



AGENDA
REGULAR CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 24, 2013, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.

CITY COUNCIL:

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

1. CALL TO ORDER AND FLAG SALUTE

2. ANNOUNCEMENTS

- San Dimas Parks and Recreation Department Bowser Bash event on Saturday, October 12, 2013 at Horsethief Canyon Park

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

- a. Members of the Audience

4. CONSENT CALENDAR

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

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **RESOLUTION NO. 2013- 50, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF SEPTEMBER 2013.**
- b. Approval of minutes for regular meeting of September 10, 2013.
- c. City Consent to the Purchase of American Golf Corporation by Fortress Investment Group, LLC

END OF CONSENT CALENDAR

5. PUBLIC HEARINGS

- a. Item Continued from the August 27, 2013 City Council Meeting
C.U.P. 12-06, continued off-site sale of beer and wine
C.U.P. 12-07, Redevelopment of a new gas station
Appeal D.P.R.B. Case No. 12-19, for the demolition of the existing 1,568 sq.ft.gas station attendant building/convenience store and construction of a new 2,561 sq. ft. attendant building and convenience store with take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and re-landscaped. 105 E. Arrow Highway (APN: 8390-018-023)

6. PLANNING/DEVELOPMENT SERVICES

- a. **M.C.T.A. 13-04** - Consideration of a City initiated request for Municipal Code Text Amendment Case No. 13-04 to make alterations to San Dimas Municipal Code Section 18.184 Home Occupations

**ORDINANCE 1224 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING MUNICIPAL CODE TEXT AMENDMENT 13-04, AMENDING CHAPTER 18.184 OF THE SAN DIMAS MUNICIPAL ZONING CODE
SECOND READING AND APPROVAL**

- b. **M.C.T.A. 10-06** - A request to delete the reverse/turn around gas station design from the Creative Growth Zone, Area 3A

**ORDINANCE 1225 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING MUNICIPAL CODE TEXT AMENDMENT 10-06, DELETING THE REVERSE/TURN AROUND GAS STATION DESIGN WITHIN THE CREATIVE-GROWTH, AREA 3A ZONE -
SECOND READING AND APPROVAL**

- c. Preliminary review of the Housing Element

7. OTHER BUSINESS

- a. Discussion of MOU between the City of San Dimas and the Watershed Conservation Authority for the Walnut Creek Habitat & Open Space Project.

8. 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) Councilmembers' report on meetings attended at the expense of the local agency.
 - 2) Individual Members' comments and updates.

9. ADJOURNMENT

The next meeting is on October 8, 2013, 7:00 p.m.

AGENDA STAFF REPORTS: COPIES OF STAFF REPORTS AND/OR OTHER WRITTEN DOCUMENTATION PERTAINING TO THE ITEMS ON THE AGENDA ARE ON FILE IN THE OFFICE OF THE CITY CLERK AND ARE AVAILABLE FOR PUBLIC INSPECTION DURING THE HOURS OF 8:00 A.M. TO 5:00 P.M. MONDAY THROUGH FRIDAY. INFORMATION MAY BE OBTAINED BY CALLING (909) 394-6216. CITY COUNCIL MINUTES AND AGENDAS ARE ALSO AVAILABLE ON THE CITY'S HOME PAGE ON THE INTERNET:

<http://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 CITY HALL DURING NORMAL BUSINESS HOURS. [PRIVILEGED AND CONFIDENTIAL DOCUMENTS EXEMPTED]

POSTING STATEMENT: ON SEPTEMBER 20, 2013, A TRUE AND CORRECT COPY OF THIS AGENDA WAS POSTED ON THE BULLETIN BOARDS AT 245 EAST BONITA AVENUE (SAN DIMAS CITY HALL); 145 NORTH WALNUT AVENUE (LOS ANGELES COUNTY PUBLIC LIBRARY, SAN DIMAS BRANCH); AND 300 EAST BONITA AVENUE (UNITED STATES POST OFFICE); AND AS A CONVENIENCE, AT THE VONS SHOPPING CENTER (PUENTE/VIA VERDE) AND THE CITY'S WEBSITE AT WWW.CITYOFSANDIMAS.COM/MINUTES.CFM.

RESOLUTION NO 2013-50

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN DIMAS, CALIFORNIA, APPROVING
CERTAIN DEMANDS FOR THE MONTH OF SEPTEMBER 2013**

WHEREAS, the following listed demands have been audited by the Director of Finance;
and

WHEREAS, the Director of Finance has certified as to the availability of funds for
payment thereto; and

WHEREAS, the register of audited demands have been submitted to the City Council for
approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Dimas
does hereby approve Warrant Register: 09/30/13; (145181-145305) in the amount of
\$890,102.19.

PASSED, APPROVED AND ADOPTED THIS 24th DAY OF SEPTEMBER 2013.

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

ATTEST:

Debra Black, Deputy City Clerk

I HEREBY CERTIFY that the foregoing Resolution was adopted by vote of the City
Council of the City of San Dimas at its regular meeting of September 24th, 2013 by the following
vote:

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

Debra Black, Deputy City Clerk

ACS FINANCIAL SYSTEM
09/19/2013 08:29:55

Disbursement Journal

CITY OF SAN DIMAS
GL0508-V07.23
GL540R
COVERPAGE

Report Selection:

RUN GROUP... 093013 COMMENT... 9/30/13 WARRANT REGISTER

DATA-JE-ID DATA COMMENT

D-09302013-549 9/30/13 WARRANT REGISTER

Run Instructions: Copies Form Printer Hold Space LPI Lines CPI CP SP
Jobq Banner 01 N P4 8 068 10

Disbursement Journal
 BANK OF AMERICA
 PO# F 9 S ACCOUNT

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
145181	09/30/13	ACT NOW! SIGNS	BANNER FAMILY BICYCLE	539.55		16996		N D 110.213.735
145182	09/30/13	ALBERTSON'S	HAPPY HOUR 9/12	16.33		9/12/13		N D 001.4420.013.003
145182	09/30/13	ALBERTSON'S	COUNTRY FAIR 9/13	4.99		9/13/13		N D 001.4420.013.003
			COUNTRY FAIR 9/13	164.88		9/13/13		N D 001.4420.013.003
				186.20		TOTAL		
						*CHECK		
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	10.50		14006306111		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	10.50		14006445223		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	31.00		14006445223		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	31.50		14006445225		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	19.80		14006445225		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	TOWELS	14.80		14006445226		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	31.50		14006445226		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	31.50		14006449926		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	19.80		14006449929		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	14.40		14006449930		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	31.10		14006449931		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	19.40		14006449931		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	31.10		14006449933		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	19.50		14006449933		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	47.00		14006449934		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	31.10		14006449934		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	27.00		14006449934		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	28.00		14006449934		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	28.00		1422692		N D 001.4311.029.000
145183	09/30/13	AMERLIDPRIDE	UNIFORMS	13.30		1422692		N D 001.4311.029.000
				302.30		TOTAL		
						*CHECK		
145184	09/30/13	ANTONIEWICZ/MARA	REFUND PALA CASINO	13.00		143115		N D 001.367.002
145185	09/30/13	ARCHITERRA DESIGN GR	PLN CK- DPRB 12-17	1,156.65		17512		N D 110.211.830
145186	09/30/13	ASHTON VANCE & ASSOC	AUG-STRUC PLAN CK S 2,	500.00		14106		N D 001.4311.020.001
145187	09/30/13	BERGQUIST-DEVOE/CARL	PIANO- SEPT/13	428.40				M D 001.4420.020.000
145188	09/30/13	BERTONE/DENIS	MILEAGE 7/18-9/12/13	333.35				N D 001.4110.021.000
145189	09/30/13	BLACK/DEBRA	MILEAGE REIMB/9/10-9/	152.32				N D 001.4110.021.000
145190	09/30/13	BOOMERANG BLUEPRINT	6 SQ FT MYLAR	30.47		273160		N D 001.4310.033.000
145190	09/30/13	BOOMERANG BLUEPRINT	6 SQ FT PLT STAPLING	67.91		273274		N D 001.4311.018.000
145190	09/30/13	BOOMERANG BLUEPRINT	6 SQ FT BOND COPY	96.90		273275		N D 012.4412.041.001
				195.28		TOTAL		
						*CHECK		
145191	09/30/13	BRUMWITT/JUDITH	REFUND PALA CASINO	6.50				N D 001.367.002

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA								
145192	09/30/13	C & E LUMBER CO	11320 LUMBER	363.00		10065		N D 001.4341.033.000
145193	09/30/13	CALIFORNIA PARK & RE	10347 CPERS CONF MAR 4-7/14	1,137.00				N D 001.4420.021.000
			1,895.00					N D 001.4450.434.000
*CHECK TOTAL								
145194	09/30/13	CASTRO/RICHARD	.00004 REFUND/CITATION #37163	25.00				N D 001.3321.001
145195	09/30/13	CBeyond	12524 #113731-8/8-9/6/13	886.88		14066008		N D 001.4190.020.034
			1,485.34			14071647		N D 001.4190.020.034
*CHECK TOTAL								
145196	09/30/13	CHARTER OAK MOBILE H	11850 OCT RENT- FRIEND #49	162.00				N D 034.341.034
			482.00					N D 034.341.034
*CHECK TOTAL								
145197	09/30/13	CHICAGO DISTRIBUTION	10865 PARKING REFORM MADE EA	52.14		7528221		N D 001.4309.016.000
145198	09/30/13	COELHO/BECKY	10613 PILATES- SEPT/13	538.56				M D 001.4420.020.000
145199	09/30/13	COLLEY AUTO CARS INC	12096 EQUIPMENT REPAIR #52	40.00		50781		N D 001.4342.020.001
145200	09/30/13	COMBINED MARTIAL SCI	15684 HATHA YOGA- SEPT/13	85.00				N D 001.4420.020.000
145201	09/30/13	COMPUTER SERVICE COM	11690 JUL-AUG- WO 2953-29	5,593.54		3864-191		N D 007.4345.020.002
			11690 AUG-SEPT- WO 2953-29	80,966.01		14071647		N D 007.4345.020.002
			11690 AUG-STRENGTH MAINT	371.25		7/31/13		N D 007.4345.020.002
			11690 JULY WO 2944-2952	355.75				N D 007.4341.020.003
*CHECK TOTAL								
145202	09/30/13	COMPUTER VILLAGE	11695 30 HOURS BLOCK OF T	2,550.00		129356		N D 001.4190.020.002
145203	09/30/13	CORODATA	10678 AVG- RECORD STORAGE	120.30		RS4040944		N D 001.4190.019.000
145204	09/30/13	CROWNLINE GENERAL CO	10817 ALLEY K RECONSTRUC	36,600.89		4		M D 012.210.003
			49,534.02					M D 012.210.003
*CHECK TOTAL								
145205	09/30/13	D.H. MAINTENANCE SER	11950 SEPT- WALKER HOUSE	85.00		16012		N D 003.4410.023.001
			11950 SEPT- LADDERA/MARCHANT	881.00		16012		N D 001.4410.023.000
			11950 SEPT-C.H. COMM BID	3,537.00		16012		N D 001.4411.023.000
			11950 SEPT-SENTR COM	1,541.00		16012		N D 001.4412.023.000
			11950 SEPT-SWIM & RACQUET	1,128.00		16012		N D 001.4430.023.000
			7,172.00					N D 001.4430.023.000
*CHECK TOTAL								
145206	09/30/13	DAILY BULLETIN	11961 AVG/LEGAL ADVERTISI	1,019.08		136529		N D 001.4120.010.000
145207	09/30/13	DEPARTMENT OF JUSTIC	10155 AVG-FINGERPRINT APPS	128.00		990489		N D 001.4150.020.000

Disbursement Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
145208	09/30/13	E L LANDSCAPE SERVIC	REPAIR FENCE HORSETHI	615.00		003-2820		M D 012. 4410. 929. 002
145208	09/30/13	E L LANDSCAPE SERVIC	FENCE REPAIRS	150.00		003-2876		M D 012. 4410. 929. 002
				765.00		*CHECK TOTAL		
145209	09/30/13	ESPARZA/LIZET	REFUND/DEPOSIT COMM B	500.00				N D 001. 341. 002
145210	09/30/13	EWING IRRIGATION PRO	ROOT BARRIER LP	587.51		6889469		N D 012. 4841. 650. 001
145210	09/30/13	EWING IRRIGATION PRO	IRRIG SUPPLIES	86.99		6924818		N D 012. 4841. 650. 001
145210	09/30/13	EWING IRRIGATION PRO	IRRIG SUPPLIES	128.03		6932212		N D 012. 4841. 650. 001
145210	09/30/13	EWING IRRIGATION PRO	IRRIG SUPPLIES	26.49		6944189		N D 012. 4841. 650. 001
145210	09/30/13	EWING IRRIGATION PRO	IRRIG SUPPLIES	31.78		6945764		N D 012. 4841. 650. 001
145210	09/30/13	EWING IRRIGATION PRO	IRRIG SUPPLIES	56.33		6992170		N D 012. 4841. 650. 001
				917.13		*CHECK TOTAL		
145211	09/30/13	EXCEPTIONAL CHOICE L	INSPECTION SERVICE	4,464.00		1002		N D 012. 4841. 658. 011
145212	09/30/13	GALVEZ/VICTORIA	ZUMBA/YOGALATES SEPT/	527.00				M D 001. 4420. 020. 000
145213	09/30/13	GANAHL LUMBER COMPAN	TREATING	637.65		A545921		N D 001. 4341. 020. 005
145213	09/30/13	GANAHL LUMBER COMPAN	MILLING	501.40		A545922		N D 001. 4341. 020. 005
145213	09/30/13	GANAHL LUMBER COMPAN	3X12X10 TREATED EXP	2,007.50		A545925		N D 001. 4341. 020. 005
				3,146.55		*CHECK TOTAL		
145214	09/30/13	GARCIA/ANN FRANCES	COURSE FEES RETMB.	594.94				N D 001. 4190. 020. 005
145215	09/30/13	GARVEY EQUIPMENT COM	HONDA EBX REPAIR	227.53		65476		N D 001. 4342. 011. 000
145216	09/30/13	GAS COMPANY/THE	GAS COMPANY/THE	114.05				N D 001. 4411. 020. 002
145216	09/30/13	GAS COMPANY/THE	GAS COMPANY/THE	90.10				N D 001. 4411. 020. 002
145216	09/30/13	GAS COMPANY/THE	GAS COMPANY/THE	16.30				N D 001. 4411. 020. 002
145216	09/30/13	GAS COMPANY/THE	GAS COMPANY/THE	19.28				N D 001. 4411. 020. 002
145216	09/30/13	GAS COMPANY/THE	GAS COMPANY/THE	35.33				N D 001. 4411. 020. 002
145216	09/30/13	GAS COMPANY/THE	GAS COMPANY/THE	44.22				N D 001. 4411. 020. 002
				657.03		*CHECK TOTAL		
145217	09/30/13	GOLDEN	WATER	30.45				N D 001. 4411. 020. 002
145217	09/30/13	GOLDEN	WATER	30.30				N D 001. 4411. 020. 002
145217	09/30/13	GOLDEN	WATER	30.60				N D 001. 4411. 020. 002
145217	09/30/13	GOLDEN	WATER	37.00				N D 001. 4411. 020. 002
145217	09/30/13	GOLDEN	WATER	118.00				N D 001. 4411. 020. 002
145217	09/30/13	GOLDEN	WATER	112.72				N D 001. 4411. 020. 002
145217	09/30/13	GOLDEN	WATER	34.08				N D 001. 4411. 020. 002
145217	09/30/13	GOLDEN	WATER	112.35				N D 001. 4411. 020. 002
145217	09/30/13	GOLDEN	WATER	112.35				N D 001. 4411. 020. 002
145217	09/30/13	GOLDEN	WATER	75.95				N D 001. 4411. 020. 002
145217	09/30/13	GOLDEN	WATER	45.19				N D 001. 4411. 020. 002
145217	09/30/13	GOLDEN	WATER	80.00				N D 001. 4411. 020. 002
145217	09/30/13	GOLDEN	WATER	63.63				N D 001. 4411. 020. 002
145217	09/30/13	GOLDEN	WATER	57.23				N D 001. 4411. 020. 002
145217	09/30/13	GOLDEN	WATER	49.79				N D 001. 4411. 020. 002

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA								
145219	09/30/13	HARRINGTON	EQUIPMENT REPAIR #63	312.83		40551		M D 001.4342.011.000
145219	09/30/13	HARRINGTON	EQUIPMENT REPAIR #63	445.08		40551		M D 001.4342.020.001
145219	09/30/13	HARRINGTON	EQUIPMENT REPAIR #65	394.58		40560		M D 001.4342.011.000
145219	09/30/13	HARRINGTON	EQUIPMENT REPAIR #65	285.00		40560		M D 001.4342.020.001
145219	09/30/13	HARRINGTON	EQUIPMENT REPAIR #65	1,437.41		40560		M D 001.4342.020.001
145220	09/30/13	HARTUNG/JEFF	AUG/MILEAGE REIMBURSEM	13.56				N D 001.4150.012.000
145221	09/30/13	HDL COREN & CONE	UNSECURED PROP TAX AU	119.56		0019611-IN		N D 001.4190.020.007
145222	09/30/13	HT-SHEEN	SEPT- JANITORIAL SERV	476.50		223		M D 001.4342.020.003
145223	09/30/13	HIRSCH PIPE & SUPPLY	PRESS REGULATOR/ADAPT	431.52		3469608		N D 001.4430.015.000
145224	09/30/13	HOLLIDAY ROCK COMPAN	STREET MATERIAL	150.00		6152230		N D 001.4341.033.000
145225	09/30/13	HUNTINGTON HARDWARE	RHODES ENTR/BRONZ	251.11		1128145-01		N D 001.4410.015.000
145226	09/30/13	HVM ENGINEERING INC	RENNEILL STORM DRAIN	684.00		5		N D 012.210.001
145226	09/30/13	HVM ENGINEERING INC	RETENTION RENNEILL ST	4,892.36		5		N D 012.210.001
145227	09/30/13	INFO-HOLD INC	RENEWAL CURRENT LIBRA	248.00		6742		N D 001.4190.015.003
145228	09/30/13	INKWORKS	ENVELOPES	468.70		11583		N D 001.4190.018.000
145229	09/30/13	INLAND EMPIRE	CATALINA EXPRE	480.00		40912		N D 072.4125.434.000
145229	09/30/13	INLAND EMPIRE	SAN PEDRO	846.25		40914		N D 072.4125.434.000
145229	09/30/13	INLAND EMPIRE	CATALINA EXPRE	10,024.00		40915		N D 072.4125.434.000
145229	09/30/13	INLAND EMPIRE	CATALINA EXPRE	20,350.25		TOTAL		N D 072.4125.434.000
145230	09/30/13	INLAND OFFICE	OFFICE SUPPLIES	73.03		841242		N D 001.4190.030.000
145230	09/30/13	INLAND OFFICE	OFFICE SUPPLIES	593.35		841281		N D 001.4190.030.000
145230	09/30/13	INLAND OFFICE	OFFICE SUPPLIES	680.35		841499		N D 001.4190.030.000
145231	09/30/13	INLAND VALLEY HUMANE	OCT/13 HUMANE SOCI	10,539.33		TOTAL		N D 001.4210.413.000
145232	09/30/13	IRWINDALE INDUSTRIAL	PHYSICAL EXAMS	185.00		104393-488811		N D 001.4150.433.000
145233	09/30/13	JMG SECURITY SYSTEMS	MONITORING OCT-DEC	258.30		26757		N D 001.4342.020.003
145234	09/30/13	JOHNSON/BARBARA	AVG SENIOR BOUTIQUE	25.20				M D 001.4420.013.009
145235	09/30/13	KLEINFELDER	GEOTECHNICAL OBSERV	7,349.55		817463		N D 012.210.001
145236	09/30/13	L.A. CO. AGRICULTURA	JULY/WEEB CONTROL	620.10		581J		N D 001.4414.020.006
145237	09/30/13	L.A. CO. DEPT OF PUB	INDUSTRIAL WASTE SR	328.35		13082000689		N D 006.4310.020.002
145237	09/30/13	L.A. CO. DEPT OF PUB	INDUSTRIAL WASTE	168.17		13082000969		N D 007.4345.020.002
145237	09/30/13	L.A. CO. DEPT OF PUB	JUN-SIGNAL MAINT	65.46		13082000969		N D 007.4345.022.001
145237	09/30/13	L.A. CO. DEPT OF PUB	JUN-SIGNAL MAINT	3,631.98		TOTAL		N D 007.4345.022.001

*CHECK TOTAL

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
1452338	09/30/13	P.A. COUNTY SHERIFF	AUG-CONTRACT SERV	20.00		140518NH		D 001.4310.020.015
1452338	09/30/13	P.A. COUNTY SHERIFF	AUG-CONTRACT SERV	350.00		140518NH		D 001.4310.020.015
1452338	09/30/13	P.A. COUNTY SHERIFF	AUG-CONTRACT SERV	18.00		140518NH		D 001.4310.020.015
1452338	09/30/13	P.A. COUNTY SHERIFF	AUG-CONTRACT SERV	987.33		140518NH		D 001.4310.020.015
1452338	09/30/13	P.A. COUNTY SHERIFF	AUG-CONTRACT SERV	4.58		140518NH		D 001.4310.020.015
1452338	09/30/13	P.A. COUNTY SHERIFF	AUG-CONTRACT SERV	915.83		140518NH		D 001.4310.020.015
1452338	09/30/13	P.A. COUNTY SHERIFF	AUG-CONTRACT SERV	824.82		140518NH		D 001.4310.020.015
1452338	09/30/13	P.A. COUNTY SHERIFF	LIABILITY INSURANC	16.39		140518NH		D 001.4310.020.015
1452338	09/30/13	P.A. COUNTY SHERIFF	LIABILITY INSURANC	454.39		140518NH		D 001.4310.020.015
145239	09/30/13	LAE ASSOCIATES	S.D. WASH PROJECT	875.00		13-166		N D 012.210.001
145240	09/30/13	LANCE, SOLI, & LUNGSH	CITY AUDIT AUG/13	17,760.00		8293		M D 001.4190.020.000
145240	09/30/13	LANCE, SOLI, & LUNGSH	CITY AUDIT AUG/13	406.00		8293		M D 038.4120.020.521
145241	09/30/13	LAWRENCE ROLL-UP DOO	FIRE DOOR MAINTENANCE	309.80		1315717		N D 001.4342.020.003
145241	09/30/13	LAWRENCE ROLL-UP DOO	FIRE DOOR MAINTENANCE	665.80		1315729		N D 001.4342.020.003
145242	09/30/13	LEBE/EUN BI	REFUND BOWLING	55.00				N D 001.367.001
145243	09/30/13	LEPE/MAURO	AUG-GARDNER SERVICE	65.00				M D 034.4802.015.000
145244	09/30/13	LIFF TEK	SAFETY GEAR	274.46		M12126		M D 001.4342.033.000
145244	09/30/13	LIFF TEK	SAFETY GEAR	276.03		48619		M D 001.4342.011.001
145244	09/30/13	LIFF TEK	SEAT BELT ASSEMBLY	135.00		93332		M D 001.4342.020.001
145244	09/30/13	LIFF TEK	LABOR REPLACE SEAT	861.64				M D 001.4342.020.001
145245	09/30/13	LONG BEACH/CITY OF	KAYAKING ADVEN. 9/21	370.00				N D 001.4420.034.002
145246	09/30/13	LOPEZ/MIKE	REFUND/SPORTSPLEX REN	100.00				N D 001.367.020
145247	09/30/13	LOS ANGELES FREIGHTL	SWEeper PARTS	9.77		FP1256843		N D 001.4342.011.000
145248	09/30/13	LOWE'S HOME IMPROVEM	BATTERIES/REFUEL	56.00		10865		D 001.4414.033.000
145248	09/30/13	LOWE'S HOME IMPROVEM	SWIMBARK ELECTRICAL	23.67		1377		D 001.4342.033.000
145248	09/30/13	LOWE'S HOME IMPROVEM	LINCOMBO SQUARE METAL	14.48		2052		D 001.4342.033.000
145248	09/30/13	LOWE'S HOME IMPROVEM	LUMBER/CONCRETE	203.90		2357		D 001.4342.033.000
145248	09/30/13	LOWE'S HOME IMPROVEM	CHIORINANTION	59.62		2357		D 001.4342.033.000
145248	09/30/13	LOWE'S HOME IMPROVEM	MISC HANDRAIL SUPPLI	106.09		2517		D 001.4342.015.000
145248	09/30/13	LOWE'S HOME IMPROVEM	TRADESMAN TOOL	48.62		2614		D 001.4342.033.000
145248	09/30/13	LOWE'S HOME IMPROVEM	BROWN TONE ACC	41.69		2691		D 001.4342.033.000
145248	09/30/13	LOWE'S HOME IMPROVEM	MORTAR	6.46		2781		D 001.4342.033.000
145248	09/30/13	LOWE'S HOME IMPROVEM	COMMERCIAL 4 LAMP T8	65.01		2896		D 001.4342.033.000
145248	09/30/13	LOWE'S HOME IMPROVEM	SURFACE ROLLER	19.61		60207		D 001.4342.033.000
145248	09/30/13	LOWE'S HOME IMPROVEM	SURFACE ROLLER	624.15				D 001.4342.033.000
145249	09/30/13	LUEVANOS/GREGORY	REFUND ADULT SOFTBALL	440.00				N D 001.367.003

*CHECK TOTAL

Disbursement Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA								
145250	09/30/13	LYNCH/SUZANNE	REFUND/FLAG FOOTBALL	160.00				N D 001.367.001
145251	09/30/13	MADRIGAL/GLORIA	11827 JULY MILEAGE REIMB.	8.48				N D 001.4150.012.000
.00013 REFUND/FLAG FOOTBALL								
145252	09/30/13	MARIPOSA	AUG-EQUESTRIAN TRAI	2,494.33		61008		N D 001.4414.020.004
145253	09/30/13	MARIPOSA	AUG-MEDIANS	7,212.47		61008		N D 001.4414.020.002
145254	09/30/13	MARIPOSA	AUG-PARKS MINT PAR	7,537.24		61008		N D 001.4414.020.000
145255	09/30/13	MARIPOSA	AUG-SPORTS PLEX	6,965.44		61008		N D 001.4414.020.001
145256	09/30/13	MARIPOSA	AUG-MISC LANDSCAPE	867.99		61008		N D 001.4414.020.011
145257	09/30/13	MARIPOSA	AUG-PLANTER AREAS	3,333.80		61008		N D 001.4414.020.005
145258	09/30/13	MARIPOSA	AUG-TRASH CANS PICKUP	3,984.63		61008		N D 001.4414.020.015
145259	09/30/13	MARIPOSA	AUG-HORSETHIEF CYN	2,606.05		61008		N D 020.4414.09227.003
145260	09/30/13	MARIPOSA	AUG-PARK & TRASH CANS	313.14		61008		N D 020.4414.09227.002
145261	09/30/13	MARIPOSA	AUG-BUS TRASH CANS	90.17		61008		N D 072.41235.455.006
*CHECK TOTAL								
145262	09/30/13	MARIPOSA	IRRIG. SUPPLIES	16.03		381806		N D 001.4414.033.000
145263	09/30/13	MARIPOSA	IRRIG. SUPPLIES	388.61		382303		N D 001.4414.033.000
*CHECK TOTAL								
145264	09/30/13	MARIPOSA	IRRIG. SUPPLIES	590.02		8113400		N D 001.4414.033.000
*CHECK TOTAL								
145265	09/30/13	MATHISEN OIL COMPANY	GASOLINE REG	3,121.48		8113401		N D 001.4342.011.001
145266	09/30/13	MATHISEN OIL COMPANY	DIESEL FUEL	4,521.39				N D 001.4342.011.001
*CHECK TOTAL								
145267	09/30/13	MILLER/BEVERLY	AUG SENIOR BOUTIQUE	27.00				M D 001.4420.013.009
145268	09/30/13	MORRILL/MARILYN	REFUND SCULPING/DRAWIN	50.00				N D 001.367.001
.00008 REFUND SCULPING/DRAWIN								
145269	09/30/13	MYFLEETCENTER.COM	OIL & FILTERS UNIT#22	55.58		182206		N D 001.4342.020.001
145270	09/30/13	NEXTEL COMMUNICATION	8/4-9/3 #656087319	1,297.68		656087319-141		N D 001.4190.022.003
145271	09/30/13	ONG/JOSE	DEPOSIT REFUND/SR CEN	400.00				N D 001.341.002
.00012 DEPOSIT REFUND/SR CEN								
145272	09/30/13	ONTARIO REFRIGERATIO	SEPT- MAINTENANCE	998.00		139225		N D 001.4412.015.000
145273	09/30/13	ONTARIO REFRIGERATIO	SEPT- MAINTENANCE	660.00		139275		N D 001.4411.015.000
*CHECK TOTAL								
145274	09/30/13	ORIENTAL TRADING COM	SC SUPPLIES/PRIZES	211.99		658704986-01		N D 001.4420.013.003
145275	09/30/13	PARTEK SOLUTIONS INC	VENTEK ROLLS	1,692.00		15261		N D 001.4190.018.000
145276	09/30/13	PAVECO CONSTRUCTION	PAVEMENT REPAIRS	1,063.76		SD 13-022		N D 001.4341.033.000
145277	09/30/13	PAVECO CONSTRUCTION	PAVEMENT REPAIRS	2,221.77		SD 13-023		N D 001.4841.033.005
145278	09/30/13	PAVECO CONSTRUCTION	PAVEMENT REPAIRS	1,156.18		SD 13-023		N D 001.4341.033.000
145279	09/30/13	PAVECO CONSTRUCTION	PAVEMENT REPAIRS	2,077.38		SD 13-023		N D 001.4841.033.000
145280	09/30/13	PAVECO CONSTRUCTION	PAVEMENT REPAIRS	6,519.09		*CHECK TOTAL		N D 002.4841.559.005

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA								
1452664	09/30/13	PAVEMENT COATINGS CO	PAVEMENT CHIP SE	10809	CC PAVEMENT	304175		N D 002.210.003
1452664	09/30/13	PAVEMENT COATINGS CO	PAVEMENT CHIP S	10809	CC PAVEMENT	304175		N D 012.210.003
				10889	CC PAVEMENT	3304175		N D 002.4841.554.007
						59,888.95		
						*CHECK TOTAL		
1452665	09/30/13	PETERSON/ANDREW	REFUND/CITATION #6700	30.00				N D 001.332.001
1452666	09/30/13	PROPERT DISTRIBUTORS	LITTER PICK UP BAGS	10213		96881		N D 008.4414.033.000
1452667	09/30/13	QUALITY INSTANT PRIN	BUSINESS CARDS	15661		30108		N D 001.4190.018.000
1452668	09/30/13	OUTLL CORPORATION	HP TONER	15663		53201594		N D 001.4190.030.001
1452668	09/30/13	OUTLL CORPORATION	HP IN PRINT/COMBO	15663		5408220		N D 001.4190.030.001
1452668	09/30/13	OUTLL CORPORATION	HP COMBO PACK	15663		5414515		N D 001.4190.030.001
1452668	09/30/13	OUTLL CORPORATION	OFFICE SUPPLIES	15663		5559194		N D 001.4190.030.000
						*CHECK TOTAL		
1452669	09/30/13	RADIANT WATER INC	OCT/SOFT WATER	15682		25.00		N D 001.4430.019.000
145270	09/30/13	REIMER/KATYA	SUNSHINE GEN. SEPT/13	10154		378.00		M D 001.4420.020.000
145271	09/30/13	RESERVE ACCOUNT	OCT/POSTAGE BY PHON	15392		1,500.00		N D 001.4190.017.000
1452772	09/30/13	RIGHT OF WAY INC	MISC STRAPS/BRAKETS	12433		697.91		N D 001.4345.033.000
1452772	09/30/13	RIGHT OF WAY INC	TELESTRAP POST	12433		28.23		N D 001.4345.033.000
1452772	09/30/13	RIGHT OF WAY INC	REFLECTIVE CONE	12433		612.61		N D 001.4345.033.000
1452772	09/30/13	RIGHT OF WAY INC	FOLD & ROLL/REFLECT	12433		975.57		N D 001.4345.033.000
1452772	09/30/13	RIGHT OF WAY INC	FOLD & ROLL	12433		463.36		N D 001.4345.033.000
1452772	09/30/13	RIGHT OF WAY INC	STREETS	12433		1,379.28		N D 001.4345.033.000
1452772	09/30/13	RIGHT OF WAY INC	SIGNS	12433		100.28		N D 001.4345.033.000
1452772	09/30/13	RIGHT OF WAY INC	SIGNS	12433		804.88		N D 001.4345.033.000
1452772	09/30/13	RIGHT OF WAY INC	RIGHT LANE SIGN	12433		149.88		N D 001.4345.033.000
1452772	09/30/13	RIGHT OF WAY INC	STREET SIGN	12433		247.87		N D 001.4345.033.000
1452772	09/30/13	RIGHT OF WAY INC	GUARD RAIL DELINEATOR	12433		117.07		N D 001.4345.033.000
1452772	09/30/13	RIGHT OF WAY INC	SIGNS CONSTRUCTION NOTI	12433		206.63		N D 001.4345.033.000
1452772	09/30/13	RIGHT OF WAY INC	SIGN	12433		98.10		N D 001.4345.033.000
1452772	09/30/13	RIGHT OF WAY INC	SIGN	12433		75.21		N D 001.4345.033.000
1452772	09/30/13	RIGHT OF WAY INC	CHIP SEAL	12433		88.29		N D 001.4345.033.000
						9,045.11		
						*CHECK TOTAL		
1452773	09/30/13	RKA CONSULTING GROUP	DEV PLAN CK/ENG	15792		458.50		N D 001.4308.020.002
1452773	09/30/13	RKA CONSULTING GROUP	JULY DEV PLAN CK/EN	15792		777.00		N D 001.4308.020.002
1452773	09/30/13	RKA CONSULTING GROUP	JULY DEV PLAN CK/EN	15792		601.50		N D 001.4308.020.002
1452773	09/30/13	RKA CONSULTING GROUP	JULY DEV PLAN CK/EN	15792		871.00		N D 001.4308.020.002
1452773	09/30/13	RKA CONSULTING GROUP	JULY DEV PLAN CK/EN	15792		377.00		N D 001.4308.020.002
1452773	09/30/13	RKA CONSULTING GROUP	JULY-PLAN CK NDEBS	15792		524.00		N D 001.4341.024.002
						12,609.00		
						*CHECK TOTAL		
1452774	09/30/13	SAN DIMAS CHAMBER OF	OCT/PROMOTIONAL SER	15975		3,750.00		N D 001.4190.010.003

Disbursement Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PC#	F	S	ACCOUNT
BANK OF AMERICA										
145275	09/30/13	SAN DIMAS	CATCH, BUMPER SCREW	12.65	*CHECK	24		N	D	001.4342.033.000
145275	09/30/13	SAN DIMAS	BLADE, SAW	14.39	*CHECK	24		N	D	001.4342.033.000
145275	09/30/13	SAN DIMAS	GROUND PVC	11.09	*CHECK	36		N	D	001.4341.033.000
145275	09/30/13	SAN DIMAS	3/8 X 4 PONGE	11.36	*CHECK	48		N	D	001.4341.033.000
145275	09/30/13	SAN DIMAS	BOARD & Mallet	46.17	*CHECK	33		N	D	001.4341.033.000
145275	09/30/13	SAN DIMAS	ROBBER	76.07	*CHECK	33		N	D	001.4341.033.000
145275	09/30/13	SAN DIMAS	MISS HARDWARE	22.57	*CHECK	33		N	D	001.4341.033.000
145275	09/30/13	SAN DIMAS	FOAM TAP, MISC HARDWA	42.47	*CHECK	33		N	D	001.4341.033.000
145275	09/30/13	SAN DIMAS	RESTROOM SIGN, BRATTLE	11.37	*CHECK	10		N	D	001.4341.033.000
145275	09/30/13	SAN DIMAS	CLEANER, SPRAY, CARMAX	27.93	*CHECK	13		N	D	001.4341.033.000
145275	09/30/13	SAN DIMAS	AIR MISC HARDWARE	5.84	*CHECK	26		N	D	001.4341.033.000
145275	09/30/13	SAN DIMAS	MAP PRO GAS, BRUSH ACT	22.17	*CHECK	28		N	D	001.4341.033.000
145276	09/30/13	SAN GABRIEL VALLEY Y	SEPT/ INTERVALE SR SV	520.00		00		N	D	001.4420.013.003
145277	09/30/13	SCHERER ELECTRIC/MAR	ELECTRICAL- CITY YARD	945.00	*CHECK	35		M	D	001.4342.020.003
145277	09/30/13	SCHERER ELECTRIC/MAR	ELECTRICAL- YARD GAR	725.00	*CHECK	35		M	D	001.4342.041.011
145278	09/30/13	SCWAF-SAN GABRIEL VA	SGV TRACK MEET 9/4/13	590.00		00		N	D	001.4430.034.000
145279	09/30/13	SCPROA	MEMBERSHIP DUES	30.00		00		N	D	001.4430.016.000
145280	09/30/13	SHERWIN WILLIAMS CO	CRDIT OIL BASE PAINT	20.20	*CHECK	3		N	D	001.4341.033.000
145280	09/30/13	SHERWIN WILLIAMS CO	CRDIT OIL BASE PAINT	17.59	*CHECK	5		N	D	001.4341.033.000
145281	09/30/13	STECHE/WARREN C	AUG - TRAFFIC ENGINEE	624.50		00		M	D	001.4345.020.001
145282	09/30/13	STWS/SUSIE	REFUND STATELINE GETA	360.00		00		N	D	001.367.002
145283	09/30/13	SWART & FINAI	SU SNACK BAR	115.07		10		N	D	001.213.735
145283	09/30/13	SWART & FINAI	SNACK BAR	11.20		23		N	D	001.213.735
145283	09/30/13	SWART & FINAI	STATELINE SUPPLIES 9/	259.81		01		N	D	001.4420.013.002
145283	09/30/13	SWART & FINAI	CAMP OUT SUPPLIES	142.16		12		N	D	001.4420.034.003
145284	09/30/13	SOUTHEAST CONSTR PRO	DEWALT SPLINE BIT	137.29	*CHECK	1		N	D	001.4342.033.000
145285	09/30/13	SOUTHERN CALIF EDISSO	2-31-735-5764	42.92		00		N	D	007.4341.022.001
145285	09/30/13	SOUTHERN CALIF EDISSO	2-34-512-2568	22.46		00		N	D	007.4802.865.506
145285	09/30/13	SOUTHERN CALIF EDISSO	2-34-512-2519	16.35		00		N	D	007.4802.865.506

TOTAL 792153-1

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA								
14522885	09/30/13	SOUTHERN CALIF EDISSO	2-34-512-2444	16.67				N D 034.4802.865.506
14522885	09/30/13	SOUTHERN CALIF EDISSO	2-01-194-3784	173.43				N D 007.4341.022.001
14522885	09/30/13	SOUTHERN CALIF EDISSO	2-10-469-9164	186.60				N D 007.4341.022.001
14522885	09/30/13	SOUTHERN CALIF EDISSO	2-09-990-6695	143.14				N D 007.4341.022.001
14522885	09/30/13	SOUTHERN CALIF EDISSO	2-09-990-6695	41,411.96				N D 027.4801.561.022
14522885	09/30/13	SOUTHERN CALIF EDISSO	2-03-248-5381	59.82				N D 008.4414.022.001
14522885	09/30/13	SOUTHERN CALIF EDISSO	2-03-248-5381	76.90				N D 008.4414.022.001
14522885	09/30/13	SOUTHERN CALIF EDISSO	2-03-248-5381	30.45				N D 001.4415.022.001
14522885	09/30/13	SOUTHERN CALIF EDISSO	2-03-248-5381	55.08				N D 001.4415.022.001
14522885	09/30/13	SOUTHERN CALIF EDISSO	2-23-155-8768	79.08				N D 008.4415.022.001
14522885	09/30/13	SOUTHERN CALIF EDISSO	2-23-155-8768	42,398.80				N D 008.4415.022.001
145286	09/30/13	TECS ENVIRONMENTAL C	AUG- NPDES SERVICES	300.00		SMDMS-0913		N D 001.4341.024.020
145287	09/30/13	TRANS-WEST TRUCK GEN	STARTER ON CORE	386.85		TP123118		N D 001.4342.011.000
145287	09/30/13	TRANS-WEST TRUCK GEN	CREDIT INV#TP123118	90.72	CR	TP124050		N D 001.4342.011.000
145288	09/30/13	TUCKER & SON INC/ J	GLOVES	83.33		81211		N D 001.4410.033.000
145289	09/30/13	U.S. BANK	S.A. TRUSTEE FEES	3,162.50		3473760		N D 038.4120.020.521
145290	09/30/13	UNDERGROUND SERVICE	AUG-NEW TICKET CHARGE	168.00		820130618		N D 001.4310.016.000
145291	09/30/13	UNITED ROTARY BRUSH	PASSE G/B KITS/RECOND	228.11		276713		N D 001.4342.011.002
145291	09/30/13	UNITED ROTARY BRUSH	MATERIAL KIT/RECOND	409.45		276885		N D 001.4342.011.002
145291	09/30/13	UNITED ROTARY BRUSH	WATER G/B MATERIAL KIT	456.22		276988		N D 001.4342.011.002
145292	09/30/13	VERIZON	INTERNET	49.99		*CHECK TOTAL		N D 001.4190.020.034
145293	09/30/13	VERIZON CALIFORNIA	N/A	49.95				N D 001.4190.020.034
145293	09/30/13	VERIZON CALIFORNIA	445-8210	44.60				N D 001.4410.020.003
145293	09/30/13	VERIZON CALIFORNIA	599-1430	45.71				N D 001.4410.020.003
145293	09/30/13	VERIZON CALIFORNIA	592-2890	178.44				N D 001.4410.020.003
145293	09/30/13	VERIZON CALIFORNIA	592-0732	102.94				N D 001.4411.022.003
145293	09/30/13	VERIZON CALIFORNIA	197-3010	35.87				N D 008.4414.022.003
145294	09/30/13	WALCZAK/BEVERLY	KARATE- SEPT/13	755.82		*CHECK TOTAL		N D 001.4420.020.000
145295	09/30/13	WALCZAK/JEROME	KARATE - SEPT/13	755.82				M D 001.4420.020.000
145296	09/30/13	WALTERS WHOLESALE EL	ELECTRICAL ITEMS	395.52		2371626-00		N D 007.4341.033.000

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA								
145299	09/30/13	WESTERN ENVIRONMENTA	CLEAN WASH RACK PIT	400.00		18976		N D 001.4341.028.000
145300	09/30/13	WILSON/DANIEL HAMU	REFUND/CITATATION #376	45.00				N D 001.332.001
145301	09/30/13	XEROX CORPORATION	AUG-SUPPLIES & DEVI	1,514.76		701667320		N D 001.4190.015.000
145302	09/30/13	YALE-CHASE EQUIPMENT	OIL HYD HP-15	44.90		SI64875		N D 001.4342.011.000
145303	09/30/13	ZALLO/ROBERT W	TAI CHI- SEPT/13	85.68				M D 001.4420.020.000
145304	09/30/13	ZORKO/CARLA	REFUND BOWLING	55.00				N D 001.367.001
145305	09/30/13	10-8 RETROFIT	EQUIPMENT PARTS	731.82		9598		N D 001.4342.020.001
BANK OF AMERICA								
TOTAL				890,102.19				

ACS FINANCIAL SYSTEM
09/19/2013 08:29:55
WARRANT DATE VENDOR
REPORT TOTALS:

RECORDS PRINTED - 000418

DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
	890,102.19				

Disbursement Journal

CITY OF SAN DIMAS
GL540R-V07.23 PAGE 13

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
001	GENERAL FUND	590,057.27
002	STATE FUND	45,718.08
003	LANDS ACQUISITION	3,328.33
004	SEWER EXPENSE	52,522.75
005	CITY WIDE	88,647.34
006	LANDS ACQUISITION	2,606.05
007	LANDS ACQUISITION	10,568.50
008	COMMON CITY DEPT	10,568.50
009	COMMON CITY DEPT	21,323.80
010	COMMON CITY DEPT	21,323.80
011	COMMON CITY DEPT	21,323.80
012	COMMON CITY DEPT	21,323.80
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098	COMMON CITY DEPT	21,323.80
099	COMMON CITY DEPT	21,323.80
100	COMMON CITY DEPT	21,323.80
TOTAL ALL FUNDS		890,102.19

BANK RECAP:	BANK NAME	DISBURSEMENTS
CHEK	BANK OF AMERICA	890,102.19
TOTAL ALL BANKS		890,102.19



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of September 24, 2013

From: Blaine Michaelis, City Manager

Initiated By: Theresa Bruns, Director of Parks and Recreation

Subject: City Consent to the Purchase of American Golf Corporation by Fortress Investment Group LLC

Summary

The City has a lease with American Golf Corp. to operate San Dimas Canyon Golf Course. Recently, an investor group, Fortress Investment Group LLC, purchased the entities that own American Golf Corp. Our operating lease requires the City to provide consent to any sale/purchase of the course management company. The request for the City to consent to the sale/purchase is attached.

