



AGENDA
REGULAR CITY COUNCIL /
REDEVELOPMENT AGENCY MEETING
TUESDAY, SEPTEMBER 13, 2011, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

CITY COUNCIL:

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

1. CALL TO ORDER AND FLAG SALUTE

2. ANNOUNCEMENTS

- San Dimas 5K and 1 mile Family Fun Run and Family Fitness Fair for Saturday, September 24, 2011.
- Walnut Creek Community Meeting, Thursday, September 29, 2011, 6:30-8:00 p.m. , Stanley Plumber Building
- Pui-Ching Ho, Library Manager, San Dimas Library

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 or audience requests removal for separate discussion.)

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

- (1) **RESOLUTION NO. 2011-41** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF AUGUST AND SEPTEMBER 2011.
- (2) Consider approval of Tract Map 60865, Approval and adoption of Resolution No. 2011-46 approving Final Map and Subdivision Agreement for Tract 60865 located 309 N. Lone Hill Avenue at intersection of Lone Hill Avenue and Overland Court, and authorizing their recordation. Acceptance of, subject to improvement, any offer of dedication shown on final map.

RESOLUTION NO. 2011-46, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE FINAL MAP AND SUBDIVISION AGREEMENT FOR TRACT 60865 AND AUTHORIZING THEIR RECORDATION

- (3) Approve Denial of Appeal of DPRB Case No. 10-07 - An approved request to grade the rear portion of a single-family residence into terraces, approximately 190 feet long by 90 feet wide, for the purpose of planting fruit trees located at 523 Puddingstone Drive (8382-017-007).

RESOLUTION NO. 2011-47, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS DENYING THE APPEAL AND UPHOLDING THE APPROVAL OF DPRB CASE NO. 10-07, AN APPROVAL TO GRADE THE REAR PORTION OF A SINGLE-FAMILY RESIDENCE INTO TERRACES, APPROXIMATELY 190 FEET LONG BY 90 FEET WIDE, FOR THE PURPOSE OF PLANTING FRUIT TREES LOCATED AT 523 PUDDINGSTONE DRIVE (8382-017-007).

- b. Approval of minutes for regular City Council meeting of August 23, 2011.
- c. Approve Jackie Bristow Memorial 5K and 1 Mile running road race on January 7, 2012. Restricted closure of certain streets within the downtown area on Saturday, January 7, 2012 from 6:00 a.m. to 12:00 p.m.
- d. Tax Sharing Resolutions approving and accepting negotiated exchange of property tax revenues resulting from annexation to County Sanitation District No. 22 (Annexation No. 410) one proposed commercial lot on Cataract and one existing single-family home on Arrow Highway.
- e. Tax Sharing Resolutions approving and accepting negotiated exchange of property tax revenues resulting from annexation to County Sanitation District No. 22 (Annexation No. 415) 61 proposed single-family homes on Cataract Avenue.
- f. Award of Cash Contract No. 2011-07, annual striping maintenance contract, to Superior Pavement Markings, Inc., in the amount up to \$8,533.00.
- g. Proclaim September, 2011 as National Alcohol and Drug Addiction Recovery Month.
- h. Proclaim September, 2011 as Childhood Cancer Awareness Month.

END OF CONSENT CALENDAR

5. PUBLIC HEARING

- a. Consider Extension of Ordinance 1205, an urgency ordinance amending the Sign Code establishing interim regulations for window signs.

- 1) **ORDINANCE NO. 1208, AN ORDINANCE OF THE CITY OF SAN DIMAS EXTENDING EXISTING URGENCY ORDINANCE NO. 1205, AMENDING EXISTING PROVISIONS OF THE CITY'S SIGN CODE REGARDING THE STANDARDS FOR WINDOW SIGNS FOR UP TO AN ADDITIONAL 10 MONTHS AND 15 DAYS. FIRST READING AND INTRODUCTION**

- b. Consideration of Municipal Code Text Amendment 11-01, Precise Plan 11-03, DPRB Case No. 11-34, and Conditional Use Permit 11-05 - A request to amend Municipal Code Section 18.540.130.B (Specific Plan No. 24, Area 1 – Regional Commercial) to conditionally allow drive-through restaurants with audible speakers within 300 feet of residentially zoned properties in conjunction with the construction of a 2,448 square foot drive-through restaurant (Panda Express) to be located at the southeast corner of Gladstone Street and Lone Hill Avenue in the Citrus Station Center (formerly known as Costco Center). APN: 8383-009-072
 - 1) **ORDINANCE NO. 1209**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 11-01, AMENDING THE DRIVE-THROUGH RESTAURANT REQUIREMENTS OF CODE SECTION 18.540.130.B WITHIN SPECIFIC PLAN 24, AREA 1 – REGIONAL COMMERCIAL ZONE. **FIRST READING AND INTRODUCTION**
 - 2) **RESOLUTION NO. 2011-42**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN 11-03 AND DEVELOPMENT PLAN REVIEW BOARD CASE NO. 11-19, A REQUEST TO CONSTRUCT AND OPERATE A 2,448 SQUARE FOOT DRIVE-THROUGH RESTAURANT (PANDA EXPRESS) WITHIN THE CITRUS STATION (APN: 8383-009-072).
 - 3) **RESOLUTION NO. 2011-43**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 11-05, A REQUEST TO CONSTRUCT AND OPERATE A 2,448 SQUARE FOOT DRIVE-THROUGH RESTAURANT (PANDA EXPRESS) WITHIN THE CITRUS STATION (APN: 8383-009-072).
- c. Consideration of Precise Plan 11-02, DPRB Case No. 11-14, Tree Permit 11-25 and Conditional Use Permit 11-03 - A request to allow construction of a 7,537 square foot sit-down restaurant (Olive Garden), removal of 4 mature oak trees and to allow a type 47 On-Sale General alcohol license in conjunction with a restaurant use, located within Citrus Station (formerly known as the Costco Center), located at the southeast corner of Gladstone Street and Lone Hill Avenue. APN: 8383-009-073.
 - 1) **RESOLUTION NO. 2011-44**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN NO. 11-02 AND DEVELOPMENT PLAN REVIEW BOARD CASE NO. 11-14, A REQUEST TO CONSTRUCT A 7,537 SQUARE FOOT SIT-DOWN RESTAURANT (OLIVE GARDEN) WITHIN THE CITRUS STATION (APN: 8383-009-073).
 - 2) **RESOLUTION NO. 2011-45**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 11-03, A REQUEST TO AUTHORIZE THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR ON-SITE CONSUMPTION (TYPE 47 LICENSE) IN CONJUNCTION WITH A PROPOSED RESTAURANT, OLIVE GARDEN, LOCATED WITHIN THE CITRUS STATION SHIPPING CENTER (APN: 8383-009-073).

6. ORDINANCES

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

- 1) **ORDINANCE NO. 1207**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 11-02, AMENDING THE PARKING DESIGN SECTION 18.140.090.C.6.ii(B) AND SUB-AREA D (SINGLE FAMILY) 18.140.090.C.3.C IN THE CREATIVE GROWTH AREA 3 ZONE.
SECOND READING AND ADOPTION.

7. OTHER BUSINESS

- a. Request to utilize Prop A transportation funds for an educational trip for 5th Grade Students at Ekstrand School October 3, 2011.

8. SAN DIMAS REDEVELOPMENT AGENCY

- a. Oral Communications (*This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.*)
- b. Approval of Minutes for August 23, 2011 meeting.
- c. Executive Director
- 1) Status on current projects.
- d. Members of the Agency

9. ORAL COMMUNICATIONS

- a. Members of the Audience (*Speakers are limited to five (5) minutes or as may be determined by the Chair.*)
- b. City Manager
- c. City Attorney
- d. Members of the City Council
- 1) Appointment to Golf Course Advisory Committee
- 1) Councilmembers' report on meetings attended at the expense of the local agency.
- 3) Individual Members' comments and updates.

10. MEMORIAL ADJOURNMENT

The meeting will adjourn in observance of 9-11-01. The next meeting is 7:00 p.m. on September 27, 2011.

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 THE CITY CLERK AT (909) 394-6216. CITY COUNCIL MINUTES AND AGENDAS ARE ALSO AVAILABLE ON THE CITY'S HOME PAGE ON THE INTERNET: <http://www.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 SEPTEMBER 9, 2011, 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); THE VONS SHOPPING CENTER (PUENTE/VIA VERDE) AND THE CITY'S WEBSITE AT WWW.CITYOFSANDIMAS.COM/MINUTES.CFM.

RESOLUTION NO. 2011-41

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN DIMAS, CALIFORNIA, APPROVING
CERTAIN DEMANDS FOR THE MONTHS OF
AUGUST 2011

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 Prepaid Warrant Register: 08/31/2011; 22229 through 22299; in the amount
of \$718,128.07; Warrant Register: 09/15/2011; 137099 through 137247; in the amount of
\$488,601.27.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF SEPTEMBER 2011.

Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

Ina Rios, CMC, 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 September 13, 2011, by the following
vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ina Rios, CMC, City Clerk

4.a.1



THE WARRANT DISBURSEMENT
JOURNAL IS NOT AVAILABLE TO
VIEW THROUGH LASERFICHE

A PAPER COPY IS AVAILABLE
IN THE FINANCE DIVISION



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of September 13, 2011

FROM: Blaine Michaelis, City Manager

INITIATED BY: Marco A. Espinoza, Associate Planner *ME*

SUBJECT: **TRACT MAP 60865**
Approval and adoption of Resolution No. 2011-46
approving Final Map and Subdivision Agreement for
Tract 60865 located 309 N. Lone Hill Avenue at
intersection of Lone Hill Avenue and Overland Court ,
and authorizing their recordation. Acceptance of,
subject to improvement, any offer of dedication shown
on final map.

SUMMARY

Williams San Dimas 18 LLC, the applicant for the subject tract, is requesting approval of the final tract map, and related subdivision agreement, for a single-family residential development of 18 homes within a gated community. The Map is comprised of 18 residential lots and three common area lots consisting of a private park and street and a non-developable slope. The tentative subdivision map was approved by City Council Resolution No. 07-23 on March 27, 2007. The final map has been prepared consistent with the approved tentative map and conditions of approval.

BACKGROUND:

The above tentative tract map was approved by the City Council on March 27, 2007 and was set to expire March 27, 2009. Due to State Law SB 1185, approved maps are given an automatic one-year extension for final. SB 333 allows for an additional 24-month extension (March 27, 2012). The applicant has the ability to apply for up to a 24-month time extension per City Code prior to the 24-month State time extension expiring. With an approved 24-month City time extension, Tentative Tract Map 04-02 (TPM 060865) would expire March 27, 2014.

H.A.2

ANALYSIS:

The final tract map has been prepared consistent with the number and arrangement of lots shown on the tentative map. The City Engineer has determined that the final map conforms to the Subdivision Map Act and the City's Subdivision Ordinance. Reduced copies of the final map and related subdivision agreement are attached. Staff and the City Attorney have also been working with the applicant on the Covenants, Conditions & Restrictions (CC&Rs). The following bonds, fees and agreement have been posted:

1. Public Performance Bond = \$597,000
2. Labor and Material Bond = \$298,500
3. Survey monumentation Bond = \$7,871
4. Grading Bond = \$151,840
5. The Storm Drain Transfer and Processing Fees (Transfer fee \$1,576 & Processing fee \$6,486)
6. Public Works Plan Check and Inspection Fees = \$59,726.30. This does not include permit fees for offsite utilities (water, gas, etc.)
7. Quimby fees: \$94,314.08

RECOMMENDATION:

Staff recommends that the Council consider adoption of Resolution No. 2011-46 for:

1. Approval of Final Tract Map 60865 for recordation.
2. Approval of Subdivision Agreement for recordation.
3. Acceptance of, subject to improvement, any offer of dedication shown on final map.

Attachments: Exhibit A – Final Tract Map 60865
Resolution No. 2011-46
Subdivision Agreement
Survey monumentation Agreement
Survey monumentation Bond
Labor and Material Bond
Performance Bond

RESOLUTION NO. 2011-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE FINAL MAP AND SUBDIVISION AGREEMENT FOR TRACT 60865 AND AUTHORIZING THEIR RECORDATION

WHEREAS, the subdivider of Tract 60865 has presented for approval a Final Tract Map to the City Council of the City of San Dimas; and

WHEREAS, the City Council desires to approve the Final Map subject to the filing of necessary improvement security for off-site improvements as required by the San Dimas Subdivision Ordinance and certain conditions set forth herein;

NOW, THEREFORE, the City Council of the City of San Dimas, County of Los Angeles, State of California, does resolve as follows:

SECTION 1. That the Final Map of Tract 60865, as submitted by the subdivider, is hereby accepted and approved by the City.

SECTION 2. That the Subdivision Agreement (Exhibit A), is hereby accepted and approved by the City.

SECTION 3. That the proper officials of the City of San Dimas are instructed to endorse acceptance by the City of the Final Map, subject to the fulfillment of the following requirements and conditions:

1. Submittal and acceptance of improvement security in the amount required by the City Engineer, and conditioned upon a Faithful Performance Bond for the construction of off-site improvements.
2. Submittal and acceptance of improvement security in the amount required and conditioned upon a Labor and Materials Bond for securing payment for labor and materials for off-site improvements.
3. Submittal and acceptance of Faithful Performance Bond in the amount required by the City Engineer guaranteeing payment to the engineer or surveyor.
4. Deposit with the City of San Dimas cash in the amount required by the City Engineer for other requirements as set forth by the Subdivision Ordinance.
5. Final approval of Covenants, Conditions & Restrictions by the City.
6. Acceptance of the offers of dedication as shown on the map.

SECTION 4. The Mayor shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF SEPTEMBER, 2011.

Curt Morris, Mayor of the City of San Dimas

Ina Rios, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Resolution 2011-46 was passed at the regular meeting of the City Council held on September 13, 2011 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:



City of San Dimas
San Dimas Public Works Department
245 East Bonita Avenue, San Dimas, CA 91773
(909) 394-6240

SUBDIVISION AGREEMENT

This Subdivision Agreement ("Agreement") between the City of San Dimas, State of California ("City"), and _____ ("Developer"), is entered into this day of _____, 20___. City and Developer hereby acknowledge the following:

1. The City Council, on March 27th, 2007, granted approval to a certain subdivision as laid out and delineated on the Tentative Map for Tract No60865. Developer seeks approval of the Final Map for Tract No. 60865, ("Final Map"), which consists of 21 lot(s); and
2. Developer, pursuant to the requirements for Final Approval of the Map ("Requirements") and in accordance with California Government Code 66410, et seq., (the "Subdivision Map Act") and the Municipal Code of the City of San Dimas ("Municipal Code") Title 17, must complete various improvements, as described in Section 2, ("Improvements"), and post certain security for the completion thereof; and
3. This Agreement is executed pursuant to Subdivision Map Act, and applicable ordinances of the County of Los Angeles ("County") and the City in order to provide further for the manner in which Improvements shall be constructed and completed.

NOW, THEREFORE, and in consideration of the approval of the Final Map, and in order to ensure satisfactory performance by Developer of Developer's obligations under the Conditions, the Subdivision Map Act, and applicable ordinances of the County and City, the parties hereto, for themselves, their successors, and assigns, hereby agree as follows:

Section 1. Incorporation by Reference

The Final Map, Complete Plans ("Plans") in Section 2 below, Specifications (attached hereto as Exhibit "A"), and applicable permits, sections of the zoning ordinance, the general plan, any specific plans adopted by the City, and any requirements by the city engineer for the construction and installation of all Improvements are incorporated herein by reference.

Section 2. Construction of Improvements

- (a) Developer shall construct upon Tract No 60865, the Improvements as shown on the following described Plans and in accordance with the City Standards and Specifications.

Street Improvement Plan

Sheet 3 of 3 (R-1425)

Designed by Marshall Engineering Group (William Raymond Jr. R.C.E. 57580)

Approved by City on May 19, 2011

Description of Improvements

Street Rehabilitation Plan Lone Hill Avenue at Overland Ct

Traffic Signal and Striping Plan

Sheet 1 and 2 (TS 139 and TS 140)

Designed by RK Engineering Group, Robert Kahn (R.C.E. 20285)

Approved by City on June 13, 2011

Description of Improvements

Traffic Signal Plan Lone Hill Avenue and Overland Court/Las Colinas

Sanitary Sewer Plan

Sheets 1 and 2 Pages 1 through 3 (S-415 and S-416)

Designed by Marshall Engineering Group, William Raymond Jr. R.C.E. 57580

Approved by City on April 13, 2009

Description of Improvements

Sanitary Sewers for Tract No. 60865

Storm Drain Plan

Sheets 1 through 8 (D-440 through D-447 inclusive)

Designed by Marshall Engineering Group, William Raymond Jr. R.C.E. 57580

Approved by City on July 11, 2011.

Description of Improvements

MTD 1841 Rennel and St. George Storm Drain

(b) Survey Monumentation and Tie Points

- (1) Developer shall place survey monumentation and tie points as described on the Final Map, and according to the provisions of the Municipal Code that regulates the division and mapping of land and the Subdivision Map Act.
- (2) Developer shall provide to the City Engineer of the City of San Dimas tie notes for said division.
- (3) Developer shall replace or repair all survey monumentation that is destroyed or damaged as a result of Developer's activities. Any such repair or replacement shall be to the satisfaction and subject to the approval of the City.

Section 3. Modification of Plans

Developer agrees that if during the construction of the Improvements it is determined by the City that revisions to the Plans are necessary in the interest of the public, Developer will undertake such design and construction changes required by the City.

Section 4. Security

- (a) Pursuant to California Government Code 66499.3(a), and Municipal Code Title 17, Chapter 17.48, Developer shall, concurrently with the execution hereof, furnish a surety bond or cash deposit in an amount equal to one hundred percent of the estimated construction cost of the Improvements as security guaranteeing the faithful performance of the Improvements and this Agreement.

Estimated Cost of Public Improvements: \$ 597,000.00

(Five Hundred and Ninety Seven Thousand Dollars)

- (b) Developer shall, concurrently with the execution hereof, furnish a security bond or cash deposit in the following amount as security guaranteeing the faithful performance for the placement of survey monumentation as described on the Final Map:

$$\$500.00 + (\$351.00 \times 21 \text{ parcels}) = \$7,871.00$$

- (b) Pursuant to California Government Code 66499.3(b), Developer shall, concurrently with the execution hereof, furnish a surety bond or cash deposit in an amount equal to at least fifty percent of the estimated construction cost of the Improvements (as listed in Section 4(a) above) as security guaranteeing the payment of all persons performing labor and furnishing materials in connection with this Agreement. This bond shall inure to the benefit of any and all persons, companies, and corporation entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.
- (d) Pursuant to Government Code 66499.3(d), City shall withhold from the bond or cash deposit an amount necessary, as determined by the City (a minimum of 10% of the Performance Bond), for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor performed, or defective materials furnished by the Developer.
- (e) Pursuant to Government Code 66499.9, any liability upon the security given for faithful performance of any act or agreement shall be limited to:
- (1) The performance of the work covered by the Agreement or the performance of the required act.
 - (2) The performance of any changes or alterations in such work provided that all changes or alterations do not exceed ten percent of the original estimated cost of the Improvement.
 - (3) The guarantee and warranty of the work for a period of one year following completion and acceptance thereof against any defective work or labor done or defective materials furnished in the performance of the Agreement or the performance of the act.
 - (4) Costs and reasonable expenses and fees, including reasonable attorneys' fees.
- (f) The surety on each bond and the form thereof shall be satisfactory to the City. The surety shall be furnished by a surety company authorized to write the same in the State of California and that is approved and accepted by the city attorney and city council (San Dimas Municipal Code 17.48.030).
- (g) The release of any securities shall be governed by the provisions of Government Code Section 66499.7 and San Dimas Municipal Code 17.48.050.
- (h) The forfeiture of any securities shall be governed by the provisions of San Dimas Municipal Code 17.48.
- (i) Developer agrees to furnish any bonds required by the State or County for Improvements outside the City's jurisdiction.

Section 5. Inspections

At least fifteen (15) calendar days prior to the commencement of any work hereunder, Developer shall notify the City in writing of the fixed start date of construction so that the City shall be able to provide inspection services. The work shall be done under the supervision and to the satisfaction of the City Engineer of the City. Developer shall at all times maintain proper facilities and provide safe access to all parts of the work site(s) for City inspections, including any workshops or plants where work related to the Improvements is being conducted.

Section 6. Timing of Performance

Developer agrees to perform and complete all Improvements within twenty-four (24) months from the date of this Agreement. It is further agreed by and between the Developer and the City that in the event it is deemed necessary by the City to extend the time of completion of the Improvements, said extension may be granted by the City, and shall in no way affect the validity of this Agreement or release the surety(ies) on any bond attached hereto or the financial institution guaranteeing the same. Developer further agrees to maintain the security described in Section 4 above in full force and effect during the terms of this Agreement, including any extensions of time as may be granted, and until such time as the storm drains and sewer systems have been accepted for maintenance.

Section 7. Work Performance

- (a) Developer shall construct, at Developer's own expense, all of the Improvements in a good and workmanlike manner, and furnish all required materials incident thereto, in accordance with the Plans, Specifications and to the satisfaction of the City, including any changes required by the City which in the City's opinion are necessary to complete the Improvements.
- (b) All work shall be conducted and completed in accordance with the Plans and federal, state, County and City codes, laws, ordinances, and regulations. For any Improvements partially completed prior to this Agreement, Developer agrees to complete the Improvements in accordance with this Agreement.
- (c) Neither Developer, nor any of Developer's agents or contractors in connection with Developer's obligations under this Agreement are, or shall be considered to be, agents of City.
- (d) The work performance for the Improvements shall not be deemed complete until such time as the Improvements have been approved and accepted by the City Council.

Section 8. Indemnity

- (a) Developer hereby agrees to save harmless and indemnify, including, without limitation, City's defense costs (including reasonable attorney's fees), from and against any and all suits, actions, or claims, of any character whatever, brought for, or on account of any injuries or damages sustained by any person or property resulting or arising, or alleged to have resulted or arisen, from Developer or Developer's contractors, subcontractors, agents, or employees activities, omissions or operations pursuant to this Agreement. Should City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of this Agreement, or its performance, Developer will defend City, (at City's request and with counsel satisfactory to City) and will indemnify City for any judgment rendered against it or any sums paid out in settlement or otherwise.
- (b) Developer shall defend, indemnify, and hold harmless the City and its elective and appointive boards, officials, officers, agents, employees and volunteers from any claim,

action, or proceeding to review, set aside, void, or annul an approval of the City concerning the Map and acts made in respect thereof, provided any such action is brought within the time period provided for in California Government Code 66499.37.

- (c) City shall promptly notify the Developer of any claim, action, or proceeding, and cooperate fully in the defense of any claim, action or proceeding.
- (d) It is expressly understood and agreed that the foregoing provisions will survive termination of this Agreement.

Section 9. Permits and Requisite Fees

- (a) Before proceeding with any work hereunder, Developer shall, at Developer's expense, obtain all necessary permits and licenses for the construction of the Improvements, give all necessary notices, and pay all fees and taxes required by law.
- (b) Developer agrees to procure, at its expense, any necessary permits for Improvements outside the City's jurisdiction.

Section 10. On-Site Supervision

Developer shall designate an on-site supervisor, satisfactory to the City, who shall be on the work site(s) at all times during the construction of the Improvements, and who has the authority to act on behalf of the Developer when communicating with City personnel.

Section 11. Public Safety

The Developer will at all times during the construction of the Improvements give good and adequate warning to the traveling public of each and every dangerous condition and will protect the traveling public from such defective or dangerous conditions. It is agreed that until the completion of all the Improvements, each Improvement not accepted as complete shall remain under control of the Developer, and the Developer may close all or a portion of any street whenever it is necessary to protect the traveling public.

Section 12. Law to Govern: Venue

The law of the State of California shall govern this Agreement. In the event of litigation between the parties, the action must be filed in the Los Angeles County Superior Court.

Section 13. Compliance with Law

Developer shall comply with all applicable laws, ordinances, codes and regulations of the federal, state, and local government.

Section 14. Waiver

Waiver by City or Developer of any breach of any of the provisions of the Agreement shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of the same or any other provision of this Agreement. Acceptance by City of any work by Developer shall not be a waiver of any of the provisions of this Agreement.

Section 15. Notices

- (a) All notices to City shall be sent to the following address:

City of San Dimas
245 East Bonita Avenue
San Dimas, CA 91773
Attn: San Dimas Public Works Department

- (b) All notices to Developer shall be sent to the following address:

and to:

- (c) All notices herein required shall be in writing and shall be personally delivered or sent by certified mail, return receipt requested, postage prepaid.
- (d) If one party provides written notice to the other party of a change of address, all further notices to such party shall be addressed and transmitted to the new address.
- (e) Any notice so given shall be deemed effective on the date of actual delivery.

Section 16. Noncompliance

If City determines that Developer is in violation of any federal, state, County or City laws, ordinances, rules, regulations, and requirements, and/or the terms and provisions of this Agreement, it may issue a cease and desist order, stop work order, or other action the City deems necessary. The notice of violation shall be given pursuant to Section 66499.36 of the Subdivision Map Act, and Municipal Code Section 17.52.030.

Section 17. Notice of Breach and/or Default

The City may serve written notice upon Developer and surety of breach of this Agreement or of any portion thereof, and default of Developer for any of the following circumstances:

- (a) Developer refuses or fails to complete the Improvements as required in Section 6 above.
- (b) Developer should be adjudged bankrupt.
- (c) Developer should make a general assignment for the benefit of Developer's creditors.
- (d) A receiver should be appointed in the event of Developer's insolvency.
- (e) Developer or any of Developer's contractors, subcontractors, agent, or employees should materially violate any of the provisions of this Agreement and not cure the violation within a reasonable time.

Section 18. Performance by Surety or City

- (a) In the event of a material breach and/or default by Developer, Developer's surety shall have the duty to take over and complete the Improvements.

- (b) If the surety, within a reasonable time after receiving notice of Developer's default does not provide City written notice to take over the performance of this Agreement or if the surety does not commence performance thereof within the time specified in such notice to City, City may take over the construction of the Improvements and prosecute the same to completion, by contract or by any method City may deem advisable, on behalf and at the expense of Developer, and Developer's surety shall be liable to City for any excess cost or damages incurred by City thereby. In such event, City, without liability for so doing, may take possession of and utilize to complete the Improvements such materials, appliances, and other property belonging to Developer as may be on the work site(s) and necessary therefor.

Section 19. Successors in Interest

This Agreement shall run with the land and shall be binding on the Developer, its successor and assigns.

Section 20. Effective Date

This Agreement shall be effective as of the date and year first above written.

Section 21. Amendment of Agreement

This Agreement may only be amended by mutual consent of the original parties or their successors in interest, provided that any such amendment is executed in writing by the parties to be bound thereby. Copies of any such amendments shall be sent to surety(ies).

Section 22. Execution

By signing this Agreement, the person signing states that he or she is authorized to enter into contracts on behalf of Developer. The undersigned, on behalf of Developer, binds Developer, its partners, successors, executors, administrators, and assigns with respect to the terms and conditions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Subdivision Improvements Agreement as of the date first written above.

CITY OF SAN DIMAS

Signature

Curtis W. Morris

Name

Mayor

Title

Date

Signature

Name

Title

Date

"DEVELOPER" (*Note: Developer's signature(s) must be acknowledged before a Notary Public.*)

Signature

Signature

Name

Name

Title

Title

Date

Date

Execute Attachment: CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CITY OF SAN DIMAS

SURVEY MONUMENT AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 2011, by and between the CITY OF SAN DIMAS, State of California, acting by and through its City Council, hereinafter called "City", and _____, hereinafter called the "Principal".

WITNESSETH:

FIRST: That the Principal, for and in consideration of the approval by the City Council of the map of that certain division of land known as: Tract No. 60865 hereby agrees, at his (its) own cost and expense, to furnish all labor, equipment and material necessary to perform and complete, and within twenty-four (24) months from the date of filing of said division, to perform and complete in a good and workmanlike manner, for the City of San Dimas for public use, the following work and improvements, to wit: Setting of survey monuments and tie points and furnishing to the City Engineer of the City of San Dimas tie notes for said division, according to the provisions of the Municipal Code of the City of San Dimas regulating division and mapping of land and paying any surveyor or engineer within five (5) days after completion of the work performed by him, as provided for in Chapter 2, Part 2, Division 4 of the Business and Professions Code, the Subdivision Map Act. That said work shall be done to the satisfaction of the City Engineer and shall not be deemed complete until approved and accepted as completed by the City Engineer on behalf of the City Council of the CITY. That the estimated cost of said work and improvements is the sum of:

SEVEN THOUSAND EIGHT HUNDRED SEVENTY ONE DOLLARS
(\$7,871.00)

SECOND: That said City shall not, nor shall any officer or employee thereof, be liable or responsible for any accident, loss or damage happening or occurring to the work specified in this contract prior to the completion and acceptance of the same, nor shall the City, nor any officer or employee thereof, be liable for any persons or property injured by reason of the nature of said work, or by reason of the acts or omissions of the principal, his agents or employees, in the performance of said work, but all of said liabilities shall be assumed by said Principal. Said Principal further agrees to protect said City and the officers thereof from any liability or claims because of, or arising out of, the use of any patent or patented article in the construction of said work.

THIRD: That it is further agreed that said Principal shall have such control of the ground reserved for the installation of such work, and the streets in which they are to be placed, as is necessary to allow him to carry out this agreement.

FOURTH: It is further agreed that said Principal has filed with said City a good and sufficient bond in an amount not less than the estimated cost of said work and improvements as above specified for the faithful performance of the terms and conditions and guarantees of this agreement, and for the payment of the amount of the bond to the CITY for the benefit of the surveyor or engineer who has not been paid by the PRINCIPAL, as provided for in Chapter 2, Part 2, Division 4 of the Business and Professions Code, the Subdivision Map Act. Should the sureties on said bond, or any of them become insufficient in the opinion of the CITY, said Principal agrees to renew said bond with good and sufficient sureties, within ten days after receiving notice that said sureties are insufficient.

FIFTH: It is further agreed by and between the parties hereto, including the surety or sureties on the bond attached to this contract, that in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this agreement, said extension may be granted by the City Council and shall in no way affect the validity of this contract or release the surety or sureties of the bonds attached hereto.

IN WITNESS WHEREOF, said Principal has affixed his (its) name and seal.

PRINCIPAL:

Signed: _____

Signed: _____

CITY OF SAN DIMAS

_____, MAYOR

_____, CITY CLERK

Attach Notary Acknowledgement

BOND NO. _____

CITY OF SAN DIMAS
SUBDIVISION
SURVEY MONUMENT BOND

KNOW ALL MEN BY THESE PRESENTS: That

WHEREAS, the City of San Dimas, County of Los Angeles, State of California, has entered into a Survey Monument Agreement with _____, hereinafter designated as the "Principal", which Agreement is dated _____, 2011 for the setting of survey monuments and tie points for that certain division of land known as Tract No. 60865; and

WHEREAS, said Principal is required, under the terms of said Agreement, to furnish a bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and _____ as Surety, are held and firmly bound unto the City of San Dimas in the penal sum of:

**SEVEN THOUSAND EIGHT HUNDRED AND SEVENTY ONE DOLLARS
(\$7,871.00)**

lawful money of the United States for the payment of which sum well and truly to be made, we bind ourselves, our administrators, heirs, executors, successors, or assigns jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or their part, to be kept and performed at the time and in the manner therein specified and in all respects according to their true intent and meaning; shall guarantee all work required under the said agreement; and shall indemnify and save harmless the City of San Dimas, its officers, agents, and employees as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by the CITY OF SAN DIMAS in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

The surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the agreement or to the work to be performed thereunder, or the specifications accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the work or to the specifications.

IN WITNESS WHEREOF, the above bounded parties have executed this instrument under their seals, this ____ day of _____ 20__, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to the authority of its governing body.

PRINCIPAL:

BY: _____

BY: _____

SURETY:

BY: _____

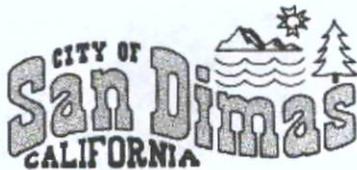
Local mailing address of Surety:

CITY OF SAN DIMAS:

_____, MAYOR

_____, CITY CLERK

SIGNATURES MUST BE NOTARIZED



City of San Dimas
San Dimas Public Works Department
245 East Bonita Avenue, San Dimas, CA 91773
(909) 394-6240

LABOR AND MATERIAL BOND

Bond Number: _____

KNOW ALL MEN BY THESE PRESENTS:

That we _____ ("PRINCIPAL"), which and _____, a corporation ("SURETY"), are firmly bound unto the City of San Dimas, County of Los Angeles, State of California and each officer and employee thereof ("CITY"), in the sum(s) indicated below, for the payment of which sum(s), we hereby bind ourselves, our heirs, executors, administrators, successors or assignees, jointly and severally.

The condition of the foregoing obligation is such that whereas said PRINCIPAL has entered into Agreement for constructing Improvements within the City or is about to enter into the Agreement with the CITY, pursuant to the authority of an act of the Legislature of the State of California, known as the "Subdivision Map Act" (Division 2, Title 7, of the Government Code) and any amendments thereto, and pursuant to the authority of the local ordinance governing land division of the City, and any amendments thereto, which said Agreement(s), dated _____, 20____, are hereby referred to and made a part hereof, for the following work, to wit:

Street Improvements, Traffic Signal and Striping Improvements, Sanitary Sewer improvements and Storm Drain per plans approved by the City. The combined estimated cost to construct these improvements is: \$597,000 (Five Hundred and Ninety Seven Thousand Dollars).

Per the Subdivision Agreement referenced above, the Principal and Surety agree to provide a Labor and Material bond in the amount of 50% of the estimated cost of these improvements. Therefore, the amount of this Labor and Material bond is:

\$298,500.00

(Two Hundred and Ninety Eight Thousand and Five Hundred Dollars)

all for Tract Map No. 60865 and whereas, pursuant to said code, the PRINCIPAL must give this bond for labor and materials before entering upon the performance of the work, to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California, as a condition to the execution of said Agreement(s) by the CITY.

Now therefore, if said PRINCIPAL fails to pay the contractor or subcontractor, or fails to pay persons renting equipment or furnishing labor or materials to the contractor or subcontractors for the performance of said Agreement(s), including any materials, provisions, or other supplies or teams, equipment, implements, trucks, machinery, or power used in, upon, for,

or about the performance of the work contracted to be done, including any changes or alterations ordered by the CITY pursuant to the provisions of said Agreement(s), or for any work or labor done thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, said SURETY will pay the same in an amount not exceeding the sum set forth above, and also, in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including a reasonable attorney's fee incurred by the CITY in successfully enforcing such obligation, to be fixed by the Court, and to be taxed as costs, and to be included in the judgment therein rendered. This bond shall inure to the benefit of any and all persons, companies, and corporation entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The SURETY hereby expressly consents to, and waives any prior notice of, the granting, from time to time by the CITY, to the PRINCIPAL, of any extensions of time to perform and complete the work under the annexed Agreement(s), and to any changes or alterations to the terms of the Agreement(s) or to the work or to the specifications ordered by the CITY pursuant to the provisions of said Agreement(s).

The SURETY further expressly agrees that any extensions of time or any such changes or alterations shall not in any way affect this obligation on this bond. The provision of Section 2845 of the Civil Code is not a condition precedent to the SURETY'S obligation hereunder and is waived by the SURETY.

In witness thereof, the PRINCIPAL and SURETY caused this bond to be executed on this _____ day of _____, 20____.

PRINCIPAL

(All Signatures Must Be Acknowledged)

SURETY

Local Mailing Address of Surety:



City of San Dimas
San Dimas Public Works Department
245 East Bonita Avenue, San Dimas, CA 91773
(909) 394-6240

PERFORMANCE BOND

Bond Number: _____

KNOW ALL MEN BY THESE PRESENTS:

That we _____ ("PRINCIPAL"), which and _____, a corporation ("SURETY"), are firmly bound unto the City of San Dimas, County of Los Angeles, State of California and each officer and employee thereof ("CITY") , in the sum(s) indicated below, for the payment of which sum(s), we hereby bind ourselves, our heirs, executors, administrators, successors or assignees, jointly and severally.

The condition of the foregoing obligation is such that whereas said PRINCIPAL has entered into Agreement for constructing Improvements within the City or is about to enter into the Agreement with the CITY, pursuant to the authority of an act of the Legislature of the State of California, known as the "Subdivision Map Act" (Division 2, Title 7, of the Government Code) and any amendments thereto, and pursuant to the authority of the local ordinance governing land division of the City, and any amendments thereto, which said Agreement(s), dated _____, 20____, are hereby referred to and made a part hereof, for the following work below, to wit:

Street Improvements, Traffic Signal and Striping Improvements, Sanitary Sewer improvements and Storm Drain per plans approved by the City. The combined estimated cost to construct these improvements is: \$597,000 (Five Hundred and Ninety Seven Thousand Dollars).

Per the Subdivision Agreement referenced above, the Principal and Surety agree to provide a Performance Bond for the estimated cost of these improvements. Therefore, the amount of this Performance Bond is:

\$597,000.00
(Five Hundred and Ninety Seven Thousand Dollars)

all for Tract Map No. 60865 in accordance with the attached Agreement(s) and is required by said CITY to give this bond in connection with the execution of said Agreement(s).

If the Agreement(s) listed above include an Agreement for Monumentation, then a further condition of the foregoing obligation is for the payment of the amount of the bond to the CITY for the benefit of the authorized surveyor or engineer who has performed the work and has not been paid by the contractor as provided for in Division 2, Title 7, of the Government Code.

Now, therefore, if the said PRINCIPAL shall completely perform all of the covenants and obligations of said contract(s) and any alteration thereof made as therein provided, on his part to be performed at the times and in the manner specified therein, and in all respects according to its true

intent and meaning, and shall indemnify and save harmless CITY, its officers, agents, and employees, as therein stipulated, then this obligation shall be null and void; otherwise it shall be and remain in full force and effect. The SURETY hereby expressly consents to and waives any prior notice of, the granting from time to time by the CITY, to the PRINCIPAL, of any extensions of time to perform and complete the work under the Agreement(s) or to the work or to the Specifications, ordered by the CITY pursuant to the provisions of said Agreement(s). The SURETY further expressly agrees that any such extensions of time or any such changes or alterations shall not in any way affect its obligations on this bond. The provisions of Section 2845 of the Civil Code are not a condition precedent to the SURETY. As a part of the obligation hereunder and are waived by addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by CITY in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Furthermore, the SURETY expressly agrees as follows:

1. If the PRINCIPAL fails to complete any work hereinabove listed within the time specified in the Agreement(s), the CITY may, upon written notice to the PRINCIPAL, served in the time and manner provided in the applicable Code, determine that said work or any part thereof is uncompleted, and may cause to be forfeited to the CITY such portion of this obligation as may be necessary to complete such work.
2. If the PRINCIPAL shall fail to complete more than one of the requirements hereinabove listed within the specified time, the CITY shall not be required to declare a forfeiture of this obligation or to prosecute an action under this bond as to all such uncompleted requirements and may subsequently, from time to time, declare additional forfeitures or prosecute additional actions under this bond as to any one or more of the remaining uncompleted requirements, even though the CITY knows or has reason to know, at the time of the initial relate, could not be completed within the time specified for completion.
3. The CITY may expressly exonerate the SURETY with respect to any one or more of the Agreement(s) without waiving any of its rights against the PRINCIPAL or the SURETY under any other such Agreement(s).

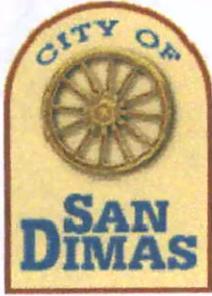
In witness thereof, the PRINCIPAL and SURETY caused this bond to be executed on this _____ day of _____, 20_____.

PRINCIPAL

(All Signatures Must Be Acknowledged)

SURETY

Local Mailing Address of Surety:



MEMORANDUM

DATE: September 13, 2011

TO: City Council

FROM: Marco A. Espinoza, Associate Planner 

SUBJECT: Denied of **Appeal of DPRB Case No. 10-07**
An approved request to grade the rear portion of a single-family residence into terraces, approximately 190 feet long by 90 feet wide, for the purpose of planting fruit trees located at 523 Puddingstone Drive (8382-017-007).

At the August 23, 2011 City Council meeting the Council heard the appeal of DPRB Case No. 10-07 and voted to deny the appeal and uphold the Board's approval. The Council directed Staff to prepare a resolution of denial. Attached is Resolution No. 2011-47 for Council action.

4. a. 3

RESOLUTION NO. 2011-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS DENYING THE APPEAL AND UPHOLDING THE APPROVAL OF DPRB CASE NO. 10-07, AN APPROVAL TO GRADE THE REAR PORTION OF A SINGLE-FAMILY RESIDENCE INTO TERRACES, APPROXIMATELY 190 FEET LONG BY 90 FEET WIDE, FOR THE PURPOSE OF PLANTING FRUIT TREES LOCATED AT 523 PUDDINGSTONE DRIVE (8382-017-007).

