon and are most often located on an interior or rear courtyard
 - ◆ Simple bungalow style structures may have open central porch
 - ◆ Front porches, where they exist, are typically recessed behind an open arcade, off-center from the front door
 - ◆ Balconies are common and may be open or roofed
 - ◆ Small cantilevered second-story balconies
 - ◆ One or two-story covered interior balcony
 - ◆ Wood turned spindle or decorative iron balustrade



wood-carved door

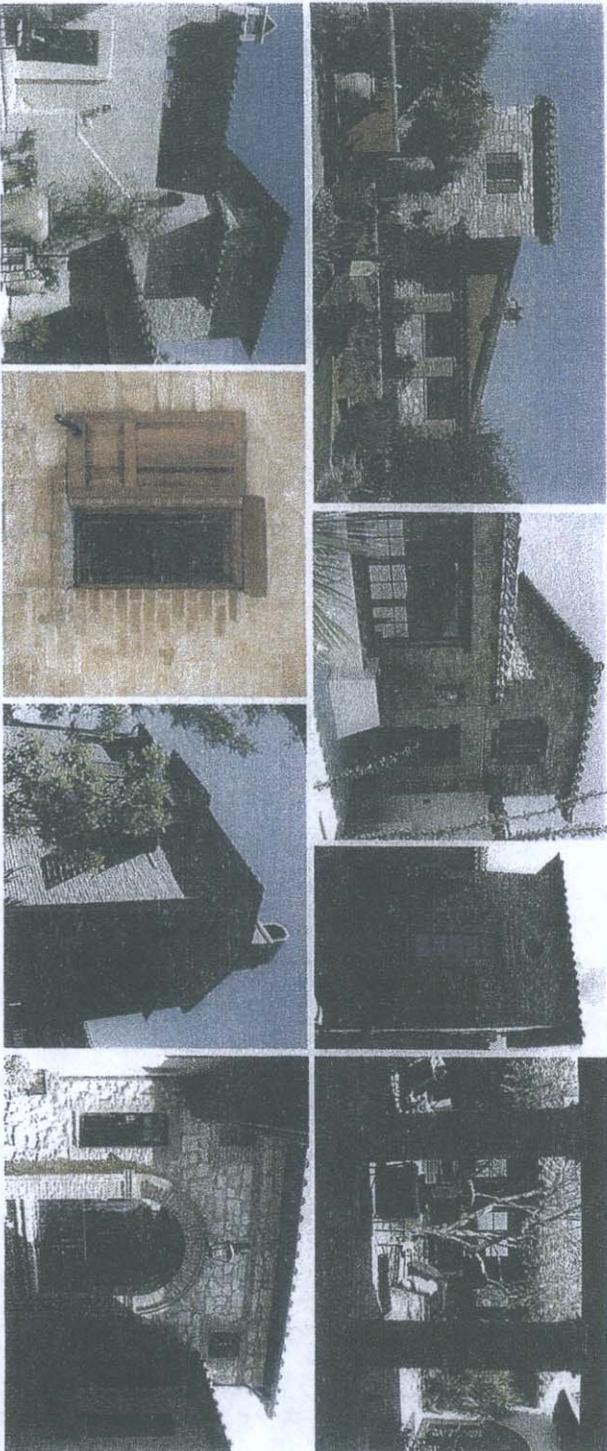
eaves with little overhang

2.20 TUSCAN ARCHITECTURE

Tuscan style architecture is a blend of Italianate, Mediterranean, and Moorish vocabulary. The style is based on rustic farmhouses and rural villa residences built in the wine and agricultural regions of Northern Italy. Inspired from an adaptation of Italian Renaissance, Tuscan appeal has become one of the most reproduced styles during the late 20th & 21st centuries. Elements include clay tile roofs, stucco walls, loggias and porticos, carved balustrades, stone columns, hand-forged iron balconies, decorative iron railings, arched openings and large Palladian windows.

The Tuscan influence may be described as a representation of country grandeur. It involves a brilliant conglomeration of the classical elements of Old World Europe along with the modern architectures. It is of the Italian origin, which tends to dominate many villas and residences possessing elegance and decorative style.

The beauty and distinction of Tuscan style architecture comes from custom crafted natural stone. This includes limestone, travertine and marble. Terracotta flooring and stacked roof tiles are often used to give an antique feel. There can also be terrazzo floors from polished marble chips, Italian scabed tiles and crushed stone. Whether it is a farmhouse or villa, the appeal of the Tuscan style lies with informality and rustic character which is expressed with warm colors, textures, and materials.



RESIDENTIAL DESIGN GUIDELINES

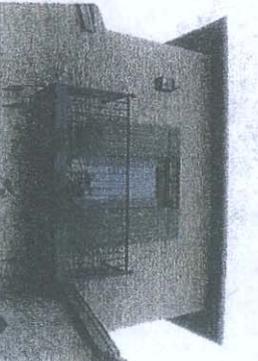
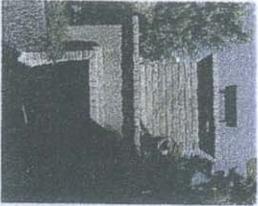
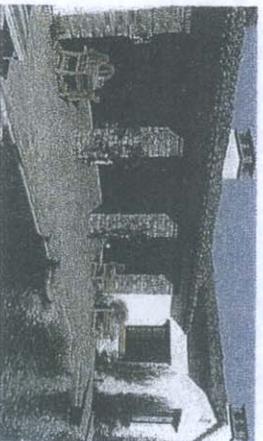
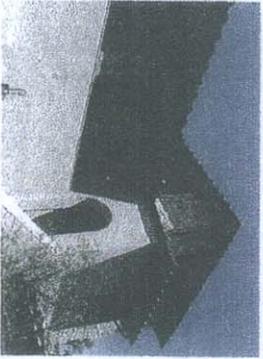
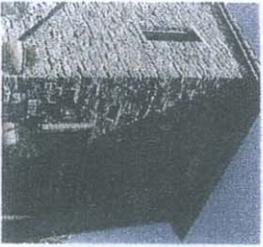
TUSCAN

TUSCAN STYLE ARCHITECTURAL FEATURES:

- 2.20.1 SIDING & EXTERIOR FINISHES
 - ◆ Fine steel-troweled or smooth stucco textured facade with/or stone, brick

- 2.20.2 ROOFS
 - ◆ Shallow-pitched gables and hips
 - ◆ Barrel or V shaped tile with Roman / Flat pan roof tiles or S roof tiles sometimes stacked randomly
 - ◆ Belvederes and cupolas
 - ◆ Towers are common; circular or square
 - ◆ Corniced eaves, rough-sawn fascia boards or rough-sawn rafter tails

- 2.20.3 PORCHES AND BALCONIES
 - ◆ Tower elements usually have porches within sloped roofed porches or bracketed shed roofs over entry points
 - ◆ Small to large balconies, with rustic wood or stone column supports Decorative wrought iron spindling, wood or iron flower-pot projections



RESIDENTIAL DESIGN GUIDELINES

TUSCAN

2.21 CRAFTSMAN ARCHITECTURE

The Craftsman Style was the dominant style for smaller houses built throughout the country during the period from about 1905 until the early 1920s. It originated in southern California and most landmark examples are concentrated there. Like vernacular examples of the contemporaneous Prairie style, it quickly spread throughout the country through pattern books and popular magazines. The style rapidly faded from favor after the mid-1920s; few were built after 1930.

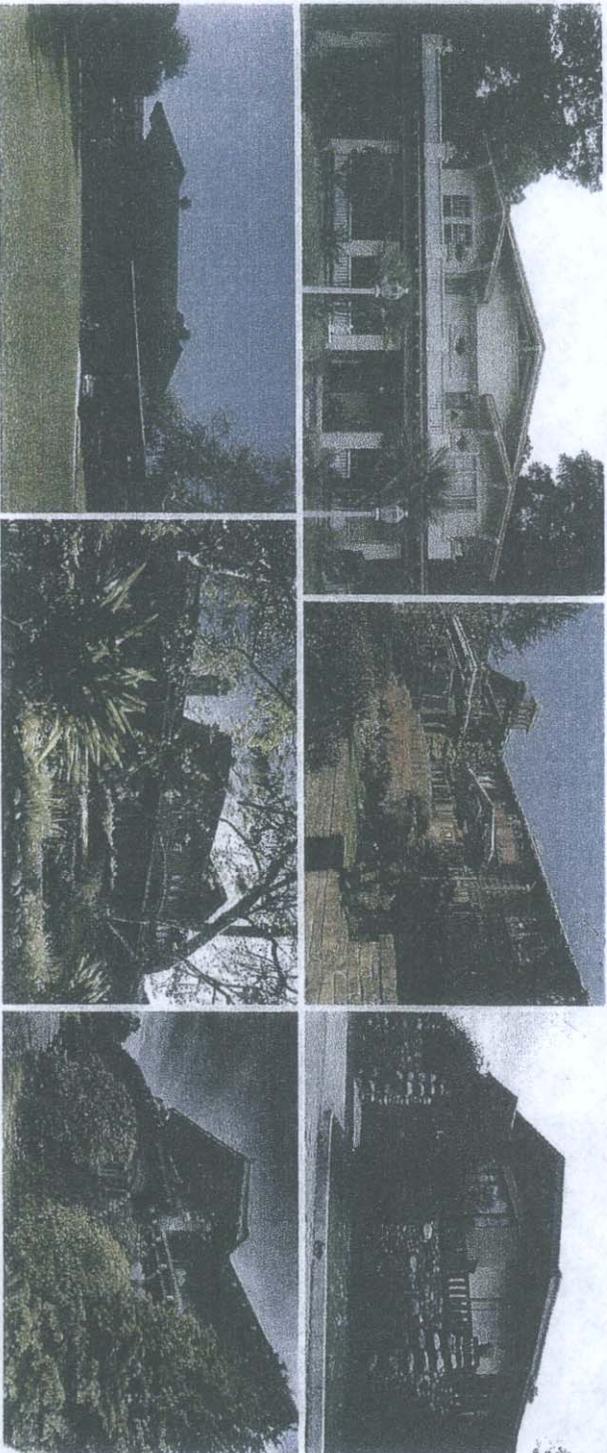
The American Craftsman style has its origins from the British Arts and Crafts movement which began as a philosophy and artistic style founded by William Morris earlier in the 1860s. The

British movement was a reaction to the Industrial Revolution, with its disregard for the individual worker and degradation of the dignity of human labor. Seeking to ennoble the craftsman once again, the movement emphasized the hand-made over the mass-produced.

The Arts and Crafts movement was also a reaction against the eclectic 'over-decorated' aesthetic of the Victorian era. It was an anti-Victorian movement, with William Morris a staunch socialist. However, the expensive fabrication and construction materials and costly hand-made techniques used meant that the created works of the movement were actually only serving a wealthy clientele, often derided as "champagne socialists". However the philosophy and aesthetics

of the British Arts and Crafts movement inspired a wide variety of related but conceptually distinct design movements throughout Europe, as well as the 'American Craftsman' movement in North America.

Craftsman-style homes feature low-pitched roofs and porches. The size of the house can be one or two stories and range from a small two-bedroom to a large and extravagant four- or five-bedroom home. The porches on the home typically have columns on either side that rest on stone bases. The covered porch can be substantial in size on some of these homes. Craftsman homes have overhanging eaves and exposed beams as distinct features on the exterior of the home. Windows appear in banks with two or three windows in a row.



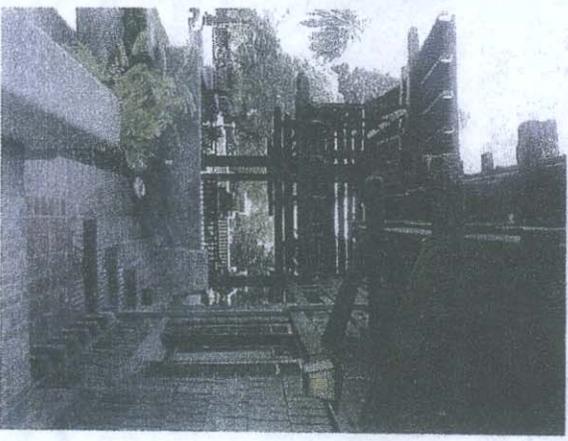
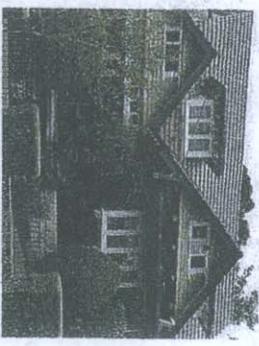
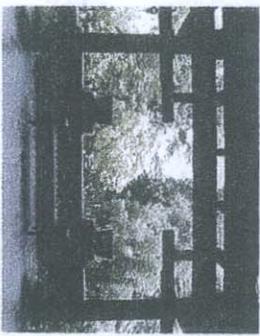
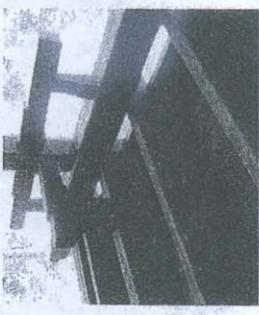
RESIDENTIAL DESIGN GUIDELINES

CRAFTSMAN

CRAFTSMAN STYLE ARCHITECTURAL FEATURES:
2.21.1 SIDING & EXTERIOR FINISHES
◆ Light lace to smooth stucco & wood clapboard or shingle siding w/ brick or stone wainscoting
◆ Wood siding is usually prominent as a field finish, with stone and stucco as accent materials

2.21.2 ROOFS
◆ Roof pitches vary from 4:12 to 8:12. Shallow pitches are most common
◆ Split pitched roofs are common, with a lower pitched roof over front porch
◆ Flat or shingle tile
◆ Wide open overhangs at eaves and rakes 24" or greater
◆ Decorative beams, braces, struts and corbels under gables
◆ Roof rafter tails exposed at eaves

2.21.3 PORCHES AND BALCONIES
◆ Roofed porches are common and are most often located at the front
◆ Simple bungalow style structures may have open central porch
◆ Porch columns or piers with sloping (battered) sides
◆ Porch columns or piers with stone, brick, wood or stucco
◆ Decorative beams and braces



RESIDENTIAL DESIGN GUIDELINES

CRAFTSMAN

2.22 ANDALUSIAN ARCHITECTURE

Dramatic and ornate Andalusian-style homes borrow inspiration from the Moorish Courtyard house with its series of rectangular dwelling units organized around a private courtyard. Secondary patios provide garden retreats in additional living spaces. The primary adornment along public-facing walls is a beautiful display of wrought-iron window grilles. Larger decks and loggias complete the courtyard spirit of this manor.

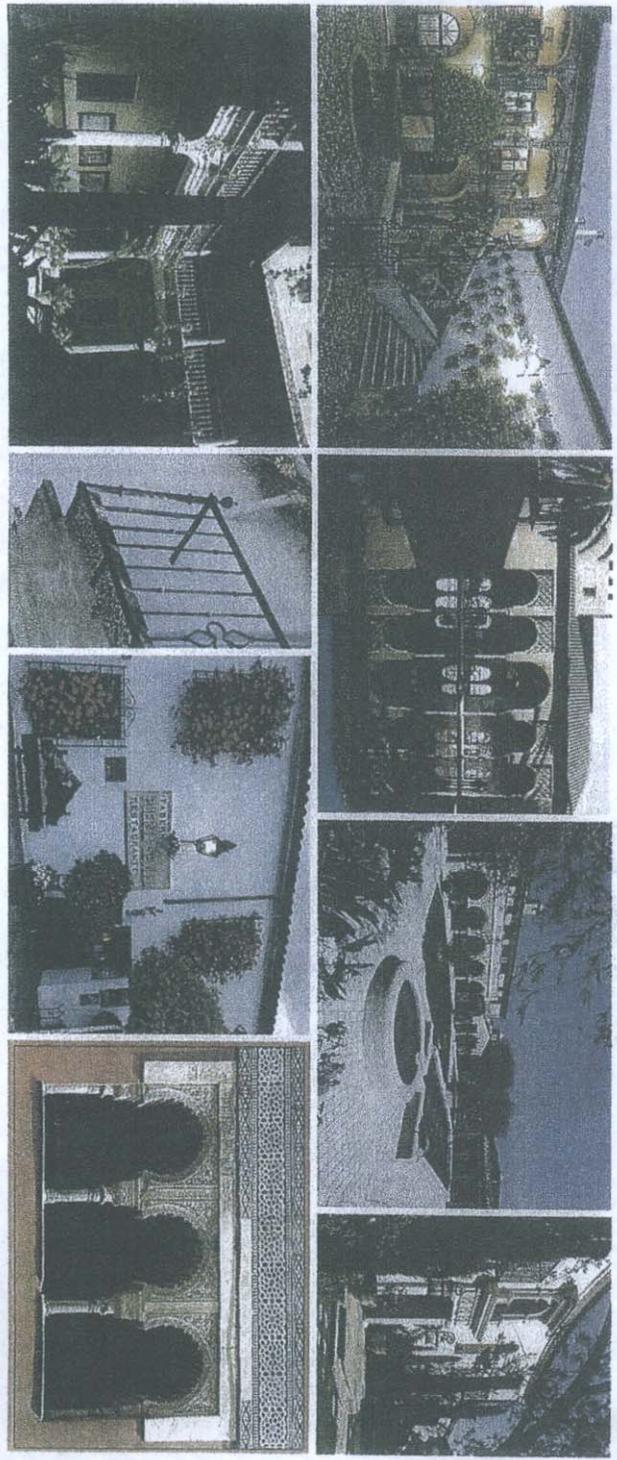
Another distinctive characteristic of this style is the use of thick, massive walls. These walls may be stucco finished or natural or whitewashed brick. Where brick is displayed, brick will not have the precise machine-made edges, and stucco

finished wall construction will not be combined with brick except at prominent towers. Privacy walls may be whitewashed brick, but the main house is usually stucco-finished.

Most wall openings are vertically rectangular; some featuring arched-openings. Loggias and arcades may have many arches. Most all openings are deeply recessed, as much as 8-inches to 12-inches. Building elevations facing street side are relatively closed and guarded. Some expansive wall surfaces are punctuated by relatively few small openings. Wrought-iron grille-work often border windows to provide security and decoration.

Courtyards are extensions of the house, therefore the openings become more numerous and larger than the openings at the front elevation.

Exposed heavy timber roof elements and deck framing are common. Moorish-style openings, arcades, and patterned designs are used sparingly as accents on exterior elevations facing rear yards and in private central courtyards. Regulation must be exercised in limiting the use of elaborate Moorish elements and patterns to avoid taking on the character of a palace, instead of the much preferred farmhouse.



RESIDENTIAL DESIGN GUIDELINES

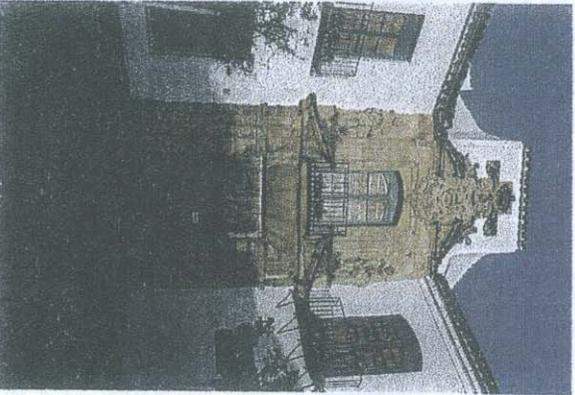
ANDALUSIAN

ANDALUSIAN STYLE ARCHITECTURAL

FEATURES:

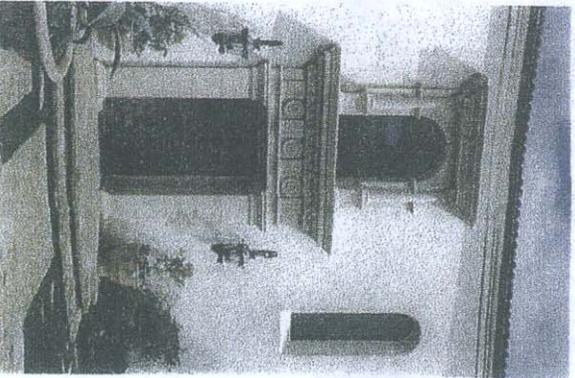
2.22.1 SIDING & EXTERIOR FINISHES

- ◆ Heavy use of moldings and accent forms
- ◆ Asymmetrical shapes
- ◆ Over-circled archways and colonnades, with small-spindled ornate columns



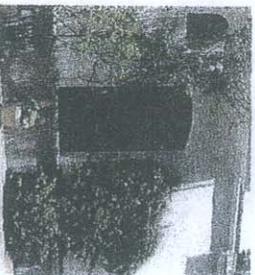
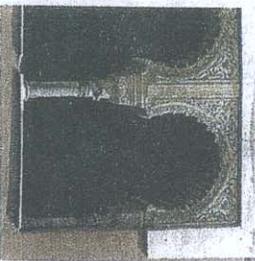
2.22.2 ROOFS

- ◆ Shallow pitched, gabled or hipped
- ◆ Clay or concrete barrel tile or "S" tile
- ◆ Tight rakes with decorative corniced eaves
- ◆ Multiple roof elements, including decorative roof cupolas



2.22.3 PORCHES AND BALCONIES

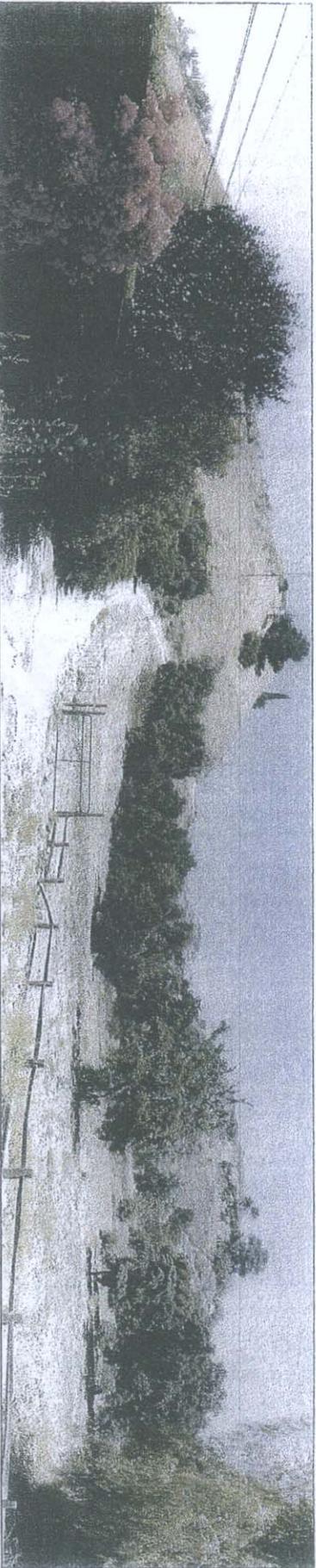
- ◆ Prominent entry statement with heavy articulation and detail
- ◆ Over-arched colonnade with mosaic wainscots and toothed arches
- ◆ Entrances located on the long side of the two-story structure
- ◆ Cantilevered decks / balconies with heavy timbers and Spanish style decorative treatments



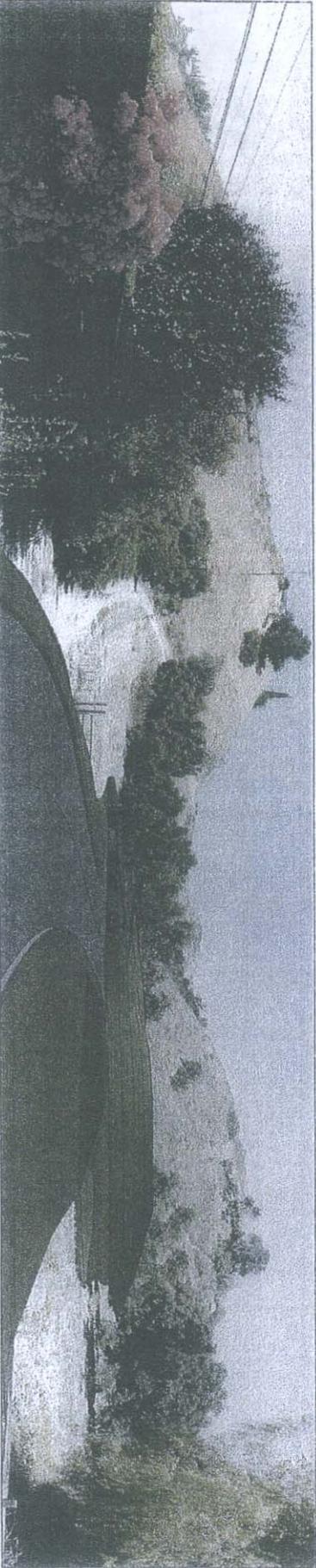
RESIDENTIAL DESIGN
GUIDELINES

ANDALUSIAN

ATTACHMENT #3



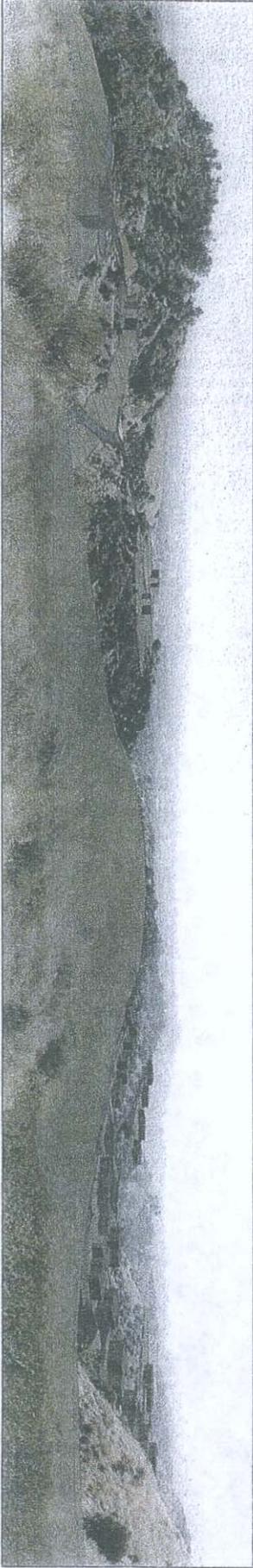
View of project area BEFORE project implementation



View of project area AFTER project implementation



View of project area BEFORE project implementation



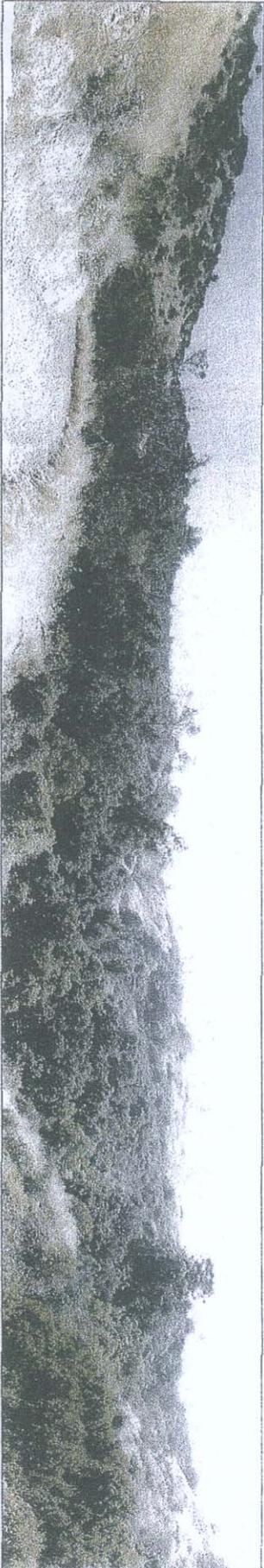
View of project area AFTER project implementation

Source: Fuzore Engineering, Ltd. 2010

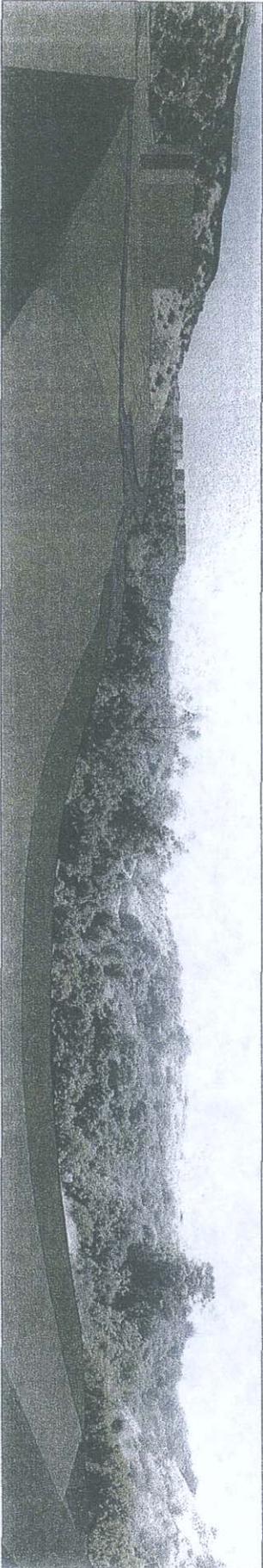


KVP 4: VIEW OF PROJECT AREA FROM SAN DIMAS CANYON PARK
FIGURE 4.1-5

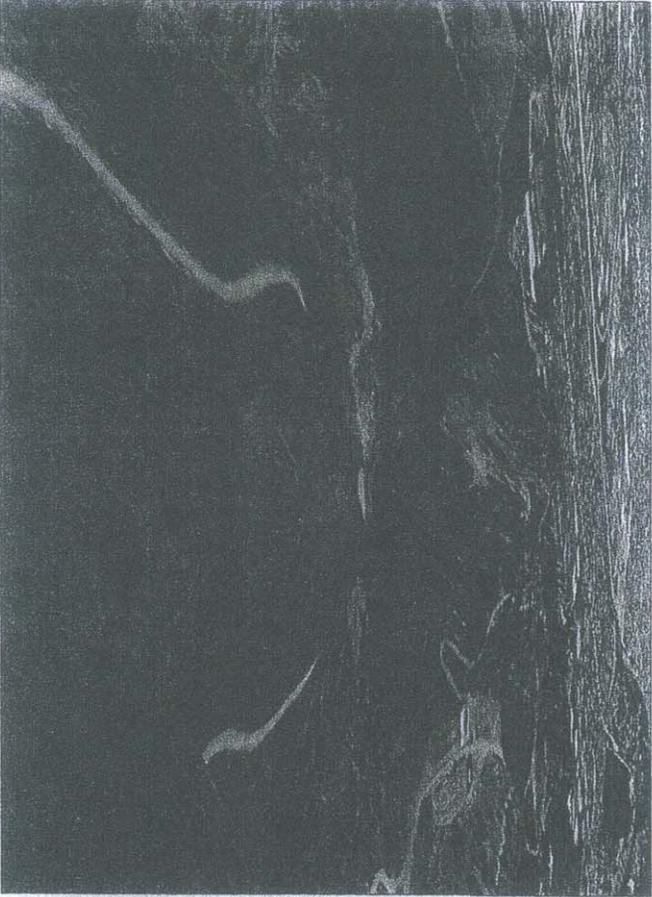
Grassdale Residential Project EIR



View of project area BEFORE project implementation



View of project area AFTER project implementation



View of project area BEFORE project implementation



View of project area AFTER project implementation



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of June 20, 2013

FROM: Blaine Michaelis, City Manager

INITIATED BY: Marco A. Espinoza, Senior Planner 

SUBJECT: **Consideration of Municipal Code Text Amendment 12-02**
A request to amend Specific Plan No. 20, Areas 2 and 3, (Code Section 18.532) to allow for expanded uses not currently allowed, located at 802-888 W. Arrow Highway (APN: 8383-024-027, 028, 029, 030, 031, 035, 036, 037)

BACKGROUND

The applicant, Bill Brown, on behalf of Kimco Realty Corporation, the management company, submitted a request in 2012 to modify Specific Plan No. 20 to allow additional uses currently not permitted. The intent of the modifications focuses on Areas 2 and 3, which are part of the San Dimas Marketplace (Target Center). In December, Staff presented the request to initiate a code amendment to the City Council which authorized Staff to proceed with the municipal code text amendment request.

Staff worked with the applicant on revising the allowable uses within Specific Plan No 20, which were presented to the Planning Commission on June 6, 2013. At their meeting the Commission supported the code text amendment as presented to them with the addition of the following:

1. Classify "Day Spas" separately within allowable uses.
2. Rephrase the word "Jumping Jacks" with generic term like "Inflatable Jumper Facility".
3. Allow for "New Auto Showroom". This is a new use that has developed recently where customers can come see different vehicles, usually high-end, within a showroom for purchase. This setup is similar to an auto dealer showroom where one can see the model cars with the expectation that the vehicles cannot be test driven nor have vehicles stored outside of a building; no auto repair is permitted on site, either. The use is strictly a showroom where one comes to see the vehicle model(s) and then

order/purchase their car, which will be delivered to them or is picked up from a different location.

The Commission voted 3-0-2 on the proposed code text and the recommended modifications. The applicant concurred with the proposed modifications.

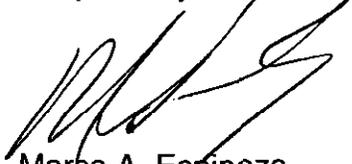
ANALYSIS

See attached Planning Commission Staff Report.

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council approve Municipal Code Text Amendment 12-02, allowing up to five stores (20%) not to exceed a combined total of 30,800 sq. ft. (20%) to be used for service based businesses and approve Ordinance No. 1222.

Respectfully Submitted,



Marco A. Espinoza
Senior Planner

Attachments: PC Staff Report June 6, 2013
Ordinance No. 1222

ORDINANCE NO. 1222

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING MUNICIPAL CODE TEXT AMENDMENT 12-02, AMENDING ALLOWABLE USES WITHIN AREA 2 AND DELETING AREA 3 WITHIN SPECIFIC PLAN NO. 20

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

SECTION 1. Title 18, Chapter 18.532 of the San Dimas Municipal Code shall be amended, as provided for in Exhibit "A".

SECTION 2. This Ordinance shall take effect 30 days after its final passage, and within 15 days after its passage the City Clerk shall cause it to be published in the Inland Valley Daily Bulletin, a newspaper of general circulation in the City of San Dimas hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED THIS XX DAY OF XXXX, 2013.

Curt Morris, Mayor of the City of San Dimas

ATTEST:

Debra Black, Deputy City Clerk

I, DEBRA BLACK, DEPUTY CITY CLERK of the City of San Dimas, do hereby certify that Ordinance No. 1222 was regularly introduced at the regular meeting of the City Council on June 25, 2013, and was thereafter adopted and passed at the regular meeting of the City Council held on _____, 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

I DO FURTHER CERTIFY that within 15 days of the date of its passage, I caused a copy of Ordinance No. 1222, to be published in the Inland Valley Daily Bulletin.

Debra Black, Deputy City Clerk

EXHIBIT "A"

Chapter 18.532

SPECIFIC PLAN NO. 20*

Sections:

Article I. General

- 18.532.010 Purpose and intent.
- 18.532.020 Authority and scope.
- 18.532.030 Location.
- 18.532.040 General notes and conditions.
- 18.532.050 Definitions.

Article II. Land Use Development Plan—Area I

- 18.532.060 Purpose.
- 18.532.070 Uses permitted.
- 18.532.080 Permitted uses.
- 18.532.090 Conditional uses.
- 18.532.100 Existing uses.

Article III. Property Development Standards—Area I

- 18.532.110 General.
- 18.532.120 Minimum lot dimensions.
- 18.532.130 Building setbacks.
- 18.532.140 Maximum building coverage.
- 18.532.150 Maximum building height.
- 18.532.160 Landscaping.
- 18.532.170 Senior citizen housing requirements.
- 18.532.180 Lighting.
- 18.532.190 Signage.
- 18.532.200 Off-street parking.
- 18.532.210 Architecture.

Article IV. Land Use Development Plan—Area II

- 18.532.220 Purpose.
- 18.532.230 Uses permitted—Generally.
- 18.532.240 Permitted uses.
- 18.532.250 Conditional uses.
- 18.532.260 Prohibited uses .

Article V. Property Development Standards—Area II

- 18.532.270 General.
- 18.532.280 Minimum lot dimensions.

- 18.532.290 Building and parking setbacks.
- 18.532.300 Maximum building coverage.
- 18.532.310 Maximum building height.
- 18.532.320 Landscaping.
- 18.532.330 Off-Street Parking.
- 18.532.340 Lighting.
- 18.532.350 Signage.
- 18.532.370 Architecture.
- 18.532.380 Internal circulation.

Article VI. General Development Standards

- 18.532.400 General.
- 18.532.410 Utilities.
- 18.532.420 Grading.
- 18.532.430 Entry treatments.
- 18.532.440 Mechanical equipment.
- 18.532.450 Downspouts.
- 18.532.460 Outdoor display/storage areas.
- 18.532.470 Trash storage.
- 18.532.480 Walls.
- 18.532.490 Stop signs.
- 18.532.500 Plan review and disposition.

* Editor's Note: Exhibits and appendices relating to Specific Plan No. 20 are located at the end of this chapter.

Chapter 18.532 SPECIFIC PLAN NO. 20

Article I. General18.532.010 Purpose and intent.

A. The size and location of Specific Plan No. 20 creates a unique development opportunity within the city. The site is currently developed and has excellent freeway access and visibility. The site is also adjacent to an established residential neighborhood to the west. The specific plan for the development of the site was the best mechanism for a comprehensive project. The commercial center was developed with an emphasis on commercial/retail uses that has kept the development viable. Since the development of the center, consumer trends have changed and new uses have developed. The modifications to the specific plan will help ensure the viability of the center for years to come. The specific plan will now allow for service based businesses on a limited basis. The amount allowed shall be determined by the City Council in a policy form that will allow for flexibility if it needs to be changed in the future.