BACKGROUND

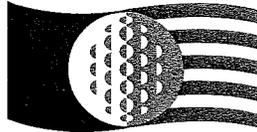
Fortress Investment Group LLC has agreed to purchase the entities that own American Golf Corporation, the operator of the San Dimas Canyon Golf Course, and this action requires the consent of the city. American Golf will continue to operate under the existing lease and will abide by all requirements of the lease. It is anticipated that current personnel will continue in their management and operational positions at the course.

American Golf conveys that Fortress is a leading global assessment management firm with considerable experience with companies like American Golf. They own and operate a variety of assets in the real estate, hospitality and leisure sectors.

RECOMMENDATION

Authorize the City Manager to sign a letter consenting to the change of ownership of American Golf Corporation to Fortress Investment Group LLC.

Attachment: Letter of Request from Paul Major for City Consent to Purchase Transaction



American Golf Corporation®

September 9, 2013

VIA OVERNIGHT DELIVERY

City Hall
City of San Dimas
245 East Bonita Avenue
San Dimas, CA 91773

Re: Lease Agreement for San Dimas Canyon Golf Course

Ladies & Gentlemen:

We refer to the lease for San Dimas Canyon Golf Course, dated as of December 31, 1985 (as amended, the “Lease”), between City of San Dimas, as landlord (the “Landlord”), and American Golf Corporation, as tenant (“American Golf”).

We are excited to announce that affiliates of Fortress Investment Group LLC (NYSE: FIG) on behalf of certain affiliates (collectively, “Fortress”) have agreed to a proposed transaction with our existing ownership group whereby Fortress will purchase entities that own American Golf.

Fortress is a leading global asset management firm with over \$50 billion in assets under management. Fortress has considerable experience with companies like ours and owns and operates a variety of exceptional assets in the real estate, hospitality, and leisure sectors. The acquisition will solidify our leading position in the industry and will allow us to take advantage of new opportunities to grow our business. We expect the transaction to be seamless for you and San Dimas Canyon Golf Course. American Golf will continue to operate San Dimas under our existing Lease, and we do not anticipate any change to our regional and golf course operating teams. I’ve attached a copy of Fortress’s most recent Annual Report and you can learn more about Fortress by visiting its website at www.fortress.com.

As part of the planned acquisition, Fortress will also acquire the ownership interests in NGP Realty Sub, LP, which is the owner of 27 golf courses operated by American Golf (together with the planned acquisition of American Golf, the “Purchase Transaction”). The acquisition involves a change of ownership of the entities that own American Golf, and, as a result, we and our new investors are requesting your consent to the Purchase Transaction. This consent will not change any of your rights or American

City of San Dimas
 September 9, 2013
 Page 2

Golf's obligations under the Lease, and the operating team will remain intensely focused on delivering the product and service you and our guests expect. The Purchase Transaction is subject to completion of definitive documentation and satisfaction of customary closing conditions.

In support of the financial capability of American Golf, I have attached a pro forma balance sheet for American Golf as of the closing. While various line items may change somewhat, American Golf's net worth as of the closing will be at least the amount set forth on the attached balance sheet.

Please acknowledge your consent to the Purchase Transaction and to the change of ownership of American Golf by having an authorized representative sign in the space provided below and return the signed letter to Christine Chong via facsimile at (310) 664-6110 or by email to cchong@americangolf.com, with the original by mail in the enclosed self-addressed stamped envelope.

Thank you for your prompt attention to this matter. **We would very much appreciate receiving your response by October 8, 2013.** If you have any questions, please contact me at (310) 664-4112 or Paul Ballam at (703) 772-3593. As always, we appreciate your continued support, and look forward to working with you in the months and years ahead.

Sincerely,


 Paul Major
 President & CEO

cc: **Theresa Bruns**, Director of Parks and Recreation, City of San Dimas
 Paul Ballam, American Golf
 Brian Bode, American Golf

Consent of Landlord:

City of San Dimas hereby grants its consent under the Lease to the Purchase Transaction and the change of ownership of American Golf described above:

CITY OF SAN DIMAS

By: _____
 Name:
 Title:

AMERICAN GOLF CORPORATION AND SUBSIDIARIES

PRO FORMA BALANCE SHEET AT INCEPTION OF NEW STRUCTURE (In millions)

ASSETS

Cash and cash equivalents	\$	6.7
Member receivables		7.8
Other receivables		5.9
Inventories		5.5
Prepaid expenses		5.8
Private memberships		4.9
Leasehold rights		60.5
Property and equipment		78.3
Deposits, licenses and other assets		10.3
TOTAL	\$	<u>185.7</u>

LIABILITIES AND SHAREHOLDERS' EQUITY

Accounts Payable	\$	7.5
Accrued expenses		22.5
Other liabilities		34.1
Other deferred revenue		8.3
Membership deposit liability		72.8
Total liabilities		145.2
Shareholders' equity		40.5
TOTAL	\$	<u>185.7</u>



MINUTES
REGULAR CITY COUNCIL
HOUSING AUTHORITY AND SUCCESSOR AGENCY
MEETING
TUESDAY, SEPTEMBER 10, 2013, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

COUNCIL:

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

STAFF:

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

1. CALL TO ORDER AND FLAG SALUTE

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

2. ANNOUNCEMENTS

- San Dimas 5K and 1 mile Family Fun Run and Family Fitness Fair for Saturday, September 28, 2013.

Recreation Coordinator Dominique Borba announced the details of the event and invited everyone to come out and participate.

- 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

- 1) Don Green and Bob Hardcastle provided details and information on the upcoming Chamber Mixer and The 19th Annual San Dimas Rodeo. They also thanked the city and community for supporting the Rodeo.

- 2) Kassidy C. ASB President San Dimas High School provided an updates on recent activities at the high school.
- 3) Amy Crow Acting Library Manager at the San Dimas Library announced upcoming activities planned at the library.
- 4) Alline Kranzer San Dimas resident shared input on what matters the City Council should address.
- 5) Ron Kranzer wished to address Council on item 6c on the agenda but decided to wait until the item was presented later.

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.)

It was moved by Councilmember Badar and seconded by Councilmember 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) **RESOLUTION NO. 2013 - 49**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF AUGUST AND SEPTEMBER 2013.
- b. Approval of minutes for regular City Council meeting of August 27, 2013.

END OF CONSENT CALENDAR

5. PUBLIC HEARING

- a. **M.C.T.A. 13-04** - Consideration of a City initiated request for Municipal Code Text Amendment Case No. 13-04 to make alterations to San Dimas Municipal Code Section 18.184 Home Occupations

ORDINANCE 1224 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING MUNICIPAL CODE TEXT AMENDMENT 13-04, AMENDING CHAPTER 18.184 OF THE SAN DIMAS MUNICIPAL ZONING CODE

Associate Planner Luis Torrico presented staff's report on this item regarding the Home Based Cottage Food Industry with recommendation to approve M.C.T.A. 13-04 to include 300 ft. spacing requirement.

Councilmember Templeman asked for clarification on operating as primary residence or as a rental.

Associate Planner Torrico stated that the definitions used in the city ordinance are the same used by the State regarding primary residence and rentals. He added that there is enough language written that would prevent these operations from turning into commercial uses.

Councilmember Templeman asked if a landlord could approve a renter for operating the business out of the property.

Associate Planner Torrico answered yes.

Councilmember Ebiner asked if there would be county licenses and permits on file.

Associate Planner Torrico replied that the county is the lead agency on these operations and they require class A licensing and no inspection is done unless a complaint is filed.

Councilmember Ebner asked if beer and wine were allowed and how are internet sales that would require additional room storage handled.

Associate Planner Torrico replied that beer and wine are not allowed and our ordinance as well as state law limits storage to one room.

Councilmember Templeman asked if the garage could be used as another room for storage.

Associate Planner Torrico answered no.

Councilmember Templeman asked for some input on signs.

Associate Planner Torrico responded that what is currently allowed is a one by one foot name plate that identifies the occupation; it is not illuminated and is only 1 sq. ft.

Councilmember Ebner asked if someone could have a car or truck parked with a sign attached.

Associate Planner Torrico answered that would have to be discussed.

Councilmember Badar asked how many home based businesses do we have in the city now.

Associate Planner Torrico replied at last check over 300.

Mayor Morris opened the public hearing on this matter.

Jim Mc Cants San Dimas resident asked how sanitation is monitored.

Mayor Morris replied that it isn't and no requirement for the Health Department to investigate.

Mayor Morris closed public hearing and brought the matter back to Council for discussion.

Councilmember Templeman asked what is done at renewal for these operations.

Associate Planner Torrico responded that as long as there were no changes from the initial application nothing further is required.

Councilmember Badar shared that he understands what staff is trying to do with setting the 300 ft. limit but agrees with the Planning Commission recommendation on eliminating the 300 ft. requirement.

Councilmember Templeman and Ebner also agreed with the Planning Commission's recommendation.

MOTION: It was moved by Councilmember Badar and seconded by Councilmember Templeman to waive further reading and introduced Ordinance No. 1224 with Planning Commission's recommendation to eliminate the 300 ft. requirement. The motion passed by vote of four to one (4 to 1), with Councilmember Bertone opposing.

6. PLANNING/DEVELOPMENT SERVICES

- a. **M.C.T.A. 10-06** - A request to delete the reverse/turn around gas station design from the Creative Growth Zone, Area 3A

ORDINANCE 1225 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING MUNICIPAL CODE TEXT AMENDMENT 10-06, DELETING THE REVERSE/TURN AROUND GAS STATION DESIGN WITHIN THE CREATIVE-GROWTH, AREA 3A ZONE - **FIRST READING AND INTRODUCTION**

City Manager Michaelis announced that with direction from Council for changes this item from the August 27, 2013 meeting is being presented tonight for first reading.

MOTION: It was moved by Councilmember Ebner and seconded by Councilmember Templeman to waive further reading and introduce Ordinance No. 1225. The motion carried by a vote of four to one (4 to 1) with Councilmember Badar opposing.

- b. **Request from Meiloon Management (San Dimas Station) to initiate a Municipal Code Text Amendment to modify permitted and conditional uses in CG-1 and to consider parking adjustments/revisions to accommodate some future uses. (500-700 block of W. Arrow Highway (San Dimas Station – North & South)**

Assistant City Manager of Community Development Larry Stevens presented staff's report on this item and asked for Council's feedback on the approaches presented.

Councilmember Bertone asked Assistant City Manager Stevens if his choice would be option two a new specific plan.

Assistant City Manager Stevens responded that he would lean toward option two with some thought to five and six.

Councilmember Bertone asked if the applicant is aware of what they can and can't do.

Assistant City Manager Stevens answered that on pages two and three of the staff report was his response to the applicant provided in July.

Councilmember Badar asked what the time frame would be for a new specific plan.

Assistant City Manager Stevens replied six months.

Councilmember Badar asked if there was anything the applicant could do before the six months.

Assistant City Manager Stevens replied that any other modification would only be a couple of months less than doing a new specific plan.

Mayor Morris stated that time isn't as important as getting it right and staff's approach is the right approach. He went on to say that city's zoning codes are adding to the centers failings and we must be flexible but careful in our approach to correct.

Discussion continued on the parking layout, lease and ownership issues as well as aesthetics of the buildings.

Assistant City Manager Stevens summarized the direction to be taken as a combination of options one, four and five with the discretion to bring back to Council if any other ideas are thought of.

- c. **Report on D.P.R.B. 07-66** – Noncompliance of Conditions of Approval (removal of driveway approach and unpermitted carport/arbor) 131 West Sixth Street

Councilmember Ebiner stated that he owned property near this location and although advised by City Attorney Ken Brown that he did not have to leave the dais, he would be leaving. He left at 8:39 p.m.

Senior Planner Marco Espinoza presented staff's report on this item.

Council and staff had discussion on possible ideas for solutions to keeping the arbor and revisiting the curb cut policy.

City Attorney Brown stated that there are two items that need to be addressed at this meeting, one is a report back to Council the other is direction from Council as result from this meetings discussion.

Assistant City Manager Stevens outlined the valid violation conditions with the arbor and stated that staff will meet with the owner and talk about options for the arbor and driveway. He went on to say that no action would be taken to void the permit and staff would report back to council.

Mayor Morris asked for public comment on this item.

Ron Kranzer San Dimas resident stated that the policy is too broad and should be revisited.

Walter Smith San Dimas resident commented on a tree in the same block that appears to be in violation of the same five foot code ruling.

Councilmember Ebiner returned to the dais at 9:30 p.m.

7. OTHER BUSINESS

- a. Consider Request from San Dimas H.E.R.O.E.S. for Special Event on September 24, 2013

Director of Parks and Recreation Theresa Bruns presented staff's report on this item with the recommendation to close Commercial Street between Shirlmar Avenue and San Dimas Avenue between the hours of 3:00 to 7:00 p.m. with a rolling street closure with Sheriff patrol escort.

MOTION: A motion was made by Councilmember Bertone and seconded by Councilmember Templeman to approve the closure of Commercial Street between Shirlmar Avenue and San Dimas Avenue on Tuesday September 24, 2013.

- b. Consider Request from San Dimas H.E.R.E.O.S. for modification of the Veterans Monument Design

Director of Parks and Recreation Theresa Bruns presented staff's report on this item with the recommendation to proceed with installation of the six black granite panels.

Gary Enderle of the H.E.R.E.O.S. Organization explained to Council the cost breakdown of this phase of the project and outlined their design plans.

Dominick Black San Dimas High School Art Teach talked about the process behind the idea of the image for the mural.

Councilmember Bertone expressed his concern over the inconsistency of the type of artwork this new phase would bring to the project, but would support the change.

Councilmember Badar expressed that he would support the change and thought it was a good idea because of the community input.

Councilmember Templeman expressed support for the change once he understood the details.

Councilmember Ebner expressed his support because of the community input; however doesn't feel the painting fits in with original design of the monument.

MOTION: A motion was made by Councilmember Badar and seconded by Councilmember Templeman to approve the replacement of the granite with a mural; but eliminating the recommendation of \$3,000.00 holding fee. Motion carried unanimously.

8. HOUSING AUTHORITY

- a. Acceptance of a proposal from Keyser Marston for assistance in restructuring "for sale" affordable housing requirements. Appropriate \$10,000.00 to complete this work.

City Manager Blaine Michaelis presented staff's report on this item recommending approval of appropriation of \$10,000.00 from Housing Authority Funds.

Mayor Morris asked that we inquire if the City could sell at market rate and keep the money in the Housing Authority to be used for projects where we may not have the funds for.

Councilmember Bertone asked if changing the requirements would apply to the four units that have not been sold yet.

City Manager Michaelis responded that it would.

MOTION: A motion was made by Councilmember Bertone and seconded by Councilmember Badar to approve accept proposal from Keyser Marston. Motion carried unanimously.

9. SUCCESSOR AGENCY

- a. Verbal update report

Assistant City Manager Ken Duran provided the following update on recent activity of the Successor Agency:

- Initial review has been completed and is now with management
- Next Oversight Board meeting to discuss next round of ROPS (January –June 2014) and draft of long range property management plan:
 - 4 ½ vacant acres on Bonita and Cataract
 - Vacant property on Bonita and Eucla
 - 108 and 112 Cataract

Four classifications that the board could use to address how the City deals with the future of the properties:

- Governmental use would not apply
- Enforceable obligation (DDA) would not apply
- Retain for the City's use or future use consistent with former Redevelopment Agency Plan (Recommended)
- Make it available for sale

Councilmember Badar asked what would be the percentage of money from the sales.

Assistant Manager Duran replied 10% to 11%. would come back to the City.

10. ORAL COMMUNICATIONS

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

No one came forward.

- b. City Manager

Next Mayor call in Show September 26, 2013

- c. City Attorney

Nothing to report

- d. Members of the City Council

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

Nothing to report

- 2) Individual Members' comments and updates.

Councilmember Templeman acknowledged having Mayor Morris at the meeting after his automobile accident. He also reported evidence of a Brown Widow Spider in the community.

Councilmember Bertone reported possible sound issues at the Plumber Building.

11. ADJOURNMENT

The meeting was adjourned at 10:37 p.m. The next meeting will be September 24, 2013, at 7:00 p.m.

Respectfully submitted,

Debra Black Deputy City Clerk



City Council Memorandum

TO: Honorable Mayor and Members of City Council
For the Meeting of September 24, 2013

FROM: Blaine Michaelis, City Manager

INITIATED BY: Marco A. Espinoza, Senior Planner

SUBJECT: CUP 12-06 is for the continued off-site sale of beer and wine.
CUP 12-07 is for the redevelopment of a new gas station.
Appeal of DPRB Case No. 12-19 is for the demolition of the existing 1,568 sq. ft. gas station attendant building / convenience store and construction of a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and re-landscaped.
Property Address: 105 E. Arrow Highway (APN: 8390-018-023).

BACKGROUND:

At the August 27, 2013, City Council meeting, the Council continued the above mentioned applications for further noticing. In addition, the Council directed Staff to bring back MCTA 10-06, a request to delete the reverse/turn around gas station design from the Creative Growth Zone, Area 3A for a first reading to their September 10, 2013 meeting.

Staff has attached a modified version of the August 27, 2013, City Council Staff Report. Staff has deleted the sections that were pertaining to the MCTA 10-06 application.

Staff has also added the August 27, 2013, City Council minutes as Exhibit "L" for your reference.

CUP 12-06, CUP 12-07, & Appeal of DPRB 12-19
105 E. Arrow Highway
September 23, 2013

Page 2

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Marco A. Espinoza".

Marco A. Espinoza
Senior Planner

Attachment: Sept. 24, 2013 Staff Report with Exhibits



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of September 24, 2013

FROM: Blaine Michaelis, City Manager

INITIATED BY: Marco A. Espinoza, Senior Planner

SUBJECT: CUP 12-06 is for the continued off-site sale of beer and wine.
CUP 12-07 is for the redevelopment of a new gas station.
Appeal of DPRB Case No. 12-19 is for the demolition of the existing 1,568 sq. ft. gas station attendant building / convenience store and construction of a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and re-landscaped.
Property Address: 105 E. Arrow Highway (APN: 8390-018-023).

SUMMARY

The applicant submitted a request to amend Code Section 18.140.090.C.4.a.iv. to allow an exception to the reverse/turn around station design when a storm drain facility and/or easement interfere with the siting of the proposed building.

The Council at their June 14, 2011, meeting directed Staff to work with the applicant to evaluate reasonable and appropriate site designs that would accommodate the project and code requirements.

Staff worked with the applicant on several site design layout options, identifying existing undergrounding tank locations, confirming underground tanks meet current AQMD requirements and exploring possible code text amendments. The applicant focused on a site design that would not require the relocation of the gas pumps and canopy and/or underground tanks due to cost, thereby prohibiting a reverse/turn around design. As an alternative, Staff presented the applicant with a tentative schematic design that

would accommodate the required reverse/turn around design. The applicant rejected the design because he would need to relocate the gas pumps and canopy.

At the January 24, 2012, City Council meeting, the Council directed Staff to initiate the municipal code text amendment to consider allowing modification to the reverse/turn around design required for gas stations in the CG Area 3, Mixed Use, Sub –Area A zone as long as the project met all the other development requirements.

Staff has worked with the applicant on various versions of the new gas station but in every case there is one item that creates a design issue that does not allow for proper design of the site. The applicant wishes to not relocate the gas pump island which currently encroaches into the 25-foot setback along Arrow Highway. This item is self-imposed as the applicant does not want to comply with any requirements that might be imposed by AQMD.

Staff presented the applicant's latest proposal to the Development Plan Review Board (DPRB) on October 11, 2012, and on May 9, 2013. At the last meeting the Board voted to deny DPRB Case No. 12-19, due to the fact that the project did not meet the finding for a well planned development, specifically the gas pump island design. The appeal of the case will be reviewed by the City Council after the Planning Commission makes their recommendation.

Staff recommended the Planning Commission recommend denial of MCTA 10-06, CUP 12-06 & 12-07 to the City Council. The Planning Commission thought otherwise and voted to approve the applications with a 3-1-1 vote. The Commission did not make a formal decision on the DPRB Application since it was on appeal to the City Council.

Staff recommends the City Council deny CUP 12-06 & 12-07 and uphold the Board's decision to deny DPRB 12-19.

BACKGROUND:

The applicant submitted preliminary plans for a major remodel of the gas station at 105 E. Arrow Highway. Staff notified the applicant that the proposed layout of the buildings did not meet the reverse/turn around service station design required by the Municipal Code (Section 18.140.090.C.4.a.iv).

The applicant indicated that they did not propose a reverse/turn around station design because of a 20-foot wide storm drain easement that runs through a portion of the property that would impede the required design.

Subsequently, the applicant submitted a proposal to amend the code to allow an exception to the reverse/turn around station design when a storm drain facility and/or easements interfere with the sitting of the proposed building.

On May 10, 2011, Staff presented to the Council the background information on the proposed code text amendment, in addition to the applicant's site design layout for the gas station (see Exhibits A & B). The applicant testified that a reverse/turn around design was cost-prohibitive because it would require relocating the underground storage tanks. The Council directed Staff to further evaluate site design possibilities and the code text amendment with the applicant.

At the January 24, 2012, City Council meeting Staff discussed how we had worked with the applicant on additional site layout options, identifying existing underground tank location, confirming underground tanks met current AQMD requirements and exploring possible code text amendments (see Exhibits C & D). The applicant focused on a site design that would not require the relocation of the gas pumps and canopy and/or underground tanks due to cost, thereby prohibiting a reverse/turn around design. As an alternative, staff presented the applicant with a tentative schematic design that would accommodate the required reverse/turn around design. The applicant rejected the design because he would need to relocate the gas pumps and canopy.

Staff understands the reasons for the applicant's rejection of Staff's design (cost) but the intent of the original modification to the Creative Growth Zone in 2005 was for the City to obtain a comprehensive redevelopment of these sites, not partial.

Staff recommend to the Council they uphold the intent of the Municipal Code text Amendment established in 2005, for a complete redesign of the gas station properties and reject the applicant's request. The Council decided to allow for the initiation of the code amendment as long as the proposed project meets all other development standards of the Code.

Since then, the applicant has modified the site layout to try to comply with the development standards of the Creative Growth Zone. Staff presented the applicant's proposal on October 11, 2012, to the Development Plan Review Board (See Exhibit E & F). Staff recommended that the applicant modify a number of design issues, including the redesign and relocation of the gas pump island. The Board concurred with Staff's recommendations and voted to continue the case to allow the applicant time to modify the plans.

On May 9, 2013, the revised plans were presented to the Board (see Exhibits G & H). The applicant had addressed most of Staff's and the Board's concerns. The issue of the gas pumps still remained. The gas pump canopy has been designed to only cover the interior drive-aisle due to the required 25-foot setback along Arrow Highway. The canopy looked odd, unbalanced and trivial especially adjacent to the proposed two-story structure. Staff recommended the applicant redesign the canopy to cover all four drive-aisles. The way to accomplish this would be to relocate the canopy 10 feet to the north; the applicant did not want to do this. This was the same concern Staff addressed at the previous DPRB meeting. The applicant did not address this issue of concern and proposed the same canopy design.

In addition to the gas canopy issue a secondary concern developed when the applicant discovered that they did not have legal access to the property to the north, therefore requiring the closure of the drive aisle; the closure created a dead end design. This is not the best design for parking lots because it does not allow for a car to turn around if there is not any parking available; the car would need to back up in reverse creating a traffic safety issue.

The Board voted to deny the project (DPRB Case No. 12-19).

On June 20, 2013, the Planning Commission reviewed and approved MCTA 10-06, CUP 12-06 and 12-07. The Commission reviewed and discussed the overall design and layout of the proposed site but did not make a formal ruling since the Development Plan Review Application was on appeal to the City Council. The Commission discussed Staff's concern with the project regarding the decreased vehicular access, the awkward design of the gas pump island and the lack of meeting the intent of the development standards of the Creative Growth Area 3 zone. The Commission's overall thought was that the project had architectural and site design layout issues but that the proposed development was better than what is there now. Commissioner Rahi had a concern with losing two of the gas island pumps and the issues of creating a dead end aisle by losing through access to the property to the north; Commissioner Davis had the same concerns as Rahi; Commissioner Ensberg had concerns with the loss of access to the north but felt that the project met a majority of the intent of the redesign requirement. Chairman Schoonover also agreed with the other Commissioners but thought that the project should not be approved just because it is better than what is there; he felt that the project should meet the intent of the Code which is a complete redesign that meets the development standards of the zone and the Findings -Standards of Review of Development Plan Review, Chapter 18.12.060.

ANALYSIS:

Appeal of DPRB Case No. 12-19

The applicant is proposing to demolish the existing 1,568 sq. ft. attendant/convenience store and build a new one. The new 2,561 sq. ft. building

will house a 1,961 sq. ft. convenience store and a 600 sq. ft. take-out restaurant. The building is design in an early California industrial architecture, similar to the Grove mixed-use project just to the north. The main portion of the building will have a two-story appearance but is only a one-story building with a high attic space. The other portion of the building will be one-story with a hipped roof design.

The applicant is proposing the following materials and architectural features on the building:

- Antique red brick façade
- Smooth stucco
- Semi-arched clear windows with pre-cast decorative trim
- Clay S-tile
- Parapet walls with dentil relief
- Goose neck lighting

The applicant is also proposing to redo the entire site with the following:

- Remove all the existing raised planters and reinstall with new six-inch high curb planters throughout the site
- Repave the entire site with asphalt pavement
- Decorative entry aisles
- New trash enclosures.

The project was reviewed by the Development Plan Review Board on October 11, 2012, and was continued to allow the applicant time to address Staff's and the Board's concerns. The plans were revised and brought back for review by the Board on May 9, 2013 (see Exhibits E & F). The applicant was not able to address the following issues:

Decreased Vehicular Access – Since the last DPRB meeting the applicant discovered that they do not have legal access rights to the property to the north which was partially being used to access San Dimas Avenue. The applicant has revised the plans to close off the north property line access route to the parking lot. This area of the parking lot now has a dead-end. This is not the best design for parking lots because it does not allow for a car to turn around if there is not any parking available; the car would need to back up in reverse creating a traffic safety issue.

Gas Pump Drive-Aisle – The existing southernmost drive-aisle for the gas pumps is nonconforming because it is within the required 25-foot setback. Due to the large scale of this project, the nonconforming drive-aisle needs to be abated at this time. The applicant's solution to this issue is to convert the drive-aisle into a planter. Staff feels that the applicant's proposal is

unattractive and awkward and would prefer the canopy be relocated 10 feet to the north to allow for the use of the drive-aisle. This solution would also allow for proper design of the canopy. This issue was discussed in length by the Board, which recommended that the applicant consider moving the canopy. The applicant would prefer to leave the canopy in its current location due to the cost and possible mitigation measures AQMD would require.

Staff recommended to the Board to deny the project based on the fact that the applicant wishes to not modify the location of the gas pump canopy a minimum of 10 feet to the north, thereby not allowing proper coverage of all the drive aisles. These two issues create a significant negative visual effect on the property. As part of the City Council's consideration to reconsider requiring the reverse/turn around design, the applicant would still be required to meet all other development standards of the zone. The applicant is not meeting the intent of the code which is to provide for a comprehensive reconstruction and design of the site as stated in the Creative Growth, Area 3 section of the Code which states:

“Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities”
Sec. 18.140.090.C.4.a.iv

The applicant's wishes to not comply with the code are self-imposed, and compliance can be met with modifications to the site plan.

The Board agreed with Staff and denied DPRB 12-19 (4-0-1-2 (Dilley Absent; Badar and Schoonover Abstained)). The Board thought that the project's overall design and site layout did not meet the intent of the Code which was to have a complete redesign; in addition it was not properly laid out. Some of the members had concerns with the negative visibility aspect from the street of the trash enclosure and the propane tank in front of the building. Another concern is the design and layout of the gas pump island. The closing of the southernmost drive aisle just to meet the setbacks is not a practice in the gas station design community; this design creates an unacceptable awkward design. As mentioned by Board member Michaelis *“the aspect of the Board is to make sure the proposal is compliant and meets the Code requirements”* and this project does not do that as proven by the Board's vote. See attached DPRB minutes dated May 9, 2013 – Exhibit H.

As part of the Staff's and the Board's review the project is reviewed against the Findings-Standard of review Sec. 18.12.060. The following are some of the findings that shall be made that the project cannot meet:

1. *New development or alteration or enlargement of existing development should be compatible with the character and quality of surrounding*

development and shall enhance the appearance of the area in which development is located.

The gas island's overall design and layout does not enhance the design of the proposed development, and in fact negatively affects the project's design. Closing the southernmost drive aisle and having landscape coming up to the pumps will give the site an appearance that the site was not properly designed and was more of an afterthought. It will also give the site an appearance that the developer was trying to fit too many uses on the site.

- 2. The location, configuration, size and design of the buildings and structures should be visually harmonious with their sites and with the surrounding sites, buildings and structures.*

The proposed design of the canopy is based on setback requirements and not functionality creating an awkward unbalanced design. The canopy will only cover the interior drive aisles and leave the outer one open and exposed to the elements. The canopy is not visually harmonious with the overall design of the site and should be relocated a minimum of 10 feet to the north and the roof design expanded to cover all the drive aisles.

- 3. The height and bulk of proposed buildings and structures on the site should be in scale with the height and bulk of buildings and structures on surrounding sites, and should not visually dominate their sites or call undue attention to themselves.*

The proposed small canopy cover over the gas pumps will be dominated by the proposed simulated two-story building that will house the convenience store and take-out restaurant, creating an unbalance in the proportions of the buildings on site.

- 4. All mechanical equipment on the site shall be appropriately screened from view. Large vent stacks and similar features should be avoided, and if essential shall be screened from view or painted so as to be nonreflective and compatible with building colors.*

Even though the propane tank and the trash enclosures are being screened their placement on the site appears to also be an afterthought. Both are in front of the building and highly visible from the street.

- 5. Deep eaves, overhangs, canopies and other architectural features that provide shelter and shade should be encouraged.*

The proposed canopy only covers two of the four drive aisles. The canopy should be redesigned to cover all four of the drive aisles to protect the customers from the elements.

6. *Rooflines on a building or structure should be compatible throughout the building or structure and with existing buildings and structures and surrounding development.*

The gas island canopy has been designed based on development limitation and not functionality. The design of the building should be harmonious on all four sides. The support columns of the structure are only 2'-3" deep on the north and south side unlike the east and west side which are 18 feet deep.

7. *The design of the buildings, driveways, loading facilities, parking areas, signs, landscaping, lighting, solar facilities and other sight features should show proper consideration for both the functional aspects of the site, such as the automobile, pedestrian and bicycle circulation, and the visual effect of the development upon other properties from the view of the public street.*

The applicant's inability to obtain legal access to the property to the north has created a less than desirable circulation layout for the site. The lack of through access has created a dead end within the parking area which can create safety issues requiring customers to drive in reverse to exit the parking lot.

8. *Off-street parking and loading facilities should function efficiently with minimum obstruction of traffic on surrounding streets.*

By not obtaining an access agreement with the property owner to the north, access from San Dimas Avenue has been reduced to one exit. The additional exit was approximately 130 feet from the intersection of San Dimas Avenue and Arrow Highway reducing conflicts with vehicles turning north onto San Dimas Ave and vehicles exiting out of the gas station.

The applicant appealed the Board's determination to the City Council.

Staff recommends the City Council uphold the Board's determination of denying DPRB Case No.12-19 based on the information presented in this Staff Report and the Board's comments.

CUP 12-06 Off-Site Sale of Beer and Wine Type 20 License.

The applicant has an existing beer and wine license in good standing. The license was issued prior to the City's incorporation; there are no current conditions of approval associated with the sale of beer and wine for the subject

site. When an existing business has an alcohol license and wishes to modify a part of the business (i.e. hours of operation, layout, and/or expansion of sales floor area) a new Conditional Use Permit application is required for review and approval. The sales area is less than 50 percent of the total sales area of the convenience store. The beer and wine are displayed within coolers, stand-alone displays and on standard shelves.

The applicant is proposing a whole new building with an expanded cooler display area and shelf areas with occasional stand-alone displays. The actual area has not been designated at this time. The alcohol area will be established during the plan check process. The final approved floor plan will be part of the Conditional Use Permit application.

CUP No. 12-07 Expansion of Gas Station

A gas station use within the CG, Area 3, Mixed Use, Sub-Area "A" requires an approval of a Conditional Use Permit Application. Due to the major remodel of the site a new CUP application is required. Existing CUP No. 81-06 will be voided. The applicant is proposing to reconstruct the entire site with the exception of the gas pump islands. A new 2,370 sq. ft. convenience store is proposed towards the northeast corner of the property. The convenience store will also house a 600 sq. ft. Indian fast food area.

Hours of Operation –

The existing gas station operates from 5:30 am to 8:30 pm Monday through Sunday. The existing gas pumps do not allow for service unless an attendant is on-site.

The applicant would like to expand their hours to allow for 24-hour a day service.

Parking –

The proposed project meets the parking requirements with 17 spaces.

	Parking Spaces Required	Parking Spaces Provided
Food Use 1:75 600/75=8	8	8
Convenience Store 1:225 1,961/225=9	9	9
Total	17	17

RECOMMENDATION:

Staff recommends the City Council deny CUP 12-06 & 12-07 and uphold the Board's denial of DPRB Case No. 12-19.

The Planning Commission recommends the City Council approve CUP 12-06 & 12-07. The Planning Commission did not review DPRB Case No. 12-19 since it was appealed to the City Council.

Based on the Council's direction, Staff will bring the appropriate resolutions of approval or denial for the various applications to the next meeting.

Respectfully Submitted,

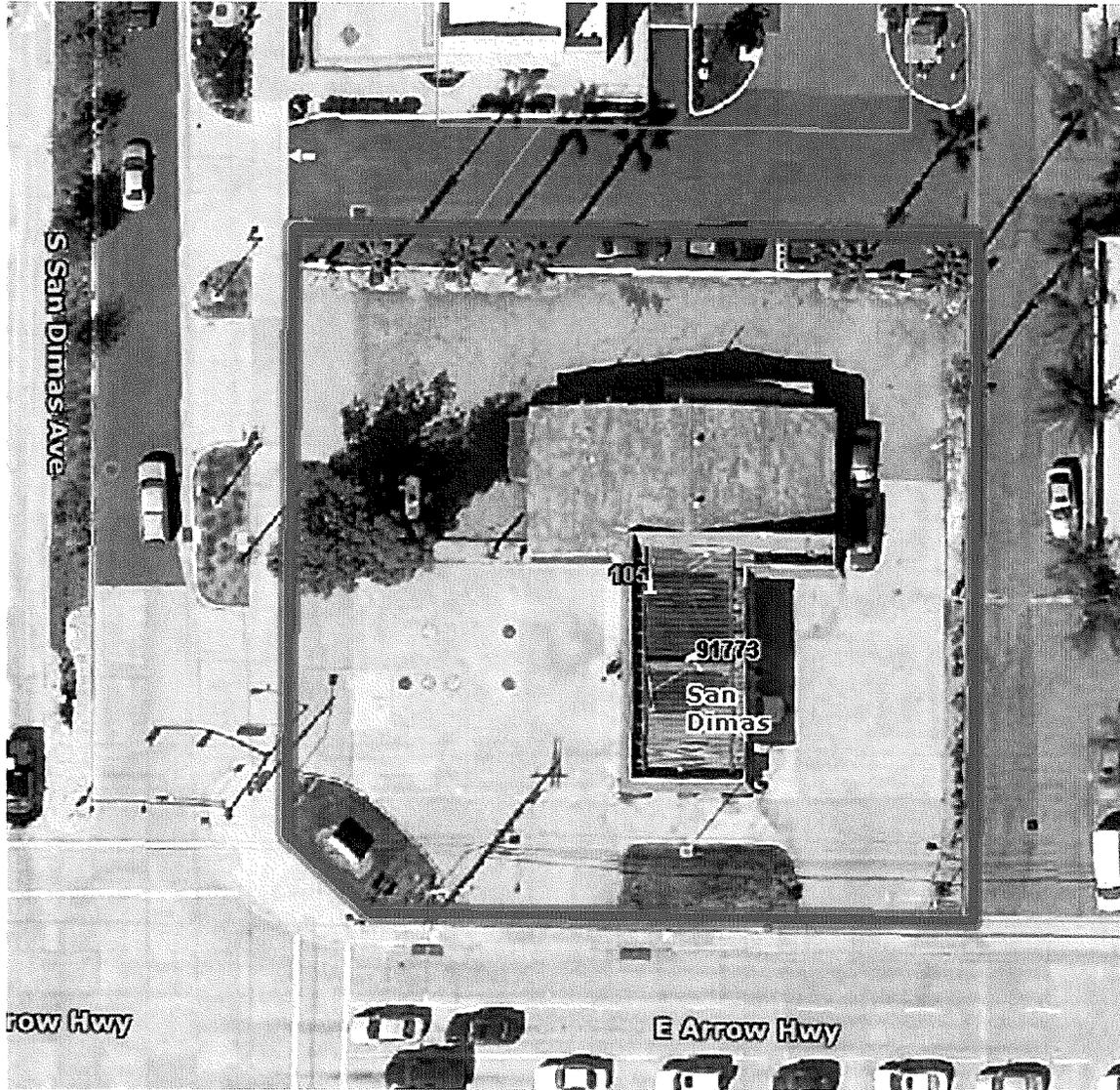


Marco A. Espinoza
Senior Planner

Attachment:

- Exhibit A – CC Staff Report 5-10-11
- Exhibit B – CC Minutes 5-10-11
- Exhibit C – CC Staff Report 1-24-12
- Exhibit D – CC Minutes 1-24-12
- Exhibit E – DPRB Staff Report 10-11-12
- Exhibit F – DPRB Minutes 10-11-12
- Exhibit G – DPRB Staff Report 5-09-13
- Exhibit H – DPRB Minutes 5-09-13
- Exhibit I – PC Staff Report 6-20-13
- Exhibit J – PC Minutes 6-20-13
- Exhibit K – PC Resolutions 1487, 1488 & 1489
- Exhibit L – CC Minutes 8-27-13

Aerial View of Site





Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of May 10, 2011

FROM: Blaine Michaelis, City Manager

INITIATED BY: Marco A. Espinoza, Associate Planner

SUBJECT: Consideration of request to initiate Municipal Code Text Amendment (MCTA 10-06). A request to modify portions of Code Section 18.140.090(C)(4)(a)(iv) within the Creative Growth Zone to allow for a street facing gas station design and not the reverse/turn around design required by Code.

SUMMARY

The applicant submitted preliminary plans for a major remodel of the service station at 105 E. Arrow Highway. Staff notified the applicant that the proposed layout of the buildings did not meet the reverse/turn around service station design required by the Municipal Code (Section 18.140.090(C)(4)(a)(iv)).

The applicant mentioned that they did not propose a reverse/turn around station design because of a 20' wide storm drain easement that runs through a portion of the property that would impede the required design.

Subsequently, the applicant has submitted a proposal to amend Code Section 18.140.090(C)(4)(a)(iv) to allow an exception to the reverse/turn around station design when a drain facility and/or easements interfere with the siting of the proposed building.

The subject site is adjacent to the Grove Station and across the street to the east of the vacant property at Commercial and San Dimas Avenue, which are all within the Creative Growth, Area 3 zone. Currently, Staff is working with developers of the Grove Station and at the vacant lot. Their proposed developments would require additional code text amendments to the CG-3 zone. Consideration should be given to processing all the code text amendments for this zone, at one time.

BACKGROUND

The applicant is proposing to completely remodel the existing gas station and associated convenience store but keep the existing pump stations and underground tanks in the same location; the existing site is in need of repairs and updating. The existing gas station was conditionally permitted in 1981, under Conditional Use Permit 81-06. The gas station also has an alcohol license that allows the off-site sale of beer and wine.

After reviewing the applicant's preliminary site plan submittal for a complete remodel of the site, they were informed that the Code required a reverse/turn around service station design. The applicant informed Staff that they were aware of the Code requirement but felt that they could not develop the site to meet their needs due to the existing 20-foot wide storm drain easement that runs through the property.

Staff has requested the applicant comply with the Code requirements but the applicant has stated that they cannot design site in a way that meets his client's desire. The applicant did submit a preliminary site plan showing a reverse/turn around service station but it is deficient on the parking design requirement (see Exhibit D).

ANALYSIS

Within the Creative Growth, Area 3 – Mixed Use, Sub-Area “A” – Mixed Use/Commercial Office Zone there are only two gasoline service stations. The two stations are at the intersection of San Dimas Avenue and Arrow Highway. One is on the southeast corner and the other, which is the applicant's site, is on the northeast corner (see Exhibit E).

In 2005, when the Grove Station project was being processed, several code text amendments were made to the Creative Growth Zone to allow for aesthetic improvements to the area. The City saw this as an opportunity to look at some of the surrounding properties near the Grove Station. The City felt that the two service stations were potential sites that would benefit from aesthetic improvements. In order to encourage improving substandard sites, the City incorporated the possibility to conditionally allow for a convenience store and/or a restaurant if a major improvement was proposed to the sites. As part of the code text amendment the City included that the sites would also need to be redesigned as a reverse/turn around station, improving the aesthetics of the sites. The code amendment was seen as a method of addressing community design interests that would encourage reconstruction of the sites without restricting the ability for the existing use(s) to continue.

The City has used the reverse/turn around service station design on other projects in the City and it has become the preferred design concept for such uses. The design is favored because it allows the attendant building to screen the unsightly pump islands and decreases the amount of ingress and egress approaches to the site, thus reducing traffic safety issues (see Exhibit F).

Even though there are two service stations within this sub-area, the applicant's code text amendment request would only affect the applicant's site, the station that is on the northeast corner of San Dimas Avenue and Arrow Highway at 105 E. Arrow Highway.

The subject site has a 20-foot wide storm drain easement that goes through a portion of the property. The storm drain enters the property along the north property line approximately 60 feet from the northwest corner and travels down the property in a boomerang shape. The storm drain exists the property on the west property line approximately 40 feet from the southwest corner of the property (see Exhibits D & G). Even with the restrictions of the easement, Staff feels that the site is adequate in size to construct a reverse/turnaround service station with accessory use(s).

