

AGENDA
REGULAR CITY COUNCIL
HOUSING AUTHORITY MEETING
TUESDAY SEPTEMBER 22, 2015, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.

CITY COUNCIL:

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

1. CALL TO ORDER AND FLAG SALUTE

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

3. CONSENT CALENDAR

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

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

(1) **RESOLUTION NO. 2015- 48**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF SEPTEMBER 2015

b. Approval of minutes for regular City Council meeting of September 8, 2015.

c. **ORDINANCE 1235**, ADOPTION OF MUNICIPAL CODE TEXT AMENDMENT 15-04 TO AMEND THE USES AND PARKING REQUIREMENTS IN SPECIFIC PLAN NO. 9 AND OTHER MISCELLANEOUS EDITS (**SECOND READING AND ADOPTION**)

d. Denial of Claim Sigala vs. City of San Dimas

END OF CONSENT CALENDAR

4. PLANNING MATTERS

- a. Request to initiate a Municipal Code Text Amendment application to allow for the off-site sale of beer and wine (Type 20) and other minor cleanup changes within Specific Plan No. 17, Area 1, Code Section 18.528 (76 Gas Station at 1790 S. San Dimas Avenue (APN: 8396-017-025)) in conjunction with existing an conditionally permitted convenience store and gas service station.

Recommended Action: Direct staff to start the process of initiating a Municipal Code Text Amendment application for this item.

5. OTHER BUSINESS

- a. Approval of San Dimas Senior Citizen Commission Foundation Amended and Restated Bylaws

Recommended Action: Approve the Amended and Restated Bylaws of the San Dimas Senior Citizens Commission Foundation dated September 3, 2015 and approved by the Commission on September 3, 2015.

6. HOUSING AUTHORITY

- a. Award Cash Contract 2015-05 Monte Vista Apartments Re-Roof Project

Recommended Action: Award Cash Contract 2015-05 to Bell Roof Company, Inc for the total contract price of \$109,277, with a total budget allocation of \$150,000 which includes a thirty-eight (38%) contingency of \$40,723.

7. 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

Set Fall Retreat date and time. Recommendations:

- Monday, November 2, 2015, 5:00 p.m.
- Monday, November 9, 2015, 5:00 p.m.
- Monday, November 16, 2015, 5:00 p.m.

- 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.

8. ADJOURNMENT

The next meeting will be on October 13, 2015 at 7:00 p.m.



Notice Regarding American with Disabilities Act: In compliance with the ADA, if you need assistance to participate in a city meeting, please contact the City Clerk's Office at (909) 394-6216. Early notification before the meeting you wish to attend will make it possible for the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

Copies of documents distributed for the meeting are available in alternative formats upon request. Any writings or documents provided to the City Council regarding any item on this agenda will be made available for public inspection at the Administration Counter at City Hall and at the San Dimas Library during normal business hours. In addition most documents are posted on the City's website at cityofsandimas.com.

Posting Statement: On September 18, 2015, a true and correct copy of this agenda was posted on the bulletin board at 245 East Bonita Avenue (San Dimas City Hall), 145 North Walnut Avenue (Los Angeles County Library), 300 East Bonita Avenue (United States Post Office), Von's Shopping Center (Puente/Via Verde Avenue) and the City's website www.cityofsandimas.com/minutes.cfm

RESOLUTION 2015-48

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN DIMAS, CALIFORNIA, APPROVING
CERTAIN DEMANDS FOR THE MONTH OF SEPTEMBER 2015**

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 09/30/2015 (152900-153013) in the amount of
\$867,767.61.

PASSED, APPROVED AND ADOPTED this 22ND, day of September 2015.

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

ATTEST:

Debra Black, Assistant City Clerk

I HEREBY CERTIFY that Resolution 2015-48 was approved by vote of the City
Council of the City of San Dimas at its regular meeting of September 22nd, 2015 by the following
vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Debra Black, Assistant City Clerk

09/30/2015

WARRANT REGISTER

Checks # 152900 – 153013

(VOIDED CHECKS # 153014 -153015)

Total: \$ 867,767.61

PRE-PAID CHECKS ASSIGNED

TO # 152700 - 152899

Disbursement Journal

WARRANT DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA							
152913	09/30/15	BLAS/PEDRO	.00001				N D 001.332.001
152914	09/30/15	BONITA UNIFIED SCH D	11210		7014		N D 001.4420.110.000
152915	09/30/15	BROWN/LOROUS C	11169				M D 001.4430.020.000
152916	09/30/15	CADTD	10644				N D 110.213.148
152917	09/30/15	CHARTER OAK MOBILE H	11850				N D 034.341.034
152918	09/30/15	CHEUNG/DINA	.00008				N D 001.367.001
152919	09/30/15	COAST FITNESS REPAIR	11649		61442		N D 001.4430.041.001
152920	09/30/15	COELHO/BECKY	10613				M D 001.4420.020.000
152921	09/30/15	COMMUNITY ACTION-EAP	11688				N D 001.4150.435.000
152922	09/30/15	COMMUNITY SENIOR SER	10620		GATTIX-815-6		N D 072.214.172
152922	09/30/15	COMMUNITY SENIOR SER	10620		GATTIX-815-6		N D 072.214.172
			1,000.00		*CHECK TOTAL		
152923	09/30/15	CONSTRUCTION HARDWAR	12284		86342		N D 001.4411.023.000
152924	09/30/15	CORODATA	10678		RS4184387		N D 001.4190.019.000
152925	09/30/15	CSG CONSULTANTS INC	10871		B150468		N D 001.4311.020.001
152926	09/30/15	CT&T CONCRETE PAVING	11109		CT3988		N D 012.210.003
152927	09/30/15	D.H. MAINTENANCE SER	11950		17938		N D 003.4410.023.001
152927	09/30/15	D.H. MAINTENANCE SER	11950		17938		N D 001.4410.023.000
152927	09/30/15	D.H. MAINTENANCE SER	11950		17938		N D 001.4410.023.000
152927	09/30/15	D.H. MAINTENANCE SER	11950		17938		N D 001.4410.023.000
152927	09/30/15	D.H. MAINTENANCE SER	11950		17938		N D 001.4410.023.000
152927	09/30/15	D.H. MAINTENANCE SER	11950		17938		N D 001.4410.023.000
			7,297.88		*CHECK TOTAL		
152928	09/30/15	DAILY BULLETIN	11961		0000241091		N D 001.4120.010.000
152929	09/30/15	DEPARTMENT OF JUSTIC	10155		119584		N D 001.4150.020.000
152930	09/30/15	ED'S AUTO PARTS	12188		133892		M D 001.4342.011.000
152930	09/30/15	ED'S AUTO PARTS	12188		134775		M D 001.4342.011.000
152930	09/30/15	ED'S AUTO PARTS	12188		134775		M D 001.4342.011.000
			239.36		*CHECK TOTAL		
152931	09/30/15	ENDLICH/MARY	10786				M D 001.4420.013.009
152932	09/30/15	ENRIQUEZ/ALFRED JR	.00002				N D 001.332.001

WARRANT DATE VENDOR
BANK OF AMERICA

Disbursement Journal

F 9 S ACCOUNT

PO#

CLAIM INVOICE

AMOUNT

DESCRIPTION

WARRANT DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#
152949	09/30/15 INLAND VALLEY HUMANE	13250 HUMANE SOCIETY OCT 10,957.00				
152950	09/30/15 JMG SECURITY SYSTEMS	10821 MONITOR 10/1-12/31/15 258.30			57540	
152951	09/30/15 JOHNSON/BARBARA	12574 SR.BOUTIQUE SALES 48.60				
152952	09/30/15 KING BOLT CO	13854 M16 SHCS FLAT WASHERS 14.78			67170	
152952	09/30/15 KING BOLT CO	13854 TRAILER CONNECTOR 31.18			67205	
					*CHECK TOTAL	
152953	09/30/15 KNOX/JAMES	11014 GIS CONSULTING SERVIC 888.00			13	
152954	09/30/15 L.A. COUNTY SHERIFF	14307 AUG CONTRACT SERVIC 368,814.96			160389NH	
152954	09/30/15 L.A. COUNTY SHERIFF	14307 AUG CONTRACT SERVIC 19,915.00			160389NH	
152954	09/30/15 L.A. COUNTY SHERIFF	14307 AUG CONTRACT SERVIC 4,267.33			160389NH	
152954	09/30/15 L.A. COUNTY SHERIFF	14307 AUG CONTRACT SERVIC 7,305.62			160389NH	
152954	09/30/15 L.A. COUNTY SHERIFF	14307 AUG LICENISE INVESTIGA 499.92			160389NH	
152954	09/30/15 L.A. COUNTY SHERIFF	14307 AUG 6% LIABILITY 485,214.48			160389NH	
					*CHECK TOTAL	
152955	09/30/15 LA VERNE POWER EQUIP	11666 SPARK PLUG,PRE FILTER 86.24			73921	
152956	09/30/15 LANCE, SOLL, & LUNGH	13887 2015CITY AUDIT YEA 17,981.00			15595	
152956	09/30/15 LANCE, SOLL, & LUNGH	13887 2015HOUSING YEAR EN 2,754.00			15595	
152956	09/30/15 LANCE, SOLL, & LUNGH	13887 2015SINGLE AUDIT YE 6,439.00			15595	
152956	09/30/15 LANCE, SOLL, & LUNGH	13887 2015SUCCESSOR AGENC 34,779.00			15595	
					*CHECK TOTAL	
152957	09/30/15 LAWRENCE ROLL-UP DOO	10436 PREVENTATIVE MAINTENA 406.00			1513418	
152958	09/30/15 LESLIES SWIMMING POO	10919 POOL SUPPLIES/LABOR 563.15			3016-94233	
152959	09/30/15 LINCOLN AQUATICS	10973 SRC STEP REPLACEMENT 1,393.61			SI275129	
152960	09/30/15 LOS ANGELES FREIGHTLL	11038 CREDIT INV WP1187293 91.56CR			FD1483177	
152961	09/30/15 LOWE'S HOME IMPROVEM	10479 STARTER REMAN,CORE 28 326.88			WP1187293	
152961	09/30/15 LOWE'S HOME IMPROVEM	10479 QUIKRETE CONCRETE 12.39			01360	
152961	09/30/15 LOWE'S HOME IMPROVEM	10479 FLAP POLE/FREEDOM PARK 29.23			02449	
152961	09/30/15 LOWE'S HOME IMPROVEM	10479 CUTTING FILTER UNIT#2 37.13			05403	
152961	09/30/15 LOWE'S HOME IMPROVEM	10479 LIGHT REPLACEMENT PART 80.49			06693	
					*CHECK TOTAL	
152962	09/30/15 MARIPOSA LANDSCAPES	12108 AUG FOUNTS SYCAMORE 2,531.87			697889	
152962	09/30/15 MARIPOSA LANDSCAPES	12108 AUG FERTILIZER GROUNDS 9,250.29			697889	
152962	09/30/15 MARIPOSA LANDSCAPES	12108 AUG PARKS/STREET 2,010.07			697889	
152962	09/30/15 MARIPOSA LANDSCAPES	12108 AUG SLOPES/STREET & DOWNTO 881.09			697889	
152962	09/30/15 MARIPOSA LANDSCAPES	12108 AUG PARK MISC.LANDSCAPES A 975.77			697889	

WARRANT DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA							
152962	09/30/15	MARIPOSA LANDSCAPES	3,383.97		69789		N D 008.4415.020.015
152962	09/30/15	MARIPOSA LANDSCAPES	3,999.45		69789		N D 008.4415.020.019
152962	09/30/15	MARIPOSA LANDSCAPES	2,645.28		69789		N D 020.4410.927.003
152962	09/30/15	MARIPOSA LANDSCAPES	317.87		69789		N D 072.4125.453.002
152962	09/30/15	MARIPOSA LANDSCAPES	91.53		69789		N D 072.4125.453.000
		AUG PLANTER AREAS	28,793.55	*CHECK	TOTAL		
152963	09/30/15	MATHISEN OIL COMPANY	2,711.90		8125787		N D 001.4342.011.001
152963	09/30/15	MATHISEN OIL COMPANY	1,343.80		8125788		N D 001.4342.011.001
		DIESEL FUEL	4,055.70	*CHECK	TOTAL		
152964	09/30/15	MC LAY SERVICES INC	156.00		INV6659		N D 001.4410.015.000
152964	09/30/15	MC LAY SERVICES INC	9,520.00		INV6659		N D 001.4410.023.022
152964	09/30/15	MC LAY SERVICES INC	104.00		INV6659		N D 001.4411.015.000
		PREVENTIVE MAINT.3RD	312.00	*CHECK	TOTAL		
152965	09/30/15	MILLER/BEVERLY	10.80				M D 001.4420.013.009
152966	09/30/15	MITY-LITE INC	2,584.64		11461		N D 001.4410.041.000
152967	09/30/15	MORENO/VICTOR	98.00				N D 001.332.001
152968	09/30/15	MYFLEETCENTER.COM	107.64		1712 173835		N D 001.4342.020.001
152969	09/30/15	NEAG/ELIZABETH	53.00				N D 001.332.001
152970	09/30/15	OZEWELL/LORETTA	30.00				N D 001.332.001
152971	09/30/15	PARS	408.00		32395		N D 001.4190.200.003
152972	09/30/15	PARTIES UNLIMITED	588.60				M D 001.4420.013.003
152973	09/30/15	PLUMBING WHOLESALE O	138.00		S100040434.001		N D 001.4410.015.000
152974	09/30/15	POMONA WHOLESALE ELE	55.47		S2225844.001		N D 001.4412.023.000
152975	09/30/15	PRINT CONNECTION	428.00		12534		M D 001.4190.033.000
152975	09/30/15	PRINT CONNECTION	1,032.50		12332		M D 001.4190.033.000
152975	09/30/15	PRINT CONNECTION	388.00		12332		M D 001.4190.033.000
152975	09/30/15	PRINT CONNECTION	1,228.00		12332		M D 001.4190.033.000
152975	09/30/15	PRINT CONNECTION	1,228.00		12332		M D 001.4190.033.000
152975	09/30/15	PRINT CONNECTION	2,253.00		12332		M D 001.4190.033.000
152975	09/30/15	PRINT CONNECTION	2,253.00	*CHECK	TOTAL		
152976	09/30/15	PROSOURCE FACILITY S	192.85		6552		N D 001.4411.031.000
152976	09/30/15	PROSOURCE FACILITY S	385.64		6552		N D 001.4412.031.000
		FACILITY SUPPLIES	578.49	*CHECK	TOTAL		