B. The purpose of Specific Plan No. 20 is to provide a land use and development standards that produce a project that is compatible and complementary to the adjacent uses as well as provide for the highest and best land use of the property.

C. The land use design and development standards are proposed to achieve the following objectives:

1. To take full advantage of the excellent freeway access and visibility of the site;
2. To provide for the continued operation and expansion of the San Dimas Retirement Center or similar use;
3. To provide a flexible plan that is able to respond to changes in the economic market;
4. To provide for the highest and best land uses which are compatible to adjacent uses;
5. To utilize current practices of good design, architecture, landscape architecture, civil engineering and grading; and
6. To provide a project that will enhance and promote the existing and future appearance of the city. (Ord. 861 § 1 (I (part)), 1987)

18.532.020 Authority and scope.

A. The adoption of Specific Plan No. 20 by the city is authorized by the California Government Code, Title 7, Division 1, Chapter 3, Article 8 and 9, Sections 65450 through 65507.

B. Specific Plan No. 20 applies only to that property within the city indicated on Exhibit A attached to this chapter. (Ord. 861 § 1 (I (part)), 1987)

18.532.030 Location.

Specific Plan No. 20 applies to the twenty acre site located west of the 57 freeway, south of Arrow Highway, east of Maimone Avenue extended, and north of Cienega Avenue as depicted on Exhibit A. (Ord. 861 § 1 (I (part)), 1987)

18.532.040 General notes and conditions.

A. Unless otherwise specified, all development within Specific Plan No. 20 shall comply with this code. Terms used in this chapter shall have the same meaning as defined elsewhere in this code unless otherwise defined in this chapter.

B. Any details or issues not specifically covered by this specific plan shall be subject to the regulations of this code.

C. The approval of development within the specific plan area shall be governed by Section 65450 et seq. of the state of California Code.

D. All construction within the boundaries of the specific plan area shall comply with all provisions of the Uniform Building Code and the various mechanical, electrical and plumbing codes adopted by the city.

E. Minor modifications to the specific plan which do not alter the intent of the specific plan as approved nor permit a deviation to the established development standards, may be approved by the director of community development at his discretion.

F. If any regulation, condition, program or portion thereof of the specific plan is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and the invalidity of such provision shall not affect the validity of the remaining provisions of this chapter.

G. Any land use designation not specifically covered by Specific Plan No. 20 shall not be permitted. (Ord. 861 § 1 (I (part)), 1987)

18.532.050 Definitions.

Unless the context otherwise requires, or unless different definitions are set forth in individual titles, chapters, or sections of this title, the words or phrases defined in this chapter shall have the meaning and construction ascribed to them in this chapter. When not inconsistent with the context, words in the singular shall include the plural and words in the plural shall include the singular. The word "shall" is mandatory and the word "may" is permissive. Words and phrases not defined in this chapter shall be as defined in the following sources and in the following order: other chapters of this code, definitions contained in city adopted

chapters of the Uniform Building Codes, definitions contained in legislation of the state, Webster's Dictionary.

1. "Abut" means contiguous to. For example, two adjoining lots with a common property line are considered to be abutting.

2. "Accessory structure / building" means a structure, including patio cover located on the same lot with a principal building serving an incidental and secondary use to the main building or the use of the land. It shall not apply to "second units."

3. "Accessory use" means a use that is incidental and secondary to the principal use of the main building or the use of the land and devoted exclusively to the main use of the lot or building.

4. "Adjacent" means the same as abutting, however, public rights-of-way and major utility easements shall not be construed as separating "adjacent" uses.

5. "Architectural feature" means a part, portion or projection that contributes to the beauty or elegance of a building or structure, exclusive of signs, that is not necessary for the structural integrity of the building or structure or to make the building or structure habitable.

6. "Buffer area" means an area of land used to visibly separate one use from another or to shield noise, lights or other possible nuisances.

7. "Building" means a structure built or maintained for the support, shelter or enclosure of persons, animals, chattels or property of any kind. The word "building" as used in this title includes the word "structure."

8. "Building coverage" means the gross area of a lot or parcel of land occupied by all of the ground floor of a building or structure which is under roof. As a percentage, it is the relationship between the ground floor area of the building under roof and the net area of the site.

9. "Building height" means the maximum vertical distance between the ground and the uppermost part of the structure through any vertical section.

10. Building, Nonconforming. "Nonconforming building" means a building or portion thereof lawfully existing pursuant to the ordinances in effect at the time of its construction or subsequent alteration, but which does not comply with any development criteria adopted at a later date.

11. "Business" means the purchase, sale or other transaction or place thereof involving the handling or disposition of any article, substance or commodity for livelihood or profit, including an addition, operation or provision of any service or service establishment, office building, outdoor advertising sign and/or structure, recreational and/or amusement enterprise conducted for livelihood or profit.

12. "Business frontage" means the lineal footage of any side of a business building facing an adjacent street or parking area and upon which a sign may be located.

13. "City" means the City of San Dimas.

14. "Clinic" means an establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not lodged overnight.

15. Commercial / Retail Businesses – Defined as businesses that engage in selling goods or merchandise to the general public as well as to other retailers or businesses, and rendering services incidental to the sale of goods.

16. "Convalescent home." See "Rest home."

17. "Council" or "City Council" means the City Council of the city.

18. "Court yard" means an open, unoccupied space, other than a required yard, on the same lot with a building or buildings and which is bounded on two or more sides by such building(s).

19. "Design review" means the process of city review and approval of development proposals pursuant to the provisions of Chapter 18.12 of this title.

20. "Display frontage" means the lineal footage of the front of an area used for display and sale of merchandise located outdoors; typically the portion of a display area facing a street or parking area.

21. "Drive-in" means an establishment which provides parking facilities and service to those facilities in order that patrons may utilize on-site goods and/or services without leaving their vehicles. The drive-in service may be in conjunction with, or exclusive of, any other form of service, including drive-through or conventional seating.

22. "Drive-through" means an establishment which offers service via a convenience automobile drive aisle and associated facilities in order that patrons may utilize goods and/or services without leaving their vehicles. The drive-through service may be in conjunction with, or exclusive of, any other form of service, including drive-in or conventional seating.

23. "Driveway" means an unobstructed paved area providing access to a vehicle parking, loading or maneuvering facility.

24. "Enclosed building" or "enclosed structure" means a building enclosed by a permanent roof and on all sides by solid exterior walls pierced only by windows and customary entrance and exit doors.

25. "Enclosed space" means an area enclosed on all sides by a solid physical barrier, such as a solid wood fence or masonry wall.

26. "Exterior boundary" means the perimeter of any lot or parcels of land or group of lots or parcels to be developed as an integrated project.

27. "Fence" means any device forming a physical barrier between two areas and constructed of louver, stake, masonry or lumber in accordance with adopted city standards.

28. Floor area, Gross. "Gross floor area" means the total horizontal area of a building under roof, in square feet, including to the outside of the exterior walls of all floors.

29. "Frontage" means, with regard to a lot, that side of a lot abutting on a street; typically, the front lot line. With regards to a building, see "business frontage."

30. Health / Exercise Clubs - Defined as businesses that provide health related physical fitness components that have a relationship with good health. The components are commonly defined as body composition, cardiovascular fitness, flexibility, muscular endurance and strength. Health / Exercise Club businesses include, but are not limited to:

- Gym
- Personal training center
- Health spa
- Pilates studio
- Yoga Studio

31. "Hospital" means a facility licensed by the state Department of Public Health for the accommodation and medical care of sick, injured or infirm persons and includes sanitariums, alcoholic sanitariums and institutions for the cure of drug addicts and mental patients.

32. "Institutional use" means a non-profit or quasi-public use or institution, such as a church owned or operated building, structure or land, used for public purposes.

33. Instructional Physical Activities Business - Defined as businesses that provide health related physical fitness components that have a relationship with good health. The uses listed below are all instructional based. Instructional Physical Activities Businesses include, but are not limited to:

- Dance studio
- Martial art studio
- Gymnastic studio

- Trampoline studio

34. "Landscaping" means the planting and maintenance of a combination of trees, shrubs, vines, ground cover, flowers or lawns. In addition, the combination of design which may include natural features such as rock and stone, and structural features, including but not limited to, water elements, art works, decorative walks, decorative walls, and benches.

35. "Loading area" means the portion of a site developed to accommodate loading spaces including the related aisles, access drives and buffers.

36. "Loading space" means an off-street space or berth on the same lot and contiguous with the building it is intended to serve, for the temporary parking of commercial vehicles while loading or unloading. Loading spaces shall not make use of public rights-of-way for the maneuvering of vehicles utilizing the space nor shall they encroach in parking areas or drive aisles.

37. "Main use" means any use of a building, structure or land which is not clearly and entirely incidental, secondary or accessory to some other use on the same parcel or unit of development.

38. Medical Office – Defined as establishments that provide medical, surgical, and / or psychiatric services to sick or injured persons on an out-patient basis. Such Medical Offices include, but are not limited to:

- Dental
- Medical Clinic without ambulance service
- Acupuncture
- Optometry

39. "Mound" means a raised embankment of earth a minimum of eighteen inches in height intended as a landscape feature and/or to screen an area from sight or sound.

40. "Multiphase development" means a development project that is constructed in increments, each increment being capable of existing independently of the others.

41. "Nursing home." See "rest home."

42. "Off-street parking space" means a temporary storage area for a motor vehicle that is not located on a dedicated street right-of-way, dedicated or private.

43. "Parking area" or "parking lot" means a portion of a site devoted to the temporary parking of motor vehicles, including the actual parking spaces, aisles, access drives and related landscaped areas.

44. Professional Business Office – Defined as businesses that provide work performed in an expert manner and typically produce an intangible product for the benefit of the customer. Such Professional Business Offices include, but are not limited to

- Accounting and Billing Services
- Communications; Graphic Design
- Consulting Services
- Legal Services
- Insurance office
- Real Estate office

45. "Public utility installation" means buildings and other structures and equipment owned and operated by a public utility or private utility company subject to regulation by the state Public Utilities Commission.

46. "Quasi-public" means a use which involves as its primary purpose the administration of a required government program or a government regulatory program.

47. Recreational Entertainment Businesses - Defined as businesses that provide an entertainment value as one performs a physical activity such as running, jumping, swinging and/or walking. Most of these types of businesses tend to be geared to children and young adults. They also tend to host parties but do not provide food that is cooked on-site. Such Recreational Entertainment Businesses include, but are not limited to:

- Laser Tag
- Inflatable jumpers

48. "Rest home," "nursing home" and "convalescent home" means premises operated as a boarding home, and in which nursing, dietary and other personal services are furnished to convalescents, invalids and non-ambulatory aged persons. It does not include premises in which persons suffering from a mental sickness, disease, disorder or ailment or from a contagious or communicable disease are kept, or in which surgical or other primary treatments are performed, such as are customarily provided in sanitariums or hospitals or in which persons are kept or served who normally would be admissible to a mental hospital.

49. "Retail" means the selling of goods, wares or merchandise directly to the ultimate consumer or persons without a resale license.

50. "Senior citizen housing, congregate care" means a residential complex intended for the sole occupancy by senior citizens and having a common dining facility and no kitchen facilities in the individual units.

51. "Senior citizen housing, individual living" means a residential complex intended for the sole occupancy by senior citizens and comprised of independent self-contained dwelling units having one or more rooms with private bath and kitchen facilities.

52. Service Business - Defined as infrequent, technical, and/or unique functions performed by independent consultants whose occupation is the rendering of such services. Such Service Businesses include, but are not limited to:

- Barber and beauty shop
- Nail salons
- Dry cleaners
- Small appliance repair
- Computer repair
- Shoe repair
- Watch repair
- Pharmacy
- Tanning salon
- Tailors and seamstresses

53. "Sign" means any device or part thereof capable of visual communication or attraction including any announcement, declaration, demonstration, display, illustration, insignia or symbol used to advertise or promote the interest of any person, partnership, association, corporation, institution, organization, product, service, event, location or other business entity by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. "Sign" shall not include any official notice, directional, warning, or information signs or structures issued by any federal, state, county or municipal authority.

54. "Storage area" means an area used or intended for the storage of materials, refuse or vehicles and equipment not in service. Storage areas shall not incorporate any other areas of project development such as parking areas,

landscaping, and yard areas unless specifically authorized by the applicable land use regulations.

55. "Street furniture" means man-made, above-ground items that are usually found in a street right-of-way such as hydrants, manhole covers, benches, traffic lights and signs, utility poles and lines, parking meters, and the like.

56. "Unique natural feature" means that part of the natural environment which adds character to a location and which, if altered or damaged, cannot be artificially replaced.

57. "Use" means the purpose for which land or a building is occupied, arranged, designed or intended, or for which either land or building is, or may be occupied or maintained. A use may be passive. For example, parking and/or storage is a use of property.

58. "Yard" means an open space that lies between the principal building and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward, except as may be specifically provided for elsewhere in this title. Unless otherwise specified, a yard is fully landscaped.

59. Yard, required. "Required yard" means a yard, as defined in this section, that occupies the area of a required setback. (Ord. 861 § 1 (I (part)), 1987)

Article II. Land Use Development Plan—Area I

18.532.060 Purpose.

The purpose of the land use development plan is to provide a location for quality senior citizen housing and appropriate ancillary or support uses in compliance with the city's adopted senior citizen housing policies and standards in order to serve the needs of the city and the surrounding area. Resultant development shall be compatible with the adjacent residential uses to the west and the commercial uses to the east. The boundary of Area I is shown on Exhibit A. (Ord. 861 § 1 (II (part)), 1987)

18.532.070 Uses permitted.

Buildings, structures, and land shall be used and buildings and structures shall hereafter be erected, structurally altered, or enlarged only for the following uses, plus such other uses as the Director of Development Services determines to be similar and not more obnoxious or detrimental to the public health, safety and welfare, in accordance with the findings set forth in Section 18.192.040. The determination of the director may be appealed to the development plan review board and, thereafter, the City Council pursuant to Chapter 18.192. All uses and storage shall be conducted within a totally enclosed building. (Ord. 861 § 1 (II (part)), 1987)

18.532.080 Permitted uses.

Uses permitted in Area I shall include those businesses listed below which operate in compliance with the intent and standards of this district. Each business shall be evaluated in terms of its operational characteristics and specific site location. All uses in Area I shall require approval of a conditional use permit pursuant to Section 18.532.090.

A. Senior citizen housing facilities, as defined by State of California Civil Code Section 51.3;

B. Medical and dental services, excluding veterinary clinics;

C. Opticians and optometrists;

D. Prescription pharmacies;

E. Barber and beauty shops, dry-cleaning pickup only, and similar personal services operated as an accessory use with a permitted senior citizen complex;

F. Accessory massage permitted with the following primary businesses: medical doctor's office, barbershop, beauty salon and similar uses. (Ord. 1185 § 23, 2008; Ord. 1085 § 16, 1998; Ord. 861 § 1 (II) (part), 1987)

18.532.090 Conditional uses.

Conditional uses in Area I of Specific Plan No. 20 are as follows:

A. All uses listed in Section 18.532.080, which because of operational characteristics specific to that particular business is found by the director of community development to have the potential to negatively impact adjoining properties, businesses, or residents and therefore, requires additional approval and consideration. The impacts may be related to, but not necessarily limited to, impacts of traffic, hours of operation, assemblages of people, noise, or site location;

B. Administrative, professional, and executive offices;

C. Financial institutions, including banks, savings and loan associations, finance companies and credit unions;

D. Travel agencies, insurance agencies, and similar service related offices;

E. Public uses, such as governmental agencies, libraries, post offices and similar uses;

F. Convalescent and nursing homes providing care for the non-ambulatory;

G. Churches and religious institutions. (Ord. 861 § 1 (II (part)), 1987)

18.532.100 Existing uses.

A. All existing residential uses in Area I shall be considered conforming so long as they are maintained in accordance with the provisions of Section 18.24.040.

B. A change in use on those properties with existing residential uses shall require that all new development thereon shall comply with the development criteria of this specific plan. (Ord. 861 § 1 (II (part)), 1987)

Article III. Property Development Standards—Area I

18.532.110 General.

All uses and structures in Area I shall be designed and operated in full compliance with the development standards contained in this article. (Ord. 861 § 1 (II (part)), 1987)

18.532.120 Minimum lot dimensions.

Minimum lot area width and depth provisions, none required. However, a subdivision request within this area shall be accompanied by an illustrative site plan showing the lots are of sufficient size and shape to adequately support the type of uses permitted in the area in accordance with the development standards in this article. (Ord. 861 § 1 (II (part)), 1987)

18.532.130 Building setbacks.

A. Streets.

1. Arrow Highway, minimum twenty-five feet for structures up to eighteen feet high and forty feet for structures higher than eighteen feet;

2. All other streets, minimum twenty feet for structures up to eighteen feet high, and thirty feet for structures higher than eighteen feet.

B. Interior lot lines, none required. However, each project shall be accompanied by an illustrative site plan demonstrating the project is designed sufficiently to accommodate the type of uses permitted in the area in accordance with the development standards in this article. (Ord. 861 § 1 (II (part)), 1987)

18.532.140 Maximum building coverage.

Maximum building coverage, none required. Permitted maximum coverage shall be a secondary consideration subordinate to compliance with all other design regulations contained in this chapter. (Ord. 861 § 1 (II (part)), 1987)

18.532.150 Maximum building height.

Maximum building height is twenty-five feet. (Ord. 861 § 1 (II (part)), 1987)

18.532.160 Landscaping.

The following areas shall be fully landscaped and irrigated, maintained in good appearance and kept in a weed and disease free manner.

A. Streets. A continuous area, a minimum of twenty-five feet along Arrow Highway and twenty feet along other streets, shall be landscaped and maintained adjacent to public rights-of-way. Parking areas should be screened as much as possible utilizing shrubs and other decorative treatments of sufficient size and height to meet this requirement.

B. Overall Site. All building sites shall have a minimum landscaped coverage equivalent to ten percent of the total lot area excluding setbacks. Such landscaping shall be evenly distributed over the site and consist of an effective combination of trees, ground cover and shrubbery. A reduction in coverage may be sought and approved during the design review process in recognition of quality design. For the purposes of this provision, quality considerations include the use of courtyards, atriums, creative use of ground floor public space, creative use of water elements, and the incorporation of sculpture or art work in the landscape proposal. All areas not utilized for structures, parking or other permitted uses shall be landscaped.

C. All interior side and rear setbacks shall be fully landscaped.

D. Buffer Landscaping. Where the area abuts residential uses, other than along a street, a continuous ten-foot landscaped buffer strip shall be provided.

18.532.170 Senior citizen housing requirements.

Housing unit requirements, including but not limited to, minimum unit sizes, accessibility, amount and type of recreation facilities, shall meet or exceed all federal and state regulations in addition to all applicable city ordinances and policies. (Ord. 861 § 1 (II (part)), 1987)

18.532.180 Lighting.

Lot and street lighting standards shall be as follows:

A. All display and security lighting in the project area shall be designed for uniformity of lighting poles, fixtures and intensity. Lighting fixtures shall be decorative and those designed in a western or Early California theme are preferred.

B. All outside lighting shall be so arranged and shielded as to prevent any glare or reflection, any nuisance, inconvenience or hazardous interference of

any kind on adjoining rights-of-way or residential property. (Ord. 861 § 1 (II (part)), 1987)

18.532.190 Signage.

In addition to signage permitted by Chapter 18.152, an entry monument sign may be permitted subject to the approval of the development plan review board and in accordance with the center's master sign program. (Ord. 861 § 1 (II (part)), 1987)

18.532.200 Off-street parking.

Off-street parking shall be subject to city off-street parking standards with the exception of senior citizen residential facilities, which shall be subject to the following requirements:

A. Individual Units. Apartment-like units that contain kitchens, one off-street parking space per unit, plus ten percent guest/staff parking;

B. Congregate Care Units. Those facilities that contain common dining facilities with no individual kitchens in the rooms, one off-street parking space per four beds, plus ten percent guest/staff parking. The planning commission, pursuant to the conditional use permit process, may require this standard for those facilities containing non-ambulatory residents, provided a finding is made that satisfactory evidence has been submitted for less parking. (Ord. 861 § 1 (II (part)), 1987)

18.532.210 Architecture.

Structures shall be designed utilizing an Early California architecture design and shall be approved by the development plan review board. The use of wood and/or stucco is preferred for the exterior. (Ord. 861 § 1 (II (part)), 1987)

Article IV. Land Use Development Plan—Area II

18.532.220 Purpose.

The purpose of Area II is to provide an attractive and convenient setting for development which normally requires freeway-close locations and can fully realize the benefits provided by the Area II site and will complement the less regionally oriented businesses in the vicinity to more fully serve the community. Commercial development shall encourage creative and imaginative site and architectural designs while demonstrating concern for existing uses in the area. The boundary of Area II is depicted on Exhibit A. (Ord. 861 § 1 (II (part)), 1987)

18.532.230 Uses permitted—Generally.

Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, structurally altered or enlarged only for the following uses, plus other uses as the Director of Development Services determines to be similar and not more obnoxious or detrimental to the public health, safety and

welfare, in accordance with the findings set forth in Section 18.192.040. The determination of the director may be appealed to the development plan review board and, thereafter, the City Council pursuant to Chapter 18.192. All uses and storage shall be conducted within a totally enclosed building unless otherwise permitted. (Ord. 861 § 1 (II (part)), 1987)

18.532.240 Permitted uses.

Uses permitted in Area II shall include those businesses listed in this section which operate in compliance with the intent and standards of this district. Each business shall be evaluated in terms of its operational characteristics and specific site location.

- A. Hardware and home improvement centers;
- B. New home furnishing and appliance outlets;
- C. Financial institutions, including banks, savings and loan associations, and credit unions;
- D. Restaurants, provided that they not contain drive-in or drive-through service;
- E. Specialty retail, food, wholesale and catalog stores;
- F. Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title.
- G. Medical Office to include, but not limited to, such uses such as Medical Clinics, Dental, and Optometry;
- H. Professional Business Office to include, but not limited, Accounting and Billing Services, Insurance Office, Legal Services and Graphic Design Office;
- I. Service Business to include, but not limited to Nail Shop, Barber and Beauty Shop, Shoe Repair, Watch Repair and Dry Cleaners, etc. these uses are intended to have daily customer foot traffic;
- J. Day Spas with or without accessory massage only;
- K. Veterinary, pet grooming and pet hotel;
- L. New Auto Show Room; no test driving, no repairs, no outdoor storage;
- M. Accessory massage permitted with the following primary businesses: day spa, beauty salon, barbershop and similar uses. (Ord. 1185 § 24, 2008; Ord. 1072 § 6, 1997; Ord. 935 § 1 (A), 1990; Ord. 861 § 1 (II) (part)), 1987);
- N. Accessory Uses – Accessory uses shall be permitted provided that such use is a secondary and incidental use to a permitted use in this specific plan. The appropriateness of the associated use shall be determined by the Director of

Development Services. The accessory use shall not occupy more than 49% of the tenant space excluding hallways, bathrooms, lunch rooms, offices, locker rooms and storage rooms;

O. Other uses which are consistent with the intent and provisions of the specific plan, as determined by the Director of Development services, in accordance with Section 18.192.040. The determination of the Director of Development Services may be appealed to the development plan review board and thereafter to the City Council in accordance with Chapter 18.212 of this title.

18.532.250 Conditional uses.

The following uses shall be permitted subject to a conditional use permit pursuant to Chapter 18.200:

A. All uses listed in Section 18.532.240, which because of operational characteristics specific to that particular business is found by the Director of Development Services to have the potential to negatively impact adjoining properties, businesses or residents, and therefore requires additional approval and consideration. The impacts may be related to, but not necessarily limited to, impacts of traffic, hours of operation, assemblages of people, noise, or site location;

B. Eating establishments, with drive-through service;

C. Cinemas and movie theater facilities in conjunction with a shopping center incorporating retail, wholesale and similar uses with a minimum floor area of twenty thousand square feet per store;

D. Off-sale of alcohol beverages, provided that such use is secondary and incidental to a permitted use;

E. On-sale sale of alcohol beverages, provided that such use is secondary and incidental to a permitted use;

F. Health / Exercise Club to include, but not limited to, uses such as: Personal Trainers, Pilates, and Yoga;

G. Recreational Entertainment to include, but not limited to, uses such as: inflatable jumper facilities and Laser Tag;

H. Instructional Physical Activities to include, but not limited to, uses such as
Dance Studio, Martial Arts Studio, and Trampoline;

I. Thrift Stores;

J. Hotels and motels, including retail establishments as part of a hotel or motel complex.

K. Other uses which are consistent with the intent and provisions of the specific plan, as determined by the Director of Development services, in accordance with Section 18.192.040. The determination of the Director of Development Services may be appealed to the development plan review board and thereafter to the City Council in accordance with Chapter 18.212 of this title.

18.532.260 Prohibited Uses.

The following uses are prohibited in Specific Plan No. 20, Area II:

- A. Fortune Telling;
- B. Massage as a primary use;
- C. Professional office uses that are noncustomer based on a daily occurrence;
- D. Child Care Facility;
- E. Educational Institutions;
- F. Vocational Schools;
- G. Church and related facilities;
- H. Tattoo and/or piercing parlors;
- I. Hookah and/or smoking lounge including electronic cigarettes;
- J. Self-serve laundry facilities;
- K. Gambling facilities;
- M. Industrial uses;
- N. Billboards and other similar off-site outdoor advertising structures;
- O. Banquet facilities
- P. Game arcades other than accessory game arcades specifically authorized in this chapter;
- Q. Check Cashing Stores
- R. Gold Exchange Stores
- S. Community Centers and Meeting Halls
- T. Other uses which are inconsistent with the intent and provisions of the zone, as determined by the Director of Development Services, in accordance

with Section 18.192.040. The determination of the Director of Development Services may be appealed to the Development Plan Review Board and thereafter the City Council in accordance with Chapter 18.212 of this title.

Article V. Property Development Standards—Area II

18.532.270 General.

The property development standards in this article shall apply to all land and buildings in Area II. (Ord. 861 § 1 (II (part)), 1987)

18.532.280 Minimum lot dimensions.

Minimum lot area width and depth, none required. However, a subdivision request within this area shall be accompanied by an illustrative site plan showing the lots are of sufficient size and shape to adequately support the type of uses permitted in the area in accordance with the development standards of this article. (Ord. 861 § 1 (II (part)), 1987)

18.532.290 Building setbacks.

The minimum building setbacks are as follows:

A. Along Arrow Highway and Cienega Boulevard, minimum of twenty-five feet for structures up to eighteen feet high, and forty feet for structures higher than eighteen feet;

B. Interior streets and adjacent to residential districts, minimum of fifteen feet for structures up to eighteen feet high, and thirty feet for structures higher than eighteen feet;

C. Interior lot lines, none required however, each project shall be accompanied by an illustrative site plan demonstrating the project is designed sufficiently to accommodate the type of uses permitted in the area in accordance with the development standards of this article. (Ord. 935 § 3, 1990; Ord. 861 § 1 (II (part)), 1987)

18.532.300 Maximum building coverage.

Maximum building coverage, none required; permitted maximum coverage shall be a secondary consideration subordinate to compliance with all other design regulations contained within this chapter. (Ord. 861 § 1 (II (part)), 1987)

18.532.310 Maximum building height.

Maximum building height is twenty-five feet with greater heights subject to review and approval during the conditional use permit process. (Ord. 861 § 1 (II (part)), 1987)

18.532.320 Landscaping.

The following areas shall be fully landscaped and irrigated, maintained in good appearance and kept in a weed and disease free manner:

A. Streets. A continuous area along Arrow Highway, minimum twenty-five feet; along all other streets, twenty feet in depth shall be landscaped and maintained adjacent to public rights-of-way. Parking areas should be screened as much as possible utilizing shrubs and other decorative treatments of sufficient size and height to meet this requirement. Outdoor display areas approved pursuant to Section 18.532.460 may encroach a maximum of ten feet into the required setback, provided an area equivalent to the amount of encroachment is provided elsewhere along the frontage.

B. Overall Site. All building sites shall have a minimum landscaped coverage equivalent to ten percent of the total lot area. Such landscaping shall be evenly distributed over the site and consist of an effective combination of trees, ground cover and shrubbery. A reduction in coverage may be sought and approved during the design review process in recognition of quality design. For the purposes of this provision, quality considerations include the use of courtyards, atriums, creative use of ground floor public space, creative use of water elements, and the incorporation of sculpture or art work in the landscape proposal. All areas not utilized for structures, parking or other permitted uses shall be landscaped.

C. All interior side and rear setbacks shall be fully landscaped.

D. Buffer Landscaping. Where the area abuts residential uses, other than along a street, a continuous ten foot landscaped buffer strip shall be provided. (Ord. 996 § 4 (part), 1993; Ord. 861 § 1 (II (part)), 1987)

18.532.330 Off-Street Parking.

The provisions of Chapter 18.156 shall apply.

18.532.340 Lighting.

Lot and street lighting standards shall be as follows:

A. All display and security lighting in the project area shall be decorative and designed for uniformity of lighting poles, fixtures and intensity;

B. All outside lighting shall be so arranged and shielded as to prevent any glare or reflection, any nuisance, inconvenience or hazardous interference of any kind on adjoining rights-of-way or property. (Ord. 861 § 1 (II (part)), 1987)

18.532.350 Signage.

In addition to signage permitted by Chapter 18.152, an entry monument sign may be permitted subject to the approval of the development plan review

board and in accordance with the center's master sign program. (Ord. 861 § 1 (II (part)), 1987)

18.532.370 Architecture.

A. Due to the highly visible location of this site, a common architectural theme is encouraged to provide a high quality product. Structures shall be designed utilizing an Early California architecture design and shall be approved by the development plan review board. The use of wood and/or stucco is preferred for the exterior.

B. Buildings shall be expected to employ treatments, such as the staggering of planes along exterior walls to create pockets of light and shadow, to break up the mass and provide relief from monotonous, uninterrupted expanses of wall. Other features, such as the use of curved corners and varying roof lines should also be considered as means to dramatically change the appearance and add vitality. Also, in order to improve the appearance of a project from adjacent right-of-ways, the rear elevation of those structures facing the right-of-way should receive special architectural enhancement as well.

C. Sensitive alteration of colors and materials should be used to produce diversity and enhance architectural effects. While no category of exterior materials is considered "correct," the use of a particular material should, as a rule, exemplify the special characteristics of the product or be demonstrative of its unique application. Paint, in general, should be considered an enhancement tool but not be considered a replacement for the use of textured surfaces.

D. Architectural and design treatment illustrations are included in this chapter as examples to be used in designing within this specific plan area. Final review and approval shall be by the development plan review board. (Ord. 861 § 1 (II (part)), 1987)

E. Store front and side windows should not be covered and/or blacked out. Windows should be utilized to display merchandise and/or allow customers to see into the store.

18.532.380 Internal circulation.

A. Internal circulation shall be designed so as to provide safe and efficient access to internal properties. A minimum forty-four foot curb-to-curb width is recommended for internal streets, if needed. In addition, a five foot sidewalk adjacent to the curb and a five foot fully landscaped parkway shall be provided adjacent to the sidewalk on both sides of the street. Decorative street lights which are similar in style to the display and security lighting of Area II developments shall be provided. The street lights shall be arranged and shielded as to prevent any glare or reflection, any nuisance, inconvenience or hazardous interference of any kind on adjoining rights-of-way or property.

B. An intent of Specific Plan No. 20 is to provide a comprehensive development program which encompasses all of the properties that comprise the project area. To fulfill this objective, it will be necessary for a coordinated circulation plan to be developed which will provide safe and efficient access to interior properties from a major arterial with no access to local residential streets permitted. Therefore, prior to the approval of a conditional use permit for any project within Area II, the planning commission shall make a finding that the project takes into consideration and makes all necessary provisions to accommodate safe and efficient access to all other properties within the area as required to fulfill the intent of the specific plan. (Ord. 861 § 1 (II (part)), 1987)

Article VII. General Development Standards

18.532.400 General.

The standards in this article shall apply to areas I and II of Specific Plan No. 20. (Ord. 861 § 1 (II (part)), 1987)

18.532.410 Utilities.

All utilities provided to serve these uses and buildings shall be installed underground. (Ord. 861 § 1 (II (part)), 1987)

18.532.420 Grading.

All graded slopes are to be contoured and blended to harmonize with natural slopes. The maximum steepness of exposed cuts and fills shall not exceed 2:1; and preferably 3:1 for fills. (Ord. 861 § 1 (II (part)), 1987)

18.532.430 Entry treatments.

All driveway entrances along Arrow Highway shall incorporate a stamped concrete treatment. Additional entry treatment may be required by the development plan review board. (Ord. 861 § 1 (II (part)), 1987)

18.532.440 Mechanical equipment.

Mechanical equipment placed on any roof such as, but not limited to, air conditioning, heating, ventilating ducts and exhaust shall be screened from view from any surrounding property, street or highway. The screening shall be an integral structural aspect of the building. Wall mounted equipment shall be enclosed utilizing the same materials as the building. (Ord. 861 § 1 (II (part)), 1987)

18.532.450 Downspouts.

All downspouts shall be located in the interior of buildings. (Ord. 861 § 1 (II (part)), 1987)

18.532.460 Outdoor display/storage areas.

Outdoor display and/or storage areas may be permitted when incidental and secondary to a permitted use subject to review and approval by the Development Plan Review Board. The uses shall not be located or operated in such a manner as to be detrimental to the visual quality of the primary use nor to negatively impact adjacent properties by means of noise, odor, appearance or other characteristics. In approving the display or storage area, the Development Plan Review Board may impose buffers consisting of decorative block walls, landscaping, or combinations thereof to mitigate any perceived impacts. (Ord. 861 § 1 (II (part)), 1987)

18.532.470 Trash storage.

A trash storage area(s) with minimum inside clear area measuring eight feet by ten feet enclosed by solid masonry walls a minimum of five feet in height shall be provided in an appropriate location per city standards. (Ord. 861 § 1 (II (part)), 1987)

18.532.480 Walls.

A. Required Walls. Solid decorative masonry walls shall be erected on the zone boundary line between Areas I and II, and adjacent to any residentially zoned district. Walls shall be not less than six feet nor more than eight feet in height and shall be reduced to not less than three feet in height in any required yard abutting a street. Additional walls may be required by the development plan review board as part of the approval process.

B. Permitted Walls.

1. Walls not greater than six feet in height, shall be permitted on or within all property lines not abutting streets and on or to the rear of all yard setback lines of yards abutting streets;

2. Walls not over forty-two inches in height may be permitted in required yard abutting streets.

C. Corner Cutback Areas. The cutback line shall be in a horizontal plan, making an angle of forty-five degrees with the side, front, or rear property line. It shall pass through a point not less than ten feet from the intersection of the front, side or rear property line or ten feet from the edges of a driveway where it intersects the street or alley, as the case may be.

1. Streets and Alleys. There shall be a corner cutback area at all intersecting or intercepting streets and/or alleys;

2. Driveways. There shall be a corner cutback area on each side of any private driveway intersecting a street or alley. (Ord. 861 § 1 (II (part)), 1987)

18.532.490 Stop signs.

Stop signs shall be placed at all vehicular egress points. (Ord. 861 § 1 (II (part)), 1987)

18.532.500 Plan review and disposition.

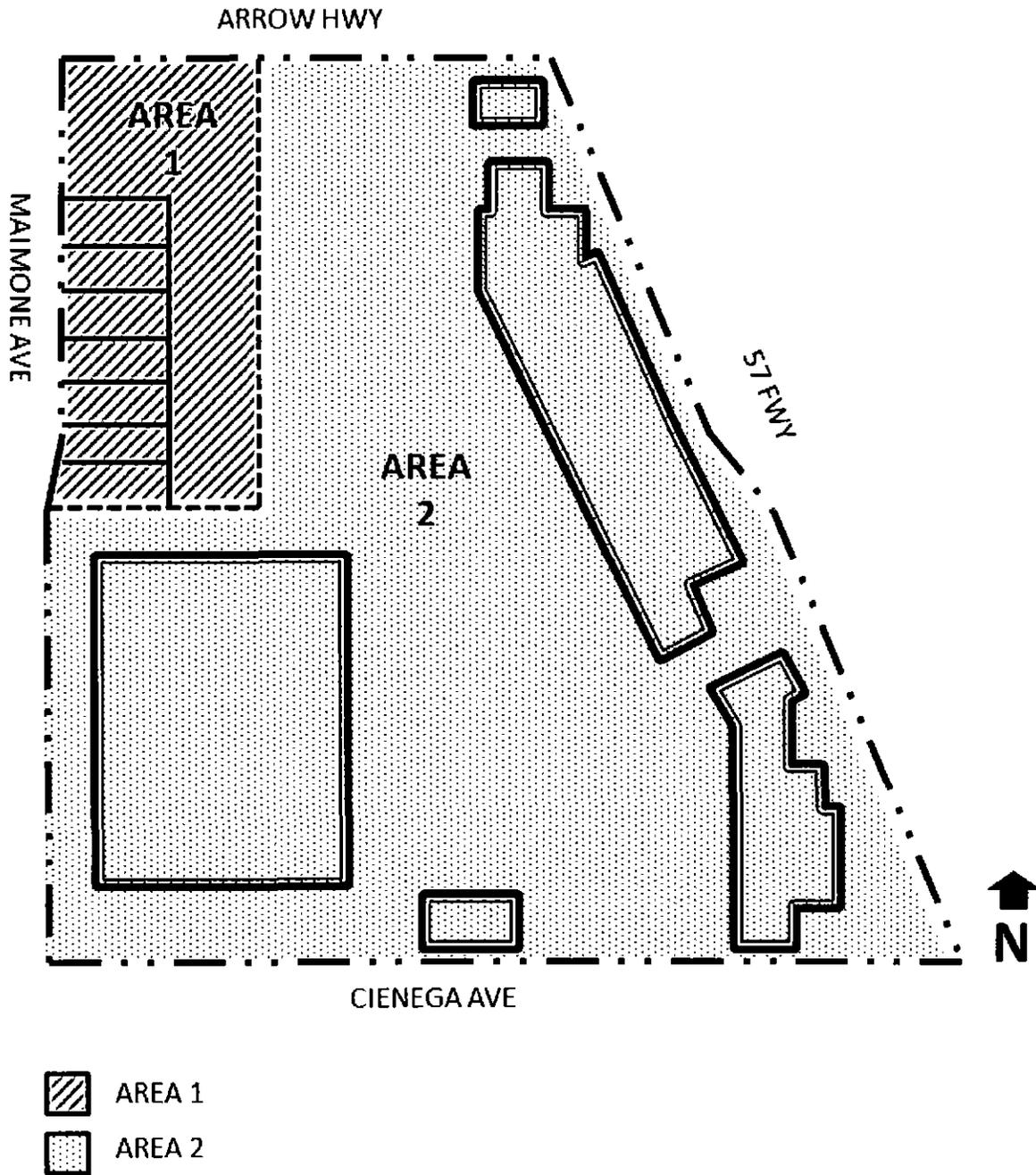
A. A development plan review will be required. No person shall construct any building or structure, or relocate, rebuild, alter, enlarge, or modify any existing building or structure, until a development plan has been reviewed and approved in accordance with the provisions of Chapter 18.12.