WHEREAS, an appeal was filed for DPRB Case No. 10-07 by:

Gil Aguirre &
Kathleen Cuccia
476 Cannon Avenue
San Dimas, CA 91773

WHEREAS, the Appeal of DPRB Case No. 10-07 is described as:

Appeal of DPRB Case No. 10-07, a request to grade the rear portion of a single-family residence into terraces, approximately 190 feet long by 90 feet wide, for the purpose of planting fruit trees located at 523 Puddingstone Drive (8382-017-007).

WHEREAS, the Appeal of DPRB Case No. 10-07 applies to the following described real property:

523 Puddingstone Drive (8382-017-007).

WHEREAS, the City Council has received the report and recommendation of such agencies as have submitted information including the written report and recommendation of Staff; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on August 23, 2011 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, the Planning Division Staff has determined that the project is considered Categorically Exempt under 15332 Class 32, In-Fill Development Project.

NOW, THEREFORE, in consideration of the evidence received at the City Council meeting, and for the reasons discussed by the City Council at their meeting, and subject to Staff responses to the appellant's appeal letter within the attached Staff report as "Exhibit A", the City Council now finds that the Board's approval of DPRB 10-07, a request to grade the rear portion of a single-family residence into terraces, is in accordance with the purpose and intent of Specific Plan No. 8.

PURSUANT TO STAFF'S RESPONSE TO THE APPELLANT'S APPEAL LETTER WITHIN THE STAFF REPORT, IT IS RESOLVED that the City Council hereby denies the appeal of Development Plan Review Board Case No. 10-07. A copy of this Resolution shall be mailed to the applicant.

The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF SEPTEMBER 2011.

Curt Morris, Mayor of the City of San Dimas

Ina Rios, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Resolution No. 2011-47 was passed and adopted at the regular meeting of the City Council held on the 12th day of September 2011, by the following vote-to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

EXHIBIT A

Staff's Responses to Appellant's Appeal Letter. for DPRB Case No. 10-07

APPEAL

The appeal of DPRB Case No.10-07 has been presented to Staff in the form of an eight page letter.

Due to the number of issues raised in the appellant's appeal letter, Staff will address each of the issues one by one, in the same order as outlined in the appeal letter. Each of the issues have been taken directly from the appeal letter under the subtitle "Appeal Statement No."; under that is Appellant Appeal Findings which are also taken directly from the letter in support of the statement. Under both of those items is Staff's Rebuttal to the statement and findings.

Appeal Statement No.1

The City Failed to proceed with the review and approval process as set forth under law including appropriate provisions of the City Municipal Code (CMC).

Appellant Appeal Findings

CMC 18.12.045 states "Following denial of a development plan review case, no similar or substantially similar application for development plan review on the same property, or portion thereof, shall be filed for one year from the date that the denial becomes final; unless the denial was made without prejudice."

The proposed development plan came before the Development Plan Review Board (DPRB) on April 22, 2010, at which time the Board, after full and careful consideration, voted to deny the plan. The DPRB did not vote to continue, extend, postpone or in any other way delay in rendering their decision. Nor did they deny the proposal "without prejudice".

However, the plan in substantially the same form as previously denied, was resubmitted to the DPRB on March 24, 2011 at which time the DPRB voted to approve the plan. A period of one year from the Board's previous denial had not elapsed.

Staff Rebuttal

The April 22, 2010 denial by the DPRB was appealed by the applicant to the City Council. DPRB Case No. 10-07 was directed back to the Board due to new

information that was prepared **after** the Board had denied the project. The City Council thought that it was best that the Board have an opportunity to review all the information on the case before making a decision.

The applicant did not resubmit a new DPRB application, the original case (DPRB Case No. 10-07) has been the same, reviewed by the Board and the City Council; therefore, CMC 18.12.045 does not apply.

Appeal Statement No.2

CMC 18.512.240 states *"In addition to the standard development plan findings, the reviewing body in approving a development plan shall make the following findings:*

The proposed improvements will maintain or enhance the existing character and purpose of Specific Plan No. 8;

Structures and appurtenances are sited in a manner that minimizes visual impact and disturbance to the natural terrain and are in conformance with the intent of the Specific Plan No. 8;

And the architectural character, style, and use of materials harmonize with the natural setting (if applicable)."

Appellant Appeal Findings

These legally required findings are not contained in any staff reports nor were they presented by staff to the DPRB at the March 24th meeting. Furthermore they were not discussed by members of the Board at the March 24th meeting or incorporated into their approval. Simply put, no such required findings were ever made by the DPRB.

Staff Rebuttal

Staff inadvertently omitted the above mentioned findings as part of the March 30, 2011, approval letter to the applicant (see Exhibit G). If the appeal is upheld, Staff will revise the approval letter to include the omitted findings.

Appeal Statement No.3

The State open meeting law, commonly referred to as the Brown Act, requires in part that meetings of the Board be properly noticed and conducted in an open and public setting which allows observation of, and participation in, the deliberative process by the public.

Appellant Appeal Findings

It has been disclosed, both during the March 24th meeting and in staff reports, that the Board met and visited the proposed site where they deliberated upon the

proposed plan. The public was never noticed of such a meeting nor allowed an opportunity to participate in observing the deliberations of the Board Members.

Staff Rebuttal

The site visit was not properly noticed on the agenda which is publicly posted. The Board was advised by Staff that the site visit is only to understand the current site conditions and not to discuss the project with the other Board Members.

The applicant was verbally informed that the Board would be visiting the subject site in the morning prior to the meeting and he would not be able to discuss the case with the Board members.

Appeal Statement No.4

The review & approval process is intended for review of new projects, not as a mechanism to abate existing unsafe conditions or unauthorized projects. The review and approval process was flawed in its analysis and failed to adhere to the City's "Standard of Review" requirements and/or reasonable review procedures based on the site specifics.

Appellant Appeal Findings

As previously indicated, this plan stems from prior unauthorized grading conducted by the applicant. No abatement efforts have been instituted by the City since the grading was performed. Instead, the applicant has been allowed to in effect use the "approval process" as a way to remediate the unsafe conditions. In their genuine interest to correct the prior unauthorized grading, I believe staff and the DPRB have supported a plan which never would have been allowed under normal circumstances. It is worth noting, that no similar grading project has ever been approved in the SP8 zone. To the contrary, similar illegal grading was met with swift and serious enforcement action including taking the owner to court to insure the hillside area was restored to its natural state.

Staff Rebuttal

Staff has historically allowed applicants to submit a Development Plan Review Application on items that are allowed or conditionally allowed that have been illegally constructed. Submittal of a Development Application does not warrant automatic approval. The application (project) still needs to be reviewed and approved by the appropriate review body.

The Code Enforcement case for the proposed project has never been closed. As part of the enforcement the applicant was given the opportunity to remediate the hillside back to its original form or submit a Development Application for the proposed terracing. The enforcement case will not be closed until the proposed project has been completed and finalized by the City.

No other such project has been approved because no one has submitted an application to do so. The other project that the appellant mentions is a case where the homeowner never received approval from their HOA and was proposing to use rail-road ties as retaining walls (not an acceptable material) on a slope that was already at a 2:1 grade. The work in this case was also performed without City approval and permits.

Appeal Statement No.5

Staff, and the DPRB, erroneously reviewed the terracing/grading plan AND the establishment of a family garden as one combined issue for approval.

Appellant Appeal Findings

CMC 18.512.240 states in part: “before any grading OR establishment of any permitted use undertaken on any lot within the limits of Specific Plan No. 8, the owner shall submit development plans for review and approval by the development plan review board”.

Staff presented, and the DPRB made their review, based on the presentation that the grading project was a necessary component for the applicant’s intended desire to establish a family garden, which it is not. The review which combined the two issues as one, created confusion and resulted in a flawed analysis.

The issue of grading AND the establishment of a family garden should have been reviewed as separate and distinct issues each requiring consideration & approval.

The applicant should be free to use his property for a family garden and approval of such a permitted use is warranted by the DPRB. However, no such approval is warranted for a grading plan which contradicts the intent, purpose and requirements of SP8, simply because it may provide an expanded level of convenience to the applicant for such an activity.

Staff Rebuttal

Staff reviewed the proposed project under the require Development Application; as part of the Development Application Staff analyzed the different aspects of the project. The Appellant quotes Municipal Code Section 18.512.240 in his Statement but left out the opening line that is important and reads as follows:

*“Unless otherwise provided in accordance with **Section 18.12.050,**”*

Code Section 18.12.050 – Review Authority, outlines different types of project types and identifies the review body for those projects. Within this section Staff identified the following category and approval authority for the project.

Type of Project

“Grading and reforming of land greater than 50 cubic yards and which is not in anticipation of a development plan requiring DPRB review”.

Review Body

Director of Development Services.

The proposed project will grade over 50 cubic yards and the proposal is not part of a “Development Plan” as in a vacant lot prepared for new construction.

It was then determined that the due to this project being the first of its kind in the area, it should be forwarded to DPRB for review and approval. This procedure is allowed through Code Section 18.12.050(C).

Planting fruit and floral trees (e.g., family garden)” is a permitted use and would typically not require review and approval. The applicant’s grading of terraces does require review and approval due to the grading needed to create the flat pad areas for the fruit trees and gardens.

Appeal Statement No.6

The DPRB failed to adhere to CMC requirements regarding the standard of review to be used during its deliberation and approval granted for the plan.

Appellant Appeal Findings

As previously stated, the DPRB failed to make the necessary & required findings related to the project as per CMC 18.152.140. (see page 2, item 2)

Staff Rebuttal

Staff inadvertently omitted the above mentioned findings as part of the March 30, 2011, approval letter to the applicant (see Exhibit G). If the appeal is upheld, Staff will revise the approval letter to include the omitted findings. The omitted Findings are as follows:

- 1. The proposed improvements will maintain or enhance the existing charter and purpose of Specific Plan No. 8;*
- 2. Structures and appurtenances are sited in a manner that minimizes visual impact and disturbance to the natural terrain and are in conformance with the intent of the Specific Plan No.8;*
- 3. The architectural character, style, and use of materials harmonize with the natural setting (if applicable).*

Appeal Statement No.7

Neighbor concerns about the plan were mischaracterized and the full extent of their concerns was not presented to the DPRB.

Appellant Appeal Findings

Staff reports characterized the neighbor concerns as being mainly limited to stability of the hillside and potential mosquito growth within the excavated tree wells. Environmental issues, health and safety issues, destruction of the natural setting and views, conflicts between the project and the GP and SP8 goals/objectives, the enlargement of an existing development which is incompatible with the surrounding area, were all concerns raised by the neighbors yet not incorporated in staff reports or presented to the DPRB.

Staff Rebuttal

Staff addressed the neighbors' concerns in the March 24, 2011, Staff Report as they were understood based on the April 22, 2010, DPRB meeting where two neighbors expressed their concerns.

Staff did notice the required adjacent neighbors of the proposed project for the April 22, 2010 DPRB meeting and the March 1, 2011, City Council Hearing. Two neighbors appeared at the DPRB meeting and none at the City Council. For the March 24, 2011 DPRB meeting **six additional neighboring properties** were notified of the proposed project (see Exhibit J); only the appellant and the applicant appeared for that meeting. Staff has not received any calls or letters regarding the proposed project from anyone other than the appellant.

At all the meetings for this item the public has had an opportunity to speak and express their concerns about the proposed project, in addition to submitting any additional information which they feel is pertinent to the decision making for the project.

Appeal Statement No.8

City failed to adequately notify and/or inform the area residents of the proposed plan and/or provide a detailed description of the project.

Appellant Appeal Findings

Notice of the DPRB meeting was sent to property owners adjacent to the proposed site and contained the following brief description of the proposed plan: "DPRB Case No. 10-07 – A request to grade the rear portion of single family-family resident into terraces, approximately 190 feet long by 90 feet wide, for the purpose of planting fruit trees. "

While no part of the CMC seems to obligate the city to a more extensive and detailed notice, in this case it seems only reasonable and prudent that an

expanded notice should have been used. The unique hillside community covering the SP8 area is relatively small and is comprised of 50 or so owners/residents.

It seems little additional effort would have been required to notify everyone in the area and to include a detailed description of the proposed work. Such an expanded notice would have served to notify those most affected that a project was being considered which may impact the natural terrain and views in their area. As well, owners/residents would have had a much better opportunity to voice their thoughts and/or potential concerns to the DPRB before any decision was rendered.

Staff Rebuttal

As mentioned Staff notified the required adjacent neighbors for the April 22, 2010 DPRB, meeting and the March 1, 2011, City Council Hearing. For the March 24, 2011 DPRB meeting Staff expanded the noticing to six additional neighboring properties; only the appellant and the applicant appeared for the meeting. Staff has not received any calls or letters regarding the proposed project from anyone other than the appellant.

At all the meetings for this item, the public has had an opportunity to speak and express their concerns about the proposed project, in addition to submitting any additional information which they feel is pertinent to the decision making for the project.

The "Notice of Construction/Hearing" that was sent to the neighbors informing them of the different meetings gives a brief description of the project. The brief description is consistent with standard procedures with public noticing (see Exhibit K). The notice also gives the neighbors information on the case number, property address, date and time of hearing, case planner's name and contact information. In addition the notice mentions that plans are available for review, at which time they can also receive a copy of the Staff report.

Appeal Statement No.9

The recommendations offered by staff to the DPRB were inconsistent with their own stated observations, the purpose and intent of SP8 zoning regulations, the objectives and goals of the GP and are not supported by the record or facts.

Appellant Appeal Findings

Again, the SP8 area is relatively small and only impacts approximately 50 owners/residents. Both the City GP and SP8 address the necessity to protect and preserve:

- a. The aesthetic cohesiveness of the neighborhood
- b. The visual impact and potential disturbance to the natural terrain

- c. Major topographic features
- d. The interfacing of open space
- e. The natural setting when viewed from neighboring areas and other parts of the city
- f. Comfortable residential sites where residents can enjoy views in a natural setting

The staff report relied upon by the DPRB in reaching their approval decision contains several observations by staff indicating their concern with the plan. These concerns include:

- a. The amount of grading that is proposed
- b. That the proposed terraces will modify such a large portion of the lot (17,100 sq. ft. +/-)
- c. The project will change the visual characteristic of the hillside from natural to engineered.
- d. The proposed grading does not meet the intent and Purpose of the Specific Plan nor the Grading Design section to the Code
- e. Most of the lots in this Specific Plan are developed and have left large portions of their lots in a natural state
- f. Staff is not aware of any other properties within the Specific Plan that have been approved for a similar type of project

So it appears illogical that staff would contradict their conclusions and recommend approval by the DPRB with only minor modifications to the submitted plan. No evidence, or facts, were provided to support or illustrate how these minor changes would:

- a. Reduce the overall area affected by the grading project or reduce the actual grading by any significant amount.
- b. Prevent changing the visual characteristic of the hillside from natural to engineered.
- c. Support the approval of a terracing/grading plan never before authorized in the SP8 area
- d. Meet the intent and purpose of SP8 by reducing the number of terraces from 6 to 5.
- e. Create an aesthetically cohesive project that blended with the surrounding neighborhood.
- f. Restore the natural hillside appearance to the original 3:3:1 slope.
- g. Enlarge an existing development in a manner which is compatible with the character of the surrounding area or enhance the appearance of the area

Staff Rebuttal

In preparing the DPRB Fact Sheet, Staff stated the facts of the proposed project, the existing conditions and their relation to the City's Zoning Code. Like in most

reports prepared by Staff "Issues of Concern" are addressed and discussed at the meeting. The issues are not meant necessarily to arrive at a recommendation of denial, but to be discussed in order to make a decision on the project. The decision can come in many forms such as a condition of approval, a denial, an approval or a continuance. Many times these issues of concern are appropriately addressed with conditions in order to meet the intent of the specific zone and development standards.

It is Staff's opinion that the proposed project as presented did not meet the intent of Specific Plan No. 8, but with some modification to the proposal it could. As part of Staff's analysis several modifications to the proposed project were mentioned in the Staff Report and discussed at that meeting. All the modifications suggested by Staff were conditioned as part of the approval of the project by the Board.

Appeal Statement No.10

- Appeal Statement No.10 is related to the Soils and Geological Engineer report. Staff requested that the engineer of record respond to the appellant's comments. Staff has attached a copy of the responses that address pages 5 and 6 of the appeal letter (see Exhibit I).

Appeal Statement No.11

During the review and approval process, no contact/inquiry was made to numerous 3rd party agencies which may be affected by the proposed grading project.

Appellant Appeal Findings

The city failed to contact, or gain any input, from a variety of agencies which stand to be affected by the project, these include but are not limited to: Los Angeles Regional Water Quality Control Board, Los Angeles County Parks & Recreation, U.S. Army Corp of Engineers, U.S. Fish & Wildlife Service, California Fish & Game, Los Angeles County Public Works, County of Los Angeles, etc.

Staff Rebuttal

The site and the proposed project do not require notification nor approval of any of these mentioned third party agencies. Los Angeles Regional Water Board did contact and meet with Staff at the site to discuss the proposed project; it was later determined that the proposed project was less than an acre in size and did not require their review and approval.

Appeal Statement No.12

No assessment was made, or sought, to determine that the potential take of protected wildlife/flora has not, and will not occur.

Appellant Appeal Findings

As previously stated, the site is located in an environmentally sensitive area directly adjacent to Bonelli Park and Puddingstone Reservoir. The area serves as habitat for threatened and endangered wildlife and also has a variety of potentially protected flora. As well, the area harbors a significant number of waterfowl which enjoy various protections under the Federal Migratory Bird Treaty Act and other regulations. The city failed to seek the expert assistance of the U.S. Fish and Wildlife Service or California Fish & Game to formally assess the site to insure that no illegal take had occurred from the prior grading or that no take would occur from the proposed grading plan.

Staff Rebuttal

The appellant has not submitted any evidence to support this claim that protected flora/fauna exist in the rear yard of the residence. Staff does not have any documentation to indicate that there is endangered wildlife / flora on the site nor does the General Plan note this property as such.

Appeal Statement No.13

No examination of the site was made to determine if any disturbance and/or destruction of possible archaeological and/or paleontological resources had occurred. In addition the site is partially developed with an existing single-family residence.

Appellant Appeal Findings

Properly licensed contractors are trained to recognize the signs of possible archaeological and/or paleontological sites as they perform their excavation and earth moving work. In this case, the illegal grading was performed by an unlicensed contractor who likely fails to possess such expertise. Furthermore, as outlined in the GP, the city has identified multiple locations within the city where such discoveries have been previously uncovered which increases the likelihood of such a resource being present in the area. However, no such examination or assessment has been performed of the site.

Staff Rebuttal

The appellant has not submitted any evidence to support this claim that resources exist in the rear yard of the residence. Staff is not aware of this site as being a potential archeological site nor does the General Plan note it as such.

Appeal Statement No.14

No examination or review of potential short term traffic affects was conducted.

Appellant Appeal Findings

The site sits along Puddingstone Drive which is a narrow roadway with one vehicle lane running in each direction. The roadway is utilized by a wide range of vehicles including vehicles with trailers looking to access the adjacent reservoir as well as bicyclists. No parking or stopping is allowed along Puddingstone Dr.

The loading and unloading of the necessary earth moving equipment will require either off loading the vehicles along Puddingstone Dr. or driving the vehicles on site from an offsite location. Either situation will create temporary traffic problems which have not been reviewed.

Staff Rebuttal

The loading and unloading of equipment and/or building material is common in most construction projects which can cause minor inconveniences to traffic flow. Most contractors have personnel directing traffic when loading and unloading to address safety concerns. Additionally, the applicant has a large driveway and parking area in front of his home that can be utilized for on-site loading and unloading without blocking the street.

Appeal Statement No.15

The potential for improperly grading or altering adjacent properties exists, yet a survey has not been conducted or required for project approval.

Appellant Appeal Findings

The proposed site is not fenced nor are the boundaries clearly marked. In addition, the adjacent property is undeveloped with no boundary markers as well. The risk of inadvertently encroaching upon the adjacent property is a real possibility. No survey was required from the applicant to insure against such encroachment.

Staff Rebuttal

A survey was not required. It is the property owner's and contractor's responsibility to understand the boundaries of the property. The applicant was required to submit a site plan showing the entire site which includes the property lines, existing structures and the proposed project. If any encroachment is to occur, the issue is a civil matter between both property owners.

Appeal Statement No.16

The approved project requires the use of heavy earth moving equipment to accomplish the proposed grading. However, no examination as to how such equipment can or will access the work site was performed.

Appellant Appeal Findings

The fully developed front portion of the applicant's lot contains a home, 3 car garage, and patio/yard area with pool. This portion is also fully fenced. No access is available via this portion of the lot for grading equipment.

The prior grading was accomplished by driving the necessary equipment across an adjoining property without the owner's consent or knowledge. The review performed, and approval granted, failed to examine how future access will be accomplished. The approval granted did not include any requirement that the applicant obtain an "Access Agreement" for equipment encroachment on adjacent property nor did it require an indemnification agreement and/or insurance/bond to protect the city and adjacent property owner from any potential claims that may arise from such use

Staff Rebuttal

The applicant would be required to obtain permission for temporary access across the adjacent property. Staff did meet with the property owner of the vacant lot to the east which mentioned that at this time he did not have concerns with the applicant using his property for temporary access since it is vacant.

Appeal Statement No.17

The review and determinations required under CEQA are deficient

Appellant Appeal Findings

Based on conversations with staff, the City position is that its CEQA determinations are not effective until such time that the project receives final approval. Due to this appeal, such final approval will not be effective until some point after the Council's review and appeal determination. Consequently, it would be premature to raise a formal challenge here.

However, I would like to assert that I believe the analysis performed and CEQA determination proposed for the project is inadequate and deficient. Due to the project location and other factors, a variety of potential environmental impacts should be examined and proper mitigation measures required. I reserve the right to raise a formal CEQA challenge once a determination is finalized by the City.

Staff Rebuttal

The project is considered Categorical Exempt under 15332 Class 32, In-Fill Development Project. Once approved, a notice of exemption will be sent to the County Clerk's Office for a 30-day posting.

For all the reasons stated above under Staff Rebuttal the City Council denied the appellant's appeal request to overturn the Board's Decision to approve DPRB Case No. 10-07.



MINUTES
REGULAR CITY COUNCIL
TUESDAY, AUGUST 23, 2011, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

PRESENT:

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

City Manager Blaine Michaelis
City Attorney J. Kenneth Brown
City Clerk Ina Rios
Assistant City Manager of Community Development Larry Stevens
Assistant City Manager Ken Duran
Director of Development Services Dan Coleman
Director of Public Works Krishna Patel
Facilities Manager Karon DeLeon
Associate Planner Kristi Grabow
Associate Planner Marco Espinoza
Building Superintendent Eric Beilstein
Deputy City Engineer Dave Gilbertson
Environmental Services Coordinator Lisa Bugrova
Recreation Coordinator Amanda Carson

ABSENT:

Director of Parks and Recreation Theresa Bruns

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the regular City Council meeting to order at 7:03 p.m.

2. RECOGNITIONS

- Recognition of City Swim Team members who represented San Dimas at the Southern California Swimming Championships in La Mirada, California.

Facilities Manager DeLeon introduced Recreation Coordinator Amanda Carson who provided a brief background of the Swim Team activities and steps taken to achieve the Championship level. Manager DeLeon introduced swim coaches Scott Jones, Sarah Vasquez, and Megan Avery.

Assisted by Facilities Manager DeLeon and Recreation Coordinator Amanda Carson, Mayor Morris congratulated and presented City of San Dimas Proclamations to **Kailyn Anderson, Lauren Anderson, Jenna Becerra, Brooke Bernal, Hannah Bernal, Amber Blakesley, Hannah Cina, Madison Egan, Matthew "Parker" Egan, Mikelyn Egan, Morgan Egan, Alexis Enrique, David Gonzalez, Kaitlyn Gorjans, James Hull, Seth Lynn, Ashley Mochizuki, Jillian Sayer, Dania Smith, Joshua Smith, Kayla Smith, Kelsee Sneed, Gabriella Terry, Darin Vera, and Phillip Wu**, members of the City's Swim Team who qualified to represent City of San Dimas and the regional in the Southern California Municipal Athletic Federation Championship in La Mirada.

Mayor Morris also presented to Swim Team members a Certificate of Recognition from Assemblyman Curt Hagman's office congratulating them on their qualifications.

4.6

➤ Recognize National Night Out Hosts

Captain Don Slawson reported that National Night Out is a unique crime/drug prevention event sponsored by the National Association of Town Watch (NATW) and involves citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations, and local officials. Block parties, cookouts, and visits from the local Sheriff Department were held on Tuesday, August 2, 2011.

Mayor Morris and Captain Don Slawson praised and congratulated participants/hosts of National Night Out recognizing the importance of promoting neighborhood spirit and police-community partnerships in our quest for a safer community. Captain Slawson presented each recipient with a plaque and Mayor Morris awarded City Certificates to **Bob and Jeanette Page and the residents of Cambert Street; Casey Cox and the residents of Shaftesbury Avenue; Cindy & Linda from Lonehill Manor Mobile Estates and Dunex Inc. Management Company**, as well as certificates of Recognition from Assemblyman Curt Hagman.

3. ANNOUNCEMENTS

➤ Pui-Ching Ho, Librarian, San Dimas Library

Pui-Ching Ho, Library Manager, said the Adult Summer Book Club will meet on August 25 to discuss the book for August *The Lincoln Lawyer*; on August 27 complete a basket at the basket weaving workshop (limited to 20 students, first come, first served basis); Book party meets on September 7 to discuss *A Tree Grows in Brooklyn*; frolic at Preschool Storytime on Friday September 9. For detailed information, contact the Library at 909/599-6738. Ms. Ho thanked the City Council for allowing them to use the community building during the summer. She said over 200 kids enjoyed various programs.

➤ Mitchell Crawford, Chair, Chamber of Commerce, Birthday Barbecue recap

Mitchell Crawford, Chair, Chamber of Commerce, shared a Powerpoint presentation of the successful Birthday Barbecue event and thanked the sponsors, the many volunteers, city staff, and the community spirit exhibited by citizens. He said 1,097 tickets were sold and 1,044 dinners were served and everyone enjoyed the family entertainment, exhibits, and children's activities.

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. 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

1) Sid Maksoudian 1156 Camino del Sur, reported that this has been the third telephone pole, light standard to be removed on Camino del Sur as a result of an accident due to speeding motorists. He would like speed bumps installed to slow down drivers.

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.)

Councilmember Ebner said he was not present at the last meeting and would abstain from approval of the August 9, 2011 minutes.

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

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **No. 2011-38**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF AUGUST, 2011.
- b. Approval of minutes for regular City Council meetings of August 3, 2011 and August 9, 2011. Councilmember Ebner abstained from approval of the August 9, 2011 minutes.

END OF CONSENT CALENDAR

6. PUBLIC HEARINGS

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

- a. Congestion Management Plan 2011 Local Development Report:
 - 1) **RESOLUTION NO. 2011-39**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089.

Associate Planner Grabow presented the staff report and said the City is required to adopt an annual resolution certifying the City has met county-wide Congestion Management Plan requirements. She stated that the Metropolitan Transportation Authority Board (MTA) is still working on the Congestion Mitigation Fee Program through the San Gabriel Valley Council of Governments (SGVCOG). She said the current schedule provides for the MTA to share results of the completed nexus study with business and development groups and report back to the SGVCOG Steering Committee in late 2011. It is anticipated that MTA will follow up on the nexus study with presentations to City Councils. Staff recommended adoption of Resolution No. 2011-39.

Mayor Morris opened the public hearing and asked if anyone wished to speak on this item. There being no one, Mayor Morris closed the public hearing.

Mayor Pro Tem Templeman said the Congestion Mitigation Fee Program is an additional fee imposed on business and development groups which he opposes.

Assistant City Manager Stevens said it is anticipated that the Steering Committee will complete the evaluation of the nexus study and determine the fee, how it will be applied, and whether there might be some sub-regional differences within the San Gabriel Valley. Staff has expressed concerns in how the fee relates to development impacts and CEQA mitigation, and may recommend there be some delay in the implementation of the fee. Mr. Stevens said it is possible that the fee program will not be supported at the City level or COG level when the program is finalized and presented for consideration. He said the final decision rests with Metro, however, once the program is in place, cities have no choice but to adopt it or jeopardize components of gas tax funds if not in compliance.

In response to Mayor Pro Tem Templeman, Mr. Stevens replied that funds collected under the Fee Program will be held locally and spent on eligible projects in the approved project list. He further replied that the fee would partially take the place of CEQA mitigation because it is intended to deal with regional congestion.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Ebner, to waive further reading and adopt **RESOLUTION NO. 2011-39**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089. The motion carried unanimously.

- b. Consideration of Municipal Code Text Amendment 11-02, a request to amend Municipal Code Section 18.140.090 Creative Growth Area 3 Zone (CG-3) multiple-family parking regulations and to allow five detached single family homes in Sub-Area D (Single Family), located on both sides of San Dimas Avenue south of the railroad tracks and north of Arrow Highway.

1) **ORDINANCE NO. 1207**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 11-02, AMENDING THE PARKING DESIGN SECTION 18.140.090.C.6.ii(B) AND SUB-AREA D (SINGLE FAMILY) 18.140.090.C.3.C IN THE CREATIVE GROWTH AREA 3 ZONE. **FIRST READING AND INTRODUCTION**

Associate Planner Grabow reported that the Olson Company and Drafting & Design, Ltd. have submitted proposals for a Municipal Code Text Amendment to the Creative Growth Zone, Area 3, parking regulations, and Sub-Area D. Planner Grabow stated that the Olson Company is proposing to complete the Grove Station with 67 townhome/condo units, and four three-bedroom units are proposed with tandem parking, which will make up 3.25% of parking for the entire complex of 81 units. The applicant would like tandem parking allowed for any size units provided the maximum of 20% of all required parking is not exceeded. The second applicant, Drafting & Design, Ltd., would like to build five proportionally sized single-family units in Sub-Area D. The Code currently allows four single-family units and the applicant is requesting amendment to Code Section 18.140.090.C3.c. Planner Grabow said the Planning Commission and staff recommend approval and introduction of Ordinance No. 1207.

In response to Mayor Morris, Planner Grabow replied that based on development standards, there is the potential for five regular sized lots at the site.

In response to Council, Assistant City Manager Stevens added that staff felt the appendage from Shirlmar to Arrow Highway should be considered as a fifth development parcel for purposes of processing the application, otherwise it would have been difficult to incorporate into the development plan.

In response to Councilmember Ebner, Mr. Stevens replied that the Brasada Development and the subject development are in the same specific plan, the Creative Growth Zone, and the two code amendments should be approved at the same time. He said the tandem parking only applies to the project previously approved and when a new owner came in with a revised plan, staff felt the tandem parking requirement should be reviewed. He added that making this amendment to the Code does not guarantee approval of the five-lot subdivision and the two separate applications may not come through at the same time.

In response to Councilmember Ebner, Planner Grabow replied that tandem parking is only for multiple family units. In area CG-3(d), only single family residential homes which have the minimum dimension of 20 feet x 20 feet are permitted.

In response to Councilmember Badar, Planner Grabow replied that tandem parking is limited to 20% of all required parking for the Olson Company project.

In response to Councilmember Ebner, Associate Planner Espinoza replied that for a total of 67 units, 15 is 20%, however, the applicant is trying to limit changes to the parcel map and is proposing tandem parking for only four units.

Mayor Morris opened the public hearing and asked if anyone wished to express their views on this item.

Steve Eide, Drafting & Design, Ltd., 158 West Orange Street, Covina, said he is the designer of the four lots. He said the proposed fifth lot blends in with the rest of the neighborhood and it does not make sense to put in anything else but a house.

There being no one else wishing to speak, Mayor Morris closed the public hearing.

Councilmember Ebner said he was not opposed to the fifth house, however, he thought it was premature to vote on a fifth house without a proposal.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Badar, to waive further reading and introduce **ORDINANCE NO. 1207**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 11-02, AMENDING THE PARKING DESIGN SECTION 18.140.090.C.6.ii(B) AND SUB-AREA D (SINGLE FAMILY) 18.140.090.C.3.C IN THE CREATIVE GROWTH AREA 3 ZONE. The motion carried 4.1; Councilmember Ebner opposed.

7. ORDINANCES

- a. Ordinance voluntarily complying with the alternative Redevelopment Program to permit the continued existence and operation of the Redevelopment Agency of the City of San Dimas:

- 1) **ORDINANCE NO. 1206**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DETERMINING IT WILL COMPLY WITH THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIMAS. **SECOND READING AND ADOPTION**

Assistant City Manager Duran provided a brief review of State AB26 and AB27 and said the League of California Cities and the California Redevelopment Agency filed a lawsuit challenging the constitutionality of the two bills. He said the Supreme Court agreed to hear the case and approved a stay on implementation on certain sections of the legislation until the matter can be resolved through the court process. The Court also set an expedited court schedule targeting an opinion to be rendered by January 15, 2012. He said after review of the amount staff determined that the Agency had an appealable position and filed an appeal with the State Department of Finance by the August 15th deadline. Ordinance No. 1206 was introduced on August 9, 2011 complying with the alternate program to allow the Agency to continue and operate. The City Attorney and Staff recommend adoption of Ordinance No. 1206.

City Attorney Brown stated that another motion was filed with the Supreme Court on behalf of cities to clarify that before the Courts approved a stay on implementation, Agencies that adopted an ordinance agreeing to pay the State to continue, should be allowed to move forward with debt obligations, entering into contracts, etc. The motion also asks that those other cities that plan to adopt an ordinance to continue should be entitled to have the same benefit of continuing to enter into agreements, etc., rather than wait four months for the Courts to render a decision.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Templeman, to waive further reading and adopt **ORDINANCE NO. 1206**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DETERMINING IT WILL COMPLY WITH THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIMAS. The motion carried unanimously.

8. PLANNING/DEVELOPMENT MATTERS

- a. Appeal of DPRB Case No. 10-07, a request to grade the rear portion of a single-family residence into terraces, approximately 190 feet long by 90 feet wide, for the purpose of planting fruit trees located at 523 Puddingstone Drive (8382-017-007).

Associate Planner Espinoza provided background on the unpermitted grading of the rear portion of the lot at 523 Puddingstone Drive that was previously reviewed and denied by the Development Plan Review Board. Planner Espinoza stated that at their March 1, 2011 meeting, on advice by the City Attorney, the City Council redirected the appealed case to the Development Plan Review Board to review new information presented at the City Council meeting that had not been considered by the Board. On March 24, 2011, the Board reviewed the new soils and geology report submitted by the applicant, and approved DPRB Case No. 10-07. On April 7, 2011, the adjoining neighbor filed an appeal of the Board's determination citing numerous findings. Planner Espinoza said the appellant is requesting that the City Council overturn the Board's decision. He outlined appeal statements and staff's rebuttals and reported that the applicant has submitted the appropriate data for review, and a number of conditions have been imposed on the project to conform with the intent of Specific Plan No. 8. Staff recommends that the City Council uphold the Development Plan Review Board's determination to approve DPRB Case No. 10-07. If the City Council concurs with staff's recommendation, staff will bring back a Resolution for appropriate action at the next meeting. Planner Espinoza introduced Building and Safety Superintendent Beilstein and Deputy City Engineer David Gilbertson who reviewed the soils engineer report. He added that the applicant and appellant are both present.

Councilmember Bertone said the first objection was the possibility of mosquitoes and the second was the stability of the land. He asked if experts would address the second issue. Planner Espinoza replied that staff initially looked at the project based upon a preliminary report stating the hillside would be stable for the proposed project. He added that when the plan was submitted for the actual proposed modified project, further review was conducted.

Councilmember Badar went on record to say that as the City Council representative to the Development Plan Review Board, he attended both April 22, 2010 and March 24, 2011 meetings and took an active role in both discussions.

In response to Mayor Pro Tem Templeman, Planner Espinoza replied that the property owner is proposing to plant a significant number of trees for personal use, which is permitted in that zone. He added that the applicant is entitled to landscape the entire lot, however, the applicant would then have to comply with the new water efficiency ordinance requirements outlined in the conditions of approval.

In response to Councilmember Ebner, Mr. Espinoza stated that based on incomplete information and staff's experience, staff felt limited terracing could take place. Upon receipt of additional information provided by the applicant's soil and geology engineer, it was determined that the amount of terracing could be increased to five with a depth of ten feet, which is subject to change upon receipt of a formal landscaping plan.

Mayor Morris disclosed that he annually contributes a lunch to the Soroptomist International Club of San Dimas-La Verne to fund the Kids shopping spree at Target for back to school clothing. He said this year,

Mr. Youssefy was the successful bidder and during lunch Mr. Youssefy mentioned that he wanted to have fruit trees at his home. Since there was no discussion of his application or any part of this case, it does not constitute a conflict of interest that would prohibit Mayor Morris from discussion at this time.

Mayor Morris invited the appellant to present his case before the City Council.

Gil Aguirre, 476 Cannon Avenue, stated that the project has been extremely difficult due to the site location and the applicant's decision to grade without the necessary approvals and permits. He stated that the appeal he submitted is adequately outlined and he suggested any decision made tonight should be guided by the need to ensure that project is safe and poses no public safety concerns. Mr. Aguirre suggested that the City Council defer this project to the Development Plan Review Board for further investigation and review and to re-examine the site in light of underlying factors which contributed to previous area landslides triggered by grading activity.

In response to Councilmember Bertone, Mr. Aguirre said the engineered benches contradict the zoning to create an area that has a natural setting. He also expressed concern that his and his neighbors' properties are anchored by Mr. Youssefy's property and a landslide would potentially affect them all.

Mayor Morris asked if staff has conducted a detailed grading analysis to determine the effect of the stability of the slope. Planner Espinoza replied that a preliminary soils and geology report was received and staff felt confident there was stability for the hillside. He stated that the hillside has been in rough grade state for two years with no discharge down the hillside. He added that once the appeal is concluded and the project approved, the applicant can submit additional information for review to determine stability as proposed.

In response to Councilmember Badar, Deputy City Engineer Gilbertson said he visited the site and based upon the preliminary soils and geology report, he felt the site was grossly stable. He noted that eight test pits were conducted by the applicant's soil engineer which determined that earth materials consisted of bedrock two-to-three feet below the surface. Engineer Gilbertson pointed out that landslides do not occur in bedrock. He said if the appeal is denied and the project moves forward, the applicant would be required to submit detailed grading plans on contoured grading, reducing one of the tiers, and the soil and geology engineer would be requested to prepare an updated report based on the final grading plan. He said all recommendations from the soils engineer as well as submitted documents would be addressed through a formal plan check process before permits could be issued.

Deputy Engineer Gilbertson further replied that he is not familiar with the two landslides, however, the soils and geology engineer addressed that issue and determined the landslides were in an area with loose earth materials above bedrock and were not adjacent to the site. He felt they should not be of any consequence to this project.

In response to Mayor Pro Tem Templeman, Deputy Engineer Gilbertson stated that the conditions of approval address National Pollutant Discharge Elimination System (NPDES) requirements, and treatment is not required for a landscaped area with fruit trees, however, the applicant will be required to have improvements onsite, including containment and water management.

In response to Councilmember Ebner, Deputy Engineer Gilbertson replied that the soils and geology engineer conducted eight test pits, one for each level all the way up to the top of the hill. He said bedrock ranges in depth from six-inches to two feet of ground surface. He added that the applicant will have to dig a larger hole and bring in other material just to allow the root system to grow.

In response to Mayor Morris, Assistant City Manager Stevens replied that the soil is difficult and rocky with lots of bedrock. He said the applicant is taking on a challenge to try to plant that many trees in the location of his choosing.

Mayor Pro Tem Templeman suggested that when the landscaping plan comes forward, the City Arborist should consider types of trees that would not exacerbate the issue of sliding.

In response to Councilmember Ebner, Planner Espinoza replied that the City Engineer has provided guidance on reducing the grading and significantly offset the visual effect of terraces with planting of vegetation for a more natural appearance.

Mayor Morris invited the property owner to address the City Council regarding the appeal.

Perry Youssefy, applicant/property owner, said staff explained the project in detail and he will provide all necessary documentation and comply with all conditions concerning geology and stability of the land.

In response to Mayor Morris, Mr. Youssefy stated that if the appeal is denied, he understands that there is still a lot of processing to go through with the submittal and separate approval of grading plans and various other plans.

Sid Maksoudian expressed his support for the project and stated that although the appellant has a right to be heard, the Planning Department should have documentation of any landslides and the instability of the land should be left to the experts.

Mayor Morris pointed out that in addition to the appellant's summarized comments, the record reflects that he submitted a lengthy detailed appeal. Mayor Morris further replied that another issue to be considered is whether this development on the applicant's property is consistent with the specific plan.

Superintendent of Building and Safety Beilstein stated that he viewed the landslides when they occurred and he stated they were in a different area than the subject property.

There being no further discussion on this matter, the item was brought back to the City Council for consideration and decision.

Councilmember Badar summarized the appeal process and said the process works. He was impressed with the appellant's letter of appeal and with staff's responses, however, he is not in favor of the appeal.

In response to Councilmember Bertone, Mr. Espinoza stated that the soils and geology report is a public document that is available for the appellant's perusal.

In light of points raised by Mr. Aguirre, and pursuant to the response of materials prepared by staff and reviewed by the City Council, it was moved by Councilmember Badar, seconded by Councilmember Bertone, to adopt the findings of the City Council in denying the appeal to uphold the Development Plan Review's decision to approve DRPB Case No. 10-07.

