



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**TUESDAY, JANUARY 14, 2014, 7:00 P. M.**  
**SAN DIMAS COUNCIL CHAMBERS**  
**245 E. BONITA AVE.**

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**CITY COUNCIL:**

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

**STAFF:**

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

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Morris called the meeting to order at 7:00 p.m. and led the flag salute.

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

a. Members of the Audience

- 1) **Dennis Phillips** resident – referenced to statements made by Councilmember Bertone at the December 12, 2013 Council meeting in which he stated that staff members should not be called out by name during the meetings and stated that it is a legal right to be able to view an opinion about anyone. Mr. Phillips also shared that he thinks staff's practices in applying the laws and codes of the city are unjustified and biased.
- 2) **Craig Lawrence** Pastor of New Life Community Church – spoke on behalf of Gene and Linda Campbell and the many people in the community they have helped.
- 3) **Ginny Phillips** resident – spoke of the unique qualities of some of the neighborhoods in San Dimas.
- 4) **Cassidy Cuccia Aguirre** ASB President at San Dimas High School – announced recent activities at the high school.
- 5) **Amy Crow** Manager at San Dimas Library – announced upcoming activities planned at the library.

- 6) **Brooke Campbell** – spoke of the contributions her mother and father have made to the community and felt that they were being treated unfairly.
- 7) **Sherrie Schaefer** resident – spoke on being part of a solution.
- 8) **Larry Winslow** former resident – spoke in support of Gene Campbell and suggested mediation.
- 9) **Leo Acosta** resident – asked for an exemption from the parking requirements for the residents on Oakway.

### 3. CONSENT CALENDAR

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

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

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

**RESOLUTION NO. 2014 - 01** , A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF DECEMBER 2013 AND JANUARY 2014.

- b. Approval of minutes for the City Council Meeting of November 26, 2013 and City Council Meeting of December 10, 2013
- c. Approve a 5 year renewal of the Municipal Law Enforcement Services Agreement with the County of Los Angeles for Public Safety services provided by the Los Angeles County Sheriff's Department
- d. San Gabriel Valley Council of Governments Update: Valley Voice Article – San Gabriel Valley Energy Wise Partnership Recognition

END OF CONSENT CALENDAR

### 4. PUBLIC HEARING

- a. **CONSIDERATION OF DEVELOPMENT PLAN REVIEW BOARD CASE NO. 13-12, CONDITIONAL USE PERMIT 13-01, AND PRECISE PLAN 13-01**– A request to construct and operate an approximately 10,000 square foot single-story medical inpatient facility and approximately 2,400-square foot single-story outpatient facility for physical, speech, and occupational therapy on a vacant site of approximately 1.8 acres at 1136 and 1148 W. Puente Street, near the intersection of Puente Street and Via Verde in the Office/Professional Land Use Designation, Administrative Professional (A-P) Zone, and Scenic Highway Overlay (SHO) (APN's 8448-020-069 and 8448-020-070). The Development Plan Review Board (DPRB) and Precise Plan (PP) applications are required for the architecture, design, and development of the site. A Conditional Use Permit (CUP) application is required for the use of the medical inpatient facility (congregate living health facility), elimination of walls and use of openwork fencing, and a reduction of the required parking by seven spaces

- 1) **RESOLUTION NO. 2014-02**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 13- 01, A REQUEST TO OPERATE A MEDICAL INPATIENT FACILITY

(CONGREGATE LIVING HEALTH FACILITY) WITH A MAXIMUM OF 15 PATIENTS, TO ELIMINATE SOLID MASONRY WALLS AT A ZONE BOUNDARY, AND TO WAIVE 7 PARKING SPACES AT 1136 & 1148 W. PUENTE STREET (APN's 8448-020-069 and 8448-020-070)

- 2) **RESOLUTION NO. 2014-03**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN 13-01, A REQUEST FOR DEVELOPMENT WITHIN THE SCENIC HIGHWAY OVERLAY AT 1136 & 1148 W. PUENTE STREET (APN's 8448-020-069 and 8448-020-070)

**Assistant City Manager Larry Stevens** provided a chronological summary of past events associated with the property, clarified the matters presented at the meeting and explained options available to Council.