Staff is not in favor of the proposed code text amendment which the applicant is proposing as follows (proposed text is in **Bold**)(see Exhibit A):

Code Section 18.140.090(C)(4)(a)(iv)

iv. Gasoline Service Stations. Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities. Reconstructed gasoline stations shall utilize a reverse or turn around station design, in an effort to create an architectural statement at the Arrow Highway and San Dimas Avenue intersection. **Should any storm drain facilities and/or easements interfere with this siting the applicant shall provide documents with findings. At such time the Staff will review documents to provide the applicant with a decision. If the documents show the reverse siting of the new structure is not possible, the site will incorporate site designs to reflect the architectural statement for the Arrow Highway and San Dimas Avenue intersection.** If an existing gasoline service station is reconstructed to the above standard, the use may expand and include, convenience store and restaurant use with a new or revised conditional use permit and subject to the provisions of Chapter 18.12 of this title;

As part of the applicant's submittal, he has provided a proposed site layout and an alternative layout with a reverse/turn around design. The applicant feels that the alternative site layout does not meet the needs of his client (see Exhibit D).

The applicant's proposal for the subject site would be to construct a 2,925 sq. ft. convenience store with the continued off-site sale of beer and wine and an 825 sq. ft. restaurant. The building would be in the northeast corner of the site. The gas pumps would be in the same location as they are now. The trash enclosure would be at the southwest corner of the property. Parking would be provided throughout the site (see Exhibit D). This proposal has site design concerns and does not meet parking development standards, among other issues.

The alternative layout does not use the full potential of the site; for example, the drive aisles are 45 feet wide. There is potential for the drive aisles to be reduced to 26 feet. The gas pumps may be better sited parallel to the north property line rather than at an angle. In addition, Staff feels that the applicant is overbuilding for the small site. There are two other gas stations in the City that have a building pad that is about the same size as the proposed one but the major difference is the size of those lots; they are double the size of the applicant's lot of 22,350 sq. ft.

As mentioned, the applicant did submit an alternative site layout that would allow for a 2,475 sq. ft. building pad without a restaurant use that appears to meet the intent of the reverse/turn around station design, but feels it does not work for him. In addition, Staff has laid out a similar design that can potentially work, meeting the intent of the Code (see Exhibit G). Both proposed layouts would increase the building pad by approximately 900 to 1,200 sq. ft. The existing building pad is 1,568 sq. ft. which is not used effectively for display of merchandise at this time.

Additional Code Text Amendments

The subject site is within the Creative Growth, Area 3 Zone as well as the Grove Station that is to the north and the vacant lot to the west across the street. Staff is currently working with other developers on potential developments for these sites. The developers' proposals would also require some modifications to the Creative Growth Zone Chapter. The Grove Station may be modifying the tandem parking requirement while the vacant lot may be requesting an additional single-family lot facing South Shirlmar Avenue. Instead of submitting the different code text amendments three separate times, Staff recommends to do one comprehensive code text amendment.

Conclusion

The code text amendments made in 2005 were intended to improve the aesthetic appearance of the substandard sites. The reverse/turn around design for service stations is preferred because it allows for the main building to shield the gas pump islands and reduce the amount of entrance and exit approaches to the site. These factors were taken into consideration when approving the code text amendment to the Creative Zone in 2005. Staff feels that even with the storm drain easement the site can be properly designed to meet the reverse/turn

around design that is required and meet most of the applicant's client's desires without over building the site which, will limit development possibilities.

RECOMMENDATION

Staff recommends the City Council deny the applicant's request for a municipal code text amendment request to modify Code Section 18.140.090(C)(4)(a)(iv) to allow an exception to the reverse/turn around station design for gasoline service stations when a drain facility and/or easements interfere with the siting of the proposed building.

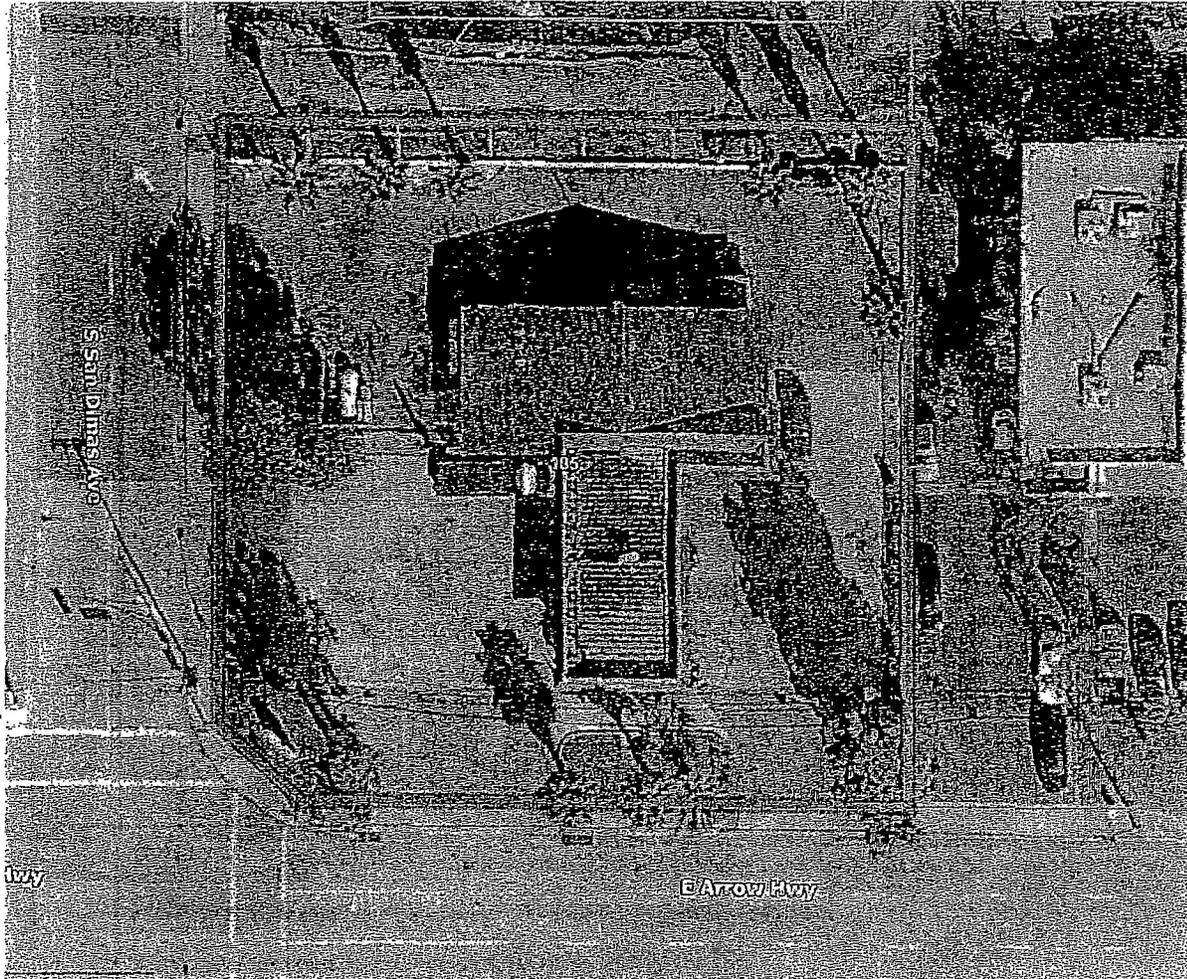
Staff also recommends the Council direct Staff to bring back the two other code text amendments at the same time when the applicants are ready to proceed, instead of separately.

Respectfully Submitted,

Marco A. Espinoza
Associate Planner

Attachments: Exhibit A – Applicant's request letter
 Exhibit B – Chapter 18.140 C-G Creative Growth Zone
 Exhibit C – Photos of subject site
 Exhibit D – Proposed and Alternative Site Layout
 Exhibit E – Aerial of both gas stations within CG-3
 Exhibit F – Example of reverse/turn around service station
 Exhibit G – Potential Development Layout – Staff

Aerial of Subject Site





Jerry Ronnebeck, Engineering

165-A West Bonita Avenue, San Dimas, CA 91773

909-399-3233 + 909-599-2572 fax

Website: Ronnebeck.com

December 3, 2010

City of San Dimas
Planning Department
245 East Bonita Avenue
San Dimas, CA 91773

Re: Code Amendment Request

This request is being submitted by Hari Alipuria, the owner of the gas station at 105 East Arrow Highway located at the northeast corner of San Dimas Avenue and Arrow Highway. The request is to revise the existing code language as shown on the attached page.

The reason for this change in code for this particular property is due to the subsurface storm drain facilities crossing the property. The existing location of the storm drain makes the existing code requirement of placing a new building at the corner impossible to implement. The attached diagram shows the location of the existing easement on the northeast corner for your review.

The code was written to affect the northeast corner and the southwest corner of San Dimas Avenue and Arrow Highway of the Creative Growth Area equally, as shown on the attached map. Due to the existence and location of the storm drain facilities and the storm drain easement located on the northeast property, each property should be reviewed separately. This is the intent on the code revision as noted on the following page.

I will be representing Hari Alipuria in the city processing of the Code Amendment. Should you have any questions or comments please contact me.

Sincerely,

Jerry Ronnebeck

Existing Code Language for 18.140.090.C.4.a.iv

Gasoline Service Stations. Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities. Reconstructed gasoline stations shall utilize a reverse or turn around station design, in an effort to create an architectural statement at the Arrow Highway and San Dimas Avenue intersection. If an existing gasoline service station is reconstructed to the above standard, the use may expand and include, convenience store and restaurant use with a new or revised conditional use permit and subject to the provisions of Chapter 18.12 of this title;

Revised Code Language for 18.140.090.C.4.a.iv

Gasoline Service Stations. Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities. Reconstructed gasoline stations shall utilize a reverse or turn around station design, in an effort to create an architectural statement at the Arrow Highway and San Dimas Avenue intersection. *Should any storm drain facilities and/or easements interfere with this siting the applicant shall provide documents with findings. At such time the staff will review documents to provide the applicant with a decision. If the documents show the reverse siting of the new structure is not possible the site will incorporate site designs to reflect the architectural statement for the Arrow Highway and San Dimas Avenue intersection.* If an existing gasoline service station is reconstructed to the above standard, the use may expand and include, convenience store and restaurant use with a new or revised conditional use permit and subject to the provisions of Chapter 18.12 of this title;

SAN DIMAS AVENUE

EXISTING
72" STORM DRAIN

ARROW HIGHWAY

Chapter 18.140

C-G CREATIVE-GROWTH ZONE*

Sections:

- 18.140.010 Purpose.
- 18.140.020 Specific plan.
- 18.140.040 Plan review.
- 18.140.060 Additional findings.
- 18.140.090 Uses in specific plan areas.
- 18.140.100 Property development standards.

* Prior Ordinance History: Ords. 316 and 361.

18.140.010 Purpose.

The purpose of the creative growth area plan is to promote amenities beyond those expected under conventional planning and development, represented by a commitment to a special architectural theme. This theme was expressed by the city council on August 24, 1970, as "early California village," which represents architectural styles circa 1890's. Developers are required to adopt this theme, in an architecturally creative approach to developing the most marketable and compatible uses possible in this central business district. To implement this plan, specific areas are further defined to integrate compatible uses while maintaining flexibility in commercial investment decisions. (Ord. 785 § 1 (part), 1983; Ord. 37 § 280.00, 1961)

18.140.020 Specific plan.

The creative growth area plan (hereinafter referred to in this chapter as the "plan") is an instrument for guiding, coordinating and regulating the development of property within the area designated on the area map (hereinafter referred to in this chapter as the "area map"), a copy of which map is on file in the office of the city clerk. The plan replaces the usual zoning regulations. It is a "specific plan" as authorized in Article 8 of Chapter 3 of the state Planning and Zoning Law. The plan is consistent with and carries out the projections of the general

plan of the city. (Ord. 673 § 1 (part), 1979; Ord. 37 § 280.01, 1961)

18.140.040 Plan review.

A. No person shall construct any building or structure or enlarge or modify any existing building or structure, make any exterior alterations, or use any property in the creative growth area until approval has been obtained pursuant to Chapter 18.12. (Ord. 1005 § 1 (Exh. A, § 9), 1993; Ord. 673 § 1 (part), 1979; Ord. 37 § 280.03, 1961)

18.140.060 Additional findings.

In reviewing a development plan in the creative growth area, the approving authority shall make the following additional findings:

A. The architectural character is in conformance with the early California village theme concept with respect to:

1. Size;
2. Color;
3. Materials;
4. Site design and building design.

B. The following elements shall be shown and so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and that there will be no adverse effect on surrounding property:

1. Buildings, structures and improvements;
2. Vehicular ingress, egress and internal circulation;
3. Setbacks;
4. Height of buildings;
5. Service areas;
6. Walls;
7. Landscaping;
8. Such other elements as are found to be relevant to the fulfillment of the purposes of this zone.

(Ord. 1005 § 1 (Exh. A, § 10), 1993; Ord. 673 § 1 (part), 1979; Ord. 37 § 280.05, 1961)

18.140.090 Uses in specific plan areas.

Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, structurally altered or enlarged only for the permit-

ted and conditionally permitted uses described in each area, plus such other uses as the director of community development determines to be similar and not more obnoxious or detrimental to the public health, safety and welfare, in accordance with the findings set forth in Section 18.192.040. The determination of the director may be appealed to the development plan review board and, thereafter, the city council, pursuant to Chapter 18.212 of this title. Conditional uses shall be subject to Chapter 18.200 of this title. All uses shall be subject to the property development standards in Section 18.140.100, and shall be located only where designated on the specific plan map, which map is on file in the office of the city clerk. All uses and storage shall be conducted within a totally enclosed building with the exception of nursery stock or unless permitted as a conditional use in this zone by conditional use permit pursuant to Chapter 18.200. Uses made nonconforming by the adoption of the ordinance codified in this chapter, or any amendment thereto, may be continued in accordance with Section 18.204.170, provided that there shall be no expansion or change of an existing use that is nonconforming to another nonconforming use, and there shall be no expansion, change or alteration of any building or structure that is nonconforming on the subject property.

A. Area 1—Regional Commercial. The purpose of this area is to take full advantage of excellent freeway access and visibility and to encourage the development of major commercial enterprises, as well as those related to the needs of freeway travelers.

1. Permitted Uses.

a. Any retail, other than auto and truck sales, or service business, which is conducted entirely within a totally enclosed building, provided that no business involving the manufacture, fabrication or wholesaling of goods shall be permitted unless it is related, secondary and incidental to another permitted use and receives prior written approval from the director of community development upon finding that it is not more obnoxious or detrimental to the public health, safety and welfare than any other

permitted use. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212.

b. Major home improvement retail businesses which draw customers from a large region, and groups of small home improvement retail businesses where such businesses do not have regional drawing power.

c. Uses which are directly related to the needs of freeway travelers and which are dependent on large traffic volume, including, but not limited to, restaurants, department stores, minor commercial uses related, secondary and incidental to an otherwise permitted use, and similar freeway-oriented uses which may be approved by the director of community development upon finding that they are not more obnoxious or detrimental to the public health, safety and welfare than any other permitted uses. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212.

d. Accessory game arcades up to a maximum of six machines, provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012.

e. Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title.

f. Accessory massage permitted with the following primary businesses: day spa, beauty salon, barbershop and similar uses.

2. Conditional Uses.

a. New automobiles and truck sales and lease and the sale and lease of used automobiles in conjunction with a new auto and truck sales and lease operation only;

b. Gasoline service stations in areas designated on the specific plan area map;

c. Theaters: walk-in, indoor only;

d. Hotel or motel;

e. On-sale or off-sale alcoholic beverages, provided that such use is incidental and ancillary to another permitted use;

f. Fast-food restaurant park, including drive-through service, provided that such fast-food restaurant park includes at least two fast-food restaurants;

g. Regional-scale office uses, such as corporate headquarters, where designated on the specific plan area map;

h. Office uses other than regional-scale office uses, provided that such uses are developed together with a permitted retail use or uses and provided that the total gross floor area devoted to office uses does not exceed fifty percent of the gross floor area of the entire development in which office uses are provided. Required parking spaces shall be calculated by adding the total number of parking spaces required for each type of use on the subject lot or parcel, in accordance with Chapter 18.156;

i. Mass transit facilities, such as bus and train stations;

j. Accessory game arcade consisting of seven or more machines within an indoor recreational facility.

3. Prohibited Uses.

a. Supermarkets;

b. Industrial uses;

c. Gambling facilities;

d. Residential uses;

e. Wholesaling or warehousing operations;

f. Convenience markets;

g. Billboards and other similar off-site outdoor advertising structures;

h. Game arcades, other than accessory game arcades specifically authorized in this chapter;

i. Other uses determined to be inconsistent with the intent and provisions of this Area 1, as determined by the director of community development, in accordance with Section 18.192.040. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212 of this title.

B. Area 2—Frontier Village. The purpose of this area is to provide for neighborhood commercial uses and other convenience goods and service businesses which service the day-to-day-living needs of nearby neighborhoods or a larger section of the city. In addition, it is recognized that certain parcels east of the Puddingstone Shopping Center may be suitable for medium-high density residential development, including apartments, townhouses or condominiums.

1. Permitted Uses.

a. Convenience goods and service businesses, including food markets, pharmacies, liquor stores, barber or beauty shops, cleaners and laundries, small appliance repair businesses and similar uses;

b. Eating places, including take-out service businesses, but not including drive-in or drive-through facilities, provided that eating places shall not be permitted where the number of required parking spaces, pursuant to Ordinance 269, as amended, exceeds thirty-five percent of the number of common parking spaces provided in any shopping center or development in which such eating places are located;

c. Specialty commercial uses, such as antique shops, jewelry stores, music stores, auto and truck parts and supply businesses, and similar uses;

d. Professional, administrative and sales office uses, provided that such uses are not located on the ground floor of any structure unless approved by the development plan review board upon making the findings set forth in Section 18.192.040. The determination of the development plan review board may be appealed to the city council in accordance with Chapter 18.212;

e. Accessory game arcades up to a maximum of six machines, provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012;

f. Wire transmission office;

g. Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title;

h. Accessory massage permitted with the following primary businesses: athletic club, salon, barbershop and similar uses.

2. Conditional Uses.

a. On-sale alcoholic beverages, provided that such use is incidental and secondary to another permitted use in this Area 2;

b. Off-sale alcoholic beverages;

c. Gasoline service stations, but only where such use is designated on the specific plan area map;

d. Automobile tire sales and service;

e. Automotive repair;

f. Outdoor sale, storage and display of merchandise and/or provision of services, provided that such uses are in conjunction with and are related to a permitted use within a structure on the same lot or parcel, unless otherwise permitted in accordance with Chapter 18.196, Temporary Uses;

g. Medium-high density residential uses, including apartments, townhouses and condominiums, provided that these are located only in areas so designated on the specific plan area map;

h. Motorcycle sales and services;

i. Athletic clubs and performing arts studios;

j. Mass transit facilities, such as bus and train stations;

k. Senior citizen housing projects, subject to the standards of Chapter 18.151 of this title, as amended, except where a conflict exists, then the most restrictive standard applies;

l. Accessory game arcades consisting of seven or more machines within an indoor recreation facility;

m. Theaters and bowling alleys;

n. Senior citizen housing located on the second and third floors of buildings. Such senior citizen housing projects shall be exempted from city-wide senior citizen housing requirements as set forth in Chapter 18.151;

3. Prohibited Uses. Drive-through style eating places and those uses prohibited in Area 1, other than supermarkets, residential uses and convenience markets.

C. Area 3—Mixed Use. The purpose of this area is to provide an attractively developed entry into the central portion of downtown San Dimas along the San Dimas Avenue corridor and to provide an extension of Frontier Village. Zoning standards for this area are 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 in the area.

To ensure compatibility with the adjacent historic neighborhoods, traditional architectural design is encouraged. Generally, buildings, whether commercial or office, should be designed in a way to accommodate commercial activities, with storefronts encouraged along streets and major driveways. Multifamily residential uses should be designed in a way to blend well with the commercial block architectural styles and should have architectural features that are reminiscent of historical designs. Loft residential buildings should be design to be compatible with traditional architecture, but may have more of an industrial or packing house feel because of higher building heights. Underground congregate parking areas are encouraged.

1. Area 3—Definitions.

a. "Live/work units" mean individual units that are used jointly for residential and business uses. For the purposes of this chapter, the first floor spaces of live/work units shall be reserved for commercial, office and service businesses that are open to the public. Garage and areas above the first floor shall be reserved for residential use.

b. "Loft residential units" mean multi-story residential units with greater than average ceiling heights, where not more than sixty percent of the unit has second floor area and where all parking is located remote from the unit.

2. Area 3—Sub-Areas. The Creative Growth Zone Area 3 is made up of four sub-areas as defined in Exhibit A. The sub-areas are intended to provide a well-organized land use framework to encourage high quality design while allowing a mix of uses within a small planning area.

a. Mixed use/commercial office;

- b. High density residential;
 - c. Medium density;
 - d. Single family.
3. Permitted Uses.
- a. Sub-Area A-Downtown Mixed Use.
 - i. Retail commercial, office and service businesses;
 - ii. Eating places, including take-out service, but not including drive-through or drive-in facilities;
 - iii. Accessory game arcade up to a maximum of six machines, provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012 of this title.
 - iv. Accessory massage permitted with the following primary businesses: day spa, beauty salon, barbershop and similar uses.
 - b. Sub-Area C-Low-Medium Density. Detached condominiums with the total number of units not to exceed forty.
 - c. Sub-Area D-Single Family. Up to four detached single-family residential units:
 - i. The minimum lot size is five thousand square feet;
 - ii. Maximum one story and eighteen feet in height;
 - iii. Maximum lot coverage is forty percent;
 - iv. Maximum house size (not including garage) is two thousand one hundred square feet;
 - v. Front yard setback, as provided in Exhibit B;
 - vi. The minimum side yard setback is five feet on one side and ten feet on the other.
4. Conditional Uses.
- a. Sub-Area A—Mixed Use/Commercial office.
 - i. Condominium, apartment and other similar multifamily projects, located on the second floor and third floor of buildings when commercial/office uses are located on the first floor;
 - ii. Residential projects where fifty percent or more of the units are designed as live/work units;
 - iii. Senior citizen housing located on the second and third floors of buildings. Such senior citizen housing projects shall be exempted from city-wide

senior citizen housing requirements as set forth in Chapter 18.151 of this title;

iv. Gasoline Service Stations. Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities. Reconstructed gasoline stations shall utilize a reverse or turn around station design, in an effort to create an architectural statement at the Arrow Highway and San Dimas Avenue intersection. If an existing gasoline service station is reconstructed to the above standard, the use may expand and include, convenience store and restaurant use with a new or revised conditional use permit and subject to the provisions of Chapter 18.12 of this title;

v. On-sale alcoholic beverages, provided that this use is secondary and incidental to another permitted use in this Area 3;

vi. Off-sale alcoholic beverages, provided that this use is secondary and incidental to another permitted use in this Area 3.

b. Sub-Area B—High Density Residential.

i. Condominiums and townhouses;

ii. Loft residential units;

iii. Senior citizen housing located on the second and third floors of buildings. Such senior citizen housing projects shall be exempted from city-wide senior citizen housing requirements as set forth in Chapter 18.151 of this title.

5. Other Uses. Other similar permitted and conditional uses determined by the director of community development to be similar and not more obnoxious or detrimental to the public health, safety and welfare, in accordance with the findings as set forth in Section 18.192.040 of this title. The determination of the director may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212 of this title.

6. Area 3—Property Development Standards.

a. Building Height. No provisions. Allowable building height shall be determined by the development plan review board.

b. Setbacks. No provisions. All allowable setbacks shall be determined by the development plan review board.

c. Street Standards. The minimum standards for street and right-of-way widths within developments shall be determined for each project by the city council. The intent of this requirement is to work together with setback requirements to encourage a downtown environment with a preference toward the pedestrian rather than automobile.

d. Parking. The following parking requirements and standards are specific to the Creative Growth Zone Area 3.

i. Required Parking.

(A) Single-Family Residential Use. Two garage spaces. A minimum size of twenty feet by twenty feet is required.

(B) Multiple-Family with Garage Space Attached. Two garage spaces. A minimum size of twenty feet by twenty feet is required. Plus one noncovered space for each additional bedroom beyond two bedrooms per unit, plus one guest space for each three units.

(C) Multiple-Family with Congregate Garage Spaces. Two parking spaces with a minimum size of nine and one-half feet wide and eighteen feet deep. Plus one noncovered space for each additional bedroom beyond two bedrooms per unit, plus one guest space for each three units.

(D) Live/Work Units. Two garage spaces. A minimum size of twenty feet by twenty feet is required. Plus one noncovered space for each additional bedroom beyond two bedrooms per unit, plus one guest space for each three units. Plus one space for every two hundred fifty square feet of commercial/office/service space that may be waived, if adequate public parking is provided within five-hundred feet of the public access.

(E) Seniors Apartments. For units under eight hundred square feet. One covered or noncovered parking space shall be provided for each 1.25 units, (four spaces for each five units). For units of eight hundred square feet and larger. One covered or noncovered parking space shall be provided for every unit.

ii. Parking Design.

(A) All multiple-family units shall provide for a storage area of not less than two hundred fifty cubic feet within the garage area or other approved location.

(B) 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.

iii. Other Parking Requirements. Unless listed specifically in this section, parking requirements are as provided for in Chapter 18.156 of this title.

7. Sign Regulations. Subject to the requirements in Section 18.152.150 of this title.

8. Nonconforming Uses. There shall be no extension, expansion or enlargement of an existing nonconforming use, nor shall there be the addition of structures or other facilities in conjunction with such existing use.

D. Area 4—Commercial/Light Industrial. The purpose of this area is to provide for light-industrial and commercial uses.

1. Permitted Uses.

a. All uses permitted in the M-1 zone;

b. Retail and service businesses;

c. Other similar uses determined by the director of community development to be similar and not more obnoxious or detrimental to the public health, safety and welfare, in accordance with the findings as set forth in Section 18.192.040. The determination of the director may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212 of this title;

d. Accessory game arcade up to a maximum of six machines, provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012;

e. Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title;

f. Accessory massage permitted with the following primary businesses: athletic club, day spa, beauty salon, barbershop and similar uses.

2. Conditional Uses.

a. All uses listed as conditional uses in the M-1 zone;

b. Theaters provided that they are walk-in, indoor;

c. All uses listed as conditional uses in Area 3;

d. Accessory game arcade consisting of seven or more machines within an indoor recreation facility.

3. Prohibited Uses.

a. Gambling facilities;

b. Residential uses;

c. Convenience markets;

d. Food markets;

e. Office uses which are not incidental to a permitted or conditionally permitted use;

f. Billboards and other similar off-site outdoor advertising structures;

g. Game arcades other than accessory game arcades specifically authorized in this chapter;

h. Other uses inconsistent with the intent and provisions of this zone, as determined by the director of community development, in accordance with Section 18.192.040. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212 of this title. (Ord. 1185 §§ 11—15, 2008; Ord. 1170 § 15, 2007; Ord. 1155 §§ 1, 2 (Exh. A) (part), 2005; Ord. 1085 § 12, 1998; Ord. 1083 § 7, 1997; Ord. 1072 § 4, 1997; Ord. 1029 § 1, 1995; Ord. 963 § 4, 1992; Ord. 911 § 9, 1990; Ord. 891 § 2, 1989; Ord. 829 § 1, 1985; Ord. 808 §§ 1, 2, 1984; Ord. 785 § 1 (part), 1983; Ord. 37 § 280.08, 1961)

18.140.100 Property development standards.

The following property development standards shall apply to all land and buildings in the creative growth area, except that any lot held under separate ownership or of record on the effective date of the ordinance codified in this chapter, which is sub-

standard in dimensions may be used subject to all other standards:

A. Lot Area. No provisions.

B. Lot Dimensions. No provisions.

C. Building Height.

1. No building or structure erected in this zone shall exceed two stories in height except by conditional use permit;

2. Exceptions.

a. Penthouses or roof structures for the housing or elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, church steeples, flagpoles, chimneys and other similar structures may be erected above the height limits prescribed in this subsection, provided such structures are compatible with the architectural design of the building and the surroundings.

b. Air conditioning units, electrical switch gear and panels, compressors and similar mechanical equipment shall be enclosed within an enclosure compatible with the architectural design of the building.

D. Yards. Yards shall be measured perpendicular to the property line. When the creative growth overlay zone abuts a residential zone, there shall be a yard of not less than ten feet. Required yards shall be landscaped and maintained; a complete automatic sprinkler system shall be provided. Yards shall be provided as designated in Exhibit B to the ordinance codified in this chapter, a copy of which is on file in the office of the city clerk.

E. Walls. Masonry walls six feet in height shall be erected on the zone boundary line between the creative growth zone and any residential zone.

F. Off-Street Parking. The provisions of Chapter 18.156 shall apply.

G. Utilities. All utilities provided to serve new buildings or to serve existing buildings undergoing alterations requiring change-out of service shall be installed underground.

H. Trash Storage. A city standard plan trash storage area shall be provided in an appropriate location, convenient to users.

I. Signs.

1. The provisions of Chapter 18.152 shall apply.

2. The approving authority shall find prior to the issuance of an approval of a sign or sign program that the proposed design is in conformance with the Early California village theme and good design principles with respect to:

- a. Height;
- b. Location;
- c. Size;
- d. Color;
- e. Materials;
- f. Lighting;
- g. Compatibility to structure it is identifying.

J. Lighting.

1. All exposed lighting fixtures shall be decorative and in keeping with the Early California village theme.

2. Lighting shall be so designed to reflect away from adjoining properties, streets and roads.

K. Landscaping. The review board may require landscaping in addition to required yards as follows:

- 1. Buffering adjoining properties;
- 2. Complementing building designs in and adjoining parking lots. (Ord. 1005 § 1 (Exh. A, § 11), 1993; Ord. 908 § 6, 1989; Ord. 673 § 1 (part), 1979; Ord. 37 § 280.10, 1961)

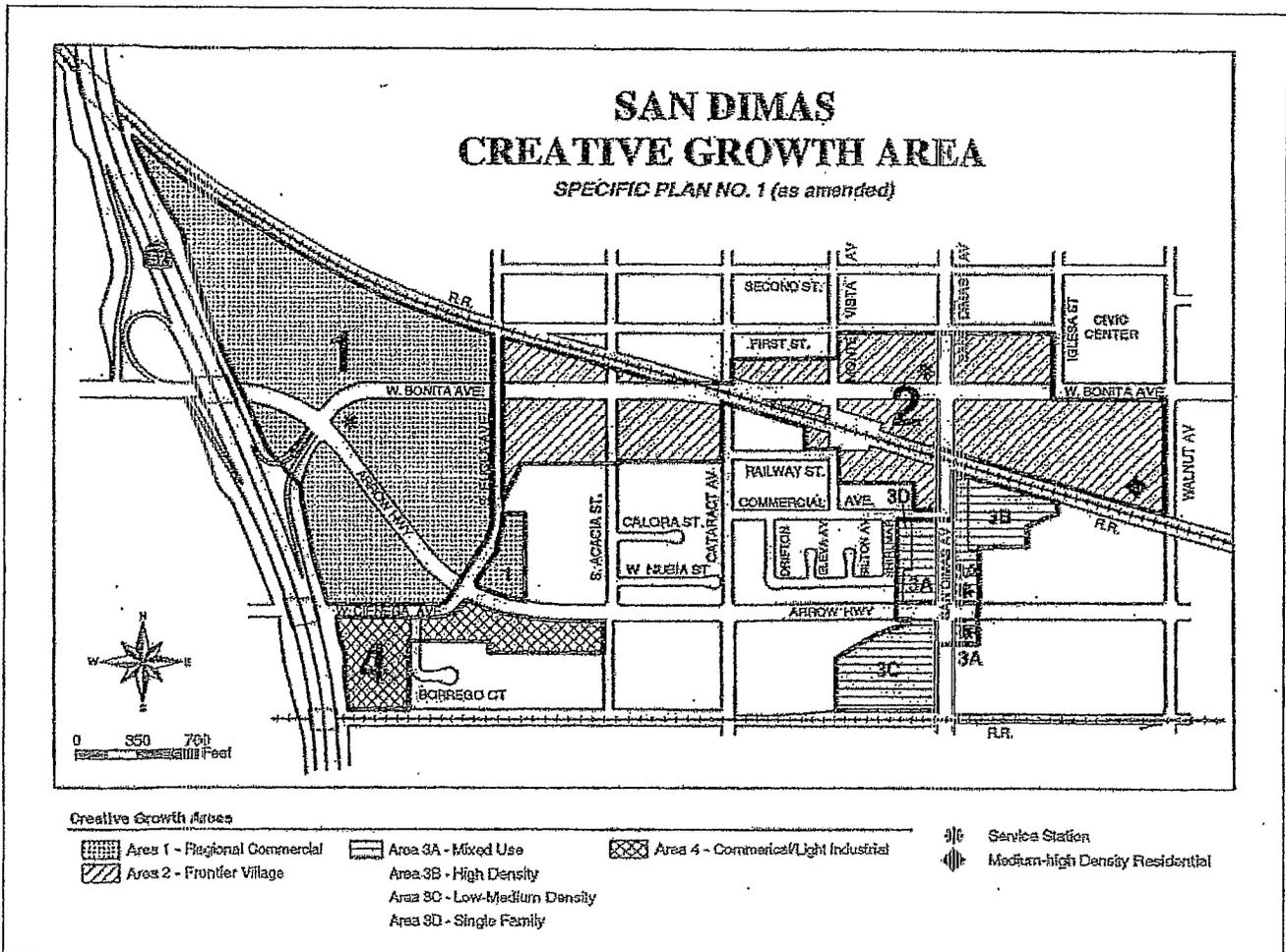
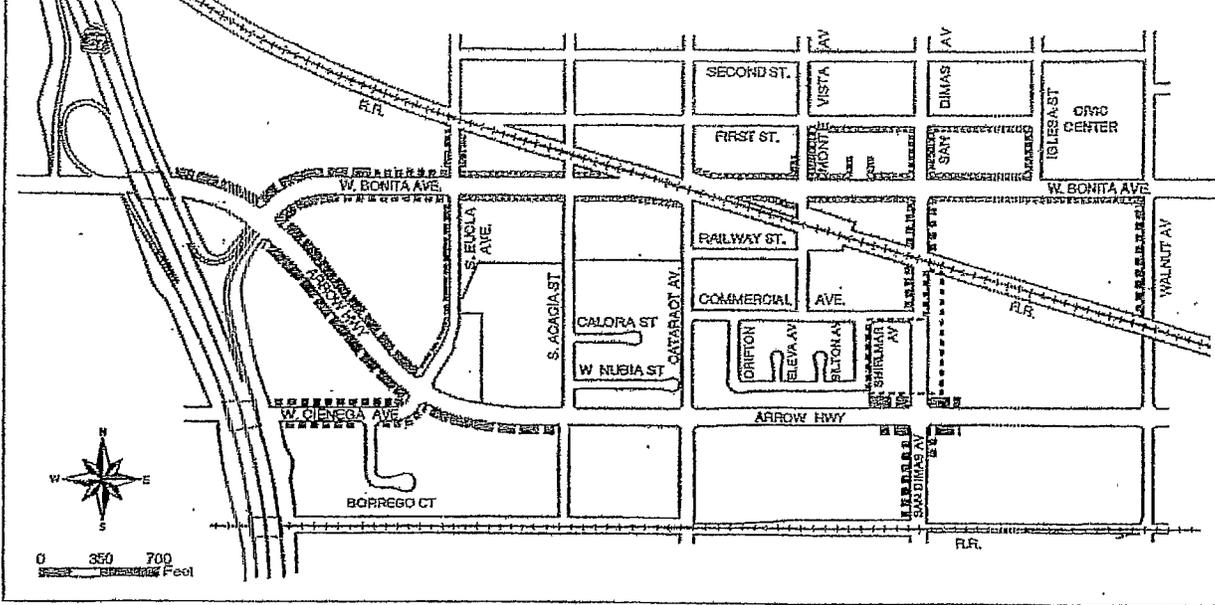


EXHIBIT A - GROWTH AREAS

**SAN DIMAS
CREATIVE GROWTH AREA
SPECIFIC PLAN NO. 1 (as amended)**

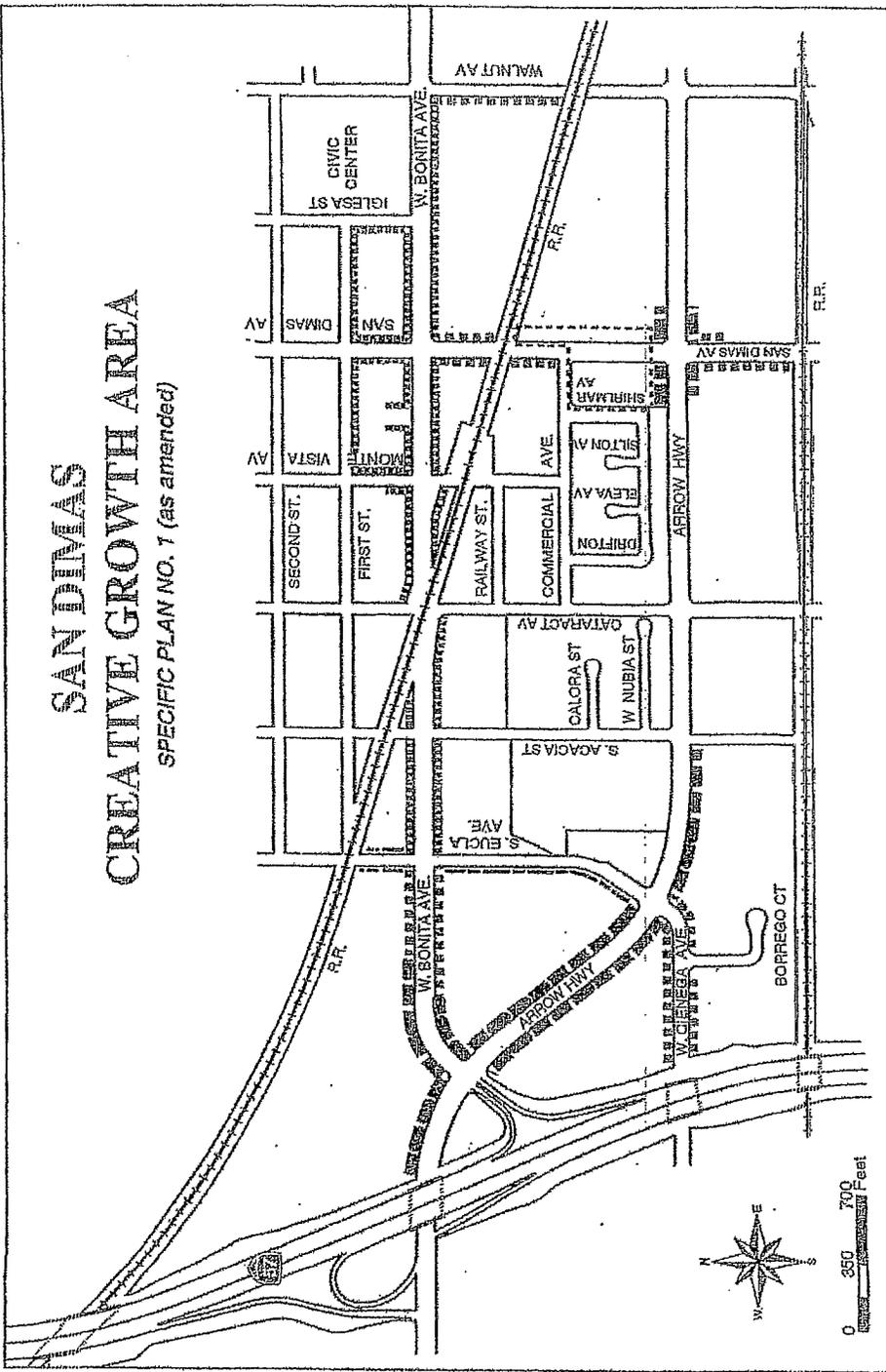


Legend

- 25-foot Setback
- 10-foot Setback
- 15-foot Setback
- Zero Setback
- To be determined by City Council

EXHIBIT B - SETBACKS

SAN DIMAS CREATIVE GROWTH AREA SPECIFIC PLAN NO. 7 (as amended)



- Legend**
- 25-foot Setback
 - 10-foot Setback
 - 15-foot Setback
 - Zero Setback
 - To be determined by City Council