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA								
152977	09/30/15	RADIANT WATER INC	SOFT WATER OCT 2015	39.00				N D 001.4430.019.000
152978	09/30/15	REIMER/KATYA	INSTR. SUNSHINE GEN.S	220.50				M D 001.4420.020.000
152979	09/30/15	RESERVE ACCOUNT	POSTAGE BY PHONE OC 1,	500.00				N D 001.4190.017.000
152980	09/30/15	RIGHT OF WAY INC	IRRIGATION CONNECTIONS	163.50		18972		N D 020.4410.927.003
152980	09/30/15	RIGHT OF WAY INC	TRAFFIC CONTROL RENTA	332.90		19092		N D 001.4341.033.000
			TOTAL					
152981	09/30/15	RKA CONSULTING GROUP	ON-CALL BUILDING PL	3,833.50		23863		N D 001.4311.020.001
152981	09/30/15	RKA CONSULTING GROUP	GRADING PLAN CHECKS	2,038.50		23864		N D 001.4311.020.001
152982	09/30/15	SAN DIMAS CHAMBER OF	PROMOTIONAL SVS OCT 3,	750.00				N D 001.4190.010.003
152983	09/30/15	SAN DIMAS	PANEL FASTENERS	6.56		32501		N D 001.4342.033.000
152983	09/30/15	SAN DIMAS	TIRE WET, SPRY GLOSS, SO	22.50		32501		N D 001.4342.033.000
152983	09/30/15	SAN DIMAS	STRIPING PAINT	34.79		32501		N D 001.4344.033.000
152983	09/30/15	SAN DIMAS	BRUSH REEL, HARDWARE	90.37		32501		N D 001.4344.033.000
152983	09/30/15	SAN DIMAS	PRIMER GRAY, RUST RMVR	16.31		32501		N D 001.4344.033.000
152983	09/30/15	SAN DIMAS	ADAPTER	15.11		32501		N D 001.4344.033.000
152983	09/30/15	SAN DIMAS	GROUNDING PLUG DRY	19.20		32501		N D 001.4344.033.000
152983	09/30/15	SAN DIMAS	DEEP WOODS OFF	18.19		32501		N D 001.4344.033.000
152983	09/30/15	SAN DIMAS	SAND PAPER BLUE/BRN	17.45		32501		N D 001.4344.033.000
152983	09/30/15	SAN DIMAS	TARP POLY	13.04		32501		N D 001.4415.033.000
152983	09/30/15	SAN DIMAS	STRIPING PAINT	13.45		32501		N D 001.4415.033.000
152983	09/30/15	SAN DIMAS	CLAMP HOSES	4.45		32501		N D 001.4414.033.000
152983	09/30/15	SAN DIMAS	ANT&ROACH SPRAY	19.45		32501		N D 001.4414.033.000
152983	09/30/15	SAN DIMAS	SCREWS SET, NUTS	13.14		32501		N D 001.4414.033.000
152983	09/30/15	SAN DIMAS	COUNTERTOP	20.44		32501		N D 001.4414.033.000
152983	09/30/15	SAN DIMAS	HEX KEY SET	13.77		32501		N D 001.4414.033.000
152983	09/30/15	SAN DIMAS	ANT&ROACH SPRAY	13.77		32501		N D 001.4414.033.000
152983	09/30/15	SAN DIMAS	BLADE RECIP	10.87		32501		N D 001.4414.033.000
152983	09/30/15	SAN DIMAS	WT. FILLER FILE, FIBERGL	37.89		32501		N D 001.4414.033.000
152983	09/30/15	SAN DIMAS	CABLE FILTER	15.10		32501		N D 001.4430.033.000
152983	09/30/15	SAN DIMAS	AIR FURE AC PLEAT	31.04		32501		N D 001.4430.033.000
152983	09/30/15	SAN DIMAS	TEXTURE BRUSH, ROLLER	11.38		32501		N D 001.4410.033.000
152983	09/30/15	SAN DIMAS	DROP CLOTH COVER/GRAY	18.80		32501		N D 001.4410.033.000
152983	09/30/15	SAN DIMAS	MOUPELE KEY CUT	4.18		32501		N D 001.4410.033.000
152983	09/30/15	SAN DIMAS	DOUBBLE HORNET SPRAY	11.39		32501		N D 001.4410.033.000
152983	09/30/15	SAN DIMAS	WASP HOLE DOWN RUBBER	11.39		32501		N D 001.4410.033.000
152983	09/30/15	SAN DIMAS	SLITTER LATCH, STRIKE KEE	6.25		32501		N D 001.4410.033.000
152983	09/30/15	SAN DIMAS	BATTERY DURA	16.52		32501		N D 001.4410.033.000
152983	09/30/15	SAN DIMAS	FUSE TIME DELAY	16.52		32501		N D 001.4410.033.000
152983	09/30/15	SAN DIMAS	FITTING CONN ELBOWS	10.80		32501		N D 001.4410.033.000
152983	09/30/15	SAN DIMAS	MOUNT TAPE, CORD EXT.	1.72		32501		N D 001.4410.033.000

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	PO#	CLAIM	INVOICE
BANK OF AMERICA							
152983	09/30/15	SAN DIMAS HARDWARE	TERMINAL FML, DISC FML, TE	8.24			3352171731
152983	09/30/15	SAN DIMAS HARDWARE	SPRAYPAINT, STENCILS, KNI	28.95			3352171760
152983	09/30/15	SAN DIMAS HARDWARE	FLEX SEALY, MATCHES	48.92			3352171867
152983	09/30/15	SAN DIMAS HARDWARE	HEAVY DUTY BATTERY	3.10			3352171868
152983	09/30/15	SAN DIMAS HARDWARE	HEAD PHILLIPS BOX	12.32			3352171896
152983	09/30/15	SAN DIMAS HARDWARE	BIT DRILL CLAMP RAPID	52.87			3352171896
152983	09/30/15	SAN DIMAS HARDWARE	GUTTER STRAINER	801.48			*CHECK TOTAL
152984	09/30/15	SAN GABRIEL VALLEY F	GRAFFITI REMOVAL AUG/	450.00			2713
152985	09/30/15	SANDERS TOWING INC	STREET SWEEPER TOW	150.00			22766
152986	09/30/15	SMART & FINAL	SATURDAY STROLL SNACKS	12.64			127921
152986	09/30/15	SMART & FINAL	STUDENT UNION SUPPLIES	191.40			151571
152986	09/30/15	SMART & FINAL	HAPPY HR, TRIPS, LUNCH, D	194.37			151168
152986	09/30/15	SMART & FINAL	HAPPY HR, TRIPS, LUNCH,	274.02			155168
152987	09/30/15	SONSRAY MACHINERY LL	KIT, FREIGHT OUT COST	291.70			*CHECK TOTAL
152988	09/30/15	SOUTHERN CALIF	2-36-182-2067	73.57			P06970-02
152988	09/30/15	SOUTHERN CALIF	2-34-512-2560	59.82			4802
152988	09/30/15	SOUTHERN CALIF	2-34-524-2600	80.33			4802
152988	09/30/15	SOUTHERN CALIF	2-36-024-4024	14.57			4802
152988	09/30/15	SOUTHERN CALIF	2-36-182-2042	13.59			4802
152988	09/30/15	SOUTHERN CALIF	2-34-512-2512	16.65			4802
152988	09/30/15	SOUTHERN CALIF	2-34-512-2444	18.48			4802
152988	09/30/15	SOUTHERN CALIF	2-30-875-2214	1,304.30			4802
152988	09/30/15	SOUTHERN CALIF	2-31-209-6888	81.75			4802
152988	09/30/15	SOUTHERN CALIF	2-10-978-5375	34.32			4802
152988	09/30/15	SOUTHERN CALIF	2-10-992-3695	42.53			4802
152988	09/30/15	SOUTHERN CALIF	2-09-990-6695	33.17			4802
152988	09/30/15	SOUTHERN CALIF	2-31-735-6656	230.63			4802
152988	09/30/15	SOUTHERN CALIF	2-09-992-3784	178.87			4802
152988	09/30/15	SOUTHERN CALIF	2-01-194-3164	105.56			4802
152988	09/30/15	SOUTHERN CALIF	2-34-248-3054	160.07			4802
152988	09/30/15	SOUTHERN CALIF	2-34-248-3054	45,084.82			*CHECK TOTAL
152989	09/30/15	SOUTHSTAR ENGINEERIN	FOOTHILL BRIDGE PR	75,405.73			SAND-009
152990	09/30/15	SPAHR/CANDIDA	INSTR. KARATE SEPT	380.80			
152991	09/30/15	STEVENS/LARRY	REIMB-LAFCO REGISTRAT	460.00			
152992	09/30/15	SUNBELT RENTALS INC	LABOR, INSPECTION, TRAV	157.50			54016711-001

WARRANT DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
152993	09/30/15	BANK OF AMERICA					
152994	09/30/15	T-ZIGNS ETC	122.77		20140813		M D 001.4430.029.000
152995	09/30/15	TEMPLEMAN/JEFF	495.15				N D 001.4110.021.000
152996	09/30/15	TIME WARNER CABLE	75.29				N D 001.4190.020.034
152997	09/30/15	TUCKER & SON INC/ J	83.98				N D 001.4410.033.000
152998	09/30/15	TUCKER & SON INC/ J	483.79		328		N D 001.4415.033.000
152999	09/30/15	TUCKER & SON INC/ J	299.75		344		N D 001.4415.033.000
			867.52		381		N D 008.4415.033.000
					*CHECK TOTAL		
152997	09/30/15	U.S. BANK	3,277.50		4068713		N D 038.4120.020.521
152998	09/30/15	UNDERGROUND SERVICE	142.50		820150642		N D 001.4310.016.000
152999	09/30/15	UNITED ROTARY BRUSH	114.05		286552		N D 001.4342.011.002
153000	09/30/15	UNITED STORM WATER,	854.00		SW30547		N D 001.4341.024.020
153001	09/30/15	VALLEY TROPHY	70.85		20887		M D 001.4420.034.010
153002	09/30/15	VAN GAALEN CONSTRUCT	587.34		25066		N D 001.4342.020.003
153003	09/30/15	VERIZON	59.99				N D 001.4190.020.034
153004	09/30/15	VERIZON CALIFORNIA	46.08				N D 001.4410.022.003
153004	09/30/15	VERIZON CALIFORNIA	49.06				N D 001.4410.022.003
153004	09/30/15	VERIZON CALIFORNIA	47.42				N D 001.4412.022.003
153004	09/30/15	VERIZON CALIFORNIA	177.57				N D 001.4430.022.003
153004	09/30/15	VERIZON CALIFORNIA	106.91				N D 001.4411.022.003
153004	09/30/15	VERIZON CALIFORNIA	55.18				N D 008.4414.022.003
			482.22		*CHECK TOTAL		
153005	09/30/15	VISTA PAINT CORPORAT	52.23		2015-289858-00		N D 001.4345.033.000
153005	09/30/15	VISTA PAINT CORPORAT	35.04		2015-309921-00		N D 001.4345.033.000
153005	09/30/15	VISTA PAINT CORPORAT	412.48		2015-311249-00		N D 001.4345.033.000
			499.75		*CHECK TOTAL		
153006	09/30/15	WALCZAK/BEVERLY	1,026.00				M D 001.4420.020.000
153007	09/30/15	WALCZAK/JEROME	1,026.00				M D 001.4420.020.000
153008	09/30/15	WATERLINE TECHNOLOGI	239.54		5315755		N D 001.4430.033.000
153008	09/30/15	WATERLINE TECHNOLOGI	259.20		5316345		N D 001.4430.033.000
153008	09/30/15	WATERLINE TECHNOLOGI	175.17		5316689		N D 001.4430.033.000
153008	09/30/15	WATERLINE TECHNOLOGI	300.32		5316861		N D 001.4430.033.000
			974.23		*CHECK TOTAL		
153009	09/30/15	WESTERN ENVIRONMENTA	400.00		20649		N D 001.4341.028.000