**Dr. Ersher** resident – recommended the hearing be divided into two separate issues.

**Assistant City Manager Stevens** explained it would be better to have staff's presentation on both matters done at one time and let Council decide after if they would like to separate the two issues.

**Councilmember Templeman** asked for an explanation on the decision made by Council a few months ago and what is being considered now.

**Assistant City Manager Stevens** explained the Conditional Use Permit process.

**Associate Planner Jennifer Williams** presented staff's report on the item recommending approval of Resolution No. 2014-02 and direct applicant to consider alteration to Precise Plan.

**Councilmember Templeman** asked for clarification on staff's request for the Precise Plan.

**Assistant City Manager Stevens** explained that there was a fundamental difference in the perception of the site plan between the Planning Commission, DPRB and staff.

**Councilmember Ebner** asked for a summary of why the Planning Commission and DPRB decided to go with the applicant's proposal.

**Assistant City Manager Stevens** answered that the applicant felt the plan fit its operational needs better than what staff laid out.

**Associate Planner Williams** pointed out the added language that added the lot combination language to condition number 62.

**Councilmember Ebner** asked if the project could go with less than 35 parking spaces in view of other facilities that have less parking.

**Associate Planner Williams** answered yes.

**Councilmember Ebner** asked if the congregate living health facility license was issued by the state or county and how long is it issued for.

**Associate Planner Williams** responded it was issued through the state but administered through the separate counties and she would have to check on the timeframe.

A member of the audience gave a response that indicated there was no minimum or maximum.

**Councilmember Ebner** asked if in the future someone else wanted transform this facility into one that does treat drug and rehab patients what would be the steps for them to take.

**Assistant City Manager Stevens** answered they would need to go through the process to get a determination if they fit within the permitted or conditional uses.

**Councilmember Ebner** asked if the CUP was approved would this set a precedent in the A.P. Zone or will they evaluated on a case by case circumstance.

**Associate Planner Williams** responded it would be a case by case basis.

**Mayor Morris** explained what the oral communication process will be and turned the meeting over to the applicant for presentation.

**Keith Underwood** on behalf of HealthCap gave a presentation on the project.

**Councilmember Denis Bertone** asked why there wasn't greater outreach to the community.

**Mr. Underwood** responded they did have a community meeting where information was handed out that included contact information and spent a lot of time answering question as well as meeting with businesses and HOA's surrounding the project.

**Councilmember Ebner** asked if the project could get by with 30 parking spaces.

**Mr. Underwood** answered because of the outpatient services provided they would prefer not to.

**Councilmember Badar** asked what would be the plan for the biohazard waste.

**Mr. Underwood** responded that Mr. Ashby would be better at providing an answer.

**Jim Ashby** with Care Meridian provided clarification on what their services are and addressed some of the misconceptions that have been presented to the public. He explained that biohazard waste is collected in accord by the standards set out by the Department of Health exactly as a hospital.

**Councilmember Ebner** commented on the statement made by Mr. Ashby that they chose JACO voluntarily for accreditation, by asking if they had to be accredited by anyone.

**Mr. Ashby** responded they only have to be licensed by the State of California.

**Councilmember Templeman** left the dais at 8:55 p.m. and returned at 8:57 p.m.

**Councilmember Badar** asked how often occurrences of ambulances present were.

**Mr. Ashby** answered that on average two to three times per year.

**Mayor Morris** opened the public hearing to those in favor of the project.

- 1) **David Sohlt** resident – likes the landscaping and orientation of the property, concerned about possible traffic signal at the corner of Via Palomares and Puente

**Mayor Morris** responded it was not likely there would be a signal installed because it most likely isn't warranted.

2) **Stan Stringfellow** representing property owner – in favor of maintaining scenic landscape and fencing, would be helpful to remaining undeveloped site and would be less impactful than previously approved projects

3) **Gary Enderle** resident – read from his prepared letter previously submitted

**Mayor Morris** opened the oral communications for those opposed to the project.

1) **Diane Bonner** resident – the project would be intrusive on neighborhood with traffic, noise