B. Prior to formal application to the Development Plan Review Board, the applicant may request that the board review and approve a conceptual design for the project. Application for conceptual design review shall be accompanied by the following:

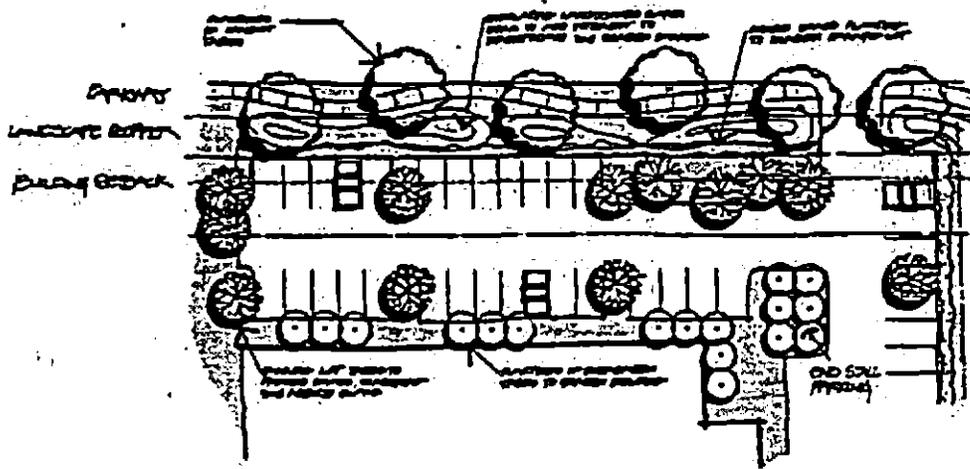
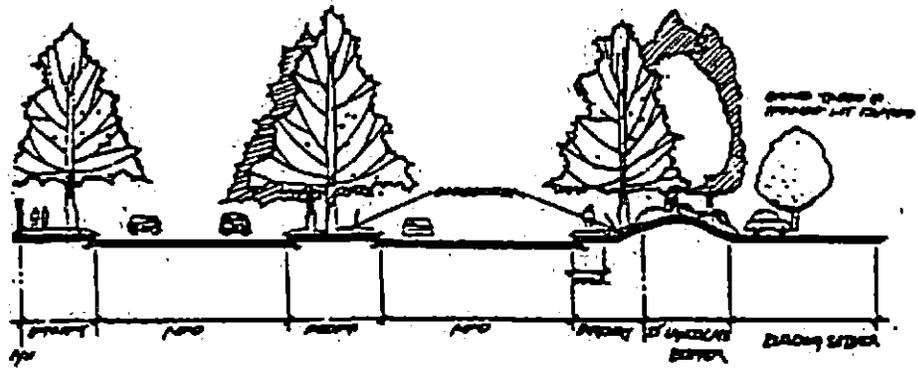
1. A scaled site plan;
2. Conceptual architectural floor plans and elevations;
3. A preliminary grading plan;
4. A conceptual landscape plan;
5. Breakdown of land uses: i.e. parking (compact vs. regular), floor area(s), coverage(s), landscape coverage, etc.;
6. Written description of proposed uses.

C. Prior to any submittal to the development plan review board, applicants are encouraged to meet with city staff for informal review and comments regarding city development policies and standards. Such meetings can serve to reduce expenditures of time and money through the development process. (Ord. 861 § 1 (II (part)), 1987)

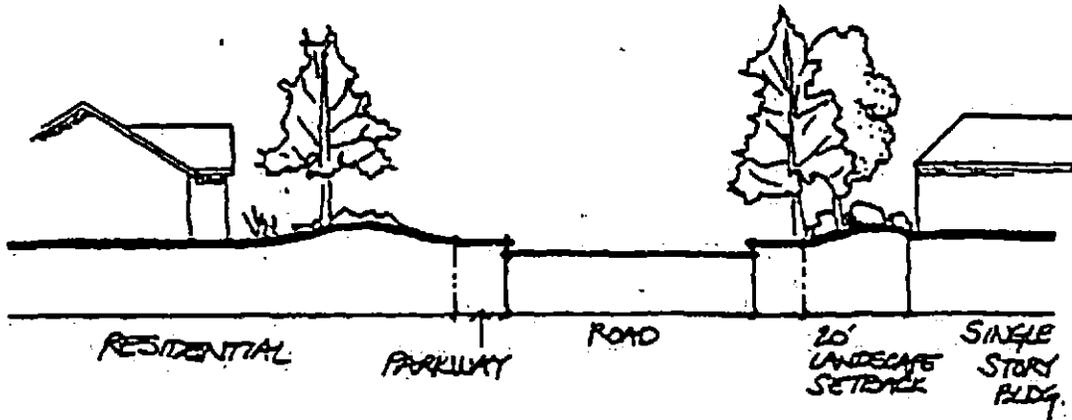
Exhibit A



ARROW HIGHWAY STREETSCAPE

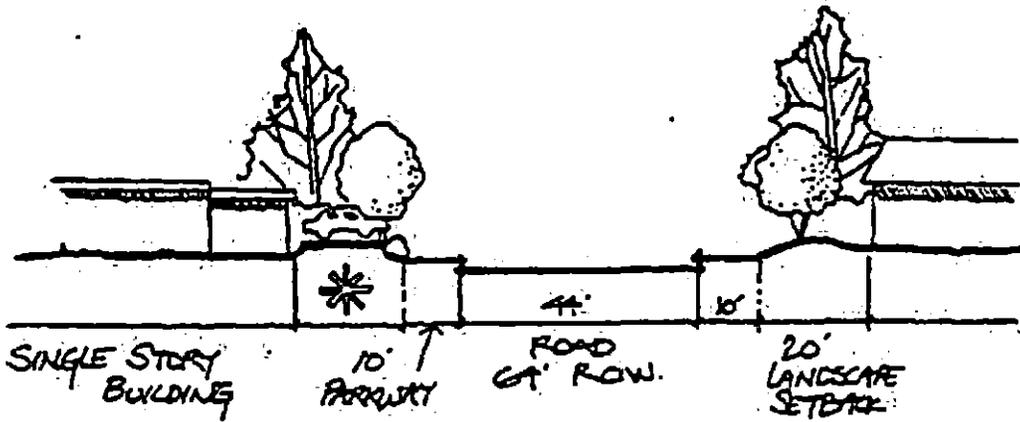


STREET SECTIONS



MAIMONE AVENUE

TEMPORARY ACCESS ALONG MAIMONE PERMITTED.
NO PERMANENT ACCESS ENVISIONED.

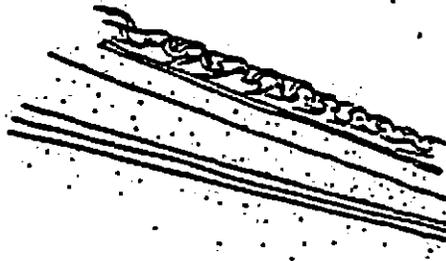


INTERNAL ROADWAY

* DISPLAY AREAS MAY ENCROACH 10' INTO SETBACK PROVIDED AN AREA EQUIVALENT TO THE AMOUNT OF ENCROACHMENT IS PROVIDED ELSEWHERE ALONG THE FRONTAGE.

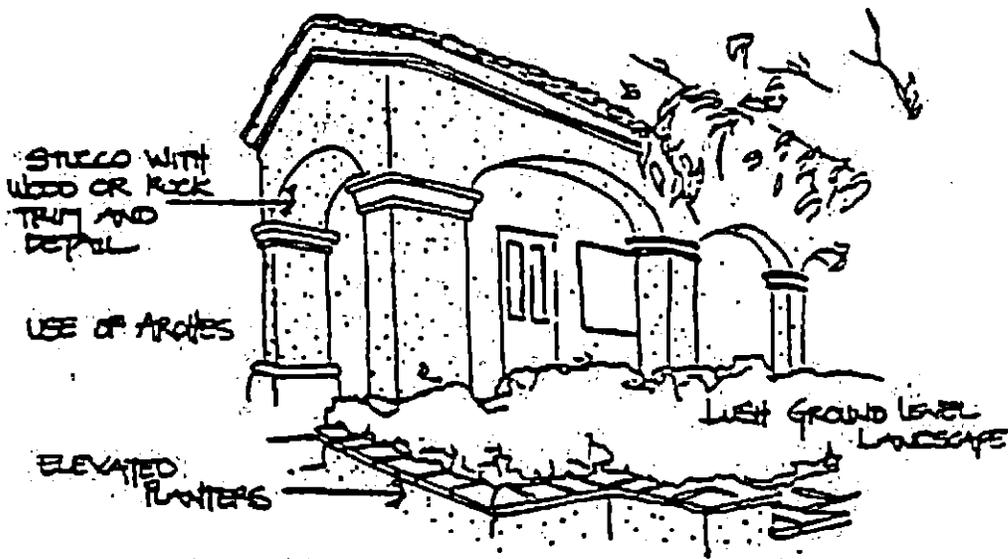
ARCHITECTURAL FEATURES

TRADITIONAL WINDOWS AND DOORS ARE DESIGNED WITH BALANCED PROPORTIONS OF HEIGHT AND WIDTH. ROOFS ARE IN PROPER SCALE WITH THE BUILDING AND CONTAIN OVERHANG WHERE APPROPRIATE. THE USE OF WOOD, STUCCO AND ROCK IS PREFERRED FOR THE EXTERIOR.



TILE ROOF WITH STUCCO, WOOD & ROCK

ROOF OVERHANG DETAIL _____



COMMERCIAL BUILDING _____

(Ord. 861 § 1 (II (part)), 1987)



Planning Commission Staff Report

DATE: June 6, 2013

TO: Planning Commission

FROM: Marco A. Espinoza, Senior Planner

SUBJECT: Consideration of Municipal Code Text Amendment 12-02
A request to amend Specific plan No. 20, Area 2 and 3, (Code Section 18.532) to allow for expanded uses not currently allowed, located at 802-888 W. Arrow Highway (APN: 8383-024-027, 028, 029, 030, 031, 035, 036, 037)

SUMMARY

The applicant, Bill Brown, on behalf of Kimco Realty Corporation the management company, submitted a request in 2012, to modify Specific Plan No. 20 to allow additional uses currently not permitted. The intent of the modification focuses on the Areas 2 and 3, which are part of the San Dimas Marketplace (Target Center). In December, Staff presented the request to initiate a code amendment the City Council which authorized Staff to proceed with the municipal code text amendment request.

The intent of the amendment to SP-20 is to allow noncommercial uses, such as service based businesses currently not allowed since the intent of the original Specific Plan was to focus on "commercial business".

Specific Plan No. 20 (SP-20) was created in 1987, when a portion of the commercial center was proposed. The boundaries of SP-20 are from the 57 Freeway on the east, Maimone Avenue on the west, Arrow Highway to the north, and Cienega Avenue to the south.

Staff recommends the Planning Commission recommend approval of the modification to Specific Plan No. 20 to the City Council.

BACKGROUND

Specific Plan No. 20 was developed in 1987 when a majority of the commercial site was still undeveloped. The Specific Plan was developed into three areas, 1, 2 and 3. Area 1 is designated for senior housing, Area 2 – commercial center uses, Area 3 – industrial and light manufacturing uses. When the Specific Plan was developed, Area 1 was already developed with single-family residences and a senior living facility which still exist. Area 2 was developed with the commercial center (San Dimas Marketplace). Area 3 was designated as an industrial and light manufacturing area, which existed at that time and has since been converted to commercial.

The proposed amendment to the Specific Plan focuses on allowing serviced based businesses within Area 2 and to delete Area 3 as it is now obsolete; Area 3 will be incorporated into Area 2. Area 2 was developed for commercial based businesses and not service uses. The applicant would like to allow service based businesses within the Specific Plan in order to give its customers a variety of uses and also fill its vacancies.

No changes are proposed for Area 1.

ANALYSIS

Area 2

The Specific Plan currently allows primarily commercial uses and is very limited on allowing service based businesses. The amendment would expand the service type businesses allowing for a greater flexibility to fill vacancies.

The applicant is proposing to following uses:

- Professional Business Office to include but not limited to: Medical, Dental, Veterinary, Optometry etc.
- Professional Service Office to include but not limited to Travel, Insurance, etc.
- Gym / Fitness / Health Club to include but not limited to Pilates, Yoga etc...
- Recreational Entertainment (Permitted uses to include, but not limited to uses such as: Jumping jacks, laser tag;
- Instructional Physical Activity (Permitted uses to include but not limited to Dance Studio, Karate, Skyzone trampoline, etc.);
- Second Hand Stores;
- Instructional Education (Permitted uses to include but not limited to Kimon or Sylvan, Beauty and professional school);

Staff feels that the above proposed uses, with the exception of the instructional educational uses, are compatible with the commercial center and would benefit the community at large, as many of the proposed uses are already permitted in other such centers in San Dimas. Many of those uses were permitted through a Classification of Use application process.

Area 3

The deletion of Area 3 is proposed as part of the amendment to SP-20. As shown in Exhibit A, pg. 28, Area 3 is a small portion along the southern perimeter line of the Specific Plan that abuts Area 2 on three sides. When SP-20 was developed there were a few properties that were not acquired by the developer and were not incorporated into Area 2. These properties were being used by light manufacturing uses. Area 3 was created in order to not make these uses nonconforming. Since then, the properties have been acquired and redeveloped with commercial uses. Area 3 has become obsolete and is no longer needed. This area will now become part of Area 2 (see Exhibit A, pg. 29).

Allowable Percentage of Service Based Businesses

As discussed later in the Staff Report, Staff is concerned with allowing the proposed uses due to parking requirements and the loss of sales tax revenue. Staff thinks the uses should be considered on a limited bases.

In 2003, and then slightly modified in 2009, the City Council voted to allow the following commercial developments to have 10% of the center as service based business per policy (see Exhibit C):

San Dimas Plaza;
San Dimas Station North; and
San Dimas Station South.

The Target Center was not part of that consideration.

In reviewing the applicant's request Staff feels that one must analyze not only the square footage of the center but also the amount of stores that are within the center. In addition, one must also consider how the large size of the Target store in the calculations will skew the results. Staff thinks that the final calculations should be considered without the Target store. Staff also feels that the allowable number of service based businesses that would be appropriate is a total of 5 stores not to exceed a combined total of 30,800 sq. ft. (20% of the centers sq. ft. minus the Target store). Consideration was given to the fact that a total of 10% is currently allowed at three other commercial centers and has not created a negative effect. An increase in the percentage should not create adverse effects to the center and the adjacent properties.

Staff has provided two tables on the next page; one of the tables includes the Target store the other one does not. Both tables show three different percentages and amount of square footage of each percentage and the amount of stores they also equal.

24 Stores - 281,141 Sq. Ft.			23 Stores – 154,000 Sq. Ft. w/out Target		
	Sq. ft.	Number of Stores		Sq. Ft.	Number of Stores
10%	28,114	2	10%	15,400	2
20%	56,228	5	20%	30,800	5
30%	84,342	7	30%	46,200	7

Parking

As part of the amendments to SP-20 Staff has analyzed the parking requirements for the existing permitted uses and proposed uses within Area 2. The parking requirement for the commercial center is 1:222 sq. ft. per Code Section 18.156.050.D.4 requiring 1,266 parking spaces due to the center’s size of 281,141 sq. ft. of buildings. This same code section allows major shopping centers to provide 20% (square footage) restaurant uses without requiring additional parking stalls. The center currently has 1,296 parking spaces, providing the development with a surplus of 30 spaces. Due to the large size of the Target store at 127,141 sq. ft. which accounts for 45% of the center’s square footage, Staff analyzed the parking demand with the square footage of the Target store and without. The following tables show how the proposed uses would affect the parking demand on the center based on allowing only 10% and 15% of the center’s square footage to be used for the proposed uses.

Parking analysis using the entire center square footage – 281,141 sq. ft.

Service / Office Uses			Medical, Gyms, and Recreational Entertainment Uses			Instructional Uses	Educational	
	10%	15%		10%	15%		10%	15%
	28,114 sq. ft.	42,171 sq. ft.		28,114 sq. ft.	42,171 sq. ft.		28,114 sq. ft.	42,171 sq. ft.
Parking required at 1:222	127	190	Parking required at 1:222	127	190	Parking required at 1:222	127	190
Parking required at 1:250	112	168	Parking required at 1:200	140	211	Parking required at 1:5 seats or 1:100sq.ft. whichever is greater.	281	421
Surplus Created	15	22	Deficit Created	-13	-21	Deficit Created	-157	-231

Parking analysis minus the Target store square footage – 154,000 sq. ft.

Service / Office Uses			Medical, Gyms, and Recreational Entertainment Uses			Instructional Educational Uses		
	10%	15%		10%	15%		10%	15%
	15,400 sq. ft.	23,100 sq. ft.		15,400 sq. ft.	23,100 sq. ft.		15,400 sq. ft.	23,100 sq. ft.
Parking required at 1:222	69	105	Parking required at 1:222	69	104	Parking required at 1:222	69	104
Parking required at 1:250	62	92	Parking required at 1:200	77	116	Parking required at 1:5 seats or 1:100sq.ft. whichever is greater.	154	231
Surplus Created	7	13	Deficit Created	-8	-12	Deficit Created	-85	-127

- Service / Office Uses – As on the previous page, in both tables, the parking demand for service / office uses does not negatively impact the parking demand because of the parking ratio required for the uses. Due to the parking ratio required for these uses per Code Section 18.156.050.E.1, 1:250 sq. ft., it requires less parking than commercial uses thereby theoretically increasing the surplus parking calculation.
- Medical, Gyms, and Recreational Entertainment Uses – As for all the other uses except for instructional education the parking ratio is 1:200, requiring slightly more parking than commercial uses at 1:222. The requirement of the additional parking spaces is not significant and the requirement can be met with the surplus parking stalls. In addition one can also possibly count the surplus parking stalls that are created with the service office uses since they require a lower parking calculation.
- Second Hand Stores – Second hand stores are parked at 1:222 sq. ft., the same ratio as commercial uses, not creating any change in the parking demand.
- Instructional Education – Instructional education uses have a parking ratio of 1:5 seats or one space for each 100 sq. ft. of floor area, whichever is greater. This requirement is much higher than for commercial uses. The smallest tenant space that could be occupied in the center is 1,200 sq. ft. which could require 12 (100/1,200=12) parking spaces based on the square footage and/or accommodate for 60 persons within the space (1 space for every 5 seats: 12x5=60). Out of all the proposed uses, instructional educational uses are the one that would significantly affect the parking demand on the center, especially if

they were to occupy any of the tenant spaces that are 3,000 sq. ft. or larger. By allowing just one of these uses to occupy a 3,000 sq. ft. tenant space it would require all the surplus parking stalls; 30 parking stalls.

In analyzing the parking demand that the proposed uses would have on the center (Area 2), Staff has determined that by allowing a limited amount of uses based on the number of stores and square footage it would not have a negative effect on the center with the exception of the instructional educational uses.

Commercial vs. Service Based Business Regarding Tax Revenue

A concern with allowing an unlimited amount of service based businesses within a commercial center is the loss of tax revenue. Service based businesses do not generate sales tax revenue as do commercial businesses. Some service based businesses like medical and insurance offices have traditionally not been permitted in commercial zones. These types of business have been typically permitted in office-professional and light industrial zones. Since San Dimas is considered a bedroom community and does not have a large commercial base it is important to consider the loss of such tax base. Staff could not provide any actual numbers of how much tax revenue would be lost by allowing service based businesses in place of commercial uses because sales of each business can vary. Instead, Staff has provided the tax revenues generated by the center (see Exhibit B). In 2013, the center generated \$600,241 in sales tax; Staff has also provided the amount of sale tax generated by each of the stores within the center.

Even with the concern with the loss of sales tax one should consider the fact that there is validity to allowing the proposed uses within the commercial centers. In the past decade consumer practices have shifted due to e-commerce and the recession. Due to these factors many commercial centers have seen an increase in vacancies which have been difficult to fill. Allowing the proposed uses on a limited base would help fill those vacancies, in addition to providing jobs and services to the community. Many other cities have also allowed these additional uses within their commercial centers.

CONCLUSIONS

The intent of SP-20 was to create a unique commercial development that has excellent freeway access and visibility. The center for many years has been and still is a viable center that has met the needs of its consumers, but with the change in how consumers purchase product (e-commerce) and with the recession it has become more difficult to fill its current vacancies. Commercial centers in recent years have looked to services based businesses to fill those vacancies. Such uses have worked well and helped bring additional consumers to centers. Setting a limitation to these uses helps ensure that the uses do not create a negative impact on the parking demand and that healthy sales tax revenue is maintained.

APPENDIX A

GENERAL INFORMATION

Applicant: Bill Brown on behalf of Kimco Realty Corporation
23 Mauchly, Suite 100
Irvine, CA 92618

Owner: PK San Dimas Marketplace III
3333 New Hyde Park RD ,
New Hyde Park NY, 11042

Location: 802-888 W. Arrow Highway
(APN: 8383-024-027, 028, 029, 030, 031, 035, 036, 037)

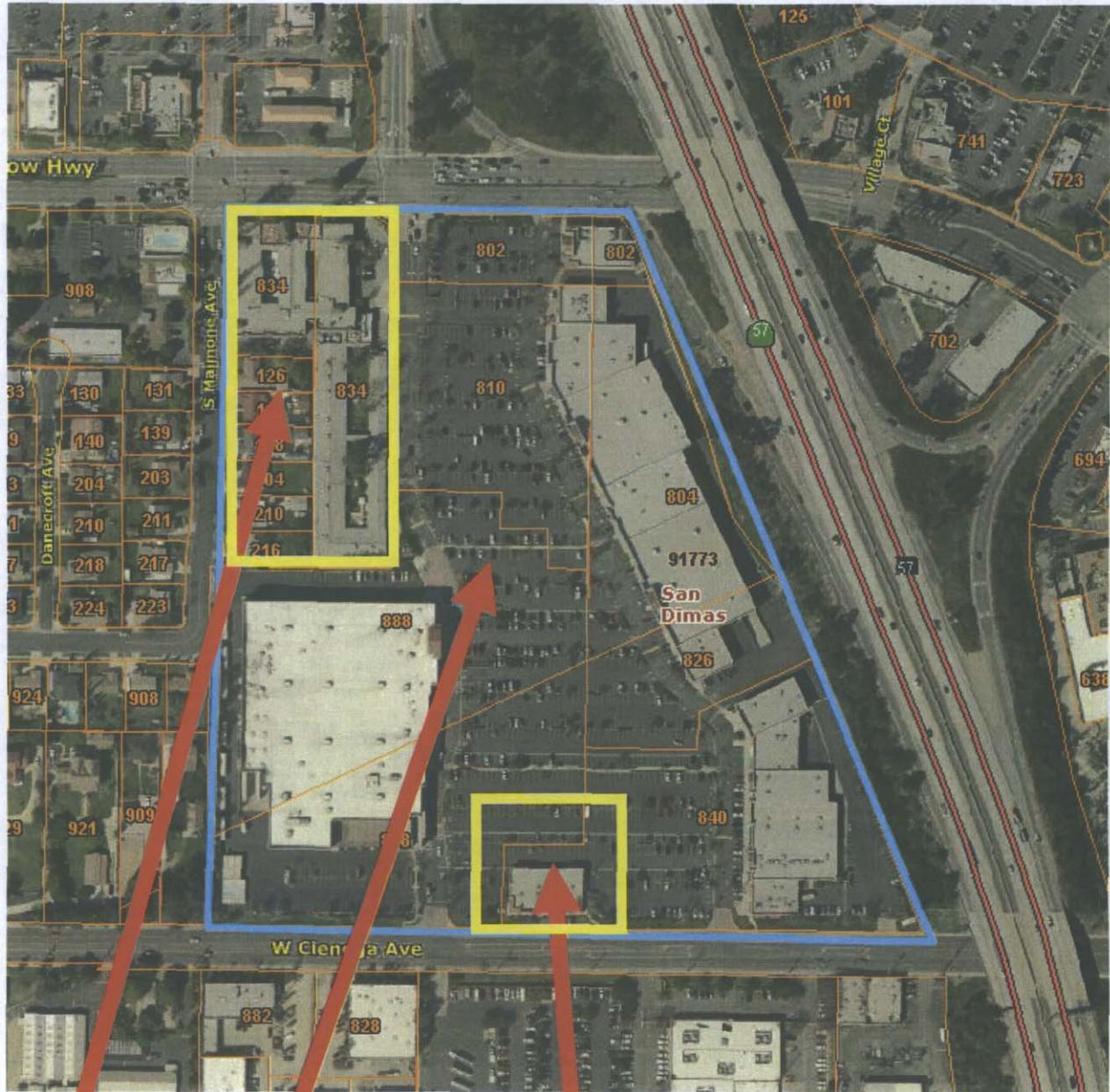
General Plan: Commercial

**Surrounding
Land Use and Zoning** North: Commercial shopping center – Specific Plan No.18
South: Southern CA Edison substation – Commercial
Highway (CH)
East: 57 Freeway
West: Single-Family Residents –
Single-Family 7,500 & SF-A 7,500

Legal Notice: A legal notice was published in the Inland Valley Daily
Bulletin; posted at City Hall, the Library, Post Office
and Via Verde Shopping Center; and was mailed to
property owners within 300 feet of the project on May 24,
2013.

Environmental: CEQA Categorical Exemption per Section 15061(b)(3) – The
activity will not result in a direct or reasonably foreseeable
indirect physical change in the environment.

VICINITY MAP

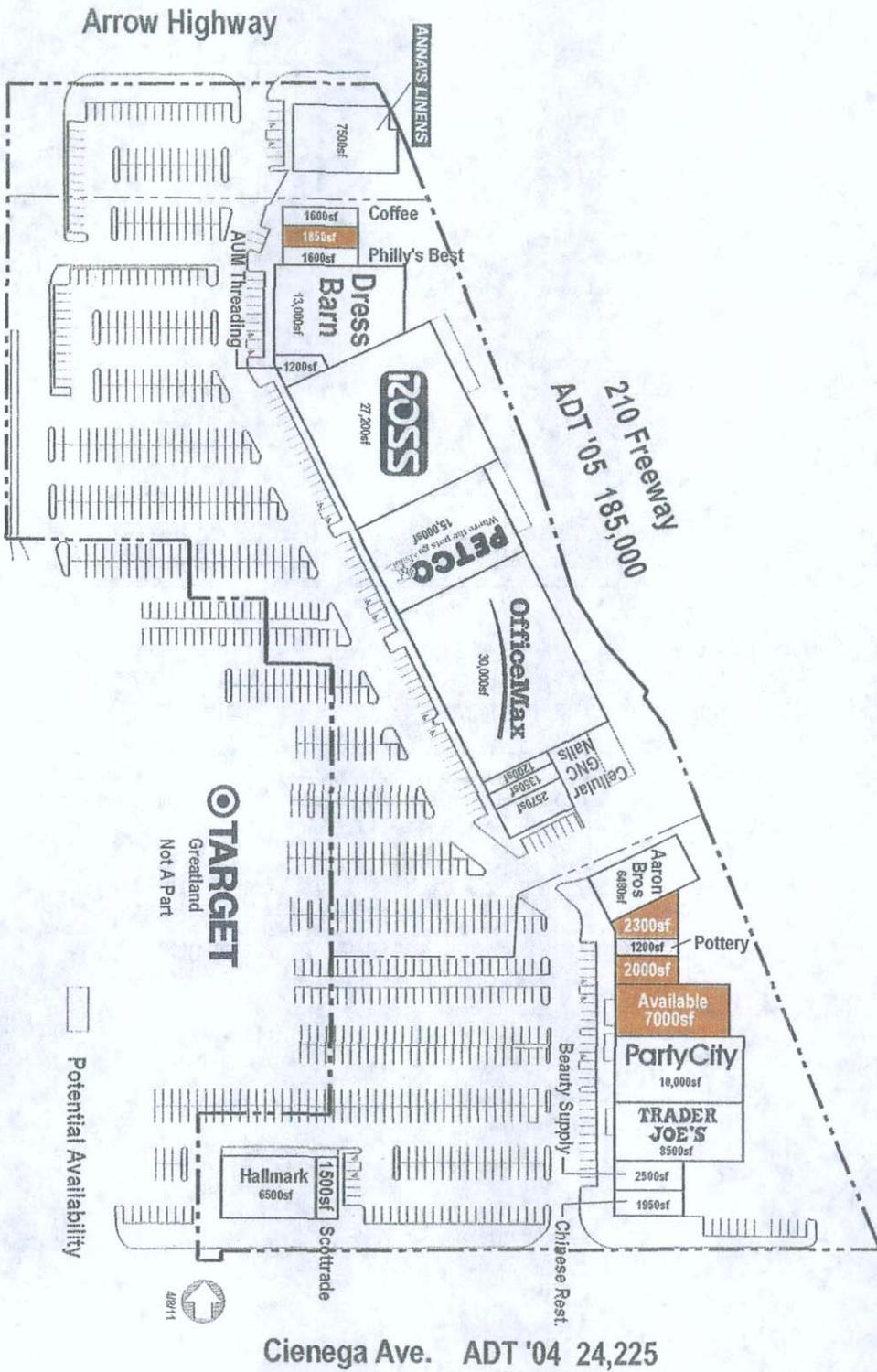


Area 1

Area 2

**Area 3 – To be deleted and
become part of Area 2**

EXHIBIT A



pp: 413/1

1432

Target Shopping Center -

San Dimas Marketplace

AERIAL |

San Dimas, CA | www.kimcorealty.com | Site # 1432



Thursday, May 19, 2011
Integrity · Creativity · Stability

Mina Elliott - CA License #01872996
tel: 310-284-6000 x117 | melliott@kimcorealty.com

Target Shopping Center - Sales Tax Analysis

Business	Address	Bld. Sq. Ft.	Sales Tax Generated FY 2012	% of Bld. Sq. Ft.	% of Sales Tax
Anna's Linens	802	7,500	\$10,753	2.67%	1.79%
Coffee Klatch	806 #A	1,600	\$1,002	0.57%	0.17%
Little Caesar's	806 #B	1,850	Unknown	0.66%	Unknown
Philly's Best	806 #C	1,600	\$5,878	0.57%	0.98%
Dress Barn	810	13,000	\$24,024	4.62%	4.00%
AUM Threading	814	1,200	\$0	0.43%	0.00%
Ross Dress for Less	818	27,200	\$75,350	9.67%	12.55%
Petco	822	15,000	\$23,883	5.34%	3.98%
Stein Mart (*1)	826	30,000	\$14,716	10.67%	2.45%
DC Nails	830 #A	1,200	\$0	0.43%	0.00%
GNC	830 #B	1,350	\$3,563	0.48%	0.59%
AT&T	830 #C	2,570	\$35,652	0.91%	5.94%
Aaron Brothers Framing	840	6,480	\$8,839	2.30%	1.47%
Arts and Music Center (*2)	842	2,300	\$0	0.82%	0.00%
Color Me Mine (*3)	844 #A	1,200	\$1,034	0.43%	0.17%
Lucky Feet	844 #B	2,000	\$2,544	0.71%	0.42%
Vacant	848	7,000	\$0	2.49%	0.00%
Party City	852	10,000	\$14,819	3.56%	2.47%
Trader Joes	856	8,500	\$30,423	3.02%	5.07%
Inland Beauty Supply	860 #A	2,500	\$4,469	0.89%	0.74%
Chopstick House	860 #B	1,950	\$3,880	0.69%	0.65%
Scottrade	866	1,500	\$0	0.53%	0.00%
Hallmark	870	6,500	\$11,857	2.31%	1.98%
Target	888	127,141	\$327,555	45.22%	54.57%
Totals:		281,141	\$600,241	100%	100%
(*) Notes					
*1 Sales tax for 4th Qrt only; previously Office Max which had \$34,605 in sales in FY 2012					
*2 Opened February 2013					
*3 Vacated sometime in 2012- sign on tenant space says just leased but future tenant is unknown					

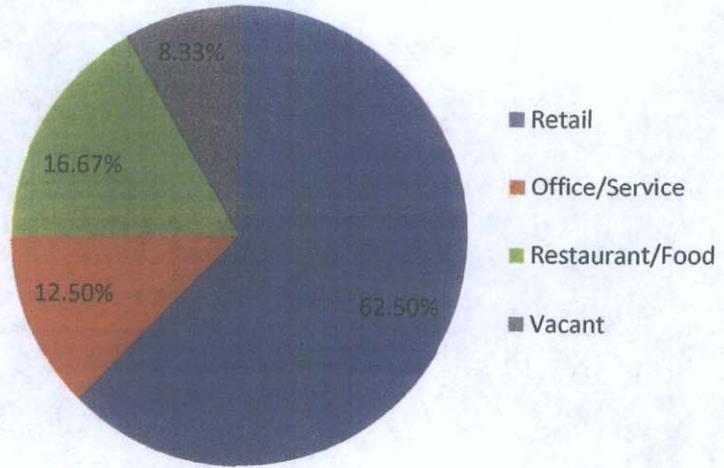
Target Center- Use Analysis

Year Built: 1999

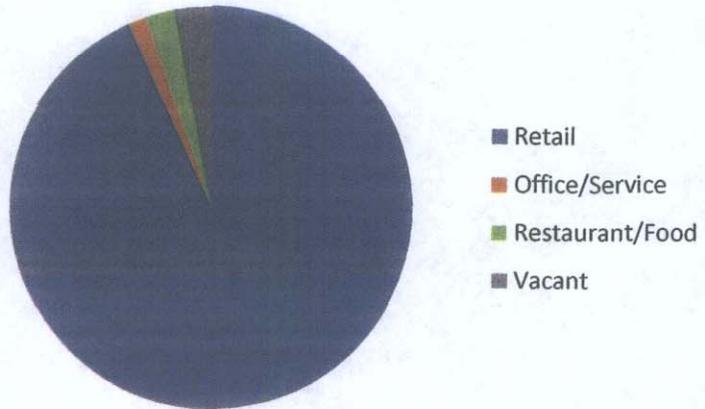
Land: Approximately 23 acres

Building Square Feet: 281,141

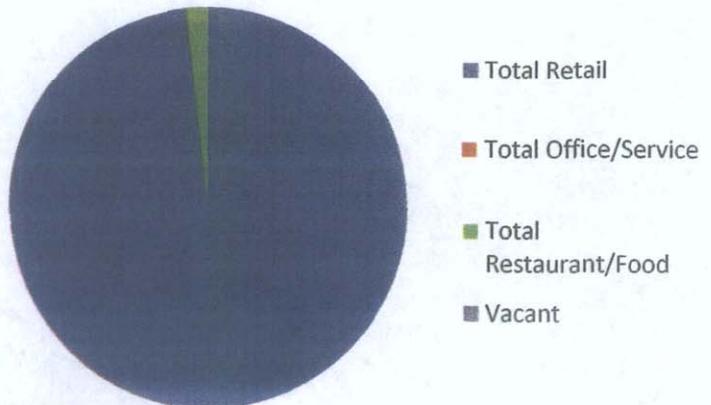
Percent of Use Based on Number of Stores		
	Number	Percent
Retail	15	62.50%
Office/Service	3	12.50%
Restaurant/Food	4	16.67%
Vacant	2	8.33%



Percentage of Square Feet		
	Number	Percent
Retail	262,041	93.21%
Office/Service	3,900	1.39%
Restaurant/Food	7,000	2.49%
Vacant	8,200	2.92%



Percentage of Sales Tax		
Total Retail	\$589,481	98.21%
Total Office/Service	\$0	
Total Restaurant/Food	\$10,760	1.79%
Vacant	0	





Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of January 13, 2009

FROM: Dan Coleman, Director of Development Services 

SUBJECT: DRAFT REVISION TO CITY COUNCIL POLICY FOR OFFICE USES WITHIN SAN DIMAS PLAZA, SAN DIMAS STATION NORTH AND SOUTH SHOPPING CENTER.

SUMMARY

Wells Fargo Bank requests that the existing City Council policy be amended to delete the 3,000 square foot maximum floor area for any single office tenant. This policy was adopted by Council in 2003 and applies to the San Dimas Plaza, and San Dimas Station North and South shopping centers. Wells Fargo currently has a small branch inside the Ralphs grocery store in the San Dimas Plaza and desires to relocate to open a full service branch in a 5,100 square foot space in the same center.

BACKGROUND: In November, Wells Fargo Bank signed a 10-year Lease Agreement to open a 5,100 square foot full service branch at 925 W. Arrow Highway (see Exhibit B). They currently operate a limited service branch within the Ralphs grocery store in the San Dimas Plaza. There are no other full service banks within the San Dimas Plaza. The current office tenant mix is 7.4% for this center. With the proposed 5,100 square foot Wells Fargo Bank the proposed office tenant mix will be 8.5%.