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WARRANT DATE VENDOR
BANK OF AMERICA

Disbursement Journal

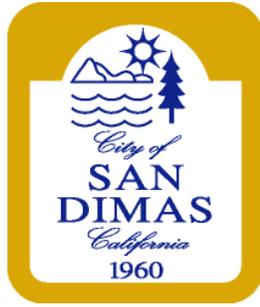
WARRANT DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#
153010	09/30/15 WILLIAMS SIGN CO	17363 LABOR, RMV&REPL.MUSC	2,556.45		15-20388	
153011	09/30/15 WKE INC	10574 FOOTHILL BRIDGE PRO	1,457.44		28	
153012	09/30/15 WOLFINBARGER INC/	17385 MULCH MIX TOP SOIL	632.20		114866	
153012	09/30/15 WOLFINBARGER INC/	17385 MULCH MIX TOP SOIL	632.20		114974	
			1,264.40		*CHECK TOTAL	
153013	09/30/15 ZALLO/ROBERT W	12267 INSTR. TAI CHI SEPT	81.60			
	BANK OF AMERICA	TOTAL	867,767.61			

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WARRANT DATE VENDOR
REPORT TOTALS:

GL540R-V07.27 PAGE 11
CITY OF SAN DIMAS
F 9 S ACCOUNT

DESCRIPTION	Disbursement Journal	CLAIM INVOICE	PO#
	AMOUNT		
	867,767.61		

RECORDS PRINTED - 000321



MINUTES
REGULAR CITY COUNCIL MEETING
TUESDAY SEPTEMBER 8, 2015, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

CITY COUNCIL:

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

STAFF:

City Manager Blaine Michaelis
Assistant City Manager Development Services Larry Stevens
Assistant City Manager Administrative Services Ken Duran
City Attorney Mark Steres
Director of Parks and Recreation Theresa Bruns
Director of Public Works Krishna Patel
Associate Planner Jennifer Williams
Associate Planner Luis Torrico
Assistant City Clerk Debra Black

1. CALL TO ORDER AND FLAG SALUTE

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

2. ANNOUNCEMENTS

- San Dimas Fitness Festival featuring the Annual 5K Run, 1 Mile Fun Run and Family Bicycle Day, September 26, 2015

Jeff Freeth, Recreation Coordinator announced the activities and events planned for the day.

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

Mayor Morris introduced Recreation Coordinator La Toya Ward who gave a brief description of the accomplishments of the participating swimmers, after which Mayor Morris read the proclamation presented to the swimmers. The Mayor invited the swimmers and parents to take pictures of the presentations.

2. **ORAL COMMUNICATIONS** (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time 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) Evan Celaya Executive Board President at San Dimas High School announced some of the upcoming activities and events.
- 2) John Begin property owner addressed Council regarding a trailer placed on the site of a potential development project that was issued a citation by Code Enforcement.

City Attorney Mark Steres explained it would not be appropriate for Council to address the matter presented by Mr. Begin since it is currently being managed at the staff level.

- 3) Michael Kelley Principal San Dimas High School announced Community Night at the football game.
- 4) Raymond Foster Master of San Dimas Masonic Lodge and Rotary Club member announced upcoming events and activities.
- 5) Margie Green San Dimas Western Days announcements and activities.

4. CONSENT CALENDAR

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

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

RESOLUTION 2015- 44, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF AUGUST AND SEPTEMBER 2015

- b. Approval of minutes for regular City Council meeting of August 25, 2015
- c. Approve Resolution 2015- 45 Authorizing Application for Grant Funding from the California State Parks Habitat Conservation Fund for the San Dimas Northern Foothills Trails Project connecting trails to Horsethief Canyon Park

RESOLUTION 2015-45, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE HABITAT CONSERVATION FUND PROGRAM

- d. Proclamation to recognize “Freedom From Workplace Bullies Week”
- e. Proclamation to recognize “Patriotism Week”

MOTION: A motion was made by Councilmember Bertone seconded by Councilmember Ebner to approve the consent calendar as presented. Motion carried unanimously.

Yes: Badar, Bertone, Ebner, Templeman, Morris

END OF CONSENT CALENDAR

5. PUBLIC HEARING

- a. **MUNICIPAL CODE TEXT AMENDMENT 15-04**, A request to amend the uses and parking requirements in Specific Plan No. 9 and other miscellaneous edits. **Planning Commission recommended approval 4-1 at their meeting of August 20, 2015.**

ORDINANCE 1235, ADOPTION OF MUNICIPAL CODE TEXT AMENDMENT 15-04 TO AMEND THE USES AND PARKING REQUIREMENTS IN SPECIFIC PLAN NO. 9 AND OTHER MISCELLANEOUS EDITS (FIRST READING AND INTRODUCTION)

Jennifer Williams Associate Planner presented staff’s report on this item.

Recommended Action: Receive staff report and read ordinance title.

Councilmember Ebner asked if street parking is currently allowed on Foothill Blvd. and if there were any plans to change one way or another?

Mrs. Williams answered currently parking is permitted but Public Works will be working on scaling some of it back so that it does not interfere with the drive isle and visibility issues.

Councilmember Ebner stated that he didn’t feel the parking issue was being addressed properly if DWP does not renew the lease and parking became an issue as a result of losing parking spaces. He asked staff what they envisioned if this were to occur.

Mrs. Williams responded that the owner will need to be selective about tenants; however staff does have a condition where they could review the conditions and operations.

Councilmember Ebner asked what made this specific plan different in that daycare and churches are prohibited.

Responding to Councilmember Ebner, Assistant City Manager of Community Development Larry Stevens stated that the requirements associated with a daycare would not fit on this property. He added that assembly uses for churches present unique problem in terms of demands and impacts on parking.

Mayor Morris opened the public hearing at 7:50 p.m.

Mr. Simison spoke to the lease negotiations with DWP, parking needs, and the success of tenants at the location.

Mayor Morris called for anyone speaking in opposition to the item. No one presented and the public hearing was closed and brought back to Council for discussion and decision at 7:55 p.m.

Council all shared their comments in support of this project.

MOTION: A motion was made by Councilmember Badar, seconded by Councilmember Bertone to waive further reading and introduce Ordinance 1235. The motion passed unanimously

Yes: Badar, Bertone, Ebner, Templeman, Morris

6. PLANNING/DEVELOPMENT SERVICES

a. CONSIDERATION OF PRECISE PLAN 15-01 AND DPRB CASE NO. 15-12

A request to construct a 5,400 square foot two-story office building behind an existing 3,552 square foot one-story building located at 432 E. Foothill Boulevard. The existing one-story building will also be remodeled to match the new building and the parking lot will be improved to meet parking requirements. (APN: 8661-018-026) **Planning Commission recommended approval 5-0 on August 20, 2015**

RESOLUTION 2015- 46, APPROVING PRECISE PLAN 15-01 AND DEVELOPMENT PLAN REVIEW BOARD CASE NO. 15-12, A REQUEST TO CONSTRUCT A 5,400 SQUARE FOOT TWO-STORY OFFICE BUILDING, REMODEL THE EXISTING BUILDING AND COMPLETE SITE IMPROVEMENTS AT 432 E. FOOTHILL BOULEVARD WITHIN THE COMMERCIAL HIGHWAY AND SCENIC HIGHWAY OVERLAY ZONES (APN: 8661-018-026)

Recommended Action: Read title and approve Resolution 2015-46.

Associate Planner Luis Torrico presented staff's report on this item.

Representative for the property owner thanked staff and responded to concerns of sound issues.

Motion: A motion was made by Councilmember Bertone, seconded by Councilmember Badar to waive further reading and approve Resolution 2015-46. The motion passed unanimously.

Yes: Badar, Bertone, Ebner, Templeman, Morris

7. OTHER BUSINESS

- a. Approve recommendation to waive formal bidding procedures to provide for the timely replacement of the roof on the Monte Vista Apartments.

RESOLUTION 2015-47, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, DECLARING AN EMERGENCY CONDITION AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR REROOFING OF THE MONTE VISTA APARTMENTS, A SENIOR HOUSING FACILITY, WITHOUT NOTICE FOR BIDS PURSUANT TO CALIFORNIA PUBLIC CONTRACT CODE §§ 1102, 20168, 22050 & SAN DIMAS MUNICIPAL CODE § 8.28.020

Recommended Action: Read title and adopt Resolution 2015-47.

City Manager Blaine Michaelis presented staff's report on this item.

City Attorney Steres explained the Public Contracts Code allowing the emergency declaration.

Councilmember Templeman asked about needing an experienced roof inspector for the project.

In response Assistant City Manager of Community Development Larry Stevens stated that staff will be using an outside expert to make sure the specs are appropriate and city staff will go through the normal inspection process once someone is selected.

MOTION: A motion was made by Councilmember Badar seconded by Councilmember Templeman to waive further reading and adopt Resolution 2014-47. The motion carried unanimously.

Yes: Badar, Bertone, Ebiner, Templeman, Morris

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. Update on proposal of hotel project ...study session on September 22, 5:30 p.m.

- c. City Attorney

Nothing to report.

- d. Members of the City Council

1) Appointment to Parks & Recreation Commission

Councilmember Ebner announced recommendation of Paul McClure for appointment to Parks & Recreation. Second by Mayor Morris. The recommendation passed unanimously.

Yes: Badar, Bertone, Ebner, Templeman, Morris

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

Nothing to report

3) Individual Members' comments and updates.

Councilmember Templeman expressed concern over the utility company's markings at various locations in the city.

Director of Public Works Krishna Patel shared an update on projects and that staff is also concerned with this issue.

Councilmember Ebner gave update on city's water conservation.

Councilmember Badar announced San Dimas Day at the Fair.

Mayor Morris shared a commendation given to city staff member Ann Garcia from a member of the public.

9. ADJOURNMENT

The next meeting will be a Study Session at 5:30 p.m. to report on the results of a Hotel Feasibility Study followed by the regular meeting at 7:00 p.m. on September 22, 2015.

Respectfully submitted,

Debra Black
Assistant City Clerk



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of September 8, 2015

FROM: Blaine Michaelis, City Manager

INITIATED BY: Planning Commission at Request of Eric Simison

SUBJECT: **Municipal Code Text Amendment 15-04;** A request to amend the uses and parking requirements in Specific Plan No. 9 and other miscellaneous edits

The Planning Commission recommended approval on a 4-1 vote at its August 20, 2015 meeting.

SUMMARY

Municipal Code Text Amendment 15-04 would amend the uses and parking requirements in Specific Plan No. 9 as well as provide other miscellaneous updates.

This MCTA was initiated at the May 7, 2015 Planning Commission Meeting and the draft text was reviewed by the Planning Commission at its August 20, 2015 meeting. Staff and the Planning Commission are recommending approval to the City Council.

BACKGROUND

The August 20, 2015 Planning Commission Staff Report is attached as Exhibit A and contains background and analysis of the issue. The Planning Commission Minutes and Resolution are also attached as Exhibits B and C.

SUMMARY OF PLANNING COMMISSION COMMENTS

The majority of comments revolved around the inability of the parking lot to be guaranteed in perpetuity and potential issues that could arise if the parking lot was to be established, more intense uses were permitted, and then the parking lot was to be discontinued at a later time. As a whole the Planning Commission was comfortable with the tools available to the City to remedy issues that may arise and with the language, uses, and amendments proposed as a whole.

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council adopt Ordinance 1235 approving Municipal Code Text Amendment 15-04.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Jennifer Williams".

Jennifer Williams
Associate Planner

ATTACHMENTS

Ordinance 1235

EXHIBITS

Exhibit A- August 20, 2015 Planning Commission Staff Report
Exhibit B- Excerpt of Draft Minutes of August 20, 2015 Planning Commission Meeting
Exhibit C- Resolution PC 1543

ORDINANCE 1235

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS,
COUNTY OF LOS ANGELES DOES ORDAIN AS FOLLOWS:**

**ADOPTION OF MUNICIPAL CODE TEXT AMENDMENT 15-04 TO AMEND THE USES
AND PARKING REQUIREMENTS IN SPECIFIC PLAN NO. 9 AND OTHER
MISCELLANEOUS EDITS**

SECTION 1. Title 18 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 by the City Council of the City of San Dimas this 22nd day of September, 2015, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:**

Curtis W. Morris, Mayor City of San Dimas

ATTEST:

Approved as to form:

Debra Black, Assistant City Clerk

Mark Steres, City Attorney

I, DEBRA BLACK, ASSISTANT CITY CLERK of the City of San Dimas, do hereby certify that Ordinance 1235 was introduced at a regular meeting of the City Council of the City of San Dimas on the 8th day of September, 2015, and thereafter passed and adopted at a regular meeting of said City Council held on the 22nd day of September, 2015.

Debra Black, Assistant City Clerk

Exhibit A

Municipal Code Text Amendment 15-04 Specific Plan No. 9

18.514.010 Location.

Specific Plan No. 9 applies to the area located west of San Dimas Canyon Road, north of Foothill Boulevard. See Exhibit A for location.