EXHIBIT B - SETBACKS

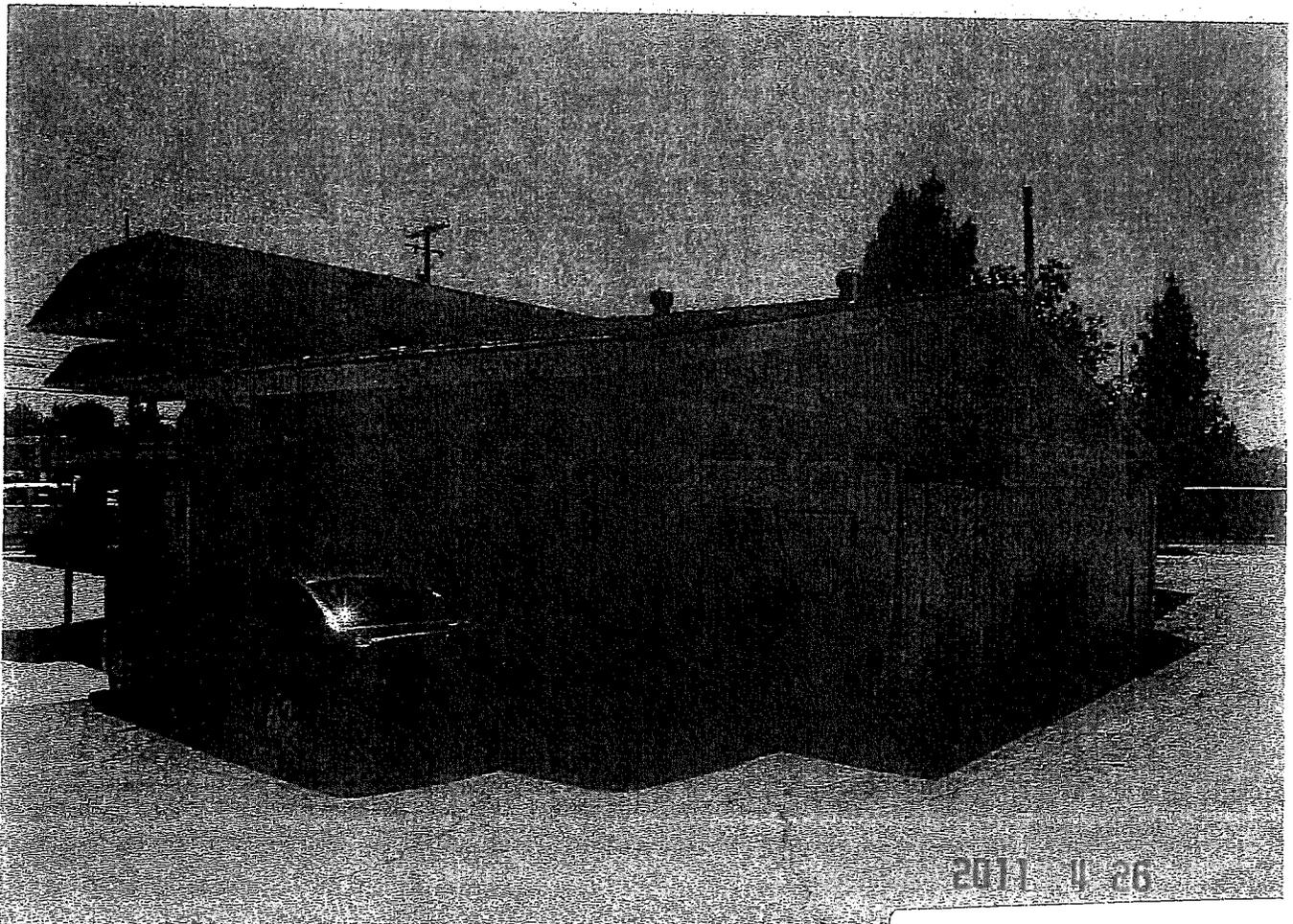
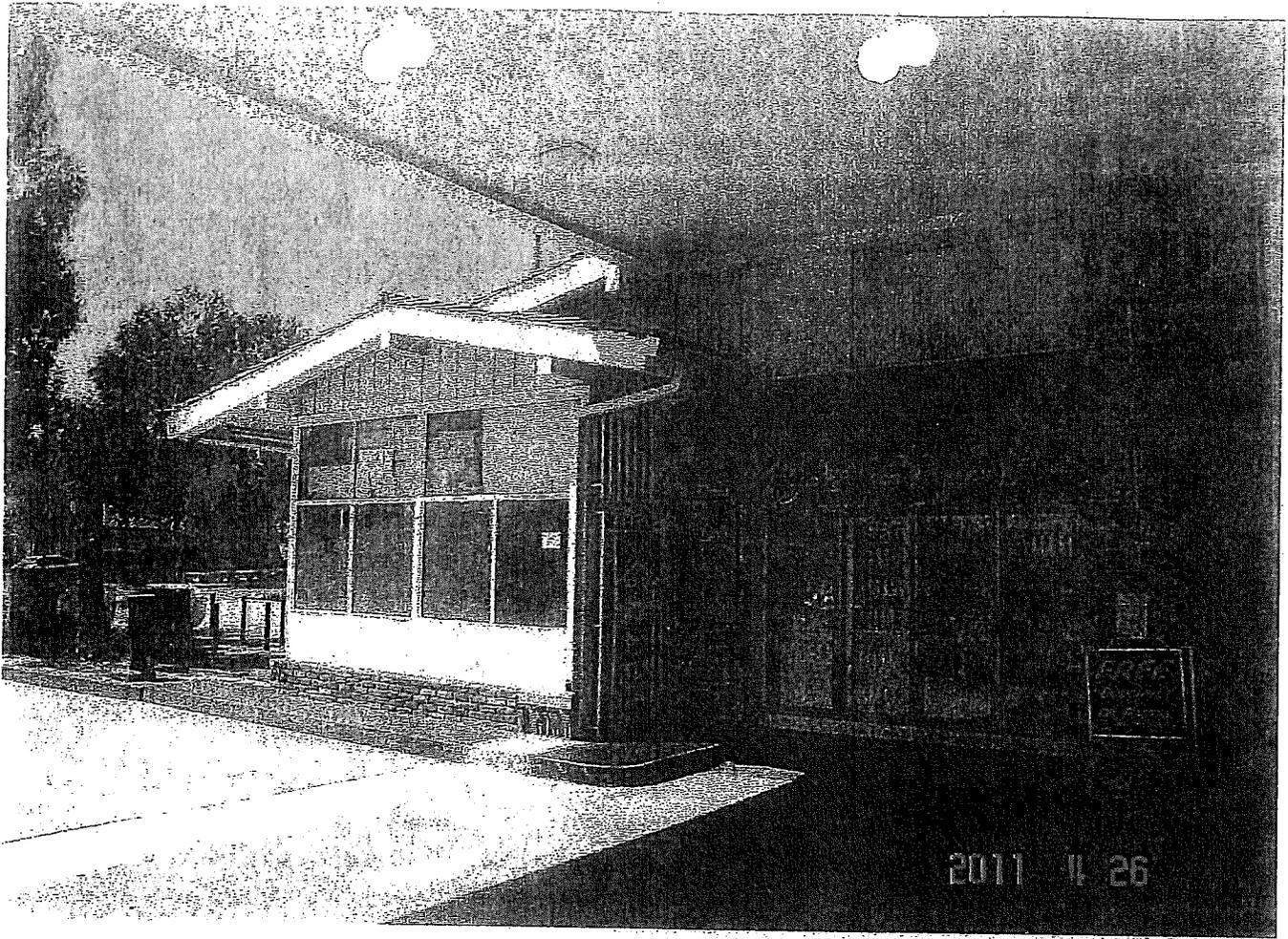
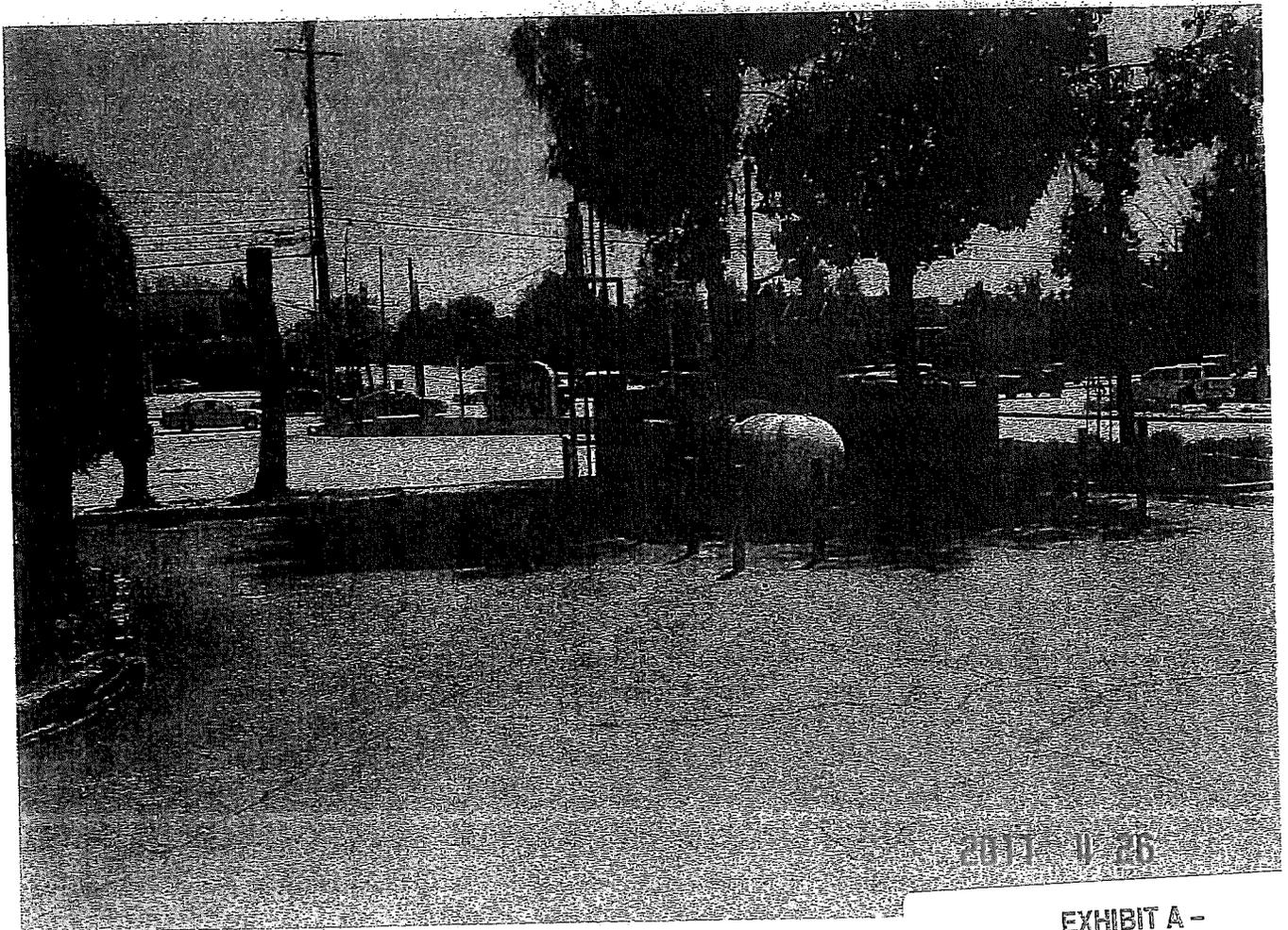
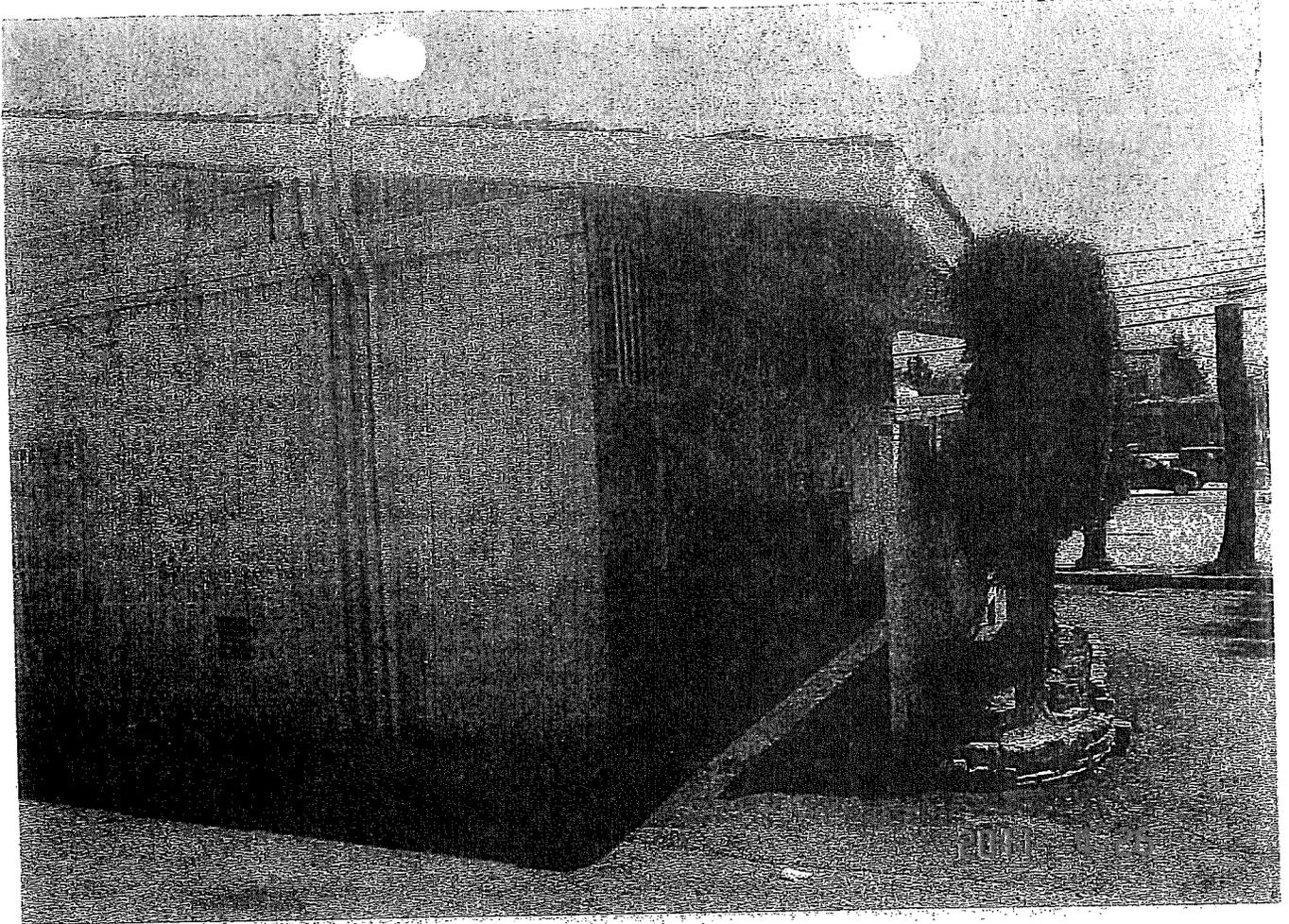
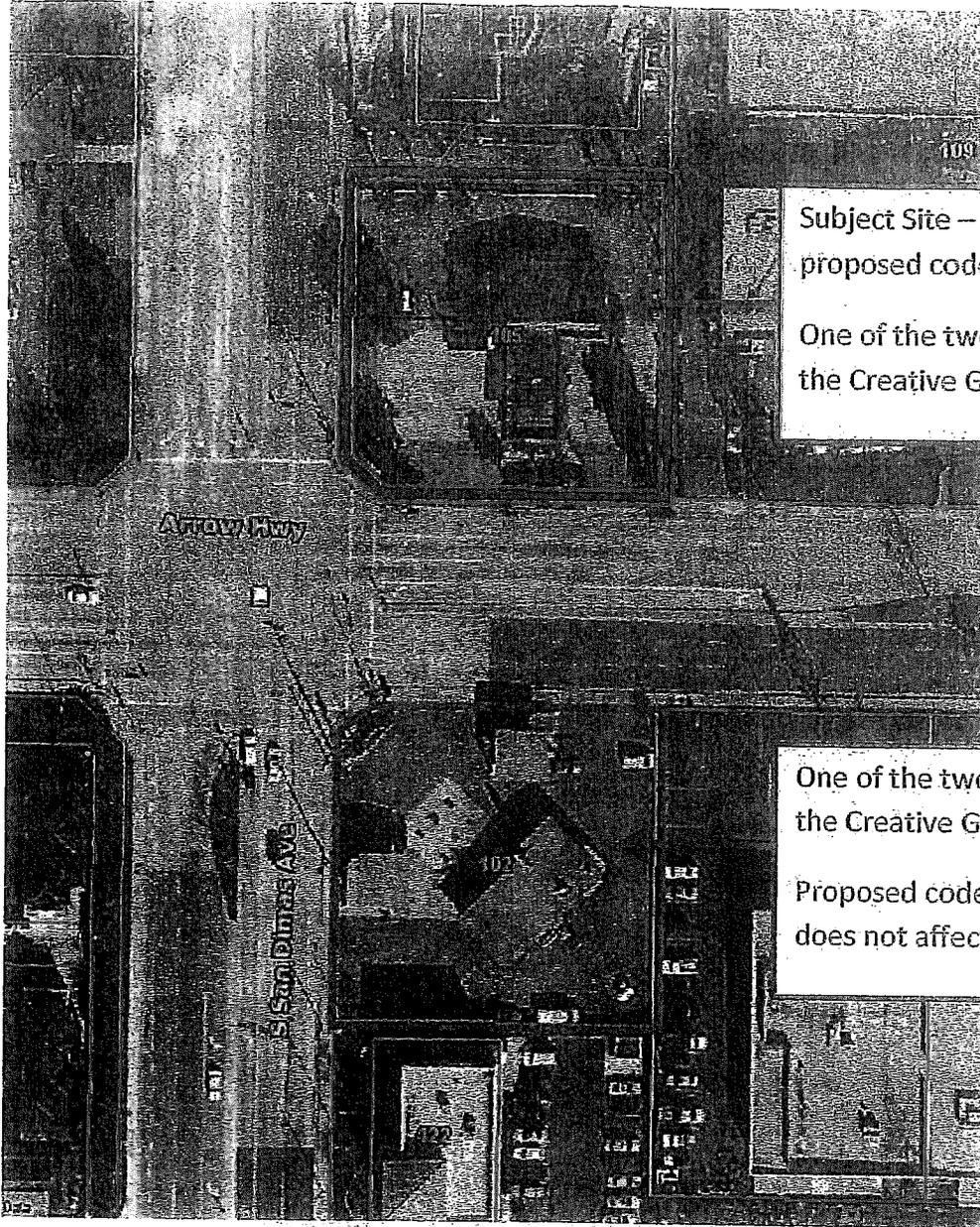


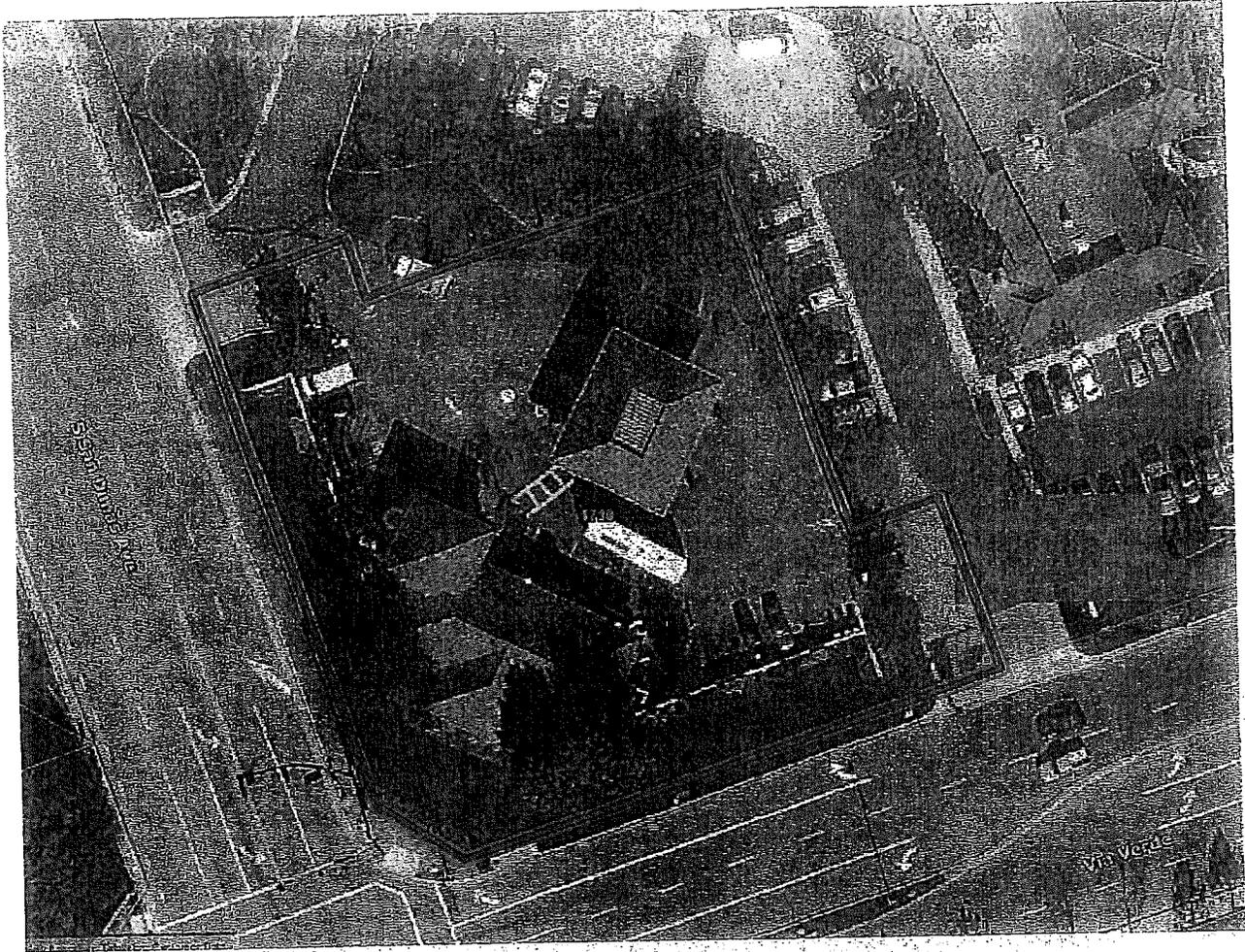
EXHIBIT A -
CC STAGE REPORT 5-10-11



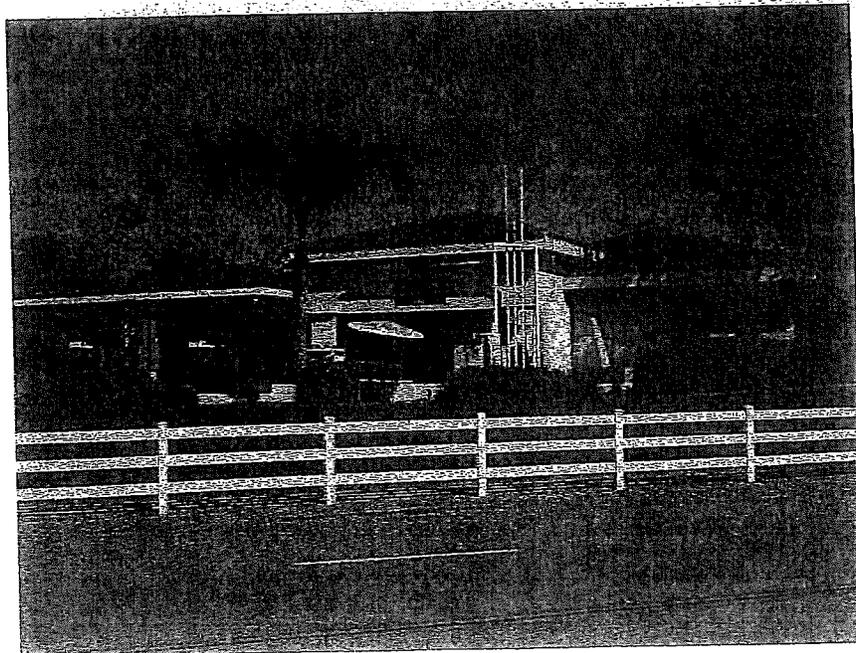
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EXHIBIT A -
CC STAFF REPORT 5-10-11





Example of reverse/turn around service station – 1790 San Dimas Avenue



NO.	DATE	REVISIONS
1	5-10-11	CCSPP PRELIMINARY SITE PLAN

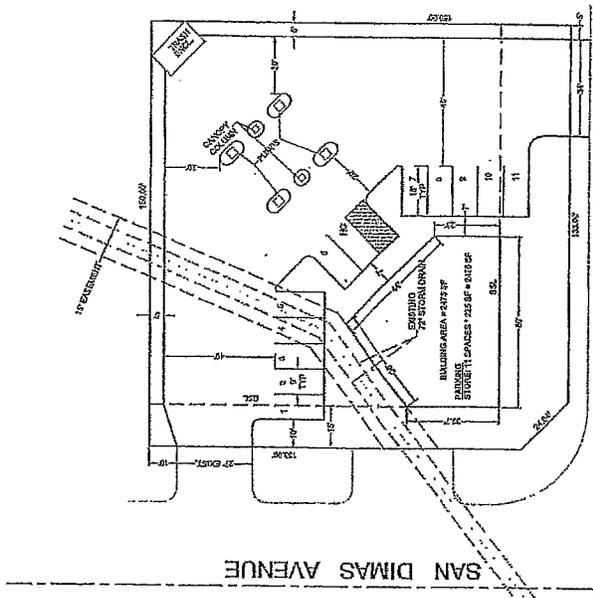


Jerry Romberg Engineering
 4150 Rockwood Lane, Suite 200
 San Dimas, CA 91768
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 www.jerryromberg.com

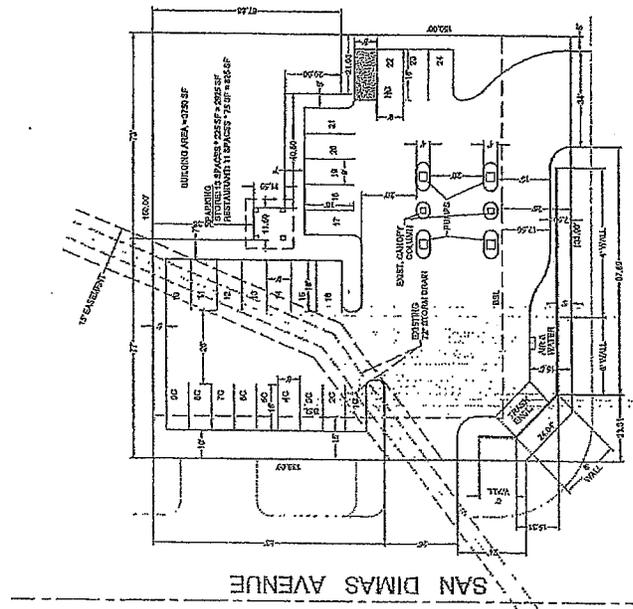
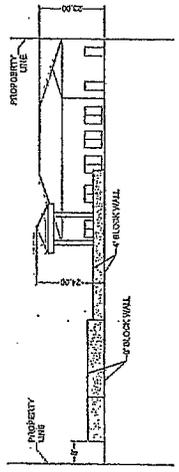


PRELIMINARY SITE PLAN
 105 East Arrow Highway
 San Dimas, CA

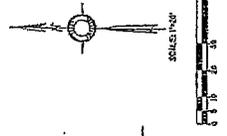
DATE	REVISION
5-10-11	1
PSP #1	
OF 1 SHEET	
DATE: 5-10-2011	



ALTERNATE SITE LAYOUT
 BUILDING TO BE IN THE SOUTHWEST CORNER. THIS LOCATION WOULD REQUIRE THE EXISTING PUMPS AND FUEL TANKS TO BE RELOCATED TO ACCOMMODATE THE NEW BUILDING. DUE TO THE LOCATION OF THE EXISTING STRUCTURE, THE SIZE OF THE BUILDING WOULD BE DECREASED SUBSTANTIALLY. THIS WOULD BE IN COMPLIANCE WITH THE BUILDING CODE USING THE BUILDING FOR A SMALL RESTAURANT ALONG WITH THE GAS STATION AND MARKET.



PROPOSED SITE LAYOUT
 BUILDING TO BE IN THE NORTHEAST CORNER. BY USING THIS LOCATION THE EXISTING PUMPS AND FUEL TANKS CAN REMAIN AS IS ON THE SITE. THIS LOCATION WOULD ALSO ACCOMMODATE THE LOCATION OF THE EXISTING STRUCTURE IN A MORE PRACTICAL MANNER. THIS WAS THE REASON FOR THE CODE AMENDMENT.



Mayor Pro Tem Templeman stated he is not happy with the service from the Humane Society in handling a serious problem with a neighbor's numerous cats. However, he will vote in favor of staff's recommendation.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to approve the new three year agreement with the Inland Valley Humane Society for continued animal shelter and animal control services. The motion carried unanimously.

8. PLANNING/DEVELOPMENT MATTERS

- a. Consideration of request to initiate Municipal Code Text Amendment (MCTA 10-06). A request to modify portions of Code Section 18.140.090(C)(4)(a)(iv) within the Creative Growth Zone to allow for a street facing gas station design and not the City's reverse/turn around design required by Code.

Associate Planner Espinoza presented a request for a major remodel of the service station at 105 E. Arrow Highway and advised that staff notified the applicant that the proposed layout did not meet the reverse/turn around service station design as required by the Municipal Code. The applicant subsequently submitted a proposal to initiate a code amendment to allow an exception to the reverse/turn around station design when a drain facility and/or easements interfere with the siting of the proposed building. Planner Espinoza said the subject site is adjacent to the Grove Station and across the street to the east of the vacant property at Commercial and San Dimas Avenue, all of which are located within the Creative Growth, Area 3 zone. Staff is working with developers of the Grove Station and the vacant lot, and said consideration should be given to processing all code text amendments for this zone at one time. Staff recommends the city Council deny the applicant's request for a municipal code text amendment and to direct staff to bring back the other two code text amendments as one when all applicants are ready to proceed.

Planner Espinoza responded to specific questions and compared the traffic safety issues with a street facing gas station design versus the reverse/turn around design required by Code.

In response to Mayor Morris, Planner Espinoza stated that once an analysis of the overall project is completed, it may be determined that a variance is not warranted because the applicant has the opportunity to build an appropriate station for the site.

In response to Councilmember Badar, Planner Espinoza replied that the applicant is proposing to increase the size of the existing gas station and associated convenience store from 1500 square feet to a total of 3750 square feet.

Mayor Morris stated that zoning applies equally to all properties with similar uses within a specific area and he expressed concern that the proposal requests a change to the code to accommodate one specific project with a storm drain easement that runs through the property.

Councilmember Ebner stated that no other property meets that particular requirement and a Variance concept would work for this property.

In response to Councilmember Ebner, Assistant City Manager Stevens explained that a Variance is a special consideration that determines that the standards in the Code discriminate against reasonable and fair use of the property, and that it is a unique circumstance that warrants that type of consideration. He said typically a Variance is not based upon economic hardship unless all value is taken away from the property by virtue of how the Ordinance is written. He stated that the gas station is the current use, and the applicant would like to redesign the existing use, however, the zoning code allows other uses of the property, which may or may not have a different economic benefit or value to the property owner. He said the question before the City Council is whether or not there are enough changed circumstances to merit a public hearing to consider amending the Code.

Mayor Pro Tem Templeman expressed concern with the aesthetics of the project and whether or not it would benefit the overall neighborhood. It did not matter to him that the gas station was a street facing design or reverse/turn around design.

Councilmember Bertone inquired if it was appropriate for the City Council to revoke the permit to sell alcohol.

Assistant City Manager Stevens replied that the Conditional Use Permit applies to the land, not necessarily the use. He stated that depending on how the land changes, the applicant may require a new use permit for alcohol.

Chris Klingerman, representing the owner operator of the subject gas station, pointed out the numerous levels the reverse/turnaround design is problematic, including the small size of the property and the prohibitive cost to relocate underground tanks and above ground pumps to meet environmental regulations. He said the owner is proposing to build a traditional front-facing, architecturally historic design that will complement the Grove Station, including a new canopy over the pumps, architecturally complimentary screening wall, and a take-out Indian vegetarian food restaurant. He said the project can only move forward with a code amendment due to the underground storm drain that prevents development over 25% of the property. He asked the City Council to weigh the benefits and approve a code amendment for this project.

Hari Alipuria, owner, Gas Station, 105 East Arrow Highway, said the project would not only aesthetically complement the Grove Station, but would create new jobs for residents, and the 24-hour operation would provide security to the area. He would appreciate anything the City Council can do to move this project forward.

In response to Council, Mr. Klingerman replied that the design, which will look like part of the Grove Station strip, is flexible, and has adequate parking of 21 spaces, however, there are minimum size requirements for a Circle K franchise.

Assistant City Manager Stevens pointed out that while the gas station and an accessory snack shop, which is limited to a maximum of 300 square feet, were permitted under the Conditional Use Permit, the convenience store was not permitted. If the City Council is going to consider making a code amendment, consideration should be given as to whether a convenience store component should be re-evaluated.

Planner Espinoza added that under the Conditional Use Permit, convenience stores allow the sale of beer and wine, which is not permitted in other gas stations.

In response to Councilmember Bertone, Mr. Stevens replied that the increase in size and bringing in a Circle K would trigger a complete review of the Conditional Use Permit.

Assistant City Manager Stevens said 1) the City Council can go forward with the public hearing and if the proposal has merit, a code amendment may be approved; 2) the threshold for approving a Variance is significantly more difficult than for a code amendment.

In response to Council, Mr. Stevens replied that the conversion to a Circle K with gas pumps is not permitted in the zone until a code amendment is approved. A convenience store opportunity is subject to renovation of the entire site with a reverse/turn around design. It is within the purview of the City Council to change the zone to accommodate any use.

Mayor Pro Tem Templeman said he can get past the issue of a reverse/turn around gas station with the understanding that the architecture, landscaping, and screening are critical for that corner.

Councilmember Ebner said a reverse/turn around gas station design is not necessarily more attractive and he is generally supportive of the proposal, with the caveat that the process go through staff's evaluation.

Councilmember Badar said an opportunity was presented to remodel a blighted corner and he is willing to go through the process to move the project forward.

Mayor Morris said there is consensus of the majority to direct staff to work with the applicant to identify an appropriate methodology for a traditional front-facing gas station.

It was moved by Councilmember Badar, seconded by Councilmember Ebner, to direct staff to work with the applicant to evaluate reasonable and appropriate site designs for a code amendment process simultaneously with a development application. The motion carried 4.1; Councilmember Bertone opposed.

Mr. Stevens added that because there are potentially several modifications to Area 3a of the Creative Growth zone, staff will do their best to process all code text amendments for this zone at one time, with the understanding that it is not constrained to only a reverse/turn around design.

9. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 9:19 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 9:28 p.m..

10. ORAL COMMUNICATIONS

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

No one came forward to comment.

- b. City Manager

- 1) Update on HEROES Veterans Memorial. Review the elements of an agreement related to the construction of the project and maintenance responsibilities.

City Manager Michaelis provided a summary of the June 6th meeting with the HEROES to review the results of the City's plan check of Phase I of the Veterans Memorial project, follow-up of key point items, and a time table necessary to accommodate a July 1st start of construction date. Mr. Michaelis also reviewed elements of a draft Agreement regarding the project and maintenance responsibilities of the HEROES and said staff does not want final approval of the Agreement to delay the issuance of building permits. Staff recommended that the City Council authorize staff to proceed with the concepts of the Agreement.

Mayor Morris expressed concern with maintaining the compliance of ADA with the use of decomposed granite versus concrete for the handicap accessible path.

Assistant City Manager Stevens stated that decomposed granite (DG) can be an accessible path provided it is constructed in an appropriate manner. He added that DG is subject to weatherization and more difficult to maintain and because the path will be kept accessible all the time, the HEROES was asked to consider going to concrete.



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of January 24, 2012

FROM: Blaine Michaelis, City Manager

INITIATED BY: Marco A. Espinoza, Associate Planner

SUBJECT: Consideration of request to initiate Municipal Code Text Amendment (MCTA 10-06). A request to modify portions of Code Section 18.140.090(C)(4)(a)(iv) within the Creative Growth Zone to allow for a street facing gas station design and not the reverse/turn around design required by Code.

SUMMARY

The applicant submitted preliminary plans for a major remodel of the service station at 105 E. Arrow Highway. Staff notified the applicant that the proposed layout of the buildings did not meet the reverse/turn around service station design required by the Municipal Code (Section 18.140.090(C)(4)(a)(iv)).

The applicant indicated that they did not propose a reverse/turn around station design because of a 20' wide storm drain easement that runs through a portion of the property that would impede the required design.

Subsequently, the applicant has submitted a proposal to amend Code Section 18.140.090(C)(4)(a)(iv) to allow an exception to the reverse/turn around station design when a storm drain facility and/or easements interfere with the siting of the proposed building.

The Council discussed the proposed Municipal Code Text Amendment at their June 14, 2011 meeting and voted 4.1 (Bertone opposed) to direct Staff to work with the applicant to evaluate reasonable and appropriate site designs, in addition to possible code text amendments.

Staff has worked with the applicant on site design layout options, identifying existing underground tank locations, confirming

underground tanks meet current AQMD requirements and exploring possible code text amendments. The applicant focused on a site design that would not require the relocation of the gas pumps and canopy and/or underground tanks due to cost, thereby prohibiting a reverse/turn around design. As an alternative, Staff presented the applicant with a tentative schematic design that would accommodate the required reverse/turn around design. The applicant rejected the design because he would need to relocate the gas pumps and canopy.

Staff understands the reason for the applicant's rejections of Staff's design (cost) but the intent of the original modification to the Creative Growth Zone in 2005 was for the City to obtain a comprehensive redevelopment of these sites, not partial. As part of Staff's design the 25-foot setback requirement along Arrow Highway within the CG-3 Zone would be reduced to 10 feet in order to allow better site development.

Staff recommends the City Council uphold the intent of the Municipal Code Text Amendment established in 2005 for a complete redesign of the gas station properties and reject the applicant's request. Staff also recommends the Council initiate a Code Text Amendment to reduce the 25-foot setback along Arrow Highway to 10 feet within the CG-3 Zone only if the applicant decides to proceed with a reverse/turn around design.

BACKGROUND

The applicant is proposing to remodel the existing gas station and associated convenience store but keep the existing pump stations and underground tanks in the same location; the existing site is in need of repairs and updating. The existing gas station was conditionally permitted in 1981, under Conditional Use Permit 81-06. The gas station also has an alcohol license that allows the off-site sale of beer and wine.

After reviewing the applicant's preliminary site plan submittal for a complete remodel of the site, they were informed that the Code required a reverse/turn around service station design. The applicant informed Staff that they were aware of the Code requirement but felt that they could not develop the site to meet their needs due to the existing 20-foot wide storm drain easement that runs through the property.

At the June 14, 2011 City Council meeting Staff presented to the Council the background information on the proposed code text amendment, in addition to the applicant's site design layout for the gas station. The applicant testified that a reverse/turn around design was cost-prohibitive because it would require

relocating the underground storage tanks. The Council directed Staff to further evaluate site design possibilities and the code text amendment with the applicant. The following is the outcome of those meetings.

ANALYSIS

Current Code Requirements

In 2005, when the Grove Station project was being processed, several code text amendments were made to the Creative Growth Zone to allow for aesthetic improvements to the area. The City saw this as an opportunity to look at some of the surrounding properties near the Grove Station. The City felt that the two service stations were potential sites that would benefit from aesthetic improvements. In order to encourage improving substandard sites, the City incorporated the possibility to conditionally allow for a convenience store and/or a restaurant if a major improvement was proposed to the sites. As part of the code text amendment the City included that the sites would require a complete reconstruction as a reverse/turn around station, improving the aesthetics of the sites. The code amendment was seen as a method of addressing community design interests that would encourage reconstruction of the sites without restricting the ability for the existing use(s) to continue. The incentive to allow a convenience store with the sale of beer and wine is only given to the two gas stations within this zone and nowhere else in the City except for in Specific Plan No. 2 (Arco at Lone Hill and Arrow). In all other cases alcohol is not allowed and food sales are limited to "accessory snack shops".

The City has used the reverse/turn around service station design on other projects in the City and it has become the preferred design concept for such uses. The design is favored because it allows the attendant building to screen the unsightly pump islands and decreases the amount of ingress and egress approaches to the site, thus reducing traffic safety issues (see Exhibit F).

Within the Creative Growth, Area 3 – Mixed Use, Sub-Area "A" – Mixed Use/Commercial Office Zone there are only two gasoline service stations. The two stations are at the intersection of San Dimas Avenue and Arrow Highway. One is on the southeast corner and the other, which is the applicant's site, is on the northeast corner (see Exhibit D).

Applicant's Proposed Code Text Amendment

The subject site has a 20-foot wide storm drain easement that goes through a portion of the property. The storm drain enters the property along the north property line approximately 60 feet from the northwest corner and travels down the property in a boomerang shape. The storm drain exits the property on the west property line approximately 40 feet from the southwest corner of the property (see Exhibit A). Even with the restrictions of the easement, Staff feels

that the site is adequate in size to construct a reverse/turn around service station with accessory use(s).

Staff is not in favor of the proposed code text amendment which the applicant is proposing as follows (proposed text is in **Bold**)(see Exhibit A):

Code Section 18.140.090(C)(4)(a)(iv)

iv. Gasoline Service Stations. Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities. Reconstructed gasoline stations shall utilize a reverse or turn around station design, in an effort to create an architectural statement at the Arrow Highway and San Dimas Avenue intersection. ***Should any storm drain facilities and/or easements interfere with this siting the applicant shall provide documents with findings. At such time the Staff will review documents to provide the applicant with a decision. If the documents show the reverse siting of the new structure is not possible, the site will incorporate site designs to reflect the architectural statement for the Arrow Highway and San Dimas Avenue intersection.*** If an existing gasoline service station is reconstructed to the above standard, the use may expand and include, convenience store and restaurant use with a new or revised conditional use permit and subject to the provisions of Chapter 18.12 of this title;

Even though there are two service stations within this sub-area, the applicant's code text amendment request would only affect the applicant's site, the station that is on the northeast corner of San Dimas Avenue and Arrow Highway at 105 E. Arrow Highway.

Applicant's Revised Site Design Layout

Based on direction from the Council at the June 14, 2011 meeting the applicant revised their original site plan to address Staff's concerns regarding parking, circulation and building design (see Exhibit H). The applicant did not address the requirement of a reverse/turn around design.

At this point they are not willing to consider any design modifications to the site that would require them to relocate the pumping station/canopy and/or the underground tanks.

Staff has reviewed the revised site layout and has the following concerns:

1. The site layout is not a reverse/turn around design as required by the Code.

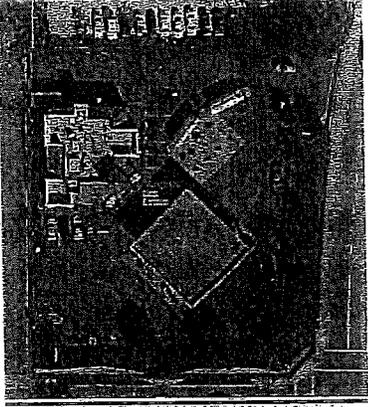
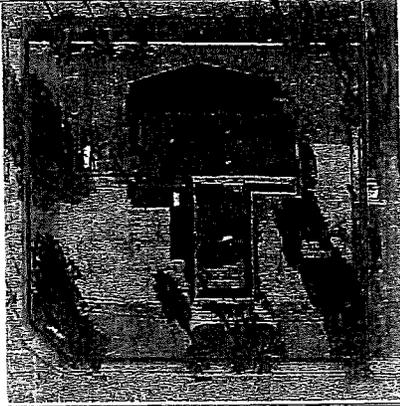
2. The gas pump canopy would remain in the same location. The canopy is currently nonconforming as it is within the 25-foot setback along Arrow Highway.
3. The southwest most drive approach along Arrow Highway should be removed and replaced with a landscape planter; it is unnecessary, oversized and too close to the intersection.
4. There are five parking spaces in front of the proposed convenience store (south elevation) that should be deleted to allow for additional required landscaping and a sidewalk in front of the parking stalls for pedestrian safety. The increased landscape and sidewalk requirement would reduce the 26-foot maneuvering space required for vehicles to back-out.
5. Planter fingers do not meet the required width dimensions per Code.
6. The site does not meet the landscape requirements of 10% minimum of the total parking area shall be landscaped, excluding the setback area.
7. Based on the above concerns it appears that the applicant is still overbuilding for this size lot and is having difficulty meeting the minimum Development Standards of the Code.

Comparison to Other Gas Stations

One of the concerns Staff previously discussed, and which still remains an issue, is the prospect of overbuilding of the site. The applicant is proposing a 3,000 sq. ft. building of which 600 sq. ft. of it is for a take-out restaurant use. Restaurant uses have a higher parking ratio (1:75 sq. ft.) compared to commercial uses (1:225 sq. ft.), increasing the number of parking stalls required on-site. The subject site is a corner lot which has required setbacks on two sides (25-feet on Arrow Hwy. and setback to be determined by the approving body on San Dimas Ave.), thus reducing the area for development. The proposed restaurant use and the parking required for the use, in addition to the owner's self-imposed restrictions, have made proper development of the site challenging.

In comparing the two other two gas station developments in the City that are similar to the applicant's proposal, you will notice that they are on larger lots. The applicant's lot is 22,216 sq. ft. The Arco gas station at 1115 W. Arrow Highway is on a 43,442 sq. ft. lot with a 2,880 sq. ft. convenience store. The second gas station is the 76 Unocal at 1790 S. San Dimas Avenue which is on a 34,999 sq. ft. lot with a 2,768 sq. ft. building with convenience store. Both of these sites are 12,783 sq. ft. to 21,226 sq. ft. larger than the applicant's site. Both of these were developed with buildings less than 3,000 sq. ft., which is the size the applicant is looking to build.

The applicant needs to consider reducing the building size and possibly the restaurant use in order to comprehensively develop the site to meet the Development Standards of the Code and to allow for effective circulation of the site.