ANALYSIS: In 2003, the City Council adopted a policy limiting the amount of office users within three shopping centers. The intent of the policy was to insure that office uses did not consume too much of these retail centers. There were two limitations adopted: 1) office users cannot occupy more than 10% of the total floor area of the shopping center, and 2) no single office tenant can exceed 3,000 square feet. Wells Fargo Bank requests that the existing City Council policy be amended to delete the 3,000 square foot maximum floor area for any single office tenant.

The policy applies to three shopping centers: San Dimas Plaza, and San Dimas Station North and South. Banks, savings & loans, and financial services are all office uses (i.e., non-retail). The original staff report regarding the policy is attached to explain the history of, and reasons for, the policy (see Exhibit C). The 3,000 square feet was chosen because, in 2003, it was the size of two of the largest office tenants within these three

centers (Jenny Craig Weight Loss Center, Prism Laser Center). Only two office tenants, the 6,966 square foot Citrus Valley Association Realtors in San Dimas Station, and the 4,000 square foot Pacific Dental Group in San Dimas Plaza, exceeded 3,000 square feet at that time.

OPTIONS: The following options may be considered by the City Council:

1. Motion to Deny request; hence, confirm keeping policy unchanged.
2. Motion to Approve request to drop the 3,000 square feet maximum for a single office tenant, but maintain the 10% maximum for all offices within these centers.
3. Motion to review of policy and direct staff to prepare further analysis of policy.

RECOMMENDATION

Staff recommends Option 2, Approval of their request to drop the 3,000 square feet maximum for a single office tenant, but maintain the 10% maximum for all offices within San Dimas Plaza, and San Dimas Station North and South.

Attachments: Exhibit A - Letter from Wells Fargo
 Exhibit B - Location Map
 Exhibit C - December 9, 2003 Staff Report
 Exhibit D - Existing Tenant List
 Exhibit E - Proposed Tenant List



December 15, 2008

Via: email w/ attachments

CITY OF SAN DIMAS
Development Services
245 East Borita Avenue
San Dimas, CA 91773

Re: Wells Fargo Bank tenant improvement – 925 & 927 West Arrow Highway (DPRB 08-50).

Dear Ms. Grabow,

I was surprised to receive your response to the Wells Fargo Bank Development Review Application. I have attached your original transmittal and the documents you forwarded to me at the beginning of the project. Your transmittal discusses the 10% maximum office space for the center, but does not state that this project cannot exceed 3,000 sq. ft. Basically, this document looks like it is a recommendation for the Century 21 project and not a City of San Dimas policy.

Wells Fargo has committed to a long term lease for the entire 5,100 sq. ft. based on our understanding that they complied with the city requirements by not exceeding the 10% maximum office use.

Wells Fargo presently has a very small in-store "transactional type" branch within the existing Ralphs Market. This branch has very limited services due to its size. Wells Fargo Bank has developed a 5,000 – 6,000 sq. ft. Denovo Retail Branch Model for a typical community based bank. Demographic studies have shown that this model will allow Wells Fargo to properly serve the personal and business banking needs of this community.

Bank uses within an a shopping center have been found to have a positive impact by providing cash and other bank related services that support small businesses. Bank customers will typically combine their shopping needs to one trip visiting the market, restaurant and other services within the center. This decreases the parking demand and saves on energy.

Wells Fargo Bank believes that this shopping center needs a full services bank branch and that they can provide a benefit to this center and the surrounding community. Wells Fargo Bank would like the City Council to reconsider the policy that limits each office / service use to 3,000 sq. ft. and approve the 5,100 sq. ft. bank branch as described in our application. Your consideration is greatly appreciated. If you have any questions please don't hesitate to call.

Respectfully,

A handwritten signature in black ink, appearing to read "Brett Marchi", is written over a horizontal line.

Brett Marchi, Architect
California Reg. # C15267

2599 Baseline Avenue
Solvang, CA 93463

Ph Fax: (866) 295-8787
brett@marchi-associates.com

EXHIBIT C

LOCATION MAP





CITY OF SAN DIMAS MEMORANDUM

DATE: December 9, 2003

TO: Honorable Mayor and Members of City Council

FROM: Laura Lockett, Assistant Planner *LL*

SUBJECT: Policy for office uses in the San Dimas Plaza and;
San Dimas Station North and South Shopping Centers

An application was submitted by Derrick Oie to establish a Century 21 Real Estate office at 913 W. Arrow Highway in San Dimas Plaza (Ralphs), zoned Specific Plan 18. By using the classification of use process three service related offices uses were allowed to operate within this retail center. The table below lists current office uses in the center..

DPRB Case No.	Address	Use	Date & Action
99-50	1033 W. Arrow Hwy	Employment Agency Appleone	November 4, 1999, Approved by DPRB
01-44	914 W. Arrow Hwy	Insurance Agency State Farm	August 23, 2001, Approved by DPRB
02-67	853 W. Arrow Hwy	Tax Preparation Agency H & R Block	November 14, 2002, Approved by DPRB

The proposed office would be the fourth service related office in the shopping center. Staff is concerned with the saturation of office uses within the San Dimas Plaza and identified this as a point of discussion when the presented to the Development Plan Review Board.

The Board discussed the impact of office uses on retail centers and the ability for certain offices to generate public traffic. The Board felt that some types of offices may be fine, but that too many office uses or office uses that are strictly administrative would be a negative for a shopping center.

To help the Board address the issue of the appropriate amount of office in a retail center, Staff conducted a use analysis of the major retail centers in the City and found the following:

EXHIBIT C

Shopping Center	Zoning	Square Feet (office use)	Percentage of Office Use
San Dimas Plaza (Ralph's)	SP 18	16,950	9%
San Dimas Market Place (Target)	SP 20 Area 2	0	0%
San Dimas Station North & South	CG Area 1	8,101	3%
Via Verde Shopping Center	CN	21,302	30%

When comparing the shopping centers, Via Verde Shopping Center has the most office at 30%, however, administrative professional uses are allowed in the Commercial Neighborhood Zone. The second largest percentage of office uses is at San Dimas Plaza with 9%, all have been permitted by a classification of use applications.

San Dimas Plaza; San Dimas Station North and South; and the Target center all are located in Specific Plans that encourage retail commercial uses that are intended to service regional needs. The Board felt that San Dimas Plaza had about as much office as would be appropriate considering the zoning intent. The current situation; the site design; and the number of past requests of San Dimas Station North and South make it a good location to adopt a similar office use policy.

RECOMMENDATION:

The Board acknowledged that office/service type uses do have a place in some retail centers; however, a saturation of these type of uses could be a potential problem. Therefore the Board is requesting that the City Council confirm the following policy.

Office/service type uses that generate public traffic shall be allowed in the San Dimas Plaza (Ralphs) and San Dimas Station North and South provided that those type of uses are limited to ten percent of the total shopping centers total floor area where no single tenant shall have a space larger than 3,000 sq. ft.

Attachments:

1. San Dimas Plaza Zoning and Use Table
2. San Dimas Marketplace Zoning and Use Table
3. San Dimas Station North and South Zoning and Use Table
4. Via Verde Shopping Center Zoning and Use Table
5. 10-23-03 DPRB Fact Sheet
6. 10-23-03 DPRB Meeting Minutes
7. 11-25-03 DPRB Fact Sheet
8. 11-25-03 DPRB Meeting Minutes

11/19/03

San Dimas Plaza

ZONING:

Specific Plan 18, Area 1

PERMITTED USES:

Permitted uses in area I of Specific Plan No. 18 are as follows:

- A. Any retail, other than auto and truck sales, or service business, which is conducted entirely within a totally enclosed building, provided that no business involving the manufacture, fabrication or wholesaling, secondary and incidental to another permitted use and received prior written approval from the director of community development upon finding that it is not more obnoxious or detrimental to the public health, safety and welfare than any other permitted use. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.192;
- B. Major home improvement retail businesses which draw customers from a large region, and groups of small home improvement retail businesses where such businesses do not have regional drawing power;
- C. Uses which are directly related to the needs of freeway travelers and which are dependent on large traffic volume including, but not limited to, department stores, minor commercial uses related, secondary and incidental to an otherwise permitted use, and similar freeway oriented uses which may be approved by the director of community development upon finding that they are not more obnoxious or detrimental to the public health, safety and welfare than any other permitted uses. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.192;
- D. Restaurants, including take-out service businesses, but not including drive-in or drive-through service facilities;
- E. Specialty commercial uses, such as antique shops, jewelry stores, music stores, auto and truck parts and supply businesses and similar uses;
- F. Accessory game arcade up to a maximum of six machines provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012;
- G. Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title. (Ord. 1072 § 5, 1997; Ord. 911 § 11 (A), 1989; Ord. 834 § 1 (B) (part)), 1985) butting

Type of Use	Total Square Feet	Percentage
Restaurant (Including Take-Out)	24,420	12% (12.386)
Office (Including Medical)	16,950	9% (8.6)
Retail	151,691	77% (76.938)
Service (Includes nail salons, hair salons and Cleaners)	4,100	2% (2.08)
Total:	197,161	100%

EXHIBIT C

11/19/03

San Dimas Plaza

	TENANT NAME	TOTAL SQ FT	TYPE OF USE	# OF REQUIRED PARKING
1.	O'Malley's Flower Mill	1,200	Retail	5 (5.3)
2.	Apple One Employment Services	2,600	Office	13
3.	Nail Salon	900	Service	4
4.	Cakes Unlimited	900	Retail	4
5.	Top Cleaner	1,800	Service	8
6.	Coldstone Creamery	1,200	Take-Out	16
7.	Ralph's Grocery Company (<i>Not Owned</i>)	45,190	Retail	180 (180.4)
8.	Payless ShoeSource	2,800	Retail	12 (12.4)
9.	Mailboxes Etc.	1,200	Retail	5 (5.3)
10.	Chloe's Accessories	1,600	Retail	7 (7.1)
11.	The Bagelry	2,100	Restaurant	28
12.	Eye Care One	1,500	Medical	8 (7.5)
13.	Tataki Sushi	2,000	Restaurant	27 (26.67)
14.	Fantastic Sam's	1,400	Service	6 (6.22)
15.	Styles for Less	3,000	Retail	13 (13.3)
16.	Rite Aid (<i>Not Owned</i>)	21,964	Retail	96 (95.94)
17.	Pacific Dental Group	4,000	Medical	20
18.	Fashion Q	8,000	Retail	36 (35.5)
19.	Sally Beauty Supply	1,659	Retail	7 (7.37)
20.	Y2K Jewelers	1,581	Retail	7 (7.03)
21.	State Farm Insurance	1,600	Office	8
22.	Vacant (PROPOSED OFFICE)	2,400	Vacant	12
23.	TJ Maxx	25,200	Retail	108 (107.71)
24.	Jenny Craig Weight Loss	3,000	Medical	15
25.	Nextel	2,500	Retail	11 (11.11)
26.	Ashlane Treasure Finders	2,500	Retail	11 (11.11)
27.	A&S Books	8,737	Retail	39 (38.83)
28.	Children's Orchard	1,500	Retail	7 (6.67)
29.	Check Into Cash	1,000	Retail	4 (4.44)
30.	Koala T-Water	750	Retail	3 (3.33)
31.	Donut Club	1,000	Restaurant	13 (13.33)
32.	The Smoke Shop	1,000	Retail	4 (4.44)
33.	Royal Panda Express	1,500	Restaurant	20
34.	H&R Block	1,250	Office	6 (6.25)
35.	Prism Laser Center	3,000	Medical	15
36.	Radio Shack	2,100	Retail	9 (9.33)
37.	Pizza Hut	1,600	Take-Out	21 (21.33)
38.	Si Como No Mexican Food	1,700	Restaurant	23 (22.6)
39.	Cingular Wireless	735	Retail	3 (3.26)
40.	Subway Sandwiches	1,470	Restaurant	20 (19.6)
FS1.	IHOP	9,000	Restaurant	120
FS2.	Burger King (<i>Not Owned</i>)	2,850	Restaurant	34
FS3.	Blockbuster Video	6,175	Retail	27 (27.4)
FS4.	Big 5 Sporting Goods (<i>Not Owned</i>)	8,000	Retail	36 (35.56)
TOTAL:		197,161		1071

EXHIBIT C

San Dimas Marketplace

(Target Center)

ZONING:

Specific Plan 20, Area II

PERMITTED USES:

Uses permitted in area II shall include those businesses listed in this section which operate in compliance with the intent and standards of this district. Each business shall be evaluated in terms of its operational characteristics and specific site location. All uses in area II shall required approval of a conditional use permit pursuant to Section 18.532.250.

- A. Sales agencies for new automobiles, recreational vehicles, trucks, trailers, boats and motorcycles and service in connection therewith;
- B. Automobile repair garages, fender and body repair and paint shops, operated as an accessory use with a permitted sales agency;
- C. Hotels and motels, including retail establishments as part of a hotel or motel complex;
- D. Automobile, truck and recreational vehicle part and accessory sales, operated as an accessory use with a permitted sales agency;
- E. Hardware and home improvement centers, occupying a minimum floor area of twenty thousand square feet;
- F. Home furnishing and appliance outlets, occupying a minimum floor area of twenty thousand square feet;
- G. Financial institutions, including banks, savings and loan associations, finance companies and credit unions;
- H. Restaurants, provided that they not contain drive-in or drive-through service;
- I. Specialty retail, wholesale and catalog stores occupying a minimum floor area of twenty thousand square feet;
- J. Specialty retail stores with less than twenty thousand square feet in floor area developed in conjunction within a shopping center incorporating retail, wholesale, home appliance, hardware, and similar stores, outlets and centers with floor area greater than twenty thousand square feet per store;
- K. Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title. (Ord. 1072 § 6, 1997; Ord. 935 § 1 (A), 1990; Ord. 861 § 1 (II) (part)), 1987)

Type of Use	Total Square Feet	Percentage
Restaurant (Including Take-Out)	7,648	3% (2.8)
Office (Including Medical)	0	0% (0)
Retail	258,472	95% (95.4)
Service (Includes nail salons, hair salons and Cleaners)	1,400	.5% (.5)
Vacant	3,500	1% (1.3)
Total:	271,020	100%

San Dimas Station—North and South

ZONING:

Creative Growth Area 1

PERMITTED USES:

A. Area 1--Regional Commercial. The purpose of this area is to take full advantage of excellent freeway access and visibility and to encourage the development of major commercial enterprises, as well as those related to the needs of freeway travelers.

1. Permitted Uses.

- a. Any retail, other than auto and truck sales, or service business, which is conducted entirely within a totally enclosed building, provided that no business involving the manufacture, fabrication or wholesaling of goods shall be permitted unless it is related, secondary and incidental to another permitted use and receives prior written approval from the director of community development upon finding that it is not more obnoxious or detrimental to the public health, safety and welfare than any other permitted use. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212.
- b. Major home improvement retail businesses which draw customers from a large region, and groups of small home improvement retail businesses where such businesses do not have regional drawing power.
- c. Uses which are directly related to the needs of freeway travelers and which are dependent on large traffic volume, including, but not limited to, restaurants, department stores, minor commercial uses related, secondary and incidental to an otherwise permitted use, and similar freeway-oriented uses which may be approved by the director of community development upon finding that they are not more obnoxious or detrimental to the public health, safety and welfare than any other permitted uses. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212.
- d. Accessory game arcades up to a maximum of six machines, provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012.
- e. Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title.

Type of Use	Total Square Feet	Percentage
Restaurant (Including Take-Out)	51,272	19% (19.22)
Office (Including Medical)	8,101	3% (3.04)
Retail	134,490	50% (50.43)
Service (Includes nail salons, hair salons and Cleaners)	6,296	2% (2.36)
Vacant	66,540	25% (24.95)
Total:	266,699	100%

San Dimas Station

North

Address	Tenant	Use	Square Feet
515	European Stores	Retail	1100
517	Vacant	Vacant	1100
519	Vacant	Vacant	1100
521	J.B. Kitchens, Bath & Design	Retail	2400
523	Comfy Mattress	Retail	3500
527	Izone Development	Retail	2200
529	Speedy Photo	Retail	1360
531	Vacant	Vacant	1400
533	Vacant	Vacant	20709
555	Beauty World	Service	2898
557	Baskin Robins	Fast Food	1147
559-561	Incycle	Retail	4384
601,617,6 25,627	Furniture Depot	Retail	18561
633	Wireless Palace	Retail	640
635	Vacant	Vacant	800
637	Michael's & Associates (Taxes)	Office	1135
641	Veggie Tea House	Restaurant	4000
645	Vacant	Vacant	1712
647	Vacant	Vacant	1810
655	Citrus Valley Association Realtors	Office	6966
536	Big Sky Sushi	Restaurant	2108
538	Computer Village	Retail	3426
659	Boot Barn	Retail	29336
548	Adamas Jewelers	Retail	
661	Home Brew Coffee	Restaurant	2857
511	Pacific Sales Kitchen and Bath	Retail	15120
501	Baby Kid's World	Retail	11760
	Red Robin	Restaurant	6535
667-D	Blimpie	Restaurant	1632
667	DJ Nails	Service	550
667-C	Leather Mart Plus	Retail	6000
667-E	The Professional Approach (Embroidery Shop)	Service	550

South

548	Denny's	Restaurant	5734
674	Applebee's	Restaurant	5451
552	Michaelangelos's Pizza	Restaurant	5450
564,572	Vacant	Vacant	10184
602	Vacant	Vacant	20575
610	Frazee Industries	Retail	8780
618	Yogurt Station #6	Fast Food	1096
622	Vacant	Vacant	1800
626	Vacant	Vacant	1440
630-634	Vacant	Vacant	2920
642	Vitamin City	Retail	2200
650	Vacant	Vacant	990
654	The Dry Cleaners	Service	830
658	Phuoc Loc Nguyen Vietnamese	Restaurant	1440
662	Salim's Restaurant (Las Palmas)	Restaurant	1620
668,670	Slender Lady	Service	1468
665-673	Zendejas Mexican Restaurant	Restaurant	7092
677	Save On Carpet	Retail	2500
678	Active Ride Shop	Retail	6143
638	Cost Plus World Market	Retail	15080
694	Del Taco	Restaurant	1960
	Carl's Jr	Restaurant	3150
TOTAL			266699

Via Verde Shopping Center

ZONING:

Commercial Neighborhood (CN)

PERMITTED USES:

A. Generally. Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, structurally altered or enlarged only for the following uses, plus such other uses as the director of community development determines to be similar and not more obnoxious or detrimental to the public health, safety and welfare, in accordance with the findings set forth in Section 18.192.040 of this title. The determination of the director may be appealed to the development plan review board and thereafter the city council pursuant to Chapter 18.212 of this title. All uses shall be subject to the property development standards in Section 18.96.050. All uses and storage shall be conducted within a totally enclosed building with the exception of nursery stock and incidental goods and merchandise displays subject to prior written approval by the director of community development.

B. Specifically.

1. Convenience goods and service businesses, including such retail uses as food markets, pharmacies and liquor stores; and including such service businesses as barber and beauty shops, cleaners/laundries, small appliance repair service businesses, swimming pool supply businesses, mobile home parts and sales, electrical equipment sales and services and similar uses.
2. Eating places, including those having take-out service facilities, provided that no such eating place shall have drive-in or drive-through service, and further provided, that such uses shall not be permitted where the number of required parking spaces for this use, pursuant to Chapter 18.156, exceeds thirty-five percent of the number of common parking spaces provided on any lot or lots upon which any development which includes eating places is located.
3. Specialty commercial uses, including antique shops, jewelry stores, music stores, auto and truck part and supply businesses and similar uses.
4. Professional, administrative and sales office uses.
5. Accessory game arcade up to a maximum of six machines, provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012.
6. Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title. (Ord. 1072 § 3, 1997; Ord. 963 § 1 (A), 1992; Ord. 911 § 8 (A), 1990; Ord. 785 § 3 (part), 1983; Ord. 37 § 247.02, 1961)

Type of Use	Total Square Feet	Percentage
Restaurant (Including Take-Out)	6,624	9% (9.30)
Office (Including Medical)	21,302	30% (29.91)
Retail	33,420	47% (46.93)
Service (Includes nail salons, hair salons and Cleaners)	9,870	14% (13.86)
Total:	71,216	100%

11/19/03

Via Verde Shopping Center

	TENANT NAME	TOTAL SQ FT	TYPE OF USE
1.	Adelphia	3000	Office
2.	Donuts Galore	1196	Take-Out
3.	Nails Max	1040	Service
4.	Health Food	780	Retail
5.	Bailey CPA	624	Office
6.	Dentist	1456	Office
7.	Seattle's Best	1748	Restaurant
8.	Women's Health	2000	Retail
9.	Mortgage	1732	Office
10.	Escrow	3590	Office
11.	Blue Cross Ins.	1360	Office
12.	Veterinary	2720	Office
13.	Travel	1440	Office
14.	La Villa Kitchen	1440	Restaurant
15.	Cleaners	1440	Service
16.	Skin Care	1380	Service
17.	Real Estate	1020	Office
18.	Pharmacy	2720	Retail
19.	Vons	25600	Retail
20.	Bookkeeping	1960	Office
21.	Dance Studio	1120	Service
22.	Flower Shop	1120	Retail
23.	Hair Salon	1200	Retail
24.	Hummer Insurance	1200	Office
25.	Hummer Insurance	1200	Office
26.	Tony's Pizza	2240	Restaurant
27.	Montessori Day Care	4890	Service
	TOTAL:	71216	

EXHIBIT C

**San Dimas Plaza
(Existing)**

Suite	Tenant	Use	Square Footage
1	Available	Vacant	1,200
2	Available	Vacant	1,509
2A	Fastframe	Retail	1,091
3	BQ Salon Nail Spa	Retail	900
4	Cakes Unlimited	Retail	900
5	Top Cleaners	Retail	1,800
6	Cold Stone Creamery	Take Out	1,200
7	Ralphs	Retail	45,611
8	Payless Shoe Source	Retail	2,800
9	The UPS Store	Retail	1,200
10	Chloe's	Retail	1,600
11	Café Bagelry	Restaurant	2,100
12	Eye Care One	Office	1,500
13	Sushi Cruise	Restaurant	2,000
14	Fantasic Sam's	Retail	1,400
15	Brand Name Outlet	Retail	3,000
16	Rite Aid	Retail	22,188
17	Pacific Dental	Office	4,000
18	Fashion Q	Retail	8,000
19	Sally Beauty	Retail	1,659
20	Y2K Jewelers	Retail	1,581
21	Available	Vacant	1,600
22	Century 21	Office	2,400
23	TJ Maxx	Retail	25,200
24	Jenny Craig	Office	3,000
25	Sprint	Retail	2,500
26	Available	Vacant	2,500
27	USA Baby	Retail	8,737
28	Children's Orchard	Retail	1,500
29	Check into Cash	Retail	1,000
30	Koala T-Water	Retail	750
31	Dount Club	Retail	1,000
32	The Smoke Shop	Retail	1,000
33	Royal Panda	Restaurant	1,500
34	H&R Block	Office	1,250
35	Prism Laser and Spa	Office	3,000
36	Radio Shack	Retail	2,100
37	Pizza Hut	Take Out	1,600
38	FS Mexican Restaurant	Restaurant	1,700
39	T-Mobile Retailer	Retail	735
40	Subway	Restaurant	1,470
FS1	Ihop	Restaurant	9,000
FS2	Burger King	Restaurant	8,881
FS3	Blockbuster Video	Retail	6,175
FS4	Big 5 Sporting Goods	Retail	8,153
Total :			203,990

San Dimas Plaza (Proposed)

Suite	Tenant	Use	Square Footage
1	Available	Vacant	1,200
2	Available	Vacant	1,509
2A	Fastframe	Retail	1,091
3	BQ Salon Nail Spa	Retail	900
4	Cakes Unlimited	Retail	900
5	Top Cleaners	Retail	1,800
6	Cold Stone Creamery	Take Out	1,200
7	Ralphs	Retail	45,611
8	Payless Shoe Source	Retail	2,800
9	The UPS Store	Retail	1,200
10	Chloe's	Retail	1,600
11	Café Bagelry	Restaurant	2,100
12	Eye Care One	Office	1,500
13	Sushi Cruise	Restaurant	2,000
14	Fantasic Sam's	Retail	1,400
15	Brand Name Outlet	Retail	3,000
16	Rite Aid	Retail	22,188
17	Pacific Dental	Office	4,000
18	Fashion Q	Retail	8,000
19	Sally Beauty	Retail	1,659
20	Y2K Jewelers	Retail	1,581
21	Available	Vacant	1,600
22	Century 21	Office	2,400
23	TJ Maxx	Retail	25,200
24	Jenny Craig	Office	3,000
25	Sprint	Retail	2,500
26	Available	Vacant	2,500
27	USA Baby	Retail	8,737
28	Children's Orchard	Retail	1,500
29	Check into Cash	Retail	1,000
30	Koala T-Water	Retail	750
31	Dount Club	Retail	1,000
32	The Smoke Shop	Retail	1,000
33	Royal Panda	Restaurant	1,500
34	H&R Block	Office	1,250
35 & 36	Wells Fargo	Office	5,100
37	Pizza Hut	Take Out	1,600
38	FS Mexican Restaurant	Restaurant	1,700
39	T-Mobile Retailer	Retail	735
40	Subway	Restaurant	1,470
FS1	Ihop	Restaurant	9,000
FS2	Burger King	Restaurant	8,881
FS3	Blockbuster Video	Retail	6,175
FS4	Big 5 Sporting Goods	Retail	8,153
			Total : 203,990

COUNCIL OF THE CITY OF SAN DIMAS APPROVING AMENDMENT ONE OF THE JOINT EXERCISE OF POWERS AGREEMENT OF THE GOLD LINE PHASE II CONSTRUCTION AUTHORITY. The motion carried unanimously.

- e. Request to support AB 712 (Liu) Governing Board for Gold Line Phase II Construction.

City Manager Michaelis reported that the Board of Directors of the Gold Line Phase II JPA has recommended support for AB 712 (Liu), which updates legislation to properly allow for cities along the project to be involved in the decision making and governing process for the Phase II portion of the project.

Councilmember Bertone stated the necessity of this legislature comes out of the Metropolitan Transportation Authority Board not wanting to cooperate with San Gabriel Valley cities and voting overwhelmingly to take funds away from the San Gabriel Valley Gold Line. AB 712 does not affect any project, but keeps the MTA out of the San Gabriel Valley to allow cities control over the project.

It was moved by Councilmember McHenry, seconded by Councilmember Bertone, to approve staff's recommendation and authorize a letter of support for AB 712 (Liu) Gold Line Phase II Governing Board. The motion carried unanimously.

- f. Direct staff to express an interest in purchasing APN 8678-030-007 ~ 38.7 acres up Sycamore Canyon.

City Manager Michaelis summarized the staff report to purchase 38.7 acres in Sycamore Canyon for \$23,888. Staff recommended the City Council authorize staff to initiate the process to express interest in pursuing the purchase of APN 8678-030-007 in the amount of \$23,888 from the General Fund.

Community Development Director Stevens described the location and access to the property and said there is reasonable access that would merit the purchase option through the tax sale.

It was moved by Mayor Pro Tem Ebner, seconded by Councilmember Templeman, to authorize the City Manager to proceed with the acquisition of the subject property identified as APN #8678-030-007 and execute the agreement between the Los Angeles County Board of Supervisors and the City of San Dimas pursuant to the provisions of Division 1, Part 6, Chapter 8, of the Revenue and Taxation Code. If obtained, the subject property shall further the goals of the City to preserve and protect the existing foothills of San Dimas retaining the views and rural image of the City. The motion carried unanimously.

- g. Authorize the Mayor to sign a letter to State lawmakers to keep the promise to backfill vehicle license fee resources to local government.

City Manager Michaelis updated the City Council on the VLF backfill issue and recommended a letter be sent to state lawmakers to "keep their promise" to fund the backfill to local government.

It was moved by Councilmember McHenry, seconded by Councilmember Bertone, to authorize a letter to state legislators, including Democratic and Republican leaderships, to remind them of their promise to backfill local governments. The motion carried unanimously.

5. PLANNING MATTERS

- a. Confirm a Development Plan Review Board classification of use regarding the percentage of office use allowed in the San Dimas Plaza and San Dimas North and South shopping centers.

EXHIBIT C

Assistant Planner Lockett presented a request by Derrick Oie to establish a Century 21 Real Estate office in the San Dimas Plaza (Ralph's Shopping Center) zoned Specific Plan 18. Staff expressed concern with the saturation of office uses in the San Dimas Plaza and to help the DPRB address the issue of the appropriate amount of office in a retail center, staff conducted a use analysis of shopping centers for the DPRB's consideration. The Board acknowledged that office/service type uses have a place in some retail centers; however, saturation of these types of uses could be a potential problem and presented a use policy for Council's confirmation. She responded to Council that the Via Verde Shopping Center does not fall within the same category and expressed the need to look at categorized uses.

In response to Councilmember McHenry, Director Stevens said approval does not eliminate the need to make a judgment, but puts in place rational criteria as a starting point. This issue may be revisited at the next application or after a designated period of time to see how effective it was.

It was moved by Councilmember McHenry, seconded by Mayor Pro Tem Ebiner, to confirm the DPRB's use policy that office/service type uses that generate public traffic shall be allowed in the San Dimas Plaza and San Dimas North and South provided that those type of uses are limited to ten percent (10%) of the total shopping centers total floor area where no single tenant shall have a space larger than 3,000 square feet. The motion carried unanimously.

SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris adjourned the meeting of the City Council at 9:33 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The meeting reconvened at 9:34 p.m.

MEETING OF SAN DIMAS PUBLIC FACILITIES FINANCING CORPORATION

Mayor Morris adjourned the meeting of the San Dimas Redevelopment Agency at 9:35 p.m. and convened a meeting of the San Dimas Public Facilities Financing Corporation. The City Council meeting reconvened at 9:37 p.m.

ORAL COMMUNICATIONS

a. Members of the Audience

None

b. City Manager

1) City Manager Michaelis provided a status report if the State does not make the VLF payments, either backfill the City or restore fees, or if the City does not receive the backfill for several months. He said for years, through prudent financial management funds have been set aside in reserve to have resources available, and currently the City has sufficient funds to allow the City to absorb the temporary setback. Additionally, the City has set aside over \$1 million in capital improvements not to be completed until the backfill issue is resolved.

2) City Manager Michaelis and Mayor Morris met with Chamber of Commerce representatives to explore the concept of providing a San Dimas Civic Academy, in which community members could be sponsors or participants in a series of 9-10 sessions to learn the various elements of a community for a higher level of public awareness. Sponsors would have no other financial commitment than to host a dinner for the educational program participants on one night and speakers could include presentations from representatives of a utility company, law enforcement, fire protection, library, college, air quality,

4. ORAL COMMUNICATIONS

(Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

a. Members of the Audience

- 1) **Sid Maksoudian** announced his candidacy for City Council for the March 3, 2009 election. He inquired about membership into the Chamber of Commerce for his business.
- 2) **Lea Dunbar**, President, San Dimas High School, highlighted athletic and fund raising activities at San Dimas High School.

5. CONSENT CALENDAR

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

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Badar, and carried unanimously by those present to accept, approve, and act upon the consent calendar, as presented, as follows:

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

- (1) **RESOLUTION NO. 09-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF JANUARY, 2009.**
- (2) **RESOLUTION NO. 09-02, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, UPDATING AND CONSOLIDATING PARKING PROHIBITION ON CERTAIN CITY STREETS.**

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

- (1) **ORDINANCE NO. 1186, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY SAN DIMAS, CALIFORNIA AMENDING THE MUNICIPAL CODE BY ADDING CHAPTER 8.40 TO TITLE 8, RELATING TO RESIDENCY RESTRICTIONS FOR REGISTERED SEX OFFENDERS. SECOND READING AND ADOPTION**

c. Approval of minutes for regular meeting of December 9, 2008.

END OF CONSENT CALENDAR

6. PLANNING/DEVELOPMENT SERVICES

- a. Draft Revision to City Council Policy for office uses within San Dimas Plaza, San Dimas Station North and South Shopping Center.

Associate Planner Grabow presented a request from Wells Fargo Bank to amend the existing City Council policy to delete the 3,000 square feet maximum floor area for any single office tenant. He said this policy was adopted by the City Council in 2003 and applies to the San Dimas Plaza, and San Dimas Station North and South shopping centers. Wells Fargo currently has a small branch inside the Ralphs grocery store in the San Dimas Plaza and desires to relocate to open a full service branch in a 5,100 square foot

EXHIBIT C

space in the same center. Staff presented three options for City Council consideration and recommended Option 2, approval of Wells Fargo Bank's request to drop the 3,000 square foot maximum for a single office tenant, but maintain the 10% maximum for all offices within San Dimas Plaza, and San Dimas Station North and South.

It was moved by Councilmember Bertone, seconded by Councilmember Templeman, to approve staff's recommendation Option 2 to approve Wells Fargo Bank's request to delete the 3,000 square foot maximum requirement for a single office tenant, but maintain the 10% maximum limitation for all offices within San Dimas Plaza, and San Dimas Station North and South. The motion carried unanimously.

7. OTHER MATTERS

a. Approval of San Dimas 50th Anniversary Logo.

Director of Parks and Recreation Bruns reported that the City of San Dimas 50th Anniversary Committee reviewed several logo concepts and selected two for the City Council's review and approval of one to be utilized in all print media and on all promotional items throughout the year 2010, in commemoration of the City's 50th Anniversary.

It was moved by Councilmember Templeman, seconded by Councilmember Bertone, to select Logo "B" to be used throughout the City's 50th Anniversary year. The motion carried unanimously.

8. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 7:31 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 7:32 p.m.

9. ORAL COMMUNICATIONS

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

1) Susan Crawford commented that the San Dimas Historical Society has excellent adventures and offered to provide Councilmember Ebiner with San Dimas Historical Society caps on consignment.

b. City Manager

1) City Manager Michaelis reported that the local cable provider is no longer required to broadcast the meeting and University of La Verne (ULV) Media Service Department will provide those services, although some announcements will still be aired on both Time Warner and Verizon. He also mentioned that until a suitable studio is found, *Ask the Mayor* program will not be aired. He said staff is working with ULV to post notices on the bulletin board.

2) Report regarding action to not issue an annual rent increase for Charter Oak Mobile Home Park for 2009.

City Manager Michaelis reported that the Mobile Home Accord uses the CPI to determine the following year's rent increase amount; Charter Oak uses the annual November CPI. Mr. Michaelis stated that staff decided to forego an increase to existing residents for 2009 primarily because the designated CPI was 1%, the Park is meeting its expenses, and these are challenging economic times. He added that rent for new residents will be adjusted for market rates. In addition, the City's rental assistance program will still be administered to all eligible park residents in 2009.

RESOLUTION PC-1484

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 12-02, AMENDING ALLOWABLE USES WITHIN AREA 2 AND DELETING AREA 3 WITHIN SPECIFIC PLAN NO. 20.

WHEREAS, an Amendment to the San Dimas Municipal Code has been duly initiated by City Council upon application by Bill Brown on behalf of Kimco Realty Corporation;

WHEREAS, the Amendment is to modify Specific Plan No. 20, Area 2, to allow for expanded uses not currently allowed (i.e., office, medical, gyms, etc.) and delete Area 3; and

WHEREAS, the Amendment would affect Areas 2 and 3 within Specific Plan No. 20; and

WHEREAS, notice was duly given of the public hearing on the matter and the public hearing held on Thursday, June 6, 2013, at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, all requirements of the California Environmental Quality Act and the City's Environmental Guidelines have been met for the consideration of whether the project will have a significant effect on the environment.

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, the Planning Commission now finds as follows:

- A. The proposed Municipal Code Text Amendment will not adversely affect adjoining property as to value, precedent or be detrimental to the area.

The amendment will not have an adverse effect on the adjoining properties as the proposed permitted and conditionally permitted uses are the same and/or similar in nature to existing ones in other commercial centers within close proximity of the area. Specific Plan No. 20 was developed with an emphasis on commercial business that would produce sales tax revenue. Service based businesses were not discussed nor encouraged as part of SP-20. In recent years the center has had a difficult time filling vacancies due to a shift in consumer buying practices; in turn the property owners have looked to increase the allowable uses within this and other centers. It has become a common practice to allow service-type business. Service based businesses are compatible with the commercial uses and have not been a detriment to the center nor the surrounding

properties. Therefore, allowing a limited amount (20%) of service based businesses should be granted.

- B. The proposed Municipal Code Text Amendment will further the public health, safety and general welfare.

The proposed uses have been evaluated and have been classified into two groups: "permitted" and "conditionally permitted". The conditionally permitted uses will require approval of a Conditional Use Permit Application and public hearing(s) which will ensure and further the public health, safety and general welfare.

- C. The proposed Municipal Code Text Amendment is consistent with the General Plan and is in compliance with all applicable provisions of the Zoning Code and other ordinances and regulations of the City.

The proposed amendment is consistent with General Plan Goal L-5 by providing a wide variety of additional service based businesses not currently permitted within Specific Plan No. 20 to the residents of San Dimas and the adjacent cities as well as commuters that use the 57 Freeway.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 12-02 as set forth in attached Exhibit A.

PASSED, APPROVED and ADOPTED, the 6th day of June, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jim Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

Jan Sutton, Planning Secretary

EXHIBIT "A"

*New text changes are in Blue and Underlined

* Deleted text is in ~~Red and Strikethrough~~

Chapter 18.532

SPECIFIC PLAN NO. 20*

Sections:

Article I. General

- 18.532.010 Purpose and intent.
- 18.532.020 Authority and scope.
- 18.532.030 Location.
- 18.532.040 General notes and conditions.
- 18.532.050 Definitions.

Article II. Land Use Development Plan—Area I

- 18.532.060 Purpose.
- 18.532.070 Uses permitted.
- 18.532.080 Permitted uses.
- 18.532.090 Conditional uses.
- 18.532.100 Existing uses.