18.514.020 Purpose and intent.

- A. The purpose of Specific Plan No. 9 is to provide for the classification and development of parcels of land as a coordinated comprehensive project so as to take advantage of the superior environment which will result from large scale community planning. The regulations established by Specific Plan No. 9 are intended to allow a diversity of uses and development standards created specifically for the project area while ensuring substantial compliance with the spirit, intent and provisions of other portions of this code. Alternative development standards have been incorporated in this specific plan in return for development sensitivity and increased amenities to serve the inhabitants of this and surrounding community areas.
- B. Development standards are proposed to achieve the following objectives:
 - 1. To conserve the scenic qualities of the area;
 - 2. To provide an enriched scenic highway environment with aesthetic cohesiveness, harmonious massing of structures, and interfacing of open space through the utilization of superior land planning and architectural design.

18.514.030 General provisions.

- A. Unless otherwise specified, all development standards within Specific Plan No. 9 shall comply with other provisions of this title. Terms used in this chapter shall have the same meaning as defined elsewhere in this code unless otherwise defined in this chapter.
- B. Any details or issues not specifically covered by this specific plan shall be subject to the regulations of this code.

- C. All references in this chapter relate to ordinances contained in this code as currently written unless expressly provided to the contrary. In the event that any conditions or terms in this chapter is declared illegal or unenforceable, the other terms and conditions shall remain in full force and effect to the full extent permitted by law.
- D. The specific plan is an instrument for guiding, coordinating and regulating the development of property within the area designated on the area map attached to this chapter as Exhibit A. The plan replaces the usual zoning regulations as stated in this chapter. 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.

18.514.040 Uses in specific plan areas.

Attached to this chapter as Exhibit A and incorporated in this chapter by this reference is the “specific plan map” establishing specific land use areas within Specific Plan No. 9, which land uses are designated in this chapter as areas one, two, three, four and five. Buildings, structures, and land shall be used and buildings and structures shall hereafter be erected, structurally altered, modified or enlarged only for the uses permitted in each area as provided in Sections 18.514.050 through 18.514.090. All uses and storage shall be conducted within a totally enclosed building with exception of nursery stock or as approved by conditional use permit.

18.514.050 Area One—Residential planned development.

- A. Purpose. The purpose of the RPD (residential planned development) area is to promote residential amenities beyond those expected under a conventional development, to achieve greater flexibility in design, to encourage well planned neighborhoods through creative and imaginative planning as a unit, and to provide for appropriate use of land which is sufficiently unique in its physical characteristics or other circumstances to warrant special methods of development.
- B. Permitted Uses. Permitted uses in area one are as follows:
 - 1. Open space uses as permitted in the open space zone as described in Chapter 18.124 of this title;
 - 2. Household pets as described and regulated in Chapter 18.20 Residential Zones Generally;
 - 3. Planned residential development, subject to precise plan review and approval by the planning commission and city council in accordance with Section 18.514.100.

- C. Development Standards. Development standards in area one are as follows:
1. All development standards of the residential planned development zone, Chapter 18.52 of this title;
 2. Minimum lot area shall be five acres;
 3. Visitor parking shall be provided in the ratio of one space for each two dwelling units, and shall be conveniently located to the units served.

18.514.060 Area Two—Commercial.

- A. Purpose. The purpose of area two is to provide for the integration of a wide range of goods and services as well as recreational facilities for the community within a physically unified commercial center.
- B. Permitted Uses. Permitted uses in area two are as follows:
1. Those uses listed as permitted uses in the C-N, A-P and C-H zones.
- C. Conditional Uses. The following uses may be permitted subject to a conditional use permit pursuant to Chapter 18.200:
1. Those uses listed as conditional uses in the C-N zone;
 2. Indoor recreational facilities, except for coin or token operated games of skill.
- D. Development Standards. All development standards of the C-N zone shall apply.
- E. Reciprocal Access and Parking. Reciprocal access, maintenance and parking agreements shall be required when deemed necessary by the director of community planning and shall be in a form and content satisfactory to the director of community development and the city attorney.

18.514.070 Area Three—Administrative- professional.

- A. Permitted Uses. Permitted uses in area three are those uses listed as permitted uses in the A-P zone.
- B. Development Standards. Development standards in area three are as follows:
1. Building height, maximum three stories;

2. Signs. The provisions of Chapter 18.152 and the center's master sign program shall apply;
3. Lighting. All outside lighting shall be so arranged and shielded as to prevent any glare or reflection, any nuisance, inconvenience or hazardous interference of any kind on adjoining rights-of-way or property. No light standard shall exceed a height of fifteen feet;
4. Utilities. All utilities provided to serve new as well as existing uses and buildings shall be installed underground except as otherwise provided for in the approved precise site plan;
5. Trash Storage. City standard plan trash storage areas shall be provided in locations approved on the precise plan;
6. Landscaping. The provisions of Chapter 18.14 shall apply;
7. The provisions of Chapter 18.156 shall apply;
8. Reciprocal Access and Parking. Reciprocal access, maintenance and parking agreements may be required of the developer satisfactory to the director of planning and the city attorney where appropriate due to site design considerations.

18.514.080 Area Four—Highway retail.

- A. Purpose. To provide a suitable commercial use on a freestanding irregularly shaped parcel.
- B. Parking Requirements and Use and Availability of Overflow Parking Lot

The existing parking improvements within Area 4 provide the required parking for the existing office development at a ratio of 1 space for each 250 square feet of floor area. Should a parking lot be established within Area 5 to serve the existing development in Area 4, it will be an overflow parking lot only and will not be considered required parking.

C. Permitted Uses

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

1. Administrative, financial, professional and sales offices.

2. General research facilities, provided that such facilities shall not include the testing or use of materials, chemicals, products or technologies which are primarily found in industrial or “high-tech” facilities.
3. Accessory Uses. Accessory uses shall be permitted provided that such use is a secondary and incidental use to a permitted use in this specific plan. The appropriateness of the associated use shall be determined by the director of development services. The accessory use shall not occupy more than forty-nine percent of the tenant space excluding hallways, bathrooms, lunch rooms, offices, locker rooms and storage rooms;
4. Other uses which are consistent with the intent and provisions of the specific plan, as determined by the director of development services, in accordance with Section 18.192.040. The determination of the director of development services may be appealed to the development plan review board and thereafter to the city council in accordance with Chapter 18.212 of this title.

D. Additional Uses Permitted in Conjunction with Overflow Parking Lot

These uses shall only be permitted in conjunction with the availability and use of the overflow parking lot in Area 5 for the benefit of the development in Area 4. Should at some future time after its development the overflow parking lot becomes unavailable and businesses with uses listed in Section 18.514.080(D) or (E) have been established, then those businesses that were established legally shall be permitted to remain with no future expansion and all new businesses shall be limited to operating with uses permitted under Section 18.514.080(C).

When any of the uses below are operated in Area 4 and there is evidence of poor distribution of use and/or parking and/or inadequate management of on-site parking in Area 4 or overflow parking in Area 5, the planning commission may initiate a review of the circumstances and establish conditions on the management and operation of parking and uses within the development.

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

1. Medical office to include, but not be limited to, such uses as medical clinics, dental, and optometry;
2. Financial institutions, including banks, savings and loan associations, and credit unions;

3. Public uses, including government agencies, utility company offices, museums, art galleries and similar uses.
4. Special service agencies, including travel agencies, telephone exchanges, employment agencies and similar uses.
5. Service business to include, but not be limited to, nail shop, barber and beauty shop, shoe repair, watch repair and dry cleaners, etc.
6. Retail businesses other than automobile, boat and recreational vehicle sales and services.
7. Specialty retail, food, and convenience stores.
8. Day spas with or without accessory massage only;
9. Restaurants, provided that they not contain drive-in or drive-through service;
10. 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 10.08.007 of this title.
11. Accessory massage permitted with the following primary businesses: barbershop, beauty shop, athletic club, day spa, medical doctor's office and similar uses.
12. Accessory Uses. Accessory uses shall be permitted provided that such use is a secondary and incidental use to a permitted use in this specific plan. The appropriateness of the associated use shall be determined by the director of development services. The accessory use shall not occupy more than forty-nine percent of the tenant space excluding hallways, bathrooms, lunch rooms, offices, locker rooms and storage rooms;
13. Other uses which are consistent with the intent and provisions of the specific plan, as determined by the director of development services, in accordance with Section 18.192.040. The determination of the director of development services may be appealed to the development plan review board and thereafter to the city council in accordance with Chapter 18.212 of this title.

E. Conditional Uses Permitted in Conjunction with Overflow Parking Lot

These uses shall only be permitted in conjunction with the availability and use of the overflow parking lot in Area 5 for the benefit of the development in Area 4. Should at some future time after its development the overflow parking lot becomes unavailable and businesses with uses listed in Section 18.514.080(D) or (E) have been established, then those businesses that were established legally shall be permitted to remain with no future expansion and all new businesses shall be limited to operating with uses permitted under Section 18.514.080(C).

When any of the uses below are operated in Area 4 and there is evidence of poor distribution of use and/or parking and/or inadequate management of on-site parking in Area 4 or overflow parking in Area 5, the planning commission may initiate a review of the circumstances and establish conditions on the management and operation of parking and uses within the development.

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

1. On-sale alcoholic beverages, provided that such use is secondary and incidental use to a permitted use in this zone;
2. On-site brewing and service of beer produced on the premises, provided that such use is secondary and incidental to a restaurant. The brewing component shall be limited to a maximum production of 5,000 barrels per year unless an increased production volume is granted by the Planning Commission to support the commercial business after finding that the production volume and operations are compatible with the subject site and its surroundings during review of the Conditional Use Permit;
3. Off-sale alcoholic beverages provided that such use is secondary and incidental to a permitted primary use;
4. Instructional physical activities to include, but not be limited to, uses such as pilates, yoga, personal trainers, dance studios, and martial arts studios;
5. Veterinary, pet grooming and pet hotel;
6. Accessory game arcade consisting of seven or more machines within an indoor recreation facility;

F. Prohibited uses.

The following uses are prohibited:

1. Fortunetelling;
 2. Massage as a primary use;
 3. Child care facility;
 4. Educational institutions;
 5. Vocational schools;
 6. Church and related facilities;
 7. Tattoo and/or piercing parlors;
 8. Hookah and/or smoking lounge including electronic cigarettes;
 9. Industrial uses;
 10. Billboards and other similar off-site outdoor advertising structures;
 11. Game arcades other than accessory game arcades specifically authorized in this chapter;
 12. Check cashing stores;
 13. Gold exchange stores;
 14. Community centers and meeting halls;
 15. Other uses which are inconsistent with the intent and provisions of the zone, as determined by the director of development services, in accordance with Section 18.192.040. The determination of the director of development services may be appealed to the development plan review board and thereafter the city council in accordance with Chapter 18.212 of this title.
- G. Development Standards. Development standards in area four are as established in the development plan review process subject to Chapter 18.12.

18.514.090 Area Five—Open space.

- A. Purpose. The purpose of area five is to preserve the existing department of water and power right-of-way area for passive outdoor recreational activities and for the public health and safety. It is also the intent to provide for the continuation of the city horse trail system through this area in order to link existing trails for the furtherance of the goals and objectives of the circulation element of the city general plan.
- B. Permitted Uses. Permitted uses are those general and specific uses listed in Chapter 18.124, as amended, and parking lots, subject to review and approval pursuant to the procedure provided in Section 18.12.

18.514.100 Plan review and applications for development. Plan review and applications for development shall be required as established under Chapter 18.12.