2) **Jan Bartolo** resident – an Environmental Impact Report would have been appropriate, KinderCare leaving free up land for Care Meridian to expand

3) **Mildred Grimes** resident – facility would ruin some of the ruralness of the community, did not receive notification

4) **Joe Botana Jr.** resident – received no notification, radius should have been expanded

5) **Terri B.** resident – more the 15 employees on duty

6) **Dan Hargis** resident – not enough notification, threat to KinderCare business

7) **Dr. Ersher** resident – not enough time given to those in opposition to speak, hours of outpatient facility, not within concept of the general plan

8) **Katie Bartolo** resident – 100 signatures in opposition, left turn into facility a concern, community member informed the residents about the meeting, no benefit to community

9) **Ken Mc Crimmon** resident – comparison to a hospital or home, parking

10) **Raymond Mansour** resident – purchased property for the scenic view, hours of operation not compatible with neighborhood

11) **Julie Santoro** resident – concern over 24 hour operation, not compatible with Neighborhood

12) **Jim Pekin** resident – lack of notification, future uses

13) **S.K. Tam** resident – no value to community

Recess called at 9:56 p.m. reconvened at 10:05 p.m.

14) **Bertha Cunningham** resident – parking congestion, loss of homeowners

15) **Cerise Santoro** resident – no benefit to community

16) **John Santoro** resident – wrong location

20) **David South** resident – would have liked more information from developer for him to

contact local communities where other facilities are and get their input

21) **Sam?** – resident – 24 hour operation not for Via Verde community

22) **Arlene Jackson** resident – more traffic than what has been mentioned

23) **Doug** resident – Council needs more information to make decision, study that referenced increased traffic, crime and property values

24) **Sam Saleh** resident – Council should listen to voters, project not good for community

25) **Nelly Toumayan** resident – concerned for neighbors effected by the noise from the facility

**Rebuttal:** Jim Ashby of Care Meridian addressed the issue of communication saying that this project by far has had the most meetings of all 20 facilities they have been involved in. He stated that he has made himself available to members of the community and has heard from no one. He continued by addressing the noise level of the generators, odors, laundry and the overall operation of the facility. He shared that there are statues that prohibit them from opening and operating another facility within 1,000 feet of an existing one.

**Councilmember Templeman** asked Mr. Ashby if he said that their license prohibits them from doing drug and alcohol rehabilitation.

**Mr. Ashby** replied yes.

**Councilmember Templeman** shared that he did attend the DPRB meetings, visited the Garden Grove facility, asked for input from the local Sheriff's Department on the calls for service, spoke with various real estate agents in the city and received no negative information that would impact the community. He went on to say he believes in the findings of the Planning Commission and DPRB and feels they did a good job; his biggest concern would be the Saturday activity. He supports the project.

**Councilmember Bertone** shared that this is a very good facility, doesn't feel that it would diminish the property values of the community. He cited three reasons to vote against the project:

- 1) Not consistent with staff's recommendation
- 2) Poor community outreach
- 3) No benefit to community – majority are against

He would not support the project.

**Councilmember Badar** shared that he has attended of all but 1 meeting, visited the Garden Grove facility three times because of the comments shared by the residents; he doesn't see the problems vocalized by this group. He did have concerns with some of the noticing.

He supports the project.

**Councilmember Ebiner** shared that this was a tough decision and feels that this type of use is a good use. He stated the community needs to integrate with all types of people, including those who can't care for themselves. He further stated that when he put all the decisions before the Council together he would not be in favor of the project as proposed. He stated that he would be

in favor of removing condition #17, prohibiting the conversion to a drug and rehab facility, in lieu of making a change to the municipal code prohibiting drug and rehab facilities in this zone making it more of an iron clad guarantee of their prohibition. He also stated that he feels that the design is wanting and should have more of a residential look, with no parking in front and no need for a berm. He suggested that if the project is approved there should be consideration for a change to condition #20 regarding lighting standards to adopt a “dark skies” approach making sure there is no light bleeding to the sky and minimizing the light reflection off the parking lot. He also suggested that there be no fence allowed between the building and the street.

He would not support the project.