Article III. Property Development Standards—Area I

- 18.532.110 General.
- 18.532.120 Minimum lot dimensions.
- 18.532.130 Building setbacks.
- 18.532.140 Maximum building coverage.
- 18.532.150 *Maximum building height.*
- 18.532.160 Landscaping.
- 18.532.170 Senior citizen housing requirements.
- 18.532.180 Lighting.
- 18.532.190 Signage.
- 18.532.200 Off-street parking.
- 18.532.210 Architecture.

Article IV. Land Use Development Plan—Area II

- 18.532.220 Purpose.
- 18.532.230 Uses permitted—Generally.
- 18.532.240 Permitted uses.
- 18.532.250 Conditional uses.
- 18.532.260 Prohibited uses ~~Limitation on uses.~~

Article V. Property Development Standards—Area II

- 18.532.270 General.
- 18.532.280 Minimum lot dimensions.
- 18.532.290 Building and parking setbacks.
- 18.532.300 Maximum building coverage.
- 18.532.310 Maximum building height.
- 18.532.320 Landscaping.
- 18.532.330 [Off-Street Parking](#) **Roofscapes.**
- 18.532.340 Lighting.
- 18.532.350 Signage.
- 18.532.370 Architecture.
- 18.532.380 Internal circulation.
- ~~18.532.390 Street lights.~~

~~Article VI. Land Use Development Plan—Area III~~

- ~~18.532.391 Purpose.~~
- ~~18.532.392 Uses permitted—Generally.~~
- ~~18.532.393 Permitted uses.~~
- ~~18.532.394 Conditional uses.~~
- ~~18.532.395 Property development standards.~~
- ~~18.532.396 Performance standards.~~

Article VII. General Development Standards

- 18.532.400 General.
- 18.532.410 Utilities.
- 18.532.420 Grading.
- 18.532.430 Entry treatments.
- 18.532.440 Mechanical equipment.
- 18.532.450 Downspouts.
- 18.532.460 Outdoor display/storage areas.
- 18.532.470 Trash storage.
- 18.532.480 Walls.
- 18.532.490 Stop signs.
- 18.532.500 Plan review and disposition.

* Editor's Note: Exhibits and appendices relating to Specific Plan No. 20 are located at the end of this chapter.

Chapter 18.532 SPECIFIC PLAN NO. 20

Article I. General

18.532.010 Purpose and intent.

A. The size and location of Specific Plan No. 20 creates a unique development opportunity within the city. The ~~majority of the~~ site is currently ~~un~~developed and has excellent freeway access and visibility. The site is also adjacent to an established residential neighborhood ~~to the west and a planned two hundred fifty thousand square foot commercial project.~~ ~~The A~~ specific plan for the development of the site ~~was is~~ the best mechanism for a comprehensive project. ~~The commercial center was developed with an emphasis on commercial/retail uses that has kept the development viable. Since the development of the center, consumer trends have changed and new uses have developed. The modifications to the specific plan will help ensure the viability of the center for years to come. The specific plan will now allow for service based businesses on a limited basis. The amount allowed shall be determined by the city council in a policy form that will allow for flexibility if it needs to be changed in the future.~~

B. The purpose of Specific Plan No. 20 is to provide a land use and development standards that produce a project that is compatible and complementary to the adjacent uses as well as provide for the highest and best land use of the property.

C. The land use design and development standards are proposed to achieve the following objectives:

1. To take full advantage of the excellent freeway access and visibility of the site;
2. To provide for the continued operation and expansion of the San Dimas Retirement Center or similar use;
3. To provide a flexible plan that is able to respond to changes in the economic market;
4. To provide for the highest and best land uses which are compatible to adjacent uses;
5. To utilize current practices of good design, architecture, landscape architecture, civil engineering and grading; and
6. To provide a project that will enhance and promote the existing and future appearance of the city. (Ord. 861 § 1 (I (part)), 1987)

18.532.020 Authority and scope.

A. The adoption of Specific Plan No. 20 by the city is authorized by the California Government Code, Title 7, Division 1, Chapter 3, Article 8 and 9, Sections 65450 through 65507.

B. Specific Plan No. 20 applies only to that property within the city indicated on Exhibit A attached to this chapter. (Ord. 861 § 1 (I (part)), 1987)

18.532.030 Location.

Specific Plan No. 20 applies to the twenty acre site located west of the ~~57~~ **Route 210** freeway, south of Arrow Highway, east of Maimone Avenue extended, and north of **Cienega Avenue** ~~the Southern Pacific railway center line~~ as depicted on Exhibit A. (Ord. 861 § 1 (I (part)), 1987)

18.532.040 General notes and conditions.

A. Unless otherwise specified, all development within Specific Plan No. 20 shall comply with this code. Terms used in this chapter shall have the same meaning as defined elsewhere in this code unless otherwise defined in this chapter.

B. Any details or issues not specifically covered by this specific plan shall be subject to the regulations of this code.

C. The approval of development within the specific plan area shall be governed by Section 65450 et seq. of the state of California Code.

D. All construction within the boundaries of the specific plan area shall comply with all provisions of the Uniform Building Code and the various mechanical, electrical and plumbing codes adopted by the city.

E. *Minor modifications* to the specific plan which do not alter the intent of the specific plan as approved nor permit a deviation to the established development standards, may be approved by the director of community development at his discretion.

F. If any regulation, condition, program or portion thereof of the specific plan is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and the invalidity of such provision shall not affect the validity of the remaining provisions of this chapter.

G. Any land use designation not specifically covered by Specific Plan No. 20 shall not be permitted. (Ord. 861 § 1 (I (part)), 1987)

18.532.050 Definitions.

Unless the context otherwise requires, or unless different definitions are set forth in individual titles, chapters, or sections of this title, the words or phrases defined in this chapter shall have the meaning and construction ascribed to them in this chapter. When not inconsistent with the context, words in the singular shall include the plural and words in the plural shall include the singular. The word "shall" is mandatory and the word "may" is permissive. Words and phrases not defined in this chapter shall be as defined in the following sources and in the following order: other chapters of this code, definitions contained in city adopted chapters of the Uniform Building Codes, definitions contained in legislation of the state, Webster's Dictionary.

1. "Abut" means contiguous to. For example, two adjoining lots with a common property line are considered to be abutting.
2. "Accessory structure /building" means a structure, including patio cover located on the same lot with a principal building serving an incidental and secondary use to the main building or the use of the land. It shall not apply to "second units."
3. "Accessory use" means a use that is incidental and secondary to the principal use of the main building or the use of the land and devoted exclusively to the main use of the lot or building.
4. "Adjacent" means the same as abutting, however, public rights-of-way and major utility easements shall not be construed as separating "adjacent" uses.
5. "Architectural feature" means a part, portion or projection that contributes to the beauty or elegance of a building or structure, exclusive of signs, that is not necessary for the structural integrity of the building or structure or to make the building or structure habitable.
- ~~6. "Automobile parking" means parking of operational and street legal vehicles on a temporary basis within an off-street parking area.~~
- ~~7. "Berm" means man-made mound(s) of earth, eighteen inches in height or higher, used for decorative, screening or buffering purposes.~~
68. "Buffer area" means an area of land used to visibly separate one use from another or to shield noise, lights or other possible nuisances.
79. "Building" means a structure built or maintained for the support, shelter or enclosure of persons, animals, chattels or property of any kind. The word "building" as used in this title includes the word "structure."
- ~~10. Building, Accessory. "Accessory building" means the same as "accessory structure."~~

~~811.~~ “Building coverage” means the gross area of a lot or parcel of land occupied by all of the ground floor of a building or structure which is under roof. As a percentage, it is the relationship between the ground floor area of the building under roof and the net area of the site.

~~912.~~ “Building height” means the maximum vertical distance between the ground and the uppermost part of the structure through any vertical section.

~~13. — Building, Main. “Main building” means a building within which is conducted the principal permitted use on the lot, as provided by this title.~~

~~1014.~~ Building, Nonconforming. “Nonconforming building” means a building or portion thereof lawfully existing pursuant to the ordinances in effect at the time of its construction or subsequent alteration, but which does not comply with any development criteria adopted at a later date.

15. “Business” means the purchase, sale or other transaction or place thereof involving the handling or disposition of any article, substance or commodity for livelihood or profit, including an addition, operation or provision of any service or service establishment, office building, outdoor advertising sign and/or structure, recreational and/or amusement enterprise conducted for livelihood or profit.

16. “Business frontage” means the lineal footage of any side of a business building facing an adjacent street or ~~the unit’s designated automobile~~ parking area and upon which a sign may be located.

17. “City” means the ~~C~~city of San Dimas.

18. “Clinic” means an establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not lodged overnight.

Commercial / Retail Businesses – Defined as businesses that engage in selling goods or merchandise to the general public as well as to other retailers or businesses, and rendering services incidental to the sale of goods.

~~19. — “Commercial use” means a business, normally involving office, retail sales or service uses.~~

20. “Convalescent home.” See “Rest home.”

21. “Council” or “city council” means the city council of the city.

22. “Court yard” means an open, unoccupied space, other than a required yard, on the same lot with a building or buildings and which is bounded on two or more sides by such building(s).

23. "Design review" means the process of city review and approval of development proposals pursuant to the provisions of Chapter 18.12 of this title.

24. "Display frontage" means the lineal footage of the front of an area used for display and sale of merchandise located outdoors; typically the portion of a display area facing a street or **automobile** parking area.

25. "Drive-in" means an establishment which provides parking facilities and service to those facilities in order that patrons may utilize on-site goods and/or services without leaving their vehicles. The drive-in service may be in conjunction with, or exclusive of, any other form of service, including drive-through or conventional seating.

26. "Drive-through" means an establishment which offers service via a convenience automobile drive aisle and associated facilities in order that patrons may utilize goods and/or services without leaving their vehicles. The drive-through service may be in conjunction with, or exclusive of, any other form of service, including drive-in or conventional seating.

27. "Driveway" means an unobstructed paved area providing access to a vehicle parking, loading or maneuvering facility.

28. "Enclosed building" or "enclosed structure" means a building enclosed by a permanent roof and on all sides by solid exterior walls pierced only by windows and customary entrance and exit doors.

29. "Enclosed space" means an area enclosed on all sides by a solid physical barrier, such as a solid wood fence or masonry wall.

30. "Exterior boundary" means the perimeter of any lot or parcels of land or group of lots or parcels to be developed as an integrated project.

31. "Fence" means any device forming a physical barrier between two areas and constructed of chainlink, louver, stake, masonry or lumber in accordance with adopted city standards.

32. Floor area, Gross. "Gross floor area" means the total horizontal area of a building under roof, in square feet, including to the outside of the exterior walls of all floors.

33. "Frontage" means, with regard to a lot, that side of a lot abutting on a street; typically, the front lot line. With regards to a building, see "business frontage."

Health / Exercise Clubs - Defined as businesses that provide health related physical fitness components that have a relationship with good health. The components are commonly defined as body composition, cardiovascular fitness, flexibility, muscular endurance and strength. Health / Exercise Club businesses include, but are not limited to:

- Gym
- Personal training center
- Health spa
- Pilates studio
- Yoga Studio

34. "Hospital" means a facility licensed by the state Department of Public Health for the accommodation and medical care of sick, injured or infirm persons and includes sanitariums, alcoholic sanitariums and institutions for the cure of drug addicts and mental patients.

35. "Institutional use" means a non-profit or quasi-public use or institution, such as a church, ~~library, public or private school, hospital, or municipally~~ owned or operated building, structure or land, used for public purposes.

Instructional Physical Activities Business - Defined as businesses that provide health related physical fitness components that have a relationship with good health. The uses listed below are all instructional based. Instructional Physical Activities Businesses include, but are not limited to:

- Dance studio
- Martial art studio
- Gymnastic studio
- Trampoline studio

36. "Landscaping" means the planting and maintenance of a combination of trees, shrubs, vines, ground cover, flowers or lawns. In addition, the combination of design which may include natural features such as rock and stone, and structural features, including but not limited to, water elements, art works, decorative walks, decorative walls, and benches.

37. "Loading area" means the portion of a site developed to accommodate loading spaces including the related aisles, access drives and buffers.

38. "Loading space" means an off-street space or berth on the same lot and contiguous with the building it is intended to serve, for the temporary parking of commercial vehicles while loading or unloading. Loading spaces shall not make use of public rights-of-way for the maneuvering of vehicles utilizing the space nor shall they encroach in parking areas or drive aisles.

~~39. —“Main building” or “main structure” means a building or structure in which is conducted a main use of the lot or parcel of land upon which it is situated.~~

40. “Main use” means any use of a building, structure or land which is not clearly and entirely incidental, secondary or accessory to some other use on the same parcel or unit of development.

Medical Office – Defined as establishments that provide medical, surgical, and / or psychiatric services to sick or injured persons on an out-patient basis. Such Medical Offices include, but are not limited to:

- Dental
- Medical Clinic without ambulance service
- Acupuncture
- Optometry

41. “Mound” means a raised embankment of earth a minimum of eighteen inches in height intended as a landscape feature and/or to screen an area from sight or sound.

42. “Multiphase development” means a development project that is constructed in increments, each increment being capable of existing independently of the others.

43. “Nursing home.” See “rest home.”

44. “Off-street parking space” means a temporary storage area for a motor vehicle that is not located on a dedicated street right-of-way, dedicated or private.

45. “Parking area” or “parking lot” means a portion of a site devoted to the temporary parking of motor vehicles, including the actual parking spaces, aisles, access drives and related landscaped areas.

Professional Business Office – Defined as businesses that provide work performed in an expert manner and typically produce an intangible product for the benefit of the customer. Such Professional Business Offices include, but are not limited to

- Accounting and Billing Services
- Communications; Graphic Design
- Consulting Services
- Legal Services
- Insurance office
- Real Estate office

46. "Public utility installation" means buildings and other structures and equipment owned and operated by a public utility or private utility company subject to regulation by the state Public Utilities Commission.

47. "Quasi-public" means a use which involves as its primary purpose, the administration of a required government program or a government regulatory program.

Recreational Entertainment Businesses - Defined as businesses that provide an entertainment value as one performs a physical activity such as running, jumping, swinging and/or walking. Most of these types of businesses tend to be geared to children and young adults. They also tend to host parties but do not provide food that is cooked on-site. Such Recreational Entertainment Businesses include, but are not limited to:

- Laser Tag
- Inflatable jumpers

48. "Rest home," "nursing home" and "convalescent home" means premises operated as a boarding home, and in which nursing, dietary and other personal services are furnished to convalescents, invalids and non-ambulatory aged persons. It does not include premises in which persons suffering from a mental sickness, disease, disorder or ailment or from a contagious or communicable disease are kept, or in which surgical or other primary treatments are performed, such as are customarily provided in sanitariums or hospitals or in which persons are kept or served who normally would be admissible to a mental hospital.

49. "Retail" means the selling of goods, wares or merchandise directly to the ultimate consumer or persons without a resale license.

50. "Senior citizen housing, congregate care" means a residential complex intended for the sole occupancy by senior citizens and having a common dining facility and no kitchen facilities in the individual units.

51. "Senior citizen housing, individual living" means a residential complex intended for the sole occupancy by senior citizens and comprised of independent self-contained dwelling units having one or more rooms with private bath and kitchen facilities.

Service Business - Defined as infrequent, technical, and/or unique functions performed by independent consultants whose occupation is the rendering of such services. Such Service Businesses include, but are not limited to:

- Barber and beauty shop
- Nail salons
- Dry cleaners
- Small appliance repair

- Computer repair
- Shoe repair
- Watch repair
- Pharmacy
- Tanning salon
- Tailors and seamstresses

~~52. “Service station” means a “gasoline dispensing establishment” offering the sale of gasoline, oil, minor accessories, and minor repair services done indoors for the operation of motor vehicles, but not including painting, body work, restoration, auto wrecking or salvaging, radiator rodding or rebuilding, and other than occasional major motor overhauls.~~

53. “Sign” means any device or part thereof capable of visual communication or attraction including any announcement, declaration, demonstration, display, illustration, insignia or symbol used to advertise or promote the interest of any person, partnership, association, corporation, institution, organization, product, service, event, location or other business entity by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. “Sign” shall not include any official notice, directional, warning, or information signs or structures issued by any federal, state, county or municipal authority.

~~54. Sign, Animated or Moving. “Animated or moving sign” means any sign or part of a sign which changes physical position by any movement or rotation of which gives the visual impression of such movement or rotation.~~

~~55. “Sign area” means and is computed as, the entire area within a geometric pattern enclosing the limits of writing, representation, emblem, or any figure together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, provided that in the case of a sign designed with more than one exterior surface, the area shall be computed as including only the maximum single display surface visible from any position. The supports, uprights, or structures on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structures are designed in such a manner as to form an integral background of the display.~~

~~56. Sign, Freestanding. “Freestanding sign” means any nonmovable sign not affixed to a building.~~

~~57. Sign, Monument. “Monument sign” means a freestanding sign no taller than six feet in height and which is incorporated into a projects landscape design.~~

~~58. Sign, Pole. “Pole sign” means a freestanding sign, the supports or uprights of which have received no substantial architectural enhancement.~~

~~59.— Sign, Roof. “Roof sign” means a sign erected wholly upon or above the roof or highest horizontal plane of a building or structure. Signs placed on portions of a building, the structure of which serves primarily to circumvent the intent of this section, shall be considered “roof signs.”~~

~~60.— Sign, Temporary. “Temporary sign” means a sign intended to be displayed for a limited period of time not to exceed ninety days. Such signs shall be constructed of cloth, canvas, fabric, wood or plastic.~~

~~61.— Sign, Wall. “Wall sign” means a sign of solid face construction or individual letters which is mounted to and parallel with an exterior wall of a building. Letters and figures incorporated into such signs shall protrude from the sign face. However, in no case shall any part of a wall sign extend more than one foot out from the surface of the wall upon which it is mounted.~~

62. “Storage area” means an area used or intended for the storage of materials, refuse or vehicles and equipment not in service. Storage areas shall not incorporate any other areas of project development such as parking areas, landscaping, and yard areas unless specifically authorized by the applicable land use regulations.

63. “Street furniture” means man-made, above-ground items that are usually found in a street right-of-way such as hydrants, manhole covers, benches, traffic lights and signs, utility poles and lines, parking meters, and the like.

64. “Unique natural feature” means that part of the natural environment which adds character to a location and which, if altered or damaged, cannot be artificially replaced.

65. “Use” means the purpose for which land or a building is occupied, arranged, designed or intended, or for which either land or building is, or may be occupied or maintained. A use may be passive. For example, parking and/or storage is a use of property.

66. “Yard” means an open space that lies between the principal building and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward, except as may be specifically provided for elsewhere in this title. Unless otherwise specified, a yard is fully landscaped.

67. Yard, required. “Required yard” means a yard, as defined in this section, that occupies the area of a required setback. (Ord. 861 § 1 (I (part)), 1987)

Article II. Land Use Development Plan—Area I

18.532.060 Purpose.

The purpose of the land use development plan is to provide a location for quality senior citizen housing and appropriate ancillary or support uses in compliance with the city's adopted senior citizen housing policies and standards in order to serve the needs of the city and the surrounding area. Resultant development shall be compatible with the adjacent residential uses to the west and the **proposed** commercial uses to the east. The boundary of **A**area I is shown on Exhibit **A**B. (Ord. 861 § 1 (II (part)), 1987)

18.532.070 Uses permitted.

Buildings, structures, and land shall be used and buildings and structures shall hereafter be erected, structurally altered, or enlarged only for the following uses, plus such other uses as the **D**director of **community D**development **S**ervices determines to be similar and not more obnoxious or detrimental to the public health, safety and welfare, in accordance with the findings set forth in Section 18.192.040. The determination of the director may be appealed to the development plan review board and, thereafter, the city council pursuant to Chapter 18.192. All uses and storage shall be conducted within a totally enclosed building. (Ord. 861 § 1 (II (part)), 1987)

18.532.080 Permitted uses.

Uses permitted in **A**area I shall include those **businesses** listed below which operate in compliance with the intent and standards of this district. Each business shall be evaluated in terms of its operational characteristics and specific site location. All uses in **A**area I shall require approval of a conditional use permit pursuant to Section 18.532.090.

- A. Senior citizen housing facilities, as defined by **S**tate of California Civil Code Section 51.3;
- B. Medical and dental services, excluding veterinary clinics;
- C. Opticians and optometrists;
- D. Prescription pharmacies;
- E. Barber and beauty shops, dry-cleaning pickup only, and similar personal services operated as an accessory use with a permitted senior citizen complex;
- F. Accessory massage permitted with the following primary businesses: medical doctor's office, barbershop, beauty salon and similar uses. (Ord. 1185 § 23, 2008; Ord. 1085 § 16, 1998; Ord. 861 § 1 (II) (part), 1987)

18.532.090 Conditional uses.

Conditional uses in **A**area I of Specific Plan No. 20 are as follows:

- A. All uses listed in Section 18.532.080, which because of operational characteristics specific to that particular business is found by the director of community development to have the potential to negatively impact adjoining properties, businesses, or residents and therefore, requires additional approval and consideration. The impacts may be related to, but not necessarily limited to, impacts of traffic, hours of operation, assemblages of people, noise, or site location;
- B. Administrative, professional, and executive offices;
- C. Financial institutions, including banks, savings and loan associations, finance companies and credit unions;
- D. Travel agencies, insurance agencies, and similar service related offices;
- E. Public uses, such as governmental agencies, libraries, post offices and similar uses;
- F. Convalescent and nursing homes providing care for the non-ambulatory;
- G. Churches and religious institutions. (Ord. 861 § 1 (II (part)), 1987)

18.532.100 Existing uses.

- A. All existing residential uses in Area I shall be considered conforming so long as they are maintained in accordance with the provisions of Section 18.24.040.
- B. A change in use on those properties with existing residential uses shall require that all new development thereon shall comply with the development criteria of this specific plan. (Ord. 861 § 1 (II (part)), 1987)

Article III. Property Development Standards—Area I

18.532.110 General.

All uses and structures in Area I shall be designed and operated in full compliance with the development standards contained in this article. (Ord. 861 § 1 (II (part)), 1987)

18.532.120 Minimum lot dimensions.

Minimum lot area width and depth provisions, none required. However, a subdivision request within this area shall be accompanied by an illustrative site plan showing the lots are of sufficient size and shape to adequately support the type of uses permitted in the area in accordance with the development standards in this article. (Ord. 861 § 1 (II (part)), 1987)

18.532.130 Building setbacks.

A. Streets.

1. Arrow Highway, minimum twenty-five feet for structures up to eighteen feet high and forty feet for structures higher than eighteen feet;
2. All other streets, minimum twenty feet for structures up to eighteen feet high, and thirty feet for structures higher than eighteen feet.

B. Interior lot lines, none required. However, each project shall be accompanied by an illustrative site plan demonstrating the project is designed sufficiently to accommodate the type of uses permitted in the area in accordance with the development standards in this article. (Ord. 861 § 1 (II (part)), 1987)

18.532.140 Maximum building coverage.

Maximum building coverage, none required. Permitted maximum coverage shall be a secondary consideration subordinate to compliance with all other design regulations contained in this chapter. (Ord. 861 § 1 (II (part)), 1987)

18.532.150 Maximum building height.

Maximum building height is twenty-five feet. (Ord. 861 § 1 (II (part)), 1987)

18.532.160 Landscaping.

The following areas shall be fully landscaped and irrigated, maintained in good appearance and kept in a weed and disease free manner.

A. Streets. A continuous area, a minimum of twenty-five feet along Arrow Highway and twenty feet along other streets, shall be landscaped and maintained adjacent to public rights-of-way. Parking areas should be screened as much as possible utilizing berms, shrubs, and other decorative treatments of sufficient size and height to meet this requirement.

B. Overall Site. All building sites shall have a minimum landscaped coverage equivalent to ten percent of the total lot area excluding setbacks. Such landscaping shall be evenly distributed over the site and consist of an effective combination of trees, ground cover and shrubbery. A reduction in coverage may be sought and approved during the design review process in recognition of quality design. For the purposes of this provision, quality considerations include the use of courtyards, atriums, creative use of ground floor public space, creative use of water elements, and the incorporation of sculpture or art work in the landscape proposal. All areas not utilized for structures, parking or other permitted uses shall be landscaped.

C. All interior side and rear setbacks shall be fully landscaped.

D. Buffer Landscaping. Where the area abuts residential uses, other than along a street, a continuous ten-foot landscaped buffer strip shall be provided.

~~E. Parking Lot Landscaping. A minimum of five percent of the parking area shall be landscaped with the intent of the landscaping to offer visual relief of parked cars and to create shade areas and an overhead canopy for the lot. A five foot planter shall be located adjacent to each endstall and a two foot car overhang is allowed pursuant to city standards. (Ord. 861 § 1 (II (part)), 1987)~~

18.532.170 Senior citizen housing requirements.

Housing unit requirements, including but not limited to, minimum unit sizes, accessibility, amount and type of recreation facilities, shall meet or exceed all federal and state regulations in addition to all applicable city ordinances and policies. (Ord. 861 § 1 (II (part)), 1987)

18.532.180 Lighting.

Lot and street lighting standards shall be as follows:

A. All display and security lighting in the project area shall be designed for uniformity of lighting poles, fixtures and intensity. Lighting fixtures shall be decorative and those designed in a western or Early California theme are preferred.

B. All outside lighting shall be so arranged and shielded as to prevent any glare or reflection, any nuisance, inconvenience or hazardous interference of any kind on adjoining rights-of-way or residential property. (Ord. 861 § 1 (II (part)), 1987)

18.532.190 Signage.

In addition to signage permitted by Chapter 18.152, [an entry monumentation sign](#) may be permitted subject to the approval of the development plan review board [and in accordance with the center's master sign program](#). (Ord. 861 § 1 (II (part)), 1987)

18.532.200 Off-street parking.

Off-street parking shall be subject to city off-street parking standards with the exception of senior citizen residential facilities, which shall be subject to the following requirements:

A. Individual Units. Apartment-like units that contain kitchens, one off-street parking space per unit, plus ten percent guest/staff parking;

B. Congregate Care Units. Those facilities that contain common dining facilities with no individual kitchens in the rooms, one off-street parking space per four beds, plus ten percent guest/staff parking. The planning commission, pursuant to the conditional use permit process, may require this standard for those facilities containing non-ambulatory residents, provided a finding is made that satisfactory evidence has been submitted for less parking. (Ord. 861 § 1 (II (part)), 1987)

18.532.210 Architecture.

Structures shall be designed utilizing an ~~n western or~~ Early California architecture design and shall be approved by the development plan review board. The use of wood and/or stucco is preferred for the exterior. (Ord. 861 § 1 (II (part)), 1987)

Article IV. Land Use Development Plan—Area II

18.532.220 Purpose.

The purpose of ~~A~~area II is to provide an attractive and convenient setting for development which normally requires freeway-close locations and can fully realize the benefits provided by the ~~A~~area II site and will complement the less regionally oriented businesses in the vicinity to more fully serve the community. Commercial development shall encourage creative and imaginative site and architectural designs while demonstrating concern for existing uses in the area. The boundary of ~~A~~area II is depicted on Exhibit ~~A~~B. (Ord. 861 § 1 (II (part)), 1987)

18.532.230 Uses permitted—Generally.

Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, structurally altered or enlarged only for the following uses, plus other uses as the ~~D~~director of ~~community D~~development ~~Services~~ determines to be similar and not more obnoxious or detrimental to the public health, safety and welfare, in accordance with the findings set forth in Section 18.192.040. The determination of the director may be appealed to the development plan review board and, thereafter, the city council pursuant to Chapter 18.192. All uses and storage shall be conducted within a totally enclosed building unless otherwise permitted. (Ord. 861 § 1 (II (part)), 1987)

18.532.240 Permitted uses.

Uses permitted in ~~A~~area II shall include those businesses listed in this section which operate in compliance with the intent and standards of this district. Each business shall be evaluated in terms of its operational characteristics and specific site location. ~~All uses in area II shall required approval of a conditional use permit pursuant to Section 18.532.250.~~

~~A. Sales agencies for new automobiles, recreational vehicles, trucks, trailers, boats and motorcycles and service in connection therewith;~~

~~—— B. —— Automobile repair garages, fender and body repair and paint shops, operated as an accessory use with a permitted sales agency;~~

~~C. —— Hotels and motels, including retail establishments as part of a hotel or motel complex;~~

~~—— D. —— Automobile, truck and recreational vehicle part and accessory sales, operated as an accessory use with a permitted sales agency;~~

~~A~~E. Hardware and home improvement centers, ~~occupying a minimum floor area of twenty thousand square feet;~~

~~B~~F. ~~New h~~Home furnishing and appliance outlets, ~~occupying a minimum floor area of twenty thousand square feet;~~

~~C~~G. Financial institutions, including banks, savings and loan associations, ~~finance companies~~ and credit unions;

~~D~~H. Restaurants, provided that they not contain drive-in or drive-through service;

~~E~~I. Specialty retail, ~~food~~, wholesale and catalog stores ~~occupying a minimum floor area of twenty thousand square feet;~~

~~J. —— Specialty retail stores with less than twenty thousand square feet in floor area developed in conjunction within a shopping center incorporating retail, wholesale, home appliance, hardware, and similar stores, outlets and centers with floor area greater than twenty thousand square feet per store;~~

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

G. Medical Office to include, but not limited to, such uses such as Medical Clinics, Dental, and Optometry;

H. Professional Business Office to include, but not limited, Accounting and Billing Services, Insurance Office, Legal Services and Graphic Design Office;

I. Service Business to include, but not limited to Nail Shop, Barber and Beauty Shop, Shoe Repair, Watch Repair and Dry Cleaners, etc. these uses are intended to have daily customer foot traffic.

J. Veterinary, pet grooming and pet hotel;

KL. Accessory massage permitted with the following primary businesses: day spa, beauty salon, barbershop and similar uses. (Ord. 1185 § 24, 2008; Ord. 1072 § 6, 1997; Ord. 935 § 1 (A), 1990; Ord. 861 § 1 (II) (part)), 1987)

L. Accessory Uses – Accessory uses shall be permitted provided that such use is a secondary and incidental use to a permitted use in this specific plan. The appropriateness of the associated use shall be determined by the Director of Development Services. The accessory use shall not occupy more than 49% of the tenant space excluding hallways, bathrooms, lunch rooms, offices, locker rooms and storage rooms.

M. Other uses which are consistent with the intent and provisions of the specific plan, as determined by the Director of Development services, in accordance with Section 18.192.040. The determination of the Director of Development Services may be appealed to the development plan review board and thereafter to the city council in accordance with Chapter 18.212 of this title.

18.532.250 Conditional uses.

The following uses shall be permitted subject to a conditional use permit pursuant to Chapter 18.200: **Conditional uses in area II of Specific Plan No. 20 are as follows:**

A. All uses listed in Section 18.532.240, which because of operational characteristics specific to that particular business is found by the **D**irector of **e**community **D**evelopment **S**ervices to have the potential to negatively impact adjoining properties, businesses or residents, and therefor, requires additional approval and consideration. The impacts may be related to, but not necessarily limited to, impacts of traffic, hours of operation, assemblages of people, noise, or site location;

B. Eating establishments, with drive-through service **and/or which serve alcoholic beverages;**

~~**C.** Sales agencies for used automobiles, recreational vehicles, trucks, trailers, boats and motorcycles and service in connection therewith, operated as an accessory use with a permitted new vehicle sales agency;~~

CD. Cinemas and movie theater facilities in conjunction with a shopping center incorporating retail, wholesale and similar uses with a minimum floor area of twenty thousand square feet per store;

~~**E.** Specialty automobile parts and accessory sales, including automobile repair and service facilities as an accessory use;~~

~~**F.** Agricultural and similar uses subject to the provisions of the A-L 20,000 zone. (Ord. 935 § 1 (C), 1990; Ord. 861 § 1 (II) (part)), 1987)~~

D. Off-sale of alcohol beverages, provided that such use is secondary and incidental to a permitted use;

E. On-sale sale of alcohol beverages, provided that such use is secondary and incidental to a permitted use;

F. Health / Exercise Club to include, but not limited to, uses such as: Personal Trainers, Pilates, and Yoga;

G. Recreational Entertainment to include, but not limited to, uses such as: Jumping Jacks and Laser Tag;

H. Instructional Physical Activities to include, but not limited to, uses such as Dance Studio, Martial Arts Studio, and Trampoline;

I. Thrift Stores;

J. Hotels and motels, including retail establishments as part of a hotel or motel complex.

K. Other uses which are consistent with the intent and provisions of the specific plan, as determined by the Director of Development services, in accordance with Section 18.192.040. The determination of the Director of Development Services may be appealed to the development plan review board and thereafter to the city council in accordance with Chapter 18.212 of this title.

18.532.260 Prohibited Uses Limitation on uses.

~~Specific Plan No. 20 was designed to be a comprehensive development program encompassing all of the properties in the plan area. However, many of the properties are under separate and different ownership. Because of the high-intensity type of uses proposed for the area, it is possible that if the properties develop individually to their full intensity and without the benefit of the coordination proposed by the specific plan, they could adversely affect the plan area as well as surrounding properties. For this reason the following use limitations shall be imposed on properties within area II:~~

~~A. Properties with Frontage on Arrow Highway and Cienega Boulevard. Until such time as these properties can demonstrate compliance with all of the goals and objectives of Specific Plan No. 20, particularly Section 18.532.380, uses for these properties shall be limited to those uses permitted by Section 18.24.040, with a minimum lot size designation of twenty thousand square feet;~~

~~B. Properties without Frontage on Arrow Highway and Cienega Boulevard. Until such time as these properties are provided with access to Arrow Highway or similar major arterial, uses for these properties shall be limited to those uses permitted~~

~~by Section 18.24.040, with a minimum lot size designation of twenty thousand square feet. (Ord. 935 § 2, 1990; Ord. 861 § 1 (II (part)), 1987)~~

The following uses are prohibited in Specific Plan No. 20, Area II:

- A. Fortune Telling;
- B. Massage as a primary use;
- C. Professional office uses that are noncustomer based on a daily occurrence;
- D. Child Care Facility;
- E. Educational Institutions;
- F. Vocational Schools;
- G. Church and related facilities;
- H. Tattoo and/or piercing parlors;
- I. Hookah and/or smoking lounge including electronic cigarettes;
- J. Self-serve laundry facilities;
- K. Gambling facilities;
- M. Industrial uses;
- N. Billboards and other similar off-site outdoor advertising structures;
- O. Banquet facilities
- P. Game arcades other than accessory game arcades specifically authorized in this chapter;
- Q. Check Cashing Stores
- R. Gold Exchange Stores
- S. Community Centers and Meeting Halls

T. Other uses which are inconsistent with the intent and provisions of the zone, as determined by the Director of Development Services, in accordance with Section 18.192.040. The determination of the Director of Development Services may be appealed to the Development Plan Review Board and thereafter the city council in accordance with Chapter 18.212 of this title.

Article V. Property Development Standards—Area II

18.532.270 General.

The property development standards in this article shall apply to all land and buildings in Area II. (Ord. 861 § 1 (II (part)), 1987)

18.532.280 Minimum lot dimensions.

Minimum lot area width and depth, none required. However, a subdivision request within this area shall be accompanied by an illustrative site plan showing the lots are of sufficient size and shape to adequately support the type of uses permitted in the area in accordance with the development standards of this article. (Ord. 861 § 1 (II (part)), 1987)

18.532.290 Building and parking setbacks.

The minimum building setbacks are as follows:

A. Along Arrow Highway and Cienega Boulevard, minimum of twenty-five feet for structures up to eighteen feet high, and forty feet for structures higher than eighteen feet;

B. Interior streets and adjacent to residential districts, minimum of fifteen feet for structures up to eighteen feet high, and thirty feet for structures higher than eighteen feet;

C. Interior lot lines, none required; Hhowever, each project shall be accompanied by an illustrative site plan demonstrating the project is designed sufficiently to accommodate the type of uses permitted in the area in accordance with the development standards of this article. (Ord. 935 § 3, 1990; Ord. 861 § 1 (II (part)), 1987)

18.532.300 Maximum building coverage.

Maximum building coverage, none required; permitted maximum coverage shall be a secondary consideration subordinate to compliance with all other design regulations contained within this chapter. (Ord. 861 § 1 (II (part)), 1987)

18.532.310 Maximum building height.

Maximum building height is twenty-five feet with greater heights subject to review and approval during the conditional use permit process. (Ord. 861 § 1 (II (part)), 1987)

18.532.320 Landscaping.

The following areas shall be fully landscaped and irrigated, maintained in good appearance and kept in a weed and disease free manner:

A. Streets. A continuous area, ~~a minimum of,~~ along Arrow Highway, minimum twenty-five feet; along all other streets, twenty feet, in depth shall be landscaped and maintained adjacent to public rights-of-way. Parking areas should be screened as much as possible utilizing ~~berms,~~ shrubs, and other decorative treatments of sufficient size and height to meet this requirement. Outdoor display areas approved pursuant to Section 18.532.460 may encroach a maximum of ten feet into the required setback, provided an area equivalent to the amount of encroachment is provided elsewhere along the frontage.

B. Overall Site. All building sites shall have a minimum landscaped coverage equivalent to ten percent of the total lot area. Such landscaping shall be evenly distributed over the site and consist of an effective combination of trees, ground cover and shrubbery. A reduction in coverage may be sought and approved during the design review process in recognition of quality design. For the purposes of this provision, quality considerations include the use of courtyards, atriums, creative use of ground floor public space, creative use of water elements, and the incorporation of sculpture or art work in the landscape proposal. All areas not utilized for structures, parking or other permitted uses shall be landscaped.

C. All interior side and rear setbacks shall be fully landscaped.

D. Buffer Landscaping. Where the area abuts residential uses, other than along a street, a continuous ten foot landscaped buffer strip shall be provided. (Ord. 996 § 4 (part), 1993; Ord. 861 § 1 (II (part)), 1987)

18.532.330 Off-Street Parking ~~Roofscapes.~~

~~Roof areas within two hundred feet of the 210 Freeway may be used by a permitted use for the display of new vehicles subject to the review and approval of the planning commission as part of the conditional use process and provided that such display does not detract from the appearance of the specific plan area and that it can be facilitated as an integral design aspect of the building and does not result in a lesser quality design than could otherwise be achieved without such display. (Ord. 861 § 1 (II (part)), 1987)~~

The provisions of Chapter 18.156 shall apply.