Councilmember Ebner stated that he did not agree with all of staff's rebuttal, however, he will vote for the motion as amended by the City Attorney.

The motion carried unanimously.

9. OTHER MATTERS

- a. San Dimas Bicycle Master Plan and Resolution 2011-40 approving the Bicycle Master Plan 2011 Update for implementation throughout the City.

- 1) **RESOLUTION NO. 2011-40**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE BICYCLE MASTER PLAN 2011 UPDATE FOR IMPLEMENTATION THROUGHOUT THE CITY.

Environmental Services Coordinator Lisa Bugrova highlighted significant changes made to the San Dimas Bicycle Master Plan 2011 to reflect improvements developed to ensure the City continues to move forward in bicycle transportation safety, incorporate updated bicycle development standards, and bring the plan up to date with bicycle funding requirements through the Caltrans Bicycle Transportation Account and other funding programs. Staff recommended that the City Council adopt Resolution No. 2011-40.

Mayor Pro Tem Templeman stated it would be a challenge to rehabilitate the portion of Gladstone by Gladstone Hill, which is a dangerous narrow road to walk on. Coordinator Bugrova stated that section of road is not scheduled for improvements.

In response to Councilmember Ebner, Coordinator Bugrova replied that in-pavement markers are made specifically for cyclists and video detection could be tailored to recognize cyclists as well. Public Works Director Patel stated that the City has video detectors but does not have in-pavement detectors.

Councilmember Bertone said he spoke with Frank Neal, a bicycle expert and Parks and Recreation Commissioner, who is pleased with the Master Plan.

Mayor Morris invited Mr. Neal to comment.

Frank Neal, Parks and Recreation Commissioner, said that as a bicycling advocate, he closely watches what other cities are doing with their Bicycle Master Plan and San Dimas' is among the best. He expressed no concerns with the Master Plan.

After the title was read, it was moved by Councilmember Ebner, seconded by Councilmember Badar, to waive further reading and adopt **RESOLUTION NO. 2011-40**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE BICYCLE MASTER PLAN 2011 UPDATE FOR IMPLEMENTATION THROUGHOUT THE CITY.

Councilmember Ebner praised the new Bicycle Master Plan and encouraged bicycling to work as well as recreationally. He thought it would be great if the Gold Line would consider bicycle lockers at transit stations. Councilmember Ebner wholeheartedly endorsed the Master Plan.

In response to Councilmember Badar, Assistant City Manager Stevens replied that installing bicycle lockers at the station would be the decision of the Gold Line Authority, however, they are open to input as to the appropriateness of that suggestion. He said the Metropolitan Transit Authority recently updated their rules and regulations to be more supportive of bicycles on trains, and that includes the Gold Line.

The motion carried unanimously.

- b. Concessionaire Agreement between the Walker House Master Tenant, LLC and Marsteller Investment.

Assistant City Manager Duran provided a brief history of the Concessionaire Agreement with Saffron and said in June 2010 the City entered into a new 12 month agreement with Marsteller LLC, the successor

interest to Saffron, and agreed to a three month extension until August 31, 2011 to allow time for both parties to discuss potential terms of a new lease. The City Council appointed a Sub-committee to work with staff on discussions with Marsteller. After several meetings, a draft lease was prepared for Marsteller's review, however, there has been no communication as to whether or not they have approved the lease. Mr. Duran reviewed the draft lease and presented two options for consideration: 1) Enter into a new Agreement with the proposed terms and conditions; 2) Do not renew and let the existing Agreement with Marsteller expire; the City can then pursue other options for a new food service concessionaire. Staff recommended that the City Council approve a six-month Agreement to gauge the impact the operational adjustments will have on the Concessionaire's operations. He said Arlene Anaya is in the audience and available to answer questions.

In response to Councilmember Ebner, Mayor Morris said Marsteller's financial situation was discussed at length in closed session.

Councilmember Bertone said he is opposed to the restaurant being closed on weekends for walk-ins, however, he wants this operation to succeed and he is willing to approve a six month Agreement. He hopes that after six months, the operation improves enough to reopen on weekends.

Mayor Pro Tem Templeman said Historical Society representatives expressed concern about the weekend closures because they offer tours one Saturday per month and open the gift shop. If the Agreement is approved tonight, Ms. Anaya understands and wants to work with the Historical Society to come up with solutions.

In response to Council, Ms. Anaya replied that there is no additional room charge for dinner reservations and small dinner groups would be allowed on Saturdays. She said their goal is to be open for more events on Saturday. She said they advertise through email blasts, newspaper ads and magazines, but would like assistance in getting their sign posted to let people know they are there.

In response to Councilmember Bertone, Mr. Duran stated that a design with the name change was submitted to a sign company, however, it was agreed that until a new Agreement is approved, it would not be beneficial to spend money on a new sign.

In response to Mayor Morris, Ms. Anaya replied that if the City approves the Agreement, Mr. King is fully aware of the proposed changes and has ultimate authority to commit to the Agreement.

In response to Councilmember Ebner, Ms. Anaya stated that she monitors Yelp but receives a tremendous amount of business from Open Table that awarded them the Diners Choice Award. She said their website is online, however, they are making significant changes which should be completed in the next seven days.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to approve a six-month Concessionaire Agreement between the Walker House Master Tenant, LLC and Marsteller Investments. The motion carried unanimously.

10. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 9:38 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular City Council meeting reconvened at 9:44 p.m..

11. ORAL COMMUNICATIONS

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

- 1) Sid Maksoudian said he had requested notice of any meetings concerning Saffron and received no materials. He stated that Marstellers has no background experience with restaurant ownership and will fail in six months. Mr. Maksoudian added that he is not interested in running a restaurant in San Dimas.

b. City Manager

- 1) Meeting dates and times for the Fall City Council/Staff Retreat. Meeting dates and times for the City Council/Planning Commission Joint Study Session on Sign Code.

It was the consensus of the City Council to schedule 5:00 p.m. Monday, October 17, 2011 for the Council/Staff Retreat and tentatively schedule 6:00 p.m. October 18 and October 19, 2011 for the Joint City Council/Planning Commission meeting to discuss the Sign Code. Staff will contact the Planning Commissioners to confirm a date.

c. City Attorney

There were no comments.

d. Members of the City Council

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

No one attended a meeting at the expense of the City.

- 2) Individual Members' comments and updates.

a) Mayor Pro Tem Templeman reported that 17 birds tested positive for West Nile Virus in the cities of Arcadia, Azusa, Baldwin Park, Claremont, Covina, La Puente and West Covina. He added that mosquito samples collected from Covina, Irwindale, La Puente and West Covina also tested positive indicating risk in those communities, and the County's first equine case was reported in the San Gabriel Valley in August 2011. He said this is an important health issue and asked that the Equestrian Commission be informed and City Parks staff eliminate all standing water.

b) Councilmember Ebner thanked the Parks and Recreation staff for an enjoyable evening watching a movie in the Park and Music in the Park.

c) In response to Councilmember Badar, Facilities Manager DeLeon replied that Parks and Recreation provides the various recreational activities at the City's Annual Birthday Barbecue. She believes the Chamber of Commerce's 2012 plans to change the time frame apply to the barbecue dinner and not the games.

12. ADJOURNMENT

Mayor Morris adjourned the regular meeting of the City Council at 10:03 p.m. The next meeting is on September 13, 2011 at 7:00 p.m.

Respectfully submitted,

Ina Rios, CMC, City Clerk



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the Meeting of September 13, 2011

From: Krishna Patel, Director of Public Works *KHP*

Subject: **4th Annual Jackie Bristow Memorial 5K Run/Walk, January 7, 2012**

- **Restricted Closure of Certain Streets Within the Downtown Area on Saturday, January 7, 2012 – 6:00 AM to 12:00 noon**

SUMMARY

Jackie Bristow Memorial Foundation is requesting to hold their 4th Annual Jackie Bristow Memorial 5K Run/Walk through Bonita Avenue/San Dimas Avenue/Gladstone/San Dimas Canyon Road/Walnut Avenue/4th Street/Iglesia and their Munchkin Mile Race through Iglesia/5th Street/Walnut Avenue/Bonita Avenue on January 7, 2012.

The net effect of the approvals would be:

Restricted street closures for 5K are Bonita Avenue from San Dimas Canyon Road to San Dimas Avenue, San Dimas Avenue from Bonita Avenue to Gladstone Avenue, Gladstone from San Dimas Avenue to San Dimas Canyon Road, San Dimas Canyon Road from Gladstone to Bonita Avenue, Walnut from 4th Street to Bonita Avenue, 4th Street from Iglesia to Walnut, and Iglesia from 7:30 AM to 11:00 AM.

DISCUSSION

On August 30, 2011, the Jackie Bristow Memorial Foundation formally submitted an application for a Special Event Permit. The event will utilize the Senior Center for registration and a pancake breakfast, with Exhibitors and booths staged in the parking lot. The **5K Run/Walk** race would be held on the same route as the City of San Dimas' 5K race (Attachment A). Like previous years, all of the work done in organizing, setting up and managing of the road race will be done by volunteers.

The **5K Run/Walk** will be held on Saturday from 8:30 AM to 11:00 AM. The race route begins on Iglesia and will proceed north to 4th street, the participants will then continue east on 4th street, then south on Walnut, west on Bonita, north on San Dimas Avenue, east on Gladstone, south on San Dimas Canyon Road and finally ends at City Hall on Bonita Avenue.

The **Munchkin Mile** will be held on Saturday from 8:00 AM to 10:00 AM. The race route begins on Walnut and proceeds south to Bonita Avenue, then west to Iglesia, north on Iglesia, east on 5th street, south on Walnut and finally ends at City Hall on Bonita Avenue.

This event has grown since its inception, and organizers are anticipating 800 participants. The coordinators have proven they can put on a well managed and coordinated event. Staff is of the opinion that this coming year's race will be equally successful and this particular race/event will likely become a fixture to the

4.C

Community's Calendar of Events. This event targets raising awareness amongst the City's teenagers on anorexia. It is a very professionally coordinated event and its timing of the beginning of each year lends itself to being included on the list of Community events approved for general street closures.

The Traffic Safety Committee is scheduled to review the race route at its October 19th, 2011 meeting. As the event race route and Munchkin mile will remain the same, utilizing the City's 5K race route, no changes to prior conditions of approval are anticipated.

RECOMMENDATION

Staff recommends that City Council consider the Jackie Bristow Memorial Foundation's request for consideration and approval of partial and full closures of certain streets to allow for the Fourth Annual Jackie Bristow Memorial 5K Run/Walk and the Munchkin Mile (to be held on Saturday, January 7, 2012), subject to the following City Council approvals and conditions:

1. Consider the Jackie Bristow Memorial 5k Run/Walk event be added in the future to Resolution No. 10-64, "Approving General Closures of Certain Streets for City-Sponsored or Other Special Events".
2. Approve the signal lights at Bonita Avenue/Walnut Avenue and Bonita Avenue/Iglesia Street to be set at flashing red to allow for safer and controlled traffic flow on the day of the race.
3. Jackie Bristow Memorial Foundation to be subject to all conditions of approval as approved by the Traffic Safety Committee.

Respectfully submitted,



Krishna Patel
Director of Public Works



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of September 13, 2011

From: Blaine Michaelis, City Manager

Initiated by: Ina Rios, CMC, City Clerk

Subject: Tax Sharing Resolutions Approving and accepting negotiated Exchange of property tax revenues resulting from annexation to County Sanitation District No. 22 (Annexation No. 22-410)

SUMMARY

This action provides for the annexation into the County Sanitation District for sewer service of one proposed commercial lot on Cataract Avenue and one existing single-family home on Arrow Highway. The acceptance of the exchange agreement and the annexation for sewer services are routine procedures.

RECOMMENDATION:

Adopt Tax Sharing Resolutions.



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

STEPHEN R. MAGUIN
Chief Engineer and General Manager

August 23, 2011

General Annexation File

Ms. Ina Rios, City Clerk
City of San Dimas
245 East Bonita Avenue
San Dimas, CA 91773

Dear Ms. Rios:

Tax Sharing Resolutions

Thank you for signing and returning the last joint resolutions that were submitted to your office for tax sharing purposes.

Enclosed, in triplicate, are Joint Tax Sharing Resolutions (resolutions) involving your city and others. The applicants have requested, in writing, annexation of their properties into County Sanitation District No. 22 (District) in order to receive off-site disposal of sewage. Please see the table below for the annexations and their associated projects. The annexation process requires that a resolution for property tax revenue exchange be adopted by all the affected local agencies before an annexation may be approved. For any jurisdictional change which will result in a special district providing new service not previously provided to an area, the law requires the governing bodies of all local agencies that receive an apportionment of the property tax from the area to determine by resolution the amount of the annual tax increment to be transferred to the special district (Revenue and Taxation Code Section 99.01). Please note that by sharing the property tax increment with the District resulting from the specified annexation, your city will not lose any existing ad valorem tax revenue it currently receives from the affected territory. Your city would only be giving up a portion of the revenues it would receive on increased assessed valuation.

<u>Annexation No.</u>	<u>Type of Project</u>
22-410	one proposed commercial lot and one existing single-family home
22-415	61 proposed single-family homes

Also, attached for each annexation is a copy of the applicable worksheet and map showing the location of the annexation. Each worksheet lists the annual tax increment to be exchanged between your city, other affected taxing entities, and the District. The tax sharing ratios listed in the worksheet were calculated by the County Auditor Controller by specific Tax Rate Area (TRA). For example, if the annexing territory were to lie within two separate TRAs, there would be a worksheet for each TRA. The Los Angeles County Chief Executive Office (CEO) is requiring the District to implement the worksheet for all District annexations in order to increase efficiency for the calculation of property tax sharing ratios.

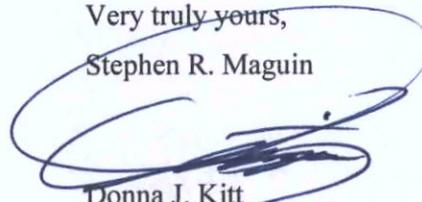
DOC #2012933

The resolutions are being distributed to all parties for signature in counterpart. Therefore, you will only be receiving signature pages for your city. Enclosed are three sets of the resolution for each annexation. One set of each resolution is for your files and the other two sets of each resolution need to be returned to the District. Please execute the two sets of each resolution and return them to the undersigned within 60 days as required by the Government Code. In addition, the County CEO's legal counsel is also requesting that the signature pages be properly executed from all affected agencies. Therefore, please have the Attest line signed by the appropriate person. Upon completion of the annexation process, your office will receive a fully executed copies of the tax sharing resolutions for your files.

Your continued cooperation in this matter is very much appreciated. If you have any questions, please do not hesitate to call me at (562) 908-4288, extension 2708.

Very truly yours,

Stephen R. Maguin

A handwritten signature in blue ink, appearing to read 'Donna J. Kitt', is written over a circular stamp or seal. The signature is fluid and cursive.

Donna J. Kitt

Customer Service Specialist
Facilities Planning Department

DK:eg

Enclosures: 22-410
22-415

JOINT RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES
ACTING IN BEHALF OF

Los Angeles County General

Los Angeles County Library

Los Angeles County Consolidated Fire Protection District

Los Angeles County Flood Control

THE BOARD OF DIRECTORS OF COUNTY SANITATION DISTRICT NO. 22 OF LOS ANGELES
COUNTY, AND THE GOVERNING BODIES OF

City of San Dimas

San Dimas Lighting District-Zone A

Three Valleys Municipal Water District

APPROVING AND ACCEPTING NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUES
RESULTING FROM ANNEXATION TO COUNTY SANITATION DISTRICT NO. 22.

“ANNEXATION NO. 410”

WHEREAS, pursuant to Section 99 and 99.01 of the Revenue and Taxation Code, prior to the effective date of any jurisdictional change which will result in a special district providing a new service, the governing bodies of all local agencies that receive an apportionment of the property tax from the area must determine the amount of property tax revenues from the annual tax increment to be exchanged between the affected agencies and approve and accept the negotiated exchange of property tax revenues by resolution; and

WHEREAS, the governing bodies of the agencies signatory hereto have made determinations of the amount of property tax revenues from the annual tax increments to be exchanged as a result of the annexation to County Sanitation District No. 22 entitled *Annexation No. 410*;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The negotiated exchange of property tax revenues resulting from the annexation of territory to County Sanitation District No. 22 in the annexation entitled *Annexation No. 410* is approved and accepted.

2. For each fiscal year commencing on and after July 1, 2011, or after the effective date of this jurisdictional change, whichever is later, the County Auditor shall transfer to County Sanitation District No. 22 a total of 0.5019914 percent of the annual tax increment attributable to the land area encompassed within *Annexation No. 410* for Tax Rate Area 05064 as shown on the attached Worksheet.

3. For each fiscal year commencing on and after July 1, 2011, or after the effective date of this jurisdictional change, whichever is later, the County Auditor shall transfer to County Sanitation District No. 22 a total of 0.5019932 percent of the annual tax increment attributable to the land area encompassed within *Annexation No. 410* for Tax Rate Area 12368 as shown on the attached Worksheet.

4. No additional transfer of property tax revenues shall be made from any other taxing agencies to County Sanitation District No. 22 as a result of annexation entitled *Annexation No. 410*.

5. No transfer of property tax increments from properties within a community redevelopment project, which are legally committed to a Community Redevelopment Agency, shall be made during the period that such tax increment is legally committed for repayment of the redevelopment project costs.

6. If at any time after the effective date of this resolution, the calculations used herein to determine initial property tax transfers or the data used to perform those calculations are found to be incorrect thus producing an improper or inaccurate property tax transfer, the property tax transfer shall be recalculated and the corrected transfer shall be implemented for the next fiscal year, and any amounts of property tax received in excess of that which is proper shall be refunded to the appropriate agency.

The foregoing resolution was adopted by the Board of Supervisors of the County of Los Angeles, the Board of Directors of County Sanitation District No. 22 of Los Angeles County, and the governing bodies of City of San Dimas, San Dimas Lighting District-Zone A, and Three Valleys Municipal Water District, signatory hereto.

CITY OF SAN DIMAS

SIGNATURE

PRINT NAME AND TITLE

ATTEST:

Secretary

Date

(SIGNED IN COUNTERPART)

JOINT RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES
ACTING IN BEHALF OF

Los Angeles County General

Los Angeles County Library

Los Angeles County Consolidated Fire Protection District

Los Angeles County Flood Control

THE BOARD OF DIRECTORS OF COUNTY SANITATION DISTRICT NO. 22 OF LOS ANGELES
COUNTY, AND THE GOVERNING BODIES OF

City of San Dimas

San Dimas Lighting District-Zone A

Three Valleys Municipal Water District

APPROVING AND ACCEPTING NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUES
RESULTING FROM ANNEXATION TO COUNTY SANITATION DISTRICT NO. 22.

“ANNEXATION NO. 410”

WHEREAS, pursuant to Section 99 and 99.01 of the Revenue and Taxation Code, prior to the effective date of any jurisdictional change which will result in a special district providing a new service, the governing bodies of all local agencies that receive an apportionment of the property tax from the area must determine the amount of property tax revenues from the annual tax increment to be exchanged between the affected agencies and approve and accept the negotiated exchange of property tax revenues by resolution; and

WHEREAS, the governing bodies of the agencies signatory hereto have made determinations of the amount of property tax revenues from the annual tax increments to be exchanged as a result of the annexation to County Sanitation District No. 22 entitled *Annexation No. 410*;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The negotiated exchange of property tax revenues resulting from the annexation of territory to County Sanitation District No. 22 in the annexation entitled *Annexation No. 410* is approved and accepted.

2. For each fiscal year commencing on and after July 1, 2011, or after the effective date of this jurisdictional change, whichever is later, the County Auditor shall transfer to County Sanitation District No. 22 a total of 0.5019914 percent of the annual tax increment attributable to the land area encompassed within *Annexation No. 410* for Tax Rate Area 05064 as shown on the attached Worksheet.

3. For each fiscal year commencing on and after July 1, 2011, or after the effective date of this jurisdictional change, whichever is later, the County Auditor shall transfer to County Sanitation District No. 22 a total of 0.5019932 percent of the annual tax increment attributable to the land area encompassed within *Annexation No. 410* for Tax Rate Area 12368 as shown on the attached Worksheet.

4. No additional transfer of property tax revenues shall be made from any other taxing agencies to County Sanitation District No. 22 as a result of annexation entitled *Annexation No. 410*.

5. No transfer of property tax increments from properties within a community redevelopment project, which are legally committed to a Community Redevelopment Agency, shall be made during the period that such tax increment is legally committed for repayment of the redevelopment project costs.

6. If at any time after the effective date of this resolution, the calculations used herein to determine initial property tax transfers or the data used to perform those calculations are found to be incorrect thus producing an improper or inaccurate property tax transfer, the property tax transfer shall be recalculated and the corrected transfer shall be implemented for the next fiscal year, and any amounts of property tax received in excess of that which is proper shall be refunded to the appropriate agency.

The foregoing resolution was adopted by the Board of Supervisors of the County of Los Angeles, the Board of Directors of County Sanitation District No. 22 of Los Angeles County, and the governing bodies of City of San Dimas, San Dimas Lighting District-Zone A, and Three Valleys Municipal Water District, signatory hereto.

SAN DIMAS LIGHTING DISTRICT-ZONE A

SIGNATURE

PRINT NAME AND TITLE

ATTEST:

Secretary

Date

(SIGNED IN COUNTERPART)

ANNEXATION TO: CO.SANITATION DIST.NO 22 DEBT S.
 ACCOUNT NUMBER: 066.85
 TRA: 12368
 EFFECTIVE DATE: 07/01/2011
 ANNEXATION NUMBER: 410 PROJECT NAME: A-22-410
 DISTRICT SHARE: 0.008774498

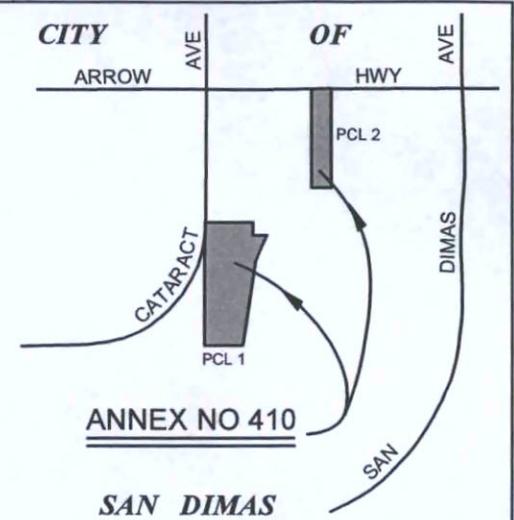
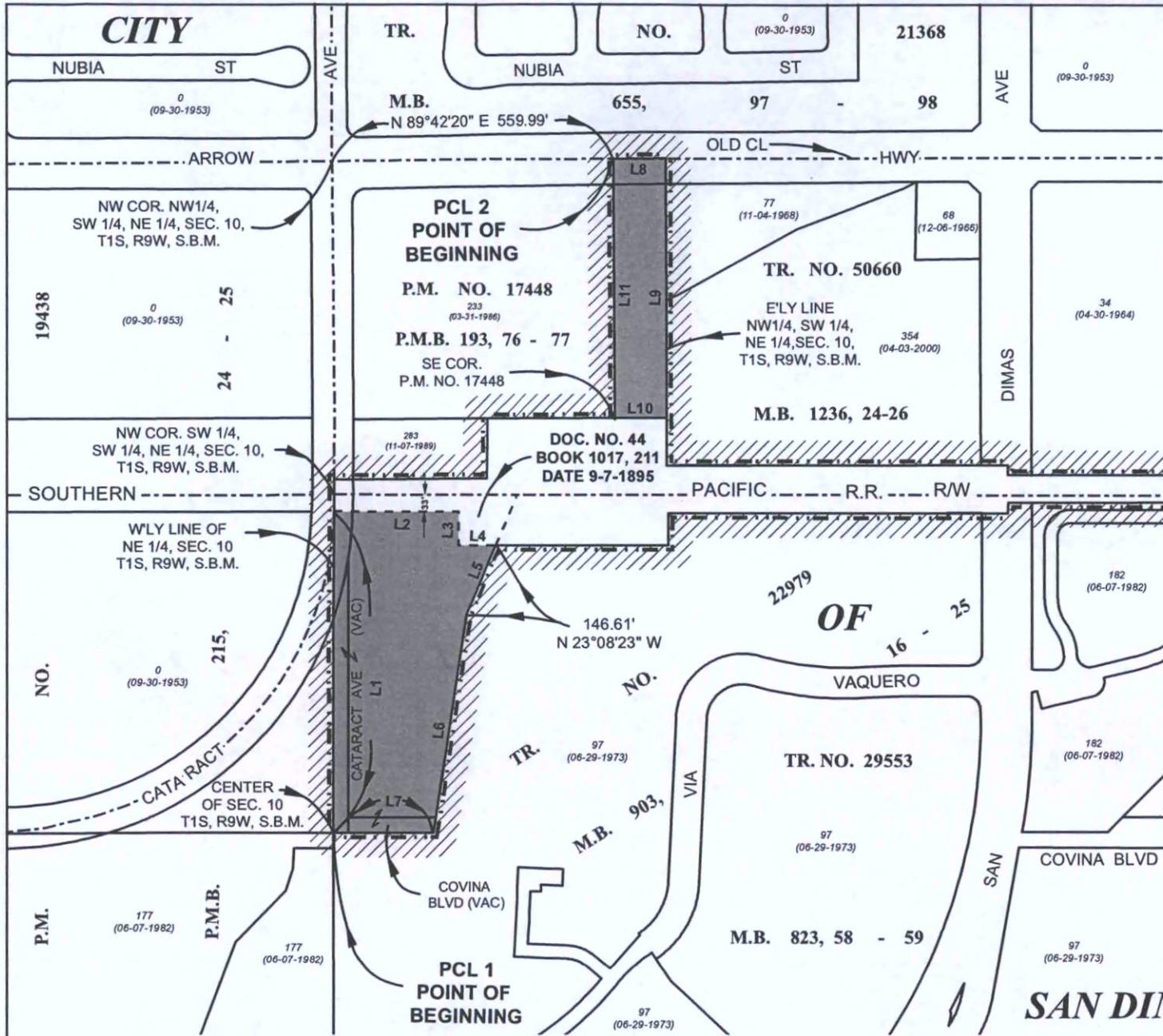
ACCOUNT #	TAXING AGENCY	CURRENT TAX SHARE	PERCENT	PROPOSED DIST SHARE	ALLOCATED SHARE	ADJUSTMENTS	NET SHARE
001.05	LOS ANGELES COUNTY GENERAL	0.271040700	27.1048 %	0.008774498	0.002378257	-0.002433789	0.268606911
001.20	L.A. COUNTY ACCUM CAP OUTLAY	0.000103448	0.0103 %	0.008774498	0.000000907	0.000000000	0.000103448
003.01	L A COUNTY LIBRARY	0.020663526	2.0663 %	0.008774498	0.000181312	-0.000181312	0.020482214
007.30	CONSOL. FIRE PRO.DIST.OF L.A.CO.	0.159112105	15.9112 %	0.008774498	0.001396128	-0.001396128	0.157715977
007.31	L A C FIRE-FFW	0.006225512	0.6225 %	0.008774498	0.000054625	0.000000000	0.006225512
030.10	L.A.CO.FL.CON.DR.IMP.DIST.MAINT.	0.001486579	0.1486 %	0.008774498	0.000013043	-0.000013043	0.001473536
030.70	LA CO FLOOD CONTROL MAINT	0.008413068	0.8413 %	0.008774498	0.000073820	-0.000073820	0.008339248
241.01	CITY-SAN DIMAS TD #1	0.067260859	6.7260 %	0.008774498	0.000590180	-0.000590180	0.066670679
241.61	CITY-SAN DIMAS LT DIST ZN A	0.034046389	3.4046 %	0.008774498	0.000298739	-0.000298739	0.033747650
365.05	THREE VALLEY MWD ORIG AREA	0.003751956	0.3751 %	0.008774498	0.000032921	-0.000032921	0.003719035
400.00	EDUCATIONAL REV AUGMENTATION FD	0.072845328	7.2845 %	0.008774498	0.000639181	EXEMPT	0.072845328
400.01	EDUCATIONAL AUG FD IMPOUND	0.159730680	15.9730 %	0.008774498	0.001401556	EXEMPT	0.159730680
400.15	COUNTY SCHOOL SERVICES	0.001283426	0.1283 %	0.008774498	0.000011261	EXEMPT	0.001283426
400.21	CHILDREN'S INSTIL TUITION FUND	0.002547148	0.2547 %	0.008774498	0.000022349	EXEMPT	0.002547148
809.04	MT.SAN ANTONIO COMMUNITY COLLEGE	0.027489244	2.7489 %	0.008774498	0.000241204	EXEMPT	0.027489244
809.20	MT SAN ANTONIO CHILDRENS CTR FD	0.000265306	0.0265 %	0.008774498	0.000002327	EXEMPT	0.000265306
830.03	BONITA UNIFIED SCHOOL DISTRICT	0.156504085	15.6504 %	0.008774498	0.001373244	EXEMPT	0.156504085
830.06	CO.SCH.SERV.FD.- BONITA	0.006506504	0.6506 %	0.008774498	0.000057091	EXEMPT	0.006506504
830.07	DEV.CTR.HDCPD.MINOR-BONITA	0.000724137	0.0724 %	0.008774498	0.000006353	EXEMPT	0.000724137

ANNEXATION NUMBER: 410

PROJECT NAME: A-22-410

TRA: 12368

ACCOUNT #	TAXING AGENCY	CURRENT TAX SHARE	PERCENT	PROPOSED DIST SHARE	ALLOCATED SHARE	ADJUSTMENTS	NET SHARE
***066.85	CO.SANITATION DIST.NO 22 DEBT S.	0.000000000	0.0000 %	0.008774498	0.000000000	0.000000000	0.005019932
TOTAL:		1.000000000	100.0000 %		0.008774498	-0.005019932	1.000000000



ANNEX NO 410
SAN DIMAS

VICINITY MAP
NO SCALE

LINE DATA

- L1 N 00°15'02" W 626.72'
- L2 N 89°43'23" E 250.00'
- L3 S 00°00'00" E 66.00'
- L4 N 89°43'23" E 72.96'
- L5 S 23°08'23" W 146.61'
- L6 S 08°38'23" W 431.41'
- L7 S 89°43'39" W 197.80'
- L8 N 89°42'20" E 100.30'
- L9 S 00°16'52" E 508.89'
- L10 S 89°43'32" W 100.55'
- L11 N 00°15'10" W 508.86'

PROPOSED



0 150 300 Feet

SAN DIMAS

ASSESSOR'S PARCEL NUMBER
8382 002 018
8382 002 037

Annexation No. 410 shown thus
 Boundary of Sanitation District No. 22 prior to Annexation No. 410 shown thus
 Prior Annexations shown thus
 Area of Annexation 4.720 Acres

ANNEX. NO. (RECORDING DATE)

COUNTY SANITATION DISTRICT NO. 22
OF LOS ANGELES COUNTY, CA
OFFICE OF CHIEF ENGINEER
STEPHEN R. MAGUIN
CHIEF ENGINEER & GENERAL MANAGER
ANNEXATION NO. 410
TO
COUNTY SANITATION DISTRICT NO. 22
Recorded:

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Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of September 13, 2011

From: Blaine Michaelis, City Manager

Initiated by: Ina Rios, CMC, City Clerk

Subject: Tax Sharing Resolutions Approving and accepting negotiated Exchange of property tax revenues resulting from annexation to County Sanitation District No. 22 (Annexation No. 22-415)

SUMMARY

This action provides for the annexation into the County Sanitation District for sewer service of 61 proposed single-family homes on Cataract Avenue. The acceptance of the exchange agreement and the annexation for sewer services are routine procedures.

RECOMMENDATION:

Adopt Tax Sharing Resolutions.



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

STEPHEN R. MAGUIN
Chief Engineer and General Manager

August 23, 2011

General Annexation File

Ms. Ina Rios, City Clerk
City of San Dimas
San Dimas Lighting District-Zone B
245 East Bonita Avenue
San Dimas, CA 91773

Dear Ms. Rios:

Tax Sharing Resolutions

Thank you for signing and returning the last joint resolutions that were submitted to your office for tax sharing purposes.

Enclosed, in triplicate, is a Joint Tax Sharing Resolution (resolution) involving your agency and others. The applicant has requested, in writing, annexation of his property into County Sanitation District No. 22 (District) in order to receive off-site disposal of sewage. Please see the table below for the annexation and its associated project. The annexation process requires that a resolution for property tax revenue exchange be adopted by all the affected local agencies before an annexation may be approved. For any jurisdictional change which will result in a special district providing new service not previously provided to an area, the law requires the governing bodies of all local agencies that receive an apportionment of the property tax from the area to determine by resolution the amount of the annual tax increment to be transferred to the special district (Revenue and Taxation Code Section 99.01). Please note that by sharing the property tax increment with the District resulting from this annexation, your agency will not lose any existing ad valorem tax revenue it currently receives from the affected territory. Your agency would only be giving up a portion of the revenues it would receive on increased assessed valuation.

<u>Annexation No.</u>	<u>Type of Project</u>
22-415	61 proposed single-family homes

Also, attached for the annexation is a copy of the applicable worksheet and map showing the location of the annexation. The worksheet lists the annual tax increment to be exchanged between your agency, other affected taxing entities, and the District. The tax sharing ratios listed in the worksheet were calculated by the County Auditor Controller by specific Tax Rate Area (TRA). For example, if the annexing territory were to lie within two separate TRAs, there would be a worksheet for each TRA. The Los Angeles County Chief Executive Office (CEO) is requiring the District to implement the worksheet for all District annexations in order to increase efficiency for the calculation of property tax sharing ratios.

The resolution is being distributed to all parties for signature in counterpart. Therefore, you will only be receiving a signature page for your agency. Enclosed are three sets of the resolution. One set of the resolution is for your files and the other two sets of the resolution need to be returned to the District.

DOC #2012933

Ms. Ina Rios

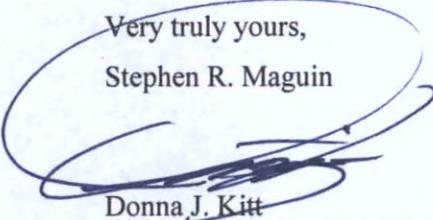
2

August 23, 2011

Please execute the two sets of the resolution and return them to the undersigned within 60 days as required by the Government Code. In addition, the County CEO's legal counsel is also requesting that the signature pages be properly executed from all affected agencies. Therefore, please have the Attest line signed by the appropriate person. Upon completion of the annexation process, your office will receive a fully executed copy of the tax sharing resolution for your files.

Your continued cooperation in this matter is very much appreciated. If you have any questions, please do not hesitate to call me at (562) 908-4288, extension 2708.

Very truly yours,
Stephen R. Maguin



Donna J. Kitt
Customer Service Specialist
Facilities Planning Department

DK:eg

Enclosures: 22-415

JOINT RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES
ACTING IN BEHALF OF

Los Angeles County General Fund

Los Angeles County Library

Los Angeles County Consolidated Fire Protection District

Los Angeles County Flood Control

THE BOARD OF DIRECTORS OF COUNTY SANITATION DISTRICT NO. 22 OF LOS ANGELES
COUNTY, AND THE GOVERNING BODIES OF

City of San Dimas

San Dimas Lighting District-Zone B

Three Valleys Municipal Water District

APPROVING AND ACCEPTING NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUES
RESULTING FROM ANNEXATION TO COUNTY SANITATION DISTRICT NO. 22.

“ANNEXATION NO. 415”

WHEREAS, pursuant to Section 99 and 99.01 of the Revenue and Taxation Code, prior to the effective date of any jurisdictional change which will result in a special district providing a new service, the governing bodies of all local agencies that receive an apportionment of the property tax from the area must determine the amount of property tax revenues from the annual tax increment to be exchanged between the affected agencies and approve and accept the negotiated exchange of property tax revenues by resolution; and

WHEREAS, the governing bodies of the agencies signatory hereto have made determinations of the amount of property tax revenues from the annual tax increments to be exchanged as a result of the annexation to County Sanitation District No. 22 entitled *Annexation No. 415*;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The negotiated exchange of property tax revenues resulting from the annexation of territory to County Sanitation District No. 22 in the annexation entitled *Annexation No. 415* is approved and accepted.

2. For each fiscal year commencing on and after July 1, 2011, or after the effective date of this jurisdictional change, whichever is later, the County Auditor shall transfer to County Sanitation District No. 22 a total of 5003942 percent of the annual tax increment attributable to the land area encompassed within *Annexation No. 415* as shown on the attached Worksheet.

3. No additional transfer of property tax revenues shall be made from any other taxing agencies to County Sanitation District No. 22 as a result of annexation entitled *Annexation No. 415*.

4. No transfer of property tax increments from properties within a community redevelopment project, which are legally committed to a Community Redevelopment Agency, shall be made during the period that such tax increment is legally committed for repayment of the redevelopment project costs.

5. If at any time after the effective date of this resolution, the calculations used herein to determine initial property tax transfers or the data used to perform those calculations are found to be incorrect thus producing an improper or inaccurate property tax transfer, the property tax transfer shall be recalculated and the corrected transfer shall be implemented for the next fiscal year, and any amounts of property tax received in excess of that which is proper shall be refunded to the appropriate agency.

The foregoing resolution was adopted by the Board of Supervisors of the County of Los Angeles, the Board of Directors of County Sanitation District No. 22 of Los Angeles County, and the governing bodies of City of San Dimas, San Dimas Lighting District-Zone B, and Three Valleys Municipal Water District, signatory hereto.

CITY OF SAN DIMAS

SIGNATURE

PRINT NAME AND TITLE

ATTEST:

Secretary

Date

(SIGNED IN COUNTERPART)

JOINT RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES
ACTING IN BEHALF OF

Los Angeles County General Fund

Los Angeles County Library

Los Angeles County Consolidated Fire Protection District

Los Angeles County Flood Control

THE BOARD OF DIRECTORS OF COUNTY SANITATION DISTRICT NO. 22 OF LOS ANGELES
COUNTY, AND THE GOVERNING BODIES OF

City of San Dimas

San Dimas Lighting District-Zone B

Three Valleys Municipal Water District

APPROVING AND ACCEPTING NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUES
RESULTING FROM ANNEXATION TO COUNTY SANITATION DISTRICT NO. 22.

“ANNEXATION NO. 415”

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WHEREAS, the governing bodies of the agencies signatory hereto have made determinations of the amount of property tax revenues from the annual tax increments to be exchanged as a result of the annexation to County Sanitation District No. 22 entitled *Annexation No. 415*;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The negotiated exchange of property tax revenues resulting from the annexation of territory to County Sanitation District No. 22 in the annexation entitled *Annexation No. 415* is approved and accepted.