Site Location	Lot Size	Building Size	Convenience Store – Beer and Wine Sales	Aerial of Site
Arco 1115 W. Arrow Hwy.	43,442 sq. ft.	2,880 sq. ft.	Yes - Yes	
76 Unocal 1790 S. San Dimas Avenue	34,996 sq. ft.	2,768 sq. ft.	Yes - No	
Gas And Go 105 E. Arrow Hwy.	22,216 sq. ft.	1,568 sq. ft.	Yes - Yes	

Staff's Schematic Site Design Layout

After obtaining and confirming that the existing underground tanks meet current AQMD requirements, Staff discussed possible options for development of the site with leaving the tanks in their current location. After coming up with several different design options, Staff felt that, in order to best accommodate the applicant's request and meet the reverse/turn around design, the 25-foot setback along Arrow Highway should be reduced to 10 feet.

By reducing the setback requirement along Arrow Highway Staff prepared a schematic site design layout that was a reverse/turn around design and had a pad building of 3,092 sq. ft. with the required parking (see Exhibit I). As part of this design the pump station and canopy were relocated to the north east portion of the property. The proposed building would be outside of the existing 20-foot wide storm drain easement eliminating previous development constraints.

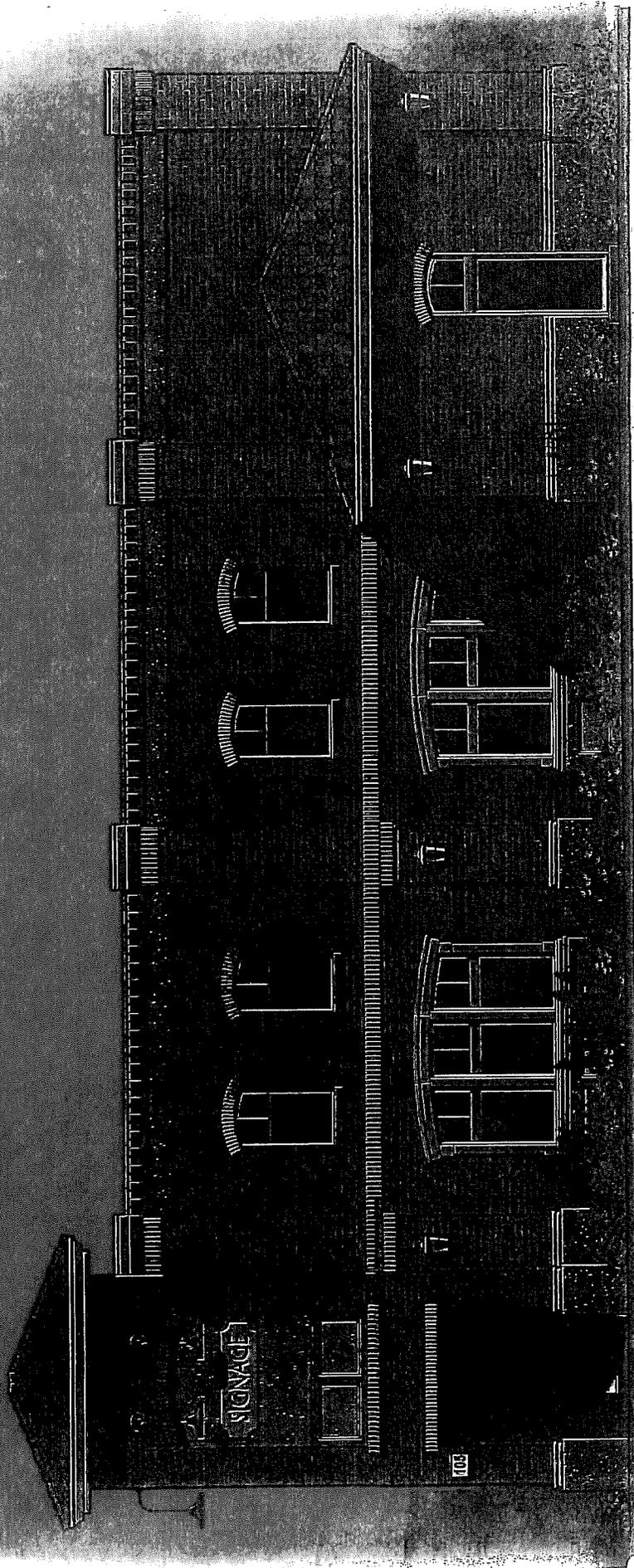
Staff reviewed this design with the applicant and property owner as a possible option to comply with the current code requirements. The property owner discussed with Staff that relocation of the pump station, canopy, and/or the underground tanks was not an option and that any design that incorporated this design would not be feasible for them.

Conclusion

The code text amendments made in 2005 were intended to improve the aesthetic appearance of the substandard sites. In order to accomplish this it was clear that a complete demolition of the site would be required. As compensation for the total redevelopment of the site, an incentive to have a convenience store that allows the sale of beer and wine was conditionally permitted; such uses are prohibited in most other zones. The reverse/turn around design for service stations is preferred because it allows for the main building to shield the unsightly gas pump islands and reduce the amount of entrance and exit approaches to the site. These factors were taken into consideration when approving the code text amendment to the Creative Zone in 2005. Staff feels that even with the storm drain easement, the site can be properly designed to meet the reverse/turn around design with a code text amendment to reduce the required 25-foot setback along Arrow Highway to 10 feet, upholding the intent of the Council's action of improving the aesthetic appearance of the entrance to the downtown.

RECOMMENDATION

Staff recommends the City Council deny the applicant's request for a Municipal Code Text Amendment request to modify Code Section 18.140.090(C)(4)(a)(iv) to allow an exception to the reverse/turn around station design for gasoline service stations when a drain facility and/or easements interfere with the siting of the proposed building.



ELEVATION ALONG ARROW HIGHWAY

105 E. ARROW HWY.,
SAN DIMAS, CA 91773

6. PLANNING/DEVELOPMENT SERVICES

- a. Appeal of DPRB Case No. 08-47 Revised house layout and grading plan from the previously approved plans.
DPRB CASE NO. 08-47, A request to construct a 5,117 sq. ft. two-story, single-family residence and several attached garages totaling 1,908 sq. ft. within Specific Plan No. 4 at 1658 Gainsborough Road (APN: 8426-034-020).
ASSOCIATED CASE: TREE PERMIT 10-48, A request to remove a mature Coast Live Oak in order to accommodate the revised layout of the house and garages.

- 1) **RESOLUTION NO. 2012-05, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS DENYING THE APPEAL REQUEST AND UPHOLDING THE DENIAL WITHOUT PREJUDICE OF DPRB CASE NO. 08-47, A REQUEST TO CONSTRUCT A 5,117 SQ. FT. TWO-STORY, SINGLE-FAMILY RESIDENCE AND SEVERAL ATTACHED GARAGES TOTALING 1,908 SQ. FT. WITHIN SPECIFIC PLAN NO. 4 AT 1658 GAINSBOROUGH ROAD. (APN: 8426-034-020).**

Mayor Morris announced that Aspen Financial Group, Inc. requested postponement of the appeal of Development Plan Review Board Case No. 08-47 to the next City Council meeting on February 14, 2012.

- b. Consideration of request to initiate Municipal Code Text Amendment (MCTA 10-06). A request to modify portions of Code Section 18.140.090(C)(4)(a)(iv) within the Creative Growth Zone to allow for a street facing gas station design and not the reverse/turn around design required by Code.

Associate Planner Espinoza summarized a previous proposal requesting a code amendment to allow an exception to the reverse/turn around service station design required by the Municipal Code because a storm drain facility and/or easement interferes with the siting of the proposed building. At the June 14, 2011 City Council meeting, staff was directed to work with the applicant to evaluate reasonable and appropriate site designs, in addition to possible code text amendments. The applicant rejected staff's tentative schematic design that would accommodate the required reverse/turn around design because the applicant felt it was cost prohibitive to relocate the gas pumps and canopy. Staff stated that the intent of the original modification to the Creative Growth Zone in 2005 was for the City to obtain a comprehensive redevelopment of these sites. Staff proposed reducing the 25-foot setback requirement along Arrow Highway within the CG-3 Zone to 10 feet in order to allow better site development, and recommended the City Council reject the applicant's request and uphold the intent of the Municipal Code Text Amendment established in 2005 for a complete redesign of the gas station properties. Staff also recommended the City Council initiate a Code Text Amendment to reduce the 25-foot setback along Arrow Highway to 10 feet within the CG-3 Zone only if the applicant decides to proceed with a reverse/turn around design.

In response to Councilmember Ebner, Planner Espinoza replied that the building is nonconforming as it relates to setbacks and design, and if the building is demolished, the applicant would have to rebuild to current code requirements, which is a reverse/turn around service station design. He added that 600 square feet is for take-out restaurant use, which requires one parking space for every 75 square feet. In addition to take-out, there will be some seating allowed inside the restaurant.

- 1) Chris Klingerman, representative for Hari Alipuria, property owner, said Mr. Alipuria will not go forward with the development if the reverse/turn-around design is required. He said based upon the prohibitive costs to remove and relocate the tanks, and replace the canopy, the proposal of a reverse/turn-around gas station is not user friendly. He said Mr. Alipuria is proposing an historic design, front facing gas station with a convenience store and a small ethnic take-out restaurant that would require a modest number of parking spaces. He added that if in the future, the building is no longer needed as a gas station, what remains is an historic building that complements the adjoining development. He stated that the gas

station is located on a corner and a reverse/turn-around design does not make sense since the pumps would be visible from the adjacent street. He said the Planning Commission's proposed 10-foot walls off the sidewalk would create a blind section for motorists heading west on Arrow Highway. He stated that Exhibit J proposes an alternative code amendment that provides flexibility to the City indicating that a reverse or turn around station design is still a preferred design, however, if an applicant proposes an historic design to meet early California standards consistent with Grove Station and other developments within the City, that the Planning Commission and City Council may consider an historic development as an alternative.

2) Hari Alipuria, property owner, concurred with Mr. Klingerman and said the proposed design adheres to the theme and character of the city and conforms to its surroundings. He is presenting a safer, economically feasible green project that will utilize solar energy and reduced irrigation landscaping. He would like the City Council to consider approval of the project in a way that meets code requirements as it relates to the size of the building, as well as parking and landscaping requirements.

3) Mr. Klingerman commented that should the City Council wish to go forward with the project, he will work with the Planning Commission on the necessary parking and landscaping requirements.

Mayor Morris stated that although this is not a public hearing, the City Council is considering a code text amendment and audience members were invited to comment. No one stepped forward to speak.

Planner Espinoza noted that the specific language proposed by the applicant as an alternative is already a code requirement within the Creative Growth Area.

In response to Councilmember Bertone, Planner Espinoza replied that overbuilding is an issue and as proposed, the project does not meet all the development standards. For example, he said if parking is reduced, the building would have to be reduced as well.

Mayor Morris stated that at this time, the City Council is only considering whether or not to amend the code, and is not approving the design.

Assistant City Manager Stevens indicated that the City Council is making the determination whether or not there is sufficient merit to go forward with the hearing process to consider a possible amendment to the code and the detail of that change of design would be evaluated in the process. He said what staff suggested is that they probably could make it work primarily with the existing standards and come up with a suitable design, and maybe setbacks might need to be adjusted on Arrow Highway.

In response to Councilmember Ebner, Assistant City Manager Stevens replied that staff's primary purpose is to protect the structural integrity of our storm drain pipe and no structures can be built over the easements. He mentioned that typical site improvements, such as a pavement, can occur over the easement, although they would be subject to review. He added that there is no structure over the easement at the current time and the existing structure at the site is much smaller than the proposed structure.

In response to Mayor Pro Tem Templeman, Assistant City Manager Stevens replied that the City of San Dimas owns, operates and maintains the storm drain that runs through the rear of Albertson's parcel and cuts through the middle of the Grove Station site. He said it was previously an open channel, but is a closed channel at the gas station site.

Mayor Pro Tem Templeman said a reverse/turn-around gas station design is not necessarily the best way to do business. He said the cashier is blocked from vision and from a safety point of view, people using the station pumps should be visible to other patrons.

Councilmember Ebner agreed with Mayor Pro Tem Templeman's comments and said even an aesthetically pleasing design is subject to review and approval.

Councilmember Badar said he does not support the building being set back 10-feet because it creates the image of a blind intersection at San Dimas Avenue/Arrow Highway. He is in favor of considering a code amendment.

Councilmember Bertone said this is an important corner and staff came up with an appropriate design for the new redesigned gas station. He will support staff's recommendation.

Mayor Morris said he was concerned from the beginning about how the code would apply to a small lot where the reverse/turn-around does not seem to work very well. He expressed concern that the code amendment would apply to only one piece of property, which he felt should be approved through a variance. However, he will vote with the majority to go forward with the hearing process to consider a code amendment.

Councilmember Ebner said it is his desire to eliminate the reverse/turn-around gas station design, not for the property, but he thought it would be a better project without the reverse/turn-around gas station design.

In response to Mayor Pro Tem Templeman, Assistant City Manager Stevens replied that the reverse/turn-around gas station design was approved in conjunction with the amendment for the Grove Station project. He said one other gas station on the southeast corner of San Dimas Avenue/Arrow Highway is affected in that they have the same opportunity provided to comply with design parameters.

In response to Mayor Morris, Assistant City Manager Stevens replied that the gas station currently complies with the design parameters and the suggestion is that staff look at both gas stations and the appropriateness of the design standards and how those standards are crafted as part of this process.

In response to Councilmember Ebner, Assistant City Manager Stevens replied that the design was a way to facilitate a different aesthetic, which should now be addressed in a different way than an automatic requirement for a turn-around design. Staff will take a broader look and work on a satisfactory design, and adjust the standards as necessary. He added that the applicant's project will go through a simultaneous process while staff is reviewing standards. He said even if the applicant decides to not go forward with the project, staff will proceed with the code amendment or add it to their project list.

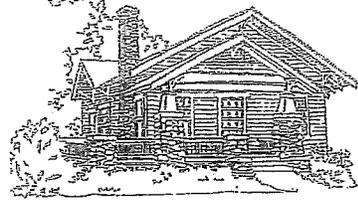
It was moved by Mayor Pro Tem Templeman, and seconded by Councilmember Badar, to direct staff to initiate a code amendment to consider modifications to reverse/turn-around gas station design parameters in the Creative Growth Area 3. The motion carried 4.1; Councilmember Bertone opposed.

7. OTHER MATTERS

- a. Lease Agreement with the Pacific Railroad Society for use of the Santa Fe Depot, 210 W. Bonita Avenue.

Assistant City Manager Duran reported that in 1995 the City Council approved a Lease Agreement with the Pacific Railroad Society for use of the Santa Fe Depot at Rhoads Park. The Agreement was renewed in 2002 and expires in September 2012. Mr. Duran said that in 2009 the Historical Society relocated from the west end of the Depot and the City received two requests for use of the space – one from Pacific Railroad Society and one from San Dimas Rodeo Committee. The City granted the request from the San Dimas Rodeo Committee to utilize the space for their office use. Mr. Duran highlighted the significant elements of the proposed Lease Agreement and recommended that the City Council authorize the execution of the proposed new Lease Agreement with the Pacific Railroad Society.

**DEVELOPMENT PLAN REVIEW BOARD
FACT SHEET**



DATE: October 11, 2012

TO: Development Plan Review Board

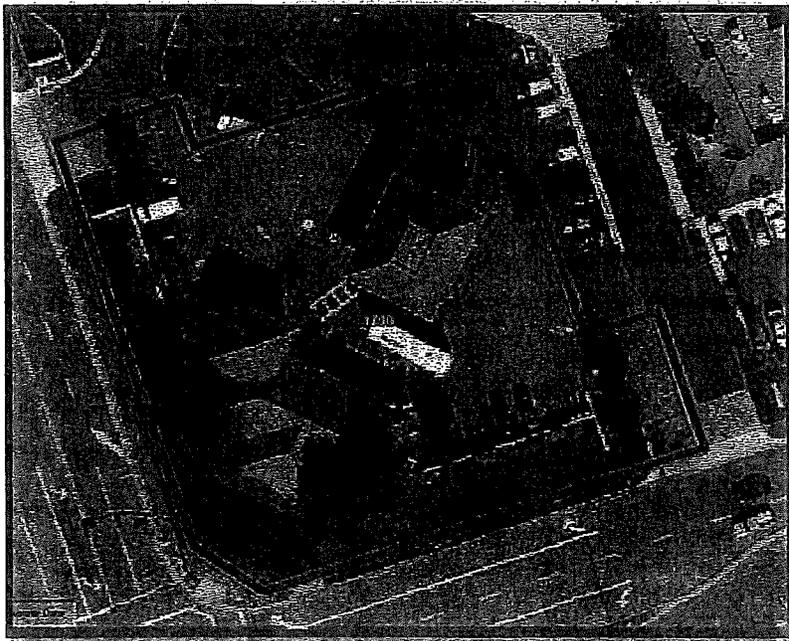
FROM: Marco A. Espinoza, Associate Planner

SUBJECT: **DPRB Case No. 12-19**
Associated Cases: Municipal Code Text Amendment 10-06
Conditional Use Permit 12-06 & 12-07
A request to demolish the existing 1,568 sq. ft. gas station attendant building / convenience store and construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and relandscaped. Property Address: 105 E. Arrow Highway (APN:8390-018-023).

FACTS:

Background

During the initial discussion with the applicant about the proposed remodel of the existing site, Staff informed the applicant about the Code Development Standards requiring a reverse / turn around station design, as shown on the aerial photo below.



Example of a reverse / turn around station design

- The applicant informed Staff that they did not conform to the regulation because of a no build 15-foot wide storm drain easement that runs through the property.
- An additional development constraint that is self-imposed is the request to leave the gas pump canopy and the underground tanks in the same location thereby not allowing for the attendant building to be located at the southwest corner of the lot.
- Due to the existing and self-imposed constraints the applicant has filed for a Municipal Code Text Amendment Application (MCTA) to allow for a standard gas station design. The City Council has preliminarily reviewed the MCTA and has agreed to hear the request.
- The City has used the reverse/turn around service station design on other projects in the City and it has become the preferred design concept for such uses. The design is favored because it allows the attendant building to screen the unsightly pump islands and decreases the amount of ingress and egress approaches to the site, thus reducing traffic safety issues
- In 2005, when the Grove Station project was being processed, several code text amendments were made to the Creative Growth Zone to allow for aesthetic improvements to the area. The City saw this as an opportunity to look at some of the surrounding properties near the Grove Station and felt that the two service stations were potential sites that would benefit from aesthetic improvements. In order to encourage improving substandard sites, the City incorporated the possibility to conditionally allow for a convenience store and/or a restaurant if a major improvement was proposed to the sites. As part of the code text amendment the City included that the sites would require a complete reconstruction as a reverse/turn around station, improving the aesthetics of the sites. The code amendment was seen as a method of addressing community design interests that would encourage reconstruction of the sites without restricting the ability for the existing use(s) to continue. The incentive to allow a convenience store with the sale of beer and wine is only given to the two gas stations within this zone and nowhere else in the City except in Specific Plan No. 2 (Arco at Lone Hill and Arrow). In all other cases alcohol is not allowed and food sales are limited to “accessory snack shops”.
- Staff feels that the City has provided the two gas stations in this zone three economically beneficial uses on site (convenience store, restaurant and off-site sale of beer and wine) as an incentive for the owners to fully develop their properties. These types of incentives have not been granted to any other zones in the City.
- The applicant is proposing all of the three economically beneficial incentive uses but is not wishing to comply with current code nor to make the site conforming to current development standards.

Proposal – Buildings

- The applicant is proposing to demolish the existing 1,568 sq. ft. attendant / convenience store and build a new one. The new 2,561 sq. ft. building will house the attendant counter, a 1,961 sq. ft. convenience store and a 600 sq. ft. take-out restaurant.

- The building is designed in an early California industrial architecture, very similar to the Grove mix-use project just to the north of the project.
- The main portion of the building will have a two-story appearance but is only a one story building with a high attic space. The other portion of the building will be one story in height with a hipped roof design.
- The building will be located at the northeast corner of the property.
- The applicant is proposing the following materials and architectural features on the main building:
 - Antique red brick façade on the west and south elevations of the building.
 - Semi-arch clear windows on the first floor with pre-cast stone decorative trim.
 - A corner tower entrance feature with a sign band area with decorative goose-neck down lighting fixtures.
 - The building will have additional decorative wall lighting fixtures that are compatible with the architecture of the building.
 - The upper story will have spandrel windows with a grid pattern.
 - The main building will be designed with a parapet roof to screen any mechanical equipment and vents.
 - The parapet wall will have a dentil relief detail that will be covered in stucco.
 - Clay S-tile on the tower and the one-story portion of the building.
 - The building will have 3-foot wide, full height brick columns spaced out approximately every 16 feet.
 - A stucco 4-foot high wainscot along the majority of the south and west wall planes.
 - The north and west elevations face the interior of the adjacent lots. Both elevations are stucco with brick columns and the dentil relief cornice at the top of the parapet wall.
- As mentioned the applicant is also proposing to remodel the existing gas pump canopy but is not relocating it. The canopy will have the same decorative finish materials as the main building.
 - The roof of the canopy will be designed in a hipped roof design with the same S-tile material.
 - The existing pylons will be covered in the same antique red brick as the main building.

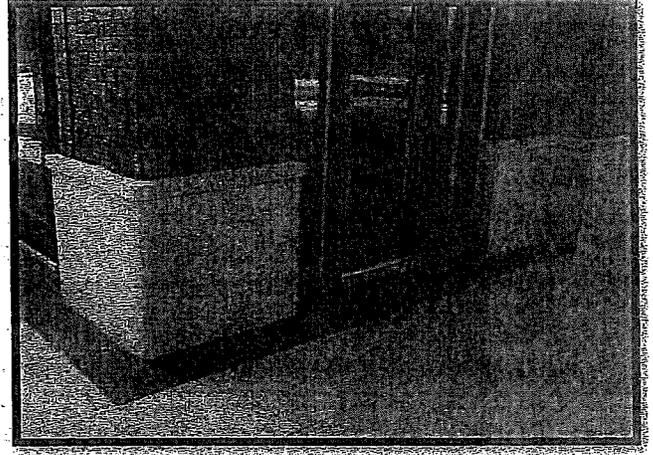
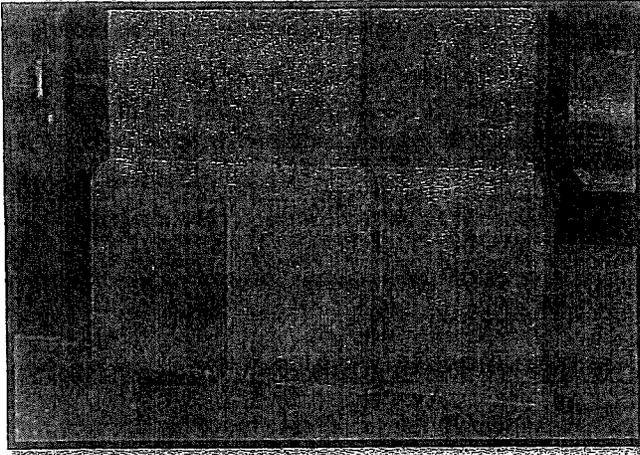
Site Improvements

- The applicant is proposing to redo the entire site with the following:
 - Remove all the existing raised planters and reinstall with new six-inch high curb planters throughout the site.
 - Repave the entire site with asphalt pavement.
 - Provide the required parking spaces for the proposed uses.
 - New trash enclosure

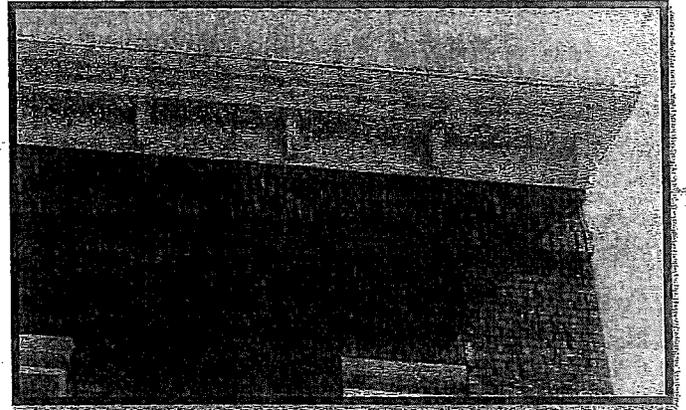
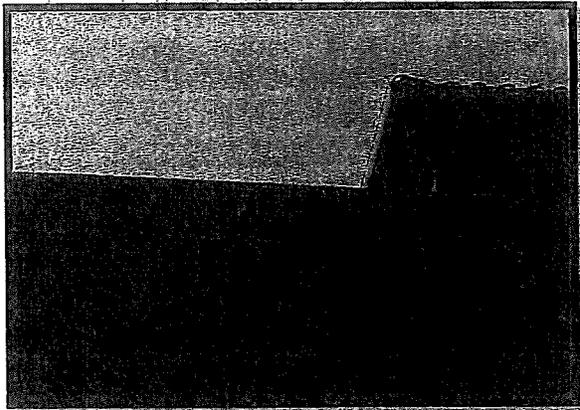
ISSUES:

Buildings

- The proposed stucco wainscot along the south and west wall planes should be replaced with a precast stone or concrete wainscot as shown below.



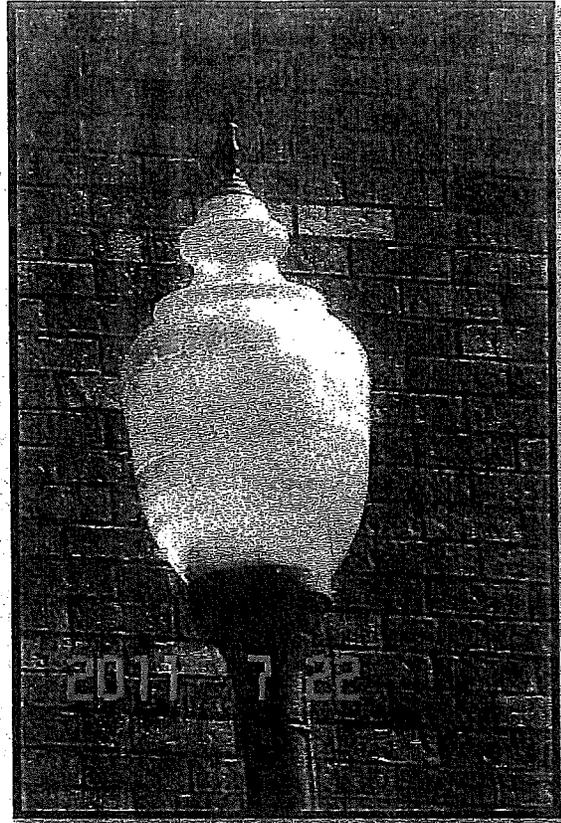
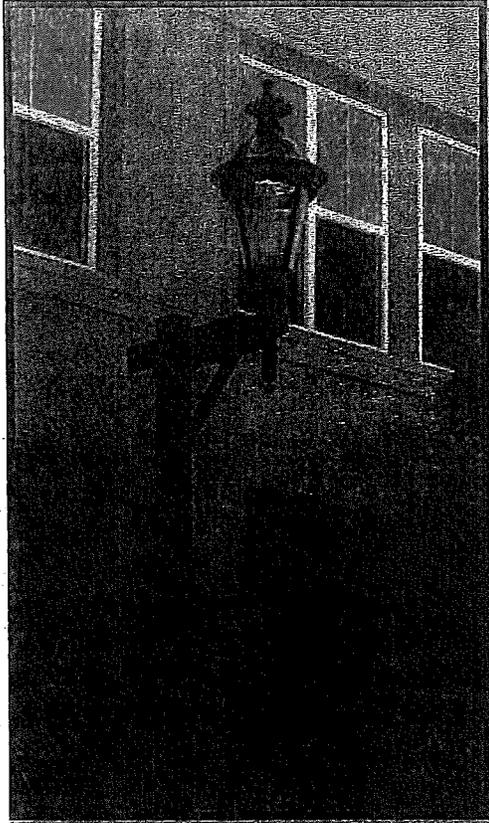
- Remove the single door on the south elevation of the one-story portion of the building. The door looks awkward and out of place. The door should be replaced with brick and the wainscot. By removing the door it would also allow for more display area along the interior wall instead of in front of the clear windows.
- The applicant still needs to clarify the color of all the window and door mullions. Staff would prefer a dark brown or bronze color that would go with the period look of the building.
- The proposed dentil relief cornice feature protrudes only two inches. Staff recommends the cornice feature be increased to at least four to five inches to allow for proper definition as shown below.



- Staff would like clarification if the proposed rear door on the north wall plane is still proposed as it is not shown on the elevation but is seen on the site and floor plan.

Site

- Provide decorative pavers or colored concrete at all the drive aisle entrances, at a minimum depth of 20 feet.
- Provide a site lighting fixture to be used; the design should be appropriate to the architectural style of the building as shown below.

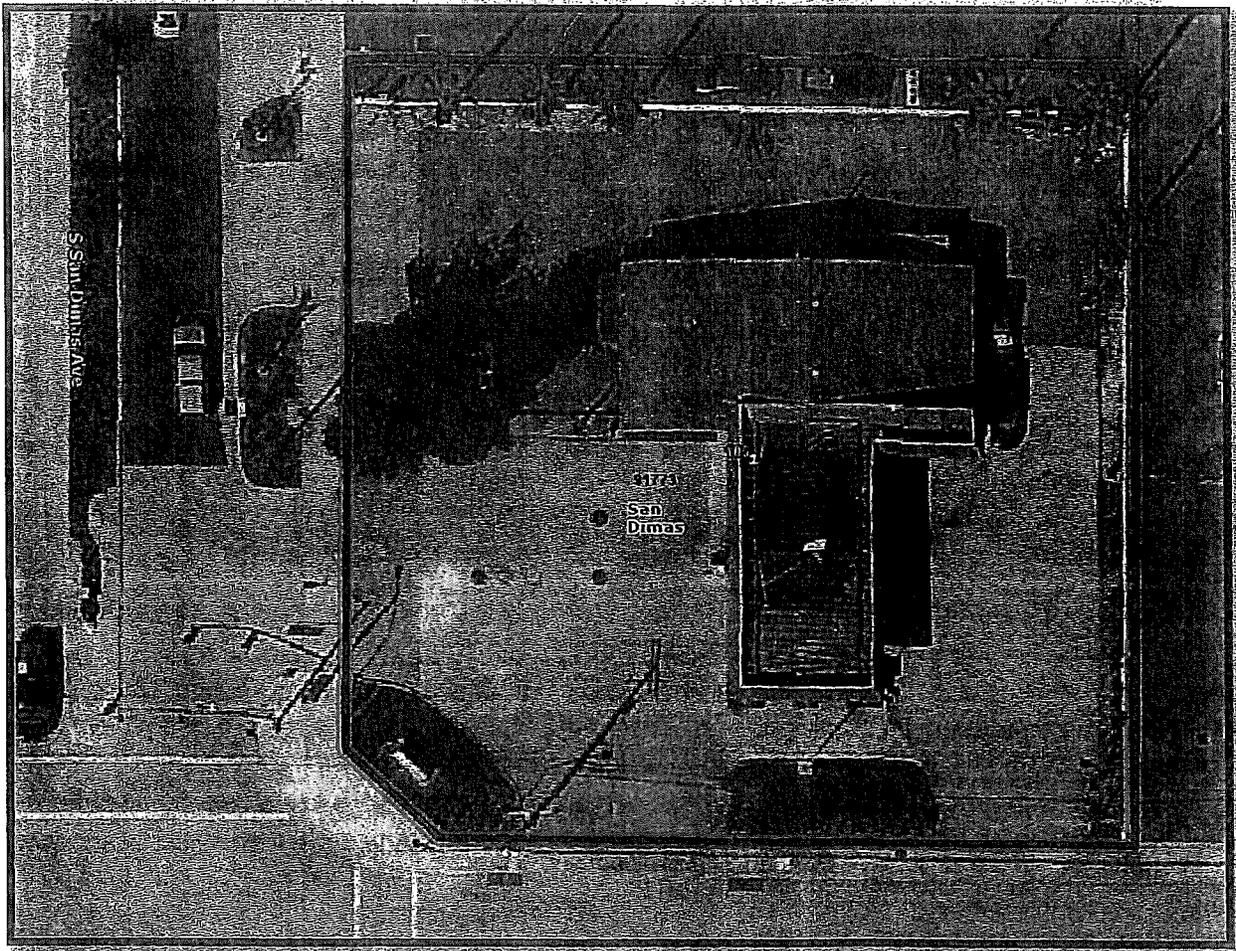


- The existing southernmost drive-aisle for the gas pumps is nonconforming because it is within the required 25-foot setback. Due to the large scale of this project the nonconforming drive-aisle needs to be abated at this time. The applicant's solution to this issue is to convert the drive-aisle into a planter. Staff feels that the applicant's proposal is unattractive and awkward and would prefer the canopy be relocated 10 feet to the north to allow for the use of the drive-aisle. This solution would also allow for proper design of the canopy.
- The gas pump canopy has been designed to only cover the interior drive-aisle due to the required 25-foot setback along Arrow Highway and the applicant's wish to not relocate it. The canopy looks odd, unbalanced and trivial especially adjacent to the proposed two-story structure. Staff recommends the applicant redesign the canopy to cover all four drive-aisles.

RECOMMENDATION:

Continue to a date uncertain to allow the applicant time to redesign the new building and site to accommodate the southern-most gas pump drive-aisle that is currently within the required 25-foot landscape setback.

Aerial of Subject Site



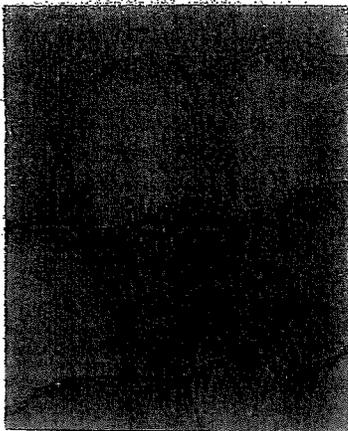
MATERIAL BOARD

Project Address : 105 E. Arrow Hwy,
San Dimas, Ca 91773

Owner : Hari Alipuria
3939 Muscatel Ave.,
Rosemead, Ca 91770

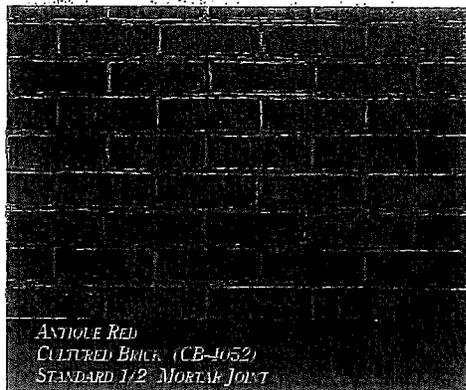
1

ROOFING : Eagle Roofing Product
Camino Real Series :
SMC 8403 – Santa Barbara



2

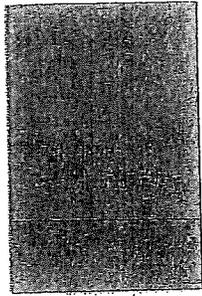
BRICK STONE VENEER : Cultured Stone
'Antique Red' : CB-4052



ANTIQUE RED
CULTURED BRICK (CB-4052)
STANDARD 1/2" MORTAR JOINT

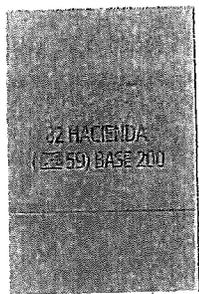
3

COLUMN BASE : La Habra Stucco
580 ' Sierra Tan '



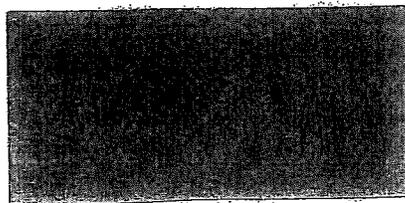
4

EXTERIOR WALL : La Habra Stucco
82 ' Hacienda '



5

FASCIA BOARD / TRIMS : Dunn Edwards DE6111
' S'Mores '



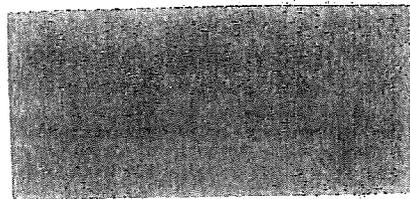
6

CROWN FASCIA MOULDING : Dunn Edwards DE6112
' Cedar Chest '



7

WINDOW TRIMS : Dunn Edwards DE6115
' Practical Tan '



DPRB Case No. 12-19

A request to demolish the existing 1,568 sq. ft. gas station attendant building/convenience store and construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and re-landscaped located at 105 East Arrow Highway.

Associated Cases: Municipal Code Text Amendment 10-06 & Conditional Use Permit 12-06 & 12-07

APN: 8390-018-023

Zone: Creative Growth 3 (CG-3)

Steve Eide, architect and applicant of Drafting & Design, was present.
Hari Alipuria, property owner and application of 105 East Arrow Highway, was present.
Cris Klingerman, applicant's attorney, was present.

Associate Planner Espinoza provided background information on this project. During the initial discussion with the applicant about the remodel of the existing site, Staff informed the applicant about the Code Development Standards requiring a reverse/turn around station design. The applicant informed Staff they did not conform to the regulation because of a no build 15-foot wide storm drain easement that runs through the property in addition to a self-imposed request is to leave the gas pump canopy and the underground tanks in the same location, which will not allow for the attendant building to be located at the southwest corner of the lot. Due to the existing constraints, the applicant has filed for a Municipal Code Text Amendment application to allow for a standard gas station design. The City has used the reverse/turn around service station design on other projects in the City which has become the preferred design concept. The design is favored because it allows the attendant building to screen the unsightly pump islands and decreases the amount of ingress and egress approaches to the site, thus reduces traffic safety issues.

The applicant is proposing to demo the existing 1,568 sq. ft. attendant/convenience store and build a new one. The new 2,561 sq. ft. building will house the attendant counter, a 1,961 sq. ft. convenience store and a 600 sq. ft. take-out restaurant. The building design will be very similar to the Grove mix-use project. The main portion of the building will have a two-story appearance but is only a one story building with a 8 ft. tall attic space, which will be used to store mechanical equipment and if used for storage, will be accounted into the parking space requirements. This building will be located at the northeast corner of the property.

Associate Planner Espinoza indicated that there is an issue with the canopy. In the Creative Growth Zone, along Arrow Highway there is a 25 ft. front yard setback. Staff has met with the applicant to redesign based on the code requirements. The applicant informed Staff that they have self-imposed conditions and do not wish to relocate the island pumps and underground tanks due to lack of funding. The applicant does wish to move forward with the submitted design and Municipal Code Text Amendment (MCTA) to change the code to allow for a standard gas station design and not a reverse turn/around. Again, this is a design that the City prefers which allows the attendant building to screen the unsightly pumps.

In 2005, the Grove Station project was being processed with several code text amendments that were made to the Creative Growth Zone to allow for aesthetic improvements. The City saw this as an opportunity to look at surrounding properties such as the two service stations which were potential sites that would benefit from improvements. To improve the sites, the City incorporated the possibility to

conditionally allow for a convenience store and/or a restaurant if a major improvement was proposed to the sites. The incentive would allow a convenience store with the sale of beer and wine which has only been given to two gas stations within this zone and nowhere else in the City. Staff feels the City has provided the two gas stations in this zone three economically beneficial uses on site (convenience store, restaurant and off-site sale of beer and wine) as an incentive for the owners to fully develop their properties. The applicant is proposing all three incentive uses; however, is not wishing to comply with current code nor to make the site conforming to current development standards.

Mr. Stevens stated there have been discussions with City Council in regards to design issues and added that they are willing to go forward with the Code Amendment; however, did not indicate the deviation from other Development Standards.

Mr. Sorcinelli asked about parking space requirements.

Associate Planner Espinoza replied that it would require additional parking spaces if they use the attic for storage and added that they are already tight with parking. The architectural features include using S tile for the single-story portion and the tower of the building. Stucco with brick columns will be used 3 ft. wide on the east and north elevations. There is a 4 ft. high wainscot that may need to be reduced to 3 ½ ft. The windows on the 1st story will have a precast stone trim around with additional architectural features. There will be new exterior lighting for the walkways.

He stated there are issues and concerns. Staff would like to see the stucco wainscot removed with the preference to use concrete material since it is more durable. Staff is looking to remove the door at the south elevation on the 1st story portion, which will help alleviate display spaces on the inside wall plane. Staff is looking for clarification for window and door mullions and added he is looking for a dark brown or bronzed color. He stated that Staff is looking for relief on the cornice of the building and is requesting for 4-5 inches like Grove Station. He requested that the applicant have additional pavers or colored concrete on entry ways which will be dictated to setbacks. He also asked for a site design with lighting fixtures, similar to Grove Station. He emphasized that the larger issue is the pump island. Currently the last drive aisle is within the 25 ft. setback and is considered a nonconforming function which Staff wants in compliance. The applicant is concerned with the cost to move the pump and close off the pump aisles. Staff believes the appearance looks awkward and unbalanced and recommends moving the pump 10 ft. and adjusts the walkway to gain the 10 ft. and make the site in full conformance. This will help alleviate the gas pump island and make it functional. Staff recommends that the item be continued to a date uncertain to allow the applicant time to redesign the building and site to accommodate the southern-most gas pump drive-aisle that is within the required 25-foot landscape setback.

Mr. Stevens stated that there are three driveway entrances: one on San Dimas Avenue and two on Arrow Highway. He asked if the driveways are intended to be asphalt painting or decorative.

Associate Planner Espinoza replied that the driveways are not decorative; however, Staff is looking to address the issue.

Mr. Stevens asked if the canopy is attached to the main building structure.

Associate Planner Espinoza replied currently, yes and stated that there are two pump islands which are an extension from the main building to the main canopy. The applicant will remove the roof of the canopy and rebuild the roof and leave the existing columns and rebuild with hipped roofing with S-tile.

Mr. Patel asked if the applicant confirmed reciprocal access to the north alley.

Associate Planner Espinoza replied that they have not provided that information but are working on it.

Mr. Stevens asked if the applicant correctly uses that access.

Associate Planner Espinoza responded no; however, the approval from the adjacent property owner will be required first for the new access. He added that a section belongs to the City.

Mr. Stevens asked how much of the property belongs to the City.

Associate Planner Espinoza responded 45 ft.

Mr. Stevens stated that Staff needs to know exactly where the public right of way extends out to and whether or not they have easement rights and if they do not, we cannot approve access that is currently shown on the site plan.

Mr. Patel asked how is the gas delivered by vehicle.

Associate Planner Espinoza responded that deliveries will come from Arrow Highway and make a left on San Dimas Avenue to go into the drive aisle and come out of last driveway on Arrow Highway.

Mr. Patel asked if they are using the width of the driveway and requested that the applicant provide a turning template to show the delivery of tanks.

Mr. Sorcinelli asked for a recap on the outcome from City Council in regards to this project and its reverse/turn around design policy.

Mr. Stevens replied that the applicant went through a design process and Staff insisted on the turnaround station design. The applicant then filed a code amendment to eliminate the standards which was heard by City Council. As part of the normal process, to consider the initiation of the Municipal Code Text Amendment (MCTA), the reasoning is due to the impact of the easement and the impact of cost to relocate the underground tanks to accommodate the turnaround station. City Council listened to the applicant and was willing to consider amending the turnaround station portion of the standard; however, they did not amend the Code yet.