18.532.340 Lighting.

Lot and street lighting standards shall be as follows:

A. All display and security lighting in the project area shall be decorative and designed for uniformity of lighting poles, fixtures and intensity;

B. All outside lighting shall be so arranged and shielded as to prevent any glare or reflection, any nuisance, inconvenience or hazardous interference of any kind on adjoining rights-of-way or property. (Ord. 861 § 1 (II (part)), 1987)

18.532.350 Signage.

In addition to signage permitted by Chapter 18.152, an entry monumentation sign may be permitted subject to the approval of the development plan review board and in accordance with the center's master sign program. (Ord. 861 § 1 (II (part)), 1987)

18.532.370 Architecture.

A. Due to the highly visible location of this site, a common architectural theme is encouraged to provide a high quality product. Structures shall be designed utilizing an western or Early California architecture design and shall be approved by the development plan review board. The use of wood and/or stucco is preferred for the exterior.

B. Buildings shall be expected to employ treatments, such as the staggering of planes along exterior walls to create pockets of light and shadow, to break up the mass and provide relief from monotonous, uninterrupted expanses of wall. Other features, such as the use of curved corners and varying roof lines should also be considered as means to dramatically change the appearance and add vitality. Also, in order to improve the appearance of a project from adjacent right-of-ways, the rear elevation of those structures facing the right-of-way should receive special architectural enhancement as well.

C. Sensitive alteration of colors and materials should be used to produce diversity and enhance architectural effects. While no category of exterior materials is considered "correct," the use of a particular material should, as a rule, exemplify the special characteristics of the product or be demonstrative of its unique application. Paint, in general, should be considered an enhancement tool but not be considered a replacement for the use of textured surfaces.

D. Architectural and design treatment illustrations are included in this chapter as examples to be used in designing within this specific plan area. Final review and approval shall be by the development plan review board. (Ord. 861 § 1 (II (part)), 1987)

E. Store front and side windows should not be covered and/or blacked out. Windows should be utilized to display merchandise and/or allow customers to see into the store.

18.532.380 Internal circulation.

A. Internal circulation shall be designed so as to provide safe and efficient access to internal properties. A minimum forty-four foot curb-to-curb width is recommended for internal streets, if needed. In addition, a five foot sidewalk adjacent to the curb and a five foot fully landscaped parkway shall be provided adjacent to the sidewalk on both sides of the street. Decorative street lights which are similar in style to the display and security lighting of Area II developments shall be provided. The street lights shall be arranged and shielded as to prevent any glare or reflection, any nuisance, inconvenience or hazardous interference of any kind on adjoining rights-of-way or property.

B. An intent of Specific Plan No. 20 is to provide a comprehensive development program which encompasses all of the properties that comprise the project area. To fulfill this objective, it will be necessary for a coordinated circulation plan to be developed which will provide safe and efficient access to interior properties from a major arterial with no access to local residential streets permitted. Therefore, prior to the approval of a conditional use permit for any project within Area II, the planning commission shall make a finding that the project takes into consideration and makes all necessary provisions to accommodate safe and efficient access to all other properties within the area as required to fulfill the intent of the specific plan. (Ord. 861 § 1 (II (part)), 1987)

~~18.532.390 Street lights.~~

~~Decorative street lights which are similar in style to any display and security lighting of area II developments shall be provided along all interior streets. (Ord. 861 § 1 (II (part)), 1987)~~

~~Article VI. Land Use Development Plan—Area III~~~~18.532.391 Purpose.~~

~~The purpose of area III is to provide for the continued use of viable industrial and light manufacturing development. The boundary of area III is indicated on Exhibit 2 following this chapter. (Ord. 935 § 5 (part), 1990; Ord. 861 § 1 (II (part)), 1987)~~

~~18.532.392 Uses permitted—Generally.~~

~~Buildings, structures and land shall hereafter be erected, structurally altered or enlarged only for those uses, plus such other uses as the director of community development determines to be similar and not more obnoxious or detrimental to the public health, safety and welfare, in accordance with the findings set forth in Chapter 18.12 of this title. The determination of the director may be appealed to the development plan review board and, thereafter, the city council pursuant to chapter 18.12 of this title. (Ord. 935 § 5 (part), 1990; Ord. 861 § 1 (II (part)), 1987)~~

18.532.393 Permitted uses.

— Uses permitted in area III shall be the same as those provided in Section 18.128.030 and 18.128.080 of this title, and those uses permitted in area II. (Ord. 935 § 5 (part), 1990; Ord. 861 § 1 (II (part)), 1987)

18.532.394 Conditional uses.

— Conditional uses permitted in area III upon the granting of a conditional use permit pursuant to Chapter 18.200 of this title shall be the same as those provided in Sections 18.128.040 and 18.28.090 of this title, and those uses listed as conditional uses in area II. (Ord. 935 § 5 (part), 1990; Ord. 861 § 1 (II (part)), 1987)

18.532.395 Property development standards.

— The property development standards for area III shall be those development standards as follows:

— A. — The development standards for uses provided in Sections 18.128.030 and 18.28.080 of this title shall be those development standards provided in Section 18.128.110 of this title.

— B. — The development standards for uses provided in area III shall be those development standards provided in area II. (Ord. 935 § 5 (part), 1990; Ord. 861 § 1 (II (part)), 1987)

18.532.396 Performance standards.

— The use performance standards for area III shall be those performance standards specified in Section 18.128.120 of this title. (Ord. 935 § 5 (part), 1990; Ord. 861 § 1 (II (part)), 1987)

Article VII. General Development Standards

18.532.400 General.

The standards in this article shall apply to areas I and II of Specific Plan No. 20. (Ord. 861 § 1 (II (part)), 1987)

18.532.410 Utilities.

All utilities provided to serve these uses and buildings shall be installed underground. (Ord. 861 § 1 (II (part)), 1987)

18.532.420 Grading.

All graded slopes are to be contoured and blended to harmonize with natural slopes. The maximum steepness of exposed cuts and fills shall not exceed 2:1; and preferably 3:1 for fills. (Ord. 861 § 1 (II (part)), 1987)

18.532.430 Entry treatments.

All driveway entrances along Arrow Highway shall incorporate a stamped concrete treatment. Additional entry treatment may be required by the development plan review board. (Ord. 861 § 1 (II (part)), 1987)

18.532.440 Mechanical equipment.

Mechanical equipment placed on any roof such as, but not limited to, air conditioning, heating, ventilating ducts and exhaust shall be screened from view from any surrounding property, street or highway. The screening shall be an integral structural aspect of the building. Wall mounted equipment shall be enclosed utilizing the same materials as the building. (Ord. 861 § 1 (II (part)), 1987)

18.532.450 Downspouts.

All downspouts shall be located in the interior of buildings. (Ord. 861 § 1 (II (part)), 1987)

18.532.460 Outdoor display/storage areas.

Outdoor display and/or storage areas may be permitted when incidental and secondary to a permitted use subject to review and approval by the Ddevelopment Pplan Rreview Bboard. The uses shall not be located or operated in such a manner as to be detrimental to the visual quality of the primary use nor to negatively impact adjacent properties by means of noise, odor, appearance or other characteristics. In approving the display or storage area, the Ddevelopment Pplan Rreview Bboard may impose buffers consisting of decorative block walls, berming, landscaping, or combinations thereof to mitigate any perceived impacts. (Ord. 861 § 1 (II (part)), 1987)

18.532.470 Trash storage.

A trash storage area(s) with minimum inside clear area measuring eight feet by ten feet enclosed by solid masonry walls a minimum of five feet in height shall be provided in an appropriate location per city standards. (Ord. 861 § 1 (II (part)), 1987)

18.532.480 Walls.

A. Required Walls. Solid decorative masonry walls shall be erected on the zone boundary line between Aareas I and II, and adjacent to any residentially zoned district. Walls shall be not less than six feet nor more than eight feet in height and shall be reduced to not less than three feet in height in any required yard abutting a street.

Additional walls may be required by the development plan review board as part of the approval process.

B. Permitted Walls.

1. Walls not greater than six feet in height, shall be permitted on or within all property lines not abutting streets and on or to the rear of all yard setback lines of yards abutting streets;

2. Walls not over forty-two inches in height may be permitted in required yard abutting streets.

C. Corner Cutback Areas. The cutback line shall be in a horizontal plan, making an angle of forty-five degrees with the side, front, or rear property line. It shall pass through a point not less than ten feet from the intersection of the front, side or rear property line or ten feet from the edges of a driveway where it intersects the street or alley, as the case may be.

1. Streets and Alleys. There shall be a corner cutback area at all intersecting or intercepting streets and/or alleys;

2. Driveways. There shall be a corner cutback area on each side of any private driveway intersecting a street or alley. (Ord. 861 § 1 (II (part)), 1987)

18.532.490 Stop signs.

Stop signs shall be placed at all vehicular egress points. (Ord. 861 § 1 (II (part)), 1987)

18.532.500 Plan review and disposition.

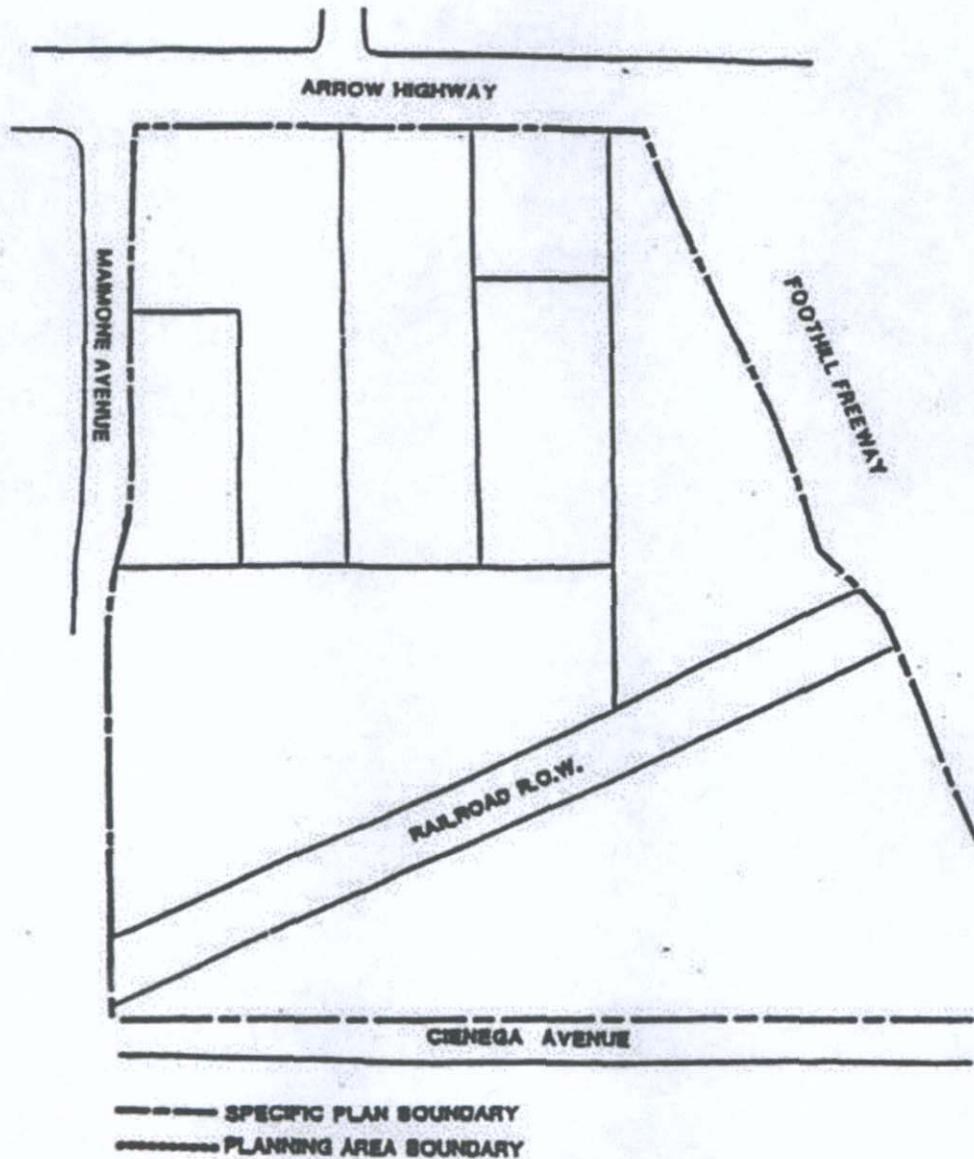
A. A development plan review will be required. No person shall construct any building or structure, or relocate, rebuild, alter, enlarge, or modify any existing building or structure, until a development plan has been reviewed and approved in accordance with the provisions of Chapter 18.12.

B. Prior to formal application to the Development Plan Review Board, the applicant may request that the board review and approve a conceptual design for the project. Application for conceptual design review shall be accompanied by the following:

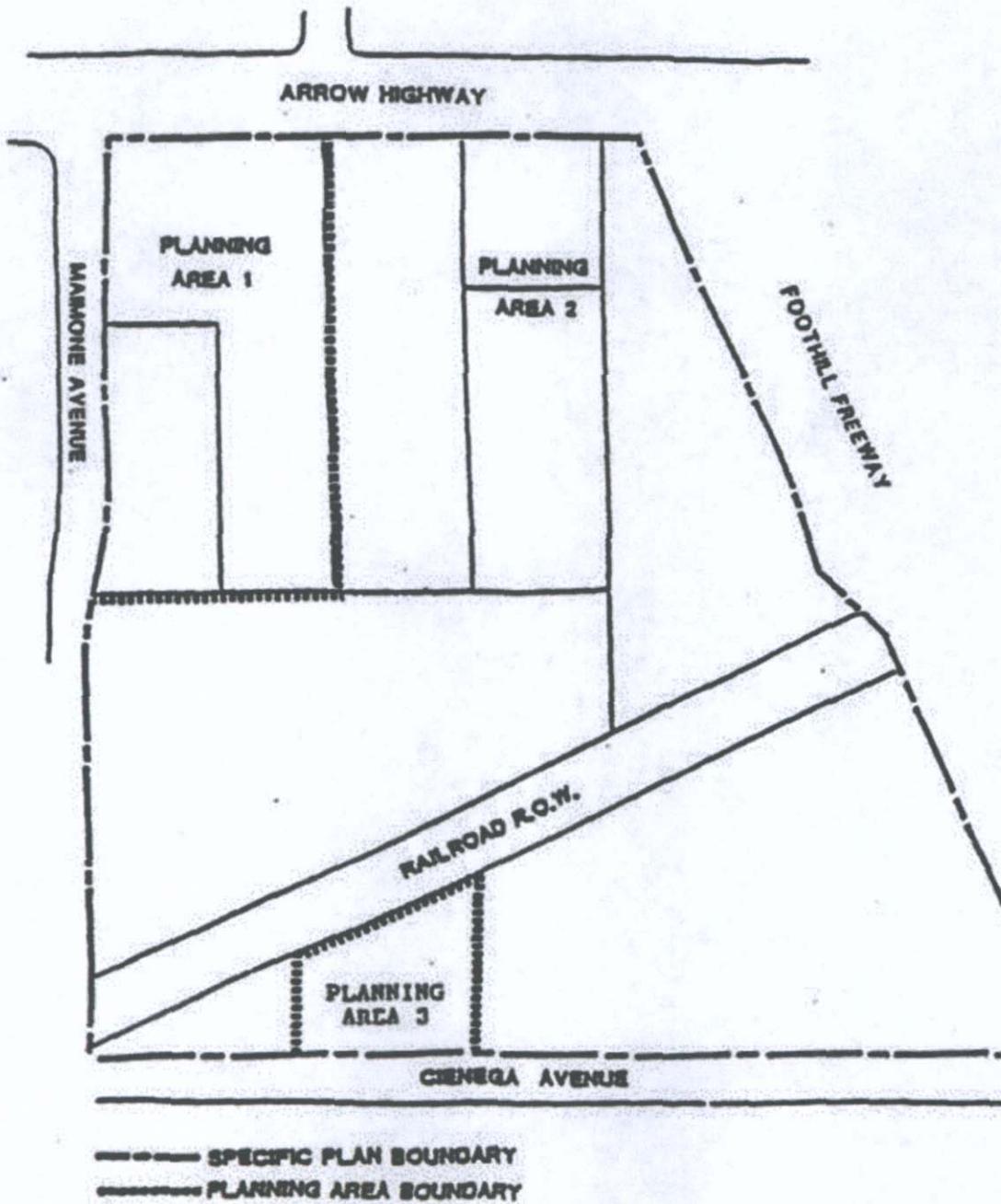
1. A scaled site plan;
2. Conceptual architectural floor plans and elevations;
3. A preliminary grading plan;

4. A conceptual landscape plan;
 5. Breakdown of land uses: i.e. parking (compact vs. regular), floor area(s), coverage(s), landscape coverage, etc;
 6. *Written description of proposed uses.*
- C. Prior to any submittal to the development plan review board, applicants are encouraged to meet with city staff for informal review and comments regarding city development policies and standards. Such meetings can serve to reduce expenditures of time and money through the development process. (Ord. 861 § 1 (II (part)), 1987)

DRAFT

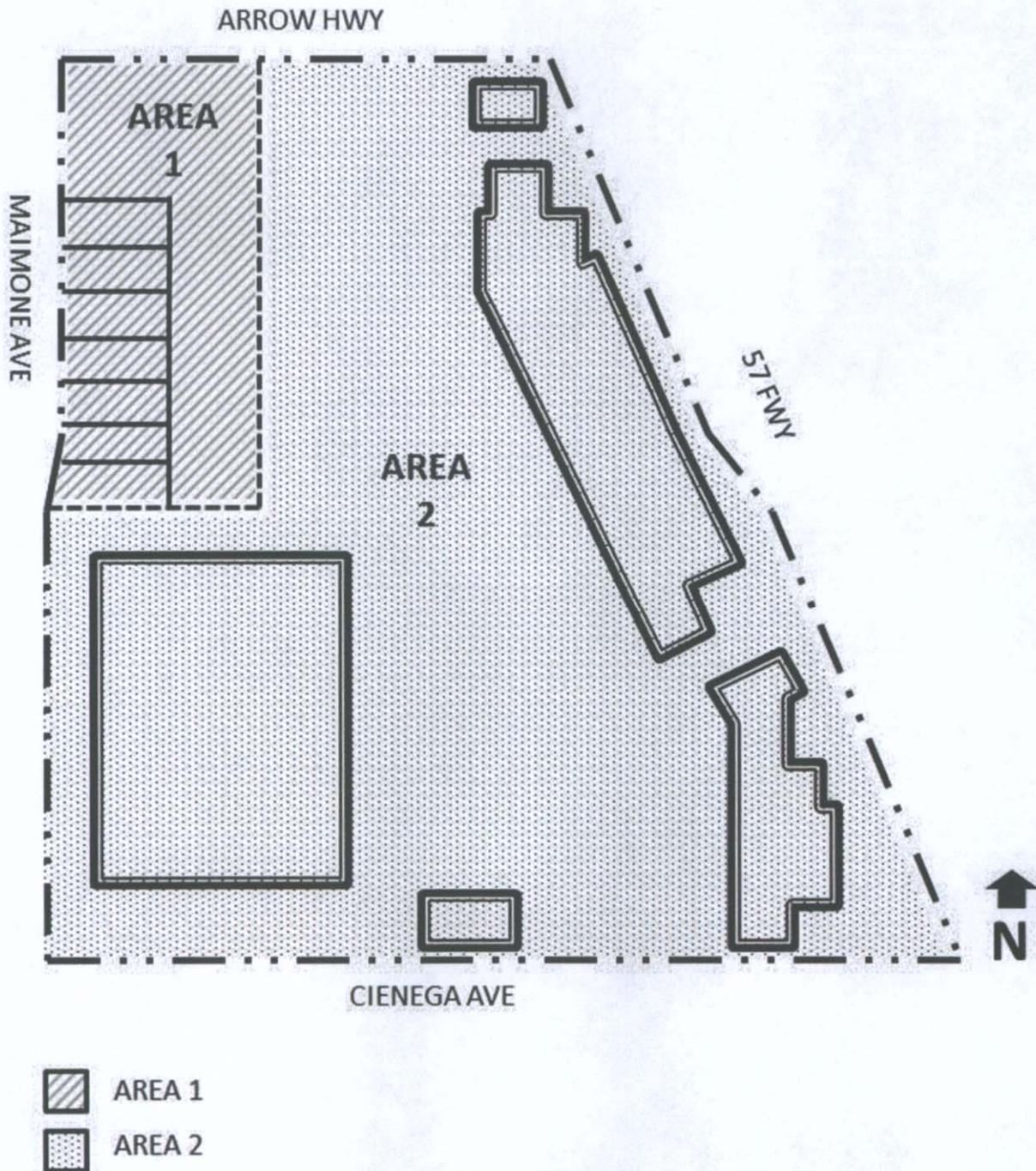


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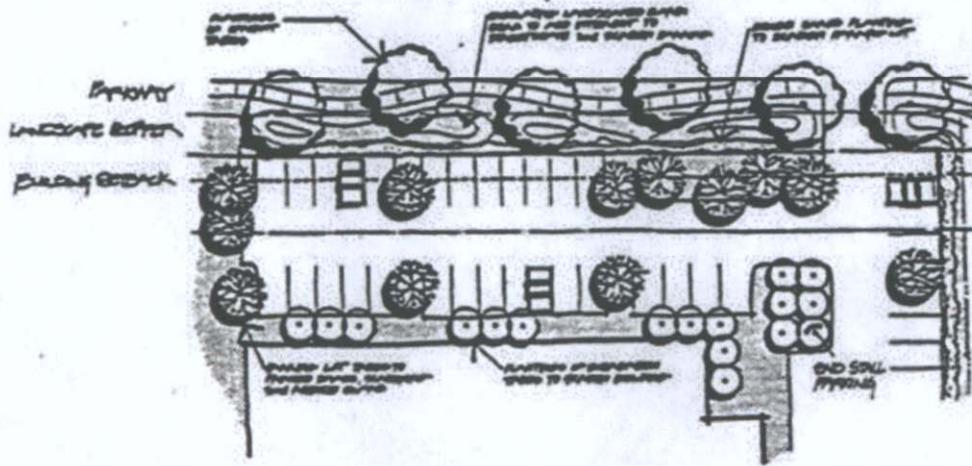
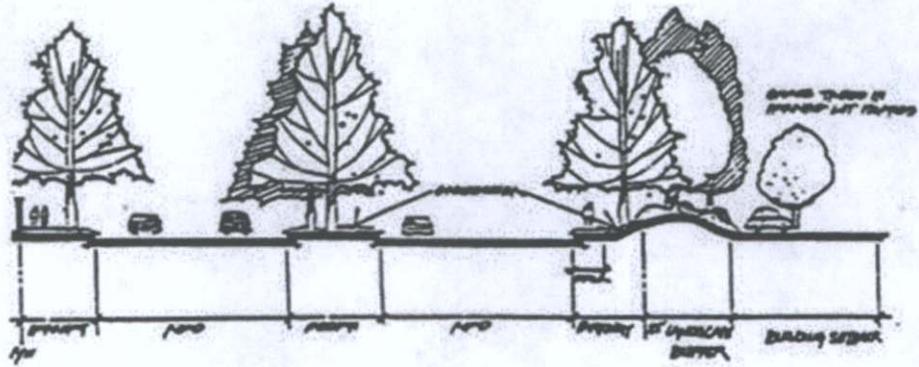


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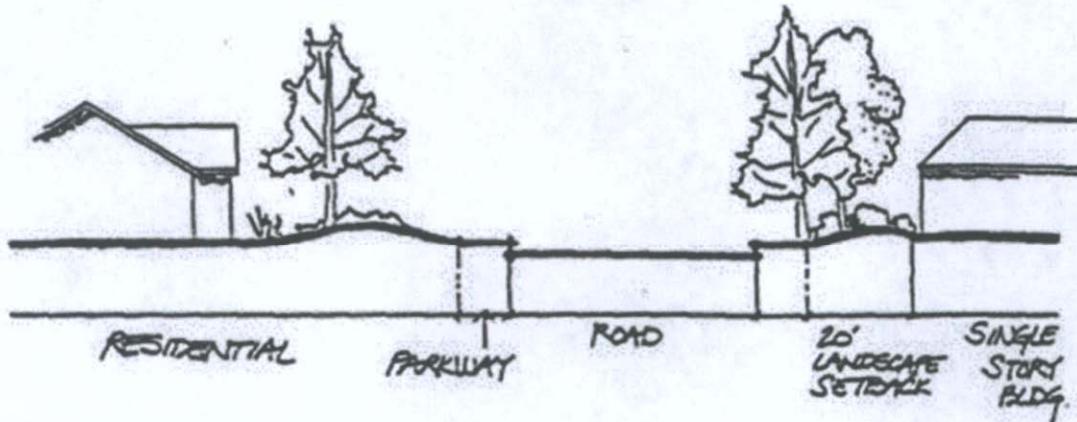
Exhibit A



ARROW HIGHWAY STREETSCAPE

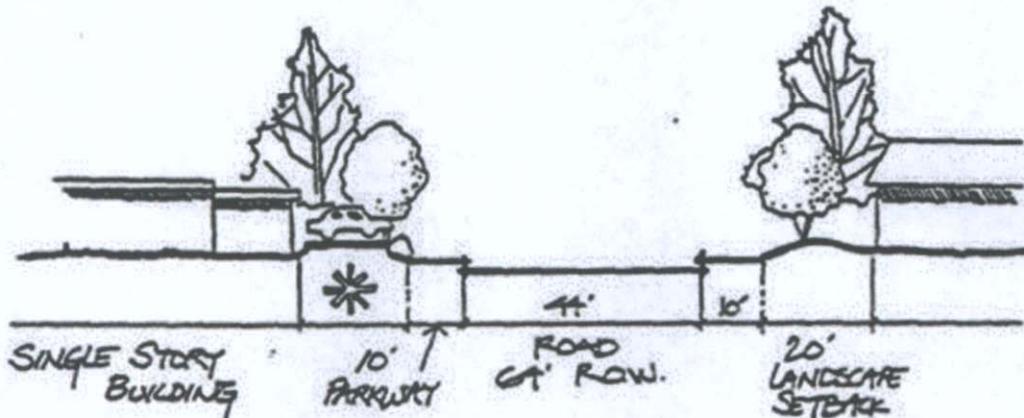


STREET SECTIONS



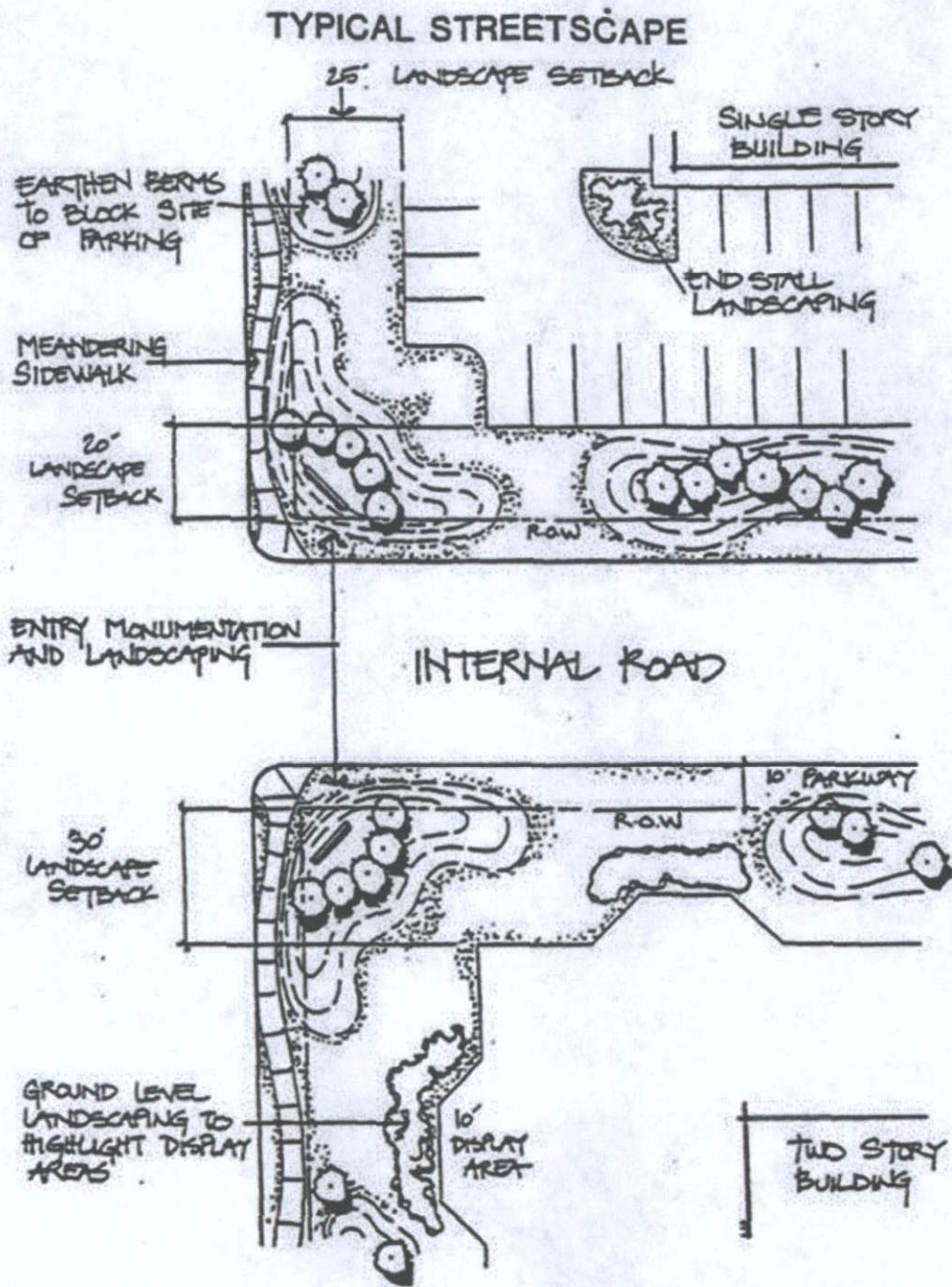
MAIMONE AVENUE

TEMPORARY ACCESS ALONG MAIMONE PERMITTED.
NO PERMANENT ACCESS ENVISIONED.



INTERNAL ROADWAY

* DISPLAY AREAS MAY ENCR OACH 10' INTO SETBACK PROVIDED AN AREA EQUIVALENT TO THE AMOUNT OF ENCR OACHMENT IS PROVIDED ELSEWHERE ALONG THE FRONTAGE.



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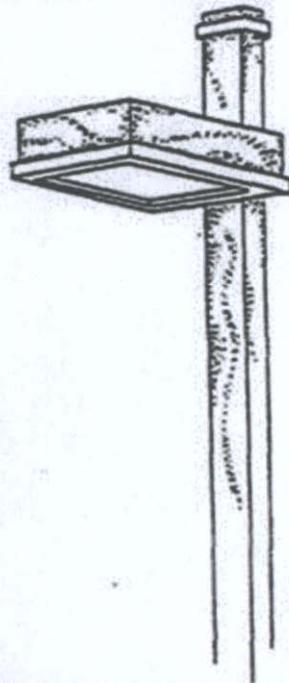
DESIGN ELEMENTS



ENTRY MONUMENTATION



DIRECTIONAL
SIGNS

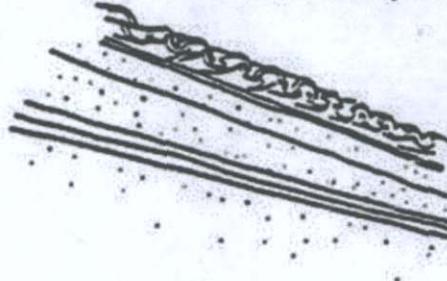


LIGHTING FIXTURES

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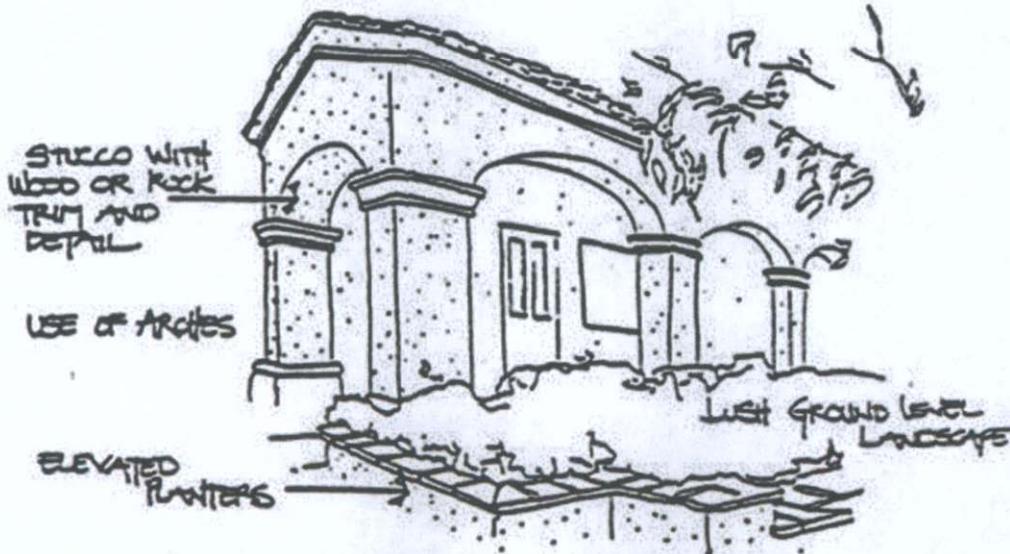
ARCHITECTURAL FEATURES

TRADITIONAL WINDOWS AND DOORS ARE DESIGNED WITH BALANCED PROPORTIONS OF HEIGHT AND WIDTH. ROOFS ARE IN PROPER SCALE WITH THE BUILDING AND CONTAIN OVERHANG WHERE APPROPRIATE. THE USE OF WOOD, STUCCO AND ROCK IS PREFERRED FOR THE EXTERIOR.



TILE ROOF WITH STUCCO, WOOD & ROCK

ROOF OVERHANG DETAIL _____



COMMERCIAL BUILDING _____



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of June 25, 2013

FROM: Blaine Michaelis, City Manager

INITIATED BY: Community Development Department

SUBJECT: **Municipal Code Text Amendment 13-03** - A proposal to Modify Chapter 18.40 of the San Dimas Municipal Code to increase the acreage in AHO-1 by an additional 1.33 acres and to delete various references to the non-existent Senior Housing Chapter (formerly Chapter 18.151).

SUMMARY

An increase in sites zoned at the default density of 30 units/acre is necessary since the loss of redevelopment funding made it impossible for the City to go forward with plans to rehabilitate the Villa Apartment on Eucla. Increasing the acreage in recently created AHO-1 is the best way to address this responsibility.

Minor revisions to eliminate references to the now deleted Chapter 18.151 (Senior Housing Standards) are also necessary.

Staff and Planning Commission recommend approval of these revisions.

BACKGROUND

See attached Planning Commission Staff Report dated June 6, 2013. There was no testimony presented at the Planning Commission public hearing and the Commission supports the proposed amendment.

ANALYSIS

See Planning Commission Staff Report dated June 6, 2013.

RECOMMENDATION

Adoption of attached Ordinance No. 1223.

Respectfully Submitted,

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

Larry Stevens,
Assistant City Manager for Community Development

Attachments:

1. Ordinance No. 1223
2. Planning Commission Resolution PC-1485
3. Planning Commission Staff Report dated June 6, 2013

ORDINANCE NO. 1223

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS
APPROVING MUNICIPAL CODE TEXT AMENDMENT 13-03 ,
AMENDING THE HOUSING GOAL FOR AFFORDABLE HOUSING
OVERLAY ZONE NO. 1 (AHO-1) AND DELETING VARIOUS
REFERENCES TO CHAPER 18.151

**THE CITY COUNCIL OF THE CITY OF SAN DIMAS DOES ORDAIN AS
FOLLOWS:**

SECTION 1. SECTION 1. Amend 18.40.050.A.2 by changing "two and a half acres" to "3.83 acres."

SECTION 2. Amend Section 18.42.030(F) by deleting the strike-through as follows:

~~Senior citizen housing projects, subject to the standards of Chapter 18.151, except where a conflict exists, then the more restrictive standard applies.~~

SECTION 3. Amend Section 18.140.090(B)(1) by deleting the strike-through as follows:

~~k. Senior citizen housing projects, subject to the standards of Chapter 18.151 of this title, as amended, except where a conflict exists, then the most restrictive standard applies;~~

~~n. Senior citizen housing located on the second and third floors of buildings. Such senior citizen housing projects shall be exempted from city-wide senior citizen housing requirements as set forth in Chapter 18.151.~~

SECTION 4. Amend Section 18.140.090(C)(4) by deleting the strike-through as follows:

~~(a)(iii). Senior citizen housing located on the second and third floors of buildings. Such senior citizen housing projects shall be exempted from city-wide senior citizen housing requirements as set forth in Chapter 18.151 of this title;~~

~~(b)(iii). Senior citizen housing located on the second and third floors of buildings. Such senior citizen housing projects shall be exempted from city-wide senior citizen housing requirements as set forth in Chapter 18.151 of this title;~~

SECTION 5. This Ordinance shall take effect 30 days after its final passage, and within 15 days after its passage the City Clerk shall cause it to be published in the Inland Valley Daily Bulletin, a newspaper of general circulation in the City of San Dimas hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED THIS xx DAY OF xx, 20XX.