EXHIBIT A

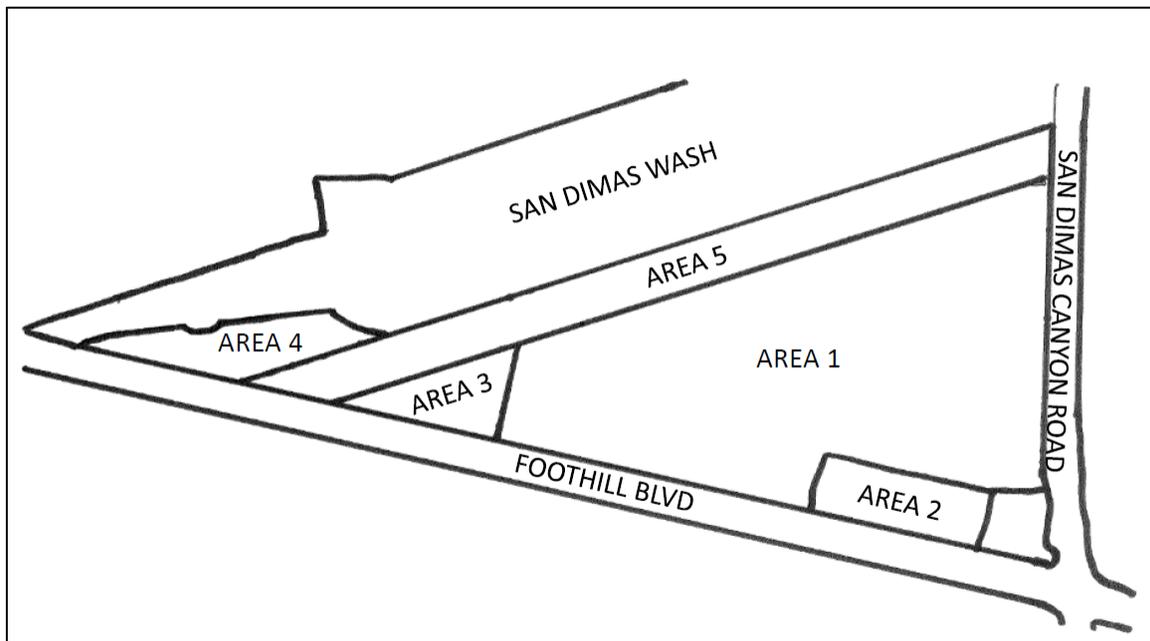


EXHIBIT A

August 20, 2015 Planning Commission Staff Report

See Attached- 29 Pages



Planning Commission Staff Report

DATE: August 20, 2015

TO: Planning Commission

FROM: Jennifer Williams, Associate Planner

SUBJECT: Municipal Code Text Amendment 15-04; A request to amend the uses and parking requirements in Specific Plan No. 9 and other miscellaneous edits

BACKGROUND

On May 7, 2015 the Planning Commission initiated a Municipal Code Text Amendment to amend the uses and parking requirements in Specific Plan No. 9. The request for the amendment came from the owner of the Canyon Trail Plaza, whose development is located within Specific Plan No. 9, Area 4 and who wishes to expand the uses permitted within his development as well as develop a parking lot on the adjacent DWP-owned property. The parking lot would be located within Specific Plan No. 9, Area 5 and serve Canyon Trail Plaza as overflow parking through a long term lease with the DWP.

In conjunction with the applicant's request, Staff has analyzed the entire Specific Plan in an effort to look at the plan comprehensively and identify other areas that are in need of updates.

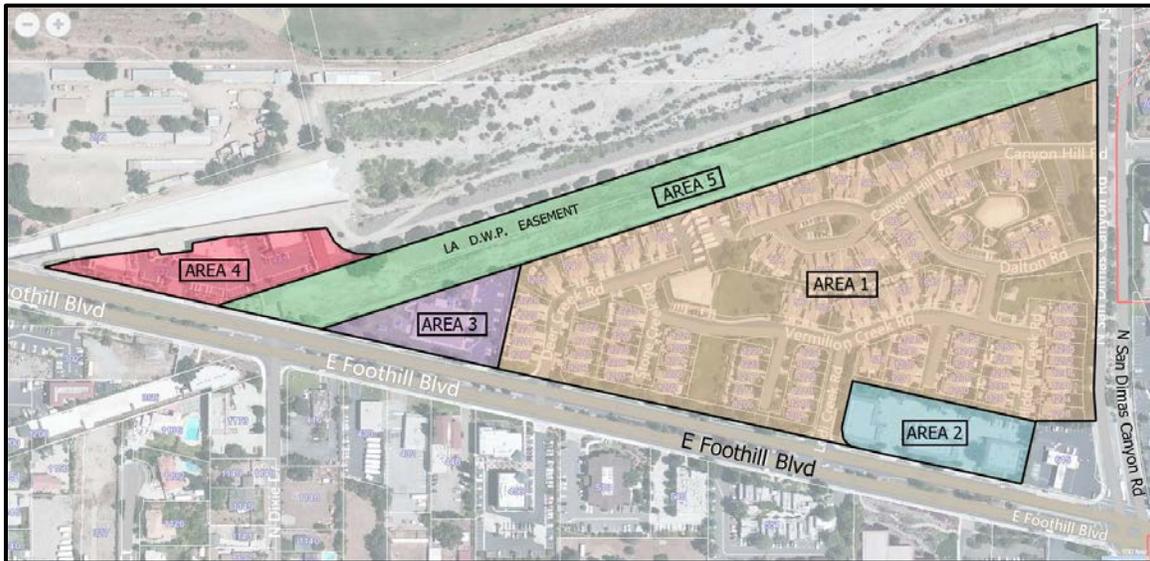
A summary of the proposed changes is provided below and discussed in more depth in the Analysis section of this report. The entireties of the changes are reflected in the attachments to the draft resolution.

- Area 1- No Change
- Area 2- Deletion of Unnecessary Use Determination Text
- Area 3- References Included to Applicable Code Sections
- Area 4- Creation of Use List in Consideration of Overflow Parking Lot
- Area 5- Parking Lots Added as a Permitted Use
- General- Change of Review Process from Precise Plan Review by City Council to Development Plan Review by Board
- Update of Specific Plan Map to reflect "As Developed" conditions
- Elimination of outdated legal description of Specific Plan area

Overview of Specific Plan No. 9

Specific Plan No. 9 was created in 1981 with five areas:

- Area 1- Residential Planned Development
- Area 2- Commercial
- Area 3- Administrative Professional
- Area 4- Highway Retail
- Area 5- Open Space



Area 1, Residential Planned Development consists of approximately 16 acres and contains 124 townhomes that were constructed between 1984-1987 and are known as “Canyon Hill.” Access to the development is provided by San Dimas Canyon Road and Foothill Boulevard.



Purpose

SDMC Section 18.514.050(A) states that the purpose of Specific Plan No. 9, Area 1 is to promote residential amenities beyond those expected under a conventional development, to achieve greater flexibility in design, to encourage well planned neighborhoods through creative and imaginative planning as a unit, and to provide for appropriate use of land which is sufficiently unique in its physical characteristics or other circumstances to warrant special methods of development.

Uses

Area 1 permits open space, household pets, and planned residential development subject to the precise plan review process.

Development Standards

The development standards for Area 1 are those of the RPD zone (SDMC 18.52) with a minimum required site area of 5 acres.

Area 2, Commercial consists of approximately 1.4 acres and includes three buildings totaling approximately 15,000 square feet that were developed on the same rectangular parcel in 1991. Tenants include a mortgage lender, realty office, chiropractor, and dental office, among others. Access to the site is provided off of Foothill Boulevard.



Purpose

SDMC Section 18.514.060(A) states that the purpose of Specific Plan No. 9, Area 2 is to provide for the integration of a wide range of goods and services as well as recreational facilities for the community within a physically unified commercial center.

Uses

Area 2 permits all of the uses listed in the C-N, A-P, and C-H zones and incidental and secondary uses subject to review and approval by the Director of Community Development. It conditionally permits the uses listed as conditional in the C-N zone with the addition of indoor recreational facilities.

Development Standards

The development standards for Area 2 are those of the C-N zone with an added provision that reciprocal access, maintenance and parking agreements shall be required when deemed necessary by the director of community planning.

Area 3, Administrative Professional consists of a triangular parcel of approximately 1.1 acres with one building of approximately 7,600 square feet that was developed in 1986 as a day care facility. The current occupant is KinderCare. Access to the site is provided off of Foothill Boulevard.



Purpose

Unlike the text for other areas within Specific Plan No. 9, a stated purpose is not provided for Area 3.

Uses

Area 3 permits all of the uses listed as permitted uses in the A-P zone.

Development Standards

The development standards for Area 3 provide general requirements related to maximum building height, signage, lighting, utilities, trash storage, landscaping, off-street parking, and reciprocal access, maintenance, and parking.

Area 4, Highway Retail is comprised of irregular shaped parcels totaling approximately 1.5 acres. The site was developed in 2007 as an office complex, “Canyon Trail Plaza,” with four buildings totaling approximately 17,000 square. Tenants include Sea West Enterprises Corporate office, a variety of office tenants such as a State Farm Insurance Office, Tolan and Tolan Financial Advisers, and others, and Twisted Sage Café.



Purpose

SDMC Section 18.514.080(A) states that the purpose of Specific Plan No. 9, Area 4 is to provide for a suitable commercial use on a freestanding irregularly shaped parcel.

Uses

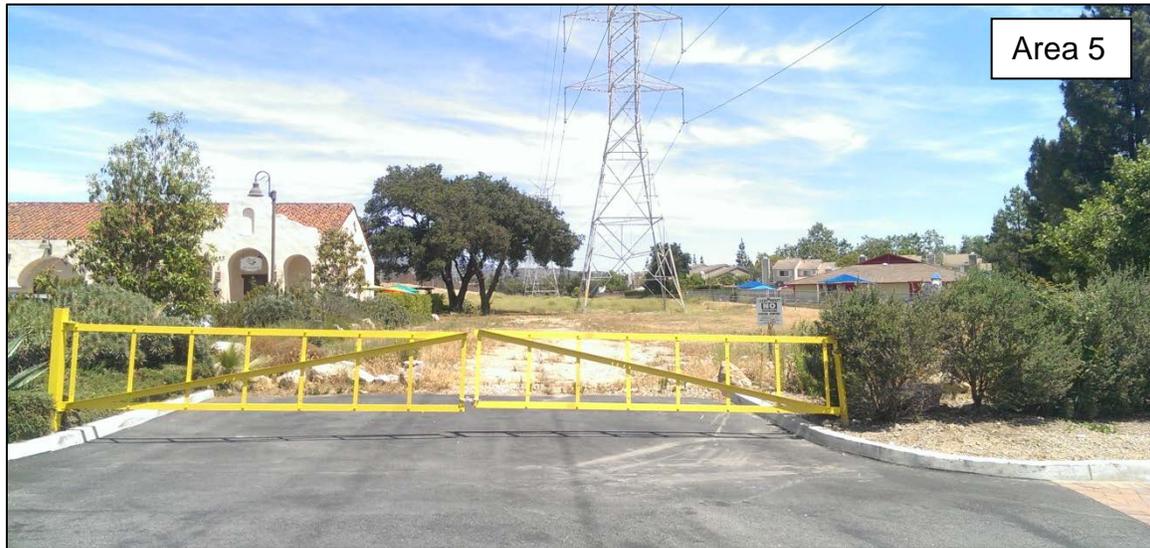
Permitted uses in Area 4 are as approved by the Planning Commission and City Council pursuant to the following findings:

1. The use is compatible with retail uses established in the General Plan;
2. The proposed use will further promote the purpose and intent of the Specific Plan;
3. The proposed use is the highest and best use of the parcel;
4. The proposed use is not detrimental to surrounding property and uses and will promote the public health, safety and welfare.

Development Standards

Development standards in Area Four are as established in the precise plan review provided that all requirements for the use plan approval are met.

Area 5, Open Space is owned by the Department of Water and Power and contains major transmission lines. Per the Specific Plan, the purpose of this area is to preserve the existing right-of-way for passive outdoor recreational activities and to provide for the continuation of the city horse trail system through this area in order to link existing trails.



Purpose

SDMC Section 18.514.090(A) states that the purpose of Specific Plan No. 9, Area 5 is to preserve the existing department of water and power right-of-way area for passive outdoor recreational activities and for the public health and safety. It is also the intent to provide for the continuation of the city horse trail system through this area in order to link existing trails for the furtherance of the goals and objectives of the circulation element of the city general plan.

Uses

Permitted uses in Area 5 are those listed in the Open Space zone subject to review and approval of the Precise Plan process.

Development Standards

Development standards in Area Five are as established in the Precise Plan review.

ANALYSIS

Existing Uses and Parking Requirements for Area 4- Canyon Trail Plaza

In most zones throughout the Municipal Code permitted and conditionally permitted uses are specifically listed. In Area 4 there is no use list, and uses are subject to review and approval by the Planning Commission and City Council subject to certain findings.

When Specific Plan No. 9 was written the site was not yet developed and the existing text was written to allow the Planning Commission and City Council input on appropriate uses for future development given the irregular shape of the parcel. Since then, the currently developed project was constructed as an office development and anticipated for professional office uses. Parking was developed at an office ratio of 1 space provided for each 250 square feet of floor area.

On May 19, 2010 the Planning Commission approved a Classification of Use Determination (CUD 09-04) to permit two additional uses:

1. Research facility
2. Restaurant use with no drive-in or drive-through services or alcohol sales

Conditional Use Permit (CUP) 10-01 was also approved by the Planning Commission the same night and provided for a Shared Parking Agreement to accommodate the restaurant use. It essentially restricted the use of another underutilized tenant space within the development during the hours of operation of the restaurant so that the parking spaces allotted for that use could be used by the restaurant. Conditional Use Permit 11-06 was later processed to modify the prior CUP and Shared Parking Agreement due to a desire by the owner of the restaurant to expand its use, hours, and days of operation and placed additional restrictions on other tenant spaces.

Existing Uses for Area 5- Open Space

Area 5 is designated as Open Space and permitted uses are those general and specific uses listed in Chapter 18.124- Open Space subject to review and approval through the Precise Plan process. Those uses generally include open space for preservation and production of natural resources, open space for outdoor recreation, and open space for public health and safety. The permitted uses do not include parking lots; however parking lots have historically been permitted under the DWP right-of-way.

Applicant's Request

The following is a summary of the applicant's request. Analysis follows.