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SAN DIMAS LIGHTING DISTRICT-ZONE B

SIGNATURE

PRINT NAME AND TITLE

ATTEST:

Secretary

Date

(SIGNED IN COUNTERPART)

ANNEXATION TO: CO.SANITATION DIST.NO 22 DEBT S.
 ACCOUNT NUMBER: 066.85
 TRA: 05087
 EFFECTIVE DATE: 07/01/2011
 ANNEXATION NUMBER: 415 PROJECT NAME: A-22-415
 DISTRICT SHARE: 0.008774498

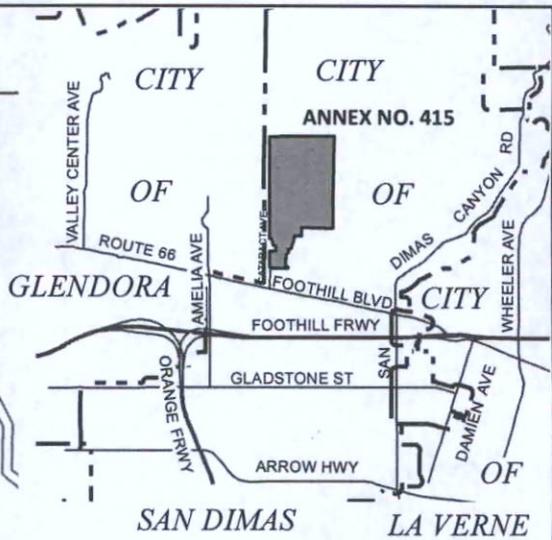
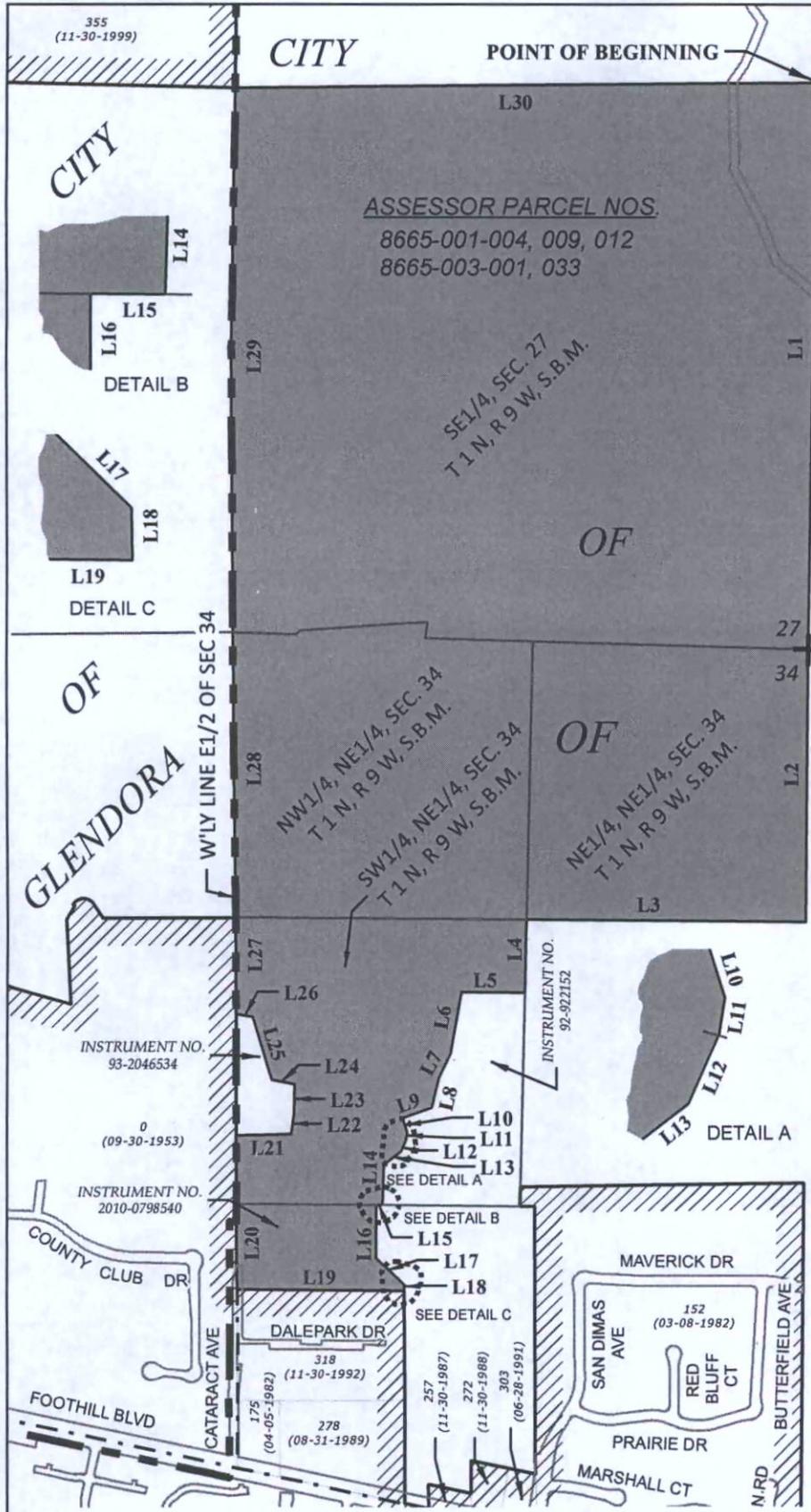
ACCOUNT #	TAXING AGENCY	CURRENT TAX SHARE	PERCENT	PROPOSED DIST SHARE	ALLOCATED SHARE	ADJUSTMENTS	NET SHARE
001.05	LOS ANGELES COUNTY GENERAL	0.285274472	28.5284 %	0.008774498	0.002503149	-0.002561577	0.282712895
001.20	L.A. COUNTY ACCUM CAP OUTLAY	0.000106801	0.0106 %	0.008774498	0.000000937	0.000000000	0.000106801
003.01	L A COUNTY LIBRARY	0.021500237	2.1500 %	0.008774498	0.000188653	-0.000188653	0.021311584
007.30	CONSOL. FIRE PRO.DIST.OF L.A.CO.	0.164144242	16.4144 %	0.008774498	0.001440283	-0.001440283	0.162703959
007.31	L A C FIRE-FFW	0.006552083	0.6552 %	0.008774498	0.000057491	0.000000000	0.006552083
030.10	L.A.CO.FL.CON.DR.IMP.DIST.MAINT.	0.001563661	0.1563 %	0.008774498	0.000013720	-0.000013720	0.001549941
030.70	LA CO FLOOD CONTROL MAINT	0.008848881	0.8848 %	0.008774498	0.000077644	-0.000077644	0.008771237
241.01	CITY-SAN DIMAS TD #1	0.070380261	7.0380 %	0.008774498	0.000617551	-0.000617551	0.069762710
241.62	CITY-SAN DIMAS LT DIST ZN B	0.007993671	0.7993 %	0.008774498	0.000070140	-0.000070140	0.007923531
365.05	THREE VALLEY MWD ORIG AREA	0.003917546	0.3917 %	0.008774498	0.000034374	-0.000034374	0.003883172
400.00	EDUCATIONAL REV AUGMENTATION FD	0.072845328	7.2845 %	0.008774498	0.000639181	EXEMPT	0.072845328
400.01	EDUCATIONAL AUG FD IMPOUND	0.155376505	15.5376 %	0.008774498	0.001363350	EXEMPT	0.155376505
400.15	COUNTY SCHOOL SERVICES	0.001323927	0.1323 %	0.008774498	0.000011616	EXEMPT	0.001323927
400.21	CHILDREN'S INSTIL TUITION FUND	0.002627569	0.2627 %	0.008774498	0.000023055	EXEMPT	0.002627569
809.04	MT.SAN ANTONIO COMMUNITY COLLEGE	0.028358502	2.8358 %	0.008774498	0.000248831	EXEMPT	0.028358502
809.20	MT SAN ANTONIO CHILDRENS CTR FD	0.000273786	0.0273 %	0.008774498	0.000002402	EXEMPT	0.000273786
830.03	BONITA UNIFIED SCHOOL DISTRICT	0.161453265	16.1453 %	0.008774498	0.001416671	EXEMPT	0.161453265
830.06	CO.SCH.SERV.FD.- BONITA	0.006712330	0.6712 %	0.008774498	0.000058897	EXEMPT	0.006712330
830.07	DEV.CTR.HDCPD.MINOR-BONITA	0.000746933	0.0746 %	0.008774498	0.000006553	EXEMPT	0.000746933

ANNEXATION NUMBER: 415

PROJECT NAME: A-22-415

TRA: 05087

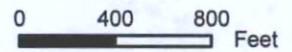
ACCOUNT #	TAXING AGENCY	CURRENT TAX SHARE	PERCENT	PROPOSED DIST SHARE	ALLOCATED SHARE	ADJUSTMENTS	NET SHARE
***066.85	CO.SANITATION DIST.NO 22 DEBT S.	0.00000000	0.0000 %	0.008774498	0.00000000	0.00000000	0.005003942
TOTAL:		1.00000000	100.0000 %		0.008774498	-0.005003942	1.00000000



LINE DATA

L1	S01°22'55"W	2625.52'
L2	S00°31'31"W	1304.23'
L3	N88°43'14"W	1327.69'
L4	S00°09'09"W	311.66'
L5	N89°32'00"W	300.00'
L6	S09°24'14"W	297.95'
L7	S25°17'35"W	120.39'
L8	S12°06'20"W	145.43'
L9	S69°15'00"W	142.87'
L10	S18°08'54"E	71.82'
L11	S08°22'50"W	33.67'
L12	S23°22'50"W	60.52'
L13	S53°22'50"W	101.43'
L14	S00°22'50"W	199.91'
L15	N89°37'10"W	28.20'
L16	S00°03'30"E	251.54'
L17	S47°59'30"E	180.00'
L18	S00°03'30"E	27.40'
L19	N88°55'30"W	790.81'
L20	N00°20'15"E	713.35'
L21	S88°28'20"E	252.61'
L22	N08°29'02"E	97.70'
L23	N00°37'22"E	133.88'
L24	N79°17'21"W	108.89'
L25	N16°02'55"W	305.20'
L26	N79°39'45"W	75.00'
L27	N00°20'15"E	472.29'
L28	N00°43'28"W	1323.60'
L29	N00°09'13"E	2589.32'
L30	S89°05'51"E	2741.71'

PROPOSED



SAN DIMAS

Annexation No. 415 shown thus

Boundary of Sanitation District No. 22 prior to Annexation No. 415 shown thus

Prior Annexations shown thus

Area of Annexation 276.861 Acres

ANNEX. # (RECORDING DATE)

COUNTY SANITATION DISTRICT NO. 22
OF LOS ANGELES COUNTY, CA
OFFICE OF CHIEF ENGINEER
STEPHEN R. MAQUIN
CHIEF ENGINEER & GENERAL MANAGER
ANNEXATION NO. 415
TO
COUNTY SANITATION DISTRICT NO. 22
Recorded:

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Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the Meeting of September 13, 2011

From: Blaine Michaelis, City Manager

Initiated By: Public Works Department *LM*

Subject: **Award of Cash Contract No. 2011-07, Annual Striping Maintenance Contract to Superior Pavement Markings, Inc. in the amount up to \$50,000**

BACKGROUND

Five (5) sealed bids were received by the City Clerk on Tuesday, September 6, 2011 and publicly opened for Cash Contract 2011-07, Annual Striping Maintenance Contract. The contract consists of painting, repainting, removal & layout of traffic markings and striping throughout the city.

Bid results are as follows:

1. Superior Pavement Markings	\$8,533.00
2. PCI	\$13,680.00
3. J&S Striping	\$21,880.00
4. Ranch Rock	\$22,085.00
5. Sterndahl Enterprise	\$36,770.00

The project has been allocated in Fund 01, General Fund for Street Maintenance & Municipal Parking District Maintenance, of the 2011-12 City Budget.

DISCUSSION

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 basis for the estimated quantities used for bidding purposes represents the average traffic striping & markings within one maintenance zone. The city is divided in to seven geographic maintenance zones. The highly competitive bids received, if awarded will also allow for the repainting of traffic striping & markings in at least three maintenance zones as well as repainting several municipal parking lots. The contract will also allow for modifications or additions to traffic striping & markings that occur as part of normal traffic engineering activities.

If the contract were to be awarded to the lowest bidder, the project budget \$50,000 would be as follows:

- Citywide Striping & Marking Maintenance \$35,000.00
- Vehicle Parking District \$15,000.00

4.8

Staff reviewed the bid proposal by the lowest responsible bidder, Superior Pavement Markings, Inc. It was confirmed through the State Contractor's License Board that the contractor's license number 776306, Class C, which expires on 8/31/2013 is current & active. Staff has also checked references from other agencies and all reports regarding Superior Pavement Markings, Inc. were satisfactory.

RECOMMENDATION

Staff recommends that Council consider awarding the "Annual Striping Maintenance Contract" to Superior Pavement Markings, Inc. in the amount of \$50,000. Including approval of change orders necessary up to the budgeted amount for repainting of traffic striping and markings in the various maintenance zones and as needed striping work throughout the City.

Respectfully submitted,



John Campbell
Street Maintenance Superintendent

National Alcohol and Drug Addiction Recovery Month

W HEREAS, this years theme is "Join the Voices for Recovery: Together we Learn, together We Heal"; and

W HEREAS, substance use disorders are a serious and treatable health problem, as many as 63 percent of Americans say that addiction to alcohol or other drugs has had an impact on them at some point in their lives, whether it was the addiction of a friend, family member or another experience, such as their own personal addiction; and

W HEREAS, assessing our citizens' need for addiction treatment and referring them to appropriate treatment and their family members to support services is a crucial first step in helping people realize that recovery is possible and treatment is effective; and

W HEREAS, barriers to accessing treatment programs that can help heal lives, families, and our community are a significant problem for our neighbors, friends, co-workers, and family members with substance use disorders; and

W HEREAS, community members seeking treatment deserve affordable, individualized treatment programs; and

W HEREAS, celebrating individuals in recovery and their families, and saluting the health care providers who helped them obtain treatment educates our community about the benefit of treatment and affirms that such providers deserve adequate compensation for their services; and

W HEREAS, to help achieve this goal, the Substance Abuse and Mental Health Services Administration within the U.S. Department of Health and Human Services; the White House Office of National Drug Control Policy; and the City of San Dimas invite all residents of the City of San Dimas to participate in National Alcohol and Drug Addiction Recovery Month.

N OW THEREFORE, I, Mayor Curtis W. Morris, Mayor Pro Tem Jeff Templeman, Councilmembers Emmett Badar, Denis Bertone and John Ebiner, do hereby proclaim the month of September as

National Alcohol and Drug Addiction Recovery Month

I N WITNESS THEREOF, I, Mayor Curtis W. Morris, have hereunto set my hand and caused the seal of the City of San Dimas to be affixed this 13th day of September 2011.

4.9

W HEREAS, families, caregivers, charities and research groups across the United States are observing September as Childhood Cancer Month; and

W HEREAS, childhood cancer is the leading cause of death by disease among children in this country; and

W HEREAS, more than 12,500 children under the age of 21 are diagnosed with cancer each year and approximately 3,000 children lose their lives to cancer; and

W HEREAS, our children are California's most precious resource and represent the future of our great country; and

W HEREAS, CureSearch is dedicated to raising funds for childhood cancer research and awareness; and

W HEREAS, much work remains to be done in order to understand how childhood cancer can be prevented and detected at an earlier stage; and

W HEREAS, the City of San Dimas recognizes the devastating effects cancer can have on children and their parents and supports all efforts toward the discovery of a cure.

N OW THEREFORE, I Curtis W. Morris, Mayor of the City of San Dimas, Mayor Pro Tem Jeff Templeman, Councilmembers Emmett Badar, Denis Bertone and John Ebiner proclaim the month of September 2011 as

Childhood Cancer Awareness Month

I N WITNESS THEREOF, I, Mayor Curtis W. Morris, have hereunto set my hand and caused the seal of the City of San Dimas to be affixed this 13th day of September 2011.

Curtis W. Morris

Mayor

Ina Rin

Attest: _____

City Clerk

4. h



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of September 13, 2011

FROM: Blaine Michaelis, City Manager

INITIATED BY: Community Development Department

SUBJECT: Extension of Ordinance No. 1205 – an urgency ordinance amending the Sign Code establishing interim regulations for window signs.

BACKGROUND

On August 9, 2011 the City Council adopted Ordinance No. 1205 on an urgency basis. That ordinance established revised standards for window signs pending completion of the Sign Code update. The interim standards allow increased opportunities for window signs while clarifying distinctions between types of window signs.

Government Code Section 65858 provides that an urgency ordinance can be in effect for up to 45 days but may be extended up to 10 months and fifteen days after conducting a public hearing.

The City Sign Code update is progressing and a joint Planning Commission/City Council Study Session is currently scheduled for October 19 at 6:00 PM.

ANALYSIS

Staff has not revised any of the standards from the initial interim ordinance. A number of concerns were raised during the consideration of Ordinance No. 1205 including:

- 5% vs. 10% for permanent window signs including a review of the maximum square footage
- 20% vs. 25% on temporary window signs
- Elimination of liquor advertising prohibition in a manner which also addresses corresponding prohibitions in most conditional use permits
- Further review of perimeter window lighting prohibition

S.A. 1

These matters will be addressed in the upcoming Sign Code update and prepared for further discussion at the Joint Study Session in October.

Staff has revised the summary table as below for additional clarity:

SUMMARY OF INTERIM WINDOW SIGN REGULATIONS

(Adopted 8/9/11 per Ordinance No. 1205)

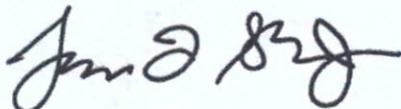
	Permanent Window Sign¹	Temporary Window Sign¹	Accessory Window Sign¹
Size	5% of the window area not to exceed 40 square feet (20 square feet in office & industrial zones)	20% of the window area	12 square feet in total sign area with no individual sign exceeding 4 square feet
Time Limits	No	None - but no sign allowed longer than 30 consecutive days ²	No
Permit	Yes	No	No
Purpose	Business identification and generic product/services identification ³	Advertise seasonal sales, special sales and related temporary messages ³	Business identification, credit cards accepted, hours of operation, lottery, health grades, etc. ³
Typical Materials	Applied, stenciled, etched to glass surface including gold leaf letters and decals. Neon less than 4 square feet allowed.	Cloth, paper, vinyl, paint. Non-illuminated.	Not specified. Neon less than 4 square feet allowed.

1. Window signs also include any interior signs within 3 feet of a window. All signs subject to specified standards regarding maintenance, quality, lighting, and view obstruction.
2. Date of installation to be displayed on sign(s) or may be subject to immediate removal. Other adequate documentation regarding installation date may be considered.
3. Liquor and liquor product advertising prohibited to assure compliance with CUPs and ensure equity.

RECOMMENDATION

Adopt the attached Ordinance No. 1208 extending the interim window sign regulations for up to an additional 10 months and fifteen days.

Respectfully Submitted,



Larry Stevens,
Assistant City Manager for Community Development

Attachments:

1. Ordinance No. 1208

ORDINANCE NO. 1208

AN ORDINANCE OF THE CITY OF SAN DIMAS EXTENDING EXISTING URGENCY ORDINANCE NO. 1205, AMENDING EXISTING PROVISIONS OF THE CITY'S SIGN CODE REGARDING THE STANDARDS FOR WINDOW SIGNS, FOR UP TO AN ADDITIONAL 10 MONTHS AND 15 DAYS

The City Council of the City of San Dimas does hereby ordain as follows:

SECTION 1. The provisions of Section 18.152.020 (Definitions) of the San Dimas Municipal Code are hereby amended to revise the definition of Window Sign to read as follows:

39. Sign, Window. "Window sign" means any sign posted, painted, placed or affixed in or on any window, including the glass portion of a door or opening, exposed to public view including any interior sign which faces any said window or door or opening exposed to public view and which is located within three feet of the window. Window signs include the following types as defined below:

(a). Sign, Window (Accessory). "Accessory window sign" means any window sign not exceeding 4 square feet limited to business identification, hours of operation, credit card information, lottery, Health Department grades, open/closed and similar public convenience information.

(b). Sign, Window (Exempt). "Exempt window sign" means any window sign exempt from window sign regulations including (1) holiday window displays and decorations, including lights, provided they are removed within ten days after the holiday and contain no references to goods, products or services and (2) posters advertising fund-raising events for charitable, nonprofit, or educational fund-raising events, or noncommercial uses, provided they are removed ten days after the event, are not larger than two feet by three feet and do not exceed four in number at any one time.

(c). Sign, Window (Permanent). "Permanent window sign" means any window sign applied to, stenciled on, or etched into the glass surface including gold leaf (or similar) letters and decals, limited to business identification, address and/or a listing of products or services not implicit in the business name.

(d). Sign, Window (Temporary). "Temporary window sign" means any window sign consisting of painting, cloth, paper, vinyl or similar materials allowed for a limited duration advertising seasonal sales, specials and similar events but not including business identification.

SECTION 2. The provisions of Section 18.152.120 (Signs in Commercial Zones), 18.152.130 (Signs in Administrative Professional Zones), 18.152.140 (Signs in Industrial Zones) and 18.152.150 (Signs in Frontier Village Area) of the

San Dimas Municipal Code are hereby amended to revise standards applicable to permanent window signs by adding the underlined portions as follows:

Section 18.152.120.B.1. Window Signs. Permanent window signs may be permitted, subject to city approval. In no case shall the total of all permanent window signs exceed five percent of the total window area or a total of forty square feet whichever is less. Temporary window signs are addressed in Section 18.152.160. Accessory window signs are addressed by Section 18.152.164. Additional standards for window signs are addressed by Section 18.164.166.

Section 18.152.130.B.1. Window Signs. Permanent window signs may be permitted, subject to city approval. In no case shall the total of all permanent window signs exceed five percent of the total window area or a total or twenty square feet whichever is less. Temporary window signs are addressed in Section 18.152.160. Accessory window signs are addressed by Section 18.152.164. Additional standards for window signs are addressed by Section 18.164.166.

Section 18.152.140.B.1. Window Signs. Permanent window signs may be permitted, subject to city approval. In no case shall the total of all permanent window signs exceed five percent of the total window area or a total or twenty square feet whichever is less. Temporary window signs, as regulated in Section 18.152.160, are not permitted. Accessory window signs are addressed by Section 18.152.164. Additional standards for window signs are addressed by Section 18.164.166.

Section 18.152.150.A. Window Signs. Permanent window signs may be permitted, subject to city approval. In no case shall the total of all permanent window signs exceed five percent of the total window area or a total or forty square feet whichever is less. Temporary window signs are addressed in Section 18.152.160. Accessory window signs are addressed by Section 18.152.164. Additional standards for window signs are addressed by Section 18.164.166.

SECTION 4. The provisions of Section 18.152.160.D (Temporary Window Signs) of the San Dimas Municipal Code are hereby amended to revise standards applicable to temporary window signs to read as follows:

Section 18.152.160.D. Temporary Window Signs. Temporary window signs may be permitted, based on the following:

1. Temporary window signs shall not exceed twenty percent of the total window area.
2. No temporary window sign shall be displayed continuously for more than thirty consecutive days.
3. Business owners shall be required to display the date upon which the sign is placed in the window. Signs without a date, or other adequate documentation regarding the installation date, may be subject to immediate removal.

4. Additional standards for temporary window signs are addressed by Section 18.152.166.
5. A permit or City approval is not required for temporary window signs except that a business may request a permit to designate areas for temporary window signs meeting the standards set forth herein.

SECTION 5. The following Sections regarding accessory window signs and other standards for window signs are hereby added to the San Dimas Municipal Code to read as follows:

Section 18.152.164 Accessory Window Signs. Accessory window signs may be permitted provided said signs do not exceed four square feet each and do not exceed a total area of 12 square feet.

Section 18.152.166 Other Standards for Window Signs. All window signs shall comply with the following additional standards:

- A. The maximum area for all window signs, excluding exempt and up to 12 square feet of accessory window signs, shall not exceed twenty five per cent of the total window area.
- B. All window signs shall be properly maintained and be of reasonable professional quality.
- C. Window signs shall not be illuminated except that accessory window signs and permanent windows may be neon or similar type lighting provided each such sign is less than four square feet. Lighting of any type around windows shall not be permitted except for exempt holiday lighting.
- D. Window signs shall not advertise liquor or liquor-related products.
- E. In order to facilitate law enforcement and protect public safety, window signs or other window obscuring products, including tinting, shall not substantially obstruct view into the business from outside a window.

SECTION 6. The City is reviewing its existing Sign Code. A number of public meetings and study sessions have been conducted by the City's Planning Commission and City Council that have identified a number of areas in the existing sign regulations that the City Council has determined are deserving of further review and possible amendment. It is anticipated that the Planning Commission will conduct public hearings within the next three months to consider potential changes to the City's Sign Code, including modifying the present regulations on window signs. In order to permit the Planning Commission sufficient time to study the issues and conduct its public hearings and make its recommendation to the City Council and at the same time permit existing commercial businesses in the City to provide additional window signs, if they

desire, the City Council determines that it is appropriate to change the present window sign restrictions on an interim basis as identified in Sections 1 through 5.

SECTION 7. The Ordinance is therefore adopted as provided in Government Code Section 65858 and shall take effect immediately upon expiration of Ordinance No. 1205 and remain in effect for up to 10 months and 15 days.

Passed, approved and adopted this 13th day of September 2011.

MAYOR OF THE CITY OF SAN DIMAS:

Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

Ina Rios, CMC, City Clerk



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of September 13, 2011

FROM: Blaine Michaelis, City Manager

INITIATED BY: Marco A. Espinoza, Associate Planner

SUBJECT: **Municipal Code Text Amendment 11-01**
A request to amend Code Section 18.540.130.B (Specific Plan No. 24, Area 1 – Regional Commercial) to conditionally allow drive-through restaurants with audible speakers within 300 feet of residentially zoned properties.
Associated Cases: DPRB Case No. 11-34, Precise Plan 11-03 & CUP 11-05
Environmental: Previously Approved Environmental Impact Report

SUMMARY

Drive-through restaurants with audible speakers within 300 feet of residentially zoned properties are not permitted within Specific Plan No. 24. The proposed site for Panda Express is within 300 feet of residentially zoned properties and would have speakers. The applicant is requesting to conditionally allow drive-through restaurants with audible speakers as long as they do not operate within the hours of midnight and 6 a.m.

On July 7, 2011 the Planning Commission directed Staff to initiate the request for the code text amendment and to bring back a full report for their review and recommendation.

The restaurant will be on the southeast corner of Lone Hill Ave. and the main entrance to the center. The menu board post for the drive-through will be on the north side of the building. The applicant is proposing to operate 7 days a week from 11a.m. to 10 p.m.

At the August 18, 2011 Planning Commission meeting the Commission voted 4.0.1 (Davis Absent) to recommend approval of M.C.T.A. 11-01 with the modification that the drive-through portion of the business stop at 10 p.m.

5.6.1-2-3

BACKGROUND

The Citrus Station was approved with conceptual restaurants pads. Due to the downturn in the economy nothing has been proposed until now. Currently there are two development applications being processed for this center, Olive Garden and Panda Express.

On behalf of Panda Express, the applicant is requesting the Planning Commission consider a Municipal Code Text Amendment to conditionally allow drive-through restaurants with audible speakers within 300 feet of residentially zoned properties. Currently the Code reads as follows:

"Eating establishment, with drive-in or drive-through service, provided that no such use shall be permitted within three hundred feet of residentially zoned property if provided with audible speakers and if operated between the hours of midnight and six a.m." (Section 18.540.130.B)

The applicant would like to modify Code Section 18.540.130.B to read as follows (Underlined blue – new text / **Red strikeout** – deleted text)

B. Eating establishment, with drive-in or drive-through service, provided that no such use shall be permitted if operated between the hours of midnight and six a.m., within three hundred feet of residentially zoned property. If ~~if provided with~~ audible speakers are proposed, they shall be placed in such a manner as to not be directed towards the residentially zoned property, have an adjustable volume based on the outdoor ambient noise level and not be an analog system. ;and if operated between the hours of midnight and six a.m.

Based on testimony heard at the August 18, 2011 Planning Commission meeting, the Commission's consensus was that the proposed code text amendment be changed to restrict the hours of the drive-through portion of the business from six a.m. to 10 p.m. Concerns were raised about the late night operations of the drive-through portion of the business; therefore, the hours were limited for this portion of the business. Panda Express agreed to this because they are planning on closing at 10:00 p.m. Staff has incorporated the Planning Commission's request into the modified code text amendment which reads as follows (Underlined blue – new text / **Red strikeout** – deleted text):

Eating establishment, with drive-in or drive-through service, If located within 300 feet of residentially zoned property, the drive-through or drive-in portion of the business can only operate during the hours of six a.m. to 10 p.m. and the restaurant portion from six a.m. to midnight. ,~~provided that no such use shall be permitted within three hundred feet of residentially zoned property if provided with a~~ Audible speakers shall be placed in such a manner as to be directed away from residentially zoned property, have

an adjustable volume based on the outdoor ambient noise level and are not an analog system. ~~*and if operated between the hours of midnight and six a.m.;*~~

The proposed code text modification would **only** affect drive-through restaurant businesses within the Citrus Station and nowhere else in the City.

ANALYSIS

The applicant is proposing a 2,448 sq. ft. drive-through restaurant with a 288 sq. ft. outdoor seating area on a 32,050 sq. ft. site. The building sits along Lone Hill Avenue with the main entrance facing east towards the interior of the center. The parking lot is in front of the building with the drive-through aisle starting on the north side, circulating west around the building to the south. The applicant is proposing the menu speaker post on the north side of the building along the main driveway entrance to the center.

Staff's initial concern when Specific Plan No. 24 was written was the use of a menu speaker post for drive-through restaurants and the possible noise associated with them. In the past few years there have been advancements in menu speaker posts that have minimized the noise concerns. Panda Express understands these concerns and is proposing a **digital** menu speaker post versus **analog**, in addition to providing a menu order screen and incorporating additional site design elements to reduce noise concerns.

Menu Speaker Post – Noise Level

The applicant is proposing a digital menu speaker post instead of a menu board for the order point which provides better sound quality. It is recommended that the post be placed in the spot where customers can best see the menu and as close to the customer's vehicle as possible (usually 1 to 2 feet away). The microphone in the speaker post should be placed at a height above the lower end of the drive's window. The microphone should be higher rather than too low were it will pick-up more engine and muffler noise.

Currently there are two types of menu speaker boards on the market, digital and analog. Analog is what you find in older drive-through restaurants, somewhat loud, with frequent static, and no volume control. Digital are wireless controlled reducing the ambient noise between the speakers allowing for them to hear and speak to each other. The applicant is proposing a HME SPP2 (see Exhibits "D" & "E") speaker post that has a dBA of 60 measured one-foot from the post and 54 dBAs measured at 32 feet from the post. Sound wave levels are measured and identified in "dBA's" (see Exhibit "F" for example of different types of dBA levels). A normal voice is measured at 70 to 60 dBA measured from three feet away.

Digital technology breaks your voice signal into binary code—a series of 1s and 0s—transferring it to the other end where another device (phone,

*modem or TV) takes all the numbers and reassembles them into the original signal. The beauty of digital is that it knows what it should be when it reaches the end of the transmission. That way, it can correct any errors that may have occurred in the data transfer. What does all that mean to you? **Clarity.** In most cases, you'll get distortion-free conversations and clearer TV pictures.*

Distance

As mentioned the Code currently does not allow drive-through restaurants within 300 feet of residential properties if it is proposing an audible speaker. The current proposal for the drive-through sits the building and menu speaker within the 300-foot boundary limitation; therefore, the applicant is requesting a code text amendment. A four-lane highway, Lone Hill Avenue, and a frontage road divides the subject site from the residential properties. The distance of the residential properties to the west and the proposed site are as follows:

	Distance from front wall plane of residential properties to the west to:
Subject Site Property Line	135 feet
Proposed Building	165 feet
Proposed Menu Speaker Post	175 feet

The noise level of the menu speaker post as shown on Exhibit "G" would be approximately 20 dBAs at the center of Lone Hill if it was orientated towards the residential properties, about the same as a whisper at three feet away.



Hours of Operation

Panda Express is proposing to operate seven days a week from 11:00 a.m. to 10:00 p.m. The hours of operation for Panda are similar to the other proposed restaurant and existing businesses in the center:

Olive Garden	Mon. - Sun.	11:00 a.m. to 11:00 p.m.
Costco	Mon. - Fri.	10:00 a.m. to 8:30 p.m.
	Sat.	9:00 a.m. to 6:00 p.m.
	Sun.	10:00 a.m. to 6:00 p.m.
Costco Gas	Mon. - Fri.	6:00 a.m. to 9:30 p.m.
	Sat. - Sun.	6:00 a.m. to 7:30 p.m.

The applicant is not proposing to modify the allowable hours of operation for drive-through restaurants which are 6 a.m. to midnight only.

Noise mitigation measures

In addition to conditioning the requirement of a digital speaker post, Staff has also implemented several mitigation measures to help address the noise concerns. The following measures will be part of the conditions of approval of the CUP application for the Panda Express drive-through restaurant and potentially any other drive-through restaurant that would be proposed within Specific Plan No. 24:

1. Construct a 42-inch high split-face wall around the perimeter of the drive-through from the menu speaker post to the pick-up window, in addition to a wall adjacent to the outdoor seating area. The wall will help screen noise and glare from the lights of the vehicles.
2. The menu speaker post shall be installed a maximum of three feet from the drive-through drive aisle.
3. The menu speaker post shall have an order menu screen showing the customer's order, to avoid the employee reading back the customer's order.
4. The digital menu speaker post system shall have a volume control.
5. Provide additional trees and shrubs to screen the drive-through menu board and pick-up window.
6. The pick-up window shall be closed at all times when there are no customers to be served.

CONCLUSIONS

The applicant and Panda Express have worked with Staff to address the initial concerns that were associated with a drive-through restaurant with audible speakers within 300 feet of residentially zoned properties. The incorporation of new technology of the menu speaker post, menu screens, screen walls, and site layout design also help minimize the noise concerns associated with the audible speakers. Drive-through restaurants still require a Conditional Use Permit Application that would be reviewed and conditioned with many of the above mentioned noise mitigation measures to ensure all concerns have been addressed and that the proposed use is compatible with the center and the residential neighborhood.

RECOMMENDATION

Staff recommends the City Council approve Municipal Code Text Amendment 11-01, a request to amend Code Section 18.540.130.B to conditionally allow drive-through restaurants with audible speakers within 300 feet of residentially zoned properties within Specific Plan 24, Area 1 and the attached Ordinance No.1209.

Respectfully Submitted,



Marco A. Espinoza
Associate Planner

Attachments:	Appendix A -	General Information
	Exhibit A -	Aerial - Vicinity Map
	Exhibit B -	Site Plan
	Exhibit C -	Examples of standard digital menu speaker board
	Exhibit D -	The Digital Breakthrough in Drive-through Communications Brochure
	Exhibit E -	Strategies for Improving your Drive-through Communications Brochure
	Exhibit F -	Examples of different noise levels
	Exhibit G -	Noise levels of menu speaker post facing the residential properties to the west.
	Exhibit H -	Noise levels of a HME SPP2 menu speaker post

APPENDIX A

GENERAL INFORMATION

Applicant: Jenifer Murillo on behalf of
Costco Wholesale
500 N. State College, Suite 1080
Orange, CA 92868

Owner: Panda Restaurant Group
1683 Walnut Grove Ave.
Rosemead, CA 91770

Location: Southeast corner of Lone Hill Avenue and Gladstone
Street (APN: 8383-009-072)

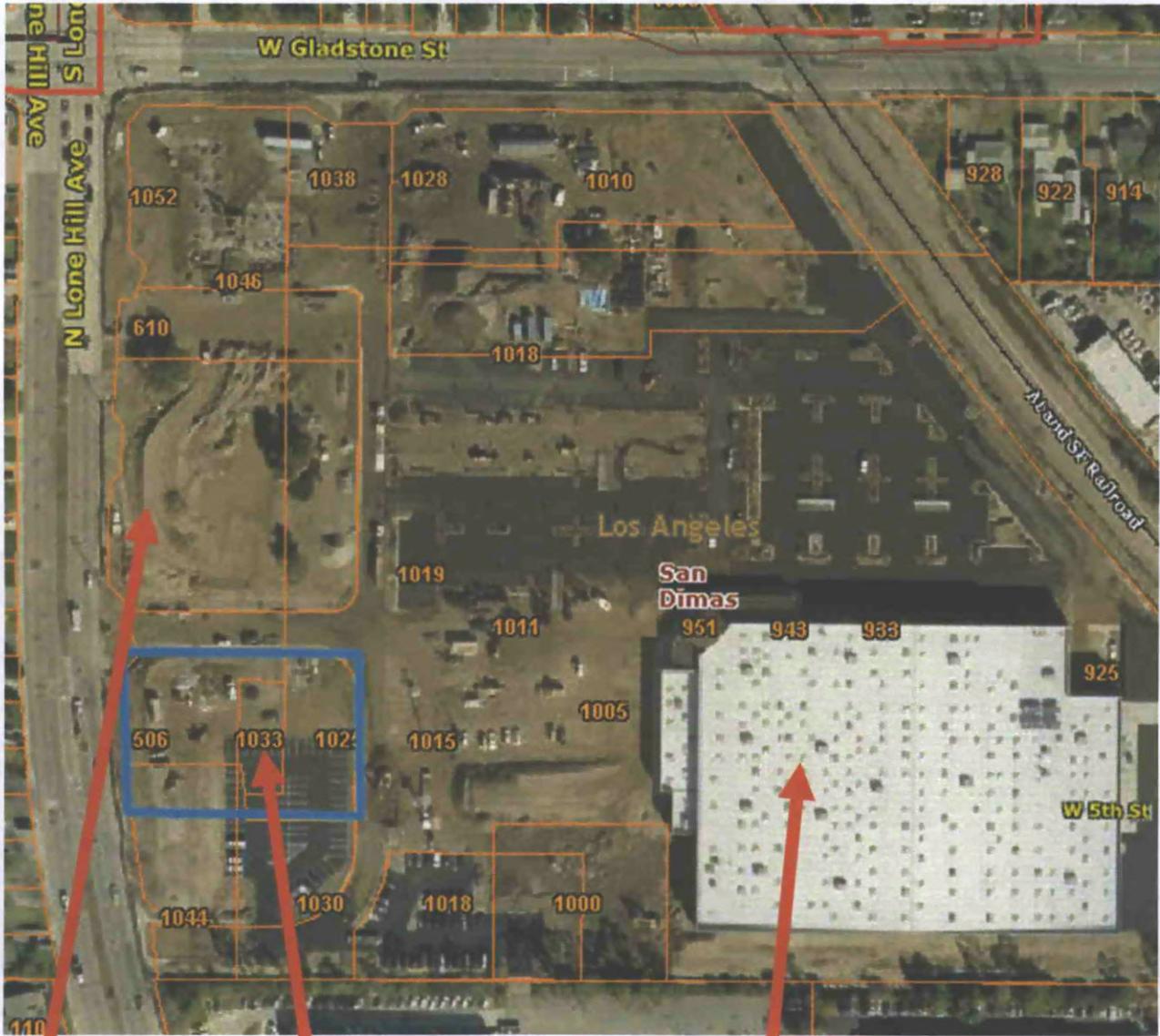
General Plan: Commercial

Surrounding
Land Use and Zoning North: Vacant – Specific Plan 24, Area 1
South: Vacant – Specific Plan 24, Area 1
East: Costco Warehouse – Specific Plan 24, Area 1
West: Single-Family Residential – Single-Family
7,500 Zone

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
September 2, 2011.

Environmental: Previously Approved Environmental Impact Report

Aerial of Subject Site



Proposed Olive Garden Restaurant

Proposed Drive-thru Panda Express Restaurant

Existing Costco

**PAD "1"
REST.
±7,000 SF**

**SHOP "A"
±8,000 SF**

LONE HILL

**Location of
Audible
Speakers**

PROJECT DATA:

SITE
ZONING: R724
SITE AREA: 32,457 S.F. (0.74 AC)
LOT COVERAGE: 7.5%
(FLOOR AREA RATIO)
LANDSCAPE PROVIDED: 7,800 S.F.
LANDSCAPE COVERED: 24,000 S.F.
22 SPACES (INCLUDE 2 REQUIRED ACCESSIBLE SPACES)
33 (1 PER 75 SF) + 4 (FOR DRIVE-IN/THRU) = 26
37 SPACES (INCLUDE 2 REQUIRED ACCESSIBLE SPACES)

BUILDING
ALLOWABLE AREA: BASIC ALLOWABLE 6,000 SQ. FT.
35 INCREASE PROVISION ON ALL SIDES EX FT
OVER 20FT)
100% (80FT MIN. AT ALL SIDES) X 6,000 = 6,000
SQ.FT.
TOTAL ALLOWABLE 12,000 SQ. FT.
3,448 S.F. (28.7%)

BUILDING AREA: 3,448 S.F. (28.7%)
USE GROUP: A-2
CONSTRUCTION TYPE: V-2 (HIGH SPREAD/ROOF)
LEVEL: 1

PANDA EXPRESS
RESTAURANT AREA: 3,448 S.F.
EMPLOYEES: 3 EMPLOYEES/SHIFT (2 SHIFTS PER DAY)
INDOOR SEATING: 53 SEATS
OUTDOOR SEATING: 24 SEATS

OCCUPANT LOAD CALCULATION:
INDOOR DINING: 1043 S.F. / (15/S.F.) = 70
OUTDOOR DINING: 300 S.F. / (15/S.F.) = 20
KITCHEN: 127 S.F. / (200/S.F.) = 3
STORAGE: 529 S.F. / (100/S.F.) = 5
TOTAL: = 98

NOTE: SLOTS TO BE SUBMITTED UNDER SEPARATE PERMIT

PROJECT DIRECTORY:

DEVELOPER: PANDA RESTAURANT GROUP, INC.
1883 WALNUT GROVE AVE.
ROSELAND, CA 91770
728-791-9998

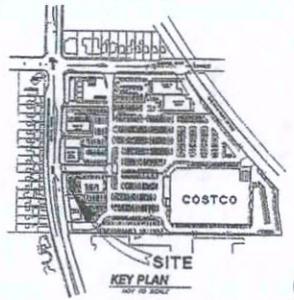
ARCHITECT: ITRA GROUP INC.
23435 GOLD RUSH DRIVE
DIAMOND BAR, CA 91765
909-860-8712

CODES

1. CALIFORNIA BUILDING CODE - 2007 EDITION
2. CALIFORNIA PLUMBING CODE - 2007 EDITION
3. CALIFORNIA MECHANICAL CODE - 2007 EDITION
4. CALIFORNIA ELECTRICAL CODE - 2007 EDITION
5. CALIFORNIA FIRE CODE - 2007 EDITION

ASSESSOR PARCEL NO: 8383-001-072

LEGAL DESCRIPTION



SITE PLAN 1
SHEET NO. 1 OF 1
A-0.1



PANDA EXPRESS INC.
1883 WALNUT GROVE AVE.
ROSELAND, CALIFORNIA
91770
Telephone: 926.799.9998
Facsimile: 926.492.8278

As shown, approval does not constitute a warranty of any kind by the City of Roseland, California, or any other governmental agency. The City of Roseland, California, and its agencies are not liable for any damages or losses of any kind resulting from the use of the information contained herein. The City of Roseland, California, and its agencies are not responsible for any damages or losses of any kind resulting from the use of the information contained herein.