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 Ordinance No. 1223 was regularly introduced at the regular meeting of the City Council on _____, and was thereafter adopted and passed at the regular meeting of the City Council held on _____, 20XX by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I DO FURTHER CERTIFY that within 15 days of the date of its passage, I caused a copy of Ordinance No. 1223 to be published in the Inland Valley Daily Bulletin.

Debra Black, Deputy City Clerk



Planning Commission Staff Report

DATE: June 6, 2013

TO: Planning Commission

FROM: Community Development Department

SUBJECT: **Municipal Code Text Amendment 13-03** - A proposal to Modify Chapter 18.40 of the San Dimas Municipal Code to increase the acreage in AHO-1 by an additional 1.33 acres and to delete various references to the non-existent Senior Housing Chapter (formerly Chapter 18.151).

SUMMARY

As a result of the dissolution of the Redevelopment Agency the City is unable to assist in the substantial rehabilitation of Villas San Dimas as contemplated by the 2008-14 Housing Element. The City has determined to modify the Housing Goal in AHO-1 to address this deficiency in the default zoning to comply with assigned RHNA goals.

In addition minor errors were discovered associated with the elimination of Chapter 18.151 (Senior Citizen Housing) and corrections are also addressed in this report.

BACKGROUND

In January 2013 the Planning Commission and City Council conducted public hearings creating Chapter 18.40 (Affordable Housing Overlay Zone). Two specific locations, each with its own review standards and criteria, were identified and zone changes to implement AH)-1 and AHO-2 were also approved. These actions were taken to implement commitments made as part of the 2008-14 Housing Element as follows:

- 9. Rezoning to Accommodate Higher Densities and Mixed Use:** *The City will rezone vacant and underutilized sites to facilitate the development of affordable and mixed income housing at 30 units per acre. The City has identified at least 27.6 acres to be rezoned, of which at least 7.4 acres will be designated as exclusively residential use at 30 units per acre. These sites will provide the opportunity to*

develop at least 223 units at a density of at least 30 units per acre, providing suitable sites for development of housing affordable to lower income households. ...

2008-2014 Objective: Rezone at least 7.4 acres to accommodate 223 lower income housing units at a minimum density of 30 units per acre; establish appropriate standards for the new Mixed-Use and Multiple-Family (30) zones; rezone to accommodate the City's remaining moderate income housing development need;

The Housing Element further identified that a portion of the 7.4 acres (40 units or 1.33 acres) would be addressed through the substantial rehabilitation of an existing affordable site that was at risk, as follows:

7. Preservation of Villa San Dimas – Committed Assistance: The City/Agency, as detailed in the Resources chapter of the Element, has committed financial assistance for the acquisition and/or rehabilitation of Villa San Dimas in FY 2009/2010. The City will work with agencies interested in purchasing and rehabilitating Villa San Dimas. The City's assistance will be leveraged with outside sources. This assistance will require affordability and occupancy restrictions on the 50 very low income family units for a minimum of 40 years. The City's committed assistance is structured to allow the City to receive RHNA credit for 25 percent of its very low income RHNA needs or 40 units. A second at risk development, Voorhis Village (65 units), is operated as a non-profit cooperative with a total of 21 units receiving project-based Section 8. The owners have not indicated an interest in prepaying the HUD loan at this time. However, the City will continue to monitor Voorhis Village and contact the property owners within one year of affordability expiration dates to discuss the City's desire to preserve the units as affordable housing.

2008-2014 Objective: By March 2010, work with priority purchasers and enter into a legally enforceable agreement for up to \$2 million in committed assistance to preserve the 50 very low income units at-risk of conversion at Villa San Dimas. Report to HCD on the status of preservation no later than July 1, 2010, and to the extent an agreement is not in place, amend the Housing Element as necessary to identify additional sites. Contact the owners of Voorhis Village to initiate discussions regarding the City's desire to preserve as long term affordable housing by 2011.

ANALYSIS

To facilitate implementation of the Villa San Dimas rehabilitation the Redevelopment Agency budgeted funds and undertook discussion with the project owners. The City was unable to complete these negotiations although the project did extend its Section 8 commitments reducing its at risk status. However, the dissolution of the Redevelopment Agency by the State of California eliminated any funding for the rehabilitation since a formal agreement (or enforceable obligation) was not in place by January 2011.

The City Housing Element consultant conferred with State HCD about switching the rehabilitation assistance to the Voorhis Village project but was advised that it would not satisfy the time criteria. The City did not provide direct funds for the ready-to-proceed rehabilitation but did serve as a facilitator for conduit financing

and could have added permit assistance to qualify those units to replace the Villa San Dimas 40 units.

As a result the City needs to identify an additional 1.33 acres for rezoning at the default density standard of 30 units per acre per the above Objective #7 (see bold text). In considering potential sites the Staff, after consultation with our Housing Element consultant, believes the best approach is to increase the acreage for additional higher density housing on one of the two previously identified sites – AHO-1 or AHO-2.

- AHO-1 is the BUSD property at San Dimas Avenue and Allen. It totals 7.43 acres and 2.5 acres was previously designated for higher density housing.
- AHO-2 is the Arrow Highway block between San Dimas Avenue and Walnut Avenue. It totals 11.69 acres with 3.3 acres previously identified for higher density housing.

Staff prefers the BUSD site because it is a single ownership and will likely become available as a single parcel. The Arrow Highway area while larger consists of multiple owners and is more difficult to obtain additional acreage when you look at existing uses and the need for land assembly. This change would increase AHO-1 area for higher density housing from 2.5 acres to 3.83 acres (about half of the BUSD site).

On a related matter the City recently deleted the Senior Citizens Housing Standards (Chapter 18.151) but failed to delete several reference to those standards in other Chapters as follows:

- Section 18.42.030(F)
Senior citizen housing projects, ~~subject to the standards of Chapter 18.151, except where a conflict exists, then the more restrictive standard applies.~~
- Section 18.140.090(B)(1):
 - k. Senior citizen housing projects, ~~subject to the standards of Chapter 18.151 of this title, as amended, except where a conflict exists, then the most restrictive standard applies;~~
 - n. Senior citizen housing located on the second and third floors of buildings. ~~Such senior citizen housing projects shall be exempted from city-wide senior citizen housing requirements as set forth in Chapter 18.151.~~
- Section 18.140.090(C)(4) :
 - (a)(iii). Senior citizen housing located on the second and third floors of buildings. ~~Such senior citizen housing projects shall be exempted from city-wide senior citizen housing requirements as set forth in Chapter 18.151 of this title;~~

(b)(iii). Senior citizen housing located on the second and third floors of buildings. ~~Such senior citizen housing projects shall be exempted from city-wide senior citizen housing requirements as set forth in Chapter 18-151 of this title;~~

As you may recall these added senior standards were deemed a disincentive or duplicative of subsequent building code regulations and are unnecessary.

CONCLUSIONS

The minor changes to prior actions are necessary to ensure Housing Elements Objectives are achieved and that minor omissions are corrected relative to senior housing standards.

RECOMMENDATION

Staff recommends approval of Municipal Code Text Amendment 13-03 as set forth in attached Resolution PC-1485.

FINDINGS -

- A. The proposed Municipal Code Text Amendment will not adversely affect adjoining property as to value, precedent or be detrimental to the area since it results in minor changes to previously established standards and increases the opportunities for additional housing.
- B. The proposed Municipal Code Text Amendment will further the public health, safety and general welfare by creating additional opportunities for higher density housing to facilitate compliance with the City's fair regional share of housing growth..
- C. The proposed Municipal Code Text Amendment is consistent with the General Plan and implements specific commitments sent forth in the 2008-14 Housing Element.

Respectfully Submitted,



Larry Stevens,
Assistant City Manager for Community Development

Attachments: Appendix A - General Information
 Exhibit A - Planning Commission Resolution PC-1485

APPENDIX A

GENERAL INFORMATION

Applicant: Initiated by the City of San Dimas

Owner: N/A

Legal Notice: A legal notice was published in the Inland Valley Daily Bulletin and posted at City Hall, the Library, Post Office and Via Verde Shopping Center on May 31, 2013.

Environmental: CEQA Categorical Exemption per Section 15061(b)(3) – The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

EXHIBIT A

RESOLUTION PC-1485

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SAN DIMAS RECOMMENDING APPROVAL OF
MUNICIPAL CODE TEXT AMENDMENT 13-03 ,
AMENDING THE HOUSING GOAL FOR AFFORDABLE
HOUSING OVERLAY ZONE NO. 1 (AHO-1) AND DELETING
VARIOUS REFERENCES TO CHAPER 18.151

WHEREAS, an Amendment to the San Dimas Municipal Code has been duly initiated by the City of San Dimas;

WHEREAS, the Amendment is described as A proposal to Modify Chapter 18.40 of the San Dimas Municipal Code to increase the acreage in AHO-1 by an additional 1.33 acres and to delete various references to the non-existent Senior Housing Chapter (formerly Chapter 18.151); and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on June 6, 2013 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, all requirements of the California Environmental Quality Act and the City's Environmental Guidelines have been met for the consideration of whether the project will have a significant effect on the environment.

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, the Planning Commission now finds as follows:

- A. The proposed *Municipal Code Text Amendment* will not adversely affect adjoining property as to value, precedent or be detrimental to the area since it results in minor changes to previously established standards and increases the opportunities for additional housing.
- B. The proposed *Municipal Code Text Amendment* will further the public health, safety and general welfare by creating additional opportunities for higher density housing to facilitate compliance with the City's fair regional share of housing growth..
- C. The proposed *Municipal Code Text Amendment* is consistent with the General Plan and implements specific commitments sent forth in the 2008-14 Housing Element.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 13-03 as follows:

SECTION 1. Amend 18.40.050.A.2 by changing "two and a half acres" to "3.83 acres."

SECTION 2. Amend Section 18.42.030(F) by deleting the strike-through as follows:

~~Senior citizen housing projects, subject to the standards of Chapter 18.151, except where a conflict exists, then the more restrictive standard applies.~~

SECTION 3. Amend Section 18.140.090(B)(1) by deleting the strike-through as follows:

k. ~~Senior citizen housing projects, subject to the standards of Chapter 18.151 of this title, as amended, except where a conflict exists, then the most restrictive standard applies;~~

n. ~~Senior citizen housing located on the second and third floors of buildings. Such senior citizen housing projects shall be exempted from city wide senior citizen housing requirements as set forth in Chapter 18.151.~~

SECTION 4. Amend Section 18.140.090(C)(4) by deleting the strike-through as follows:

(a)(iii). ~~Senior citizen housing located on the second and third floors of buildings. Such senior citizen housing projects shall be exempted from city wide senior citizen housing requirements as set forth in Chapter 18.151 of this title;~~

(b)(iii). ~~Senior citizen housing located on the second and third floors of buildings. Such senior citizen housing projects shall be exempted from city wide senior citizen housing requirements as set forth in Chapter 18.151 of this title;~~

PASSED, APPROVED and ADOPTED, the 6th day of June, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jim Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

Jan Sutton, Planning Secretary



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of June 25, 2013

From: Blaine Michaelis, City Manager

Initiated: Public Works Department 

Subject: **Update Regarding Adopted Waste Discharge Requirements For Municipal Separate Storm Sewer Systems (MS4) - National Pollutant Discharge Elimination System (NPDES) Permit**

1. Authorization to join the Cities of Claremont, La Verne, and Pomona relating to the Administration and Development of a Watershed Management Program ("WMP")
2. Principal Approval of the draft Memorandum of Understanding ("MOU") by and among Cities for Costs Sharing in the Development of Watershed Management Program and Monitoring Plans.
3. Approval to file a Notice of Intent ("NOI") to develop a WMP with the Los Angeles Regional Water Quality Control Board (LARWQCB)

Summary

On December 28, 2012 the National Pollutant Discharge Elimination System (NPDES) Permit and its requirements became effective. There are three (3) primary compliance options identified in the Permit: (Option 1) Comply with the Permit "as is" via Minimum Control Measures; (Option 2) Develop a Watershed Management Program, or (Option 3) Create an Enhanced Watershed Management Program.

Staff has evaluated these options and selected Option 2 (Watershed Management Program) as the implementation option for complying with the NPDES Permit. In opting to develop a Watershed Management Program, Staff requests Council's approval to join the East San Gabriel Valley Watershed Management Area (ESGV WMA) group for the development of the WMP, as well as to principal approval to enter into Memorandum of Understanding for Administration and Cost Sharing in its development and submit notification to the Los Angeles Regional Water Quality Control Board (LARWQCB). The creation of the WMP and the joining up with the ESCV WMA group will provide the City with the necessary tools and support group to ensure San Dimas is in compliance with the new required regulations for water quality within its watershed.

BACKGROUND

The Los Angeles Regional Water Quality Control Board (LARWQCB) voted to adopt the Coastal Watersheds of Los Angeles County Municipal Stormwater Permit (Permit), Order NO. R4-2012-0175, NPDES Permit NO. CAS004001, on November 8, 2012. This Permit is a historic document, in that it introduces new programs and provisions that are more rigorous than those contained in any other major municipal stormwater permit. The new municipal stormwater permit incorporates water quality based stormwater discharge limits, receiving water limits, and water body/pollutant-specific total

maximum daily loads (TMDLs). Staff has worked with Consultants, neighboring cities, as well as the County to make the crucial decision on how to proceed with the implementation of this historic Permit.

DISCUSSION

The NPDES Permit provides for three (3) implementation options that are summarized below.

Option 1: Implement the Baseline Minimum Control Measures

The Minimum Control Measures (MCMs) prescribed in Section VI.D of the Permit mirror the six (6) core programs contained in the previous NPDES Permit and include:

1. Public Information and Participation Program
2. Industrial/Commercial Facilities Program
3. Planning and Land Development Program
4. Development Construction Program
5. Public Agency Activities Program
6. Illicit Connections and Illicit Discharges Elimination Program

Permittees that elect this option must implement the MCMs by June 28, 2013. Option 1 provides no protection from immediate enforcement by the LARWQCB or from 3rd Party Lawsuits in the event that monitoring data shows that discharges to or from the MS4 do not meet either the TMDL targets or receiving water limitations, despite the full implementation of the minimum control measures.

Option 2: Develop and Implement a Watershed Management Program (WMP)

A WMP is based on implementing a combination of best management practices (BMPs) designed to achieve water quality objectives. The WMP offers permittees the flexibility to establish watershed priorities and to customize the MCMs. Any deviation from the prescribed minimum control measures must be justified and approved by the Executive Officer of the Los Angeles Regional Water Quality Control Board. The WMP requires a quantitative Reasonable Assurance Analysis for each water body-pollutant combination using a peer-reviewed water quality model in the public domain. Permittees must demonstrate that the activities and control measures identified in the WMP will meet the applicable water quality standards through an integrated monitoring and assessment program. A Permittee's full compliance with all approved elements of the WMP constitutes compliance with interim TMDL targets. However, final TMDL targets must still be met in the strict numeric sense.

Option 3: Develop and implement an Enhanced Watershed Management Program (EWMP)

A EWMP must include large multi-benefit regional projects which retain the 85th percentile, 24-hour storm event and all non-stormwater runoff for the drainage areas tributary to the project(s) through infiltration or capture and reuse. This may also be achieved through a series of projects located throughout the watershed. Within drainage areas where the 85th percentile, 24-hour storm event is retained along with all non-stormwater runoff, a Permittee shall be deemed in compliance with final TMDL targets and receiving water limitations. Where this is not feasible, Permittees shall demonstrate via a reasonable assurance analysis that TMDL targets and receiving water limitations will be met through implementation of other watershed control measures.

East San Gabriel Valley Watershed Management Area (ESGV WMA)

As Council is aware Staff has been working with the neighboring cities of Claremont, La Verne, and Pomona collectively referred to as the East San Gabriel Valley Watershed Management Area (ESGV WMA) to explore and develop an implementation plan that's beneficial to our area. Following a comprehensive review of the three (3) Permit implementation options, including partnering with LA County to develop a EWMP, the ESGV WMA sought a more in-depth approach to finalizing a Permit implementation option. This approach began in March 2013 when the ESGV WMA retained a consultant to perform a Permit implementation technical feasibility analysis and prepare a draft Notice of Intent (detailed below). The selected consultant recommended that the ESGV WMA collaborate to

develop a Watershed Management Plan because of our similarities in watershed discharges into Puddingstone Reservoir, San Jose Creek, and Walnut Creek, as well as the similarities in requirements for total maximum daily loads (TMDL) compliance. Each City's share for this initial analysis came to \$4,000.

Memorandum of Understanding (MOU)

All of the Cities in the ESGV WMA have indicated their intent to enter into a Memorandum of Understanding (MOU) to share the costs in developing a WMP and Coordinated Integrated Monitoring Plan (CIMP). The City of La Verne has agreed to administer the contract services as the Lead Agency at no cost to participating agencies. The attached Draft MOU is in the process of being reviewed by each respective city attorney, including our City attorney. Tonight the Council is requested to consider in Principle the approval of the draft MOU as each agency finalizes the details and agrees to an acceptable and equitable cost sharing formulas in the development of the WMP.

Notice of Intent (NOI)

As part of the new MS4 permit and with ESGV WMA agreeing to develop a WMP, the group must notify the LARWQCB of such no later than June 28, 2013. This Notification of Intent (NOI) must include the following:

- Permittees have elected to develop the WMP option
- Draft MOU of Participating agencies,
- Draft LID Ordinance, and
- Draft Green Streets Policy.
-

The selected consultant to perform the ESGV WMA's technical feasibility analysis is working on the attached final draft NOI to be submitted to the LARWQCB by the due date and the letter of intent must signed by the City Manager.

Low Impact Development (LID) Ordinance and Green Street Policy

In compliance with interim permit requirements when developing a WMP or EWMP, the LA Permit Group contracted a consultant to prepare a Low Impact Development Ordinance (LID) and Green Streets Policy template. As these documents do not reflect the City's planning and land development process, Staff has decided to develop a more City specific Draft LID Ordinance, where the Green Streets Policy will remain in the template draft form. The LID Ordinance includes provisions for new development and "redevelopment" projects (as defined by the LARWQCB), the LID provisions include:

- Project performance criteria,
- Alternative Compliance for Technical Infeasibility,
- Maintenance Agreement Provisions, and
- Enforcement.
-

The Draft LID Ordinance and Green Streets Policy are attached for your review. Recognize that these documents are in draft form and language to include cost recovery measures that align with our Municipal Code is underway.

Request for Proposal (RFP) for Development of Watershed Management Program

With ESGV WMA agencies deciding that the development a WMP for the approximately 43 square miles common watershed area in its jurisdiction have determined that hiring a consultant to prepare and deliver the WMP plan will be mutually beneficial to them and therefore have developed a Request for Proposals (RFP) for work relating to development of a WMP and CIMP. The RFP calls for the following general scope of services:

- Project Management/General Administration
- Reasonable Assurance Analysis
- Water Quality Prioritization
- Prepare Draft and Final Watershed Management Programs
- Coordination with LA County Consultant-to avoid duplication of efforts and expect consultant to coordinate and collaborate with County
- Coordinated Integrated Monitoring Plan
- Schedule of deliverables
- Assistance with obtaining review and approval from LARWQCB

This RFP is due to the City of La Verne no later than July 12, 2013. Our goal is to seek Council approval for the final MOU with the inclusion of final jurisdictional cost allocations of ESGV WMA agencies share at the August 13th Council Meeting.

Fiscal Impact of Preparing Watershed Management Plan

Preliminary estimates indicate that development of a WMP will cost somewhere between \$550,000 and \$750,000; these estimates do not include program implementation. Final costs will be available once the ESGV WMP Group secures a consultant to develop the WMP. In the table below are estimations of potential costs; it reflects the cost sharing formula for the WMP development.

Jurisdiction	San Gabriel River Watershed ⁽¹⁾		Based fee of (10%) ⁽²⁾	Distributed Area Costs ⁽³⁾	Total (\$ Sample Cost)
	Sq. Miles	% Total			
Claremont	9.047	20.94%	\$10,000.00	\$136,098.64	\$146,098.64
La Verne	8.43	19.51%	\$10,000.00	\$126,816.79	\$136,816.79
Pomona	12.389	28.67%	\$10,000.00	\$186,374.05	\$196,374.05
San Dimas	13.342	30.88%	\$10,000.00	\$200,710.52	\$210,710.52
Total	43.208	100%	\$40,000.00	\$650,000.00	\$690,000.00

(1) Excludes the U.S. Forestry in Claremont, La Verne, and San Dimas, and excludes the Santa Ana River Watershed (SARW) in the Cities of Claremont and Pomona. The SARW area will be addressed in the Comprehensive Bacteria Reduction Plan (CBRP).

(2) Ten Percent (10%) Base Fee serves as an equalizer for Total Cost of Contract

(3) Total Cost minus Ten Percent (10%) Base Fee

Cost Allocation Formula is Distributed Total Cost = Total Cost x Agency Percent of Area

It is likely that our cost share based on watershed drainage could range from \$150,000 to \$250,000. In addition to the U.S. Forestry in Claremont, La Verne, and San Dimas, Staff is currently working with the ESGV WMA to exclude other large zoned open space areas. One suggestion is to exclude large zoned open space areas that are ten (10) acres or more. Areas like the Bonelli Park, San Dimas Canyon County Regional Park/Nature Center, Horsethief Canyon Park (over 100 acres), Northern Foothills, and other large open spaces over 10 acres. The exclusion of open space in our formula is fair and equitable based on the logic of open space areas being less polluted due to higher infiltration rates resulting in less polluted runoff.

RECOMMENDATION

Staff recommends that Council consider the following:

1. Authorize the City to formally join the neighboring Cities of Claremont, La Verne, and Pomona in developing a Watershed Management Plan (WMP)
2. Principal Approval of the draft Memorandum of Understanding (MOU) by and among above mentioned Cities relating to Costs Sharing in the Development of Watershed Management and any Monitoring Plans
3. Approval to File a Notice of Intent (NOI) with the Los Angeles Regional Water Quality Control Board (LARWQCB) by June 28th notifying them that Cities of San Dimas, Claremont, La Verne, and Pomona have elected to develop the WMP option and will include enclosures of the proposed Draft MOU of Participating agencies, Draft LID Ordinance, and Draft Green Streets Policy

Respectfully submitted,

Latoya Cyrus
Environmental Services Coordinator

Attachments:

- Draft NOI of the permittees (Cities of San Dimas, Claremont, La Verne, and Pomona)
- Draft MOU of Participating agencies
- Draft LID Ordinance
- Draft Green Streets Policy

Notice of Intent (NOI) to Develop an East San Gabriel Valley Watershed Management Area Watershed Management Program Plan

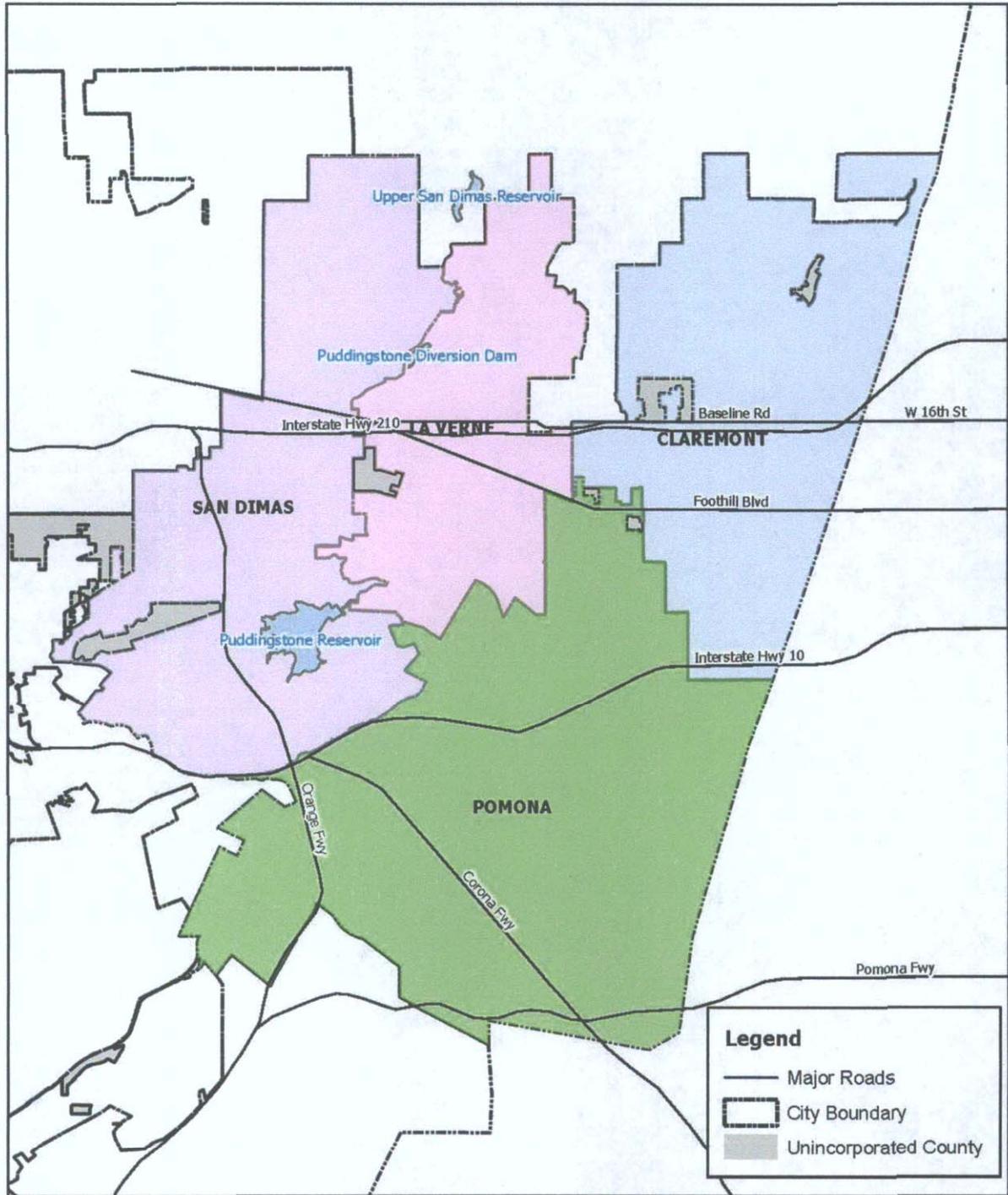
SECTION 1. PERMITTEES PARTICIPATION AND PROGRAM TYPE

The East San Gabriel Valley (ESGV) Watershed Management Area (WMA) which includes the Cities of Claremont, La Verne, Pomona and San Dimas hereby notify the Los Angeles Regional Water Quality Control Board (Regional Water Board) of our intent to develop a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) Plans in accordance with Part VI.C.4.b.i of Order R4-2012-0175. This order is otherwise known as the 2012 Municipal Separate Storm Sewer System (MS4) Permit for Coastal Watersheds of Los Angeles County and the identified Cities are Permittees. The ESGV WMA Permittees have drafted the attached: Low Impact Development (LID) Ordinances and a Green Street Policy, but may delay final adoption and implementation until functional conformance with similar regional documents, being developed by the County of Los Angeles, can be established. The ESGV WMA Permittees intend to submit our Draft WMP and CIMP Plans within 18 months from the effective date of Order R4-2012-0175, which currently appears to be June 28, 2014. The ESGV WMA Permittees are identified in **Figure 1**.

While the ESGV WMA Permittees are proceeding in good faith to develop the WMP and CIMP plans, many Permittees, including the ESGV WMA Cities of Claremont and Pomona, have petitioned the State Water Resources Control Board (SWRCB) to review Order R4-2012-0175 and the Receiving Water Limitations (RWLs) language it contains. Furthermore, the Regional Board has been advised of various inconsistencies in the Permit and the need for revisions. As a result of these evolving permit interpretations and unforeseeable actions by the SWRCB, or other watershed stakeholders, the ESGV WMA Permittees reserve the right to revise this NOI prior to the final compliance date for submission of the draft WMP and CIMP plans.

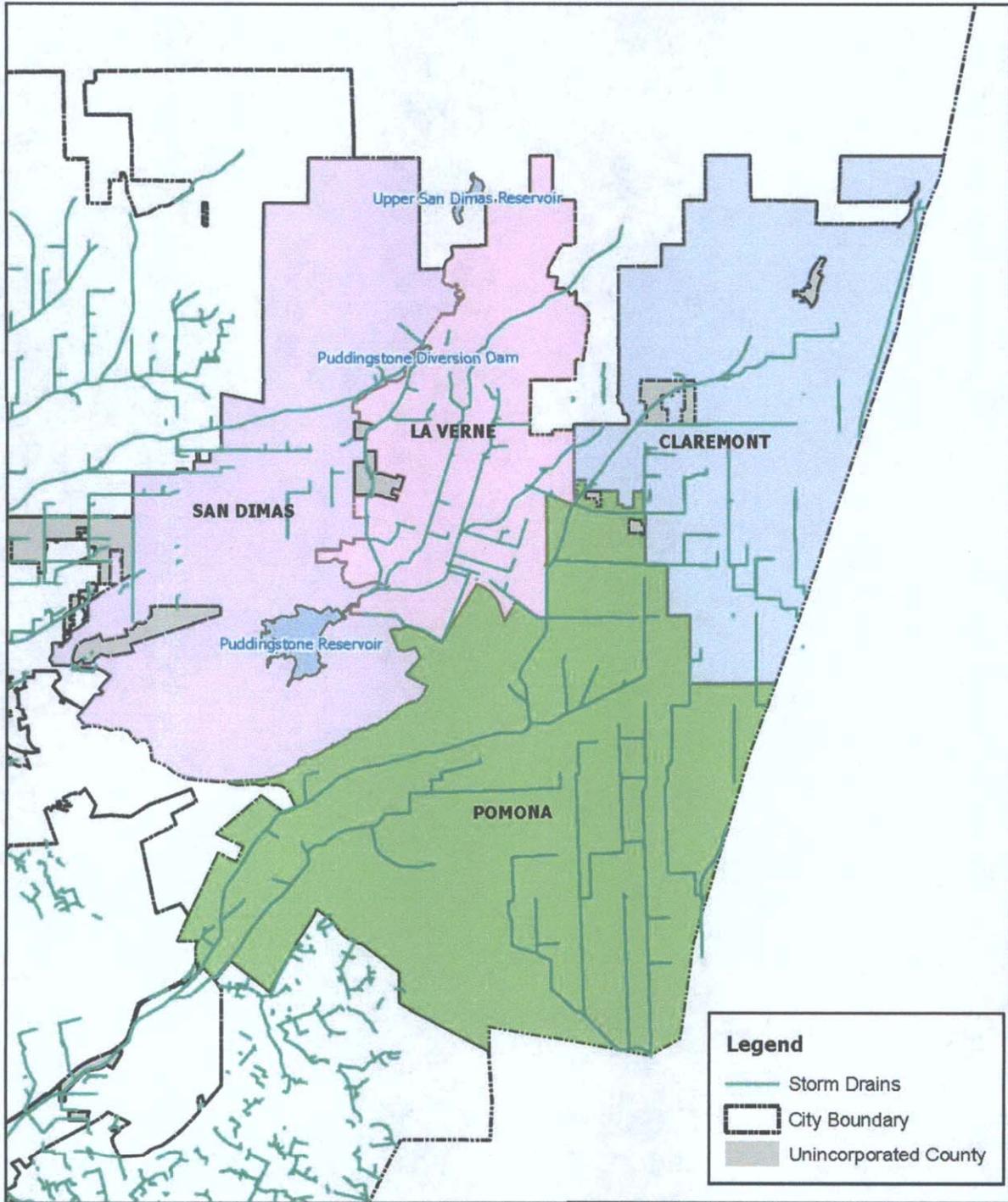
SECTION 2. TOTAL MAXIMUM DAILY LOADS ESTABLISHED WATER QUALITY BASED EFFLUENT LIMITATIONS

The Total Maximum Daily Loads (TMDLs) that are currently applicable to the ESGV WMA Permittees were developed by either the United States Environmental Protection Agency (USEPA) or adopted by the Santa Ana Regional Water Quality Control Board. As shown in **Figure 2**, a substantial portion on the eastern side of the Cities of Claremont and Pomona drain to the San Antonio or Chino Creeks and the Santa Ana River. Although the ESGV MWA Permittees continue to implement Best Management Practices (BMPs) and other pollutant source controls that should alleviate the TMDL identified beneficial use impairments, these TMDLs contain no interim or final RWLs or Water Quality Based Effluent Limitations (WQBELs) compliance dates during the WMP and CIMP Plans development period. Compliance Schedules for USEPA established TMDLs would be developed as proposed in Permit Part VI.E.3, while the Middle Santa Ana River Bacteria TMDL schedule will follow Permit Attachment R.



**East San Gabriel Valley WMA
Major Roads and City Boundaries**





**East San Gabriel Valley WMA
Storm Drains**



SECTION 3. IDENTIFY TMDL CONTROL MEASURES

The ESGV WMA Permittees intend to continue to effectively implement the Minimum Control Measures (MCM) provisions of the 2012 MS4 Permit in anticipation of demonstrating continued progress towards regional water quality and beneficial use objectives in local receiving waters.

SECTION 4. LID ORDINANCE AND GREEN STREET POLICY STATUS

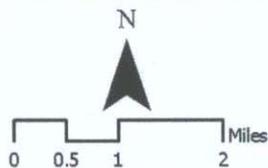
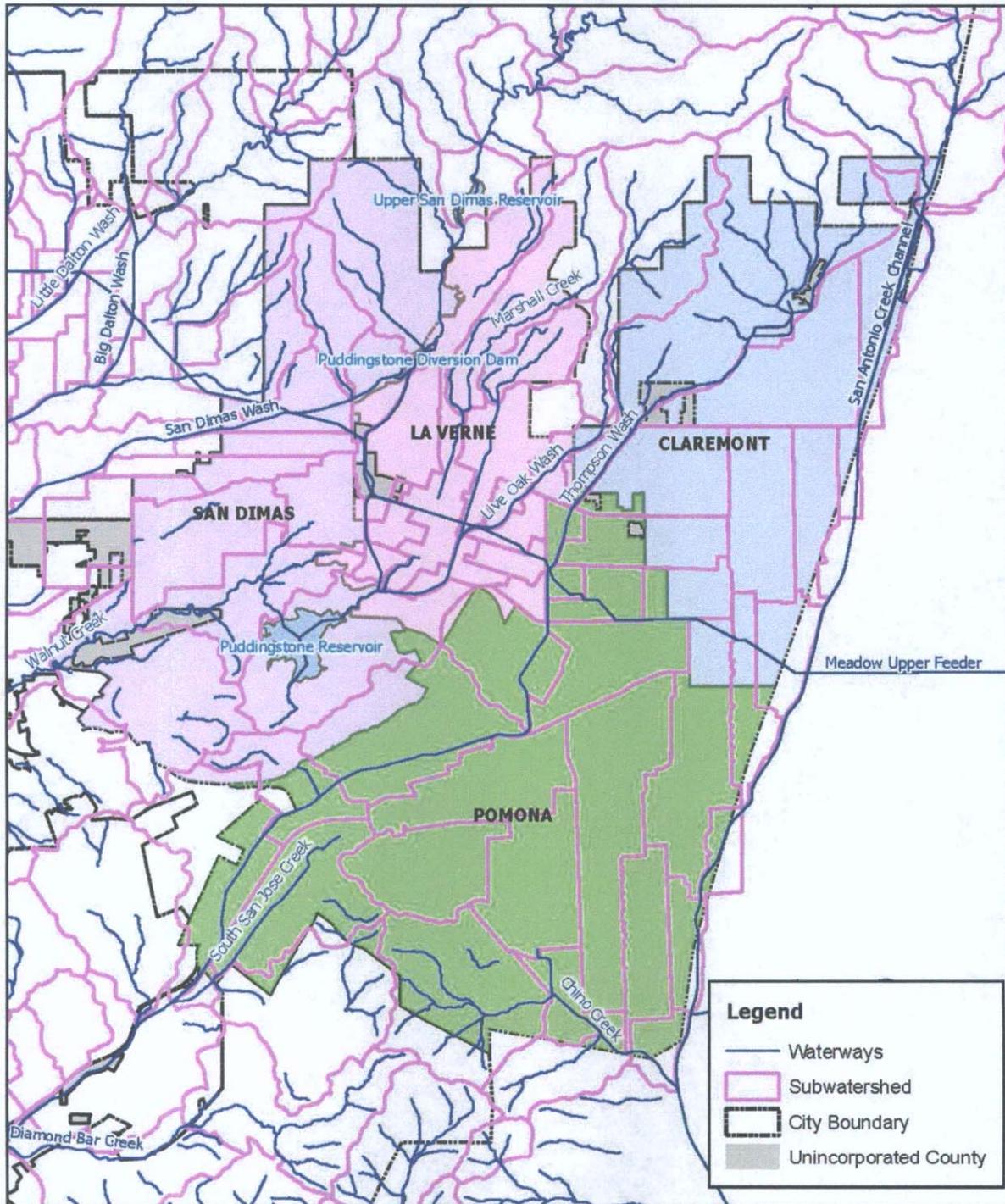
As indicated by **Tables 1 and 2**, the ESGV WMA Permittees have drafted LID ordinances and Green Streets policies, derived from template ordinances provided by Los Angeles Permit Group. Once adopted, these ordinances and policies are anticipated to be in compliance with applicable sections of the 2012 MS4 Permit. However to avoid unanticipated discrepancies or conflicting interpretations among adjacent agencies, adoption of the ordinance by each agency will follow release, and review for substantial conformance, of the County of Los Angeles LID Ordinance. Area projections are estimates derived from the Los Angeles County Geospatial Library of subwatersheds, as shown in **Figure 3**, and are subject to revision during WMP Plan development, when the boundaries between watersheds and subwatersheds must be better characterized in conjunction with CIMP and RAA analyses.

Table 1. Status of LID Ordinance Adoption by the ESGV WMA Permittees.