1. Amend the uses and the parking requirements in Specific Plan No. 9, Area 4 to allow for additional uses such as convenience goods and service businesses, specialty commercial uses, and retail uses within Canyon Trail Plaza; and
2. Amend the uses in Specific Plan No. 9, Area 5 (Open Space) to clarify the allowance of the development of a parking lot. Development Plan Review Board review and approval is required for the design of the parking lot and was granted on June 11, 2015.

The applicant recently approached Staff with a request for a use list to be incorporated into the Specific Plan area that regulates the development under his ownership, "Canyon Trail Plaza," which is located in Area 4. The use list would allow more flexibility in uses in the development than the existing standards permit as well as simplify the process for businesses wishing to locate to the site or expand within the site. The applicant is requesting uses with higher parking requirements than the current development provides at the current ratio of 1:250 (such as restaurants at 1:75 and retail and service businesses at 1:225).

The applicant is requesting consideration of the uses in light of their plan for the proposed development of a parking lot on the adjacent Los Angeles Department of Water and Power (DWP)-owned parcel located within Area 5 (see Exhibit B-Parking Lot Layout). The applicant has submitted and won a bid to lease the DWP property adjacent to their subject property for Vehicle Parking and Landscaping, is working on a 30 year lease term, and has provided a copy of the "Confirmation of Oral Bid for License" to the City. The applicant obtained Development Plan Review Board approval for the development of the parking lot with a total of 43 parking spaces on June 11, 2015.

ISSUES

Parking

The DWP restricts its property from being used to fulfill any Code required parking. Furthermore, the City cannot have complete assurance that the DWP, the current owner, or future owners will not terminate the lease or discontinue the use of the parking lot at some time in the future.

Regardless, the City may want to consider flexibility in parking requirements to allow a more diverse allowance of uses at this development. In 2014 changes were made to the parking code (SDMC Chapter 18.156) to allow for parking flexibility for additional uses in major shopping centers. Specifically, in the Applicability Section (18.156.020) it is stated that:

“Parking facilities, pursuant to this chapter, shall be provided for any building constructed or enlarged or for any change in use of an existing building where such use intensifies the required number of parking spaces, ***except for major shopping centers where additional parking is not required for uses which increase such intensity.***”

A general requirement was also added in SDMC 18.156.040(I) that

“For major shopping centers, when uses with more intense parking exceed thirty percent of the total floor area and when there is evidence of poor distribution of use and/or parking and/or inadequate management of shared parking, ***the planning commission may initiate a review of the circumstances and establish conditions on the management and operation of parking and uses within the major shopping center.***”

Essentially, this allowed flexibility of the uses in light of developed, built-out parking, put more of the burden of management of the parking lot and shopping centers on the property manager, and provided an avenue for the City to become involved and put conditions on the management and operation of the parking and uses if problems were to arise in the future.

The subject site cannot be considered a major shopping center and does not qualify for the flexibility allowed under the existing parking code. However, there are unique characteristics to this request in that:

1. The subject properties are somewhat separated from others geographically and as such may be less likely to negatively impact surrounding developments;
2. Most developments don't have the option to develop potential overflow parking lots on adjacent parcels;
3. The applicant is attempting to invest in the parking lot improvements and formalize a long term 30 year lease for its use and maintenance; and
4. The property is located in a Specific Plan so it may be an opportunity to “test” the parking flexibility on a smaller site before applying flexible interpretations city-wide.

As such, Staff is recommending addressing the issue by adding language that qualifies the parking provided for the existing development as meeting the required parking for office uses and allowing additional permitted and conditionally permitted uses to be conducted in Area 4 so long as the overflow parking lot in Area 5 is developed to serve and benefit the development within Area 4.

“The existing parking improvements within Area 4 provide the required parking for the existing office development at a ratio of 1 space for each 250 square feet of floor area. Should a parking lot be established within

Area 5 to serve the existing development in Area 4, it will be an overflow parking lot only and will not be considered required parking.”

The following draft language is proposed to be included with the use lists to ensure that new more intense uses than office uses are only permitted in conjunction with the overflow parking lot, to address businesses that may be existing if the parking lot were to be discontinued, and to address potential parking problems should they arise:

“These uses shall only be permitted in conjunction with the availability and use of the overflow parking lot in Area 5 for the benefit of the development in Area 4. Should at some future time after its development the overflow parking lot becomes unavailable and businesses with uses listed in SDMC 18.514.080(D) or (E) have been established, then those businesses that were established legally shall be permitted to remain with no future expansion and all new businesses shall be limited to operating with uses permitted under SDMC 18.514.080(C).

When any of the uses below are operated in Area 4 and there is evidence of poor distribution of use and/or parking and/or inadequate management of on-site parking in Area 4 or overflow parking in Area 5, the planning commission may initiate a review of the circumstances and establish conditions on the management and operation of parking and uses within the development.”

OTHER AMENDMENTS

The current text requires Precise Plan review by the City Council for most development applications while the proposed text switches that review authority to the Development Plan Review Board. This will alleviate the burden of a high level of review for projects such as building alterations. So long as development is located within the Scenic Highway Overlay it will still be subject to the Precise Plan review process including City Council review; however, if this requirement of the Scenic Highway Overlay is amended in the future, the code text for Specific Plan No. 9 will not have to be revised again.

Other amendments to Specific Plan No. 9 are primarily clean-up items which consist of:

- Language changes
- References to standards in other sections of the code
- Updating the Specific Plan Map to reflect “As Developed” conditions
- Eliminating the outdated legal description of the Specific Plan area

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of Municipal Code Text Amendment 15-04 to the City Council.

Respectfully Submitted,

A handwritten signature in black ink that reads "Jennifer Williams". The signature is written in a cursive, flowing style.

Jennifer Williams
Associate Planner

Exhibit A- Letter from Applicant
Exhibit B- Conceptual Parking Lot Plan
Exhibit C- List of Requested Uses
Exhibit D- Existing Code Text

Resolution PC-1543

EXHIBIT A

Letter from Applicant

See Attached- 1 Page



Canyon Trail Plaza LLC

373 E. Foothill Blvd., San Dimas CA 91773 (909) 592-7120 Fax (909)592-1790

City of San Dimas
245 East Bonita Ave.
San Dimas, CA 91773
Attention: Jennifer Williams

April 29, 2015

Proposal: Request for Amendment to Municipal Code; Specific Plan-9 Area 4 & Area 5 (Municipal Code Title 18 Zoning Chapter 18.514.080 and 18.514.090)

Objective: To provide for a wider type of business tenant within the Canyon Trail Plaza business park.

Rationale: Under current City codes and ordinance Canyon Trail Plaza is located within a Specific Plan (9) that carries with it significant restrictions for office and retail use. In today's economic environment the demand for office space has diminished and small entrepreneurial retail businesses and boutiques are looking to locate in quality areas and within quality lease spaces. Canyon Trail Plaza possesses both of these attributes. The success of Twisted Sage Café and Catering (currently operating under a CUP) attests to the fact that the community in general is looking for local, unique and extraordinary venues to meet, eat and hopefully shop.

Requirements: We understand that the approval of any additional uses may put added pressure on Canyon Trail Plaza parking. To that end, we have entered into a thirty (30) year land lease agreement for parking with the Los Angeles City Department of Water and Power (LADWP) for a half acre of their property adjacent and contiguous to our property. The LADWP land is "Area 5" within Specific Plan -9 (18.514.090 "Open Space"). Our parking lease agreement does not impact the horse trail already in place. This parking shall provide for approximately forty five (45) additional parking spaces (nearly doubling the current parking available to tenants and customers). Although Canyon Trail Plaza does not compete for, or conflict with, vehicular parking for any other commercial center (due to our unique location), we are also aware that "off-site" parking, under current City code, cannot be used in the calculation of required parking. Therefore, it would be necessary for the City to make the determination that current parking restrictions for this location be amended.

It is our hope that the City will make the determination that a more broad base use of this property is reasonable as presented in our "Request for consideration of allowed land uses: (Canyon Trail Plaza: Specific Plan-9 (Area 4)) included in this submittal. Further it is our hope that the City is able to implement a change in the business parking requirements as they apply to Specific Plan-9 Area 4 and allow parking and an acceptable use in Area 5 (ref. attached site plan).

Thank you for your time and consideration,

Sincerely,

Eric J. Simison

EXHIBIT B

DPRB Approved Parking Lot Plan

See Attached- 1 Page

EXHIBIT C

List of Applicant's Requested Uses

See Attached- 2 Pages

Canyon Trail Plaza April 28, 2015

Specific Plan – 9 (Area 4) – Request for consideration of allowed land uses.

18.514.080 Area Four—Highway retail.

A. Purpose. To provide a suitable commercial use on a freestanding irregularly shaped parcel.

B. Permitted Uses. Permitted uses in area four are as approved by the planning commission and city council pursuant to the following findings:

1. The use is compatible with retail uses established in the general plan;
2. The proposed use will further promote the purpose and intent of the specific plan;
3. The proposed use is the highest and best use of the parcel;
4. The proposed use is not detrimental to surrounding property and uses and will promote the public health, safety and welfare.

C. Development Standards. Development standards in area four are as established in the precise plan review provided that all requirements for the use plan approval are met. (Ord. 726 § 1, 1981)

Requested Permitted Uses

A. Generally. Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, structurally altered or enlarged only for the following uses, plus such other uses as the director of community development determines to be similar and not more obnoxious or detrimental to the public health, safety and welfare, in accordance with the findings set forth in Section 18.192.040 of this title. The determination of the director may be appealed to the development plan review board and, thereafter, the city council pursuant to Chapter 18.212 of this title. All uses shall be subject to the property development standards in Section 18.92.050. All uses and storage shall be conducted within a totally enclosed building with the exception of service areas, nursery stock, commercial recreational facilities and those uses permitted by conditional use permit.

1. Administrative, financial, professional and sales offices.
2. Medical and health services, including dental labs.
3. Public uses, including government agencies, libraries, post offices, utility company offices, museums, art galleries and similar uses.
4. Special service agencies, including travel agencies, telephone exchanges, employment agencies and similar uses.
5. General research facilities, provided that such facilities shall not include the testing or use of materials, chemicals, products or technologies which are primarily found in industrial or “high-tech” facilities.
6. On Sale/ Off Sale alcohol sales – Beer and Wine.
 - Microbrewery with tasting room and no connection with a restaurant.
 - Microbrewery in connection with a restaurant.
 - Allow outdoor alcohol service to patios/ designated parklets.

7. Convenience goods and service businesses, including such retail uses as food markets, pharmacies and liquor stores; and including such service businesses as barber and beauty shops, cleaners/laundries, small appliance repair service businesses, swimming pool supply businesses, mobile home parts and sales, electrical equipment sales and services and similar uses.
8. Specialty commercial uses, including antique shops, jewelry stores, music stores, auto and truck part and supply businesses and similar uses
9. Retail businesses other than automobile, boat and recreational vehicle sales and services.
10. Restaurants, provided that they not contain drive-in or drive-through service. Restaurants may have alcohol sales & live entertainment provided that such alcohol sales/ live entertainment is secondary and incidental to the restaurant use.
11. Mobile food services.
12. Accessory massage permitted with the following primary businesses: barbershop, beauty shop, athletic club, day spa, medical doctor's office and similar uses. (Ord. 1185 § 4, 2008; Ord. 1072 § 2, 1997; Ord. 847 § 1, 1986; Ord. 785 § 4, 1983; Ord. 260 § 2, 1969; Ord. 37 § 246.2, 1961)

Requested Conditional Uses

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

- A. Indoor and outdoor recreation facilities;
- B. Veterinary service facilities;
- C. Accessory game arcade consisting of seven or more machines within an indoor recreation facility;
- D. Athletic clubs and performing arts studios;
- E. Thrift stores. (Ord. 1185 § 5, 2008; Ord. 1097 § 3, 1999; Ord. 911 § 6 (A), 1990; Ord. 785 § 4, 1983; Ord. 260 § 2, 1969; Ord. 37 § 246.3, 1961)

EXHIBIT D

Existing Code Text

See Attached- 9 Pages

Chapter 18.514

SPECIFIC PLAN NO. 9*

Sections:

- 18.514.010** Location.
- 18.514.020** Purpose and intent.
- 18.514.030** General provisions.
- 18.514.040** Uses in specific plan areas.
- 18.514.050** Area One—Residential planned development.
- 18.514.060** Area Two—Commercial.
- 18.514.070** Area Three—Administrative-professional.
- 18.514.080** Area Four—Highway retail.
- 18.514.090** Area Five—Open space.
- 18.514.100** Plan review and implementation.
- 18.514.110** Application for development.
- 18.514.120** Plan disposition.
- 18.514.130** Council action.
- 18.514.140** Processing of approved plans.

* Editor's Note: Exhibits and appendices relating to Specific Plan No. 9 are located at the end of this chapter.

18.514.010 Location.

Specific Plan No. 9 applies to the area located west of San Dimas Canyon Road, north of Foothill Boulevard. See Appendix A for a legal description. (Ord. 726 § 1 (1), 1981)

18.514.020 Purpose and intent.

A. The purpose of Specific Plan No. 9 is to provide for the classification and development of parcels of land as coordinated comprehensive project so as to take advantage of the superior environment which will result from large scale community planning. The regulations established by Specific Plan No. 9 are intended to allow a diversity of uses and development standards created specifically for the project area while ensuring substantial compliance with the spirit, intent and provisions of other portions of this code. Alternative development standards have been incorporated in this specific plan in

return for development sensitivity and increased amenities to serve the inhabitants of this and surrounding community areas.