**MOTION:** After the title was read, it was moved by Councilmember Templeman, seconded by Councilmember Badar, to waive further reading and adopt **RESOLUTION NO. 2014-02, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 13- 01, A REQUEST TO OPERATE A MEDICAL INPATIENT FACILITY (CONGREGATE LIVING HEALTH FACILITY) WITH A MAXIMUM OF 15 PATIENTS, TO ELIMINATE SOLID MASONRY WALLS AT A ZONE BOUNDARY, AND TO WAIVE 7 PARKING SPACES AT 1136 & 1148 W. PUENTE STREET (APN’s 8448-020-069 and 8448-020-070). The motion carried by a vote of three to two with Mayor Pro Tem Bertone and Councilmember Ebner voting no.**

**Mayor Morris** added that if he felt the concerns expressed by the residents were going to be an issue he would also have concerns, but doesn’t think that any of those situations will happen. He added that this project is much less impactful than other projects.

**MOTION:** After the title was read, it was moved by Councilmember Badar, seconded by Councilmember Templeman to waive further reading and adopt with changes to Condition No. 16 adding “to come back to the City Council after the DPRB concludes its review for site plan details, rear fencing details and building architecture details, Condition No. 20 add sentence “to dark sky standards” and Condition No.62 modification to allow a parcel combo in addition to the opportunity for a parcel merger, of **RESOLUTION NO. 2014-03, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN 13-01, A REQUEST FOR DEVELOPMENT WITHIN THE SCENIC HIGHWAY OVERLAY AT 1136 & 1148 W. PUENTE STREET (APN’s 8448-020-069 and 8448-020-070)** **The motion carried by a vote of three to two with Mayor Pro Tem Bertone and Councilmember Ebner voting no.**

## 5. ORAL COMMUNICATIONS

- a. Members of the Audience (Speakers are limited to five (5) minutes or as may be determined by the Chair.)
  - 1) **Dr. Ersher** resident - expressed that the presenter had professional advantage in presenting, whereas the public does not and three minutes is not enough time. He also expressed that ultimately the goal is to make the nicest looking project possible in Via Verde.
  - 2) **Mildred Grimes** resident - felt that Council did not look out for the residents of Via Verde and if KinderCare closes residents will have to make other arrangements. She shared that if the project goes through election time will see changes.
  - 3) **Dan Hargis** resident – spoke on running for Council in March 2015.
  - 4) **Lillie Bagley** resident – could see both sides, but felt an injustice in not letting people in opposition speak longer

- 5) **Don Davies** resident – spoke on parking issues on Oakway
- 6) **Terry Meeker** resident – concerned with traffic conditions and landscaping in the area
  - b. City Manager

Mayor's Call in Show January 16, 2014, 7:00 p.m.

**Assistant City Manager Larry Stevens** asked if the consensus from the Council was to notice the same 1500 sq. ft. when the project goes back to the DPRB for architecture issues.

**Mayor Morris** added that everyone who signed in at the meeting should be included as well.

**Councilmember Bertone** suggested that everyone within 5,000 sq. ft. should be noticed.

**Mayor Morris** stated that the funds would have to come from the budget to cover that.

**Assistant City Manager Larry Stevens** stated the other alternative would be increasing fees. He clarified that he would do 1,500 sq. ft., include the resident's from tonight and make it clear that only various architectural issues are being considered.

- c. City Attorney

Nothing to report.

- d. Members of the City Council

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

Nothing to report.

- 2) Individual Members' comments and updates.

**Councilmember Templeman** commented on a new law that dealt with houses over 20 years old and updating plumbing fixtures.

**Assistant City Manager Larry Stevens** stated that there are debates within the building code community on how to management implementation.

**Councilmember Ebner** mentioned his support to the Jackie Bristol 5k event over the weekend. He also mentioned that the limitation of three minutes placed on speakers isn't enough time for them to express their thoughts.

**Councilmember Templeman** shared that it was important that everyone had a chance to speak and the time limit can help accomplish that.

## 6. ADJOURNMENT

The next meeting is January 28, 2014, 7:00 p.m.

Respectfully submitted,

  
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Debra Black, Deputy City Clerk