REVISIONS:

ISSUE DATE:

DRAWN BY: HW

PANDA PROJECT #: 08-11-02398
ARCHITECT PROJECT #: 050111

ARCHITECT:
ITRA GROUP INC.
20435 Gold Rush Drive
Diamond Bar, CA 91765
Tel: 909-860-8712
Fax: 909-860-8713
E-Mail: iitra@itragroup.com

STAMP:

PANDA EXPRESS

LONE HILL & GLADSTONE
SAN GIMAS, CA 91773

A-0.1

SITE PLAN

EXHIBIT B



EXHIBIT C

THE DIGITAL BREAKTHROUGH IN
DRIVE-THRU COMMUNICATIONS

HME

Customer Driven

HM Electronics, Inc.
14110 Stowe Drive
Poway, CA 92064
800.848.4468
www.hme.com

EXHIBIT

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HM Electronics, Inc.
14110 Stowe Drive
Poway, CA 92064
800.848.4468
www.hme.com

"When each order is fast, friendly and correct, it gives... customers one more reason to be happy with their experience, and increases the likelihood they'll return."

—Wendy's magazine

Executive Summary

Just as digital technology has revolutionized so many other businesses, it is now transforming the drive-thru. Over the past few decades, drive-thru communication systems have evolved from simple cabled intercoms to complex wireless, full-duplex systems to provide operators with better communication. With the introduction of digital communications, quick service restaurant (QSR) operators can benefit significantly from better sound quality and a host of other features made possible by new technology, helping them provide exceptional drive-thru service.

Digital systems have many advantages over analog systems. Digital systems provide significantly better sound clarity for both customers and crew. The difference is similar to comparing CDs with LP recordings. New digital technologies like frequency hopping and encrypted communications prevent unauthorized personnel from eavesdropping and interfering with drive-thru communication. With multi-channel capability, the drive-thru crew can simultaneously communicate with customers while conversing privately among themselves. Other built-in features like voice prompts, auto-hands-free mode, and digital message repeater help automate the drive-thru for faster, more efficient service. These are just a few powerful features of the digital system that have an immediate impact on your bottom line.

The Impact of Clear Communication

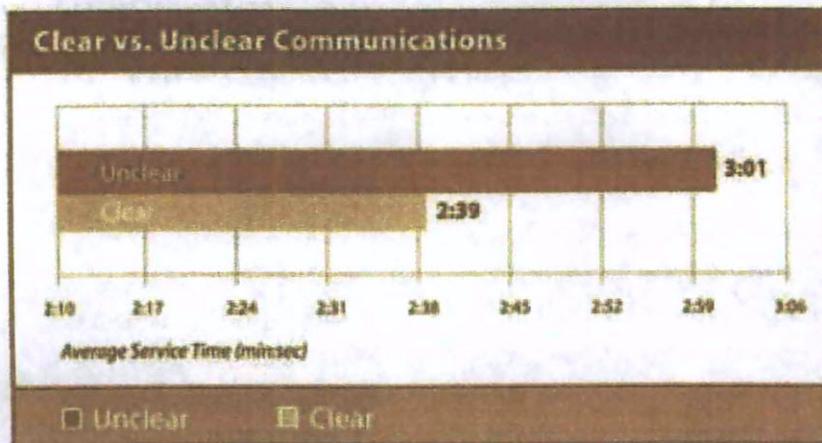
Every experienced QSR operator understands the impact of clear communication on drive-thru service. When the communication between crew and customers is clear, your employees can deliver food more quickly, accurately, and efficiently. In an environment that fosters clear communication, employees can understand customers better and deliver the best possible customer experience. "When each order is fast, friendly and correct, it gives... customers one more reason to be happy with their experience, and increases the likelihood they'll return."

Faster Service and More Accurate Orders

Clear communication improves not only the order accuracy but also the speed of drive-thru service. You can move more cars through the drive-thru by getting each order right the first time. A recent "Drive-Thru Communications Study" conducted by the Global Growth Group (g3) showed that restaurants with clear drive-thru communication deliver food approximately 22 seconds faster than those with

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Poway, CA 92064
800.848.4468
www.hme.com

unclear communication.² This is especially important during the busiest times of the day, when the pressure is on both the crew and managers to serve drive-thru customers quickly.



The importance of drive-thru communication has been well documented in numerous trade publications, most recently in *QSR* magazine. In its annual "Drive-Thru Time Study," the magazine ranks America's top 25 restaurant chains based on speed, menuboard appearance, order accuracy and speaker clarity, with speed and accuracy weighted more heavily (each get 40% of the final score) because of their greater importance.³ Since speed and accuracy depend on the type of communication system, it is crucial for operators to have a system that allows them to optimize operations.

The Evolution of Drive-Thru Communication Systems

The earliest form of drive-thru communication system was the cabled intercom, introduced in the 1970s. Although this system provided basic point-to-point communication, its simple design was too limiting for the dynamic drive-thru environment. When HME introduced the wireless communication system designed specifically for the drive-thru application in 1982, most operators made the switch from cabled to wireless for better communication and more efficient use of employees' time. Since that time, many significant technological advances — full-duplex operation, noise-cancellation, hands-free operation, and now digital communications — have provided restaurant operators the capabilities to better operate their drive-thrus.

Restaurants with clear drive-thru communication deliver food approximately 22 seconds faster than those with unclear communication.

—2002 Global Growth Group Drive-Thru Communications Study

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800.848.4468
www.hme.com

By using a combination of new digital techniques to reduce noise and distortion, digital communication systems can deliver significantly clearer audio than analog systems.

Digital vs. Analog

The evolution of drive-thru communication systems — from cabled to analog to digital — is analogous to the progression of many electronics technologies in other industries. The transition from vinyl phonograph record to cassette tape to digital CD, for instance, has revolutionized the way music is recorded, enjoyed, and preserved. "Digitally encoded discs have greatly improved the quality of recorded music." The digital technologies involved in the development of the CD and CD player have dramatically improved our experience with music and other types of information.

When vinyl records were popular decades ago, "the sound signal captured on a phonograph record was subject to noise and distortion...Clicks and pops from surface noise were a routine annoyance...Digital audio is read from the surface of the disc with a laser beam of light. Since there is no mechanical contact with the surface of the disc, there is none of the wear and tear that occurred with phonograph records." Just as digital technologies have improved our experiences with sound in other industries, they are now transforming the sound quality of drive-thru communication and expanding the capabilities of a wireless communication system.

The performance of your drive-thru system depends on its ability to electronically reproduce and transmit the human voice. In your current analog system, the human voice is converted to electronic signals of varying frequency or amplitude, then conveyed by carrier waves of a given frequency. As these electronic signals go through the analog communication system, they pick up noise and distortion, internally from the circuits and externally from other sources, such as an automobile engine. As a result, the received audio heard by both customer and employee is noisy and distorted.

Digital systems, on the other hand, provide a much more efficient way to reproduce and transmit all kinds of data, including the human voice, similar to a CD recording. Digital systems generate, store, and process data in terms of two states: on (1) and off (0). The transmitted data, expressed as a string of 0s and 1s, is more immune to noise and distortion than analog systems. By using a combination of new digital techniques to reduce noise and distortion, digital communication systems can deliver significantly clearer audio than analog systems.

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A Brief History of Drive-Thru Communication Systems

Date	System	Description
1971	Cabled Intercom (Half Duplex)	These systems provide basic point-to-point communication from a fixed location with a push of a button. Although they are still the most affordable systems available, their features are limited. Due to the lack of mobility, they do not allow crews to multitask. Communication is half-duplex, which means that when a crew member is talking to a customer, he/she cannot simultaneously hear the customer. These systems also suffer from background noise.
1982	Wireless Half-Duplex Analog	HME was the first to introduce the wireless system. An advance over cabled intercoms, these systems allow crew mobility, supporting multitasking. Being half-duplex, they operate like a walkie-talkie. Employees must still push a button to talk and release it to listen, and cannot hear the customer while they are talking. Communication is subject to background noise and static, and may be subject to interference from neighboring electronics devices.
1993	Wireless Full Duplex Analog	HME was the first to develop the full-duplex system. With numerous designs and significantly more features, wireless full-duplex analog systems provide smoother, more natural two-way communication, similar to a telephone. Several crew members can simultaneously hear the customer order to accelerate fulfilling the order. Some systems may have value-added features such as internal message repeaters and single-point timers.
1997	Wireless with ClearSound Noise-Cancellation Analog	HME developed the digital background noise-reduction technology called ClearSound. Systems with this built-in noise-cancellation technology can digitally remove car engine and other ambient noise from drive-thru communication to improve order accuracy.
October 2003	Wireless IQ Digital	This new system from HME dramatically expands the capabilities of previous systems. It incorporates the latest digital technologies to achieve the best sound quality possible. Drive-thru communication is exceptionally clear, secure, and interference-free. Multiple conversations can take place simultaneously. Additional built-in features like auto-hands-free mode, internal message repeater, and voice prompts elevate the quality of drive-thru operation. Designed for operation in 2.4 GHz, Wireless IQ can be used at any QSR in the world. No license is required in the USA.

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Because digital systems are more powerful, flexible, and reliable, they will, without question, replace the traditional analog communication systems.

The Advantages of Wireless IQ Digital Communications

Digital communication systems such as the Wireless IQ mark the beginning of an exciting new era for drive-thru communication and operation. Because digital systems are more powerful, flexible, and reliable, they will, without question, replace the traditional analog communication systems currently used at most QSRs. "Traditional electronic communication systems that use conventional analog modulation techniques...are rapidly being replaced with more modern digital communication systems which offer several outstanding advantages over traditional analog systems."

Wireless IQ is the digital breakthrough in drive-thru communication. Wireless IQ not only refines the sound quality, it also transforms the way in which a drive-thru is operated — giving operators and their employees the tools to provide exceptional service and remain competitive.

Enhanced Sound Clarity

One of Wireless IQ's most significant enhancements over analog systems is digital sound clarity. This is achieved by using a combination of digital technological innovations to remove the noise and distortion commonly found in analog systems. Wireless IQ's much improved sound quality results from:

- (1) Increased signal-to-noise ratio (SNR);
- (2) Improved frequency response;
- (3) Reduced distortion; and
- (4) Digital noise-cancellation technology integrated into the system.

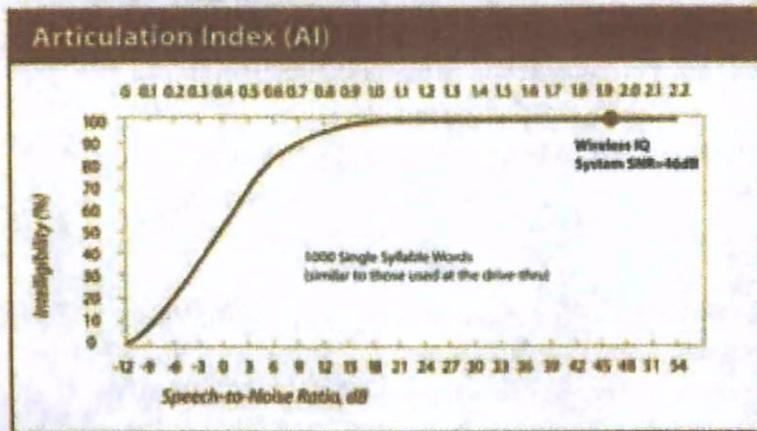
Increased Signal-to-Noise Ratio

Speech clarity is often measured by using the Articulation Index¹ which illustrates the proportion of speech signal audible to a person, ranging from 0 to 1.0 (with 1.0 as the most intelligible). In a QSR environment that uses mainly single syllable words for menu items, a communication system needs to have a signal-to-noise ratio (SNR) greater than 18dB for maximum intelligibility — for drive-thru orders to be clear and understandable. Wireless IQ surpasses this requirement, with a system SNR of 46dB, which places it in the far right region of the Articulation Index.

This means that Wireless IQ sounds about 26% clearer than the best sounding analog communication system currently on the QSR market.

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Moreover, the high system SNR helps overcome the communication loss caused by high background noise in a typical QSR work area.



To better understand signal-to-noise, imagine talking to another person in an empty room. There isn't any background noise so you can understand each other clearly, and the SNR is a high positive number. Now, add 20 more people to the same room, all talking to each other. You will now find it harder to communicate with another person due to the increased background noise, where the noise is now equal to the level of your conversation (SNR = 0dB) or perhaps greater than the level of your conversation (SNR = -6dB).

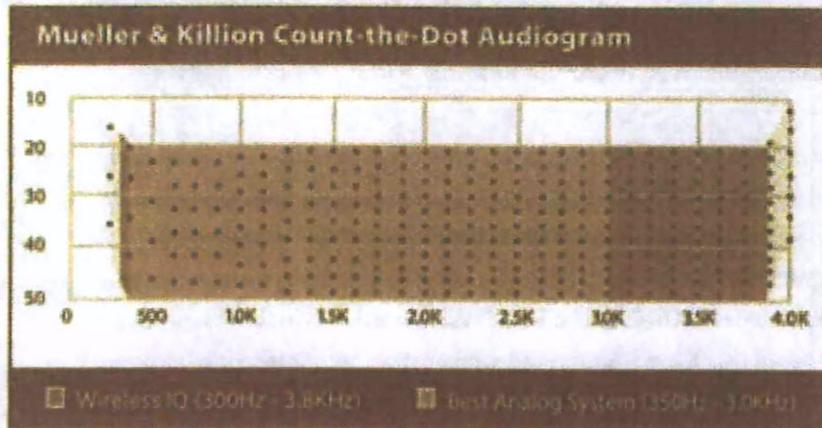
Improved Frequency Response

Frequency response is another sound element that has been improved for clearer drive-thru communication. Frequency response refers to the human capacity to hear sounds in low to high frequencies. The human voice contains frequencies from approximately 100 Hz to over 5 KHz. Some frequency ranges of the human voice contribute to intelligibility more than others. As you can see in the Mueller & Killion Count-the-Dot Audiogram, the frequency band from 1 to 4 KHz is the most important for human hearing. Within this range, people can hear both the highs and lows of speech sounds in order to differentiate words that have similar sounds for optimal intelligibility.

Wireless IQ sounds about 26% clearer than the best sounding analog communication system currently on the QSR market.

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Digital drive-thru communication is clearer, more concise and intelligible than analog systems.



Frequencies with more concentrated dots lead to more intelligibility. It is important for a communication system to have the entire frequency range to make the voice pleasing, natural, and less fatiguing to listen to. With a frequency response range that spans the entire human voice range, from 250 Hz to 4 KHz, **Wireless IQ provides a 22% improved frequency response over analog systems.** Since Wireless IQ allows more of the audio band to be heard, drive-thru communication is clearer, more concise and intelligible than analog systems that have a response range limit of 3 KHz.

Reduced Distortion

Distortion reduction is an important element in providing more intelligible drive-thru communication. Analog communication systems are usually prone to distortion of the audio signal going through the companding process, which requires compressing then decompressing the signal for transmission. Companding is used to reduce noise in analog systems but will also introduce artifacts that distort the signal. Analog systems suffer from distortion because the signal must travel through the circuits in its natural (analog) form.

Digital systems, on the other hand, send the signal through the system as data or numbers. This means that although the individual 1s and 0s of the data can be distorted, they will still be interpreted as the correct number at the other end. Therefore, there is little if any distortion introduced. **With Wireless IQ, the amount of distortion is reduced by 50% or more.**

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Digital Noise-Cancellation Technology

Digital noise-cancellation is an important innovation that further improves communication by removing the external noises at the drive-thru lane. This technology digitally processes all the sounds present at the drive-thru lane and removes ambient noises such as idling engines, exhaust noise and nearby traffic to maximize the clarity of communication. **With digital noise-cancellation technology, the order-taker hears only the customer's voice, freed from the unwanted environmental noises than can muddle drive-thru communication.** Studies have shown that ClearSound noise-cancellation technology can improve order accuracy by 41% and quicken service times by as much as 12 seconds per car.⁴

Secure, Interference-Free Communication

Although most analog systems provide adequate drive-thru communication, they are susceptible to interference from outside sources. In addition, "wireless [analog] systems are very open to eavesdroppers. A private conversation can easily be picked up by anyone with a suitable radio."⁵ Just recently, a QSR in Michigan experienced this dilemma first hand when teenage pranksters tapped into the frequency of their wireless system and interrupted drive-thru communication with profanity directed at customers.¹⁶

With digital, you don't have to worry about unauthorized personnel hearing or interfering with your drive-thru communication. Digital frequency hopping spread spectrum (FHSS) techniques and encryption are used to provide secure, private conversations. "Spread spectrum communications grew out of research efforts during World War II to provide secure means of communication in hostile environments."¹¹ FHSS is a transmission technology in which an audio signal is modulated onto a narrowband carrier signal that "hops" in a random but predictable sequence from frequency to frequency as a function of time over a wide band of frequencies, similar to your cellular phone.

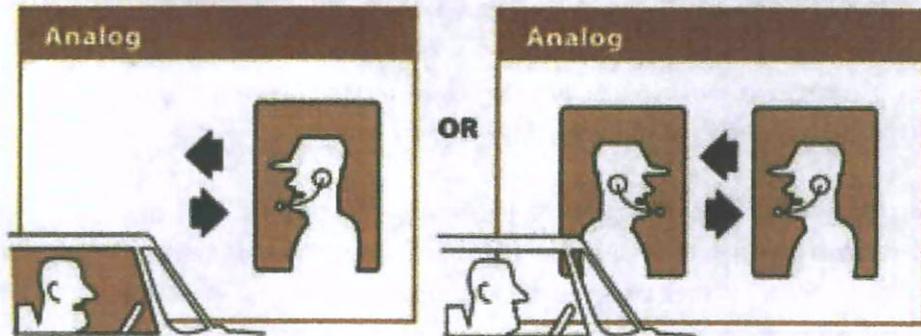
Digital systems also encrypt the communication link. This technique secures the transmitted information and prevents unauthorized personnel from accessing or understanding drive-thru communication even if they could follow the frequency hopping signal.

Studies have shown that ClearSound noise-cancellation technology can improve order accuracy by 41% and quicken service times by as much as 12 seconds per car.

—Hospitality Technology

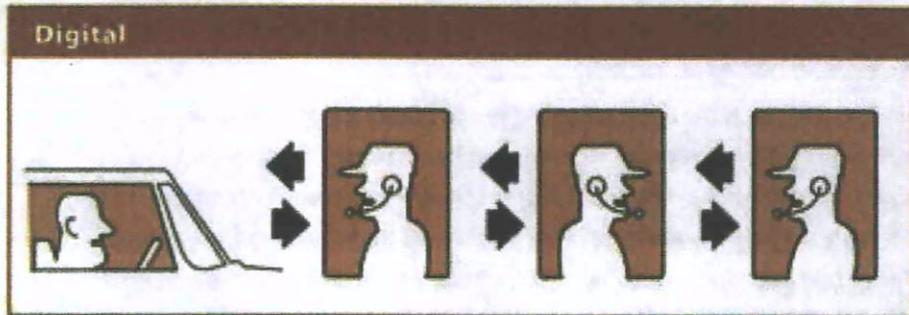
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Multi-Channel Communication



While the order-taker is talking to the customer, crew members cannot communicate among themselves.

With analog systems, drive-thru communication is limited to conversations between the order-taker and customer while other crew members can listen to both sides of the conversation. The crew members may also talk to each other privately on a second channel, but both communication channels cannot occur simultaneously.



While the order-taker talks to the customer, crew members can communicate among themselves on a private channel.

Because of the multi-channel capabilities, Wireless IQ expedites this process by allowing multiple crew members to simultaneously communicate with drive-thru customers and privately with each other. This feature opens a world of future opportunities to use communication systems for expanded applications in QSR operation beyond the drive-thru.

Multi-channel communication means more employees are involved in the entire customer service process and information flows more smoothly.

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Multi-channel communication means more employees are involved in the entire customer service process and information flows more smoothly. When the drive-thru crew (order-taker, food prep and delivery employees) hears the order at the same time, they can simultaneously work on the order and ensure its accuracy, thus speeding up the entire drive-thru experience.

Store managers can also use the multi-channel capability to train the drive-thru crew. This hands-free feature lets managers provide private instructions and constructive feedback to their crew, without interrupting communications with drive-thru customers.

License-Free Operation

The Wireless IQ operates in the 2.4 GHz Industrial, Scientific, and Medical (ISM) band, which is approved for use at virtually any location in the world. This eliminates the need to coordinate operation with all of those other wireless systems operating in the crowded 900 MHz or UHF bands. Wireless IQ, a communication system that operates within the license-free 2.4 GHz band, keeps the cost of ownership down since you don't need to pay for licensing fees.

Automated Drive-Thru Service

Wireless IQ comes with the latest technologies to automate drive-thru service, making it easier for employees to expedite orders. Instead of traditional beeps and buzzes, built-in voice synthesized prompts keep employees informed of drive-thru status and system diagnostics. These audible voice prompts make it easy for employees to understand exactly what's going on with their drive-thru equipment, when to replace batteries or which lane they're working on for dual-lane configurations.

The optional "auto-hands-free" mode automatically opens and closes communication as the customer arrives and leaves the order point. This automatic feature eliminates the need for employees to manually activate the communication equipment to initiate a drive-thru order, leaving employees' hands free to multitask and serve customers more efficiently. This reduces the number of tasks employees must remember in order to interact with customers. Automating the ordering process also means faster service for drive-thru customers, especially during peak hours.

Wireless IQ comes with the latest technologies to automate drive-thru service, making it easier for employees to expedite orders.

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Digital efficiency provides a longer battery life, up to 20 hours with each charge.

The built-in digital message repeater plays up to two different messages. This feature enables crew members to become more efficient while offering a more consistent delivery of drive-thru service. Message repeaters can also be used to offer a menu special (a more cost-effective alternative to advertising) or announce store hours. Message repeaters ensure that an easy-to-understand message is consistently delivered to customers at appropriate times. For employees, the message repeater eliminates the tedious task of repetitiously greeting each customer, improves the speed of service, and provides a consistent greeting delivery.

Improved Reliability

Wireless IQ uses significantly fewer components than analog systems. The fewer the parts required, the more reliable the communication system becomes, since the probability of part failure is significantly reduced. In the next few years, many component parts in analog systems will not be available to repair older systems that are currently on the market.

The smaller size and fewer number of parts enable digital systems to be lighter than analog systems. The lighter belt-pac and headset are more comfortable for employees to wear over a prolonged period of time, easing the fatigue that some employees experience wearing heavier equipment.

Better technology has also contributed to more efficient use of electronics, providing a longer battery life, up to 20 hours with each charge. The Wireless IQ belt-pac uses Lithium-Ion rechargeable batteries for longer operation and lower long-term cost.

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Are you still serving today's customers with yesterday's technologies?

Your current communication system may still be working. Your employees can get through the day using what you have. How can your restaurant justify upgrading to a digital system like Wireless IQ?

Faster, more accurate drive-thru orders

Wireless IQ transforms your drive-thru from day one. Digital sound clarity assures faster, more accurate orders. Frequency hopping and encryption provide secure communications and prevent unauthorized interference. With multi-channel capability, your crew can simultaneously communicate with customers while conversing privately among themselves. Add it all up and Wireless IQ means better service, greater efficiency and more cars moving through your drive-thru when it counts the most.

Reduce downtime and repair expenses

Using an outdated communication system may be a short-term solution, but can be very costly in the long run. Not only will you waste money on continual repairs, but the quality of your service also suffers. Downtime means fewer headsets are in use and wasted time for managers dealing with repairs. Poor communication leads to poor service and frustrated customers and employees. Employees will be irritated and fatigued by poor sound quality and high levels of noise that lead to lower productivity. The cost of slow service and losing customers due to poor communication can have a dramatic impact on your bottom line. A single customer lost at lunch and dinner peak periods per day can cost your restaurant \$3700 in a year. "Quick-serves that do not embrace technology are missing both revenue-boosting and cost-cutting opportunities that could put them at a competitive [advantage]."¹²

Enhanced communication for better drive-thru service

With about 65% of your customers coming from drive-thru sales, it's essential that you remain competitive. Exceptional drive-thru service is required to attract and keep your customers. To provide this kind of service, you'll need a communication system that can empower your employees to better serve customers at every point of the drive-thru. With multi-channel communication, your entire crew can serve customers more quickly, accurately, and efficiently.

"Quick-serves that do not embrace technology are missing both revenue-boosting and cost-cutting opportunities that could put them at a competitive [advantage]."

OSR magazine

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Conclusion

Digital communications can transform your drive-thru into a more efficient and profitable operation. QSR operators benefit significantly from better sound quality and a host of other features made possible by new digital technology, helping them provide exceptional drive-thru service. Clearer communication improves not only the order accuracy but also the speed of drive-thru service. When the communication between crew and customers is clear, your employees can deliver food more quickly, accurately, and efficiently.

Now you finally have a compelling reason to upgrade your present analog system. Just as digital technology has revolutionized the music industry, Wireless IQ can transform your drive-thru communication. By upgrading to digital, you will experience significantly better sound quality, help your employees serve customers more efficiently, increase the speed of service, improve the customer experience, and optimize your drive-thru operation.

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About HME

HME was the first to introduce the wireless headset system concept to the QSR industry. We have the most systems installed worldwide. Wireless communications for QSRs is HME's core business. Hence we are the only manufacturer that provides total solutions for your drive-thru, including wireless and cabled communications, timers, surveillance systems, service and support.

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PR05-07

EXHIBIT D

STRATEGIES FOR IMPROVING YOUR
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EXHIBIT E

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Introduction

Communication is an important component in business transactions, especially in the Quick Service Restaurant (QSR) industry, where the quality of communication can affect the bottom line. Since 50-75% of the QSR business comes from the drive-thru, it is essential for restaurant operators to understand the drive-thru technologies involved in creating clear communication with customers.

Hospitality Technology magazine explains the role of technology best: "Even with the people-approach solidified, reaching optimum service efficiency in any food-service operation requires the best hardware to stay on top of the technology curve."¹

When clear communication is achieved, restaurant operators can expect their employees to be more productive, their customers more satisfied, and their drive-thru lanes operating more efficiently. As operators continue to consistently deliver quality service and increase customer satisfaction, they'll be able to maximize their revenues and profits. "The wireless headset technology has been credited with increasing traffic by as much as fifty cars an hour at some McDonald's stores," according to *QSR* magazine.²

Technology is an integral part of achieving drive-thru success. The right communication system can help operators better connect with customers, deliver better service, enhance employees' productivity, achieve a higher level of customer satisfaction and increase sales. Although there are many types of communication systems available — and their benefits are tangible — operators should be aware of the elements that contribute to maximizing communication so they can select the best solution for their business.

This paper will examine the science behind the drive-thru communication systems used at QSRs, beginning with the most elemental unit — sound — to the complex systems. Furthermore, this paper will discuss the methods operators can use to improve communication and achieve a higher level of business success.

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The Role of Sound in Drive-Thru Communication

QSRs build customer loyalty and repeat business opportunities by consistently delivering fast, efficient, accurate and pleasing customer experiences. Noisy and confusing drive-thru environments, frustrating barriers to communication and errors in customer orders do not result in repeat business.

By applying technology and the physics of sound to their advantage, operators can enhance the comfort, convenience and enjoyment experienced by their customers. They can also improve employee morale, job satisfaction and retention.

The first step in achieving these objectives is to reduce undesirable noises that diminish the intelligibility of verbal transactions conducted over drive-thru communication systems.

Sound, simply defined, is an auditory effect created by the vibration of an object and is detected when it causes an eardrum or electronic sensor to vibrate. If we could see sound, it would look somewhat like small waves that radiate out from a stone dropped in a pond. The diverse sounds simultaneously present at a drive-thru are generated by numerous sources: people, vehicle engines and mufflers, road traffic, food preparation equipment inside the restaurant, and other nearby environmental factors.

In and around a drive-thru, objects such as trees, shrubs, curbs, asphalt surfaces, walls, utility boxes and vehicles can reflect, absorb and distort sounds. Inside the restaurant, virtually everything — equipment, counters, furniture, windows, walls, people and their clothing — cause sounds to be reflected or absorbed.

Under normal conditions, people can sense the direction and approximate distance of a sound source stereoscopically, that is, by triangulating with their ears. This enables them to easily sort one sound from another when many sounds are present. At the drive-thru, extraneous sounds that accompany speech can make communication difficult. This challenge often results in order errors, causing customers to be less satisfied with the service they receive.

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Two concepts are often confused when discussing any communication system: fidelity and intelligibility. Fidelity measures how accurately a communication system reproduces the precise sounds picked up by a microphone. In a stereo system, it's desirable to have high fidelity so listeners can enjoy a faithful reproduction of all the sounds in music. However, in a drive-thru setting, high fidelity reproduces many unwanted sounds, thus marring communication.

Intelligibility, on the other hand, measures how well a listener can understand the spoken word. Operators need to improve the intelligibility of certain sounds, namely conversations between customers and the order-taker. Therefore, in a drive-thru communication system, ***intelligibility is highly desirable, while fidelity is not.***

Success by Design

It's frustrating for customers and stressful for employees when they can't hear and understand each other. Unlike stereo systems, the goal for drive-thru communication systems is not high-fidelity sound reproduction. The goal is optimized intelligibility to enhance understanding and to improve communication.

There are numerous steps you can take to increase the clarity and optimize the intelligibility of drive-thru orders while improving the mobility, efficiency and productivity of your crew members.

Some of these techniques are simple and inexpensive. Others are more technologically advanced and proportionately more costly. However, it's possible to reduce order errors and labor costs while increasing revenues and repeat business. A modest investment to improve drive-thru communication can translate into tens of thousands of dollars in incremental profits.

Is your drive-thru configured for success?

The first step is to assess the location and configuration of your drive-thru and make the necessary adjustments to improve intelligibility for better communication with customers. This may seem elementary, but the sound quality experienced by drive-thru employees and customers depends on the drive-thru design more than anything else. If your drive-thru is located near a busy street, highway

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or strip mall, chances are you're experiencing much more extraneous noise than a drive-thru located in a quiet residential neighborhood.

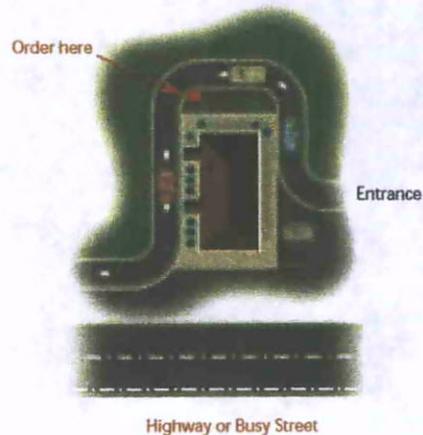
If you are about to install a communication system at a new store, be sure to follow these simple guidelines to create the best acoustic environment for your drive-thru. This, in turn, will improve order accuracy and communication with your customers.

1. Orient the order point so that it doesn't directly face a busy street or highway. Since sound can be absorbed by a number of objects, the order point should ideally be behind a building, away from traffic or neighbors. An 8-10 foot solid brick or concrete barrier wall can also be used to prevent most environmental noise from reaching the order point. Landscaping with trees, shrubs and grass can provide some additional reduction of extraneous noise.

2. Choose a speaker post instead of a menu board for the order point. The speaker post provides better sound quality since its smaller, separated sound chambers improve intelligibility.

3. The drive-thru lane should be routed so there are no tight turns immediately before the order point. Tight turns make it difficult for the drive-thru customer to get close to the order point. The order may not sound as loud to the order-taker inside if the customer is several feet away from the microphone at the order point.

Place the order point away from noisy traffic for improved drive-thru communication.



Proper Placement of the Speaker Post

Proper placement of the speaker post is another important element in maximizing drive-thru communication. Amplified speakers mounted on or near the menu board should be strategically placed to avoid traffic noise and other ambient sounds near the drive-thru.

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The speaker post should be carefully placed for the best sound pickup, reduced echoes and minimum reflection from nearby objects. It should be placed in the spot where customers can best see the menu, as close to the customer's vehicle as possible. This will allow the order-taker to hear the customer better. The microphone in the speaker post should be placed at a height above the lower end of the driver's window. It is generally better to be too high rather than too low. When the microphone is too low, it will pick up more engine and muffler noise from the customer's vehicle.

Inbound Microphone Factor

The inbound microphone is a key component in order intelligibility, resulting in clearer customer orders. Its enclosure needs to be well isolated acoustically from the speaker and packed with foam to minimize resonance. Resonance creates vibrations that produce extra noise picked up by the microphone.

It's important to mount the microphone as close to the front of the enclosure as possible. If it's too far back, the resonance of the enclosure will make the sound hollow. The microphone needs to be mechanically isolated from the enclosure either by surrounding it with foam or with rubber shock mounts. This reduces the coupling between the speaker and the microphone. It's usually sufficient to have one or two layers of porous, open-cell foam between the microphone and the grill.

For optimal sound quality, place the microphone at least 42 inches above the ground, close to the level of the customer's face at the order point. If your restaurant is located in a windy area, it's essential to protect the microphone from wind. An externally mounted microphone requires a large screen to block additional wind noise. These actions will further reduce additional noise from reaching the order-taker.

Outbound Speaker Placement

Proper selection and placement of the outbound speaker can reduce the amount of feedback. To prevent feedback, the outbound speaker should be placed at least 2 feet from the microphone. It is also an essential factor in situations where there are noise abatement requirements. In some cases, local noise abatement rules

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may dictate that a particular speaker placement is required directly or indirectly. When choosing a speaker, consider the acoustic environment. A low profile speaker is well suited to a quiet environment or one where noise abatement is an issue. Noisy environments may require the use of a horn speaker. The speaker should be mounted tightly to prevent rattle of the speaker enclosure or grill. Rattle distorts the sound and makes it difficult to understand the order-taker.

Headset Microphone Placement

On many occasions, drive-thru servers do not wear headsets as intended. Communication with customers can be improved by making sure that servers wear their headsets properly. Headset microphones worn by employees and placed near the mouth transmit only the employee's voice, not the background noise. This allows customers to hear them better.

Wireless Communication Systems

Employees can move around more efficiently and comfortably when they're not tied down to one location. Hands-free, wireless communication systems make it easier for them to hear and be heard. When multiple employees can simultaneously listen to customers' orders, they can process, prepare and deliver food faster and more efficiently. Wireless communication systems also help reduce the amount of background noise experienced by customers inside a restaurant by directing communication to headsets instead of a grill speaker. As the result, employees can be more productive and customers inside the restaurant can enjoy a more pleasant dining experience.

Full-Duplex vs. Half-Duplex Communication

Many restaurant operators still use older, half-duplex communication systems at their drive-thrus. Half-duplex systems disrupt the flow of conversations, allowing one party to speak while the other listens, similar to walkie-talkies. The order-taker would need to push one button on the COMMUNICATOR® to talk and another button to listen. Drive-thru orders are more likely to be misunderstood or lost using a half-duplex system.

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On the other hand, full-duplex communication systems allow more natural conversations between the order-taker and customers. With a push of a button on the COMMUNICATOR® of a full-duplex system, both parties can talk and listen at the same time, like a telephone conversation. With a full-duplex system, you can enhance drive-thru communication and improve the speed of service.

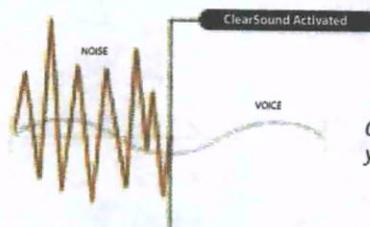
Noise-Reduction Technologies

In a drive-thru environment, offending noises include sounds and vibrations from automobile engines, mufflers, belts and radiator fans, nearby and distant traffic, air conditioners, electric motors and lawnmowers. Noise is frustrating and stressful for both customers and employees. When it interferes with their conversations, it can cause order errors and reduce customer satisfaction.

Although there are many drive-thru communication systems on the market, they do not offer the same sound quality. Some systems attempt to filter out noises by eliminating frequencies. While this technique does reduce some low and high frequency noises, it makes no distinction between voices and unwanted sounds in the middle frequency ranges associated with car engine noise. As the result, it is harder to hear only the order when both the customer's voice and engine noise are heard at the same time.

More advanced noise-reduction technologies have been created to provide crisp, clear communication between drive-thru customers and employees. When noise is effectively reduced, employees can deliver more accurate orders, customers are more satisfied, and the restaurant is more likely to receive repeat business.

In fact, an increase in order accuracy can translate to a significant increase in drive-thru sales. According to *QSR* magazine, "statistics show an increase in order accuracy by 41 percent, an increased speed of ten to twelve seconds per car — [can translate to] as much as \$10,000 for a high-volume store."³



ClearSound virtually eliminates annoying car noise so you can hear the customer's order loud and clear.

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HME's noise-reduction technology — ClearSound — is a built-in feature in wireless systems designed to improve drive-thru communication by using noise-reduction and echo-cancellation.

Noise-Reduction

This technique is a more effective way to reduce extraneous noises than simply filtering out certain frequencies. Noise-reduction can be accomplished with specially designed circuits that convert normal analog sounds to digital signals. Then, in digital circuit, the amplitude and frequency characteristics of these signals can be analyzed so that speech can be separated from noise.

Since speech has variable levels compared to background noises and automobile sounds, it is possible to electronically separate speech sounds from noise and to allow only human speech to pass. Noise-reduction detects background noises with a constant level and removes them electronically through the communication system.

Echo-Cancellation

Sounds reflect and reverberate after they leave the loudspeaker in the speaker post or menu board. When the microphone picks up these sounds in a full-duplex system, the order-taker often hears them as echoes. An electronic echo-cancellation circuit within the system can eliminate echoes by continuously tracking changes in the acoustic path and removing those sounds that have originated from the speaker.

The Number of COMMUNICATORS*

Communicators play a critical role in the day-to-day operations of a drive-thru. They help the entire crew communicate with customers and deliver fast, efficient service. However, many restaurants only have an average of three Communicators per store, barely enough for the service window, cashier window, and back-up server.

If more Communicators are added to the drive-thru, more employees can be involved in the service process. For instance, the food preparation crew can get a

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headstart getting food ready for the delivery. With more COMMUNICATORS® opening up a bigger channel of communication with customers, the entire crew can deliver food faster with greater order accuracy.

Equipment Maintenance and Final Words of Wisdom

As the QSR industry becomes more competitive as customers now have more dining choices than ever before, operators must take the necessary steps to ensure that their restaurants are consistently delivering a fast, accurate and enjoyable customer experience.

Achieving maximum drive-thru performance is an ongoing process. Operators need to periodically ensure that their communication equipment is functioning properly. Headsets, Communicators, and batteries must operate at peak performance to deliver the best results. Your communication equipment is used frequently and must undergo scheduled maintenance and repairs if necessary. By keeping all your drive-thru equipment in top shape, you will be able to get the most out of your communication system and attain the optimal level of order accuracy and speed of service.

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About HM Electronics, Inc.

HM Electronics, Inc. (HME) has been the leading provider of technology for the QSR industry for nearly two decades. A pioneer in technology, HME introduced the world's first patented wireless communication system for the drive-thru application. Today, HME continues to deliver the most comprehensive line of solutions to help businesses improve their security and productivity. From communication and security systems to speed-of-service timers, HME has built a reputation on delivering customer driven solutions based on quality and reliability. Incorporated in 1971, the privately held HME develops, manufactures, markets and services its products in over 70 countries worldwide.

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- 1 "Win the Communications Race," *Hospitality Technology*, July/August 1999, page 30.
- 2 "Who Delivers in DRIVE-THRU?" *QSR* magazine, October 2001, page 62.
- 3 "Getting Flashier?" *QSR* magazine, November 1999, page 49.

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May 2003

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HME

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PR03-06

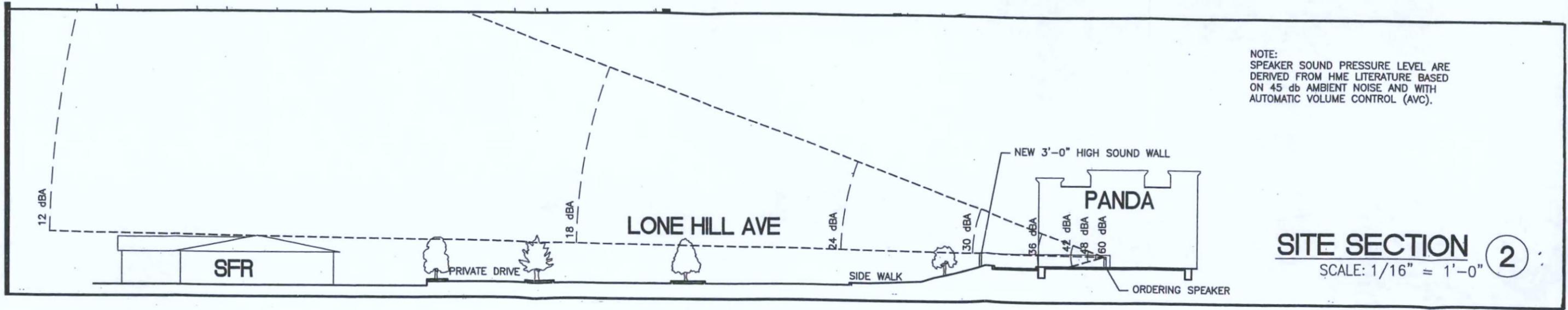
EXHIBIT E

Noise level (dBA)	Extremes	Home Appliances	Speech at 3 ft	Motor Vehicles at 50 ft	Railroad Operations at 100 ft	General Type of Community Environment
120	Jet Aircraft at 500ft.					
110				Sirens	Horns	
100				Diesel Truck (Not Muffled)	Locomotive	
90						
80		Shop Tools	Shout	Diesel Truck (Muffled)	Rail Cars at 50 mph	Major Metropolis (Daytime)
70		Blender	Loud Voice	Automobile at 70 mph	Loco Idling	
60		Dishwasher	Normal Voice	Automobile at 40 mph		Urban (Daytime)
50		Air Conditioner	Normal Voice (Back to Listener)	Automobile at 20 mph		Suburban (Daytime)
40		Refrigerator				Rural (Daytime)
30						
20						
10						
0	Threshold of Hearing					

Perceptions of increases in decibel level

The list below gives you an idea of how noticeable a change in decibel level will be to you:

- 1dB - Not noticeable
- 3dB - Barely noticeable
- 5dB - Clearly noticeable change
- 10dB - About twice as loud
- 20dB - About four times as loud



NOTE:
 SPEAKER SOUND PRESSURE LEVEL ARE
 DERIVED FROM HME LITERATURE BASED
 ON 45 db AMBIENT NOISE AND WITH
 AUTOMATIC VOLUME CONTROL (AVC).