Mr. Morris commented on the design of the turnaround and how it would encroach 25 ft. into the setback and force a design that could be a problem. It was not a unanimous vote.

Mr. Stevens stated Staff has not backed away from the turnaround component. The standard only applies to two properties: Valero and this gas station. The incentive with a turnaround is, you can have a convenience store that sells beer and wine, which they already do, which most other gas stations do not have this benefit. He emphasized it is a strong economic advantage.

Associate Planner Espinoza stated the applicant does not want to move the underground tanks.

Mr. Morris pointed out that the easement is still an issue.

Mr. Sorcinelli agreed that the easement is an issue. He commented that if parking forces a design that the applicant does not favor, why Staff can't give less requirements on the amount of parking spaces required.

Mr. Stevens stated that the problem with the building is that the exterior is relatively bland. The applicant's approach is to achieve a better design and move forward versus hanging on to the standard station design.

Associate Planner Espinoza stated that Staff is looking for full conformance of the development standards.

Mr. Schoonover asked if there will be seating for the take out restaurant and if so, will require additional parking spaces.

Associate Planner responded that it is considered a restaurant and those parking standards have been already been applied and meet.

Mr. Patel stated that there are still Standard Urban Stormwater Mitigation (SUSMP) and National Pollutant Discharge Elimination System (NPDES) requirements. He noted the standards are different.

Chris Klingerman, attorney for the applicant, stated that the applicant wants to construct a decent looking gas station that flows with the surrounding area. Since the gas station is located on a slope of the street, the applicant wants to bring the building elevation higher, which is the purpose of the 2nd story appearance. The issue with the 25 ft. setback is that all adjoining properties are within the 25 ft. setback and Staff essentially wants to prevent the drive aisle in the setback, thus is recommending landscaping next to the pumps. The applicant wants a design that is functional. He added that they will look into researching the easement to the north of the property.

Mr. Stevens asked what can be done about the trash area location.

Steve Eide, designer, replied they wanted to have it at the back of the property; however, they need permission to obtain that access for that easement.

Mr. Stevens recommended they look for a design to put the pump islands at a different location while respecting the intended setbacks. He recommended looking at a different site design to have eight operating pump locations versus only six. He emphasized that it is important to have setbacks and added the only way to comply with setbacks is to reconfigure the site and pump island.

Mr. Klingerman stated that the applicant has looked at design alternatives; however, relocating the pumps is also an environmental concern which is costly.

Mr. Stevens stated that the applicant could save some cost by not building a 2nd story appearance. He asked if other alternate site layouts have been presented.

Mr. Stevens indicated that they have not seen any alternative design layouts.

Mr. Klingerman stated that it is a self-imposed restriction and the issue is cost. He noted that if required to move the pumps, the project would fail. He added that due to all the requirements, the applicant would rather leave the gas station the way it is.

Mr. Stevens asked what the purpose of the attic space is.

Mr. Eide responded that it serves as massing technique and added that since Grove Station is much taller, if the building is dropped down to a single story, it would appear smaller in comparison.

Mr. Stevens stated that no matter how many times it is stated that the attic space will not be used, it will be used illegally at some point in time.

Mr. Sorcinelli recommended the applicant resubmit plans showing the Grove Station background so that the Board can have an actual visual presentation. He inquired about the signage.

Mr. Klingerman stated that the design is very similar to the structures of Grove Station with the elevated area and roof.

Mr. Patel stated that the building is nicely designed; however, the hip roof appears awkward.

Mr. Klingerman stated that by having a flat roof, it becomes inconsistent with the building.

Mr. Michaelis asked how much it would cost to relocate the pump islands.

Mr. Klingerman replied about \$150,000 to just relocate the pumps and the overall project would cost around \$600,000-\$700,000.

Mr. Stevens asked if the applicant would oblige to install landscaping to the pump island if approved.

Mr. Klingerman replied yes; however, does not believe it is the best alternative.

Mr. Michaelis asked if the trash and propane can fit into another spot on the property. He said if trash is moved to the rear of the building, how it would affect the layout of the building.

Mr. Klingerman replied it would impact the easement to get to the trash area.

Mr. Sorcinelli stated that there is a lot of space in the walk area and asked if the parking can be lessened.

Associate Planner Espinoza stated that the applicant can reduce the building size, which was discussed with the property owner which can then enable a lessened parking requirement.

Mr. Sorcinelli asked if the applicant is allowed to put a propane tank on the easement.

Mr. Patel responded that a "tank" is considered a structure.

Mr. Stevens added that it has the same issues which will take a dedicated parking space.

Mr. Sorcinelli recommended looking at the propane facilities and not having them located in front of the building because it is unsightly.

Associate Planner Espinoza stated that screening the tanks can be an added requirement.

Mr. Sorcinelli recommended taking out the exit to the east and put a screen in front of the propane facility.

Mr. Stevens stated that it will become difficult to do with South Coast Air Quality Management approval (AQMD).

Mr. Sorcinelli stated that he would rather see a parking space removed in order to create a screen.

Mr. Stevens stated that the applicant may not have the ability to reduce parking unless the square footage of the building is reduced.

Mr. Sorcinelli stated that since City Council considered code amendments for the reverse/turn around requirements, why one can't be done to obtain a lessened parking requirement. Having 17 spaces at this location seems like a lot.

Mr. Stevens stated that eight parking spaces alone are required for a restaurant.

Mr. Sorcinelli stated that there has to be room to give on another issue to lessen the parking requirements.

Mr. Stevens inquired again on the intention of the attic space.

Mr. Eide responded that it was done for massing purposes and it can be lowered from 8 ft. to 6 ft.

Mr. Stevens stated that the ceiling can be dropped in the attic area.

Associate Planner Espinoza stated that a 5 ft. reduction is acceptable.

Mr. Stevens commented that whatever the dimensions are, under the Building code the attic space is still unusable space.

Mr. Schoonover asked where Staff stands with the recommendation of this project.

Mr. Stevens replied Staff recommends continuing until the pump island and landscape setbacks are addressed.

Mr. Michaelis asked the applicant if it is difficult to go against the setback requirements. He noted that if it is a design that does not meet the requirements, the applicant should pursue a different design to meet the setback requirements.

Mr. Klingerman stated that the applicant will agree and do the landscaping up to the pumps and the other issues will be worked out with Staff.

Mr. Michaelis asked if the applicant will give up a drive aisle.

Mr. Klingerman responded that it would require all the pumps to be relocated.

Mr. Michaelis asked if one drive aisle cost less than relocating the pumps.

Mr. Stevens responded that the revenue needs to be reevaluated and the options need to be compared.

Mr. Klingerman stated that not much money would have been made on that unused gas lane.

Mr. Morris stated that he wants the applicant to maximize the use of the location. He posed the thought to reduce to two gas lanes and maybe build a larger convenience store.

Mr. Klingerman considered and will move forward with the current design.

Mr. Michaelis asked if the columns remain in the same place and will have an overhang canopy.

Mr. Klingerman responded that the two columns are freestanding and added that the canopy covers the northerly tanks and not the drive aisle.

Mr. Patel asked what will happen to the existing pump on the south side.

Mr. Klingerman responded that it will remain at the location but will not be used. He added that the pumps will be changed out in the future, and emphasized the handles will be changed out.

Mr. Stevens asked how long it has been since the pumps have been changed out.

Mr. Klingerman responded they are changed out periodically.

Associate Planner Espinoza commented that the full 25 ft. should be landscaped if not used as a driveway approach.

Mr. Michaelis inquired about the decorative pavement for the entrances and asked if it still needs to be worked out.

Associate Planner Espinoza commented that if the project moves forward, verification of access rights needs to be made, prior to Planning Commission which is where the redesign can be dictated.

MOTION: Moved by Larry Stevens, second by Krishna Patel to continue to a date uncertain and return to DPRB with a redesign to include: the relocation of the trash enclosure, verification of easement access to the North, additional minor modifications relative to building, evaluate better locations for the propane facility, submit a turning radius template for truck deliveries and address lowering the attic height.

Mr. Sorcinelli interjected and requested that the comments be included in the motion in regards to compromising the parking spaces and making the requirement less.

Mr. Stevens commented that there is no authority that can be given to reduce the parking requirement it is in the Code.

Mr. Schoonover asked if the applicant can limit the size of the building in order to obtain more parking spaces.

Mr. Stevens replied that it is up to the applicant to play with the design.

Mr. Michaelis asked how the applicant feels about the motion presented.

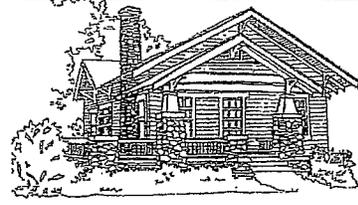
Mr. Eide responded that the biggest issue is the pump station and emphasized it is costly to relocate the pumps but it all can be worked and adjusted.

Mr. Patel added that the dedication on the sidewalks for access on Arrow Hwy and ADA pathways need to be addressed as well.

Mr. Sorcinelli motioned to amend the motion to include that the applicant submits a detailed sign plan with elevations that are drawn to scale to include the adjacent Grove Station.



DEVELOPMENT PLAN REVIEW BOARD FACT SHEET



DATE: May 9, 2013
TO: Development Plan Review Board
FROM: Marco A. Espinoza, Associate Planner
SUBJECT: **DPRB Case No. 12-19**

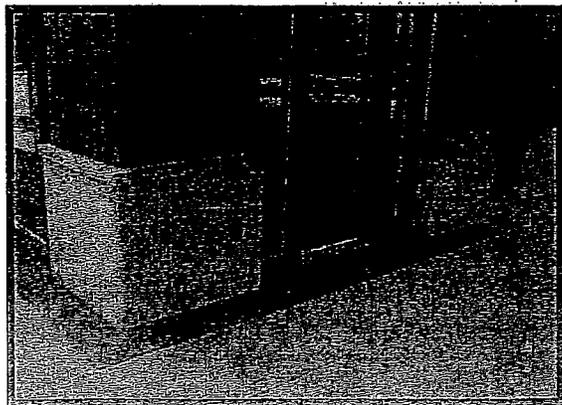
Continued from the October 11, 2012 Meeting

Associated Cases: Municipal Code Text Amendment 10-06
Conditional Use Permit 12-06 & 12-07

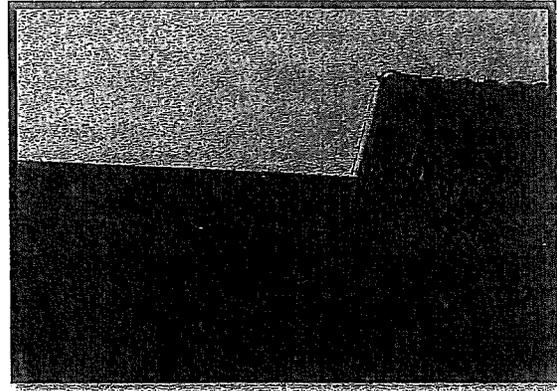
A request to demolish the existing 1,568 sq. ft. gas station attendant building / convenience store and construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and re-landscaped. Property Address: 105 E. Arrow Highway (APN:8390-018-023).

FACTS:

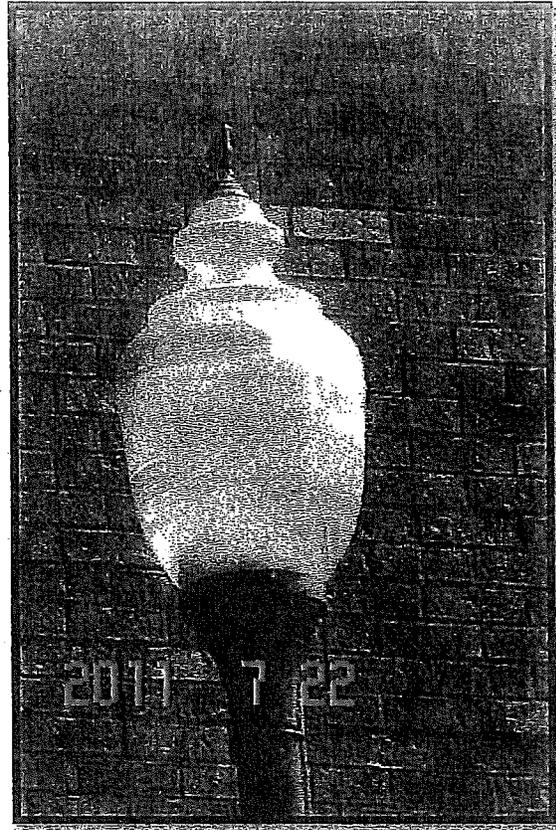
- This case was last reviewed and continued by the Board on October 11, 2012. At the meeting the Staff presented the proposal and the issues of concern as outlined in the Staff Report. Staff has included that staff report as part as Exhibit "A" for reference.
- Since then the applicant since has revised the plans to address the issues of concerns raised at the DPRB meeting.
- In general the overall design of the building and site layout is predominately the same as previously reviewed. The new 2,561 sq. ft. building will house the attendant counter, a 1,961 sq. ft. convenience store and a 600 sq. ft. take-out restaurant.
- The issues addressed by the applicant are as follows;
 1. The proposed stucco wainscot along the south and west wall planes has been revised to a precast stone wainscot as shown below.



2. The single door on the south elevation of the one-story portion of the building was removed. The door looked awkward and out of place.
3. The applicant has clarified the color of all the window and door mullions; he is proposing an anodized dark bronze color.
4. The proposed dentil relief cornice has been increased in size from two inches to four inches to allow for proper definition as shown below at the Grove Station project.



5. The site plan has been revised to show decorative colored concrete at all the drive aisle entrances, at a minimum depth of 20 feet.
6. ADA access from the public-right-of-way has been added from San Dimas Avenue to the building. The proposed access was reviewed by the Building Department with no modifications.
7. The Board recommended the applicant relocate and screen the propane tank. The applicant is proposing a low profile propane tank that will lay horizontal and will be screened by a brick wall.
8. It was recommended that the trash enclosure also be relocated away from the front of the property. The applicant was going to move the enclosure to the rear of the building but since they were not able to get legal access through the property to the north, the applicant moved it to the north closer to the building and the propane tank.
9. Another issue that was discussed was reducing the attic height, thereby reducing the overall height of the building. The applicant did not reduce the height of the attic space nor the building because they felt the current design is compatible with the scale and mass of the Grove Station and if they were required to reduce the height of the project, the Grove Station building would overshadow the project.
10. The applicant is still pricing the lighting fixtures that will be used but it will be one of the two shown on the next page, which are consistent with the area and the project.



Issues of Concern

Decreased Vehicular Access – Since the last meeting the applicant has discovered that they do not have legal access rights to the property to the north which was partially being used to access San Dimas Avenue. The applicant has revised the plans to close off the north property line access route to the parking lot. This area of the parking lot now has a dead-end. This is not the best design for parking lots because it does not allow for a car to turn around if there is not any parking available; the car would need to back up in reverse creating a traffic safety issue.

Gas Pump Drive-Aisle – The existing southernmost drive-aisle for the gas pumps is nonconforming because it is within the required 25-foot setback. Due to the large scale of this project, the nonconforming drive-aisle needs to be abated at this time. The applicant's solution to this issue is to convert the drive-aisle into a planter. Staff feels that the applicant's proposal is unattractive and awkward and would prefer the canopy be relocated 10 feet to the north to allow for the use of the drive-aisle. This solution would also allow for proper design of the canopy. This issue was discussed in length by the Board, which recommended that the applicant consider moving the canopy. The applicant would prefer to leave the

canopy in its current location due to the cost and possible mitigation measure AQMD would require.

Gas Pump Canopy – The gas pump canopy has been designed to only cover the interior drive-aisle due to the required 25-foot setback along Arrow Highway and the applicant's wish to not relocate it. The canopy looks odd, unbalanced and trivial especially adjacent to the proposed two-story structure. Staff recommends the applicant redesign the canopy to cover all four drive-aisles. The way to accomplish this would be to relocate the canopy 10 feet to the north, the applicant wishes not to do this. This was the same concern Staff addressed at the previous DPRB meeting. The applicant did not address this issue of concern and is proposing the same canopy design.

Staff recommends the Board deny the project based on the fact that the applicant wishes to not modify the location of the gas pump canopy a minimum of 10 feet to the north, thereby not allowing proper coverage of all the drive aisles. These two issues create a significant negative visual effect on the property. As part of the City Council's consideration to reconsider requiring the reverse/turn around design, the applicant would still be required to meet all other development standards of the zone. The applicant is not meeting the intent of the code which is to provide for a comprehensive reconstruction and design of the site as stated in the Creative Growth, Area 4 section of the Code which states;

"Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities"
Sec. 18.140.090.C.4.a.iv

The applicant's wishes to not comply with the code are self-imposed, and compliance can be met with modifications to the site plan.

RECOMMENDATION: Staff recommends the Board recommends denial of DPRB Case No. 12-19 to the Planning Commission and the City Council.

Attachments Exhibits A – October 11, 2012 DPRB Fact Sheet
 Exhibit B – October 11, 2012 DPRB Minutes

look right as it crosses over the top of the arch and noted that the whole area would need to be redesigned. He recommended the windows match and represent their true colors.

Mrs. Garwick stated that the sewer should be shown on the engineering plans.

DPRB Case No. 12-19

Continued from the October 11, 2012 Meeting. A request to demolish the existing 1,568 sq. ft. gas station attendant building/convenience store and construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and re-landscaped located at 105 E Arrow Highway.

Associated Cases: Municipal Code Text Amendment 10-06 and Conditional Use Permit 12-06 & 12-07.

APN: 8390-018-023

Zone: Creative Growth 3 (CG-3)

Hari Alipuria, property owner, was present.

Steve Eide, applicant, was present.

Cris Klingerman, attorney for the property owner, was present.

Josee Normand, resident of 316 S San Dimas Avenue, was present.

Senior Planner Espinoza stated that this case was last reviewed and continued by the Board on October 11, 2012. The overall design of the building and site layout is predominately the same as reviewed previously. The new 2,561 sq. ft. building will house the attendant counter, a 1,961 sq. ft. convenience store and a 600 sq. ft. take-out restaurant. The issues addressed by the applicant are as follows: the proposed stucco wainscot along the south and west wall planes has been revised to precast stone wainscot. The single door on the south elevation of the one-story portion of the building was removed. The applicant has clarified the color of all the window and door mullions, proposing an anodized dark bronze color. The dentil relief cornice has been increased in size from two inches to four inches to allow for proper definition. The site plan has been revised to show decorative colored concrete at all the drive aisle entrances, minimum depth of 20 ft. A concern was also the ADA access from the public-right-of-way has been added from San Dimas Ave to the building. The Board recommended relocating and screening the propane tank. The applicant is proposing a low profile propane tank that will lay horizontal and will be screened by a brick wall. Staff also recommended that the trash enclosure be relocated away from the front of the property; the applicant moved it to the north closer to the building and the propane tank. The applicant is still pricing the light fixtures that will be consistent with the area and project similar to that used in the downtown.

Senior Planner Espinoza pointed out issues with the decreased vehicular access. The applicant stated that they do not have legal access rights to the property to the north which was partially being used to access San Dimas Avenue. The applicant has revised the plans to close off the north property line access route to the parking lot. The lot now has a dead-end which is not the best design for parking lots because it does not allow for a car to turn around if there is not any parking available. The gas pump drive-aisle is still an issue because the existing is nonconforming because it's within the 25 ft. setback which needs to be abated. The applicant's solution is to convert the drive-aisle into a planter. Staff feels the proposal is unattractive and would prefer the canopy be relocated 10ft. to the north to allow for the use of the drive-aisle. The applicant would prefer the

canopy at the current location due to the cost and possible mitigation measure AQMD would require. He noted that the applicant is not meeting code requirements and Staff recommends denial of the project to Planning Commission and City Council.

Mrs. Garwick stated that it is reasonable to ask to submit a plan showing for access for the gas tanker for deliveries. At the last meeting, the Board requested that the applicant submit a stencil of the truck route which has yet to be submitted.

Mr. Stevens stated that it is a reasonable request to ask the applicant to submit a plan showing access for the gas tanker. He questioned on the site plan, a door at the rear that exits to an easement, which has not yet been acquired. He noted also that the planter strip is not a permissible access.

Mr. Sorcinelli added how the planter strip would be maintained if they do not have access to the property to the North. He requested the applicant answer this question when presents.

Mr. Stevens stated that there has been no analysis of the canopy pump islands to determine if they could support the architectural elements shown on the plans.

Mrs. Garwick stated that since they will be modifying the existing driveway to the south, the applicant needs to look at the radius curb to expedite traffic. She noted that the MS4 permit reads that this is a priority planning project and any improvement of 5,000 sq. ft. makes the permit apply. It would also require additional percolated water treatment.

Mr. Stevens stated that the total additional square footage is 7,500 sq. ft. and added it would require the MS4 permit.

Mr. Badar inquired about Air Quality Management District (AQMD).

Senior Planner Espinoza stated that based on the applicant's knowledge, if the pumps are moved it would require additional requirements by AQMD which would require additional costs.

Steve Eide, of Drafting and Design, responded to the Board's questions in regards to the existing doors. He noted that they will be resolved once the interior has been figured out but added that the door at the rear can be removed. As for the landscaping, the landscapers can walk through the planter area for maintenance. He stated that the driveway will be minimized from 36 ft. to 30 ft. He added a delivery truck study can be done as well.

Mr. Beilstein asked if gasoline deliveries occur during regular business hours.

Hari Alipuria, property owner, replied that the deliveries occur when he schedules them. He added that the customers are able to work around the deliveries and is not an inconvenience; however, he can have the deliveries occur any hour that Staff prefers.

Mr. Eide added that they can have the gas deliveries arrive later to not impede with incoming traffic.

Mr. Stevens asked what the regular business hours are for the gas station.

Mr. Alipuria replied 7:00 a.m. to 7:00 p.m. He added that he would eventually want the gas station to be open 24 hours.

Mr. Badar left the meeting at 9:49 a.m.

Cris Klingerman, attorney for the property owner, stated that they were unsuccessful in acquiring the easement at the rear of the property. He stated that the projected cost for the project is \$750,000. He stated that the property owner is trying to update the look of his gas station into an updated design that is consistent with the surrounding buildings.

Mr. Alipuria commented that he looks forward to the renovation. As a small business man, he would like to expand, update and mimic Grove Station. He added he would like to eventually propose a vegetarian Indian food restaurant. He stated that the trash and propane tank currently at the location is the best location. The trash area is located where Waste Management can readily pick up the trash cans and if moved, it will become too difficult. He commented that gasoline businesses are starting to expand and include markets and added he wants his business to not only be known for gasoline services but as a food business too.

Mr. Michaelis inquired about the availability of the easement to the North.

Mr. Klingerman replied that he has researched to acquire the easement but it has been difficult. He added that they are not going forward with obtaining the easement; however, may revisit in the future.

Mr. Alipuria stated that if they could obtain permission for the easement then they can open up the driveway.

Mr. Michaelis stated that the new proposed gas station will now have 3 drive aisles instead of 4. He asked if it would be expensive to relocate the pumps.

Mr. Alipuria responded that it would cost between \$100,000-\$200,000. Currently, the gas station is in compliance with AQMD and added that once the pumps are relocated, they will get involved.

Mr. Michaelis asked if the pumps are moved, will they need to be installed compliantly and inspected.

Mr. Alipuria replied that first they will need permission from AQMD and additionally they will request more upgrade modifications that will cost more money.

Josee Normand, resident of 316 S San Dimas Avenue, commented that she acknowledges and appreciates that the property owner is trying to make an improvement to his property that will make an immense difference in the neighborhood.

Mr. Stevens commented that his view has not changed on the project and is trying to understand the intent of the reconstruction. The project would be better but noted he has never seen a pump island the way it is being presented and added it is unacceptable. He added that he is unhappy with the pumps and the plans are not as good as they could be. He stated he is not in support of this project.

MOTION: Larry Stevens moved, second by John Sorcinelli to deny.

Motion carried 4-0-1-2 (Dilley Absent and Badar and Schoonover Abstained)

Mr. Michaelis stated that the proposed project is an updated appearance of what is currently at the location; however, the aspect of the DPRB is to make sure the proposal is complaint and meets code requirements. He noted that projects need to follow certain codes and some are decided based on policy. If the DPRB denies this item, the applicant needs to be aware of the option to appeal to the City Council.

Mr. Stevens stated that a turnaround station design is better. He explained that the review and comments on this plan is with understanding that the City Council will give favorable consideration to eliminate the turnaround. Based on the plans in front of us, it is not just a turnaround station that will be an issue.

Mr. Sorcinelli commented that it is not only about the turnaround station design but there are issues presented in the plans that are not readily resolvable such as: parking, the dead end area, the trash enclosure and the propane tanks.

ADJOURNMENT

There being no further business the meeting was adjourned at 10:10 a.m. to the meeting of May 23, 2013 at 8:30 a.m.

Jim Schoonover, Chairman
San Dimas Development Plan Review Board

ATTEST:

Jessica Mejia
Development Plan Review Board
Departmental Assistant

Approved: June 27, 2013



Planning Commission Staff Report

DATE: June 20, 2013

TO: Planning Commission

FROM: Marco A. Espinoza, Senior Planner

SUBJECT: Municipal Code Text Amendment 10-06
Conditional Use Permit 12-06 & 12-07 and DPRB Case No. 12-19
A request to amend Code Section 18.140.090.C.4.a.iv to allow an exception to the reverse/turn around station design when a storm drain and/or easement interferes with the siting of the proposed building. There is also a request to demolish the existing 1,568 sq. ft. gas station attendant building/convenience store and construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and re-landscaped. Property Address: 105 E. Arrow Highway (APN: 8390-018-023).

SUMMARY

The applicant submitted a request to amend Code Section 18.140.090.C.4.a.iv. to allow an exception to the reverse/turn around station design when a storm drain facility and/or easement interfere with the siting of the proposed building.

The Council at their June 14, 2011, meeting directed Staff to work with the applicant to evaluate reasonable and appropriate site designs that would accommodate the project and code requirements.

Staff worked with the applicant on several site design layout options, identifying existing undergrounding tank locations, confirming underground tanks meet current AQMD requirements and exploring possible code text amendments. The applicant focused on a site design that would not require the relocation of the gas pumps and canopy and/or underground tanks due to cost, thereby prohibiting a reverse/turn around design. As an alternative, Staff presented the applicant with a tentative schematic design that would accommodate the required reverse/turn around design. The applicant rejected the design because he would need to relocate the gas pumps and canopy.

At the January 24, 2012, City Council meeting, the Council directed Staff to initiate the municipal code text amendment to consider allowing modification to the reverse/turn around design required for gas stations in the CG Area 3, Mixed Use, Sub –Area A zone as long as the project met all the other development requirements.

Staff has worked with the applicant on various versions of the new gas station but in every case there is one item that creates a design issue that does not allow for proper design of the site. The applicant wishes to not relocate the gas pump island which currently encroaches into the 25-foot setback along Arrow Highway. This item is self-imposed as the applicant does not want to comply with any requirements that might be imposed by AQMD.

Staff presented the applicant's latest proposal to the Development Plan Review Board (DPRB) on October 11, 2012, and on May 9, 2013. At the last meeting the Board voted to deny DPRB Case No. 12-19, due to the fact that the project did not meet the finding for a well planned development, specifically the gas pump island design. The appeal of the case will be reviewed by the City Council after the Planning Commission makes their recommendation.

Staff recommends the Planning Commission recommend denial of MCTA 10-06, CUP 12-06 & 12-07 and DPRB 12-19 to the City Council.

BACKGROUND:

The applicant submitted preliminary plans for a major remodel of the gas station at 105 E. Arrow Highway. Staff notified the applicant that the proposed layout of the buildings did not meet the reverse/turn around service station design required by the Municipal Code (Section 18.140.090.C.4.a.iv).

The applicant indicated that they did not propose a reverse/turn around station design because of a 20-foot wide storm drain easement that runs through a portion of the property that would impede the required design.

Subsequently, the applicant submitted a proposal to amend the code to allow an exception to the reverse/turn around station design when a storm drain facility and/or easements interfere with the sitting of the proposed building.

On May 10, 2011, Staff presented to the Council the background information on the proposed code text amendment, in addition to the applicant's site design layout for the gas station (see Exhibits A & B). The applicant testified that a reverse/turn around design was cost-prohibitive because it would require relocating the underground storage

tanks. The Council directed Staff to further evaluate site design possibilities and the code text amendment with the applicant.

At the January 24, 2012, City Council meeting Staff discussed how we had worked with the applicant on additional site layout options, identifying existing underground tank location, confirming underground tanks met current AQMD requirements and exploring possible code text amendments (see Exhibits C & D). The applicant focused on a site design that would not require the relocation of the gas pumps and canopy and/or underground tanks due to cost, thereby prohibiting a reverse/turn around design. As an alternative, staff presented the applicant with a tentative schematic design that would accommodate the required reverse/turn around design. The applicant rejected the design because he would need to relocate the gas pumps and canopy.

Staff understands the reasons for the applicant's rejection of Staff's design (cost) but the intent of the original modification to the Creative Growth Zone in 2005 was for the City to obtain a comprehensive redevelopment of these sites, not partial.

Staff recommend to the Council they uphold the intent of the Municipal Code text Amendment established in 2005, for a complete redesign of the gas station properties and reject the applicant's request. The Council decided to allow for the initiation of the code amendment as long as the proposed project meets all other development standards of the Code.

Since then, the applicant has modified the site layout to try to comply with the development standards of the Creative Growth Zone. Staff presented the applicant's proposal on October 11, 2012, to the Development Plan Review Board (See Exhibit E & F). Staff recommended that the applicant modify a number of design issues, including the redesign and relocation of the gas pump island. The Board concurred with Staff's recommendations and voted to continue the case to allow the applicant time to modify the plans.

On May 9, 2013, the revised plans were presented to the Board (see Exhibits G & H). The applicant had addressed most of Staff's and the Board's concerns. The issue of the gas pumps still remained. The gas pump canopy has been designed to only cover the interior drive-aisle due to the required 25-foot setback along Arrow Highway. The canopy looked odd, unbalanced and trivial especially adjacent to the proposed two-story structure. Staff recommended the applicant redesign the canopy to cover all four drive-aisles. The way to accomplish this would be to relocate the canopy 10 feet to the north; the applicant did not want to do this. This was the same concern Staff addressed at the previous DPRB meeting. The applicant did not address this issue of concern and proposed the same canopy design.

In addition to the gas canopy issue a secondary concern developed when the applicant discovered that they did not have legal access to the property to the north, therefore requiring the closure of the drive aisle; the closure created a dead end design. This is not the best design for parking lots because it does not allow for a car to turn around if

MCTA 10-06, CUP 12-06 & 12-07, and DPRB 12-19
105 E. Arrow Highway
June 20, 2013

there is not any parking available; the car would need to back up in reverse creating a traffic safety issue.

The Board voted to deny the project (DPRB Case No. 12-19).

The appeal of DPRB Case No. 12-19, will be reviewed by the City Council after the Planning Commission makes their recommendations on these applications.

ANALYSIS:

MCTA 10-06

In 2005, when the Grove Station project was being processed, several code text amendments were made to the Creative Growth Zone to allow for aesthetic improvements to the area. The City saw this as an opportunity to look at some of the surrounding properties near the Grove Station. The City felt that the two service stations were potential site that would benefit from aesthetic improvements. In order to encourage improving substandard sites, the City incorporated the possibility to conditionally allow for a convenience store and/or a restaurant if a major improvement was proposed to the site. As part of the code text amendment the City included that the site would require a complete reconstruction as a reverse/turn around station, improving the aesthetics of the site. The Code amendment was seen as a method of addressing community design interest that would encourage reconstruction of the sites without restricting the ability for the existing use(s) to continue. The incentive to allow a convenience store with the off-site sale of beer and wine is only given to the two gas stations within this zone and nowhere else in the City except for in Specific Plan No. 2 (Arco at Lone Hill and Arrow). In the past few months the City Council has revised their policy on convenience stores associated with gas stations City-wide and are no longer limiting the size and/or the off-site sale of beer and wine; but that still requires CUP review and approval.

The subject site has a 20-foot wide storm drain easement that goes through a portion of the property. The storm drain enters the property along the north property line approximately 60 feet from the northwest corner and travels down the property in a boomerang shape. The storm drain exits the property on the west property line approximately 40 feet from the southwest corner of the property. Due to this easement the applicant feels that they cannot design the project as a reverse/turn around design as required by code. Staff has shown that the site is adequate to construct a reverse/turn around design service station with accessory uses.

The applicant is proposing the following proposed code text amendment that is in **BOLD**.

iv. Gasoline Service Stations. Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities. Reconstructed gasoline stations shall utilize a reverse or turn around station

EXHIBIT I

*design, in an effort to create an architectural statement at the Arrow Highway and San Dimas Avenue intersection. **Should any storm drain facilities and/or easements interfere with this siting design, the applicant shall provide documents verifying the findings. If a reverse/turn around design is not possible due to the facilities/easement, an alternative design shall be reviewed for the site. If an existing gasoline service station is reconstructed to the above standard, the use may expand and include, convenience store and restaurant use with a new or revised conditional use permit and subject to the provisions of Chapter 18.12 of this title;***

The City Council has reviewed the applicant's initial request for the code text amendment and advised Staff to process the request.

Staff is recommending the Planning Commission deny the applicant's request because Staff cannot make the Finding necessary to approve the project as a whole due to the fact that the gas pump island is adjacent to the 25-foot setback and is creating an awkward design for the canopy and the site layout. The canopy looks odd, unbalanced and trivial especially adjacent to the proposed two-story structure. The canopy should be redesigned to cover all four drive-aisles. When the City Council reviewed the initial code text amendment they seemed to be in support of modifying the reverse/turn around design but they also felt that the applicant should still meet the other development standards. The applicant's unwillingness to relocate the gas pump island is self-imposed and should not warrant approving the code text amendment until all development standards are met. The applicant has discussed with Staff that they are not willing to relocate the gas pump island and wish to move forward with the project as proposed.

DPRB Case No. 12-19

The applicant is proposing to demolish the existing 1,568 sq. ft. attendant/convenience store and build a new one. The new 2,561 sq. ft. building will house a 1,961 sq. ft. convenience store and a 600 sq. ft. take-out restaurant. The building is design in an early California industrial architecture, similar to the Grove mixed-use project just to the north. The main portion of the building will have a two-story appearance but is only a one-story building with a high attic space. The other portion of the building will be one-story with a hipped roof design.

The applicant is proposing the following materials and architectural features on the building:

- Antique red brick façade
- Smooth stucco
- Semi-arched clear windows with pre-cast decorative trim
- Clay S-tile
- Parapet walls with dentil relief
- Goose neck lighting

The applicant is also proposing to redo the entire site with the following:

- Remove all the existing raised planters and reinstall with new six-inch high curb planters throughout the site
- Repave the entire site with asphalt pavement
- Decorative entry aisles
- New trash enclosures.

The project was reviewed by the Development Plan Review Board on October 11, 2012, and was continued to allow the applicant time to address Staff's and the Board's concerns. The plans were revised and brought back for review by the Board on May 9, 2013 (see Exhibits E & F). The applicant was not able to address the following issues:

Decreased Vehicular Access – Since the last DPRB meeting the applicant discovered that they do not have legal access rights to the property to the north which was partially being used to access San Dimas Avenue. The applicant has revised the plans to close off the north property line access route to the parking lot. This area of the parking lot now has a dead-end. This is not the best design for parking lots because it does not allow for a car to turn around if there is not any parking available; the car would need to back up in reverse creating a traffic safety issue.

Gas Pump Drive-Aisle – The existing southernmost drive-aisle for the gas pumps is nonconforming because it is within the required 25-foot setback. Due to the large scale of this project, the nonconforming drive-aisle needs to be abated at this time. The applicant's solution to this issue is to convert the drive-aisle into a planter. Staff feels that the applicant's proposal is unattractive and awkward and would prefer the canopy be relocated 10 feet to the north to allow for the use of the drive-aisle. This solution would also allow for proper design of the canopy. This issue was discussed in length by the Board, which recommended that the applicant consider moving the canopy. The applicant would prefer to leave the canopy in its current location due to the cost and possible mitigation measures AQMD would require.

Staff recommended to the Board to deny the project based on the fact that the applicant wishes to not modify the location of the gas pump canopy a minimum of 10 feet to the north, thereby not allowing proper coverage of all the drive aisles. These two issues create a significant negative visual effect on the property. As part of the City Council's consideration to reconsider requiring the reverse/turn around design, the applicant would still be required to meet all other development standards of the zone. The applicant is not meeting the intent of the code which is to provide for a comprehensive reconstruction and design of the site as stated in the Creative Growth, Area 3 section of the Code which states:

“Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities”
Sec.18.140.090.C.4.a.iv

The applicant's wishes to not comply with the code are self-imposed, and compliance can be met with modifications to the site plan.

CUP 12-06 Off-Site Sale of Beer and Wine Type 20 License.

The applicant has an existing beer and wine license in good standing. The license was issued prior to the City's incorporation; there are no current conditions of approval associated with the sale of beer and wine for the subject site. When an existing business has an alcohol license and wishes to modify a part of the business (i.e. hours of operation, layout, and/or expansion of sales floor area) a new Conditional Use Permit application is required for review and approval. The sales area is less than 50 percent of the total sales area of the convenience store. The beer and wine are displayed within coolers, stand-alone displays and on standard shelves.

The applicant is proposing a whole new building with an expanded cooler display area and shelf areas with occasional stand-alone displays. The actual area has not been designated at this time. The alcohol area will be established during the plan check process. The final approved floor plan will be part of the Conditional Use Permit application.

CUP No. 12-07 Expansion of Gas Station

A gas station use within the CG, Area 3, Mixed Use, Sub-Area "A" requires an approval of a Conditional Use Permit Application. Due to the major remodel of the site a new CUP application is required. Existing CUP No. 81-06 will be voided. The applicant is proposing to reconstruct the entire site with the exception of the gas pump islands. A new 2,370 sq. ft. convenience store is proposed towards the northeast corner of the property. The convenience store will also house a 600 sq. ft. Indian fast food area.

Hours of Operation –

The existing gas station operates from 5:30 am to 8:30 pm Monday through Sunday. The existing gas pumps do not allow for service unless an attendant is on-site.

The applicant would like to expand their hours to allow for 24-hour a day service.

Parking –

The proposed project meets the parking requirements with 17 spaces.

	Parking Spaces Required	Parking Spaces Provided
Food Use 1:75 $600/75=8$	8	8
Convenience Store 1:225 $1,961/225=9$	9	9
Total	17	17

RECOMMENDATION:

Staff recommends the Planning Commission recommend denial of MCTA 10-06, CUP 12-06 & 12-07 and DPRB 12-19 to the City Council. Based on the Commission's direction, Staff will bring the appropriate resolutions of approval or denial for the various applications to the next Commission meeting.

Respectfully Submitted,

Marco A. Espinoza
Senior Planner

Attachment:

- Exhibit A – CC Staff Report 5-10-11
- Exhibit B – CC Minutes 5-10-11
- Exhibit C – CC Staff Report 1-24-12
- Exhibit D – CC Minutes 1-24-12
- Exhibit E – DPRB Staff Report 10-11-12
- Exhibit F – DPRB Minutes 10-11-12
- Exhibit G – DPRB Staff Report 5-09-13
- Exhibit H – DPRB Minutes 5-09-13

EXHIBIT A

Aerial View of Site



CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, June 20, 2013 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

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

Absent

Commissioner David Bratt

CALL TO ORDER AND FLAG SALUTE

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

CONSENT CALENDAR

1. Approval of Minutes: May 16, 2013

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

PUBLIC HEARINGS

2. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 10-02; AND CONDITIONAL USE PERMITS 12-06 AND 12-07** - A request to demolish the existing 1,568 square foot gas station attendant building/convenience store and construct a new 2,561 square foot attendant building and convenience store with a take-out restaurant, located at 105 E. Arrow Highway. (APN: 8390-018-023) **Associated Case: DPRB Case No. 12-19**

Staff report presented by **Senior Planner Marco Espinoza**, who explained the applications associated with this request. The current site of the Gas 'n Go consists of four pumps with eight

EXHIBIT J

stations for pumping gasoline and the main building with the cashier and convenience store. The Applicant is proposing a new building which would be located on the northeast corner of the property consisting of a 2,112 square foot convenience store and a 600 square foot food service. The building would be one-story with an attic. Proposed parking for the site is 17 spaces, consisting of eight spaces for the food service and nine spaces for the store. The building details will include antique brick, stucco, s-clay tile, dentils and parapets. The pavement and landscaping will also be improved throughout the site.

Initially the Applicant submitted a standard design but were advised that the Code required a reverse/turn around design if the site was redeveloped. At the Applicant's request, Council twice reviewed the request to grant an exemption because of the storm drain crossing the property, and they were directed to work with Staff. There were several proposed designs, with Council directing Staff to consider a traditional design if the Applicant could meet the other development standards. DPRB reviewed the design twice; when presented at the May 2013 meeting, most of the issues had been resolved except for the location of the pumps and canopy. In order for the Applicant to meet the design requirements and bring the site into compliance with the Code the pumps and canopy would need to be moved out of the setback area long Arrow Highway.

Senior Planner Espinoza stated the Applicant does not want to move the pumps or canopy because they are afraid AQMD will place new restrictions on them if they do. Staff understands their concern, but also needs the project to comply with the Code which requires a complete redesign of the site, which this design is not in compliance with. If the Applicant were to move the pumps ten feet to the north, they would be outside of the setback area.

The other issue is that the Applicant does not have legal access to the property to the north so the redesigned access created a dead-end at the end of the parking aisle. Since the Code states that any expansion of use would require a complete redesign and they do not comply, Staff is recommending denial of all related applications to the City Council.

Commissioner Davis stated the Applicant's design appears to be outside of the 25 foot setback area.

Senior Planner Espinoza stated that is correct; however, Staff and the Board felt that having only three drive aisles to the pumps and not four created an awkward, unbalanced look and was inappropriate design.

Commissioner Davis stated the curb cut looks like it is going into the landscaping, and asked what the distance was between the wall and the property line.

Senior Planner Espinoza stated approximately 10 feet.

Commissioner Ensberg asked if Staff had contacted AQMD to see if they would actually require any changes.

Senior Planner Espinoza stated AQMD requires schematics before they would do a review so until the Applicant submits that, there is nothing for them to analyze.

Commissioner Ensberg asked if they deny this application, then will the corner remain as it is.

Senior Planner Espinoza stated the Applicant can resubmit for a proper design as one alternative. When the Code was updated in 2005 it recognized that both service stations needed

aesthetic improvements, and were given the incentive to redesign by offering alcohol sales, convenience stores and food services if they were to improve the sites. Staff is well aware these sites need improvement but it should be a quality improvement.

Commissioner Rahi stated he is very concerned about the parking issue and asked if the design requires the cars parked in the last two parking spaces to have to reverse down the drive aisle. He asked if the other spaces would be able to turn around and drive forward. He also asked for clarification on the issue to the north.

Senior Planner Espinoza stated if all the spaces are full, the last two spaces would have to reverse out of the aisle but the other spaces have enough room to back up and turn around. Staff is working with the City Engineer to see how this area was created and if there might be any legal access, but from what they can tell the owner of the industrial park owns that access and does not want to grant permission to use it.

Commissioner Rahi asked if they were to do away with the last two spaces, would the applicant need a parking variance.

Senior Planner Espinoza stated they have not discussed that option. Since the food use requires a higher parking ratio, maybe the Applicant can reduce the size to help meet parking requirements.