ESGV WMA Permittee	LID Ordinance Status	ESGV WMA for which Permittee is Responsible [acres]	ESGV WMA Addressed by Permittee's Draft LID Ordinance [acres]	Percent of Watershed Area
City of Claremont	Draft Ordinance	5,788	5,788	100%
City of La Verne	Draft Ordinance	5,454	5,454	100%
City of Pomona	Draft Ordinance	7,780	7,780	100%
City of San Dimas	Draft Ordinance	9,146	9,146	100%
Summary for ESGV WMA		28,168	28,168	100%

Table 2. Status of Green Street Policy Adoption by the ESGV WMA Permittees.

ESGV WMA Permittee	Green Street Policy Status	ESGV WMA for which Permittee is Responsible [acres]	ESGV WMA Addressed by Permittee's Draft Green Street Policy [acres]	Percent of Watershed Area
City of Claremont	Draft Policy	5,788	5,788	100%
City of La Verne	Draft Policy	5,454	5,454	100%
City of Pomona	Draft Policy	7,780	7,780	100%
City of San Dimas	Draft Policy	9,146	9,146	100%
Summary for ESGV WMA		28,168	28,168	100%



**East San Gabriel Valley WMA
LA County Subwatersheds**



MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF LA VERNE AND PARTICIPATING AGENCIES
(CITIES OF CLAREMONT, POMONA, AND SAN DIMAS)

REGARDING THE ADMINISTRATION AND COST SHARING FOR DEVELOPMENT OF THE
EAST SAN GABRIEL VALLEY WATERSHED MANAGEMENT PROGRAM (WMP) AND COORDINATED
INTEGRATED MONITORING PROGRAM (CIMP)

This Memorandum of Understanding (MOU), made and entered into as of the date of the last signature set forth below by and between the CITY OF LA VERNE, a municipal corporation (CITY), and PARTICIPATING AGENCIES (Cities of Claremont, Pomona, and San Dimas). Collectively, these entities shall be known herein as "PARTIES" or individually as "PARTY."

WITNESSETH

WHEREAS, the Los Angeles Regional Water Quality Control Board (Regional Board) adopted the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit (MS4 Permit) (Order No. R4-2012-0175); and

WHEREAS, the MS4 Permit became effective on December 28, 2012, and requires that the Los Angeles County Flood Control District, County of Los Angeles, and 84 of the 88 cities (excluding Avalon, Long Beach, Palmdale, and Lancaster) within the County of Los Angeles comply with the prescribed elements of the MS4 Permit; and

WHEREAS, the PARTIES have agreed to collaborate on the compliance of certain elements of the MS4 Permit and have agreed to a cost sharing formula based on Land Area with a Base Fee, attached hereto as Exhibit A and made part of this MOU; and

WHEREAS, the PARTIES agree that each shall assume full and independent responsibility for ensuring its own compliance with the MS4 Permit despite the collaborative approach of this MOU; and

WHEREAS, the PARTIES collaboratively prepared a final Scope of Work and Request for Proposal to obtain a Consultant to assist the PARTIES in complying with certain elements of the MS4 Permit; and

WHEREAS, the PARTIES propose for the Consultant to prepare and deliver a Final WMP, and a CIMP (collectively, PLANS) in compliance with certain elements of the MS4 Permit, at a total cost of approximately XXXXX hundred thousand dollars (\$X00,000); and

WHEREAS, the PARTIES have determined that hiring a Consultant to prepare and deliver the PLANS will be beneficial to the PARTIES and they desire to participate and will provide funding in accordance with the cost allocation on Exhibit A; and

WHEREAS, the CITY will act on behalf of the PARTIES in the administration of the Consultant services agreements for the PLANS.

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the PARTIES, and of the promises contained in this MOU, the PARTIES agree as follows:

- (1) Recitals: The recitals set forth above are fully incorporated as part of this MOU.
- (2) Purpose: The purpose of this MOU is to cooperatively fund the preparation and submittal of the PLANS to the Regional Board.
- (3) Voluntary: This MOU is voluntarily entered into for the purpose of preparing and submitting the PLANS to the Regional Board.
- (4) Terms: This MOU shall become effective on the latest date of execution by a PARTY and shall remain in effect until (i) the Regional Board's final approval date of the last outstanding portion of the PLANS, (ii) the CITY has provided the PARTIES with an accounting as set forth in paragraph (5)e, and (iii) the PARTIES have paid all outstanding invoices.
- (5) The CITY shall provide the services and performance as follows:
 - a. Upon final execution of this MOU, CITY shall invoice the PARTIES for their share of the cost for the preparation and delivery of the PLANS as described in Exhibit A.
 - b. CITY shall solicit proposals for, award, and administer a Consultant contract(s) for the preparation and delivery of the PLANS in accordance with the Scope of Work.
 - c. CITY shall utilize the funds deposited by the PARTIES only for the payment of the Consultant contract for the PLANS.
 - d. CITY shall provide the PARTIES with an electronic copy of the draft and final PLANS within five (5) days of receipt from the Consultant.
 - e. CITY shall provide an accounting upon the early termination of this MOU pursuant to paragraph (6)p or 60 days after the date the Regional Board gives final approval for the last outstanding portion of the PLANS. The CITY shall return the unused portion of all funds deposited with the CITY in accordance with the cost allocation formula set forth in Exhibit A.
 - f. CITY shall notify the PARTIES if the actual cost of the preparation of the PLANS will exceed the cost estimates shown on Exhibit A and obtain approval of the increase

from all PARTIES. Upon approval of the cost increase by the PARTIES, City will invoice the PARTIES per cost allocation formulas on Exhibit A.

(6) THE PARTIES FURTHER AGREE:

- a. To make a full faith effort to cooperate with one another to achieve the purposes of this MOU by providing information about project opportunities, reviewing deliverables in a timely manner, and informing their respective administrators, agency heads, and/or governing bodies.
- b. To fund the cost of the preparation and delivery of the PLANS and to pay the CITY for the preparation and delivery of the PLANS within 60 days of receiving an invoice. Funding shall be as specified in Exhibit A.
- c. To grant reasonable access rights and entry to the CITY and the Consultant during the terms of this MOU to the PARTY'S facilities (i.e. storm drains, channels, catch basins, properties, etc.) (Collectively, THE FACILITIES) to achieve the purposes of this MOU, provided, however, that prior to entering any PARTY'S FACILITIES, the CITY or their Consultant shall secure permission of entry from the applicable PARTY.
- d. The CITY shall require the Consultant retained pursuant to this MOU to agree to indemnify, defend, and hold harmless each PARTY, its special districts, elected and appointed officers, employees, and agents, from and against any and all liability, including but not limited to demands, claims, actions, fees, costs, and expenses (including attorney and expert fees), arising from or connected with the Consultant's performance of its agreement with CITY. In addition, the CITY shall require the Consultant to carry, maintain, and keep in full force and effect an insurance policy or policies, and each PARTY, its officers, employees, attorneys, and designated volunteers shall be named as additional insured's on the policy(ies) with respect to liabilities arising out of the Consultant's work.
- e. Each PARTY shall indemnify, defend, and hold harmless each other PARTY, including its special districts, elected and appointed officers, employees, and agents, from and against any and all liability, including but not limited to demands, claims, actions, fees, costs, and expenses (including attorney and expert witness fees), arising from or connected with the respective acts of each PARTY arising from or related to this MOU; provided, however, that no PARTY shall indemnify another PARTY for that PARTY's own negligence or willful misconduct.
- f. In light of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement (as defined in Section 895 of said Code), each of the PARTIES hereto, pursuant to the authorization contained in

Section 895.4 and 895.6 of said Code, shall assume the full liability imposed upon it or any of its officers, agents, or employees, by law for injury caused by any act or omission occurring in the performance of this MOU to the same extent that such liability would be imposed in the absence of Section 895.2 of said Code. To achieve the above stated purpose, each PARTY indemnifies, defends, and holds harmless each other PARTY for any liability, cost, or expense that may be imposed upon such other PARTY solely by virtue of said Section 895.2. The provisions of Section 2778 of the California Civil Code are made a part hereof as if incorporated herein.

- g. The PARTIES are, and shall at all times remain as to each other, wholly independent entities. No PARTY to this MOU shall have power to incur any debt, obligation, or liability on behalf of any other PARTY unless expressly provided to the contrary by this MOU. No employee, agent, or officer of a PARTY shall be deemed for any purpose whatsoever to be an agent, employee, or officer of another PARTY.
- h. Any notices, bills, invoices, or reports relating to this MOU, and any request, demand, statement, or other communication required or permitted hereunder shall be in writing and shall be delivered to the representatives of the PARTIES at the addresses set forth in Exhibit B.
- i. This MOU is governed by, interpreted under, and construed and enforced in accordance with the laws of the State of California.
- j. If any provision of this MOU shall be determined by any court to be invalid, illegal, or unenforceable to any extent, the remainder of this MOU shall not be affected, and this MOU shall be construed as if the invalid, illegal, or unenforceable provision had never been contained in this MOU.
- k. All PARTIES have been represented by counsel in the preparation and negotiation of this MOU. Accordingly, this MOU shall be construed according to its fair language. Any ambiguities shall be resolved in a collaborative manner by the PARTIES and shall be rectified by amending this MOU as described in paragraph (6)m.
- l. Each of the persons signing below on behalf of a PARTY represents and warrants that he or she is authorized to sign this MOU on behalf of such PARTY.
- m. Each PARTY shall have no financial obligation to the other PARTIES of this MOU, except as herein expressly provided.
- n. The terms and provisions of this MOU may not be amended, modified, or waived, except by an instrument in writing signed by all PARTIES.
- o. Early Termination or Withdrawal

1. This MOU may be terminated upon the express written agreement of all PARTIES. If this MOU is terminated, all PARTIES must agree on the equitable redistribution of remaining funds deposited, if there are any, or payment of invoices due at the time of termination. Completed work shall be owned by all PARTIES. Rights to uncompleted work by the Consultant still under contract will be held by the PARTY or PARTIES who fund the completion of such work.
2. A PARTY may withdraw from this MOU upon 60 days written notice to the other PARTIES, subject to full payment of any current and future invoicing from CITY prior to or during the 60-day notice period for its share of the cost set forth in Exhibit A. The effective withdrawal date shall be the sixtieth (60th) day after CITY receives the withdrawing PARTY's notice to withdraw from this MOU. Withdrawal from this MOU does not release any PARTY from the obligations set forth in the MS4 Permit.
3. A withdrawing PARTY will not be allowed refunds for tasks, projects or studies already underway in which funds have been obligated. Upon completion of tasks, projects or studies undertaken, if any funds are not expended, a refund of the share of the balance shall be paid within sixty (60) days thereafter to the withdrawing Permittee.
4. Failure to comply with the terms of this MOU is a breach of the MOU. If a breach is not cured within sixty (60) days after receiving a notice to cure the breach by the CITY, PARTY's in breach may be terminated from this MOU by a majority vote of the PARTIES.
5. Non-compliance with MS4 Permit Requirements. Any Permittee found in non-compliance with the conditions of the MS4 Permit within their jurisdictional responsibilities shall be solely liable for any assessed penalties, pursuant to Section 13385 of the Water Code.
- ~~6. If a PARTY fails to comply with any of the terms or conditions of this MOU, that PARTY shall forfeit its rights to work completed through this MOU.~~

IN WITNESS WHEREOF, the PARTIES hereto have caused this MOU to be executed by their duly authorized representatives and affixed as of the date of signature of the PARTIES:

CITY OF LA VERNE

By _____
DON KENDRICK, MAYOR _____ Date _____

ATTEST:

By _____
LUPE ESTRELLA, DEPUTY CITY CLERK _____ Date _____

APPROVED AS TO FORM:

By _____
ROBERT KRESS, CITY ATTORNEY _____

DRAFT

CITY OF CLAREMONT

By _____
OPANYI NASIALI, MAYOR Date _____

ATTEST:

By _____
LYNNE FRYMAN, CITY CLERK Date _____

APPROVED AS TO FORM:

By _____
CITY ATTORNEY Date _____

DRAFT

CITY OF POMONA

By _____
ELLIOTT ROTHMAN, MAYOR _____ Date

ATTEST:

By _____
ANTHONY J. MEJIA, CITY CLERK _____ Date

APPROVED AS TO FORM:

By _____
ARNOLD ALVAREZ-GLASMAN, CITY
ATTORNEY _____ Date

DRAFT

CITY OF SAN DIMAS

By _____
CURTIS W. MORRIS, MAYOR _____
Date _____

ATTEST:

By _____
KEN DURAN, ASSISTANT CITY MANAGER /
CITY CLERK _____
Date _____

APPROVED AS TO FORM:

By _____
KEN BROWN, CITY ATTORNEY _____
Date _____

DRAFT

EXHIBIT A

East San Gabriel Valley Watershed WMP Funding Contributions

Total Contract Costs

Project Component		Cost
Consultant Contract for WMP Development		\$ XX,000
WMP Subtotal		\$XXX,000
Consultant Contract for CIMP Development		\$ XX,000
CIMP Subtotal		\$ X,XXX
Total		\$XXX,000

Cost Allocation Formula

The responsibility for payment of all shared costs of the PLANS shall be distributed among the PARTIES (i.e., the Cities of Claremont, La Verne, Pomona, and San Dimas) as follows:

SAMPLE COST

Jurisdiction	San Gabriel River Watershed ⁽¹⁾		Based fee of (10%) ⁽²⁾	Distributed Area Costs ⁽³⁾	Total (\$ Sample Cost)
	Sq. Miles	% Total			
Claremont	9.047	20.94%	\$10,000.00	\$136,098.64	\$146,098.64
La Verne	8.43	19.51%	\$10,000.00	\$126,816.79	\$136,816.79
Pomona	12.389	26.67%	\$10,000.00	\$186,374.05	\$196,374.05
San Dimas	13.342	30.88%	\$10,000.00	\$200,710.52	\$210,710.52
Total	43.208	100%	\$40,000.00	\$650,000.00	\$690,000.00

(1) Excludes the U.S. Forestry in Claremont, La Verne, and San Dimas, and excludes the Santa Ana River Watershed in Claremont and Pomona (will be addressed in CBRP).

(2) Ten Percent (10%) Base Fee = Total Cost of Contract

(3) Total Cost minus Ten Percent (10%) Base Fee

Cost Allocation Formula is Distributed Total Cost = Total Cost x Agency Percent of Area

**East San Gabriel Valley Watershed WMP
Responsible Agencies Representatives**

1. City of Claremont
207 Harvard Avenue
Claremont, CA 91711
Party Representative: Loretta Mustafa, Acting City Engineer
E-mail: lmustafa@ci.claremont.ca.us
Phone: (909) 399-5480
2. City of La Verne
3660 "D" Street
La Verne, CA 91750
Party Representative: JR Ranells
E-mail: jranells@ci.pomona.ca.us
Phone: (909) 596-8710
3. City of Pomona
505 South Garey Avenue
Pomona, CA 91766
Party Representative: Julie Carver
E-mail: Julie_Carver@ci.pomona.ca.us
Phone: (909) 620-3628
4. City of San Dimas
245 East Bonita Avenue
San Dimas, 91361
Party Representative: Latoya Cyrus
E-mail: lcyrus@ci.san-dimas.ca.us
Phone: (909) 394-6244

Low Impact Development (LID) Ordinance

AN ORDINANCE regulating stormwater runoff for the protection of waterways and sensitive areas in the City of San Dimas.

ARTICLE I. TITLE, FINDINGS, PURPOSE

Section 1.01 Title

This ordinance shall be known as the "City of San Dimas Low Impact Development (LID) Ordinance" and may be so cited.

Section 1.02 Findings

The City of San Dimas (hereinafter referred to as "City") finds that:

- Waterbodies, roadways, structures, and other property within and downstream of the City are at times subject to flooding.
- Land development alters the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding, increased stream channel erosion, increased sediment transport and deposition, and increased nonpoint source pollutant loading to the receiving waterbodies and the beaches.
- Stormwater runoff produced by land development contributes to increased quantities of water-borne pollutants.
- Increases of stormwater runoff, soil erosion, and non-point source pollution have occurred as a result of land development, and have impacted the water resources of the San Gabriel River Watershed.
- Increase stormwater runoff rates and volumes and the sediments and pollutants associated with stormwater runoff from future development projects within the City will, absent proper regulation and control, adversely affect the City's waterbodies and water resources, and those of downstream municipalities.
- Stormwater runoff, soil erosion, and non-point source pollution can be controlled and minimized by the regulation of stormwater runoff from development.
- Adopting the standards, criteria, and procedures contained in this ordinance and implementing the same will address many of the deleterious effects of stormwater runoff.

Section 1.03 Purpose

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls to accomplish, among others, the following objectives:

- (1) Lessen the water quality impacts of development by using smart growth practices such as compact development, directing development towards existing communities via infill or redevelopment, and safeguarding of environmentally sensitive areas.
- (2) Minimize the adverse impacts from stormwater runoff on the biological integrity of Natural Drainage Systems and the beneficial uses of waterbodies.
- (3) Minimize the percentage of impervious surfaces on land developments by minimizing soil compaction during construction, designing projects to minimize the impervious area footprint, and employing Low Impact Development (LID) design principles to mimic predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use.
- (4) Maintain existing riparian buffers and enhance riparian buffers when possible.
- (5) Minimize pollutant loadings from impervious surfaces such as roof tops, parking lots, and roadways through the use of properly designed, technically appropriate Best Management Practices (BMPs),

(including Source Control BMPs such as good housekeeping practices), LID Strategies, and Treatment Control BMPs.

- (6) Properly select, design and maintain LID and Hydromodification Control BMPs to address pollutants that are likely to be generated, reduce changes to pre-development hydrology, assure long-term function, and avoid the breeding of vectors.
- (7) Prioritize the selection of BMPs to remove stormwater pollutants, reduce stormwater runoff volume, and beneficially use stormwater to support an integrated approach to protecting water quality and managing water resources in the following order of preference:
 - (a) On-site infiltration, bioretention and/or rainfall harvest and use.
 - (b) On-site biofiltration, off-site ground water replenishment, and/or off-site retrofit.

Section 1.04 Construction of Language

For purposes of this Ordinance, the following rules of construction apply:

- A. Terms not specifically defined in this Ordinance shall have the meaning customarily assigned to them.
- B. Considering that stormwater management in many cases requires sophisticated engineering design and improvements, some of the terms of this Ordinance are complex in nature. Effort has been made to simplify terms to the extent the subject matter permits.

ARTICLE II: DEFINITIONS

Section 2.01 Definition of Terms

The following terms, phrases, words, and derivatives shall have the meaning defined below:

"Applicant" means any person proposing or implementing the development of land.

"Beneficial uses" means the existing or potential uses of receiving waters in the permit area as designated by the Regional Water Board in the Basin Plan.

"BMP or best management practice" means a practice, or combination of practices and design criteria that comply with the California Association of Stormwater Quality (CASQA) Guidebook of BMPs or equivalent practices and design criteria that accomplish the purposes of this Ordinance (including, but not limited to minimizing stormwater runoff and preventing the discharge of pollutants into stormwater) as determined by the City Engineer, Environmental Coordinator, City's consultant (and/or, where appropriate, the standards of the General Plan).

"City" means the City of San Dimas

"Conveyance facility" means a storm drain, pipe, swale, or channel used to collect and direct stormwater.

"Design engineer" means the registered professional engineer responsible for the design of the stormwater management plan.

"Detention system" means a system which is designed to capture stormwater and release it over a given period of time through an outlet structure at a controlled rate.

"Development" means any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade,

hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

“Engineered site grading plan” means a sealed drawing or plan and accompanying text prepared by a registered engineer or landscape architect which shows alterations of topography, alterations of watercourses, flow directions of stormwater runoff, and proposed stormwater management and measures which is prepared to ensure that the objectives of this Ordinance are met.

“Environmentally sensitive area (ESA)” means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments (California Public Resources Code § 30107.5). Areas subject to storm water mitigation requirements are: areas designated as Significant Ecological Areas by the County of Los Angeles (Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning (1976) and amendments); areas designated as a Significant Natural Area by the California Department of Fish and Wildlife’s Significant Natural Areas Program, provided that areas have been field verified by the Department of Fish and Wildlife; areas listed in the Basin Plan as supporting the “Rare, Threatened, or Endangered Species (RARE)” beneficial use; and areas identified by the City of San Dimas as environmentally sensitive.

“Grading” means any stripping, excavating, filling, and stockpiling of soil or any combination thereof and the land in its excavated or filled condition.

“Hillside” means any property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is on average 25% or greater and where grading contemplates cut or fill slopes. For the purposes of this Ordinance the average slope of a parcel to be subdivided shall be determined according to the formula:

$$S = \frac{.00229}{A} IL$$

where:

1. “S” is the average slope in percent;
2. “I” is the contour interval in feet;
3. “L” is the combined length of contour lines in scale feet within the parcel; and
4. “A” is the area in acres of the parcel to be subdivided.

“Impervious surface” means a surface that does not allow stormwater runoff to slowly percolate into the ground.

“Infiltration” means the percolation of water into the ground, expressed in inches per hour.

“Maintenance agreement” means a binding agreement that sets forth the terms, measures, and conditions for the maintenance of stormwater systems and facilities.

“Natural drainage system” means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system.

“Offsite facility” means all or part of a drainage system that is located partially or completely off the development site which it serves.

“Peak rate of discharge” means the maximum rate of stormwater flow at a particular location following a storm event, as measured at a given point and time in cubic feet per second (CFS).

“Plan” means written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these which contain information pursuant to this Ordinance.

“Retention” means a holding system for stormwater, either natural or man-made, which does not have an outlet to adjoining watercourses or wetlands and in which water is removed through infiltration and/or evaporation processes.

“Runoff” means the portion of precipitation which flows over the land. During dry weather it is typically comprised of base flow (either contaminated with pollutants or uncontaminated) and nuisance flow.

“Sediment” means mineral or organic particulate matter that has been removed from its site of origin by the processes of soil erosion, is in suspension in water, or is being transported.

“A significant ecological area (SEA)” means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity for the purpose of protecting biotic diversity as part of the Los Angeles County General Plan.

“Storm drain” means a conduit, pipe, swale, natural channel, or man-made structure which serves to transport stormwater runoff. Storm drains may be either enclosed or open.

“Stormwater BMP (Best Management Practice)” means any facility, structure, channel, area, process or measure which serves to control stormwater runoff in accordance with the purposes and standards of this Ordinance. Also see BMP or Best Management Practice.

“Stormwater Quality Design Volume (SWQDV)” means the runoff from:

- a. The 0.75-inch, 24-hour rain event or
- b. The 85th percentile, 24-hour rain event, as determined from the Los Angeles County 85th percentile precipitation isohyetal map, whichever is greater.

“Swale” means a defined contour of land with gradual slopes that transport and direct the flow of stormwater.

“Watercourse” means any natural or manmade waterway or other body of water having reasonably well defined banks. Rivers, streams, creeks, brooks, and channels, whether continually or intermittently flowing, as well as lakes and ponds are watercourses for purposes of stormwater management.

“Watershed” means an area in which there is a common outlet into which stormwater ultimately flows, otherwise known as a drainage area.

“Wetlands” means land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh, as defined by state law.

ARTICLE III. NEW DEVELOPMENT AND REDEVELOPMENT PROJECT PROVISIONS

Section 3.01 Applicability

These procedures and standards set forth in this Ordinance and the BMP design information found in the Los Angeles County Municipal Storm Water Permit Order No. R4-2012-0175, and any amendment, revision, or reissuance thereof provide minimum standards to be complied with by developers and in no way limit the authority of the City of San Dimas to adopt or publish and/or enforce higher standards as a condition of approval of developments.

A. New Development Projects

Development projects subject to City conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution prior to completion of the project(s) include:

- (a) All development projects equal to 1 acre or greater of disturbed area and adding more than 10,000 square feet of impervious surface area.
- (b) Industrial parks 10,000 square feet or more of surface area.
- (c) Commercial malls 10,000 square feet or more surface area.
- (d) Retail gasoline outlets 5,000 square feet or more of surface area.
- (e) Restaurants 5,000 square feet or more of surface area.
- (f) Parking lots 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
- (g) Street and road construction of 10,000 square feet or more of impervious surface area shall follow the City of San Dimas Green Streets Policy to the maximum extent practicable. Street and road construction applies to streets, roads, highways, and freeway projects, and also applies to streets within larger projects.
- (h) Automotive service facilities (*as referenced by standard industrial classifications in the Los Angeles County Municipal Storm Water Permit Order No. R4-2012-0175, and any amendment, revision, or reissuance thereof*) 5,000 square feet or more of surface area.
- (i) Redevelopment projects in subject categories that meet Redevelopment thresholds identified in Part B (Redevelopment Projects) below.
- (j) Projects located in or within 200ft of, or discharging directly to a Significant Ecological Area (SEA), such as: *San Dimas Canyon / San Antonio Wash* where the development will:
 - i. Discharge storm water runoff that is likely to impact a sensitive biological species or habitat; and
 - ii. Create 2,500 square feet or more of impervious surface area
- (k) Single-family hillside homes. During the construction of a single family hillside home, the following measures shall be considered to the maximum extent practicable:
 - i. Conserve natural areas.
 - ii. Protect slopes and channels.
 - iii. Provide storm drain system stenciling and signage.
 - iv. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability.
 - v. Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.

B. Redevelopment Projects

Redevelopment projects subject to conditioning and approval requirements outlined in this Ordinance for the design and implementation of post-construction controls to mitigate stormwater pollution prior to completion of the project(s) include:

- (a) Land-disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site
 - i. Redevelopment projects that result in an alteration to more than fifty (50) percent of impervious surfaces of an existing development which had not been not subject to post-construction stormwater quality control requirements at the time of the previous development shall be required to mitigate the entire project site
 - ii. Redevelopment projects that result in an alteration of less than fifty (50) percent of impervious surfaces of an existing development, which had not been subject to post-construction stormwater quality control requirements at the time of the previous development shall be required to mitigate only the alteration and shall not be required to mitigate the entire development
 - iii. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.
 - iv. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

Section 3.02 Project Performance Criteria

All development projects that fit the project criteria listed above in Section 3.01 of this ordinance shall control pollutants, pollutant loads, and runoff volume by retaining the Stormwater Quality Design Volume (SWQDv) (as defined above) on-site through:

1. Minimizing the impervious surface area; and
2. Controlling runoff from impervious surfaces through infiltration, bioretention and/or rainfall harvest and use.

Section 3.03 Alternative Compliance for Technical Infeasibility

To demonstrate technical infeasibility, the project applicant shall demonstrate to the City Engineer that the project cannot reliably retain 100 percent of the SWQDv on-site, even with the maximum application of green roofs and rainwater harvest and use, and that compliance with the applicable post-construction requirements would be technically infeasible. This shall be demonstrated by submitting a site-specific hydrologic and/or design analysis conducted and endorsed by a registered professional engineer and shall be subject to review and approval by the City Engineer.

When evaluating the potential for on-site retention, each applicant shall consider the maximum potential for evapotranspiration from green roofs and rainfall harvest and use.

Alternative compliance measures include the following:

- (1) On-site Biofiltration – Biofiltration systems shall meet the design specifications provided in Attachment H of the Los Angeles County Municipal Storm Water Permit Order No. R4-2012-0175, and any amendment, revision, or reissuance thereof. If using biofiltration due to demonstrated technical infeasibility, then the new project must biofiltrate 1.5 times the portion of the SWQDv that is not reliably retained on-site, as calculated by Equation 1 below:

Equation 1:

$$B_v = 1.5 * [SWQD_v - R_v]$$

Where:

B_v = biofiltration volume

$SWQD_v$ = the stormwater runoff from a 0.75 inch, 24-hour storm or the 85th percentile storm, whichever is greater.

R_v = volume reliably retained on-site

- (2) Offsite Infiltration – Use infiltration or bioretention BMPs to intercept a volume of stormwater runoff equal to the $SWQD_v$, less the volume of stormwater runoff reliably retained on-site, at an approved offsite project. The required offsite mitigation volume shall be calculated by Equation 2 below:

Equation 2:

$$M_v = 1.0 * [SWQD_v - R_v]$$

Where:

M_v = mitigation volume

$SWQD_v$ = runoff from the 0.75 inch, 24-hour storm event or the 85th percentile storm, whichever is greater

R_v = the volume of storm water runoff reliably retained on-site.

- (3) Offsite Project - Retrofit Existing Development – Use infiltration, bioretention, rainfall harvest and use and/or biofiltration BMPs to retrofit an existing development, with similar land uses as the new development or land uses associated with comparable or higher stormwater runoff event mean concentrations (EMCs) than the new development. The retrofit plan shall be designed and constructed as described in the Los Angeles County Municipal Storm Water Permit Order No. R4-2012-0175, and any amendment, revision, or reissuance thereof.

- (4) Other alternative compliance requirements are detailed in the Los Angeles County Municipal Storm Water Permit Order No. R4-2012-0175.

Applicants and/or designers may select any combination of stormwater BMPs which meet the performance standards provided in this selection and identified in the Los Angeles County Municipal Storm Water Permit Order No. R4-2012-0175 and any amendment, revision, or reissuance thereof.

ARTICLE IV. PLAN REVIEW REQUIREMENTS, FEES, AND MAINTENANCE

Section 4.01 Review Procedures

A. All Stormwater Plans shall be subject to review and approval by the City Engineer.

1. If the proposed plan is not sufficient as originally submitted, the City Engineer, or his/her designee, will notify the applicant in writing, setting forth the reasons for withholding a recommendation for approval, and will state the changes necessary to obtain approval.
2. If Staff determines that all of the required information has not been received, the proprietor may request that the matter be tabled to allow for the submittal of the required information.
3. If all of the required information has been received, Staff shall recommend approval, recommend approval with conditions, or recommend denial of the Stormwater Plan, including

waiver submissions. Recommendations for action on the Stormwater Plan can be part of the recommendation for action on the site plan or subdivision plat.

4. If the plan is approved, the City will require the following:
 - a. The applicant shall provide copies of all necessary state, federal, or local permits relating to stormwater management to the City.
 - b. A satisfactory maintenance covenant agreement that assures long-term maintenance of all drainage improvements shall be submitted as part of the final plan. The maintenance covenant shall include a listing of the BMP's and their location and required maintenance frequency. The property owner shall be required to document proper maintenance and operations and maintain such records for a period of two (2) years. Maintenance agreements and records shall be provided upon request to the City inspector at any time for compliance verification. Failure to do so will result in enforcement actions per the City Code. The approved covenant shall be recorded with the Los Angeles County Recorder prior to issuance of occupancy.

A satisfactory maintenance covenant shall at a minimum include the developer's signed statement accepting responsibility for maintenance until the responsibility is legally transferred; and either:

- A signed statement from the public entity assuming responsibility for BMP maintenance; or
 - Written conditions in the sales or lease agreement, which require the property owner or tenant to assume responsibility for BMP maintenance and conduct a maintenance inspection at least once a year; or
 - Written text in project covenants, conditions, and restrictions (CCRs) for residential properties assigning BMP maintenance responsibilities to the Home Owners Association; or
- c. The applicant shall post cash or a letter of credit in an amount not less than ___ percent of the cost of the stormwater facilities for projects of less than \$_____ or ___ percent of the cost for projects over \$_____. This deposit shall be held for two (2) years after the date of completion of construction and final inspection of the stormwater facilities, or until construction on all phases in the development are completed, whichever time period is longer.
 - d. This deposit shall be returned to the applicant (in the case of cash) or allowed to expire (in the case of a letter of credit), as provided above, provided all stormwater facilities are clean, unobstructed, and in good working order, as determined by the City Engineer.
 - e. Reproducible mylars and electronic files (in AutoCAD format) of the as-built storm drains and stormwater BMPs shall be submitted by the applicant or his/her engineer to the City along with the final plan, or upon completion of system construction. The mylars are to be of quality material and three mils in thickness. Complete development agreements (including deed restrictions) must be submitted for the City's review and approval prior to recording.

Section 4.02 Review Fees

Fees and escrow account payments shall be sufficient to cover administrative and technical review costs anticipated to be incurred by the City of San Dimas including the costs of on-site inspections.

Section 4.03 Maintenance Agreement

A. Purpose of Maintenance Agreement

The purpose of the maintenance agreement is to provide the means and assurance that maintenance of stormwater BMPs shall be undertaken.

B. Maintenance Agreement Required

1. A maintenance agreement shall be submitted to the City, for review by the City Engineer and his/her designee and, if necessary, City Attorney. The Designers may select any combination of stormwater BMPs which meet the performance standards provided this selection and identified in the Los Angeles County Municipal Storm Water Permit Order No. R4-2012-0175 and any

amendment, revision, or reissuance thereof. A formal maintenance plan shall be included in the maintenance agreement.

C. Maintenance Agreement Provisions

1. The maintenance agreement shall include a plan for routine, emergency, and long-term maintenance of all stormwater BMPs, with a detailed annual estimated budget for the initial two (2) years, and a clear statement that only future maintenance activities in accordance with the maintenance agreement plan shall be permitted without the necessity of securing new permits. Written notice of the intent to proceed with maintenance shall be provided by the party responsible for maintenance to the City of San Dimas at least 14 days in advance of commencing work.
2. The maintenance agreement shall be binding on all subsequent owners of land served by the stormwater BMPs.
3. If it has been found by the City, following notice and an opportunity to be heard by the property owner, that there has been a material failure or refusal to undertake maintenance as required under this ordinance and/or as required in the approved maintenance agreement as required hereunder, the City shall abate such violations, as a public nuisance, pursuant to the procedures set forth in Chapter 8.16 of the municipal code. (Ord. 1011 § 1 (part), 1994).

A fully executed "Maintenance Covenant for permanent BMP's Requirements" shall be recorded with the L.A. County Registrar/Recorder and submitted to the Public Works Department prior to the Certificate of Occupancy. Covenant documents shall be required to include an exhibit that details the installed treatment control devices as well as any site design or source control Best Management Practices (BMPs) for post construction. The information to be provided on this exhibit shall include, but not be limited to:

- 8 ½" x 11" exhibits with record property owner information.
- Types of BMPs (i.e., site design, source control and/or treatment control) to ensure modifications to the site are not conducted without the property owner being aware of the ramifications to BMP implementation.
- Clear depiction of location of BMPs, especially those located below ground.
- A matrix depicting the types of BMPs, frequency of inspection, type of maintenance required, and if proprietary BMPs, the company information to perform the necessary maintenance.
- Agreement to retain documentation of proper maintenance for a period of two (2) years.
- Understanding that documentation of proper maintenance must be presented to the City upon request.

ARTICLE V ENFORCEMENT

Any person violating any provision of this ordinance shall be responsible for a municipal civil infraction and subject to the City's progressive enforcement policy as detailed in the City Code.

Section 5.01 Stop Work Order

Where there is work in progress that causes or constitutes in whole or in part, a violation of any provision of this Ordinance, the City is authorized to issue a Stop Work Order so as to prevent further or continuing violations or adverse effects. All persons to whom the stop work order is directed, or who are involved in any way with the work or matter described in the stop work order shall fully and promptly comply therewith. The City may also undertake or cause to be undertaken, any necessary or advisable protective measures so as to prevent violations of this ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work.

Section 5.02 Failure to Comply; Completion

In addition to any other remedies, should any owner fail to comply with the provisions of this Ordinance, the City may, after the giving of reasonable notice and opportunity for compliance, have the necessary work done, and the owner shall be obligated to promptly reimburse the City for all costs of such work.

Section 5.03 Emergency Measures

When emergency measures are necessary to moderate a nuisance, to protect public safety, health and welfare, and/ or to prevent loss of life, injury or damage to property, the City is authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this Ordinance, and shall promptly reimburse the City for all of such costs.

Section 5.04 Cost Recovery for Damage to Storm Drain System

A discharger shall be liable for all costs incurred by the City as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain, or violates any of the provisions of this Ordinance. Costs include, but are not limited to, those penalties levied by the Environmental Protection Agency or Los Angeles Regional Water Quality Control Board for violation of an NPDES permit, attorney fees, and other costs and expenses.

Green Street Policy

Purpose

The City of San Dimas shall implement green street BMPs for transportation corridors associated with new and redevelopment street and roadway projects, including Capital Improvement Projects (CIPs). This policy is enacted to demonstrate compliance with the NPDES MS4 Permit for the Los Angeles Region (Order No. R4-2012-0175).

Green streets are an amenity that provides many benefits including water quality improvement, groundwater replenishment, creation of attractive streetscapes, creation of parks and wildlife habitats, and pedestrian and bicycle accessibility. Green streets are defined as right-of-way areas that incorporate infiltration, biofiltration, and/or storage and use BMPs to collect, retain, or detain stormwater runoff as well as a design element that creates attractive streetscapes.

Policy

- A. **Application.** The City of San Dimas shall require new development and/or redevelopment streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors projects are major arterials as defined in the [CITY'S] General Plan which add at least 10,000 square feet of impervious surface. Routine maintenance or repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original line and grade are maintained.

Alternate A (without General Plan reference).

Application. The City of San Dimas shall require new development and/or redevelopment streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors projects are roadway projects that add at least 10,000 square feet of impervious surface. Routine maintenance or repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original line and grade are maintained.

- B. **Amenities.** The City of San Dimas shall consider opportunities to replenish groundwater, create attractive streetscapes, create parks and wildlife habitats, and provide pedestrian and bicycle accessibility through new development and redevelopment of streets and roadway projects and CIPs.
- C. **Guidance.** The City of San Dimas shall use the City of Los Angeles Green Streets guidance, USEPA's *Managing Wet Weather with Green Infrastructure Municipal Handbook: Green Streets*¹, or equivalent guidance developed by the City of San Dimas for use in public and private developments.
- D. **Retrofit Scope.** The City of San Dimas shall use the City's Watershed Management Program to identify opportunities for green street BMP retrofits. Final decisions regarding implementation will be determined by the Director of Public Works based on the availability of adequate funding.
- E. **Training.** The City of San Dimas shall incorporate aspects of green streets into internal annual staff trainings.

¹ EPA-833-F-08-009, December 2008.