SITE SECTION (2)
 SCALE: 1/16" = 1'-0"

Memo**Re: Drive-Thru Sound Pressure Levels From the Menu Board or Speaker Post**

The sound pressure levels from the menu board or speaker post are as follows:

1. Sound pressure level (SPL) contours (A weighted) were measured on a typical HME SPP2 speaker post. The test condition was for pink noise set to 84 dBA at 1 foot in front of the speaker. All measurements were conducted outside with the speaker post placed 8 feet from a non-absorbing building wall and at an oblique angle to the wall. These measurements should not be construed to guarantee performance with any particular speaker post in any particular environment. They are typical results obtained under the conditions described above.
2. The SPL levels are presented for different distances from the speaker post:

Distance from the Speaker (Feet)	SPL (dBA)
1 foot	84 dBA
2 feet	78 dBA
4 feet	72 dBA
8 feet	66 dBA
16 feet	60 dBA
32 feet	54 dBA

3. The above levels are based on factory recommended operating levels, which are preset for HME components and represent the optimum level for drive-thru operations in the majority of the installations.

Also, HME incorporates automatic volume control (AVC) into many of our Systems. AVC will adjust the outbound volume based on the outdoor, ambient noise level. When ambient noise levels naturally decrease at night, AVC will reduce the outbound volume on the system. See below for example:

Distance from Outside Speaker	Decibel Level of standard system with 45 dB of outside noise <u>without</u> AVC	Decibel level of standard system with 45 dB of outside noise <u>with</u> AVC active
1 foot	84 dBA	60 dBA
2 feet	78 dBA	54 dBA
4 feet	72 dBA	48 dBA
8 feet	66 dBA	42 dBA
16 feet	60 dBA	36 dBA

If there are any further questions regarding this issue please contact HME customer service at 1-800-848-4468.

Thank you for your interest in HME's products.



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of September 13, 2011

FROM: Blaine Michaelis, City Manager

FROM: Marco A. Espinoza, Associate Planner

SUBJECT: **Precise Plan 11-03 & DPRB Case No. 11-34**
Associated Cases: M.C.T.A. 11-01 & CUP 11-05
A request to construct and operate a 2,448 square foot drive-through restaurant (Panda Express) within the Citrus Station (APN: 8383-009-072).
Environmental: Previously Approved Environmental Impact Report

SUMMARY

The applicant is proposing to construct and operate a drive-through restaurant (Panda Express) within the Citrus Station. The restaurant will be on the southeast corner of Lone Hill Avenue and Gladstone Street at the main entrance to the center. The restaurant is 2,448 sq. ft. which will offer a 288 sq. ft. outdoor seating area. The menu board for the drive-through will be on the north side of the building and the pick-up window will be on the west side. The applicant is proposing to operate 7 days a week from 11 a.m. to 10 p.m.

The project was reviewed by the Development Plan Review Board on July 14, 2011, which recommended approval of the project to the Planning Commission with some minor design modifications.

Staff recommends the Planning Commission recommend approval of the project to the City Council with the design modifications.

The Planning Commission reviewed the proposal on August 18, 2011 and recommended approval of Precise Plan 11-03 & DPRB Case No. 11-34 to the City Council.

BACKGROUND

The Citrus Station was approved with conceptual restaurant pads. Due to the downturn in the economy nothing has been proposed until now. Currently there are two development applications being processed for this center, Olive Garden and Panda Express.

Within Specific Plan No. 24, Area 1, which this property is zoned, drive-through restaurants within 300 feet of residentially zoned properties having audible speakers and/or operating during the hours of midnight and 6:00 a.m. are prohibited. The applicant has filed an application for a municipal code text amendment (M.C.T.A. 11-01) allowing drive-through restaurants within 300 feet of residentially zoned properties as long as they did not operate within the hours of midnight and 6:00 a.m. Staff is recommending approval of this amendment with conditions of approval that will help reduce noise concerns associated with a menu board speaker. The conditions will require the speakers to be digital and not analog, orientating the speaker away from the residential properties, and providing a half-wall to screen noise and light glare from the vehicles.

The applicant is also required to submit a Conditional Use Application for the Drive-through component of the restaurant (CUP 11-05). Staff has conditioned the application to ensure the reduction of noise associated with the drive-through.

ANALYSIS

The applicant is proposing a 2,448 sq. ft. drive-through restaurant with a 288 sq. ft. outdoor seating area on a 32,050 sq. ft. site. The site meets parking and landscaping requirements. The building is designed in a parapet wall design with tower elements. The building sits along Lone Hill Avenue with the main entrance facing east towards the interior of the center. The parking lot is in front of the building with the drive-through aisle starting on the north side, circulating west around the building to the south. The building is designed to meet the center's Design Guidelines of an early California industrial feel. The applicant has incorporated the following architectural elements into the building that can also be found on the Costco building, creating a cohesive development:

1. Split-face tower elements
2. Parapet wall design
3. Gooseneck lighting
4. Decorative metal trusses
5. Decorative trellis

Hours

The applicant is proposing to operate seven days a week from 11 a.m. to 10 p.m.

Parking

Even though the project site is part of a shared parking agreement with all the other pads in the center, the restaurant meets the parking requirements for the use on its own. The building is 2,448 sq. ft. with 288 sq. ft. of outdoor seating area for a total of 2,769 sq. ft. requiring 36 parking spaces. Due to the drive-through, the parking requirement may be reduced by 4 spaces for a total of 32 parking spaces required. The applicant is proposing 32 spaces.

DPRB Comments

On July 14, 2011 the Board reviewed the proposed project and recommended approval of the project to the Planning Commission with the following design modifications. The Planning Commission concurred with the recommendations with the exception to a portion of No. 3. At the applicant's request, the Commission modified the condition to allow for a decorative wrought-iron fence adjacent to the outdoor eating area instead of a split-face block wall.

1. Remove the ceramic tile murals of the pandas on the east and west elevations, which exceed the allowable number of wall signs, and replace them with some other type of architectural treatment.
2. Allow the proposed awnings that are open on the sides and allow them to be constructed out of canvas or standing seam metal.
3. Construct a 42-inch high split-face wall around the perimeter of the drive-thru from the menu board to the pick-up window, in addition to a ~~wall~~ **decorative wrought-iron fence** adjacent to the outdoor seating area.
4. Continue the split-face block columns at the corners of the building to extend to the finish grade, in addition to the trellis columns at the pick-up window.
5. Provide additional architectural treatment to the south elevation in the form of a tower element or something similar. The electrical room shall be integrated into this added feature.
6. Provide a five-foot wide planter along the east wall plane beginning at the edge of the main entrance tower and ending at the corner of the building.

These recommended design modifications will be added to the conditions of approval at the final review of the project by the Board, if the City Council concurs with them.

CONCLUSIONS

The proposed drive-through restaurant (Panda Express) is a conditionally approved use that meets the intent of the center's Design Guidelines of creating a building that relates to the Costco building with architectural elements of early California industrial construction. The building and use will be a benefit to the Citrus Station and the residents of San Dimas.

RECOMMENDATION

Staff recommends the City Council approve of Precise Plan 11-03 & DPRB Case No. 11-34, a request to construct and operate a 2,448 square foot drive-through restaurant (Panda Express) and the attached Resolution No. 2011-42.

Respectfully Submitted,



Marco A. Espinoza
Associate Planner

Attachments:

Appendix A -
Exhibit A -
Exhibit B -
Exhibit C -

General Information
July 14, 2011 DPRB Fact Sheet
Color Elevations
Color Material Board

APPENDIX A

GENERAL INFORMATION

Applicant:	ITRA Group, Inc. on behalf of Panda Restaurant Group 23435 Gold Rush Drive Diamond Bar, CA 91765
Owner:	Panda Restaurant Group 1683 Walnut Grove Ave. Rosemead, CA 91770
Location: Street	Southeast corner of Lone Hill Avenue and Gladstone (APN: 8383-009-072)
General Plan:	Commercial
Surrounding Land Use and Zoning	North: Vacant – Specific Plan 24, Area 1 South: Vacant – Specific Plan 24, Area 1 East: Costco Warehouse – Specific Plan 24, Area 1 West: Single-Family Residential – Single-Family 7,500 Zone
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 August 5, 2011.
Environmental:	Previously Approved Environmental Impact Report

DEVELOPMENT PLAN REVIEW BOARD FACT SHEET



DATE: July 28, 2011

TO: Development Plan Review Board

FROM: Marco A. Espinoza, Associate Planner

SUBJECT: DPRB Case No. 11-19 & Precise Plan No. 11-03
A request to construct a new Panda Express drive-thru restaurant within the Citrus Station (previously known as the Costco Center) (APN: 8383-009-072).
Associated Case: CUP 11-05
Environmental: Categorical Exemption Section 15332.b

FACTS:

- The applicant is proposing to construct a 2,448 sq. ft. drive-thru Panda Express Restaurant within the Citrus Station.
- The restaurant is located on the southeast corner of Lone Hill Avenue and Gladstone Street near the main entrance into the center.
- The building will sit adjacent to Lone Hill with the parking lot to the east, in front of the main entrance to the restaurant.
- The drive-thru aisle will be along the north and west side of the building. The menu board will be on the north side and the pick-up window will be on the west side.
- The applicant is proposing a trellis over the pick-up window similar to the design of other trellis structures in the center.
- There will be outdoor seating between the building and the drive-thru aisle.
- The building is designed with parapet walls in order to screen the mechanical equipment.
- The building will have three extended tower elements over the entrances and the pick-up window. These towers will be constructed out of split-face block.
- The building will be stucco in a sand finish.
- The applicant has added metal trellis elements over split-face columns on the west and south elevations for visual interest.
- The top of the parapet walls will have a decorative stucco squared cap.
- Decorative gooseneck lighting is also proposed over all the metal awnings.
- The proposed building meets the intent of the center's Design Guidelines by incorporating architectural elements of the Costco building to create a cohesive design between the two buildings.
- Signage is not part of this approval.

ISSUES:

Staff is recommending the applicant revise the plans to show the following items:

1. Remove the Panda design from the wall tiles on the east and west elevation and replace with a "non-Panda" design. As proposed would constitute a wall sign which would exceed the maximum square footage allowed.
2. Redesign the metal awning on the windows to be fully enclosed on all three sides.



Example of proposed open awning by the applicant.



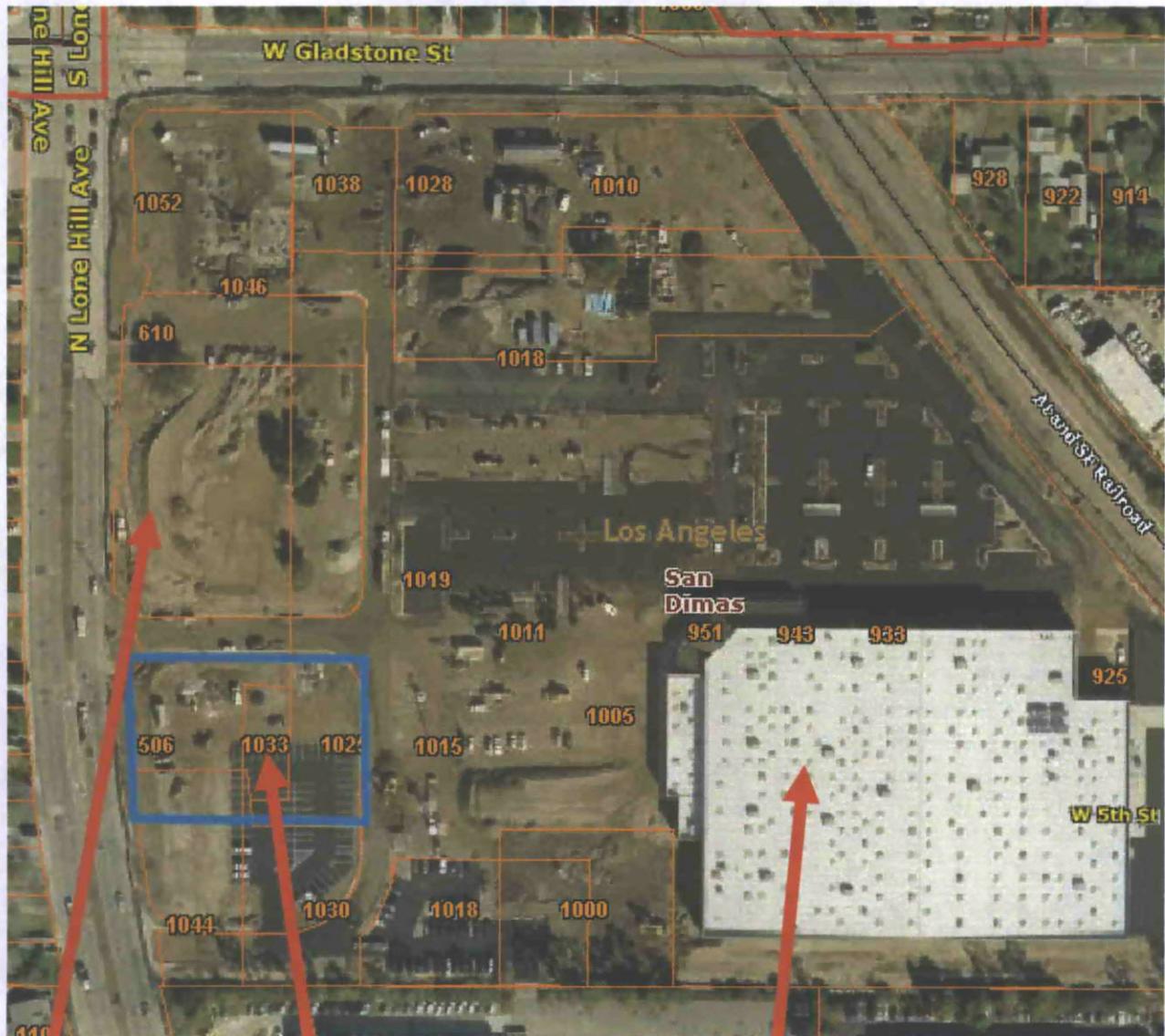
Example of Staff's request for a fully enclosed awning.

3. Revise the plans to show a 42-inch high split face block wall around the perimeter of the drive-thru aisle, from the menu board to the pick-up window. The wall will prevent light glare for the vehicle and help reduce noise levels to the residents on the west side of Lone Hill Avenue.
4. Revise the plans to show the split face block columns at the corners of the building to extend to finish grade, in addition to the trellis columns at the pick-up window.
5. Revise the south elevation to provide for a tower element over the rear entrance.
6. Revise the plans to show a five-foot wide planter along the east wall plane beginning at the edge of the main entrance tower and ending at the corner of the building.

RECOMMENDATION:

Staff recommends that the Board recommend approval to the Planning Commission

Aerial of Subject Site



Proposed Olive Garden Restaurant

Proposed Drive-thru Panda Express Restaurant

Existing Costco

Exhibit A

CONDITIONS OF APPROVAL for DPRB Case No. 11-19 & Precise Plan No. 11-03

1. The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers or employees because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers or employees for any Court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
2. Copies of the signed Resolution and Conditions shall be included on the plans (full size). The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.
3. The developer shall comply with all requirements of the Specific Plan 24 Zone.
4. The building permits for this project must be issued within one year from the date of approval from City Council or the approval will become invalid. A time extension may be granted under the provisions set forth in Chapter 18.12.070 E.
5. The applicant shall sign an affidavit accepting all Conditions and all Standard Conditions before issuance of building permits.
6. All parking provided shall meet the requirements of Section 18.156 (et. seq.) of the San Dimas Municipal Code, including providing a bike rack. Any compact parking stalls should be labeled as such.
7. The applicant shall comply with all City of San Dimas Business License requirements and shall provide a list of all contractors and subcontractors that are subject to business license requirements.
8. A detailed sign program shall be prepared to the specifications of the Planning Division and submitted for Development Plan Review Board approval prior to installation of any signs.

DESIGN

9. Location and type of exterior lighting fixtures shall be submitted by the developer to the Planning Division for review and approval prior to installation.
10. Plans for all exterior design features, including, but not limited to, doors, windows and architectural treatments, shall be submitted to the Planning Division for review and approval before issuance of building permits.
11. The developer shall install the parking lot lighting in accordance with a lighting plan showing illumination levels and lighting distribution, as approved by the Planning Division.
12. All roof-mounted equipment and appurtenances shall be totally screened from public view and shall be located below the building parapet. The applicant shall supply a section drawing indicating the parapet height and all proposed roof equipment. In the event additional screening is necessary, it shall be approved by the Planning Division and installed prior to final inspection and occupancy.
13. Trash enclosure (located adjacent to the future retail area) shall be constructed by the developer per City of San Dimas standard design and shown on the construction plans.
14. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical equipment installed by the developer shall be inconspicuously located and screened, as approved by the Planning Division.
15. Downspout pipes shall be placed on the inside of the buildings or concealed within architectural features of the building. When downspout pipes exit the building within the landscaped area, a splash pad shall be provided subject to review and approval by the Planning Division.
16. All exterior building colors shall match the color and material board on file with the Planning Division. Any revision to the approved building colors shall be submitted to the Planning Division for review and approval.
17. Electrical and other service facilities shall be located within an interior electrical room or approved comparable location. All electrical service facilities shall be totally screened from public view, as approved by the Planning Division.
18. There shall be no roof mounted flood lights on the structure or on the trash enclosures.
19. The developer shall install all utilities underground.

20. A uniform hardscape and street furniture design including seating benches, trash receptacles, free-standing potted plants, bike racks, light bollards, etc., shall be utilized and be compatible with the architectural style. Detailed designs shall be submitted for Planning Division review and approval prior to the issuance of building permits.
21. The lighting fixture design shall compliment the architectural program. It shall include the outdoor dining area lighting fixtures, building lighting fixtures (exterior), and parking lot lighting fixtures. Location and type of exterior lighting fixtures shall be submitted by the developer to the Planning Division for review and approval prior to installation.
22. Trash shall not be stored anywhere outside the building except for within the trash enclosure.
23. No product or supplies shall be stored anywhere outside the building.
24. The applicant shall redesign the metal awning to be fully enclosed on all three sides.
25. The applicant shall remove the panda design from the three wall tiles on the east and west side and replace them with a "non-panda" pattern.
26. The applicant shall install a sign reading "Do not block pedestrian crossing" in minimum one-inch high letters on the south side of the drive-thru lane.

LANDSCAPE

27. The developer shall submit to the Planning Division, prior to the issuance of building permits, a detailed landscaping and automatic irrigation plan prepared by a State registered Landscape Architect. All landscaping and automatic irrigation shall be installed and functional prior to occupancy of the building(s), in accordance with the plans approved by the Planning Division.
28. The developer shall show all proposed transformers on the landscape plan. All transformers shall be screened with landscape treatment such as trellis work or block walls with climbing vines or City approved substitute.
29. All slopes over three-feet (3) in vertical height shall be irrigated and landscaped as approved by the Planning Division.
30. Water efficient landscapes shall be implemented in all new and rehabilitated landscaping for developer-installed landscaping in single-family and multi-family projects, and in private development projects that require a grading permit, building permit or use permit, as required by Chapter 18.14 of the San

Dimas Municipal Code.

BUILDING DIVISION – (909) 394-6260

31. Submit to the Building Division of the City of San Dimas plans to be forwarded for review by the Los Angeles County Fire Department. Plans may include, access, fire sprinklers, mechanical ventilation, and any other applicable items regulated under the Fire Code.
32. Comply with the latest codes as adopted by reference by the City of San Dimas: California Building Code, California Mechanical Code, California Plumbing Code, California Electrical Code, and the California Green Building Code
33. Comply with the latest disabled access regulations as found in Title 24 of the CA Code of Regulations and the Americans with Disabilities Act (parking, access, interior accessibility). Note, site must have an accessible pedestrian route from the public right of way.
34. Comply with California Title 24 Energy requirements for all new lighting, insulation, and mechanical equipment.
35. Applicant to submit justifying structural calculations at time of initial plan review.
36. Applicant to submit a site grading plan prepared by a licensed engineer.
37. Applicant to submit a copy of the soils report (with recent addendum) which makes recommendations for foundation and pavement section design. Compaction reports required prior to City inspection.
38. Occupancy shall not be granted until all improvements required as part of the approval have been completed in full, and approved or finalized by the appropriate department.
39. Plans shall be submitted to LA County Health Department for approval.
40. Plans to be submitted to LA County Industrial Waste for approval

PUBLIC WORKS DIVISION – (909) 394-6240

41. The developer shall install sanitary sewers to serve the entire development to the specifications of the City Engineer.
42. The developer shall request, in writing, a flood hazard report from the City Engineer, and meet all conditions as set forth in Title 15, Chapter 15.60 of the San Dimas Municipal Code.

43. The developer shall provide drainage facilities to carry runoff of storm waters in the area proposed to be developed, and for contributory drainage from adjoining properties. A Hydrology Study for the site and contributory drainage will be required.
44. The developer shall provide sewer, drainage and Reciprocal Access Easements for the development to the satisfaction of the City Attorney and the Director of Development Services.
45. For all non-exempt projects which disturb less than one- (1) acre of soil and are not part of a larger common plan of development which in total disturbs one acre or more, applicant must submit a signed certification statement declaring that contractor will comply with Minimum Best Management Practices (BMPs) required by the National Pollutant Discharge Elimination System (NPDES). In order to manage storm water drainage during construction, one or more of the following measures shall be implemented to prevent flooding of adjacent property, prevent erosion and retain soil runoff on the site:
 - i. Retention basins of sufficient size shall be utilized to retain storm water on the site.
 - ii. Where storm water is conveyed to a public drainage system, collection point, gutter, or similar disposal method, water shall be filtered by use of a barrier system, wattle, or other method approved by the enforcing agency.
 - iii. Compliance with a lawfully enacted storm water management ordinance.
46. For projects which disturb soil during wet season, applicant must submit a signed certification statement declaring that contractor will comply with Minimum Best Management Practices (BMPs) required by the National Pollutant Discharge Elimination System (NPDES), and also submit a Local Storm Water Pollution Prevention Plan/Wet Weather Erosion Control Plan.
47. The developer shall provide mailboxes per City of San Dimas standards. Mailbox locations are subject to the approval of the local postmaster.
48. The developer shall submit water plans to be reviewed and approved by the City Engineer and the Los Angeles County Fire Department.
49. The Developer shall be responsible for any repairs within the limits of the development, including streets and paving, curbs and gutters, sidewalks, and street lights, or the installation of same where not existing, as determined by the City Engineer.
50. All work adjacent to or within the public right-of-way shall be subject to review and approval of the Public Works Department.

51. The developer shall comply with City regulations regarding property development tax. Fees shall be paid prior to issuance of building permits.

End of Conditions

Draft





EXHIBIT B

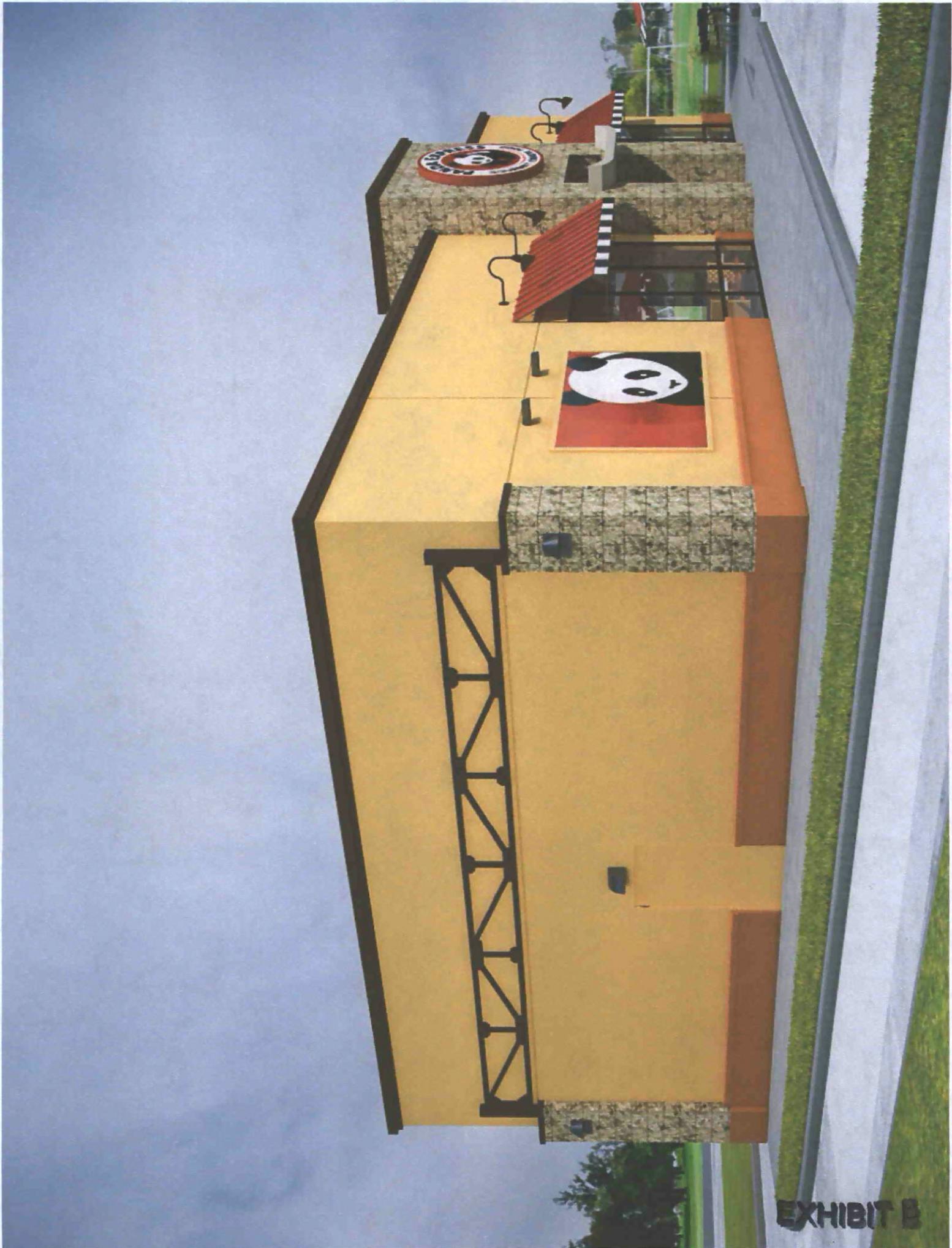


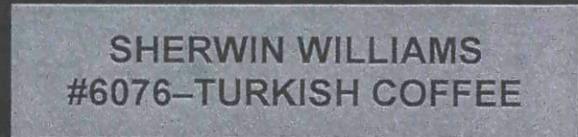
EXHIBIT B



EXHIBIT B



SHERWIN WILLIAMS
#2858-HARVEST GOLD



SHERWIN WILLIAMS
#6076-TURKISH COFFEE



SHERWIN WILLIAMS
#6348-REYNARD



ANGELUS
CMU SPLIT FACE-HARVEST



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of September 13, 2011

FROM: Blaine Michaelis, City Manager

FROM: Marco A. Espinoza, Associate Planner

SUBJECT: Conditional Use Permit 11-05
Associated Cases: DPRB Case No. 11-34, Precise Plan 11-03
& M.C.T.A. 11-01
A request to construct and operate a 2,448 square foot drive-through restaurant (Panda Express) within the Citrus Station (APN: 8383-009-072).
Environmental: Previously Approved Environmental Impact Report

SUMMARY

The applicant is proposing to construct and operate a drive-through restaurant (Panda Express) within the Citrus Station. The restaurant will be on the southeast corner of Lone Hill Ave. and the main entrance to the center. The restaurant is 2,448 sq. ft. which will offer a 288 sq. ft. outdoor seating area. The menu board for the drive-through will be on the north side of the building and the pick-up window will be on the west side. The applicant is proposing to operate 7 days a week from 11 a.m. to 10 p.m.

On July 7, 2011 the Planning Commission directed Staff to initiate the request for the code text amendment and to bring back a full report for their review and recommendation.

The project was reviewed by the Development Plan Review Board on July 14, 2011, which recommended approval of the project to the Planning Commission with some minor design modifications.

The Planning Commission reviewed the proposal on August 18, 2011 and recommended approval of CUP 11-05 to the City Council.

BACKGROUND

The Citrus Station was approved with conceptual restaurant pads. Due to the downturn in the economy nothing has been proposed until now. Currently there are two development applications being processed for this center, Olive Garden and Panda Express.

Within Specific Plan No. 24, Area 1, which this property is zoned, drive-through restaurants within 300 feet of residentially zoned properties having audible speakers and/or operating during the hours of midnight and 6:00 a.m. are prohibited. The applicant has filed an application for a municipal code text amendment (M.C.T.A. 11-01) allowing drive-through restaurants with audible speakers within 300 feet of residentially zoned properties as long as they did not operate within the hours of midnight and 6:00 a.m. Staff is recommending approval of this amendment with conditions of approval that will help reduce noise concerns associated with a menu board speaker. The conditions will require the speakers to be digital and not analog, orientating the speaker away from the residential properties, and providing a half-wall to screen noise and light glare from the vehicles.

The applicant is also required to submit a Development Plan Review Application for the overall design of the building and the layout of the site.

ANALYSIS

The applicant is proposing a 2,448 sq. ft. drive-through restaurant with a 288 sq. ft. outdoor seating area on a 32,050 sq. ft. site. The building sits along Lone Hill Avenue with the main entrance facing east towards the interior of the center. The parking lot is in front of the building with the drive-through aisle starting on the north side, circulating west around the building to the south. The applicant is proposing the menu speaker post on the north side of the building along the main driveway entrance to the center.

Staff's initial concern when Specific Plan No. 24 was written was the use of a menu speaker post for drive-through restaurants and the possible noise associated with them. In the past few years there has been advancement in menu speaker posts that have minimized the noise concerns. Panda Express understands these concerns and is proposing a **digital** menu speaker post versus **analog**, in addition to providing a menu order screen and incorporating additional site design elements to reduce noise concerns.

Menu Speaker Post – Noise Level

The applicant is proposing a digital menu speaker post instead of a menu board for the order point which provides better sound quality. It is recommended that the post be placed in the spot where customers can best see the menu and as close to the customer's vehicle as possible (usually 1 to 2 feet away). The

microphone in the speaker post should be placed at a height above the lower end of the driver's window. The microphone should be higher rather than too low were it will pick-up more engine and muffler noise.

Currently there are two types of menu speaker boards on the market, digital and analog. Analog is what you find in older drive-through restaurants, somewhat loud, with frequent static, and no volume control. Digital are wireless controlled reducing the ambient noise between the speakers allowing for them to hear and speak to each other. The applicant is proposing a HME SPP2 speaker post that has a dBA of 60 measured one-foot from the post and 54 dBAs measured at 32 feet from the post. Sound wave levels are measured and identified in "dBAs" (see Exhibit "F" for example of different types of dBA levels). A normal voice is measured at 70 to 60 dBA measured from three feet away.

*Digital technology breaks your voice signal into binary code—a series of 1s and 0s—transferring it to the other end where another device (phone, modem or TV) takes all the numbers and reassembles them into the original signal. The beauty of digital is that it knows what it should be when it reaches the end of the transmission. That way, it can correct any errors that may have occurred in the data transfer. What does all that mean to you? **Clarity.** In most cases, you'll get distortion-free conversations and clearer TV pictures.*

Distance

As mentioned the Code currently does not allow drive-through restaurants within 300 feet of residential properties if it is proposing an audible speaker. The current proposal for the drive-through sits the building and menu speaker within the 300-foot boundary limitation; therefore, the applicant is requesting a code text amendment. A four-lane highway, Lone Hill Avenue, and a frontage road divides the subject site from the residential properties. The distance of the residential properties to the west and the proposed site are as follows:

	Distance from front wall plane of residential properties to the west to:
Subject Site Property Line	135 feet
Proposed Building	165 feet
Proposed Menu Speaker Post	175 feet

The noise level of the menu speaker post as shown on Exhibit "G" would be approximately 20 dBAs at the center of Lone Hill if it was orientated towards the residential properties, about the same as a whisper at three feet away.

Hours of Operation

Panda Express is proposing to operate seven days a week from 11:00 a.m. to 10:00 p.m. The hours of operation for Panda are similar to the other proposed restaurant and existing businesses in the center:

Olive Garden	Mon. - Sun.	11:00 a.m. to 11:00 p.m.
Costco	Mon. – Fri.	10:00 a.m. to 8:30 p.m.
	Sat.	9:00 a.m. to 6:00 p.m.
	Sun.	10:00 a.m. to 6:00 p.m.
Costco Gas	Mon. – Fri.	6:00 a.m. to 9:30 p.m.
	Sat. – Sun.	6:00 a.m. to 7:30 p.m.

The applicant's proposed hours of operation, if approved, will be set. Any change to the hours, operations and/or site design will require review of a new CUP application, associated documentation, fees and approval.

As part of Municipal Code Text Amendment 11-01 review, the Planning Commission had concerns with the late night operations of the drive-through portion of the business and recommend that the text be changed to limit the hours of this operation from 6:00 a.m. to 10:00 p.m. Panda Express did not have an issue with the recommendation since they are not proposing to operate past 10:00 p.m.

Noise Mitigation Measures

In addition to conditioning the requirement of a digital speaker post, Staff has also implemented several conditions to help mitigate the noise concerns:

1. The applicant shall construct a 42-inch high split-face wall around the perimeter of the drive-through from the menu speaker post to the pick-up window, in addition to a wall adjacent to the outdoor seating area. The wall will help screen noise and glare from the lights of the vehicles.
2. The applicant shall install the menu speaker post a maximum of three feet from the drive-through drive aisle.
3. The applicant shall install a menu speaker post that has an order menu screen showing the customer's order, to avoid the employee reading back the order.
4. The digital menu speaker post system shall have a volume control.
5. The applicant shall provide additional trees and shrubs to screen the drive-through menu board and pick-up window.

6. The pick-up window shall be closed at all times when there are no customers to be serviced.

Parking

Even though the project site is part of a shared parking agreement with all the other pads in the center, the restaurant meets the parking requirements for the use on its own. The building is 2,448 sq. ft. with 288 sq. ft. of outdoor seating area for a total of 2,769 sq. ft. requiring 36 parking spaces. Due to the drive-through, the parking requirement may be reduced by 4 spaces for a total of 32 parking spaces required. The applicant is proposing 32 spaces.

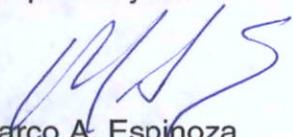
CONCLUSIONS

Panda Express has worked with Staff to address the concerns that are associated with a drive-through restaurant. The incorporation of new technology of the menu speaker post, menu screens, screen walls, and site layout design also help minimize the noise concerns associated with the audible speakers. This Conditional Use Permit Application ensures that proper review and conditions are imposed to mitigate the noise concerns so that the proposed use will be compatible with the center and the adjacent residential neighborhood.

RECOMMENDATION

Staff recommends the City Council approve of Conditional Use Permit 11-05, a request to construct and operate a 2,448 square foot drive-through restaurant (Panda Express) and attached Resolution No. 2011-43.

Respectfully Submitted,



Marco A. Espinoza
Associate Planner

Attachments:	Appendix A -	General Information
	Exhibit A -	Aerial - Vicinity Map
	Exhibit B -	Site Plan
	Exhibit C -	Examples of standard digital menu speaker board
	Exhibit D -	Examples of different noise levels
	Exhibit E -	Noise levels of menu speaker post facing the residential properties to the west.
	Exhibit F -	Noise levels of a HME SPP2 menu speaker post

APPENDIX A

GENERAL INFORMATION

Applicant: ITRA Group, Inc. on behalf of
Panda Restaurant Group
23435 Gold Rush Drive
Diamond Bar, CA 91765

Owner: Panda Restaurant Group
1683 Walnut Grove Ave.
Rosemead, CA 91770

Location:
Street Southeast corner of Lone Hill Avenue and Gladstone
(APN: 8383-009-072)

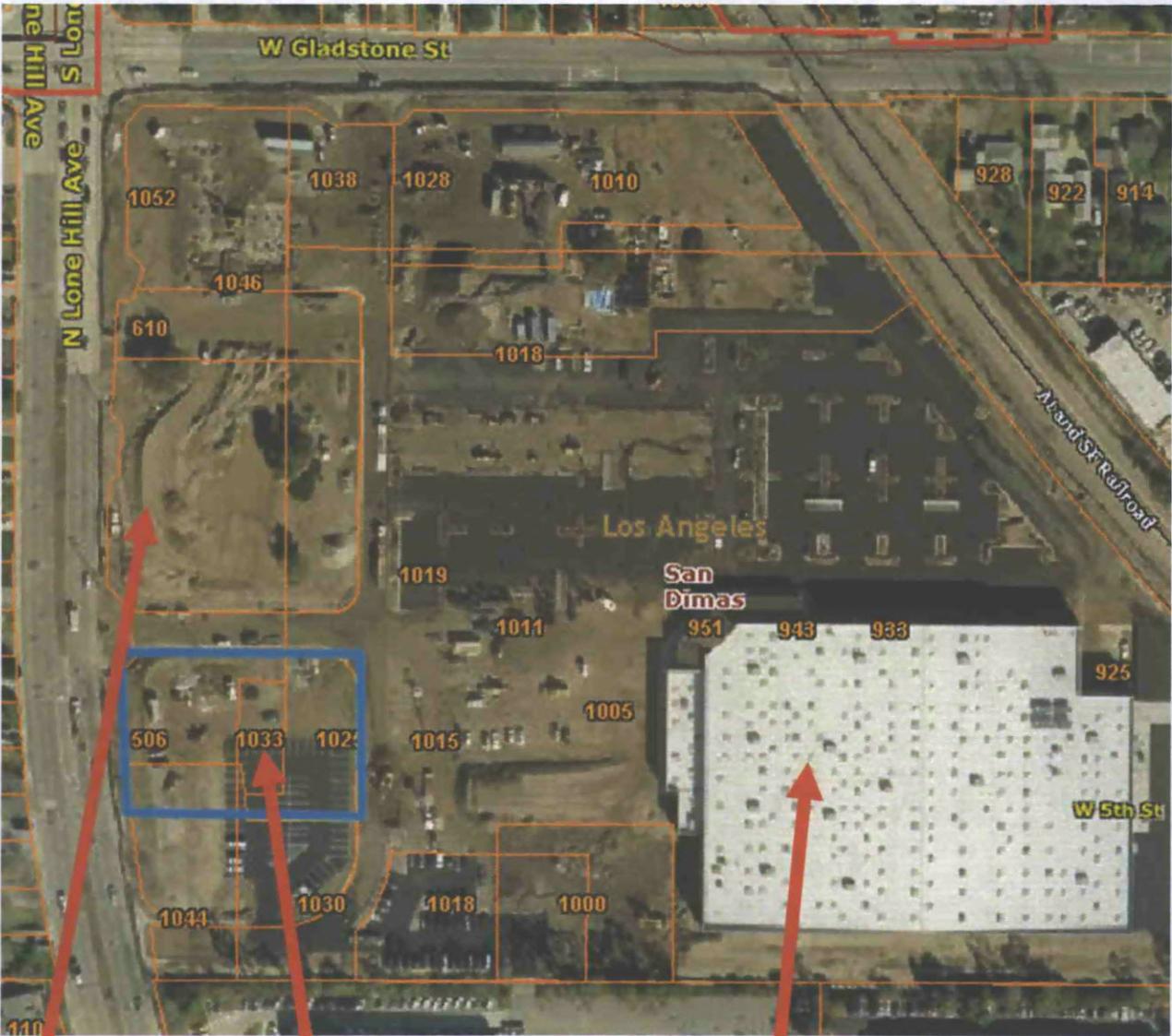
General Plan: Commercial

Surrounding
Land Use and Zoning North: Vacant – Specific Plan 24, Area 1
South: Vacant – Specific Plan 24, Area 1
East: Costco Warehouse – Specific Plan 24, Area 1
West: Single-Family Residential – Single-Family
7,500 Zone

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
September 2, 2011.