Chairman Schoonover had Staff indicate where the storm drain easement was on the property and clarified that they can have parking over it but no structures. He stated if the canopy and pumps were moved ten feet to the north, then they would have eight positions for gas gas. The Applicant has stated they are opposed to redesigning because of AQMD but didn't think the tanks would have to move.

Senior Planner Espinoza stated that is correct in that there can be no structures over the easement, and if the canopy is moved it will cover all lanes.

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

Steve Eide, Applicant, 158 Orange Street, Covina, stated they are not moving the canopy any closer to Arrow Highway, it will be exactly where it has been all along, and if the landscaping buffer were reduced, there would be space for the drive aisle. He felt if the pumps were moved ten feet then they didn't think the pumper truck could get in any longer to refill the tanks. He stated cost is an issue and didn't think moving the pumps by ten feet to gain a drive aisle justified that added cost since you do not make that much money on gas.

Commissioner Davis asked if they considered keep the north driveway and eliminating the driveway on the south, and clarified that the canopy does not cover the drive aisle because the City wants the landscape buffer.

Steve Eide, Applicant, stated they considered that driveway configuration but they need the south driveway for the pumper trucks. He added the canopy doesn't cover the current drive aisle.

Cris Klingerman, Counsel for Applicant, stated the original design did include an exit to the north because they thought the property was owned by the Applicant. They are continuing to investigate this issue through several title companies, but haven't received any resolution. It appears to be owned by the industrial complex but has been developed by Grove Station and

believes there should be an easement in favor of Grove Station. They have been working with Staff on that, and if Grove Station has an easement, they will work with them to obtain access. They are also not happy with the parking design and hope to eliminate that issue with obtaining access to the north. In regards to the setback issue, they have asked that the gas aisle remain and be grandfathered in.

It has always been their requirement that the pumps remain where they are as the cost to move them would be approximately \$200,000 which would make the cost of the development too great. Once you start affecting the fuel system, such as moving the pumps, you have to install new gas lines and a new system and then all the regulatory agencies come to inspect the work and it will delay the project. Any one of the agencies involved could deny approval, so moving the pumps ten feet could cause the project to fail. Also, moving the pumps ten feet to the north can affect the access way, parking and size of the building, and if the size of the convenience store or restaurant is reduced, it does not make the project feasible for the Applicant. They have worked with Staff to come to agreement on the size of the building, landscaping, the propane tank area, and parking.

He stated their new design will have a driveway and small curve, and you can use the inner aisles under the canopy or the outside aisle. While it is not the usual design, he did not think it was awkward looking and the landscaping makes it a nice development. The building was designed to be consistent with the Early California design used at Grove Station, and incorporated a higher façade to blend with their higher elevations.

Hari Alipuria, Owner, thanked the Commission for the opportunity to present his project. He stated Mr. Klingerman will do his best to get access to the north but if he is unsuccessful, he thinks they can still make the project work. He feels they will complement the Grove Station and improve the appearance of the corner. He added they plan to be open 24 hours, and that he doesn't make any money on gas sales, most of his money is made in the store.

There being no further comments, the public hearing was closed.

Chairman Schoonover clarified that the reverse/turn around design was put in place in 2005, and asked if this was a city-wide requirement.

Senior Planner Espinoza stated it was added to the CG zone in 2005, and that there have been three gas stations in other zones designed as reverse/turn around: the 76 in Via Verde, the Chevron at Lone Hill and Gladstone, and the Costco gas station.

Commissioner Ensberg asked if Staff felt the Applicant would be able to obtain an easement to the north. He also asked about the Code requirement that a reverse/turn around design was required with expansion of the uses, and isn't what is being proposed is considered an expansion.

Senior Planner Espinoza stated they might be able to obtain an easement, and it might require some type of maintenance cost sharing agreement. He stated the Applicant is proposing a partial redesign as they are proposing the gas island, pumps and canopy to remain in the same location, and using the same I-beams for the roof structure.

Commissioner Rahi stated he believes people will not be able to turn around in the parking lot with the current design and would like to see the northern access obtained. In regards to the canopy, he asked if it is currently encroaching into the 25 foot setback area.

Senior Planner Espinoza stated the lane encroaches into the setback area.

Commissioner Rahi stated he thinks the project is good in that it will serve the community with the convenience store and the restaurant, but they will be losing two gas pump positions when they landscape up to the canopy structure to comply with the setback requirement. He feels the design is complementary with Grove Station but would like to see the Applicant work with Staff to resolve the two outstanding issues.

Commissioner Davis stated he doesn't have a problem with the way the canopy is designed, but concurred with Commissioner Rahi about the parking and wasn't sure if that should be made a condition to obtain the access as part of the approval.

Commissioner Ensberg felt the proposed project was a definite improvement over what is currently there and while it might not be the best design, he felt it met a number of goals set by the City. He was also concerned about not having access to the north and thought maybe they could condition the Applicant to obtain access.

Chairman Schoonover agreed that what is there is not the best and he would like to see the corner upgraded, but he did not feel this is the proper plan. He also has a problem with the access. He felt the City wanted to see those corners improved, and three other stations in town have complied with the reverse/turn around design. He also felt the setback issue was a problem as well.

MOTION: Moved by Davis, seconded by Ensberg to recommend approval of Municipal Code Text Amendment 10-02, Conditional Use Permit 12-06 and Conditional Use Permit 12-07 to the City Council as submitted. Motion carried 3-1-1 (Schoonover no, Bratt absent).

Senior Planner Espinoza stated he will bring back Resolutions recommending approval at the July 18, 2013 meeting.

COMMISSION BUSINESS

- 3. CONSIDERATION OF CLASSIFICATION OF USE 13-01** – A request to classify a medical inpatient rehabilitation facility (congregate living health facility) as similar to a hospital, which is a conditionally permitted use in the A-P Administrative Professional zone. The applicant is requesting the Classification of Use to facilitate a proposed project for two vacant lots at 1136 and 1148 W. Puente Avenue. The request would affect all A-P zoned properties.

Staff report presented by **Associate Planner Jennifer Williams**, who stated this is a request to classify this use as similar to a use already allowed in the Administrative Professional (AP) zone. While this is to facilitate a proposed project on Puente Avenue, if approved, this use would be allowed in all areas zoned AP and showed where they are on the zoning map. The proposed use would be a medical inpatient facility that provides a home-like environment with professional staff on-site. Visiting hours would be similar to a hospital, and would be limited through a Conditional Use Permit (CUP). The license issued by the Los Angeles County Health Department for a congregate care facility would allow up to 25 beds, but the Applicant is proposing only a 15-bed facility, which would also be addressed through the CUP process, and be limited to a certain type of patient.

This Classification of Use is to conditionally allow for a rehabilitative medical facility and is not intended to allow for a hospice facility. Permitted uses in the AP zone include medical and health services, and conditionally allowed uses include child care and hospitals. Standard residential uses are prohibited. In 1998 a 90-bed skilled nursing and assisted living facility with

RESOLUTION PC-1487

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 10-06, A REQUEST TO AMEND CODE SECTION 18.140.090.C.4.a.iv TO ALLOW AN EXCEPTION TO THE REVERSE/TURN AROUND STATION DESIGN WHEN A STORM DRAIN AND/OR EASEMENT INTERFERES WITH THE SITING OF THE PROPOSED BUILDING.

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

Steve Eide Design Group
158 West Orange Street
Covina, CA 91732
on behalf of
Hari Alipuria

WHEREAS, the Amendment is described as a request to modify Chapter 18.140.090.C.4.a.iv to allow an exception to the reverse/turn around station design when a storm drain and/or storm drain easement interferes with the siting of the proposed building; and

WHEREAS, the Amendment would affect the two gas stations that are within the Creative Growth, Area 3 – Mixed Use, Sub Area A; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on June 20, 2013 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

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

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

- A. The proposed Municipal Code Text Amendment will not adversely affect adjoining property as to value, precedent or be detrimental to the area and maintains necessary standards.
- B. The proposed Municipal Code Text Amendment will provide reasonable design alternatives to the required reverse turn or around station design. The alternative

EXHIBIT K

design will help allow for future development of the sites that are in need of development.

- C. The proposed Municipal Code Text Amendment is consistent with the General Plan and will help facilitate the development of the site.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 10-06 as set forth in attached Exhibit A.

PASSED, APPROVED and ADOPTED, the 18th day of July, 2013 by the following vote:

AYES: Bratt, Davis, Ensberg, Rahi

NOES: Schoonover

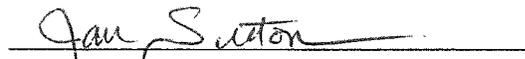
ABSENT: None

ABSTAIN: None



Jim Schoonover, Chairman
San Dimas Planning Commission

ATTEST:



Jan Sutton, Planning Secretary

EXHIBIT A

Text in Blue Underline is new

Text in ~~Red Strike-Out~~ is being deleted

Chapter 18.140.090.C.4.a.iv

Gasoline Service Stations. Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities. Reconstructed gasoline stations shall be highly encouraged to design shall utilize a reverse or turn around station design layout when feasible, in an effort to create an architectural statement at the Arrow Highway and San Dimas Avenue intersection. Should any physical obstacles interfere with the reverse or turn around station design conflicting with the site layout, an alternative design may be proposed. If an existing gasoline service station is reconstructed to the above standard, the use may expand and include, convenience store and restaurant use with a new or revised conditional use permit and subject to the provisions of Chapter 18.12 of this title;

RESOLUTION PC-1488

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF CONDITIONAL USE PERMIT 12-07, A REQUEST TO CONSTRUCT A 2,561 SQ. FT. GAS STATION ATTENDANT BUILDING AND CONVENIENCE STORE WITH A TAKE-OUT RESTAURANT ON THE PARCEL LOCATED AT 105 EAST ARROW HIGHWAY (APN: 8390-018-023)

WHEREAS, an application was filed for a Conditional Use Permit by:

Steve Eide Design Group
158 West Orange Street
Covina, CA 91732
on behalf of
Hari Alipuria

WHEREAS, the Conditional Use Permit is described as:

A request to demolish the existing 1,568 sq. ft. gas station attendant building/convenience store and construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and re-landscaped.

WHEREAS, the Conditional Use Permit applies to the following described real property:

105 E. Arrow Highway (APN: 8390-018-023)

WHEREAS, the Planning Commission 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 June 20, 2013 and brought back for approval of the resolution on July 18, 2013 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

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

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, and subject to the Conditions attached as "Exhibit A", the Planning Commission now finds as follows:

A. That the site or proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking and loading, landscaping and other features required by this ordinance to adapt the use with land and uses in the neighborhood.

The existing site will be remodeled to an extent that the new development proposed for the site will meet the development standards of the Code.

B. That 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 by the proposed use.

The subject site is located on the northeast corner of San Dimas Avenue and East Arrow Highway. The Site can be accessed from either improved arterial streets. The expected increase in traffic flow will not be significant since both streets will be able to handle any additional vehicles and not create a negative effect on traffic flow.

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 proposed remodel of the gas station is arranged, designed and constructed to blend with the surrounding buildings. The type of material and overall design is in compliance with the Town Core Design Guidelines and the adjacent development; Grove Station. The operation of the gas station with convenience store and take-out restaurant will be compatible with the surrounding uses and will be maintained to be harmonious with the surrounding neighborhood.

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 project is consistent with Goals Statement L-6 within the General Plan: "Revitalize and improve downtown as a community node." The site currently is in need of major improvements; the buildings are older and worn. The new gas station will improve the

appearance of the site and enhance the entrance to the downtown and the surrounding community.

The project complies with all the requirements and development standards related to Creative Growth Area 3 Zone and all other policies and practices of the City. The proposed project is consistent with the City of San Dimas General Plan.

- 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 Planning Division Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies under the CEQA Categorical Exemption per Section 15332, Class 32 – In-Fill Development Project. In addition, there is no substantial evidence that the project may have a significant effect on the environment. The Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs in the staff's determination of exemption.

WHEREAS, pursuant to San Dimas Zoning Code Section 18.140.060 in approving new development within the Creative Growth Zone, the following additional Findings need to be made in addition to the standard development plan Findings;

- D. The architectural character is in conformance with the Early California village theme concept with respect to size, color, materials, site design and building design.

The proposed architectural character of the project is in conformance with the Early California village theme by incorporating features found in historic downtown areas, such as: antique red brick façade, smooth stucco, semi-arched clear windows with pre-cast decorative trim, parapet walls with dentil relief, goose neck lighting and large store front windows. The exterior cladding materials of smooth stucco and brick that are integrated into the design are key to emulating the early California theme. The overall size of the project was designed in a way to blend in with the adjacent Grove Station development to the north and the recently approved mixed-use project to the west.

- E. The following elements shall be shown and so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are

protected, and that there will be no adverse effect on surrounding property.

- a. Buildings, structures and improvements;
- b. Vehicular ingress, egress and internal circulation;
- c. Setbacks;
- d. Height of buildings;
- e. Service areas;
- f. Walls;
- g. Landscaping;
- h. Such other elements as are found to be relevant to the fulfillment of the purposes of this zone.

The remodeled gas station is arranged to avoid traffic congestion and to ensure pedestrian and vehicular safety and welfare are protected. The vehicular circulation was reviewed and approved by the City Engineer. The gas station with convenience store and take-out restaurant will meet the parking requirements for the uses. The project meets minimum setbacks set forth within the Creative Growth Zone. The project is below the maximum building height but is being developed to look like a two-story structure to blend in with the Grove Station to the North. Many of the landscape planters will be reconstructed and replanted with drought tolerant landscaping similar to the plant species planted in the medians along San Dimas Avenue. Design elements incorporated with the proposed project will to help integrate the new construction with the surrounding area and services.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council approval of Conditional Use Permit 12-07 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.

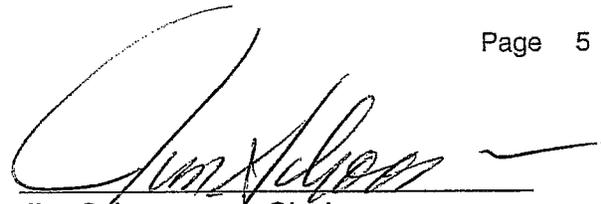
PASSED, APPROVED and ADOPTED, the 18th day of July, 2013, by the following vote:

AYES: Bratt, Davis, Ensberg, Rahi

NOES: Schoonover

ABSENT: None

ABSTAIN: None



Jim Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

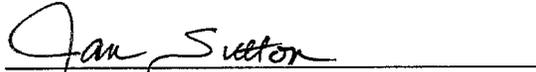

Jan Sutton, Planning Secretary

EXHIBIT A
Conditions of Approval
for
CUP Case No. 12-07

A request to construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant; remodeled gas canopy, site layout and landscaping at 105 E. Arrow Highway (APN: 8390-018-023).

PLANNING DIVISION - (909) 394-6250

GENERAL

1. The Developer/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 Developer/Applicant shall be responsible for any City Attorney costs incurred by the City for the project, including, but not limited to, consultations, and the preparation and/or review of legal documents. The applicant shall deposit with the City to cover these costs in an amount to be determined by the City.
3. Copies of the signed City Council Resolution of Approval No. ***** 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.
4. The Developer/Applicant shall comply with all requirements of the Creative Growth, Area 3A – Mixed Use zone.

5. The building permits for this project must be issued within one year from the date of approval or the approval will become invalid. A time extension may be granted under the provisions set forth in Chapter 18.12.070 F.
6. The Developer/Applicant shall sign an affidavit accepting all Conditions and all Standard Conditions before issuance of building permits.
7. All parking provided shall meet the requirements of Section 18.156 (et. seq.) of the San Dimas Municipal Code.
8. The Developer/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.
9. The Developer/Applicant shall comply with all Conditions of Approval as approved by the City Council on ***, 2013.
10. Graffiti shall be removed within 72 hours.
11. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.
12. The Developer/Applicant shall submit a construction access plan and schedule for the development of the lot for Directors of Development Services' and Public Works' approval; including, but not limited to, public notice requirements, special street posting, phone listing for community concerns, hours of construction activity, dust control measures, and security fencing.
13. During grading and construction phases, the construction manager shall serve as the contact person in the event that dust or noise levels become disruptive to local residents. A sign shall be posted at the project site with the contact phone number.
14. Businesses and public entities that dispose of 4 cubic yards/week of solid waste, and residential projects of five or more units shall comply with the state Model Ordinance adopted pursuant to the California Solid Waste Reuse and Recycling Access Act of 1991. This shall include adequate, accessible, and convenient areas for collecting and loading recyclable materials. Recycling programs shall be implemented in coordination with the trash company. Program shall include weekly collection of recyclable material using any combination of bins or 96-gallon waste containers (residential) in sufficient numbers to contain recyclables generated each week.

DESIGN

15. Building architecture and site plan shall be consistent with plans presented to the Development Plan Review Board on **** provided that the Director of Development Services is authorized to make revisions consistent with the San Dimas Municipal Code and to facilitate improved parking lot circulation.
16. 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.
17. Plans for all exterior design features, including, but not limited to, doors, windows, mailboxes and architectural treatments, shall be submitted to the Planning Division for review and approval before issuance of building permits.
18. The lighting fixture design shall compliment the architectural program. Location and type of exterior lighting fixtures shall be submitted by the developer to the Planning Division for review and approval prior to installation.
19. The Developer/Applicant shall install the parking lot lighting in accordance with a lighting plan showing illumination levels and lighting distribution, as approved by the Planning Division. Shielding shall be implemented where appropriate to reduce light emissions onto adjoining properties.
20. The Developer/Applicant shall install the parking lot lighting in accordance with a lighting plan showing illumination levels and lighting distribution, as approved by the Planning Division. Shielding shall be implemented where appropriate to reduce light emissions onto adjoining properties. A lighting plan shall be submitted for review and approval, in addition to a \$1,500 deposit for review of the plans.
21. 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.

22. Trash/Recycling enclosure(s) shall be constructed by the Developer/Applicant per City of San Dimas standard plan and shown on the construction plans. The exact location of the trash/recycling enclosure(s) shall be approved by the Planning Division and the Trash Company.
23. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical equipment installed by the Developer/Applicant shall be inconspicuously located and screened, as approved by the Director of Development Services. Location of this equipment shall be clearly noted on landscape construction documents.
24. 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.
25. 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.
26. 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.
27. The Developer/Applicant shall underground all new utilities, and utility drops, and shall underground all existing overhead utilities to the closest power pole off-site.

LANDSCAPE

28. The Developer/Applicant 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. Water efficient landscapes shall be implemented in all new and rehabilitated 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.
30. The Developer/Applicant 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, in addition to a

\$2,500 deposit for review of the plans. 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.

BUILDING DIVISION – (909) 394-6260

31. The Developer/Applicant shall comply with the 2010 edition of the codes as adopted by reference by the City of San Dimas: California Green Building Standards Code, California Residential Code, California Mechanical Code, California Plumbing Code, and California Electrical Code.
32. The Developer/Applicant shall comply with the latest California Title 24 Energy requirements for all new lighting, insulation, and mechanical equipment and submit calculations at time of initial plan review.
33. The Developer/Applicant shall 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.
34. The Developer/Applicant shall comply with the latest disabled access regulations as found in Title 24 of the California Code of Regulations and the Americans with Disabilities Act. Accessible items shall include, but not be limited to: parking, accessible pedestrian routes, accessible/adaptable units, public/common use areas, swimming pool, etc.
35. The Developer/Applicant shall submit a Precise Paving and Drainage Plan for the proposed development to be reviewed and approved by the City Engineer and the Director of Development Services.
36. The Developer/Applicant shall submit a Precise Grading Plan for the proposed development to be reviewed and approved by the City Engineer and the Director of Development Services.
37. Prior to the issuance of any grading or building permits, the Developer/Applicant shall submit an updated Engineering Geology/Soils Report that includes an accurate description of the geology of the site and conclusions and recommendations regarding the effect of the geologic conditions on the proposed development and include a discussion of the expansiveness of the soils and recommended measures for foundations and slabs on grade to resist volumetric changes of the soil. This report shall also include recommendations for surcharge setback requirements in the area of ungraded slopes steeper than five horizontal to one vertical.

38. Building foundation inspections shall not be performed until a rough grading certification, survey stakes in place, and a final soils report have been filed with the City and approved. All drainage facilities must be operable.
39. Construction calculations, including lateral analysis, shall be required at the time plans are submitted for plan check. Electrical schematic and load list and plumbing (drainage, water, gas) schematics will be required before issuance of electrical or plumbing permits.
40. Fees shall be paid to Bonita School District in compliance with Government Code Section 65995.
41. The Developer/Applicant shall Contact the Los Angeles County Public Works Department, Environmental Program Division for any required permit on clearance of industrial and hazardous waste disposal.
42. Construction hours shall be limited to between 7:00 a.m. and 8:00 p.m., and shall be prohibited at any time on Sundays or public holiday, per San Dimas Municipal Code Section 8.36.100.
43. Prior to removing the existing structure on the property, the Developer/Applicant shall obtain a Demolition Permit from the Building and Safety Division.

ENGINEERING DIVISION – (909) 394-6250

44. The Developer/Applicant shall provide a signed copy of the City's certification statement declaring that the contractor will comply with Minimum Best Management Practices (BMPs) required by the MS4 permit for Los Angeles County as mandated by the National Pollutant Discharge Elimination System (NPDES).
45. The Developer/Applicant shall provide drainage improvements to carry runoff of storm waters in the area proposed to be developed, and for contributory drainage from adjoining properties to be reviewed and approved by the City Engineer. The Developer/Applicant shall make a good faith effort to negotiate with the downstream property owner for all required downstream storm drain improvements. The proposed drainage improvements shall be based on a detailed Hydrology Study conforming to the current Los Angeles County methodology. The developed flows outletting into the existing downstream system(s) from this project cannot exceed the pre-existing storm flows.

46. For all projects which disturb less than one (1) acre of soil, Developer/Applicant shall submit a temporary erosion control plan to be approved by the City Engineer and filed with the City and shall be installed and operable at all times.
47. 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, Developer/Applicant must submit a signed certification statement declaring that the contractor will comply with Minimum Best Management Practices (BMPs) required by the MS4 permit for Los Angeles County as mandated by the National Pollutant Discharge Elimination System (NPDES). Additionally, all projects within this category will require the preparation and submittal by the Developer/Applicant a local Stormwater Pollution Prevention Plan/Wet Weather Erosion Control Plan. The project proponent is ultimately responsible to comply with all requirements of the MS4 permit, which the City of San Dimas enforces. The City of San Dimas has the authority to enter the project site, review the local SWPPP/WWECPP and require modifications and subsequent implementation to the local SWPPP/WWECPP in order to prevent polluted runoff from leaving the project site onto private or public property. 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:
 - a. Retention basins of sufficient size shall be utilized to retain storm water on the site. (BMP SE-2, Sedimentation Basin)
 - b. 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. (BMPs SE-1, Silt Fence; SE-5, Fiber Rolls; SE-6, Gravel Bag Berm)
48. The Developer/Applicant shall provide full street improvements on all streets within the limits of the development. Improvements to include curbs and gutters, sidewalks, medians, and paving according to City standards, as shown in the following table:

Street Name	Curb & Gutter	Pavement A.C.	Side-walk	Approach Drive	Street Lights	Street Trees	Equestrian Trail	Median Island	Bike Trail	Other
San Dimas Ave	x		x	x		x				
Arrow Highway	x		x	x						
Notes:										

49. The Developer/Applicant shall submit water plans to be reviewed and approved by the City Engineer and the Los Angeles County Fire Department.
50. The Developer/Applicant shall be responsible for any repairs within the limits of the development, including streets and paving, curbs and gutters, sidewalks, and street lights as determined by the City Engineer and Public Works Director.
51. All work adjacent to or within the public right-of-way shall be subject to review and approval of the Public Works Director and the work shall be in accordance with applicable standards of the City of San Dimas; i.e. Standard Specifications for Public Works Construction (Green Book) and the Manual of Uniform Traffic Control Devices (MUTCD), and further that the construction equipment ingress and egress be controlled by a plan approved by Public Works.
52. For all projects subject to Standard Urban Stormwater Mitigation Plan (SUSMP) regulations, Developer/Applicant must submit a site-specific drainage concept and stormwater quality plan to mitigate post-development stormwater.
53. A fully executed "Maintenance Covenant for SUSMP Requirements" shall be recorded with the L.A. County Registrar/Recorder and submitted to the Public Works Department prior to the Certificate of Occupancy. Covenant documents shall be required to include an exhibit that details the installed treatment control devices as well as any site design or source control Best Management Practices (BMPs) for post construction. The information to be provided on this exhibit shall include, but not be limited to:

- i. 8 ½" x 11" exhibits with record property owner information.
 - ii. Types of BMPs (i.e., site design, source control and/or treatment control) to ensure modifications to the site are not conducted without the property owner being aware of the ramifications to BMP implementation.
 - iii. Clear depiction of location of BMPs, especially those located below ground.
 - iv. A matrix depicting the types of BMPs, frequency of inspection, type of maintenance required, and if proprietary BMPs, the company information to perform the necessary maintenance.
 - v. Calculations to support the sizing of the BMPs employed on the project shall be included in the report. These calculations shall correlate directly with the minimum treatment requirements of the current MS4 permit. In the case of implementing infiltration BMPs, a percolation test of the affected soil shall be performed and submitted for review by the City Engineer.
 - vi. This document shall be reviewed by and concurred with Public Works to ensure the covenant complies with the MS4 Permit.
54. Improvement plans and necessary letters of credit, cash, and/or bonds to secure the construction of all streets, storm drains, water, sewer, grading, and equestrian trails shall be submitted and approved by the City Engineer, and the subdivision agreement and other required agreements approved by City Attorney, prior to the recordation of the Final Map.
55. All site, grading, landscape & irrigation, and street improvement plans shall be coordinated for consistency prior to the issuance of any permits.
56. A preliminary title report and guarantee is required and such document shall show all fee interest holders; all interest holders whose interest could ripen into a fee; all trust deeds, together with the name of the trustee; and all easement holders. The account for this title report should remain open until the final map is filed with the County Recorder.

PARKS & RECREATION – (909) 394-6230

57. The Developer/Applicant shall provide street trees, with permanent irrigation system, throughout the development. The species, container size and location shall be designated by the City, as approved by the City Arborist.

58. The Developer/Applicant shall comply with City regulations regarding payment of Property Development Tax, and Park, Recreation and Open Space Development Fee per SDMC Chapters 3.24 and 3.26. Fees shall be paid prior to issuance of building permits.

End of Conditions

RESOLUTION PC-1489

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF CONDITIONAL USE PERMIT 12-06, A REQUEST TO ALLOW FOR OFF-SALE GENERAL OF BEER AND WINE (TYPE 20 LICENSE) AT GAS & GO LOCATED AT 105 EAST ARROW HIGHWAY (APN: 8390-018-023)

WHEREAS, an application was filed for a Conditional Use Permit by:

Steve Eide Design Group
158 West Orange Street
Covina, CA 91732
on behalf of
Hari Alipuria

WHEREAS, the Conditional Use Permit is described as:

A request to allow for Off-Sale General of Beer and Wine (Type 20 License) at Gas & Go.

WHEREAS, the Conditional Use Permit applies to the following described real property:

105 East Highway (APN: 8390-018-023)

WHEREAS, the Gas & Go was previously approved for a Type 20 Off-Sale of beer and wine prior to the City's incorporation; and

WHEREAS, the Planning Commission 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 June 20, 2013 and brought back for approval of the resolution on July 18, 2013 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

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

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, and subject to the Conditions attached as "Exhibit A", the Planning Commission now finds as follows:

- A. The site and proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking and loading, landscaping and other features required by this ordinance to adapt the use with land and uses in the neighborhood.

The proposed tenant space is adequate in size to provide for the off-site sale of beer and wine as an accessory use which is compatible with other retail uses and gas stations in the same vicinity and zone.

- 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 northeast corner of San Dimas Avenue and East Arrow Highway. The site is accessible from Arrow Highway which is an improved major arterial street and from San Dimas Avenue which is considered a secondary arterial street. The existing street access and parking will accommodate the proposed use.

- C. The proposed use will not have an adverse effect on abutting property and uses.

The existing off-site sale of beer and wine has not had an adverse effect on the abutting properties and uses nor should the continued off-site sale of beer and wine.

- D. The Conditions stated in the decision are deemed necessary to protect the public, health, safety and general welfare.

It is determined that the conditions imposed will continue protecting the public health, safety, and general welfare.

- E. The proposed use, including any Conditions attached thereto, will be established in compliance with the applicable provisions of the California Environmental Quality Act.

The Planning Division Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies under the Class 2 exemption under State CEQA Guidelines Section 15302 Replacement or Reconstruction. In addition, there is no substantial evidence that the project may have a significant effect on the environment. The

Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs in the staff's determination of exemption.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that Planning Commission recommends to the City Council approval of Conditional Use Permit 12-06 subject to the applicant's compliance with conditions in "Exhibit A" attached hereto and incorporated herein, and that the decision shall be final unless a timely appeal is filed with the City Council. A copy of this Resolution shall be mailed to the applicant.

PASSED, APPROVED and ADOPTED, the 18th day of July, 2013, by the following vote:

AYES: Bratt, Davis, Ensberg, Rahi

NOES: Schoonover

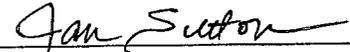
ABSENT: None

ABSTAIN: None



Jim Schoonover, Chairman
San Dimas Planning Commission

ATTEST:



Jan Sutton, Planning Secretary

EXHIBIT A

CONDITIONS OF APPROVAL

Conditional Use Permit No. 12-06

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 Creative Growth Area 3A – Mixed Use.
3. The applicant shall sign an affidavit accepting all conditions prior to commencing 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 off-site sale of beer and wine (Type-20 License).
6. 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.
7. This approval is granted for Gas & Go located at 105 East Arrow Highway, APN 8390-018-023. Any increase of display floor area, or other substantial change in operation relating to alcoholic beverage sales, shall require review and approval of a new Conditional Use Permit Application and associated material and fees.
8. The sale of beer and wine shall commence only within business hours, and shall be prohibited between the hours of 2:00 A.M. and 6:00 A.M.
9. Alcoholic beverages shall not be sold to any persons under the age of 21.

10. The sale of beer, wine and distilled spirits for consumption on-premises is prohibited.
11. 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.
12. 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.

End of Conditions

on the water supply, the COG will probably request Congresswoman Chu to leave out the scenic river portion of her bill and introduce at a later date.

END OF CONSENT CALENDAR

5. PUBLIC HEARINGS

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

- a. M.C.T.A. 10-06, a request to modify the reverse/turn around gas station design
- C.U.P. 12-06, continued off-site sale of beer and wine
- C.U.P. 12-07, Redevelopment of a new gas station
- 105 E. Arrow Highway

Senior Planner Marco Espinoza gave the background on the case and went over the four applications.

Mayor Morris asked what is the relationship between C.U.P. 12-07 and the D.P.R.B. decision that is being appealed.

Senior Planner Espinoza explained that the D.P.R.B. is specific to the overall layout and design of the building; the C.U.P. will encompass hours of operation, making sure that it meets all other development standards and impose any conditions of approval.

Councilmember Bertone asked if the gas pumps were currently in the scenic easement.

Senior Planner Espinoza replied they were not.

Councilmember Bertone asked if currently there was anything in the scenic easement.

Senior Planner Espinoza replied that they do have a drive aisle in the scenic easement.

Mayor Morris shared that the drive aisle is a legal non-conforming use and the modification will require it to be conforming.

Senior Planner Espinoza went on to say that it is difficult to understand the overall side design when looking at a simple elevation of the canopy. When looking at the canopy by itself without the relation to the overall design it may look okay; but what staff tried to do in the simulation is show what it would really look like when you go to the location.

Mayor Morris clarified that what is being discussed is the canopy and the pump islands.

Senior Planner Espinoza confirmed the clarification.

Councilmember Badar stated if staff looked at reducing the easement and retaining the drive aisle it would mean changing the scenic easement from 25 ft. to 15 ft. He then asked if it was possible to move the overhang if there were a drive aisle.

Senior Planner Espinoza replied that a structural analysis had not been done on the canopy and it may have to be redesigned completely, with the intent to extend over the drive aisle.

Councilmember Badar asked how far it would move from the new building.

Senior Planner Espinoza explained that the applicant would not move forward on the redesign because they do not want to move the canopy.

Councilmember Bertone asked if the tank would also be in the scenic easement.

Senior Planner Espinoza replied that they would not have to be relocated because the gas pump canopy and the building would not interfere with the tanks.

Councilmember Bertone asked if the State would require that the tanks be checked to be sure they aren't leaking.

Senior Planner Espinoza answered its staff's understanding that they are in compliance.

Councilmember Ebner asked if the setback at the Highland Market across the street was 25ft.

Assistant City Manager of Community Development Stevens replied that it maybe 15ft. and that the 25ft. setback was created when the Grove Station modifications were done.

Councilmember Ebner asked if this was the only property along Arrow Highway with the 25ft. setback.

Assistant City Manager Stevens replied that the 25 ft. setback requirements that effect the four corners were established eight or nine years ago.

Mayor Morris asked if there were encroachments for all of these.

Assistant City Manager Stevens answered only on three of the properties.

Some conversation continued about setbacks on various properties in the city.

Mayor Morris asked what the actions taken tonight on the four items would mean.

Assistant City Manager Stevens replied that taking action on the M.C.T.A. 10-06 and C.U.P. 12-06 do not effect development on the site; however if action is taken on the beer and wine item he recommends placing a condition that relates to the site design. Assistant City Manager Stevens further explained that C.U.P. 12-07 does have an overlap with D.P.R.B. 12-19 and it would be best to consider them at the same time. Council could take action on M.C.T.A. 10-06 without regard to the other items.

Mayor Morris suggested having separate public hearings on the items approved by the Planning Commission and another on the appeal because of the design issues that include parking.

There was some discussion on the parking issues, driveways and right of access to easements for the property.

Mayor Morris asked if there were any objections to holding a public hearing on the three items considered by the Planning Commission and a separate hearing on the D.P.R.B. case. There were none.

Mayor Morris opened the public hearing.

1) Chris Klingerman representing Mr. Hari Alipuria pointed out that the language on page five of staff's report would be inappropriate at this point because staff has created a design that would

allow a reverse station to be possible. Mr. Klingerman suggested revising language to say “reverse turnaround is possible but not reasonable”.

Mayor Morris asked Assistant City Manager Stevens to comment on the language.

Assistant City Manager Stevens responded that he did not have a problem tweaking the language, but he is not sure he would use the word reasonable and there is probably another that could be used if this is adopted.

7:35 p.m. City Manager Michaelis left the dais and returned at 7:36 p.m.

Mayor Morris asked if anyone wished to speak in opposition to the M.C.T.A.

2) Fred and Richard Nassar previous owners of the gas station shared that there are some outstanding business transactions regarding the property and brought it to staff’s attention in an effort to have the hearing process stopped.

Council asked Assistant City Attorney Mark Steres to respond.

Assistant City Attorney Steres responded by saying he didn’t see a reason for the Council to stop the proceedings on the land use questions because of the civil dispute between the two parties. It is the City’s job to review the land use request made by the applicant. He further explained that the actions taken by the City are not actions on the claims presented by Mr. Nassar.

Mayor Morris closed public hearing and brought the matter back to Council.

Councilmember Ebner stated that he is not in support of the text amendment as written and proposed removing the “reverse turnaround” from the text.

Councilmember Templeman agreed with Councilmember Ebner’s suggestion.

Assistant City Attorney Steres explained that what is being proposed is to strike the second sentence of the existing code section. The code amendment to modify the reverse turn around gas station is the matter to be considered this evening.

MOTION: Councilmember Ebner made a motion to direct staff to bring back an ordinance striking the sentence ‘reconstructive gasoline station....’ and not to include anything about storm drains.

The motion was seconded by Councilmember Templeman and approved by a vote of four to one (4 to 1) with Councilmember Bertone voting against.

Mayor Morris announced that Council would delay voting on the C.U.P.’s until after the public hearing on the D.P.R.B. appeal.

Councilmember Bertone pointed out that the D.P.R.B. appeal was not shown on the agenda and therefore should it not be heard.

Assistant City Attorney Mark Steres stated that although notices did go out, holding a hearing when it was not included on the agenda would be an issue.

Mayor Morris called for a motion to continue the hearings on the C.U.P.’s and D.P.R.B. case.

MOTION: Councilmember Bertone made a motion to continue the hearings until the September 24th, 2013 meeting; the motion was seconded by Councilmember Ebner.

Councilmember Ebner left the dais at 8:54 p.m. and returned at 8:56 p.m.

6. PLANNING/DEVELOPMENT MATTERS

a. Chickens in Residential Zones – Council direction

Associate Planner Jennifer Williams presented staff's report on the item. Staff's recommendation is if the city addresses the issue for single family properties of an agricultural nature that it is looked at across the board. She also indicated that staff had received one email in support of the item and concluded her report with asking for feedback from Council on whether they would want staff to prepare a code amendment or address any other issues.

Mayor Morris pointed out some of the drawbacks and problems with permitting chickens in residential zones.

Discussion continued on the various issues associated with allowing chickens into the city.

Assistant City Manager Stevens stated that staff will bring the item to the Planning Commission and then back to Council sometime in the next couple of months.

Dorothy Bristing resident spoke in support of a chicken ordinance.

7. OTHER MATTERS

a. Waste Management verbal report Puente Hills Landfill and green waste – Carolyn Anderson-Corrao

Carolyn Anderson Corrao gave a presentation on the status of the Puente Hills Landfill.

Councilmember Bertone asked if Waste Management were participating in any trash burning programs.

Mrs. Corrao responded that it is very difficult to permit, especially in Southern California. There are two facilities City of Commerce and Long Beach but not much marketing has been done on the program.

8. ORAL COMMUNICATIONS

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

No one came forward.

b. City Manager

Mayor's call in show.

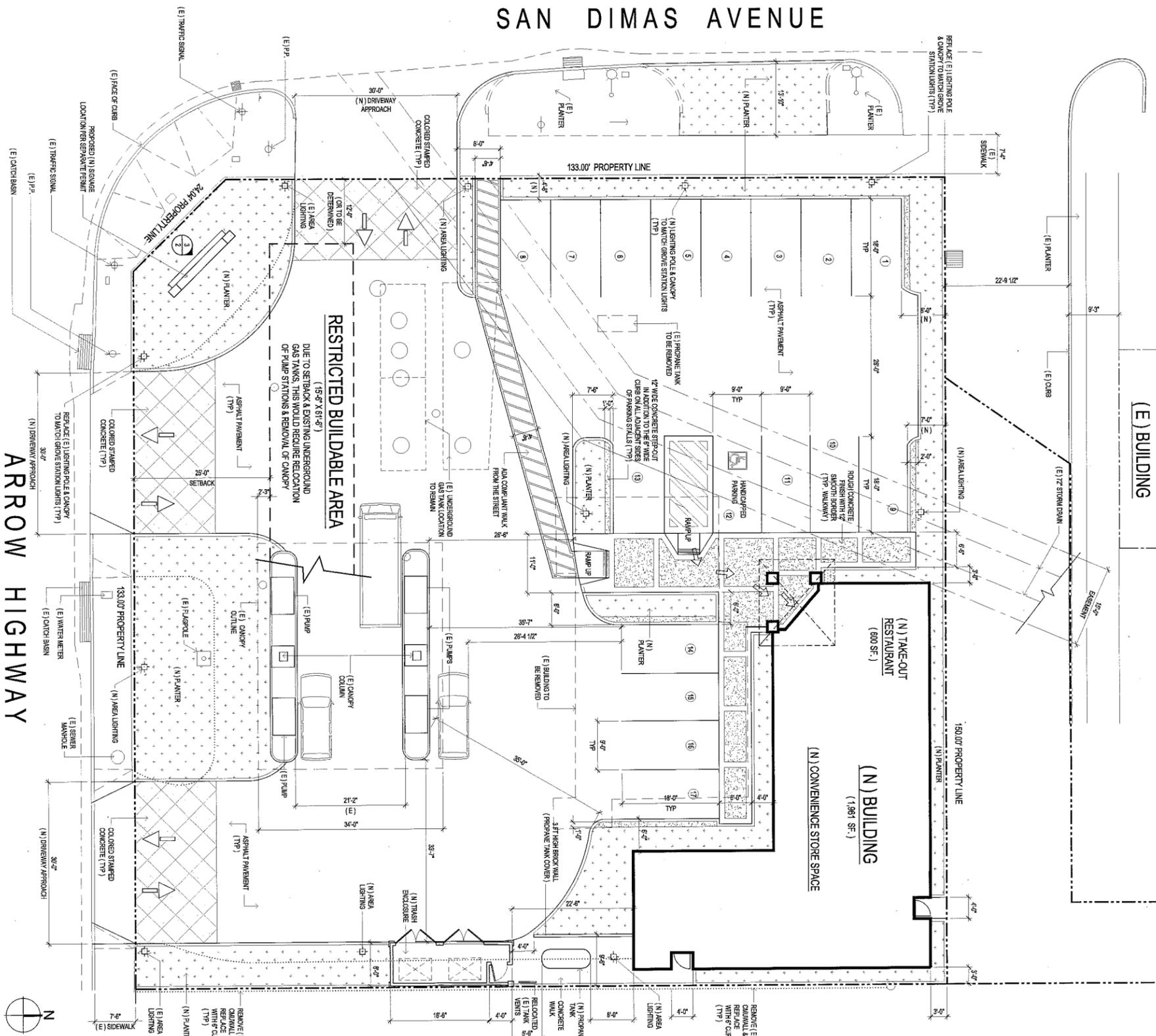
1) Meeting dates and times for the Fall City Council/Staff Retreat

- i. Mondays, October 21 or 28, 5:00 p.m. – 9:00 p.m.
- ii. Wednesdays, October 23 or 30, 5:00 p.m. - 9:00 p.m.
- iii. Saturday, October 19, 8:00 a.m. - 12:00 p.m.

October 28th, 2013, 5:00 p.m. to 9:00 p.m. was selected for the retreat date and time.