B. Development standards are proposed to achieve the following objectives:

1. To conserve the scenic qualities of the area;
2. To provide an enriched scenic highway environment with aesthetic cohesiveness, harmonious massing of structures, and interfacing of open space through the utilization of superior land planning and architectural design. (Ord. 726 § 1 (2), 1981)

18.514.030 General provisions.

A. Unless otherwise specified, all development standards within Specific Plan No. 9 shall comply with other provisions of this title. Terms used in this chapter shall have the same meaning as defined elsewhere in this code unless otherwise defined in this chapter.

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

C. All references in this chapter relate to ordinances contained in this code as currently written unless expressly provided to the contrary. In the event that any conditions or terms in this chapter is declared illegal or unenforceable, the other terms and conditions shall remain in full force and effect to the full extent permitted by law.

D. The specific plan is an instrument for guiding, coordinating and regulating the development of property within the area designated on the area map, in this chapter, area map, attached to this chapter as Exhibit A. The plan replaces the usual zoning regulations as stated in this chapter. 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. 726 § 1 (3), 1981)

18.514.040 Uses in specific plan areas.

Attached to this chapter as Exhibit A and incorporated in this chapter by this reference is the "specific plan map" establishing specific land use areas within Specific Plan No. 9, which land uses are

designated in this chapter as areas one, two, three, four and five. Buildings, structures, and land shall be used and buildings and structures shall hereafter be erected, structurally altered, modified or enlarged only for the uses permitted in each area as provided in Sections 18.514.050 through 18.514.090. All uses and storage shall be conducted within a totally enclosed building with exception of nursery stock or as approved by conditional use permit. (Ord. 726 § 1, 1981)

18.514.050 Area One—Residential planned development.

A. Purpose. The purpose of the RPD (residential planned development) area is to promote residential amenities beyond those expected under a conventional development, to achieve greater flexibility in design, to encourage well planned neighborhoods through creative and imaginative planning as a unit, and to provide for appropriate use of land which is sufficiently unique in its physical characteristics or other circumstances to warrant special methods of development.

B. Permitted Uses. Permitted uses in area one are as follows:

1. Open space uses as permitted in the open space zone as described in Chapter 18.124 of this title;
2. Household pets as described and regulated in Chapter 18.20 Residential Zones Generally;
3. Planned residential development, subject to precise plan review and approval by the planning commission and city council in accordance with Section 18.514.100.

C. Development Standards. Development standards in area one are as follows:

1. All development standards of the residential planned development zone, Chapter 18.52 of this title;
2. Minimum lot area shall be five acres;
3. Visitor parking shall be provided in the ratio of one space for each two dwelling units, and shall be conveniently located to the units served. (Ord. 1226 § 1, 2014; Ord. 726 § 1, 1981)

18.514.060 Area Two—Commercial.

A. Purpose. The purpose of area two is to provide for the integration of a wide range of goods and services as well as recreational facilities for the community within a physically unified commercial center.

B. Permitted Uses. Permitted uses in area two are as follows:

1. Those uses listed as permitted uses in the C-N, A-P and C-H zones;
2. Incidental and secondary uses which are related to another permitted use on the same lot or parcel, subject to prior review and approval by the director of community development upon finding that the incidental and secondary use is not more obnoxious or detrimental to the public health, safety or welfare than any other permitted uses, in accordance with Section 18.192.040 of this title. The determination of the director may be appealed to the development plan review board and, thereafter, to the city council pursuant to Chapter 18.192 of this title.

C. Conditional Uses. The following uses may be permitted subject to a conditional use permit pursuant to Chapter 18.200:

1. Those uses listed as conditional uses in the C-N zone;
2. Indoor recreational facilities, except for coin or token operated games of skill.

D. Development Standards. All development standards of the C-N zone shall apply.

E. Reciprocal Access and Parking. Reciprocal access, maintenance and parking agreements shall be required when deemed necessary by the director of community planning and shall be in a form and content satisfactory to the director of community planning and the city attorney. (Ord. 785 § 7, 1983)

18.514.070 Area Three—Administrative-professional.

A. Permitted Uses. Permitted uses in area three are those uses listed as permitted uses in the A-P zone.

B. Development Standards. Development standards in area three are as follows:

1. Building height, maximum three stories;
2. Signs, as approved in the precise plan review pursuant to Section 18.514.120;
3. Lighting. All outside lighting shall be so arranged and shielded as to prevent any glare or reflection, any nuisance, inconvenience or hazardous interference of any kind on adjoining rights-of-way or property. No light standard shall exceed a height of fifteen feet;
4. Utilities. All utilities provided to serve new as well as existing uses and buildings shall be installed underground except as otherwise provided for in the approved precise site plan;
5. Trash Storage. City standard plan trash storage areas shall be provided in locations approved on the precise plan;
6. Landscaping. Landscaping shall be installed around all buildings of sufficient area to soften the impact of hard-edge buildings and building materials. Landscaping shall be installed pursuant to an approved landscaping plan. The landscaping shall be maintained by an automatic irrigation system and shall be kept weed and disease free;
7. Off-street parking shall be provided in the ratio of five spaces per one thousand square feet of gross floor area;
8. Reciprocal Access and Parking. Reciprocal access, maintenance and parking agreements may be required of the developer satisfactory to the director of planning and the city attorney where appropriate due to site design considerations. (Ord. 785 § 8, 1983; Ord. 726 § 1, 1981)

18.514.080 Area Four—Highway retail.

A. Purpose. To provide a suitable commercial use on a freestanding irregularly shaped parcel.

B. Permitted Uses. Permitted uses in area four are as approved by the planning commission and city council pursuant to the following findings:

1. The use is compatible with retail uses established in the general plan;
2. The proposed use will further promote the purpose and intent of the specific plan;
3. The proposed use is the highest and best use of the parcel;

4. The proposed use is not detrimental to surrounding property and uses and will promote the public health, safety and welfare.

C. Development Standards. Development standards in area four are as established in the precise plan review provided that all requirements for the use plan approval are met. (Ord. 726 § 1, 1981)

18.514.090 Area Five—Open space.

A. Purpose. The purpose of area five is to preserve the existing department of water and power right-of-way area for passive outdoor recreational activities and for the public health and safety. It is also the intent to provide for the continuation of the city horse trail system through this area in order to link existing trails for the furtherance of the goals and objectives of the circulation element of the city general plan.

B. Permitted Uses. Permitted uses are those general and specific uses listed in Chapter 18.124, as amended, subject to review and approval pursuant to the procedure provided in Section 18.514.120. (Ord. 726 § 1, 1981)

18.514.100 Plan review and implementation.

A. No person shall construct any building or structure or use any property or portion thereof within area one, two, three, four, or five of Specific Plan No. 9, until a precise plan of development for such area has been reviewed and approved by the planning commission and city council. Once such review and approval has occurred, further review and approval pursuant to the procedures of Chapter 18.108 shall not be required.

B. No building or structure in any area of Specific Plan No. 9 shall be constructed, erected, structurally altered, modified or enlarged except in accordance with the precise plan approved for such area.

C. Any precise plan approved for any area of Specific Plan No. 9 may be amended from time to

time if such amendment is approved in accordance with the provisions of Section 18.514.120 of this chapter.

D. Notwithstanding the provisions in subsections A through C of this section, the director of community planning may permit variations of or modifications to any approved precise plan limited to the interior of buildings, exterior architectural features not affecting the general appearance of the development, additions or reductions in building area not exceeding ten percent of the gross floor area of the location and design of structures upon the site not affecting the general appearance of the development; provided that the director finds that the purpose, intent and requirements of this specific plan are fulfilled.

E. Before a building permit is issued for the construction, alteration or modification of any building or structure within Specific Plan No. 9, the building department shall ensure that:

1. The proposed building is in conformity with the precise plan and conditions approved by the planning commission and city council;
2. All required off-site improvements have been installed or cash bonds have been deposited with the city to cover the cost of improvements;
3. All of the required dedications have been made. (Ord. 726 § 1 (5), 1981)

18.514.110 Application for development.

A. Applications for a precise plan of development shall be made by the property owner or agent on a form prescribed for this purpose by the city.

B. Except in those cases involving approval by the director of community planning pursuant to Section 18.514.100 (B), the applicant shall submit fifteen prints of the precise plan of development to the planning department. Such plan shall be drawn in sufficient detail to illustrate clearly the design for which approval is sought. Such plan shall show the following:

1. Existing conditions, contours, trees and natural features, all structures and uses and improvements, public streets, rights-of-way, and public

and/or private easements, and sufficient other information to demonstrate the proposed development;

2. Site plan showing proposed structures, contours, site developments, landscaping and natural features retained, parking and loading facilities, circulation, public rights-of-way, public and/or private easements, and sufficient other information to demonstrate the proposed development;

3. Architectural elevations, colors, signage, lighting, materials, ornamental, pictorial, or decorative material to be used in or about the exterior of the structure;

4. Such other information as may be required by the director of community planning to permit reasonable consideration of the application. (Ord. 726 § 1 (6), 1981)

18.514.120 Plan disposition.

Within sixty days after resubmission of the complete precise plan application the planning commission shall hold a duly advertised and noticed public hearing and shall recommend to the city council the approval, with any conditions deemed necessary to protect the public health, safety and welfare, or disapproval of the precise plan. Prior to recommending approval of the plan, the commission shall find that:

- A. All provisions of this specific plan are complied with;

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

- C. Architectural treatment of buildings and structures and their materials and colors shall be visually harmonious with the natural environment, existing buildings and structures, and surrounding development, and shall enhance the appearance of the area;

- D. Architecture, landscaping and signage shall be innovative in design and shall be considered in the total graphic design to be harmonious and attractive. Review shall include: materials, textures, colors, illumination, and landscaping, the design, location and size of any freestanding sign;

E. 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;

F. Garnish colors should be avoided and reflective materials other than glass should not be used on any building, face or roof visible from the street or from an adjoining site. Exposed metal flashing or trim should be anodized or painted to blend with the exterior colors of the building;

G. 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;

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

I. Proposed lighting should be so located so as to avoid glare and to reflect the light away from adjoining property and public rights-of-way;

J. Design and location of proposed signs should be consistent with the provisions of this title and with characteristics of the area in which the site is located. Signs should be restrained and design should be in keeping with the use to which they are related. Sign materials should be compatible with the materials and colors used on the exterior of the structure to which sign is related and should be complementary to the appearance of the building;

K. The design of the buildings, driveways, loading facilities, parking areas, signs, landscaping, illuminaries, and other site 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 streets;

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

M. The following elements are shown and so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, the scenic quality of Foothill Boulevard and San Dimas Canyon Road is enhanced, and that there will be no adverse effect on surrounding property:

1. Setbacks,
2. Height of buildings,
3. Service areas,
4. Walls,
5. Landscaping,

6. Such other elements as are found to be relevant to the fulfilling of the purpose of this chapter;

N. All utility facilities are underground;

O. The proposed use is in compliance with the general plan. (Ord. 726 § 1 (7), 1981)

18.514.130 Council action.

Upon receipt of the recommendation from the planning commission, the city council shall hold a duly advertised and noticed public hearing. The city council may approve, conditionally approve or disapprove the plan by resolution. Any changes or additions not previously considered by the planning commission shall be referred to the planning commission for report back to the council. (Ord. 726 § 1 (8), 1981)

18.514.140 Processing of approved plans.

A. As used in this chapter, the term "duly advertised and noticed public hearing" shall mean and require that notice of the public hearing be given at least ten days prior to the public hearing in the same manner as required for zone changes and zoning amendments.