Environmental: Previously Approved Environmental Impact Report

Aerial of Subject Site

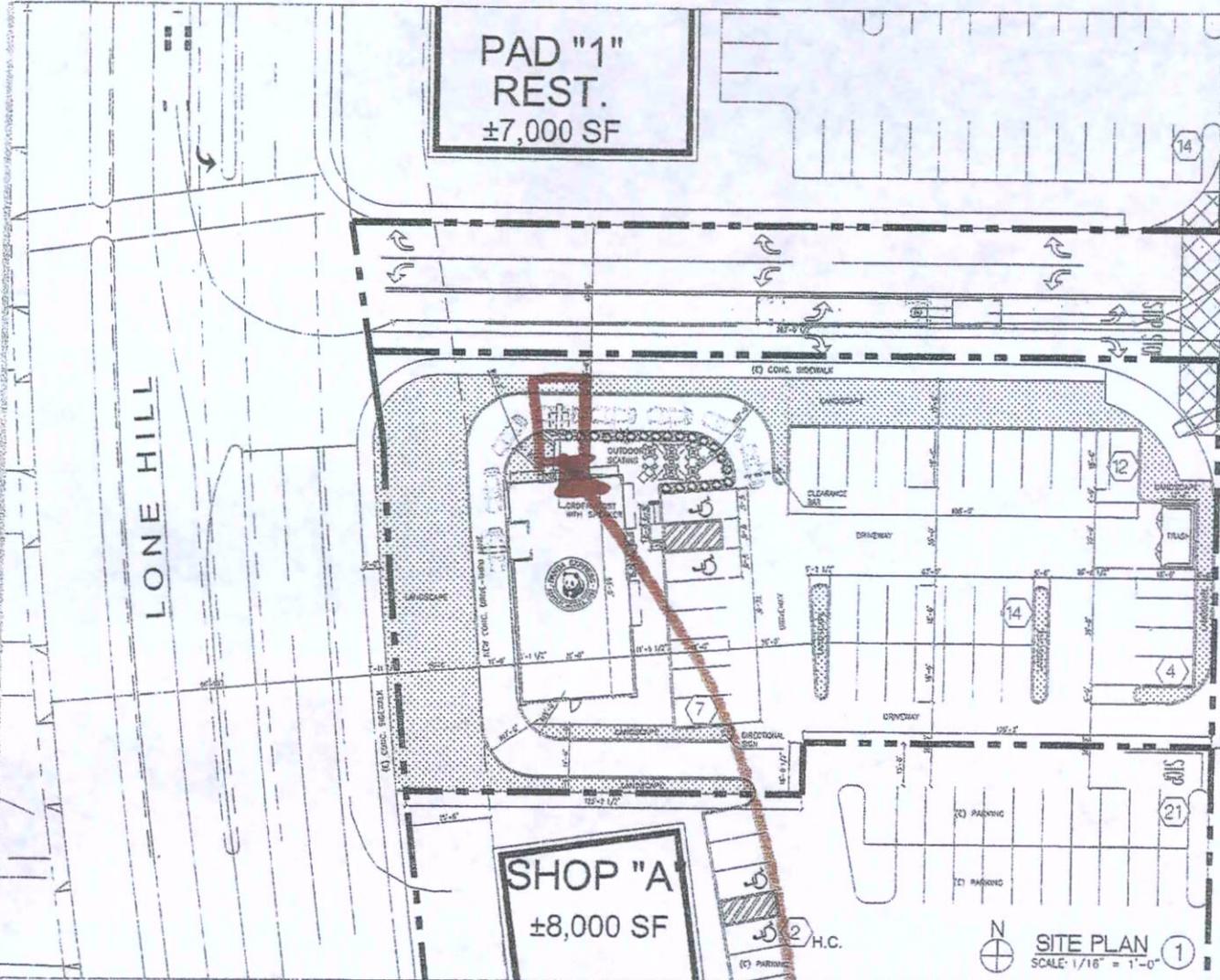


Existing Costco

Proposed Drive-thru Panda Express Restaurant

Proposed Olive Garden Restaurant

EXHIBIT B



PROJECT DATA:

SITE	
ZONING	SP24
SITE AREA	32,457 SF (0.74 AC)
LOT COVERAGE	2.2%
FLOOR AREA RATIO	
LANDSCAPE PROVIDED	7,800 S.F.
LANDSCAPE COVERED	24,656
PAVING REQUIRED	23 SPACES INCLUDING 2 REQUIRED ACCESSIBLE SPACES
PAVING PROVIDED	27 SPACES INCLUDING 2 REQUIRED ACCESSIBLE SPACES
BUILDING	
ALLOWABLE AREA	8000 ALLOWABLE 6,200 SQ. FT. SF HEIGHT 10' SEPARATION ON ALL SIDES (4 FT OVER 20 FT)
	1000 (10 FT MIN. AT ALL SIDES) X 6,000 = 6,000 SQ. FT.
	1000 ALLOWABLE 17,000 SQ FT
	2,148 SF (0.3)
	4-2
	V-O (DISH SPREADERS)
BUILDING AREA	
USE GROUP	2-45 S.F.
CONSTRUCTION TYPE	3 EMPLOYEES/SQFT (2 SHITS PER DAY)
LEVELS	04 SEATING
PANDA EXPRESS	
RESTAURANT AREA	2,448 S.F.
EMPLOYEES	3 EMPLOYEES/SQFT (2 SHITS PER DAY)
INDOOR SEATING	04 SEATING
OUTDOOR SEATING	24 SEATING
OCCUPANT LOAD CALCULATION:	
INDOOR DINING	1043 S.F. / (15/S.F.) = 70
OUTDOOR DINING	200 S.F. / (15/S.F.) = 13
TOTAL	83
STORAGE	407 S.F. / (200/S.F.) = 2
	320 S.F. / (200/S.F.) = 1
	709

NOTE: SHOTS TO BE SUBMITTED UNDER SEPARATE POINT

PROJECT DIRECTORY:

DEVELOPER: PANDA RESTAURANT GROUP, INC.
1683 WALNUT GROVE AVE.
ROCKLEDGE, CA 91770
714-997-8888

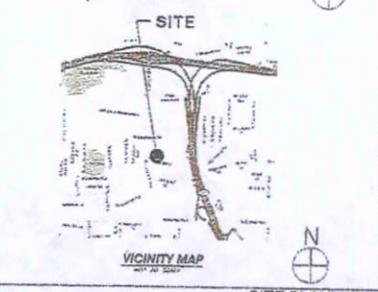
ARCHITECT: ITRA GROUP INC.
25425 GOLD RUSH DRIVE
DANFORTH, CA 91765
909-453-0275

CODES

1. CALIFORNIA BUILDING CODE - 2007 EDITION
2. CALIFORNIA PLUMBING CODE - 2007 EDITION
3. CALIFORNIA MECHANICAL CODE - 2007 EDITION
4. CALIFORNIA ELECTRICAL CODE - 2007 EDITION
5. CALIFORNIA FIRE CODE - 2007 EDITION

ASSESSOR PARCEL NO:
833-03-072

LEGAL DESCRIPTION



PANDA EXPRESS INC.
1683 Walnut Grove Ave.
Rockledge, California 91770
Telephone: 909.790.8888
Fax: 909.453.0275

REVISIONS:

NO.	DATE	DESCRIPTION
1	06/22/2010	PLANNING
2		
3		
4		
5		
6		
7		
8		
9		
10		

ISSUE DATE:
10/11/2010

DRAWN BY: HW

PANDA PROJECT #: 08-11-02396
ARCH PROJECT #: 090111

ARCHITECT:
ITRA GROUP INC.
20435 Gold Rush Drive
Diamond Bar, CA 91765
Tel: 909-453-0275
Fax: 909-453-0275
E-Mail: info@itragroup.com

STAMP:

PANDA EXPRESS

LOVE HILL & GLADSTONE
SAN DIMAS, CA 91772

A-0.1

SITE PLAN

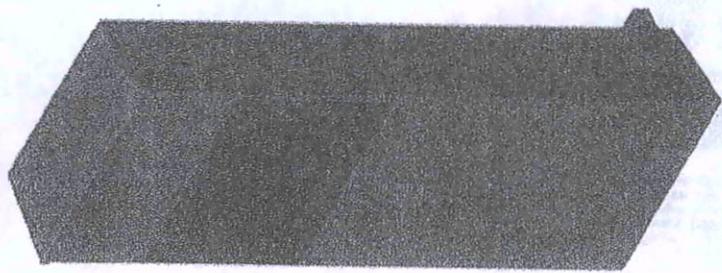
*Location of
AUDIBLE
SPEAKERS*

SITE PLAN 1
SHP-1101-A-0.1



EXHIBIT C

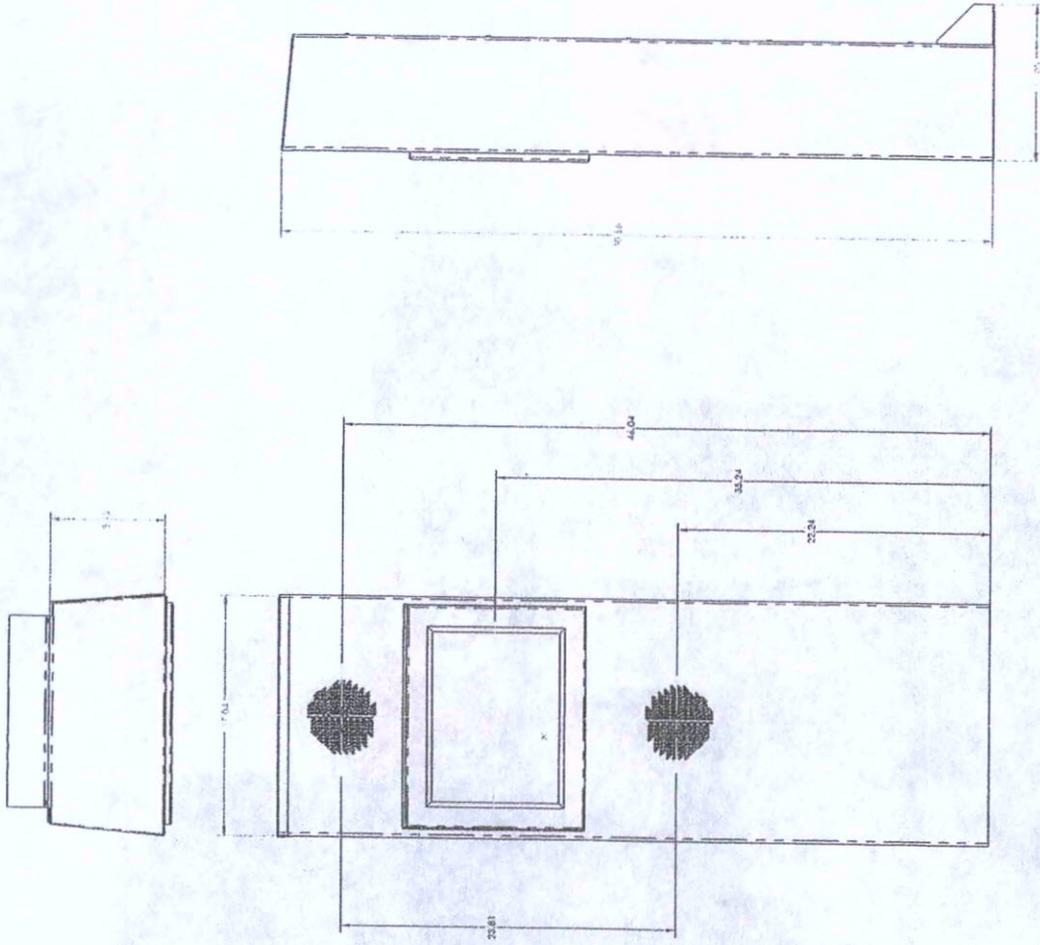
DATE: 08/11/11
SCALE: 1/8" = 1'-0"



ALUMINUM POST
D 1600-0001-001 A
SCALE: 1/8" = 1'-0"

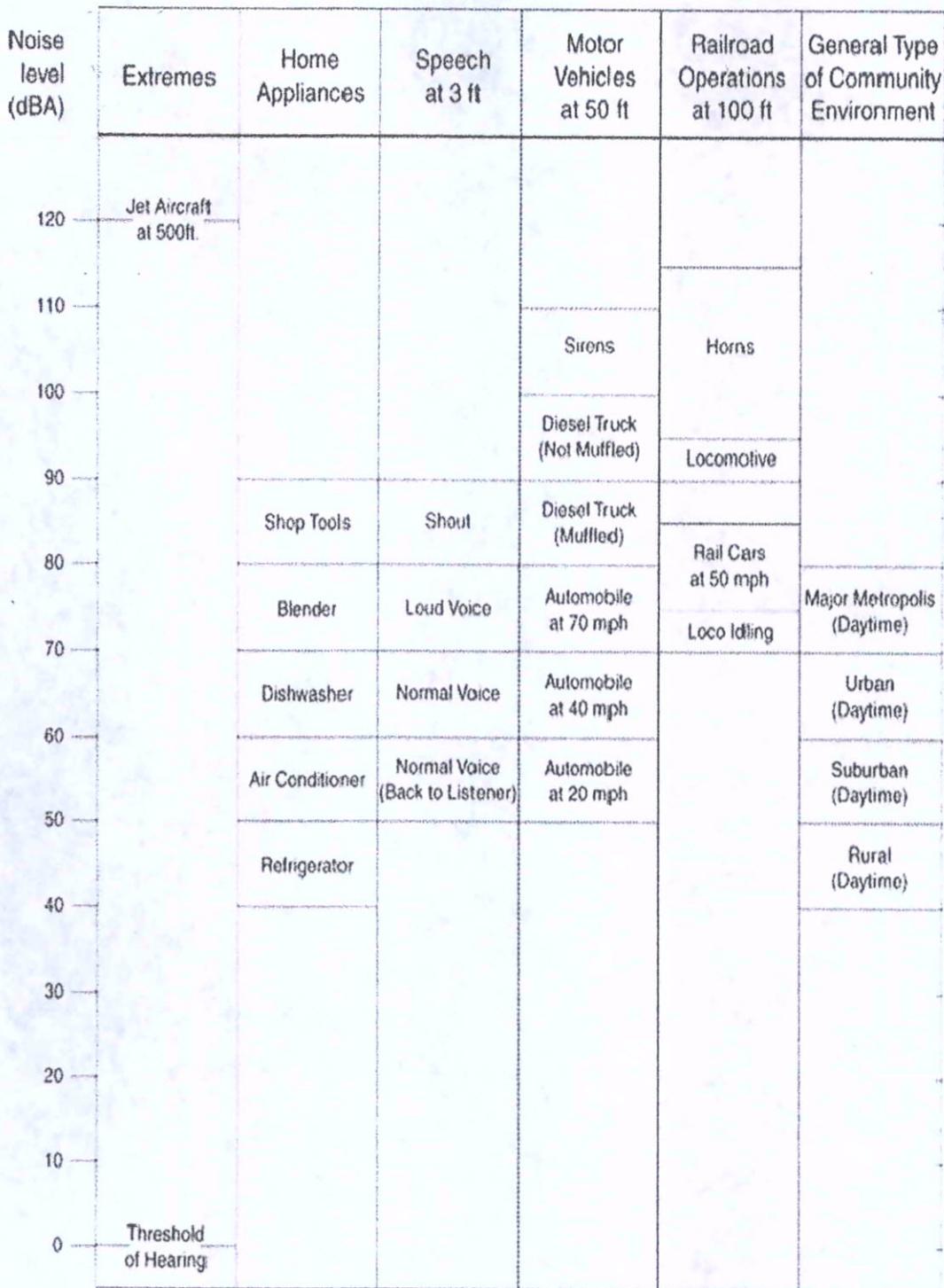
REV	DATE	BY	APP
1	08/11/11		

MANUFACTURED BY: ALUMINUM POST
10000 WILSON AVENUE, SUITE 100
DALLAS, TEXAS 75243
PHONE: (214) 343-1111
FAX: (214) 343-1112
WWW.ALUMINUMPOST.COM



0 TIG 11/11

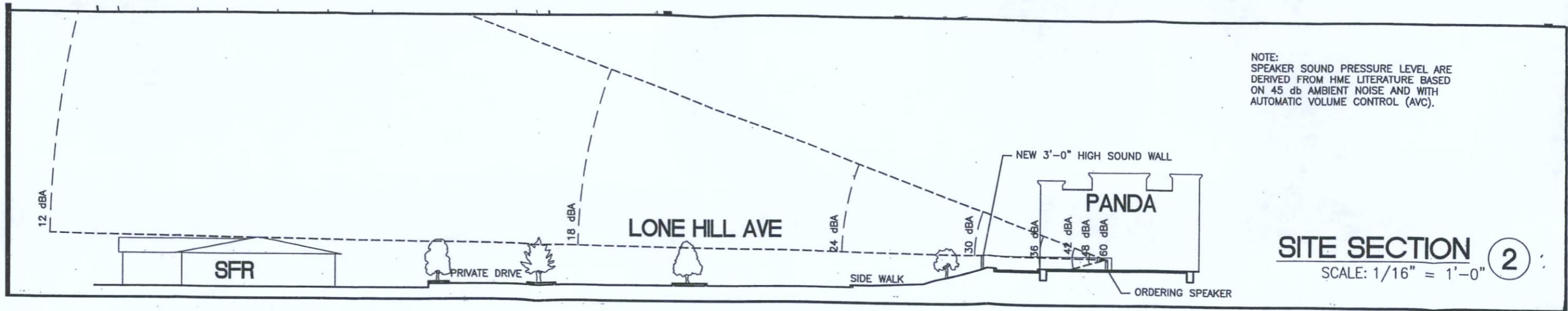
EXHIBIT C



Perceptions of increases in decibel level

The list below gives you an idea of how noticeable a change in decibel level will be to you:

- 1dB - Not noticeable
- 3dB - Barely noticeable
- 5dB - Clearly noticeable change
- 10dB - About twice as loud
- 20dB - About four times as loud



Memo**Re: Drive-Thru Sound Pressure Levels From the Menu Board or Speaker Post**

The sound pressure levels from the menu board or speaker post are as follows:

1. Sound pressure level (SPL) contours (A weighted) were measured on a typical HME SPP2 speaker post. The test condition was for pink noise set to 84 dBA at 1 foot in front of the speaker. All measurements were conducted outside with the speaker post placed 8 feet from a non-absorbing building wall and at an oblique angle to the wall. These measurements should not be construed to guarantee performance with any particular speaker post in any particular environment. They are typical results obtained under the conditions described above.
2. The SPL levels are presented for different distances from the speaker post:

Distance from the Speaker (Feet)	SPL (dBA)
1 foot	84 dBA
2 feet	78 dBA
4 feet	72 dBA
8 feet	66 dBA
16 feet	60 dBA
32 feet	54 dBA

3. The above levels are based on factory recommended operating levels, which are preset for HME components and represent the optimum level for drive-thru operations in the majority of the installations.

Also, HME incorporates automatic volume control (AVC) into many of our Systems. AVC will adjust the outbound volume based on the outdoor, ambient noise level. When ambient noise levels naturally decrease at night, AVC will reduce the outbound volume on the system. See below for example:

Distance from Outside Speaker	Decibel Level of standard system with 45 dB of outside noise <u>without</u> AVC	Decibel level of standard system with 45 dB of outside noise <u>with</u> AVC active
1 foot	84 dBA	60 dBA
2 feet	78 dBA	54 dBA
4 feet	72 dBA	48 dBA
8 feet	66 dBA	42 dBA
16 feet	60 dBA	36 dBA

If there are any further questions regarding this issue please contact HME customer service at 1-800-848-4468.

Thank you for your interest in HME's products.

ORDINANCE NO. 1209

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING MUNICIPAL CODE TEXT AMENDMENT 11-01, AMENDING THE DRIVE-THROUGH RESTAURANT REQUIREMENTS OF CODE SECTION 18.540.130.B WITHIN SPECIFIC PLAN 24, AREA 1 – REGIONAL COMMERCIAL ZONE.

WHEREAS, an Amendment to the San Dimas Municipal Code has been duly initiated by City of San Dimas;

WHEREAS, the Amendment is described as a request to amend Code Section 18.540.130.B (Specific Plan No. 24, Area 1 – Regional Commercial) to conditionally allow drive-through restaurants with audible speakers within 300 feet of residentially zoned properties; and

WHEREAS, the Amendment would only affect Specific Plan 24, Area 1 – Commercial Retail; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on September 13, 2011 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, the Planning Division Staff has determined that the project was previously reviewed under the Environmental Impact Report for the center.

WHEREAS, 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.

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

- A. The proposed Municipal Code Text Amendment will not adversely affect adjoining property as to value or precedent or be detrimental to the area.

The proposed amendments to Specific Plan 24, Area 1 will not adversely affect or be detrimental to the surrounding area. The amended Code Section will still require a Conditional Use Permit Application for drive-through restaurants with audible speakers. The CUP application will have conditions of approval that will address the type and location of the menu

speaker post and hours of operation. Additional conditions may be used to address site design to further assure noise concerns are properly addressed.

- B. The proposed Municipal Code Text Amendment will further the public health, safety and general welfare.

The proposed amendments will allow for drive-through restaurants with audible speakers to be conditionally allowed within 300 feet of residentially zoned properties. The requirement of an approved Conditional Use Permit application will assure and further the public health, safety and general welfare.

- C. The proposed Municipal Code Text Amendment is consistent with the General Plan.

The proposed amendment is consistent with the General Plan. The current proposal only amends development design and standards.

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

SECTION 1. Title 18, Chapter 540.130.B of the San Dimas Municipal Code shall be amended, as provided for in Exhibit "A".

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF SEPTEMBER, 2011.

Curt Morris, Mayor of the City of San Dimas

Ina Rios, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance No. 1209 was regularly introduced at the regular meeting of the City Council on September 13, 2011, and was thereafter adopted and passed at the regular meeting of the City Council held on _____, 2011 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 1209, to be published in the Inland Valley Daily Bulletin.

Ina Rios, City Clerk

EXHIBIT "A"**M.C.T.A. 11-01
(Specific Plan 24, Area 1 – Regional Commercial)**

1. Amend Section 18.540.130.B by adding the underlined and deleting the strike through:

Eating establishment, with drive-in or drive-through service. If located within 300 feet of residentially zoned property, the drive-through or drive-in portion of the business can only operate during the hours of six a.m. to 10 p.m. and the restaurant portion from six a.m. to midnight. ~~*provided that no such use shall be permitted within three hundred feet of residentially zoned property if provided with a*~~ *Audible speakers shall be placed in such a manner as to be directed away from residentially zoned property, have an adjustable volume based on the outdoor ambient noise level and are not an analog system.; and if operated between the hours of midnight and six a.m.;*

RESOLUTION NO. 2011-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN 11-03 AND DEVELOPMENT PLAN REVIEW BOARD CASE NO. 11-19, A REQUEST TO CONSTRUCT AND OPERATE A 2,448 SQUARE FOOT DRIVE-THROUGH RESTAURANT (PANDA EXPRESS) WITHIN THE CITRUS STATION (APN: 8383-009-072)

WHEREAS, an application was filed for a Precise Plan Review by:

ITRA Group, Inc. on behalf of
Panda Restaurant Group
23435 Gold Rush Drive
Diamond Bar, CA 91765

WHEREAS, Precise Plan 11-03 and Development Plan Review Board Case No. 11-19 are described as:

A request to construct and operate a 2,448 square foot drive-through restaurant with a 288 sq. ft. outdoor dining area (Panda Express) within the Citrus Station.

WHEREAS, this approval applies to the following described real property:

Assessor Parcel Number: 8383-009-072

WHEREAS, the City Council has received the report and recommendation of such agencies as have submitted information including the written report and recommendation of Staff; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on September 13, 2011 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 Development Plan Review Board and Planning Commission hearings, and for the reasons discussed by the City Council at the hearing, and subject to the Conditions attached as "Exhibit A", the City Council now finds as follows:

1. The development of the site in accordance with the development plan is suitable for the use or development intended.

Specific Plan 24, Area 1 was originally approved with a conceptual site plan that had a drive-through restaurant on the same pad. The proposed project is very similar with the conceptual design. The use is a conditionally approved use that would be conditioned to address concerns.

2. The total development is so arranged as to avoid traffic congestion, ensure public health, safety and general welfare and prevent adverse effects on neighboring property.

The proposed drive-through restaurant has been reviewed by the City Engineer for traffic concerns. Staff has also presented the project to the Development Plan Review Board for their review and comments. Several conditions have been imposed to address noise concerns relating to the menu speaker post in order to prevent adverse effects on the neighboring properties.

3. The development is in general accord with all elements of the general plan, zoning ordinance and all other ordinances and regulations of the city.

The proposed drive-through restaurant is a conditionally approved use that meets the development standards of Specific Plan 24, Area 1, General Plan and the Design Guidelines of the center.

WHEREAS, pursuant to San Dimas Zoning Code Section 18.540.800.C in approving a Precise Plan for any lot within Specific Plan 24, the following additional Findings need to be made in addition to the standard development plan Findings:

4. The proposed improvements will maintain or enhance the existing character and purpose of Specific Plan 24, as set forth in Section 18.540.010.

The proposed restaurant will enhance the center with its proposed parapet wall architecture that has architectural features of the Costco building. The restaurant will provide an outdoor dining area that is a unique feature that is currently not provided in the center. The restaurant will also provide a drive-through for fast, efficient service for residents and local workers.

5. The architectural character, style and use of materials harmonize with the natural setting.

The proposed building has been designed to comply with the development standards of Specific Plan 24, Area 1 and the Design Guidelines of the

center. The building has incorporated many of the architectural design features of the Costco building to create a harmonious center.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the City Council hereby approves Precise Plan 11-03 and Development Plan Review Board Case No. 11-19, subject to the applicant's compliance with Conditions in "Exhibit A", attached hereto and incorporated herein. A copy of this Resolution shall be mailed to the applicant.

The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF SEPTEMBER 2011.

Curt Morris, Mayor of the City of San Dimas

Ina Rios, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Resolution No. 2011-42 was passed and adopted at the regular meeting of the City Council held on the 12th day of September 2011, by the following vote-to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Exhibit A

CONDITIONS OF APPROVAL for Precise Plan No. 11-03 and DPRB Case No. 11-19

1. The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers or employees because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers or employees for any Court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
2. Copies of the signed Resolution and Conditions shall be included on the plans (full size). The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.
3. The developer shall comply with all requirements of the Specific Plan 24 Zone.
4. The building permits for this project must be issued within one year from the date of approval from City Council or the approval will become invalid. A time extension may be granted under the provisions set forth in Chapter 18.12.070. E.
5. The applicant shall sign an affidavit accepting all Conditions and all Standard Conditions before issuance of building permits.
6. All parking provided shall meet the requirements of Section 18.156 (et. seq.) of the San Dimas Municipal Code, including providing a bike rack. Any compact parking stalls should be labeled as such.
7. The applicant shall comply with all City of San Dimas Business License requirements and shall provide a list of all contractors and subcontractors that are subject to business license requirements.

8. A detailed sign program shall be prepared to the specifications of the Planning Division and submitted for Development Plan Review Board approval prior to installation of any signs.

DESIGN

9. Location and type of exterior lighting fixtures shall be submitted by the developer to the Planning Division for review and approval prior to installation.
10. Plans for all exterior design features, including, but not limited to, doors, windows and architectural treatments, shall be submitted to the Planning Division for review and approval before issuance of building permits.
11. The developer shall install the parking lot lighting in accordance with a lighting plan showing illumination levels and lighting distribution, as approved by the Planning Division.
12. All roof-mounted equipment and appurtenances shall be totally screened from public view and shall be located below the building parapet. The applicant shall supply a section drawing indicating the parapet height and all proposed roof equipment. In the event additional screening is necessary, it shall be approved by the Planning Division and installed prior to final inspection and occupancy.
13. Trash enclosure (located adjacent to the future retail area) shall be constructed by the developer per City of San Dimas standard design and shown on the construction plans.
14. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical equipment installed by the developer shall be inconspicuously located and screened, as approved by the Planning Division.
15. Downspout pipes shall be placed on the inside of the buildings or concealed within architectural features of the building. When downspout pipes exit the building within the landscaped area, a splash pad shall be provided subject to review and approval by the Planning Division.
16. All exterior building colors shall match the color and material board on file with the Planning Division. Any revision to the approved building colors shall be submitted to the Planning Division for review and approval.

17. Electrical and other service facilities shall be located within an interior electrical room or approved comparable location. All electrical service facilities shall be totally screened from public view, as approved by the Planning Division.
18. There shall be no roof mounted flood lights on the structure or on the trash enclosures.
19. The developer shall install all utilities underground.
20. A uniform hardscape and street furniture design including seating benches, trash receptacles, free-standing potted plants, bike racks, light bollards, etc., shall be utilized and be compatible with the architectural style. Detailed designs shall be submitted for Planning Division review and approval prior to the issuance of building permits.
21. The lighting fixture design shall compliment the architectural program. It shall include the outdoor dining area lighting fixtures, building lighting fixtures (exterior), and parking lot lighting fixtures. Location and type of exterior lighting fixtures shall be submitted by the developer to the Planning Division for review and approval prior to installation.
22. Trash shall not be stored anywhere outside the building except for within the trash enclosure.
23. No product or supplies shall be stored anywhere outside the building.
24. The applicant shall have the option to leave the awning open on the sides and constructed out of canvas or standing metal seam.
25. The applicant shall remove the panda design from the three wall tiles on the east and west side and replace them with a "non-panda" pattern.
26. The applicant shall install a sign reading "Do not block pedestrian crossing" in minimum one-inch high letters on the south side of the drive-through lane.
27. The applicant shall construct a 42-inch high split-face wall around the perimeter of the drive-through from the menu speaker post to the pick-up window, in addition to a decorative wrought-iron wall adjacent to the outdoor seating area. The split-face wall will help screen noise and glare from the lights of the vehicles.

LANDSCAPE

28. The developer shall submit to the Planning Division, prior to the issuance of building permits, a detailed landscaping and automatic irrigation plan prepared by a State registered Landscape Architect. All landscaping and automatic irrigation shall be installed and functional prior to occupancy of the building(s), in accordance with the plans approved by the Planning Division.
29. The developer shall show all proposed transformers on the landscape plan. All transformers shall be screened with landscape treatment such as trellis work or block walls with climbing vines or City approved substitute.
30. All slopes over three-feet (3) in vertical height shall be irrigated and landscaped as approved by the Planning Division.
31. Water efficient landscapes shall be implemented in all new and rehabilitated landscaping for developer-installed landscaping in single-family and multi-family projects, and in private development projects that require a grading permit, building permit or use permit, as required by Chapter 18.14 of the San Dimas Municipal Code.

BUILDING DIVISION – (909) 394-6260

32. Submit to the Building Division of the City of San Dimas plans to be forwarded for review by the Los Angeles County Fire Department. Plans may include, access, fire sprinklers, mechanical ventilation, and any other applicable items regulated under the Fire Code.
33. Comply with the latest codes as adopted by reference by the City of San Dimas: California Building Code, California Mechanical Code, California Plumbing Code, California Electrical Code, and the California Green Building Code
34. Comply with the latest disabled access regulations as found in CA Code of Regulations and the Americans with Disabilities Act (parking, access, interior accessibility). Note, site must have an accessible pedestrian route from the public right-of-way.
35. Comply with California Title 24 Energy requirements for all new lighting, insulation, and mechanical equipment.
36. Applicant to submit justifying structural calculations at time of initial plan review.

37. Applicant to submit a site grading plan prepared by a licensed engineer.
38. Applicant to submit a copy of the soils report (with recent addendum) which makes recommendations for foundation and pavement section design. Compaction reports required prior to City inspection.
39. Occupancy shall not be granted until all improvements required as part of the approval have been completed in full, and approved or finalized by the appropriate department.
40. Plans shall be submitted to LA County Health Department for approval.
41. Plans to be submitted to LA County Industrial Waste for approval

PUBLIC WORKS DIVISION – (909) 394-6240

42. The developer shall install sanitary sewers to serve the entire development to the specifications of the City Engineer.
43. The developer shall request, in writing, a flood hazard report from the City Engineer, and meet all conditions as set forth in Title 15, Chapter 15.60 of the San Dimas Municipal Code.
44. The developer shall provide drainage facilities to carry runoff of storm waters in the area proposed to be developed, and for contributory drainage from adjoining properties. A Hydrology Study for the site and contributory drainage will be required.
45. The developer shall provide sewer, drainage and Reciprocal Access Easements for the development to the satisfaction of the City Attorney and the Director of Development Services.
46. For all non-exempt projects which disturb less than one- (1) acre of soil and are not part of a larger common plan of development which in total disturbs one acre or more, applicant must submit a signed certification statement declaring that contractor will comply with Minimum Best Management Practices (BMPs) required by the National Pollutant Discharge Elimination System (NPDES). In order to manage storm water drainage during construction, one or more of the following measures shall be implemented to prevent flooding of adjacent property, prevent erosion and retain soil runoff on the site:
 - i. Retention basins of sufficient size shall be utilized to retain storm water on the site.

- ii. Where storm water is conveyed to a public drainage system, collection point, gutter, or similar disposal method, water shall be filtered by use of a barrier system, wattle, or other method approved by the enforcing agency.
 - iii. Compliance with a lawfully enacted storm water management ordinance.
47. For projects which disturb soil during wet season, applicant must submit a signed certification statement declaring that contractor will comply with Minimum Best Management Practices (BMPs) required by the National Pollutant Discharge Elimination System (NPDES), and also submit a Local Storm Water Pollution Prevention Plan/Wet Weather Erosion Control Plan.
48. The developer shall provide mailboxes per City of San Dimas standards. Mailbox locations are subject to the approval of the local postmaster.
49. The developer shall submit water plans to be reviewed and approved by the City Engineer and the Los Angeles County Fire Department.
50. The Developer shall be responsible for any repairs within the limits of the development, including streets and paving, curbs and gutters, sidewalks, and street lights, or the installation of same where not existing, as determined by the City Engineer.
51. All work adjacent to or within the public right-of-way shall be subject to review and approval of the Public Works Department.

PARKS & RECREATION – (909) 394-6230

52. The developer shall comply with City regulations regarding property development tax. Fees shall be paid prior to issuance of building permits.

End of Conditions

RESOLUTION NO. 2011-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 11-05, A REQUEST TO CONSTRUCT AND OPERATE A 2,448 SQUARE FOOT DRIVE-THROUGH RESTAURANT (PANDA EXPRESS) WITHIN THE CITRUS STATION (APN: 8383-009-072)

WHEREAS, an application was filed for a Conditional Use Permit by:

ITRA Group, Inc. on behalf of
Panda Restaurant Group
23435 Gold Rush Drive
Diamond Bar, CA 91765

WHEREAS, the Conditional Use Permit is described as:

A request to construct and operate a 2,448 square foot drive-through restaurant with a 288 sq. ft. outdoor dining area (Panda Express) within the Citrus Station.

WHEREAS, the Conditional Use Permit applies to the following described real property:

Assessor Parcel Number: 8383-009-072

WHEREAS, the City Council has received the report and recommendation of such agencies as have submitted information including the written report and recommendation of Staff; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on September 13, 2011 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, the Planning Division Staff has determined that the project was previously reviewed under the Environmental Impact Report for the center.

NOW, THEREFORE, in consideration of the evidence received at the Development Plan Review Board and Planning Commission hearing, and for the reasons discussed by the Board and the City Council at the hearing, and subject to the Conditions attached as "Exhibit A", the City Council now finds as follows:

- A. That the site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking,

loading, landscaping and other features required by this title to adapt the use with land and uses in the neighborhood.

The drive-through restaurant will be constructed and operated on a vacant pad within the Citrus Station. The restaurant meets all the development standards of Specific Plan 24, Area 1 and the parking requirements for a restaurant use.

- B. The site for the proposed use relates to street and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

The site is located on the corner of Gladstone Street and Lone Hill Avenue at the main entrance. The site is accessible from both streets with easy access from the 57 and 210 Freeways. All streets are sufficient in width and pavement type to carry the quantity and kinds of traffic generated by the proposed use.

- C. That the proposed use will be arranged, designed, constructed, operated and maintained so as to be compatible with the intended character of the area and shall not change the essential character of the area from that intended by the general plan and the applicable zoning ordinances.

The overall site design of the drive-through restaurant has taken into account initial noise concerns regarding speakers. The layout of the building and drive-through is designed to minimize the concerns of the adjacent residential properties to the west. The menu speaker post will be on the north side of the building oriented in a northeast direction. The speaker post will be digital with an automatic volume control. The applicant is also proposing a half-wall to minimize the noise and glare from the vehicles in the drive-through lane. The design of the drive-through also meets the requirements of Code Section 18.156.080.E.2 to have a minimum of eight stacking spaces. These and other site designs will help make the proposed restaurant compatible with the existing center and residential properties.

- D. That the proposed use provides for the continued growth and orderly development of the community and is consistent with the various elements and objectives of the general plan.

The proposed drive-through restaurant is similar to other permitted uses (i.e., Olive Garden) which are consistent with the General Plan's Land Use Element. This use will occupy a tenant pad that has been vacant for years which will now bring additional shoppers to the center.

- E. That the proposed use, including any conditions attached thereto, will be established in compliance with the applicable provisions of the California Environmental Quality Act.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the City Council hereby approves Conditional Use Permit 11-05, subject to the applicant's compliance with Conditions in "Exhibit A", attached hereto and incorporated herein. A copy of this Resolution shall be mailed to the applicant.

The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF SEPTEMBER 2011.

Curt Morris, Mayor of the City of San Dimas

Ina Rios, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Resolution No. 2011-43 was passed and adopted at the regular meeting of the City Council held on the 12th day of September 2011, by the following vote-to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit No. 11-05

1. The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers or employees because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers or employees for any Court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
2. The applicant shall comply with all requirements of the Specific Plan 24, Area 1 zone.
3. Conditional Use Permit approval shall expire if approved use has not commenced within one (1) year from the date of approval.
4. This approval is granted for Panda Express a 2,448 sq. ft. drive-through restaurant with a 288 sq. ft. outdoor dining area. Any increase of floor area, or other change in hours and/or operations, shall require review and approval of a new Conditional Use Permit Application and associated material and fees.
5. The hours of operation for the drive-through restaurant (Panda Express) shall be as follows:

Monday through Sunday 11:00 a.m. to 10:00 p.m.
6. All signage, including window signs, shall be in conformance with the Sign Ordinance of the City of San Dimas, and any applicable Sign Program for the building, and shall require review and approval by the Planning Division.
7. The applicant shall construct a 42-inch high split-face wall around the perimeter of the drive-through from the menu speaker post to the pick-up window, in addition to a decorative wrought-iron wall adjacent to the outdoor seating area. The split-face wall will help screen noise and glare from the lights of the vehicles.

8. The applicant shall install the menu speaker post a maximum of three feet from the drive-through drive aisle.
9. The applicant shall install a digital menu speaker post (HME SPP2 with automatic volume control) that has an order menu screen showing the customer's order to avoid the employee reading back the customer's order.
10. The digital menu speaker post system shall have a volume control.
11. The applicant shall provide additional trees and shrubs to screen the drive-through menu board and pick-up window.
12. The pick-up window shall be closed at all times when there are no customers to be served.

End of Conditions



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of September 13, 2011

FROM: Blaine Michaelis, City Manager

FROM: Kristi Grabow, Associate Planner

SUBJECT: **Precise Plan 11-02, DPRB Case No. 11-14, Tree Permit 11-25 & CUP 11-03:** A request to construct and operate a 7,537 square foot sit-down restaurant (Olive Garden) within the Citrus Station. (APN: 8383-009-073)
Environmental: Previously Approved Environmental Impact Report

SUMMARY

This is a request to construct and operate a new 7,537 square foot sit-down restaurant (Olive Garden) within a vacant lot near the existing Costco. The Precise Plan 11-02 and DPRB Case No. 11-14 are for the construction of the restaurant. Tree Permit 11-25 is for the proposed removal of 4 Oak trees due to the construction. Conditional Use Permit 11-03 is for the sale and service of beer, wine and distilled spirits with the restaurant use.

The project was reviewed by the Development Plan Review Board on July 14, 2011, which recommended approval of the project to the Planning Commission.

Staff recommends the Planning Commission recommend approval of the project to the City Council with the design modifications.

The Planning Commission reviewed the proposal on August 18, 2011 and recommended approval to the City Council.

BACKGROUND:

In 2006, the City worked together with the developer of Costco to create a new commercial node for San Dimas. At the time of completion of Costco, there were no other interested parties to develop the vacant sites; however, recently, Staff has received two proposals for the newly renamed the Citrus Station shopping

5.C.1-2

center. Panda Express has submitted an application which will provide an additional fast food location to the community and they expect to be completed at the same time as this proposal to construct a sit-down restaurant, Olive Garden.

With the Olive Garden's proposal of construction, they are requesting approval for a Type 47 On-Sale General Eating Place Alcohol License. The proposal is to offer beer, wine and distilled spirits with the bona fide restaurant use.

ANALYSIS:

PRECISE PLAN, DPRB AND TREE PERMIT:

This is a request to construct a new restaurant located at one of the vacant sites near Costco in the Citrus Station. It is located in the Specific Plan 24, Area 1 Zone, which requires that prior to any grading or construction there must be approval from the DPRB, Planning Commission and City Council. This is to ensure that the proposed construction will enhance the existing character and purpose of Specific Plan 24 and to guarantee that the use of materials will harmonize with the surroundings. The architectural design of the structure is intended to be similar to a Tuscan farmhouse style, which is Olive Garden's signature architecture. The Citrus Station will have design guidelines that will apply to all currently vacant sites to ensure consistency and compatibility. Part of the design guidelines allow for corporate architecture, which this proposal is a good example of. Some notable features of the proposed structure are: exterior stone veneer, Spanish roof tile, decorative brick work within the gables, and wood trellis patios.