EXHIBIT L

SAN DIMAS AVENUE



ARROW HIGHWAY

SITE PLAN

SCALE: 1"=10'-0"

Vicinity Map

NOT TO SCALE



The Site

NOTES

PROJECT DESCRIPTION	PROPOSED (N) 1 STORY GAS STATION BUILDING WITH TAKE-OUT RESTAURANT, CONVENIENCE STORE AND (N) ROOF CANOPY OVER 4 (E) GAS PUMPS
PROJECT ADDRESS	105 E. ARROW HWY, SAN DIMAS, CA 91773
LOT SIZE	22,350 SF
ZONE	M
CONSTRUCTION TYPE	M
LEGAL DESCRIPTION	PART OF TOWN OF SAN DIMAS W 160 FT OF S 170 FT (EX OF STS) OF LOT 63
ASSESSOR'S PARCEL NO.	8390-018-023
EXISTING (TO BE REMOVED) BUILDING	1,988 SF
PROPOSED (N) BUILDING	
TAKE-OUT RESTAURANT	600 SF
CONVENIENCE STORE	1,961 SF
COVERED ENTRY	121 SF
TRASH ENCLOSURE	70 SF
TOTAL FLOOR AREA	2,652 SF
PARKING	Required: 17 Spaces Provided: 17 Spaces
TAKE-OUT RESTAURANT	1 per 75 SF (8 Spaces)
CONVENIENCE STORE	1 per 225 SF (872 Spaces)

PROPOSED FOR:
GAS STATION BUILDING
105 E. ARROW HWY
SAN DIMAS, CA 91773

CONTRACTOR / DEVELOPER:
HARI ALIPURIA
3839 MUSCATEL AVE,
ROSEMEAD, CA 91770

SHEET NO.
1

5-1-13
02-27-13
07-20-12
02-10-12
08-23-11
PN 2888-C

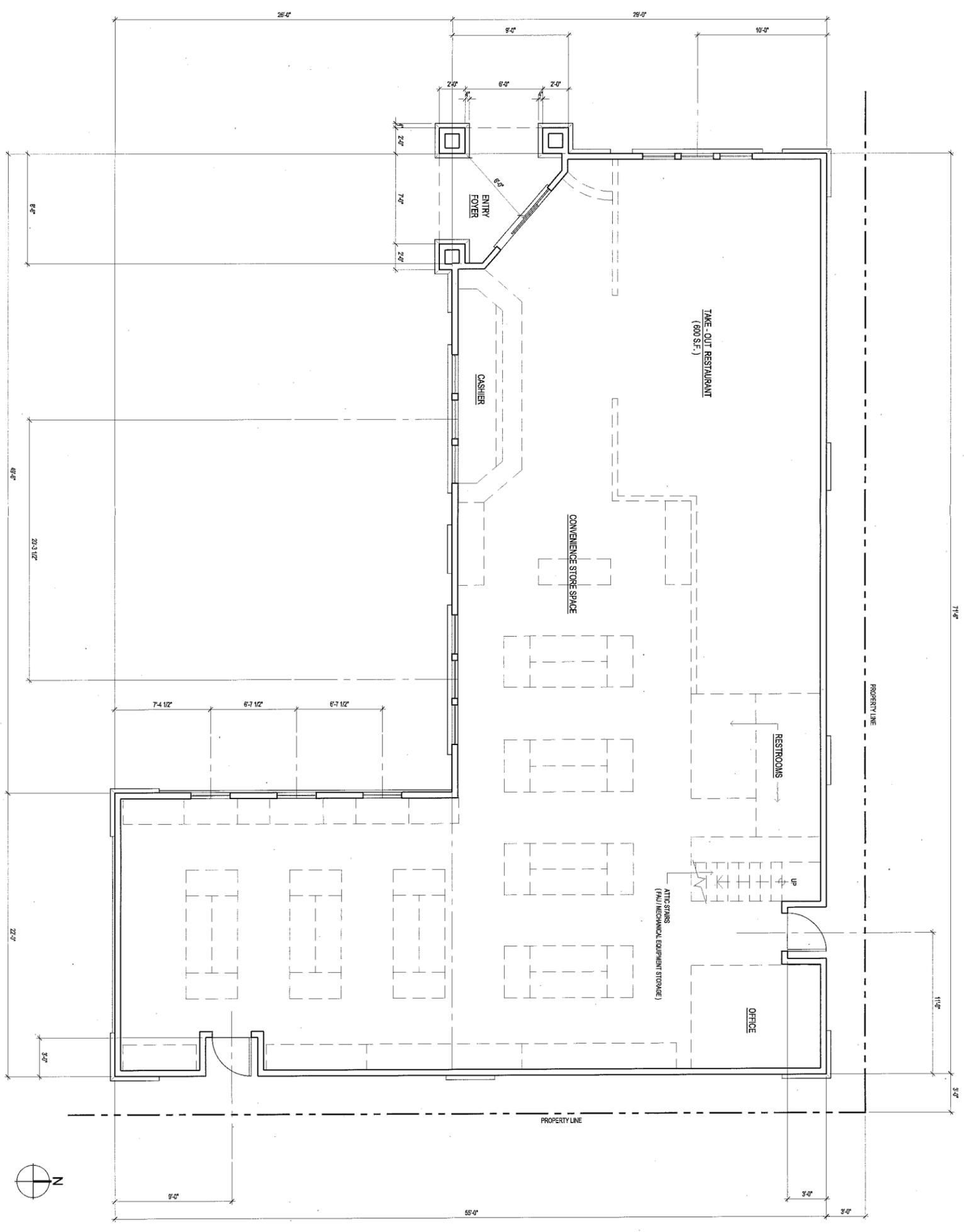
STEVE
EIDE
DESIGN
GROUP

158 WEST ORANGE STREET, COVINA, CA
91723-2011
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BUILDING FLOOR PLAN

SCALE: 1/4"=1'-0"
1



02-27-13
07-20-12
02-10-12
08-23-11
PV 2868 - C
SHEET NO.

PROPOSED FOR:
GAS STATION BUILDING
 105 E. ARROW HWY
 SAN DIMAS, CA 91773

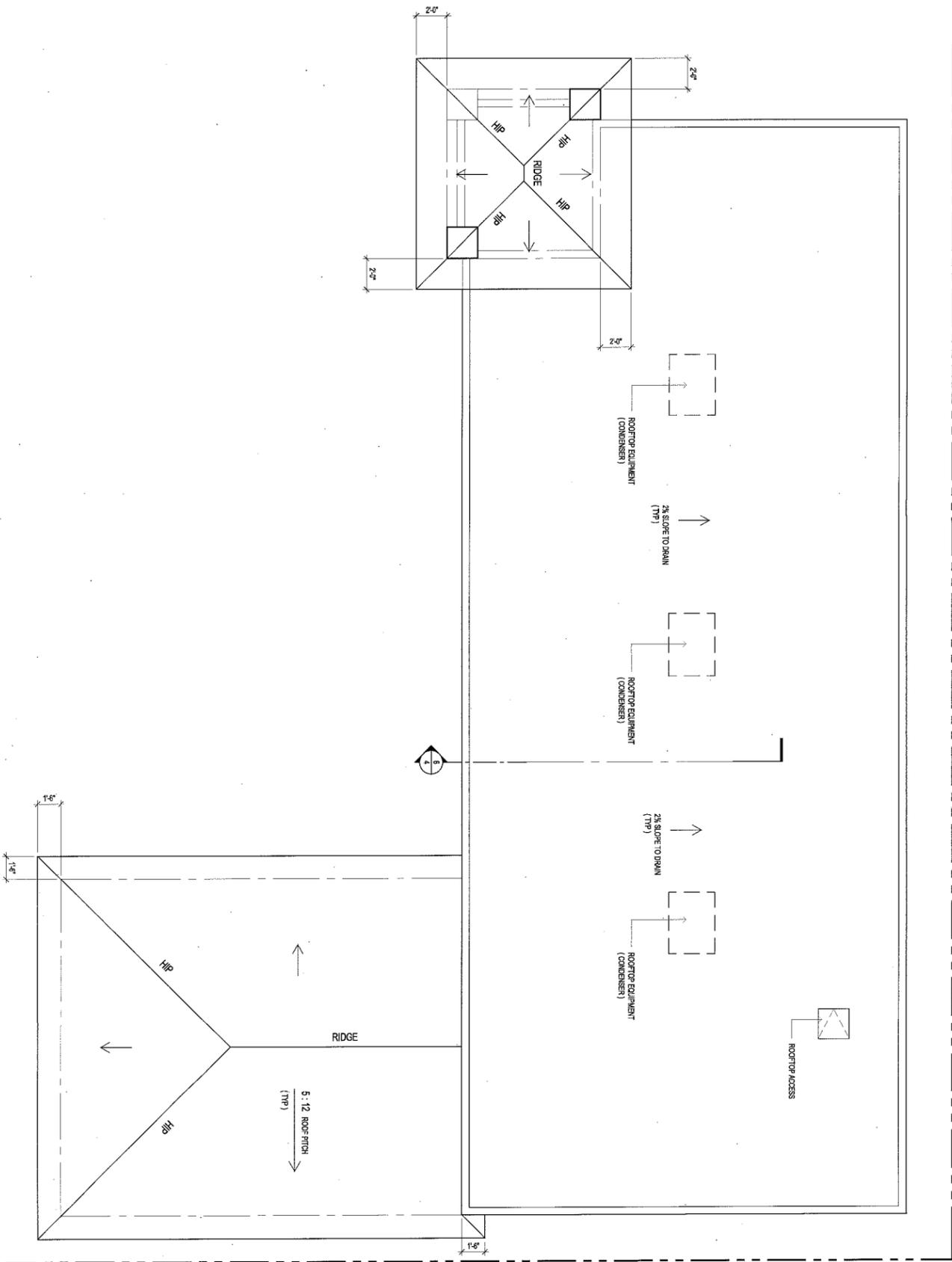
CONTRACTOR / DEVELOPER:
HARI ALIPURIA
 3939 MUSCATTEL AVE,
 ROSEMEAD, CA 91770

DRAWN BY



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ROOF PLAN

SCALE: 1/4"=1'-0"

1

3

SHEET NO.	PN 2888 - C
02-27-13	
07-20-12	
02-10-12	
08-28-11	

PROPOSED FOR:
GAS STATION BUILDING
 105 E. ARROW HWY
 SAN DIMAS, CA 91773

CONTRACTOR / DEVELOPER:
HARI ALIPURIA
 3839 MUSCATEL AVE,
 ROSEMEAD, CA 91770

STEVE
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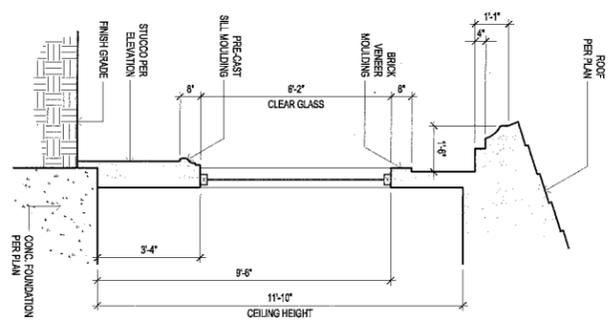
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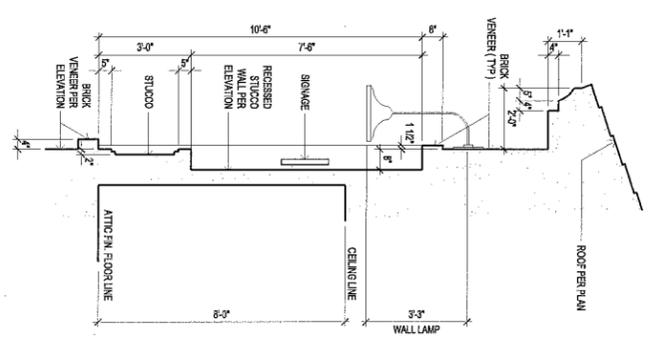
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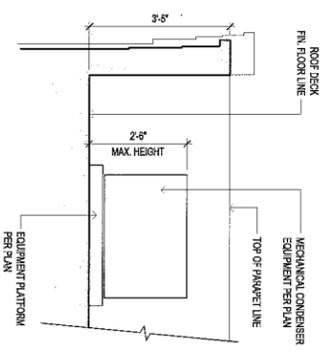
WALL SECTION

SCALE: 3/8" = 1'-0"



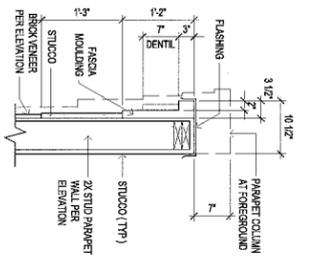
TOWER SECTION

SCALE: 3/8" = 1'-0"



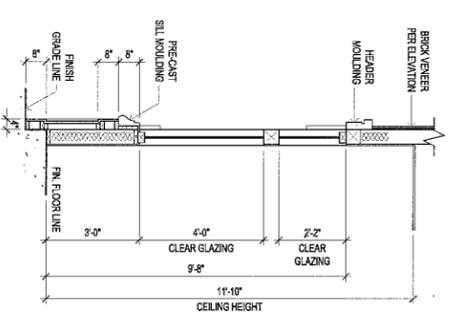
PARAPET

SCALE: 1/2" = 1'-0"



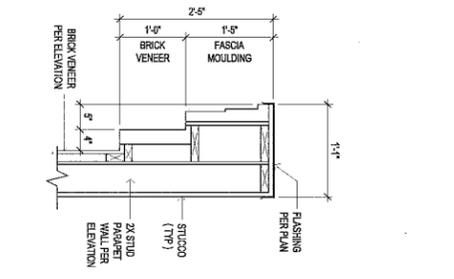
SECTION

SCALE: 3/4" = 1'-0"



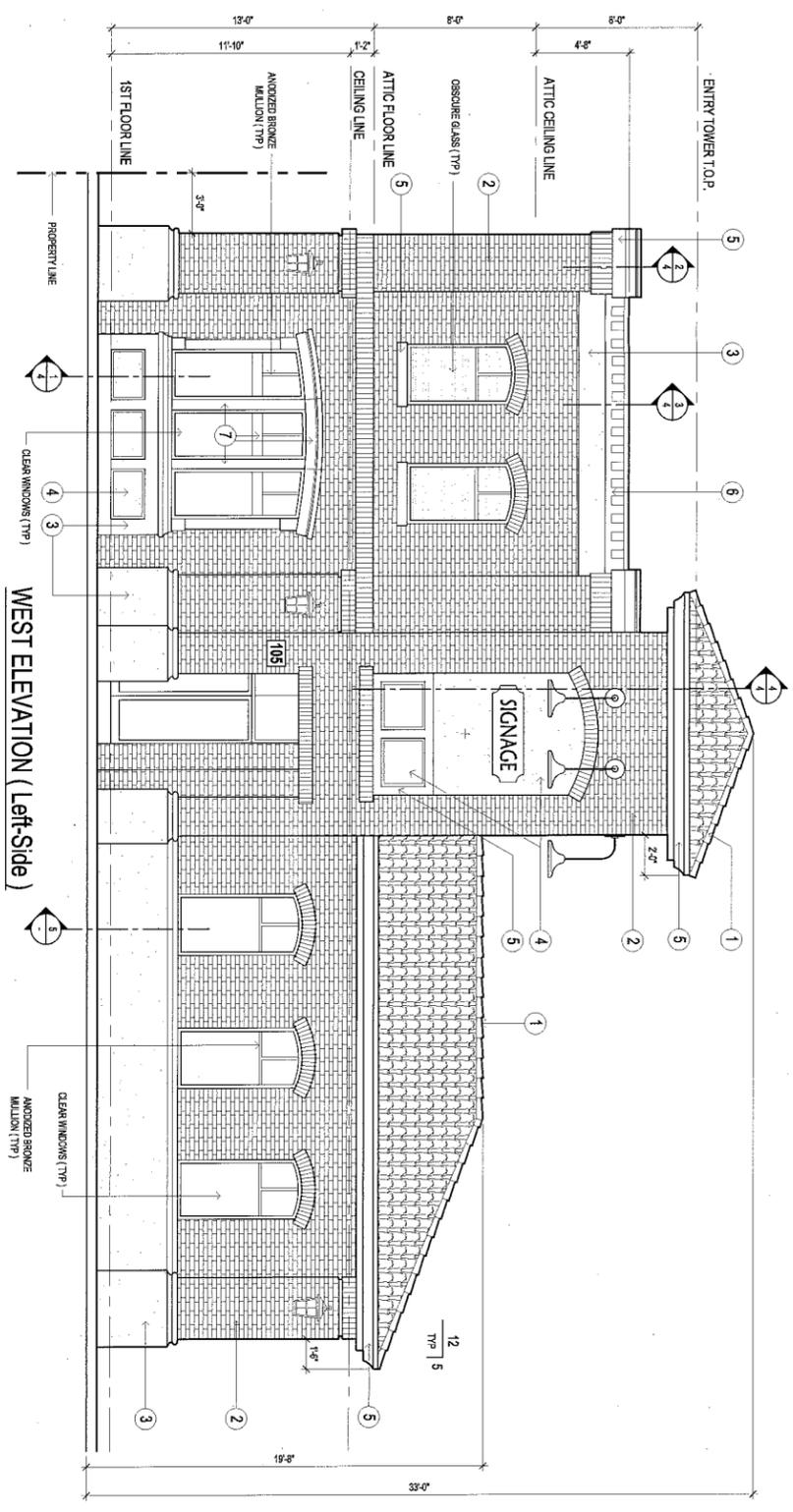
SECTION

SCALE: 3/8" = 1'-0"

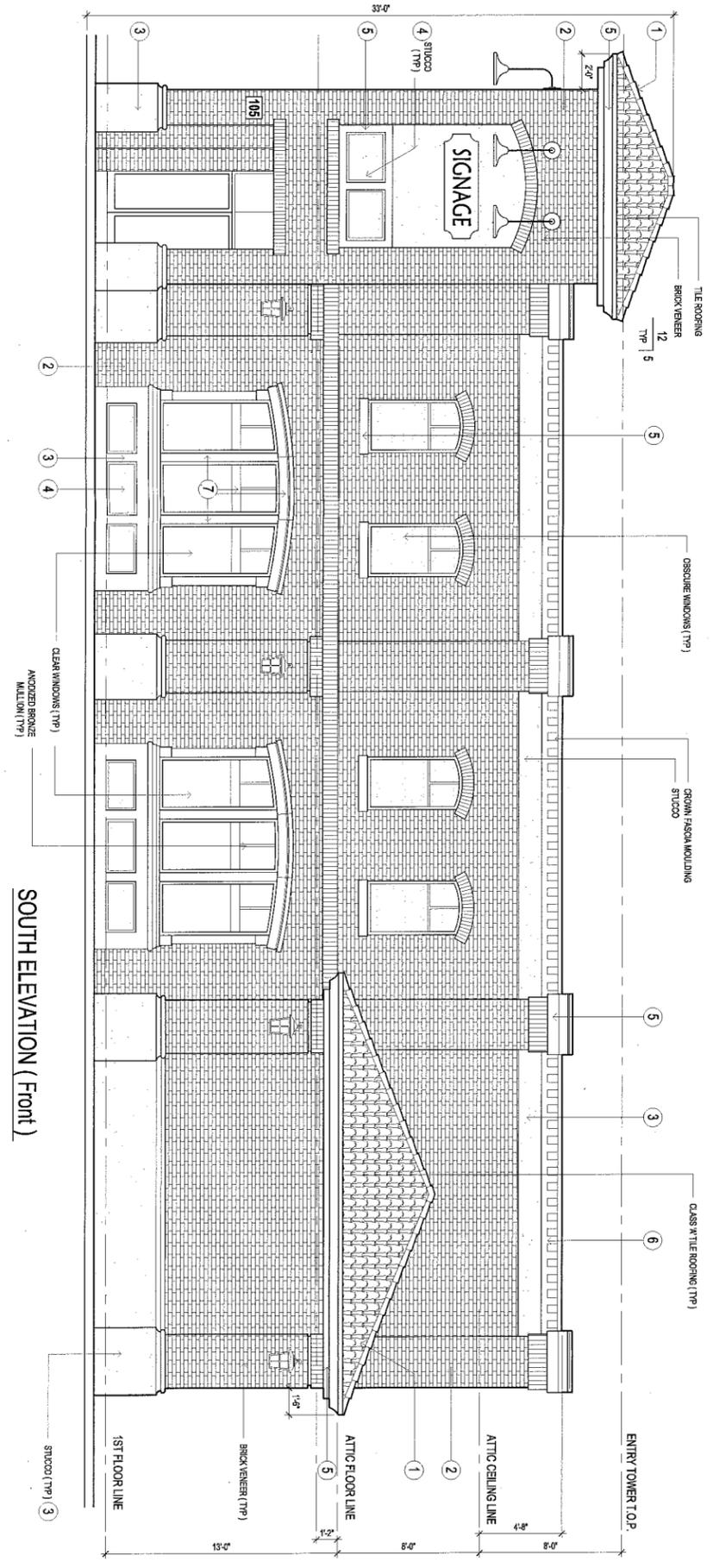


SECTION

SCALE: 3/4" = 1'-0"



WEST ELEVATION (Left Side)



SOUTH ELEVATION (Front)

SOUTH & WEST ELEVATIONS

SCALE: 1/4" = 1'-0"

ORDINANCE NO. 1224

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING MUNICIPAL CODE TEXT AMENDMENT 13-04, AMENDING CHAPTER 18.184 OF THE SAN DIMAS MUNICIPAL ZONING CODE

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

SECTION 1. Title 18, Chapter 184 of the San Dimas Municipal Code shall be amended, as provided for in Exhibit "A"

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

PASSED, APPROVED AND ADOPTED THIS 24th DAY OF SEPTEMBER, 2013.

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

ATTEST:

Debra Black, Deputy City Clerk

I, DEBRA BLACK, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance No. 1224 was regularly introduced at the regular meeting of the City Council on September 10th, 2013, and was thereafter adopted and passed at the regular meeting of the City Council held on September 24th, 2013 by the following vote:

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

I DO FURTHER CERTIFY that within 15 days of the date of its passage, I caused a copy of Ordinance 1224 to be published in the Inland Valley Daily Bulletin.

Debra Black, Deputy City Clerk

EXHIBIT A

*New text changes are in Blue and Underlined

*Deleted text is in ~~Red and Strikethrough~~

Chapter 18.184

~~HOME OCCUPATIONS~~ HOME BASED BUSINESSES

Sections:

18.184.010 General Purpose

Article I. HOME OCCUPATIONS

Sections:

18.184.010~~20~~ Conditions designated.

18.184.020~~30~~ Prohibited uses.

Article II. COTTAGE FOOD OPERATIONS

18.184.040 Purpose.

18.184.050 Definitions.

18.184.060 Procedure.

18.184.070 Standards of Operation.

18.184.010 General Purpose

The general purpose of this chapter is to set forth provisions by which home-based businesses, that are an accessory use to the primary residence, may be allowed in all residential zones and Specific Plans that allow residential as a primary use, provided that they comply with the prescribed standards to minimize impacts to residential neighborhoods.

Article I. HOME OCCUPATIONS

18.184.010~~20~~ Conditions designated.

Home occupations for profit may be engaged in any residential zone and Specific Plans that allow residential as a primary use, subject to the following conditions:

A. There shall be no employment of help, other than members of the ~~resident family~~ household that reside at the subject property.

~~B. There shall be no sale of products or services not produced on the premises.~~

B. There shall be no sale of goods associated with the home occupation on the premises.

~~C.~~ C. The use shall not generate pedestrian or vehicular traffic above that which ~~is normal in the district where the use is located~~ is typical of a residential neighborhood.

~~D.~~ D. There shall be no unsightly storage of materials or supplies.

~~E.~~ E. Not more than two rooms in the dwelling shall be occupied for “home occupation.” However, an outbuilding of not more than two hundred square feet located in the rear yard, or an addition of not more than two hundred square feet to an existing or a permissible structure may be used for a home occupation in lieu of rooms in the main house. No outdoor space shall be so used.

~~F.~~ F. In no way shall the appearance of any structure or the conduct of the business within the structure be such that any portion of the premises may be reasonably recognized as serving a nonresidential use, either by color, form, materials of construction, lighting, sounds, noises, odors, vibrations or other means. (Ord. 59 § 2 (part), 1962; Ord. 37 § 229, 1961)

F. Signage shall be limited to one nameplate per unit displaying the name of the home occupation engaged in on the premises subject to the following conditions:

1. Shall not exceed one square foot in area,
2. Shall be non-illuminated,
3. Shall be attached to the front façade of the residence or displayed inside a front façade facing window,
4. Shall be maintained and be of reasonable professional quality.

G. If the home occupation applicant is not the homeowner of where the home occupation will be conducted from, the property owner’s written authorization shall be provided with the home occupation permit application.

F. Cottage Food Operations shall be exempt from these provisions and shall be governed by Article II of this Chapter.

18.184.030 Prohibited uses.

Home occupation permits shall not be granted for the following uses:

- A. Massage practices and massage technicians. (Ord. 1085 § 17, 1998)

Article II. COTTAGE FOOD OPERATIONS

18.184.040 Purpose.

The general purpose of this chapter is to comply with California State law Assembly Bill 1616 (AB 1616) which allows individuals to prepare and/or package certain non-potentially hazardous foods in private home kitchens, referred to as Cottage Food Operations, and sell directly to the public on- and off-site. The intent of this chapter is to provide a permitting process to allow Cottage Food Operations to comply with AB 1616, while protecting the integrity and character of existing residential neighborhoods.

18.184.050 Definitions.

For purposes of this chapter, the following items are defined as follows:

A. “Class A” Cottage Food Operation means a Cottage Food Operation that may engage only in “Direct Sales” of cottage food products from the Cottage Food Operation or other direct sale venues.

B. “Class B” Cottage Food Operations means a Cottage Food Operation that may engage in both “Direct Sales” and “Indirect Sales” of cottage food products from the Cottage Food Operation, from direct sales venues, from off-site events, or from a third-party retail food facility.

C. “Cottage Food Employee” means an individual, paid or volunteer, who is involved in the preparation, packaging, handling, and storage of a cottage food product, or otherwise works for the Cottage Food Operation. An employee does not include an immediate family member or household member of the cottage food operator.

D. “Cottage Food Operation” means an enterprise that is operated by a cottage food operator in a Private Home, classified as a Class “A” or “B”, and has not more than one full-time employee, not including a family member or household member(s) of the cottage food operator, where cottage food products are prepared or packaged for direct or indirect sale to consumers.

E. “Cottage Food Operator” means an individual who operates a Cottage Food Operation in his or her Private Home and is the owner of the Cottage Food Operation.

F. “Cottage Food Products” means non-potentially hazardous foods that are prepared for sale in the kitchen of an approved Cottage Food Operation. Foods containing cream, custard or meat fillings are potentially hazardous and are not allowed.

G. “Direct Sales” means a transaction between a Cottage Food Operation operator and a consumer, where the consumer purchases cottage food products made by the Cottage Food Operation. Direct sales include, but are not limited to, transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, certified farmer’s markets, and transactions occurring in person at the Private Home where the Cottage Food Operation conducts business.

H. “Indirect Sales” means an interaction between a Cottage Food Operation, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the Cottage Food Operation from a third-party retailer. Indirect sales include, but are not limited to, sales made to retail shops or to retail food facilities where food may be consumed on the premises.

I. “Private Home” means a dwelling, including an apartment or other leased space, where individuals primarily reside.

J. “Registered or Permitted Area” means the portion of a private home that contains the private home’s kitchen used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, and one (1) additional room within the home that is used exclusively for storage.

18.184.60 Procedure.

A. An application to operate a Cottage Food Operation shall be submitted on forms provided by the Planning Division. Upon submittal, the Director of Development Services may require additional information to show full compliance with this chapter and other regulations of the city.

B. When the Cottage Food Operator is not the owner of the residence where the business will be conducted, the property owner’s written authorization shall be submitted with the application for a Cottage Food Operation.

C. After submittal of a completed application, the Director of Development Services may approve the application, subject to the provisions of this chapter. If the application does not comply with the minimum provisions, the Director of Development Services may approve in modified form to comply with provisions of this chapter, or deny the application.

D. Approvals granted to operate a Cottage Food Operation may be revoked by the City at any time if such use is found to be in non-compliance with provisions of this chapter.

18.184.70 Standards of Operation.

Cottage Food Operations shall be permitted in all single or multi-family residential zones and Specific Plans that allow residential as a primary use, and shall be subject to the following conditions:

A. No Cottage Food Operation shall be allowed to operate without first securing all required permits and approvals from the Los Angeles County Department of Public Health and the City.

B. Not more than one (1) full-time employee, paid or voluntary, not including an immediate family member or household member(s) of the cottage food operator, shall be employed by the Cottage Food Operation.

C. Hours of operation shall be limited to Monday through Sunday between the hours of 7:00 a.m. to 8:00 p.m.

D. Delivery and loading shall be subject to the following conditions:

1. Deliveries and loading shall be limited to Monday through Friday between the hours of 7:00 a.m. to 8:00 p.m. No deliveries or loading shall be permitted on Saturday or Sunday.
2. Delivery and loading vehicles shall not impede vehicular or pedestrian traffic, block a driveway or sidewalk, or sit idling at any time.
3. Class B CFOs participating in Indirect Sales to third-party retailers shall not use third-party delivery services to deliver food products to the retailer.

E. Operation of the Cottage Food Operation shall not occupy any required parking for the Private Home.

F. Only the kitchen and one (1) additional room inside the Private Home that have been registered or permitted with the Los Angeles County Department of Public Health shall be used for the operation, including storage, of the business. The garage or accessory structures shall not be used for the Cottage Food Operation, including storage.

G. In no way shall the appearance of any structure or the conduct of the Cottage Food Operation within the structure be such that any portion of the premises may be reasonably recognized as serving a nonresidential use.

H. Signage shall be limited to one nameplate per unit displaying the name of the Cottage Food Operation engaged in on the premises subject to the following conditions:

1. Shall not exceed one square foot in area,
2. Shall be non-illuminated,
3. Shall be attached to the front façade of the residence or displayed inside a front façade facing window,
4. Shall be maintained and be of reasonable professional quality.

I. Cottage Food Operations shall not negatively impact surrounding properties by means of noise, odor or any other characteristic deemed inappropriate for residential uses. Noise levels shall not exceed those allowed by Chapter 8.36 of the city municipal code.

J. Sales performed from the Private Home shall be allowed subject to the following conditions:

1. No outdoor sales shall be permitted on the premises.
2. Customer vehicles shall not impede vehicular or pedestrian traffic, block a driveway or sidewalk, or sit idling at any time.
3. No on-site dining or loitering shall be permitted.

ORDINANCE NO. 1225

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING MUNICIPAL CODE TEXT AMENDMENT 10-06, DELETING THE REVERSE/TURN AROUND GAS STATION DESIGN WITHIN THE CREATIVE-GROWTH, AREA 3A ZONE.

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

SECTION 1. Title 18, Chapter 18.140.090.C.4.a.iv of the San Dimas Municipal Code shall be amended, as provided for in Exhibit "A".

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

PASSED, APPROVED AND ADOPTED THIS 24TH DAY OF SEPTEMBER, 2013.

Curt Morris, Mayor of the City of San Dimas

ATTEST:

Debra Black, Deputy City Clerk

I, DEBRA BLACK, DEPUTY CITY CLERK of the City of San Dimas, do hereby certify that Ordinance No. 1225 was regularly introduced at the regular meeting of the City Council on September 10, 2013, and was thereafter adopted and passed at the regular meeting of the City Council held on September 24, 2013 by the following vote:

AYES: Badar, Ebiner, Templeman, Moris
NOES: Bertone
ABSENT: None
ABSTAIN: None

I DO FURTHER CERTIFY that within 15 days of the date of its passage, I caused a copy of Ordinance No. 1225, to be published in the Inland Valley Daily Bulletin.

Debra Black, Deputy City Clerk

EXHIBIT "A"

Title 18, Chapter 18.140.090.C.4.a.iv

Gasoline Service Stations. Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction of the existing facilities. If an existing gasoline service station is reconstructed to the above standard, the use may be expanded to include a convenience store and/or a restaurant use;



MEMORANDUM

DATE: September 24, 2013
TO: Mayor and City Council
FROM: Larry Stevens, Assistant City Manager for Community Development
SUBJECT: Preliminary Review of Draft Housing Element

Attached is the red-line version of the 2014-21 Housing Element which was submitted to State HCD on Monday, September 9. This submittal started the mandatory 60 day HCD Review and is also used to secure any public input. At the end of this review period a Final Housing Element (hearing draft) is prepared. This final document is then subject to public hearings before the Planning Commission (tentatively late November/early December) and City Council (tentatively January).

This version consists of the following:

- Chapter I – Introduction (rewritten and updated)
- Chapter II – Needs Assessment (rewritten using updated population and housing data)
- Chapter III – Housing Constraints (redline version to show changes/updates from prior Housing Element)
- Chapter IV – Housing Resources (redline version to show changes/updates from prior Housing Element)
- Chapter V – Housing Plan (rewritten including evaluation of accomplishments under prior Housing Element and new Housing Plan)

The City is eligible to submit a redline version to streamline HCD review because we completed rezoning obligations associated with 2008-14 Housing Element to satisfy RHNA (Regional Housing Needs Assessment) targets established at that time.

Copies of the redline version and a clean copy of this current draft are available on the City website.

Our initial purpose in presenting the Draft at this time is to introduce it to the City Council and the public. It was presented to the Planning Commission on September 19. Staff will prepare a presentation summarizing the main aspects of the Draft. The City Council is welcome to provide comments at this time or at any time during the 60 day review period. Formal public hearings will be held later in the year.



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of September 24, 2013

FROM: Blaine Michaelis, City Manager

INITIATED BY: Larry Stevens, Assistant City Manager

SUBJECT: Discussion of MOU between the City of San Dimas and the Watershed Conservation Authority for the Walnut Creek Habitat & Open Space Project.

BACKGROUND

In 2008 the City and the Watershed Conservation Authority (WCA) acquired the approximate 60.9 acre Walnut Creek Open Space property. The City committed \$1 million for title to a 6.9 acre share, while the WCA contributed the remaining \$8.24 million grant from the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) for the total purchase price of \$9.24 million. The property was acquired for open space preservation purposes in perpetuity with the intent of initiating a community planning process to determine the uses for the entire property.

In 2011 the WCA hired AHBE, a planning consultant, utilizing grant funding, to conduct the community planning process in cooperation with the City. AHBE's scope of work included three focus tasks which included: site analysis and assessment; community outreach; and concept plan development.

The Conceptual Master Plan provided a starting point for the development of the open space in concept and may evolve or be adjusted over time as funding sources become available.

In 2012, City Staff and WCA staff went to their boards and identified a phased approach for development of the conceptual plan in an effort to qualify for potential funding sources. Phase 1 was recommended and approved by both the City Council and the WCA Board to include the completion of the CEQA process, pedestrian only access through Loma Vista Park, the development of two primary trails, the General Site Trail and the Meadow Trail which will provide connection to the Michael D. Antonovich Trail on the west as indicated on the trail plan, the removal of the buildings on the City site, and installation of segments of the perimeter buffer.

Identifying the potential funding sources and their requirements has made it necessary to formalize an agreement between the City and the WCA. The agreement is in the form of a MOU (Memorandum of Understanding) that outlines the cooperation of both agencies when addressing items such as the development, maintenance and operations of the project area.

Both agencies have participated in developing the draft MOU and additional comments from both agencies are expected before a final version can be considered for approval. Each agency is committed to the joint use, development and maintenance of this property.

RECOMMENDATION

Staff recommends that City Council authorize staff to finalize and execute the draft Memorandum of Understanding (MOU) with the Watershed Conservation Authority for the Walnut Creek Habitat & Open Space Project and bring back to Council only if any major subsequent issues arise.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Larry Stevens".

Larry Stevens,
Assistant City Manager for Community Development

Attachments:

Draft MOU
Concept Plan Map

WALNUT CREEK HABITAT AND OPEN SPACE PROPERTY - PHASE 1
MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU"), is made and entered into as of the date of the last signature set forth below by and between the City of San Dimas, a municipal corporation (hereinafter referred to as "City"), and the Watershed Conservation Authority, a public entity exercising the joint powers of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy and the Los Angeles County Flood Control District pursuant to Section 6500 et seq. of the State of California Government Code (hereinafter referred to as "WCA"). The WCA, and the City are hereinafter collectively referred to as the "Parties" or individually as "Party".

RECITALS

WHEREAS, Walnut Creek Habitat and Open Space Property (hereinafter referred to as "the Open Space Property"), also commonly known as the Vista Verde Property, is a 60.9 acre portion of the former Voorhis Ranch Property within the unincorporated territory of Los Angeles County known as West San Dimas; and

WHEREAS, City has ownership control of approximately 6.9 acres of the Open Space Property (hereinafter referred to as "City Property"), and ownership control of approximately 1.3 acres adjacent to the City Property at 1165 Avenida Loma Vista in the City of San Dimas (hereinafter referred to as "Loma Vista Park"); and

WHEREAS, WCA has ownership control of approximately 54 acres of the Open Space Property (hereinafter referred to as "WCA Property"); and

WHEREAS, it is the common goal of the Parties for the Open Space Property to be preserved and managed, in perpetuity, as open space for natural and recreational uses and other compatible public uses, all as may be consistent with the requirements of the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, and the Safe Neighborhood Parks Proposition of 1996; and

WHEREAS, Parties have cooperated in good faith to implement a joint planning process to develop a conceptual master plan that outlines proposed programming and improvements within the Open Space Property and Loma Vista Park, and identified initial programming and improvements within the Open Space Property and Loma Vista Park (hereinafter referred to as "Phase 1") to include development of approximately 1,680 linear feet of the General Site Trail, approximately 3,600 linear feet of the Meadow Trail, pedestrian access improvements at Loma Vista Park, demolition of structures, 2,800 linear feet of vegetative buffering, and site gating and fencing; and

WHEREAS, Parties have determined that cooperatively implementing the proposed improvements, and jointly maintain and operating the Open Space Property is mutually valuable and beneficial, and parties desire to enter into this MOU to set forth their understanding with respect to the improvement, operations, and maintenance of Phase 1 of the Open Space Property, and anticipates subsequent agreements between the Parties and amendments to this MOU as warranted; and

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the Parties, and of the promises herein contained, it is hereby agreed as follows:

1. CITY AGREES:

- a. The City agrees to permit the WCA, its elected or appointed officials, officers, agents, attorneys, employees, contractors, subcontractors and representatives the unassailable right to enter onto, cross and use the City Property and Loma Vista Park as a means to access WCA Property and to conduct public safety and/or ranger patrols on the Open Space Property. This agreement constitutes a limited right of access only and does not constitute permission to use the City Property or Loma Vista Park for any other purpose not specifically identified herein.
- b. City agrees to provide in-kind water and electric utility service to the Open Space Property from the existing Loma Vista Park to the extent that such services are necessary for the development and operation of Phase 1.
- c. Upon the completion of improvements described in Phase 1, the City agrees to manage public access to the Open Space Property through Loma Vista Park at its sole discretion.
- d. The City agrees to indemnify, defend, and hold harmless the WCA and its directors, officers, administrators, employees, volunteers, and agents against and from any liability, including for damage to property and injury or death of any person, and claim, action, or proceeding against the WCA, arising in whole or in part out of any acts or omissions of the City in the performance of this MOU unless caused by the sole negligence of willful misconduct of the WCA. In its sole discretion and at its own cost and expense, the WCA may participate in the defense of any such claim, action, or proceeding, utilizing legal counsel of its choice. However, such participation shall not relieve the City of any obligation imposed pursuant to this MOU. The WCA shall promptly notify the City of any such claims, actions, or proceeding and shall cooperate fully in the defense of same.

City shall provide WCA with a form of assumption of liability with minimum coverage as provided in Attachment "A" attached hereto and incorporated by this reference.

2. WCA AGREES:

- a. The WCA agrees to conduct in-kind public safety and/or ranger patrols on the Open Space Property, performed by contracted California Peace Officers and/or rangers qualified under State of California Penal Code, Section 830.31(b), in concurrence with ordinary public safety patrols performed by the WCA on the WCA Property. The WCA's contractor shall have the authority to issue citations and make arrests pursuant to the California Penal Code, the Mountains Recreation and Conservation Authority Park Ordinance, San Dimas Municipal Code, and/or any other relevant ordinance or laws. Any citation revenue received by the WCA from the WCA's contractor patrols of the Open Space Property shall be retained by the WCA.
- b. The WCA agrees to indemnify, defend, and hold harmless the City and its directors, officers, administrators, employees, volunteers, and agents against and from any liability, including for damage to property and injury or death of any person, and claim, action, or proceeding against the City, arising in whole or in part out of any acts or omissions of the WCA in the performance of this MOU unless caused by the sole negligence of willful misconduct of the City. In its sole discretion and at its own cost and expense, the City may participate in the defense of any such claim, action,

or proceeding, utilizing legal counsel of its choice. However, such participation shall not relieve the WCA of any obligation imposed pursuant to this MOU. The City shall promptly notify the WCA of any such claim, action, or proceeding and shall cooperate fully in the defense of same.

WCA shall provide City with a form of assumption of liability with minimum coverage as provided in Attachment "A" attached hereto and incorporated by this reference.

3. PARTIES FURTHER AGREE:

a. <insert language regarding CEQA compliance, including a three party professional services contract to conduct CEQA, with WCA as Lead Agency, City as funder, and a process to hire a consultant to conduct the CEQA work. Example language to be provided by Ann/Larry>

b. Public access to the Open Space Property shall be consistent with access alternatives identified in the conceptual master plan that has been mutually adopted by the Parties.

c. <insert language regarding an access dispute mediation process. Example language to be provided by Ann/Larry>

Dispute Resolution: Any claims or disputes made during design, construction or post-construction between the City and the WCA shall be submitted to non-binding mediation. Both the City and the WCA agree to include a similar mediation agreement with all contractors, subcontractors, sub-consultants, suppliers and fabricators, thereby providing for mediation as the primary method for dispute resolution between all parties.

d. Parties agree to work in good faith to create a usage agreement, and operations and maintenance agreement for the Open Space Property prior to the completion of Phase 1 improvements.

e. The City Manger of the City and the Executive Officer of the WCA have the conferred right to enter into a usage agreement, and operations and maintenance agreement for the Open Space Property unless the fiscal effect to such agreements is inconsistent with the adopted budget of such Party.

f. Services may be exchanged between the Parties, particularly during unusual events, natural disasters or emergencies, in the operations and maintenance of the Open Space Property.

g. Parties will not assign or transfer all or any portion of its rights or obligation contained in the MOU without obtaining the prior written consent of the other party.

h. This MOU is entered into solely for the benefit of City and WCA, and no third person will be entitled, directly or indirectly, to base any claim or to have any right arising from, or related to, this MOU.

i. This MOU shall terminate on the date that the City ownership interest in the Open Space Property is terminated as the title holder of the parcel identified, at the time of the execution of this MOU, by Los Angeles County Assessor's Identification Number 82385-016-904, or on the date that the WCA ownership interest in the Open Space Property is terminated as the title holder of the parcels identified, at the time of the execution of this MOU, by Los Angeles County Assessor's Identification Numbers 82385-016-905 and 8426-021-901, unless terminated earlier as provided for in Section 3j.

- j. Either Party may terminate the MOU at any time and for any reason upon thirty (30) days advance written notice to the other Party.
- k. In the event any action is commenced to enforce or interpret any term or condition of this MOU, in addition to costs and any other relief, the prevailing party shall be entitled to its reasonable attorneys' fees, expert fees and other reasonable costs of defense.
- l. This MOU contains the entire agreement of the Parties hereto with respect to the matters contained herein, and supersedes all negotiations, prior discussions and preliminary agreements or understandings, written or oral. No waiver or modification of this MOU shall be binding unless consented to by both Parties in writing.
- m. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.
- n. If any portion of this MOU is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.
- o. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this MOU.
- p. This MOU shall be governed by the laws of the State of California. Venue shall be in Los Angeles County.
- q. The Recitals are incorporated herein and made an operative part of this MOU.
- r. MOU will be liberally construed to effectuate the intention of the Parties with respect to the matters described herein. In determining the meaning of, or resolving any ambiguity with respect to, any word, phrase or provision of this MOU, neither this MOU nor any uncertainty or ambiguity herein will be construed or resolved against either Party (including the Party primarily responsible for drafting and preparation of this MOU), under any rule of construction or otherwise, it being expressly understood and agreed that the Parties have participated equally or have had equal opportunity to participate in the drafting hereof.
- s. City and the WCA warrant that they have all requisite power and authority to execute and perform this MOU. Each of the persons signing below on behalf of a Party represents and warrants that he or she is authorized to sign this MOU on behalf of such Party.

IN WITNESS WHEREOF, PARTIES hereto have caused this MOU to be executed by their duly authorized representatives and affixed as of the date of signature of PARTIES:

CITY OF SAN DIMAS

By _____
City Manager

Date

By _____
City Attorney

Date

WATERSHED CONSERVATION AUTHORITY

By _____
Executive Officer

Date

APPROVED AS TO FORM:

By _____
Deputy Attorney General

Date



CONCEPTUAL MASTER PLAN



WALNUT CREEK HABITAT AND OPEN SPACE