The proposed location of the Olive Garden will be in the same parking that will be eventually shared with a 5,000 square foot retail space (not yet proposed); however, the applicant will be paving the entire parking lot for this area. For the restaurant and retail use, a total of 131 parking spaces are required. The applicant is proposing a total of 134 parking spaces.

Due to the proposed construction, the applicant is requesting to remove 4 existing mature Oak trees due to their location in the parking lot and replacing them with a total of twenty-six 36" box Oak trees. At the July 28, 2011, DPRB meeting it was expressed from a few Board members to preserve the tree located closest to the future retail shop. At the August 18th Planning Commission meeting, it was discussed that the amount of replacement trees helps with this loss of the mature oak due to new construction. Another option that was raised by the Commission was to have the replacement trees no smaller than 36" box. The subject Oak tree is seen on Exhibit B and is approximately 30 feet tall with a diameter of the trunk roughly 25-30 inches. The applicant prepared a preliminary design (Exhibit C) to eliminate three parking spaces as possible, in order to attempt to preserve the tree and to incorporate a landscaped area as close to the

existing drip line. Staff is concerned that the grading difference could be an issue for the tree and that there could be a significant amount of construction in the drip line or near the root system.

An item that was brought to Staff and the Planning Commission by the nearby residents was the grading difference between the restaurant location and the homes west of the property (across from Lone Hill Avenue). The residents requested that additional landscape be installed to block headlights from cars in the parking lot. The applicant is open to the idea of installing more landscape; therefore, Staff has made it a Condition of Approval that will satisfy the residents.

CONDITIONAL USE PERMIT:

FLOOR PLAN

Olive Garden will occupy a 7,537 sq. ft. building that has a layout that is familiar to the chain restaurant customers. There will be one large dining room area that is sectioned off into three areas and one separate family room for semi-private parties. The applicant is also proposing a lounge/bar area that will be located separately from the dining rooms, but will be accessible to the waiting area. This lounge/bar offers full service menu; hence, provides "overflow" dining during their busiest hours.

TYPE 47 LICENSE

The applicant has not yet filed a Type 47 License application with the Department of Alcoholic Beverage Control (ABC), but will do so after the City approval. A Type 47 License authorizes the sale of beer, wine and distilled spirits for on-site consumption only. The restaurant must operate and maintain the licensed premises as a bona fide eating place. Minors are allowed on the premises.

OVER CONCENTRATION

Olive Garden is within Census Tract 4012.02, which falls west of the 57 Freeway until Valley Center Avenue, south of 210 freeway and north of West Arrow Highway. This census tract contains a large number of the City of San Dimas and City of Glendora's residential uses along Gladstone Avenue and Lone Hill Avenue. ABC has set an allowable number of four on-site sale alcohol licenses for this tract; but has actually approved eight licenses for the following businesses:

Business Name	Location	Type of ABC License
Coco's Restaurant	1317 S. Lone Hill, Glendora	41 – On Sale Beer & Wine (Eating)
Beverages & More	1397 E. Gladstone, Glendora	42 – On Sale Beer & Wine (Public Premises)
Chili's Grill & Bar	1371 E. Gladstone, Glendora	47 – On Sale General Eating Place

F S Mexican Food	1057 W. Arrow Hwy, San Dimas	41 – On Sale Beer & Wine (Eating)
Chipotle	1365 E. Gladstone, Glendora	41 – On Sale Beer & Wine (Eating)
Sushi Cruise	957 W. Arrow Hwy. San Dimas	41 – On Sale Beer & Wine (Eating)
Wingstop Restaurant	1365 E. Gladstone, Glendora	41 – On Sale Beer & Wine (Eating)

ABC has the authority to approve additional licenses beyond the allowable number under their discretion. When determining the allowable number of licenses ABC does not take into consideration the amount of commercial and retail space within the tract which sometimes can encompass a large portion of the tract, they only consider population numbers. Staff feels that based on the type of license, business and hours of operation, the applicant's proposal is appropriate and would not have a negative effect on the community at large.

HOURS OF OPERTAION

The applicant is proposing the following hours of operation:

Monday thru Sunday 11:00 a.m. to 11:00 p.m.

If the applicant would like to occasionally be open extended hours beyond the conditionally approved hours, they would have the opportunity to apply for a Temporary Use Permit up to four times within a calendar year or apply for an amendment of this CUP.

ENVIRONMENTAL:

A FEIR (Final Environment Impact Report) was approved by Planning Commission in November 2004 and by the City Council February 2005. This FEIR was reviewed and approved for the overall development of the site. The proposed mitigations not only include the development of the Costco, but are for the future pad development. For example, an impact that was identified to be potentially significant but which in fact was determined to be not significant was the aesthetics of the site. The proposal did not substantially degrade the existing visual character or quality of the project site and its surroundings. The site was designed to be consistent with the early California Village architectural theme. The utilization of this then would reflect the surrounding development, improve the visual character and quality of the site, and achieve neighborhood compatibility. Therefore, the proposed construction is in compliance with the applicable provisions of the California Environmental Quality Act.

RECOMMENDATION:

Staff and the Planning Commission recommends the City Council approve Precise Plan 11-02, DPRB Case No. 11-14, CUP 11-03, and Tree Permit 11-25 with Resolution Nos. 2011-44 and 2011-45.

APPENDIX A

GENERAL INFORMATION

Project: Precise Plan 11-02 and D.P.R.B. Case No. 11-14, Tree Permit 11-25, and Conditional Use Permit 11-03.

Applicant: Tyler Holst, Kimley-Horn and Associates, Inc.

Location: Southeast corner of Lone Hill Avenue and Gladstone Street in the Citrus Station (formerly known as the Costco Center) APN: 8383-009-073

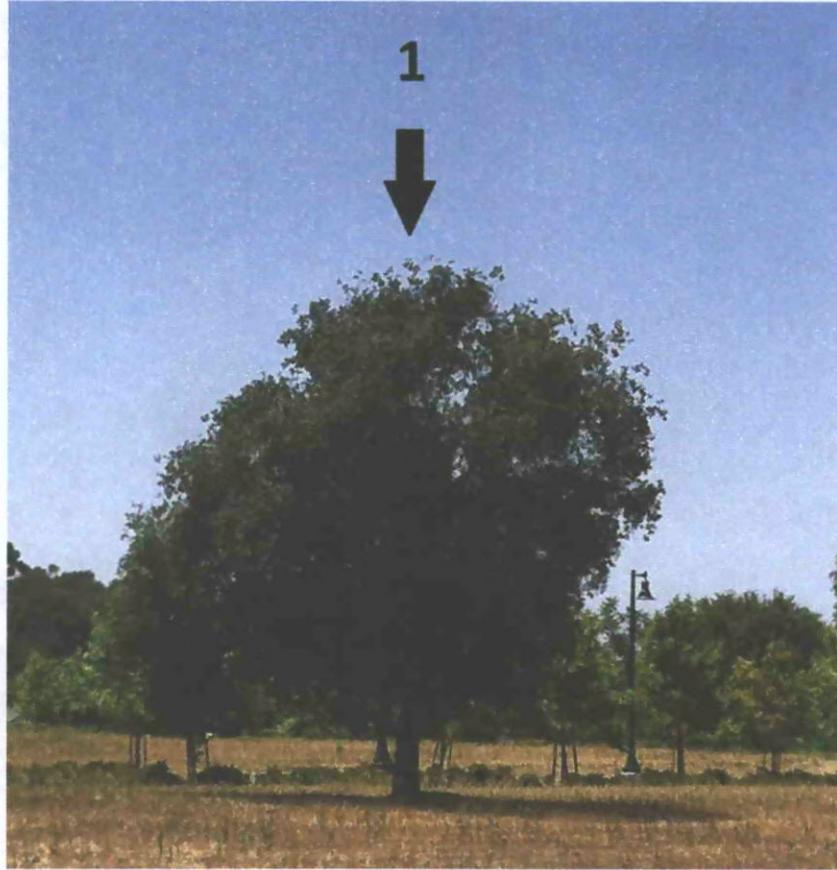
General Plan: Commercial

Surrounding Land Use and Zoning: North: Gas Station, SP-24, Area I Zone
South: Restaurant, SP-24, Area I Zone
East: Costco, SP-24, Area I Zone
West: Residential, SFR-7,500 Zone

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 August 5, 2011.

Environmental: Previously Approved Environmental Impact Report

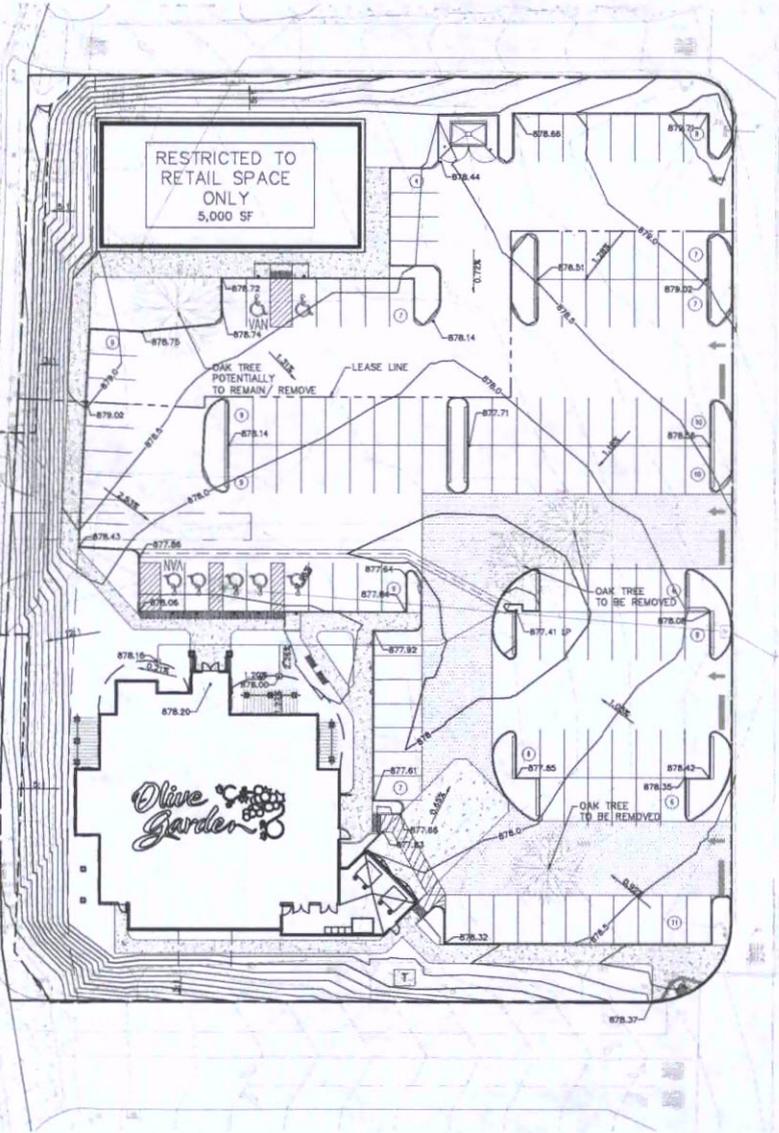
EXHIBIT B TREES PROPOSED FOR REMOVAL





Drawing name: F:\CRA_LDCV\Olive Garden Restaurant\028300003 - 02 San Dimas\CA\O\CA\North\1784-1785\1784-1785.dwg, Aug 04, 2011, 3:58pm, BY: F010442029
 The information on this drawing was prepared by the engineer or architect and is not to be used for any other purpose without the written consent of the engineer or architect.

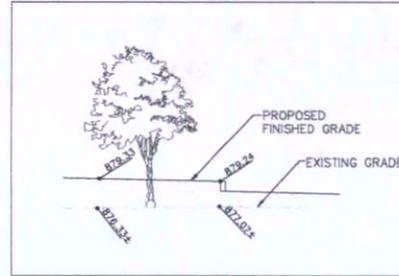
NORTH LONE HILL AVENUE



PARKING CALCULATION:

	REQUIRED	PROVIDED
RESTAURANT (7,537 S.F.)		
STANDARD PARKING SPACES	101	104
ACCESSIBLE PARKING SPACES	5	5
TOTAL PARKING	106	109
CLEAN AIR VEHICLE PARKING	11	11
RETAIL (5,000 S.F.)		
STANDARD PARKING SPACES	23	20
ACCESSIBLE PARKING SPACES	2	2
TOTAL PARKING	25	22*
CLEAN AIR VEHICLE PARKING	1	1

*NOTE: RETAIL PARKING IS 3 UNDER REQUIRED.



SECTION VIEW

- GRADE BREAK
- 800.00 PROPOSED GRADE (EDGE OF PAVEMENT, UNLESS OTHERWISE NOTED)
- EX DENOTES EXISTING FEATURE
- LP DENOTES LOW POINT
- (I) STANDARD DUTY ASPHALT PAVEMENT
- (F) THICKENED CONCRETE PAVEMENT
- STANDARD CONCRETE SIDEWALK
- DETECTABLE WARNING
- (J) HEAVY DUTY ASPHALT PAVEMENT



C·R·H·O
 Architectural Firm
 181 South "Y" Street, 300
 North, California 92781
 TEL 652-1634
 FAX 652-1660
 *
 ARCHITECT'S PROJECT #
 11-130

Kirley-Horn and Associates, Inc.
 178 THE CITY DRIVE, SUITE 400
 CHICAGO, IL 60608
 (773) 688-1000
 CA 00000000
 4000 PROJECT # 0800000

DATE: 07-27-2011
 DRAWN BY: TAYLOR BOLE, P.E.
 REVIEWED BY: TAYLOR BOLE, P.E.
 DATE:

Issue Date: 07-27-2011

REVISION INFORMATION

Restaurant # 4407

OLIVE GARDEN
SAN DIMAS

PROTOTYPE P79L

CITY OF SAN DIMAS CA

DATE: 07-27-2011
 OAK TREE EXHIBIT

EX.1

RESOLUTION NO. 2011-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN REVIEW 11-02 AND DEVELOPMENT PLAN REVIEW BOARD CASE NO. 11-14, A REQUEST TO CONSTRUCT A 7,537 SQUARE FOOT SIT-DOWN RESTAURANT (OLIVE GARDEN) WITHIN THE CITRUS STATION (APN: 8383-009-073)

WHEREAS, an application was filed for a Precise Plan Review by:

Tyler Holst
Kimley-Horn and Associates, Inc.
765 The City Drive #400
Orange, CA 92868

WHEREAS, Precise Plan Review Case No. 11-02 and Development Plan Review Board Case No. 11-14 is described as:

A request to construct a 7,537 square foot sit-down restaurant (Olive Garden) within the Citrus Station.

WHEREAS, this approval applies to the following described real property:

Assessor Parcel Number: 8383-009-073

WHEREAS, the City Council has received the report and recommendation of such agencies as have submitted information including the written report and recommendation of Staff; and

WHEREAS, pursuant to San Dimas Zoning Code Section 18.108.060.A, No person shall construct, relocate, modify, rebuild, and/or alter any building, wall/fence or site plan until a precise plan has been approved by the City Council; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on September 13, 2011 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 Development Plan Review Board and Planning Commission hearings, and for

the reasons discussed by the City Council at the hearing, and subject to the Conditions attached as "Exhibit A", the City Council now finds as follows:

1. The development of the site in accordance with the development plan is suitable for the use or development intended.

The proposal to construct a sit-down restaurant is in accordance with the Specific Plan 24, Area 1 zoning designation. The architectural design and site plan for the project is designed to improve overall site development.

2. The total development is so arranged as to avoid traffic congestion, ensure public health, safety and general welfare and prevent adverse effects on neighboring property.

The applicant is responsible for meeting all circulation and traffic standards imposed by the City of San Dimas. The parking will accommodate the proposed use; all streets are sufficient in width and pavement to carry the quantity and kind of traffic generated by the proposed use. The conditions imposed will ensure that the public health, safety and general welfare will be protected as well as prevent adverse effects on neighboring properties.

3. The development is in general accord with all elements of the General Plan, Zoning Ordinance and all other Ordinances and regulations of the City.

The proposed project is consistent with the General Plan, Zoning Ordinance and all other Ordinances and regulations of the City.

WHEREAS, pursuant to San Dimas Zoning Code Section 18.540.800.C in approving a Precise Plan for any lot within Specific Plan 24, the following additional Findings need to be made in addition to the standard development plan Findings;

4. The proposed improvements will maintain or enhance the existing character and purpose of Specific Plan No. 24, as set forth in Section 18.540.010.

The proposed restaurant will enhance and improve the center with its proposed architecture. The restaurant use will provide a sit-down atmosphere that is needed in the area surrounded by single-family homes.

5. The architectural character, style and use of materials harmonize with the natural setting.

The proposed building has been designed to comply with the development standards of Specific Plan 24, Area 1 and the Design Guidelines of the center.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the City Council hereby approves Precise Plan Review 11-02 and Development Plan Review Board Case No. 11-14, subject to the applicant's compliance with Conditions in "Exhibit A", attached hereto and incorporated herein. A copy of this Resolution shall be mailed to the applicant.

The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF SEPTEMBER 2011.

Curt Morris, Mayor of the City of San Dimas

Ina Rios, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Resolution No. 2011-44 was passed and adopted at the regular meeting of the City Council held on the 12th day of September 2011, by the following vote-to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Exhibit A
CONDITIONS OF APPROVAL
PRECISE PLAN 11-02 & DPRB CASE NO. 11-14

1. The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers or employees because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers or employees for any Court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
2. Copies of the signed Resolution and Conditions shall be included on the plans (full size). The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.
3. The developer shall comply with all requirements of the Specific Plan 24 Zone.
4. The building permits for this project must be issued within one year from the date of approval from City Council or the approval will become invalid. A time extension may be granted under the provisions set forth in Chapter 18.12.070.E.
5. The applicant shall sign an affidavit accepting all Conditions and all Standard Conditions before issuance of building permits.
6. All parking provided shall meet the requirements of Section 18.156 (et. seq.) of the San Dimas Municipal Code.
7. The applicant shall comply with all City of San Dimas Business License requirements and shall provide a list of all contractors and subcontractors that are subject to business license requirements.
8. A detailed sign program shall be prepared to the specifications of the Planning Division and submitted for Development Plan Review Board approval prior to installation of any signs.

DESIGN

9. Location and type of exterior lighting fixtures shall be submitted by the developer to the Planning Division for review and approval prior to installation.

10. Plans for all exterior design features, including, but not limited to, doors, windows and architectural treatments, shall be submitted to the Planning Division for review and approval before issuance of building permits.
11. The developer shall install the parking lot lighting in accordance with a lighting plan showing illumination levels and lighting distribution, as approved by the Planning Division.
12. All roof-mounted equipment and appurtenances shall be totally screened from public view and shall be located below the building parapet. The applicant shall supply a section drawing indicating the parapet height and all proposed roof equipment. In the event additional screening is necessary, it shall be approved by the Planning Division and installed prior to final inspection and occupancy.
13. Trash enclosure (located adjacent to the future retail area) shall be constructed by the developer per City of San Dimas standard plan and shown on the construction plans.
14. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical equipment installed by the developer shall be inconspicuously located and screened, as approved by the Planning Division.
15. Downspout pipes shall be placed on the inside of the buildings or concealed within architectural features of the building. When downspout pipes exit the building within the landscaped area, a splash pad shall be provided subject to review and approval by the Planning Division.
16. All exterior building colors shall match the color and material board on file with the Planning Division. Any revision to the approved building colors shall be submitted to the Planning Division for review and approval.
17. All outdoor storage areas shall be oriented away from the public right-of-way and screened with fencing and/or landscaping, as approved by the Planning Division.
18. Electrical and other service facilities shall be located within an interior electrical room or approved comparable location. All electrical service facilities shall be totally screened from public view, as approved by the Planning Division.

19. There shall be no roof mounted flood lights on the structure or on the trash enclosures.
20. The developer shall install all utilities underground.

LANDSCAPE

21. The developer shall submit to the Planning Division, prior to the issuance of building permits, detailed landscaping and automatic irrigation plan prepared by a State registered Landscape Architect. All landscaping and automatic irrigation shall be installed and functional prior to occupancy of the building(s), in accordance with the plans approved by the Planning Division.
22. The developer shall show all proposed transformers on the landscape plan. All transformers shall be screened with landscape treatment such as trellis work or block walls with climbing vines or City approved substitute.
23. All slopes over three- (3) feet in vertical height shall be irrigated and landscaped as approved by the Planning Division.
24. Additional landscape shall be installed along the western property line to block vehicle lights from the nearby residents.
25. Water efficient landscapes shall be implemented in all new and rehabilitated landscaping for developer-installed landscaping in single-family and multi-family projects, and in private development projects that require a grading permit, building permit or use permit, as required by Chapter 18.14 of the San Dimas Municipal Code.

BUILDING DIVISION – (909) 394-6260

26. Submit to the Building Division of the City of San Dimas plans to be forwarded for review by the Los Angeles County Fire Department. Plans may include, access, fire sprinklers, mechanical ventilation, and any other applicable items regulated under the Fire Code.
27. Comply with the 2010 edition of the codes as adopted by reference by the City of San Dimas: California Building Code, California Mechanical Code, California Plumbing Code, California Electrical Code, and the California Green Building Standard Code.
28. Comply with the latest disabled access regulations as found in the CA Code of Regulations and the Americans with Disabilities Act (parking, access, interior accessibility). Note, restaurant shall also be made pedestrian accessible from City sidewalk.

29. Comply with California Title 24 Energy requirements for all new lighting, insulation, and mechanical equipment.
30. Applicant to submit justifying structural calculations at time of initial plan review.
31. Applicant to submit a site grading plan prepared by a licensed engineer.
32. Applicant to submit a copy of the soils report (with recent addendum) which makes recommendations for foundation and pavement section design. Compaction reports required prior to City inspection.
33. Occupancy shall not be granted until all improvements required as part of the approval have been completed in full, and approved or finalized by the appropriate department.
34. Plans shall be submitted to LA County Health Department for approval.
35. Plans to be submitted to LA County Industrial Waste for approval

PUBLIC WORKS DIVISION – (909) 394-6240

36. The developer shall install sanitary sewers to serve the entire development to the specifications of the City Engineer.
37. The developer shall request, in writing, a flood hazard report from the City Engineer, and meet all conditions as set forth in Title 15, Chapter 15.60 of the San Dimas Municipal Code.
38. The developer shall provide drainage facilities to carry runoff of storm waters in the area proposed to be developed, and for contributory drainage from adjoining properties. A Hydrology Study for the site and contributory drainage will be required.
39. The developer shall provide sewer, drainage and Reciprocal Access Easements for the development to the satisfaction of the City Attorney and the Director of Development Services.
40. For all non-exempt projects which disturb less than one- (1) acre of soil and are not part of a larger common plan of development which in total disturbs one acre or more, applicant must submit a signed certification statement declaring that contractor will comply with Minimum Best Management Practices (BMPs) required by the National Pollutant Discharge Elimination System (NPDES). In order to manage storm water drainage during construction, one or more of the following

measures shall be implemented to prevent flooding of adjacent property, prevent erosion and retain soil runoff on the site:

- i. Retention basins of sufficient size shall be utilized to retain storm water on the site.
 - ii. Where storm water is conveyed to a public drainage system, collection point, gutter, or similar disposal method, water shall be filtered by use of a barrier system, wattle, or other method approved by the enforcing agency.
 - iii. Compliance with a lawfully enacted storm water management ordinance.
41. For projects which disturb soil during wet season, applicant must submit a signed certification statement declaring that contractor will comply with Minimum Best Management Practices (BMPs) required by the National Pollutant Discharge Elimination System (NPDES), and also submit a Local Storm Water Pollution Prevention Plan/Wet Weather Erosion Control Plan.
 42. The developer shall provide mailboxes per City of San Dimas standards. Mailbox locations are subject to the approval of the local postmaster.
 43. The developer shall submit water plans to be reviewed and approved by the City Engineer and the Los Angeles County Fire Department.
 44. The Developer shall be responsible for any repairs within the limits of the development, including streets and paving, curbs and gutters, sidewalks, and street lights, or the installation of same where not existing, as determined by the City Engineer.
 45. All work adjacent to or within the public right-of-way shall be subject to review and approval of the Public Works Department.

PARKS & RECREATION – (909) 394-6230

46. The developer shall comply with City regulations regarding property development tax. Fees shall be paid prior to issuance of building permits.

RESOLUTION NO. 2011-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING OF CONDITIONAL USE PERMIT 11-03, A REQUEST TO AUTHORIZE THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR ON-SITE CONSUMPTION (TYPE 47 LICENSE) IN CONJUNCTION WITH A PROPOSED RESTAURANT, OLIVE GARDEN, LOCATED WITHIN THE CITRUS STATION SHOPPING CENTER (APN 8383-009-073)

WHEREAS, an application was filed for a Precise Plan Review by:

Tyler Holst
Kimley-Horn and Associates, Inc.
765 The City Drive #400
Orange, CA 92868

WHEREAS, Conditional Use Permit 11-03 is described as:

A request to conduct on-site sales and consumption of beer, wine and distilled spirits (Type 47 License) in conjunction with the operation of an Olive Garden Restaurant.

WHEREAS, this approval applies to the following described real property:

Assessor Parcel Number: 8383-009-073

WHEREAS, the City Council has received the report and recommendation of such agencies as have submitted information including the written report and recommendation of Staff; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on September 13, 2011 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 Development Plan Review Board and Planning Commission hearings, and for the reasons discussed by the City Council at the hearing, and subject to the Conditions attached as "Exhibit A", the City Council now finds as follows:

- A. That the site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title to adapt the use with land and uses in the neighborhood.

The proposed restaurant will be constructed and operated on a vacant pad within the Citrus Station. The restaurant will meet all the development standards of Specific Plan 24, Area 1 and the parking requirements for a restaurant use.

- B. The site for the proposed use relates to street and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

The site is located on the corner of Gladstone Street and Lone Hill Avenue at the main entrance. The site is accessible from both streets with easy access from the 57 and 210 Freeways. All streets are sufficient in width and pavement type to carry the quantity and kinds of traffic generated by the proposed use.

- C. That the proposed use will be arranged, designed, constructed, operated and maintained so as to be compatible with the intended character of the area and shall not change the essential character of the area from that intended by the general plan and the applicable zoning ordinances.

The on-site sale of alcoholic beverages is conditionally allowed in the Specific Plan 24 Zone. Currently, there will be no other restaurant uses with on-site sale of alcohol, but there will be other food uses (i.e., Panda Express) nearby. The proposed business is a sit-down restaurant with the on-site sale of alcohol as a secondary use. Therefore, the sale of alcoholic beverages for on-site consumption will not negatively impact the character of the area.

- D. That the proposed use provides for the continued growth and orderly development of the community and is consistent with the various elements and objectives of the general plan.

The proposed restaurant use with on-site sale of alcohol is similar to other permitted uses which is consistent with the General Plan's Commercial Land Use Element. This use will occupy a tenant pad that has been vacant for years which will now bring additional customers to the center.

- E. That the proposed use, including any conditions attached thereto, will be established in compliance with the applicable provisions of the California Environmental Quality Act.

The proposed on-site sale of alcohol use with a proposed restaurant will be in compliance with the provisions of the California Environmental Quality Act because the proposed use will occur entirely indoors. The construction of the restaurant will be in compliance with the FEIR that was approved with the construction of the overall site.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the City Council hereby approves Conditional Use Permit 11-03, subject to the applicant's compliance with Conditions in "Exhibit A", attached hereto and incorporated herein. A copy of this Resolution shall be mailed to the applicant.

The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF SEPTEMBER 2011.

Curt Morris, Mayor of the City of San Dimas

Ina Rios, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Resolution No. 2011-45 was passed and adopted at the regular meeting of the City Council held on the 12th day of September 2011, by the following vote-to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Exhibit A
CONDITIONS OF APPROVAL
Conditional Use Permit No. 11-03

1. The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers or employees because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers or employees for any Court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
2. The applicant shall comply with all requirements of the Specific Plan 24, Area 1 Zone.
3. The applicant shall sign an affidavit accepting all conditions prior to alcohol sales.
4. Conditional Use Permit approval shall expire if approved use has not commenced within one (1) year from the date of approval.
5. Approval is granted for the sales of alcoholic beverages (beer, wine and distilled spirits) for the on-site sale and consumption contingent upon Type-47 License being issued by the Department of Alcoholic Beverage Control (ABC). If a Type-47 License is not obtained, then this approval shall become null and void.
6. The conditional use permit shall allow the sale of beer, wine and distilled spirits for on-site consumption accompanying the restaurant use.
7. At all times when the restaurant is open for business, the sale and service of beer and wine shall be made in conjunction with the sale and service of food. The restaurant business is prohibited from serving alcohol when the kitchen is not in operation.
8. The premises shall be maintained as a bona fide restaurant and shall provide a menu containing an assortment of food.
9. Change of the ABC license to a different license type shall first require review and approval of a new Conditional Use Permit Application and associated material and fees.
10. This approval is granted for Olive Garden located at APN 8383-009-073. Any increase of floor area, or other change in operation, shall require

review and approval of a new Conditional Use Permit Application and associated material and fees.

11. The sale and service of alcohol shall only be allowed during the approved business hours, which are as follows:

Monday thru Sunday 11:00 a.m. to 11:00 p.m.
12. Alcoholic beverages shall not be sold to any persons under the age of 21.
13. There shall be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating availability of alcoholic beverages.
14. The sale of beer, wine and distilled spirits for consumption off-premises is prohibited.
15. No alcohol shall be consumed outside of the restaurant unless a Conditional Use Permit is approved by the City of San Dimas and the Department of Alcoholic Beverage Control (ABC) allowing such use.
16. The applicant shall comply with all regulations of the Alcoholic Beverage Control Act and shall comply with all licensing conditions imposed by the State of California.
17. The owner and manager of the restaurant shall attend the department of Alcoholic Beverage Control – Licensee Education on Alcohol and Drugs (LEAD) training class within six months of approval of Conditional Use Permit No. 11-03. Documents on proof of attendance shall be provided to the City of San Dimas upon completing the LEAD training class. Any new owners or managers of the restaurant shall attend the LEAD training class within three months of obtaining a business license to operate the restaurant use.
18. The applicant shall obtain a health permit from the Los Angeles County Department of Health Services prior to serving alcohol. This Conditional Use Permit shall become null and void if there is no valid health permit.
19. This Conditional Use Permit shall also be reviewed by the Planning Commission when, in the opinion of the Director of Development Services, sufficient complaints are received regarding the proposed use to warrant Planning Commission review. Failure to comply with any of the conditions contained herein shall result in the matter being set for Revocation of Use hearing in accordance with Chapter 18.200 of the San Dimas Municipal Code.

20. All signage, including window signs, shall be in conformance with the Sign Ordinance of the City of San Dimas, and any applicable Sign Program for the building, and shall require review and approval by the Planning Division.
21. There shall be sufficient interior light to make easily discernible the appearance and conduct of all persons in the premises. This is to assist in enforcement so far as minors and intoxicated persons are concerned and to discourage theft or other criminal activity.



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of September 13, 2011

From: Blaine Michaelis, City Manager *BM*

Initiated by: Kristi Grabow, Associate Planner

Subject: **ORDINANCE NO. 1207**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA APPROVING MUNICIPAL CODE TEXT AMENDMENT 11-02, AMENDING THE PARKING DESIGN SECTION 18.140.090.C.6II(B) AND SUB-AREA D (SINGLE FAMILY) 18.140.090.C.3.C IN THE CREATIVE GROWTH AREA 3 ZONE

SUMMARY

Ordinance No. 1207 modifies the Creative Growth, Area 3 Zone (CG-3), Tandem Parking Design Section 18.140.090.C6.ii.(B) and Sub-Area D (Single Family) Permitted Uses 18.140.090.C.3.c section.

The City Council introduced Ordinance No. 1207 at their August 23, 2011 meeting.

RECOMMENDATION

Adopt Ordinance No. 1207.

6.a.1

ORDINANCE NO. 1207

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING MUNICIPAL CODE TEXT AMENDMENT 11-02, AMENDING THE PARKING DESIGN SECTION 18.140.090.C.6.II(B) AND SUB-AREA D (SINGLE FAMILY) 18.140.090.C.3.C IN THE CREATIVE GROWTH AREA 3 ZONE.

WHEREAS, a Municipal Code Text Amendment application was filed by Olson Company, Drafting and Design, Ltd., and 301 San Dimas Avenue, LLC; and

WHEREAS, a Municipal Code Text Amendment application was initiated by the Planning Commission on July 7, 2011; and

WHEREAS, the Municipal Code Text Amendment is described as a request to modify the Creative Growth, Area 3 Zone (CG-3), Tandem Parking Design Section 18.140.090.C.6.ii.(B) and Sub-Area D (Single Family) Permitted Uses 18.140.090.C.3.c Section; and

WHEREAS, the Municipal Code Text Amendment would only affect the Creative Growth Area 3; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on August 4, 2011 and, following the conclusion of that hearing, adopted Resolution No. PC 1444 recommending approval of the application upon certain stated conditions; and

WHEREAS, notice was duly given of the City Council public hearing on the matter and that public hearing was held on August 23, 2011 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, the City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, including written and oral staff reports, together with public testimony, the City Council now finds as follows:

- A. The proposed Municipal Code Text Amendment will not adversely affect adjoining property as to value or precedent or be detrimental to the area.

The proposed amendments to the Creative Growth Area 3 Zone will not adversely affect or be detrimental to the surrounding area. In fact, the Creative Growth Area 3 is designed to provide the flexibility to allow commercial, office, service and live/work uses as well as residential uses that are designed to blend with the traditional design standards of the area. The proposed amendments will allow for more flexibility to create well designed projects.

- B. The proposed Municipal Code Text Amendment will further the public health, safety and general welfare.

The proposed amendments will adjust a minor development standard for parking design and create a more complete neighborhood. Therefore, the Municipal Code Text Amendment will further the public health, safety and general welfare.

- C. The proposed Municipal Code Text Amendment is consistent with the General Plan.

The proposed amendment is consistent with the General Plan. The current proposal only amends development design and standards.

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

SECTION 1. Title 18, Chapter 140, Exhibit A, of the San Dimas Municipal Code is hereby amended as set forth in attached 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 23rd DAY OF AUGUST, 2011.

Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

Ina Rios, CMC, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance 1207 was passed and adopted at the regular meeting of the City Council held on the 13th day of September 2011, by the following vote-to-wit:

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. 1202 to be published in the Inland Valley Daily Bulletin.

Ina Rios, CMC, City Clerk

EXHIBIT "A"

MUNICIPAL CODE TEXT AMENDMENT 11-02

1. Amend Section 18.140.090.C.6.d.ii.(B) by deleting the strike through:

" Tandem parking spaces may be used for a maximum of twenty percent of all required spaces within a project ~~and shall only be permitted for units with not more than one bedroom~~ and shall be a minimum of ten feet, six inches wide and nineteen feet deep per space".

2. Amend Section 18.140.090.C.3.c by adding the underlined and deleting the strike through:

"c. Sub-Area D-Single Family. Up to ~~four~~ five detached single-family residential units."



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of September 13, 2011

FROM: Blaine Michaelis, City Manager *BM*

SUBJECT: Request to utilize Prop A transportation funds for an educational trip for 5th Grade Students at Ekstrand School October 3, 2011

SUMMARY

Ekstrand Elementary school puts together an annual 5th Grade Science Camp with the objective that all students are able to attend. The school relies on donations to address the \$5,000 cost for the program. A request has been made to see if the city could provide assistance by addressing the \$1,200 in transportation costs from Prop A Funds. This item is on the agenda for the city council to consider this request.

There are sufficient funds in the Prop A fund to address this request. Should the council desire to approve the allocation of Prop A funds, the following procedures are necessary:

1. When Prop A Funds are used for educational or recreational trips, members of the public desiring to ride must be accommodated.
2. It is best that the city makes the contribution in the form of payment of an invoice for transportation services rendered. In other words, after the camp, the city will pay for transportation services after receiving an invoice for the actual cost up to \$1,200.

Should council desire to approve the appropriation of Prop A funds in the amount of \$1,200 please include the 2 provisions above in the motion.

RECOMMENDATION

Council pleasure

Attachment: Letter from Ekstrand Principal Lucinda Newton regarding the program.

7.2



Ekstrand Elementary School

A Title I Academic Achieving School

400 N. Walnut Avenue San Dimas, California 91773 (909) 971-8203 Fax (909) 971-8253
Lucinda Newton, Principal

Superintendent

Gary Rapkin, Ed.D.

Assistant Superintendents

*Lois Klein – Educational Services
Curtis Frick – Human Resources Development
Ann Sparks – Business Services*

Board of Education

*Glenn Creiman
Jim Elliot
Patti Latourelle
Diane Koach
Chuck Coyne*

July 20, 2011

Dear Community *Member*:

Ekstrand Elementary School's 5th graders would like to ask for your help. We are raising money for our annual 5th Grade Science Camp on October 3, 2011. Our school relies heavily on parent and community support to create a culture of "all students going to science camp". This coming year will be exceptionally challenging as the state budget has been cut again and many enrichment programs and resources are no longer available.

Science camp takes place in Big Bear, California where our 5th grade students establish and experience an atmosphere that makes use of trust, support, encouragement and communication. They participate in a hands-on-look at their 5th grade science standards, with an understanding of the plants and animals in their environment every day. This is an opportunity for many of our students that they would not otherwise experience.

This is a worthwhile program that seeks your sponsorship to continue. Please make a donation of any amount to Ekstrand Elementary Science Camp. By September 1st, we must collect \$5,000 in donations to support those students in need of scholarships.

We have been successful in the past and hope that we can count on your donation for the 2011-2012 5th grade science camp. We plan on thanking our sponsors in our school newsletter and website that reaches over 500 families.

Please help us make a difference in the lives of students in our community. Your donation is tax deductible. If you have any questions please feel free to contact us at newton@bonita.k12.ca.us or call at (909) 971-8203.

Sincerely yours,

Mrs. Lucinda Newton
Principal
Ekstrand Elementary School
TAX ID# 95-6006170



MINUTES
SAN DIMAS REDEVELOPMENT AGENCY MEETING
TUESDAY, AUGUST 23, 2011
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

PRESENT:

Chairman Curtis W. Morris
Vice Chairman Jeffrey W. Templeman
Mr. Emmett G. Badar
Mr. Denis Bertone
Mr. John Ebner
Executive Director Blaine Michaelis
Agency Attorney Ken Brown
Secretary Ina Rios
Assistant City Manager of Community Development Larry Stevens
Assistant City Manager Ken Duran
Director of Development Services Dan Coleman
Director of Public Works Krishna Patel
Facilities Manager Karon DeLeon

ABSENT:

Director of Parks and Recreation Theresa Bruns

CALL TO ORDER

Chairman Morris called the meeting of the Redevelopment Agency to order at 9:38 p.m.

ORAL COMMUNICATIONS *(This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.)*

There were no comments.

APPROVAL OF MINUTES

It was moved by Mr. Badar, seconded by Mr. Bertone, to approve the minutes of the August 9, 2011 meeting. The motion carried 4.1; Mr. Ebner abstained.

EXECUTIVE DIRECTOR

- 1) Update on redevelopment projects.
- 2) Adoption of Agency Enforceable Obligation Payment Schedule

Deputy Executive Director Duran stated that AB 26 requires that all Redevelopment Agencies adopt a schedule of Enforceable Obligation Payments prior to August 29, 2011. Staff recommends that the Agency adopted the proposed schedule.

In response to Chairman Morris, Mr. Duran replied that Charter Oak Mobile Home Park is controlled, owned and entitled by the San Dimas Housing Authority Corporation; therefore, the Mobile Home Park is protected and not included in the Payment Schedule.

It was moved by Mr. Templeman, seconded by Mr. Ebner, to adopt the proposed Enforceable Obligation Payment Schedule. The motion carried unanimously.

8.6

MEMBERS OF THE AGENCY

There were no comments.

ADJOURNMENT

Chairman Morris adjourned the meeting at 9:44 p.m.

Respectfully submitted,

Ina Rios, Secretary



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of September 13, 2011

From: Blaine Michaelis, City Manager

Initiated by: Theresa Bruns, Director of Parks and Recreation

Handwritten initials "TB" in black ink.

Subject: Golf Course Advisory Committee

SUMMARY

There is one vacancy on the Golf Course Advisory Committee. Mayor Morris and City Manager Michaelis interviewed five applicants on Tuesday, August 30, 2011.

Committee Member Don Green has served three terms and is not eligible for reappointment. There is one vacancy on the Golf Course Advisory Committee.

The vacancy was advertised and applications were accepted until Friday, August 12, 2011. Candidates who had previously submitted applications and expressed a willingness to serve were also considered for this opening.

On Tuesday, August 30, 2011, Mayor Morris and City Manager Michaelis conducted interviews and will recommend appointment.

RECOMMENDATION

Pleasure of the Council.

q.d. l