B. The approved precise plan, with any conditions shown thereon attached thereto, shall be dated and signed by the director of community planning. One copy of the approved plan and conditions shall be mailed to the applicant. (Ord. 726 § 1 (9), 1981)

Exhibit A

That portion of the southwest quarter of Section 35, Township 1 North, Range 9 West San

Bernardino Meridian, in the city of San Dimas, in the County of Los Angeles, state of California, according to the official plat thereof, described as follows:

Beginning at the intersection of the Northerly prolongation of the center line of Walnut Avenue "60 feet wide" with the Southerly line of government Lot 1 of said Section 35; thence Northwesterly along said Southerly line and Northerly along the Westerly line of said Lot 1 to the Westerly terminus of the common boundary line between the properties to Mervin A. Grizzle and wife, Harold R. Wilson and wife and A. L. Stevens and wife, as established by the deeds recorded on February 4, 1963 as Document No. 3166 and 3167 in Book D-1908 Page 815, and Book D-1908 Page 816 of Official Records in the office of the County Recorder of said county, said Westerly terminus being described in said deeds as a "point in the west line of said section distant thereon South 0 degrees 20 minutes 30 seconds west 1276.62 feet from the west one-fourth corner of said section, as said corner is shown on the map of the Nusbickel Tract recorded in book 34 Page 57 of Maps, records of said county", thence North 89 degrees 50 minutes 44 seconds east along said common boundary line to the Westerly line of Sycamore Canyon Road "now part of San Dimas Canyon Road" 40 feet wide, as shown on the map of Western Water and Power Company's tract recorded in Book 14 Page 9 of maps in said office of the county recorder; thence Southerly along said Westerly line to the most Northerly corner of the parcel of land conveyed to Mervin A. Grizzle, et al., by deed recorded on May 19, 1967 as Document No. 84 in Book D-3647 Page 304 of said official records; thence Southerly along the Easterly line of said land to the most Southerly corner thereof, being in the Southwesterly line of said above mentioned Sycamore Canyon Road; thence Southeasterly and Southerly along the Southwesterly and Westerly lines of said road to the center line of Foothill Boulevard "100 feet wide" as described in deed to the state of California recorded in Book 7905 Page 336 of official records in the office of the county recorder of said county; thence Northwesterly along said center

line to the West line of the East 207 feet "measured at right angles" of government Lot 2 of said Section 35; thence Northerly along said West line to the Northerly line of said Foothill Boulevard; thence Northwesterly along said Northerly line to a line that is parallel with said Westerly line of Lot 1 which passes through a point in said center line of Foothill Boulevard distant 578.69 feet Southeasterly thereon from its intersection with said center line of Walnut Avenue; thence Northerly along said parallel line to the Northeasterly corner of the land described in deed to H. W. Montgomery recorded on August 9, 1955 as Document No. 891 in Book 48594 Page 387 of said official records; thence Westerly along the Northerly line of said land to the Northerly prolongation of said center line of Walnut Avenue; thence Southerly along said prolongation to the point of beginning.

Excepting therefrom, any portions included within the lines of Parcels 406, 407, 408 and 452 as described in the final order of condemnation entered in Superior Court Case No. 782521, a certified copy of said final order being recorded on June 30, 1964 as Document No. 6348 in Book D-2530 Page 693 of said official records, and within the lines of Parcel 8 as described in final order of condemnation entered in Superior Court Case No. 702040, a certified copy of said final order being recorded in Book D-664 Page 761 of said official records.

Also except that portion of said land included within the lines of the land described in Parcels 405 and 451 of the final decree of condemnation entered in Superior Court, Los Angeles County Case No. 782521, a certified copy of which was recorded on July 29, 1969, as Instrument No. 3008, in the office of the county recorder of said county.

Also except that portion of said land included within the lines of the land described in Parcel 20, of the final decree of condemnation entered in Superior Court, Los Angeles County Case No. 861448, a certified copy of which was recorded on August 19, 1970, as instrument No. 2817, in the office of the county recorder of said county.

Also except that portion included within the lines of the land described in the lease to Standard Oil

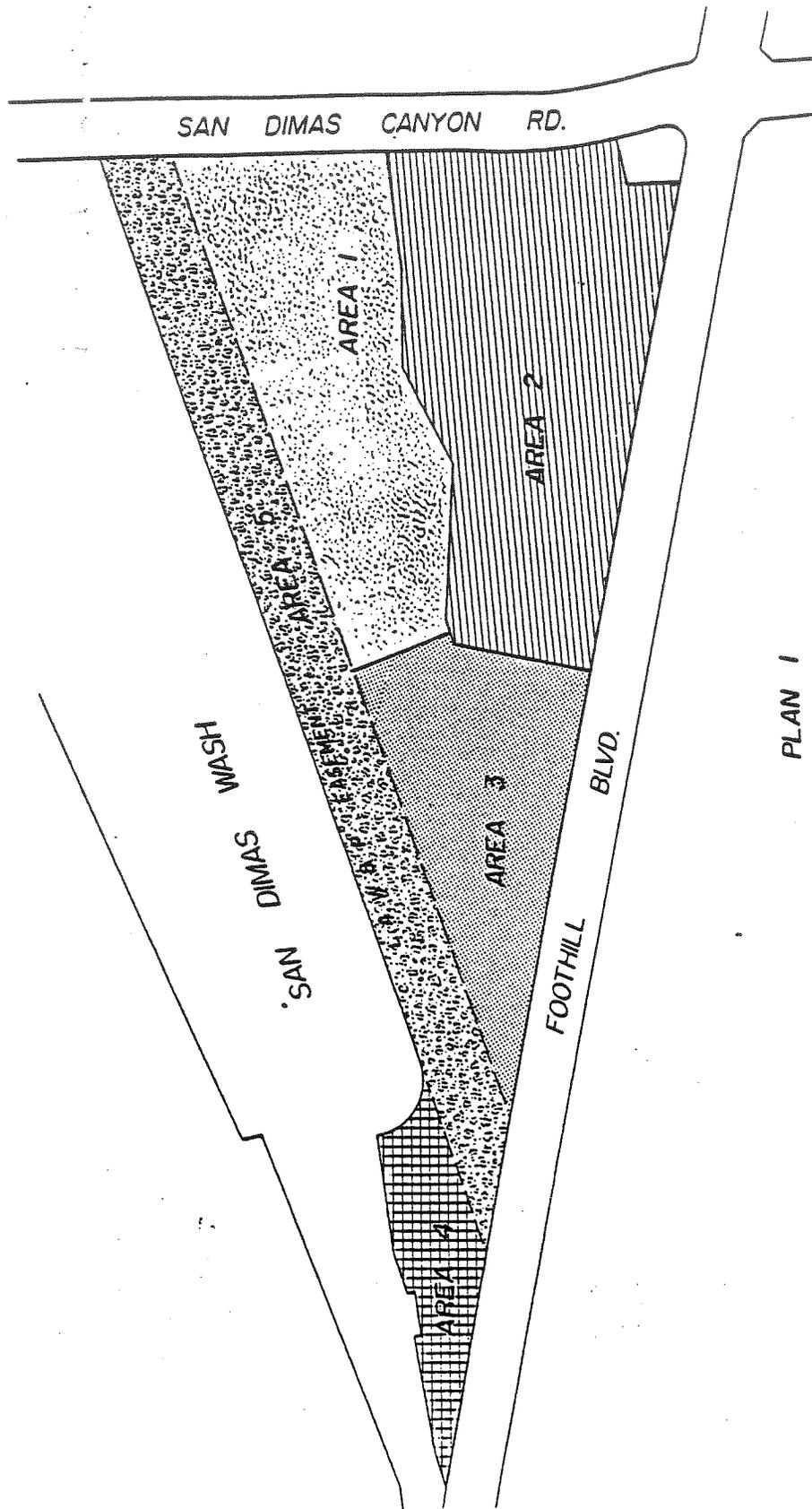
Company of California recorded on May 19, 1967 in Book M-2588 Page 514, Official Records and as modified by an instrument executed by Mervin A. Grizzle et al., and Standard Oil Company of California recorded August 24, 1967 in Book M-2541 Page 171, Official Records, more particularly described as follows:

Parcel 1

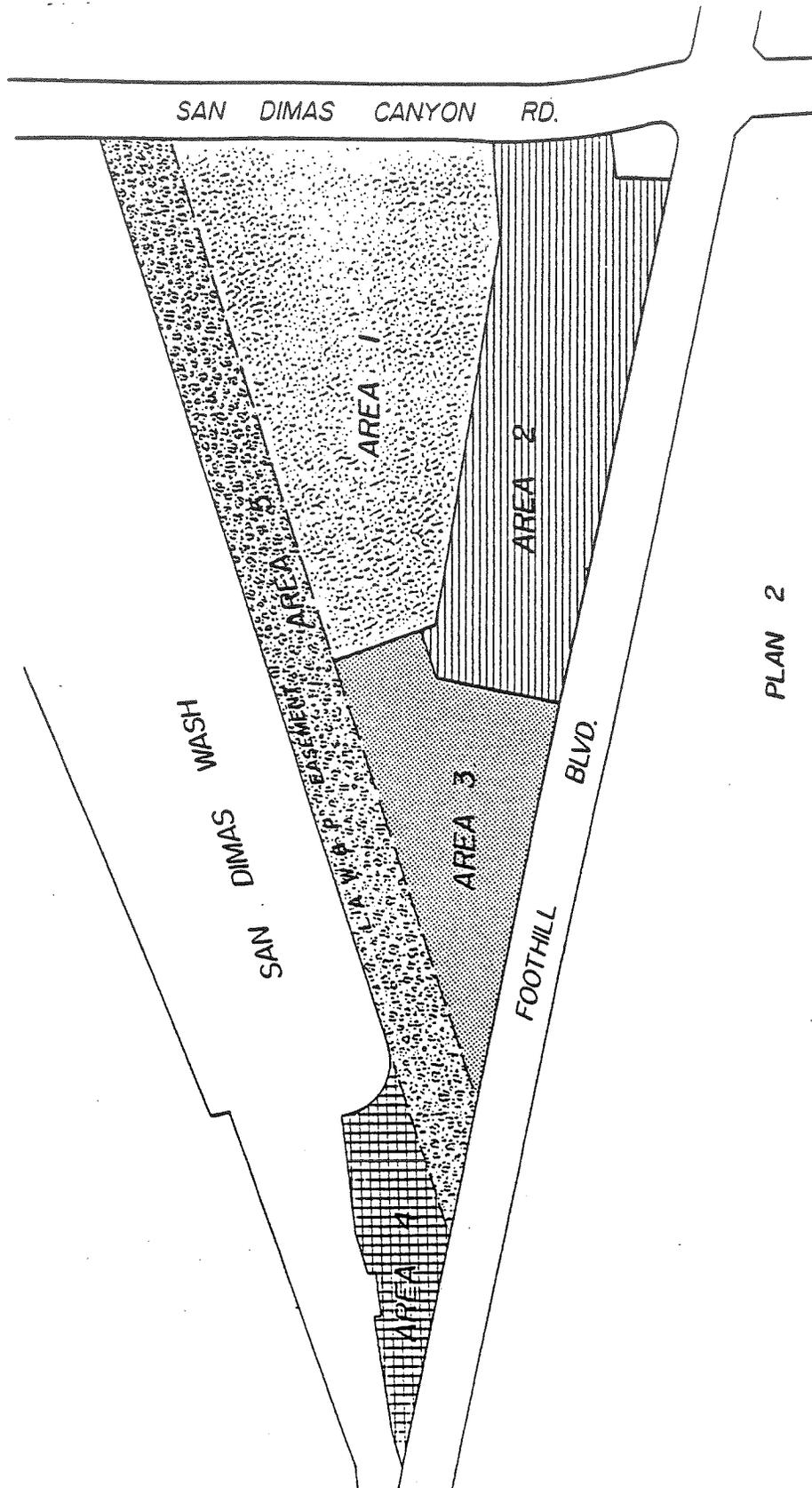
That portion of government Lot 2 in Section 35, Township 1 North, Range 9 West, San Bernardino Meridian, in the city of San Dimas, in the county of Los Angeles, state of California, according to the official plat of said land filed in the district land office on October 30, 1884, described as follows:

Beginning at the Southeast corner of said Lot 2; thence along the Easterly line of said Lot 2, North 0 degrees 02 minutes 55 seconds West 227.02 feet; thence at right angles to said Easterly line South 89 degrees 57 minutes 05 seconds West 163.84 feet; thence at right angles to the center line of Foothill Boulevard, 100 feet wide, as described in deed to the state of California, recorded in Book 7905 Page 336 of Official Records of said county, South 12 degrees 27 minutes 35 seconds West 184.05 feet to the Southerly line of said Lot 2, said Southerly line being the Northerly line of the Rancho Addition to San Jose; thence along said Southerly line South 76 degrees 57 minutes 55 seconds East 209.13 feet to the point of beginning.

Also except that portion of said land lying Northerly of the Southerly boundary line of Parcel 405 of the final decree of condemnation entered in Superior Court, Los Angeles County Case No. 782,521, a certified copy of which was recorded on July 29, 1969, as Instrument No. 3008, in the office of the county recorder of said county, and the Westerly prolongation of the most Westerly, Southerly line of said Parcel 405, and the Easterly prolongation of Southerly line of said Parcel 405, being that certain Southerly line having a bearing of North 71 degrees 58 minutes 09 seconds East.



PLAN 1



PLAN 2

EXHIBIT B

Excerpt of Draft Minutes of the August 20, 2015 Planning Commission Meeting

See Attached- 5 Pages

SELECTION OF REPRESENTATIVE TO THE DEVELOPMENT PLAN REVIEW BOARD

Senior Planner Espinoza stated a member of the Planning Commission serves as a member of the Development Plan Review Board and that any member of the Commission was free to serve. In response to the Commission, if at any time another person would like to serve as the representative, Staff can place this item on the agenda again for consideration.

ACTION: The Commission concurred to appoint Chairman Bratt as the representative to the Board and Vice-Chair Davis as the back-up representative.

APPROVAL OF MINUTES

1. July 16, 2015

MOTION: Moved by Davis, seconded by Bratt to approve the minutes of July 16, 2015. Motion carried 2-0-0-3 (Green, Molina, Ross abstained).

PUBLIC HEARINGS

2. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 15-04** – A request to amend the permitted uses in Specific Plan No. 9, Areas 4 and 5 (Canyon Trail Plaza and DWP Right-of-Way) and other miscellaneous Specific Plan updates, in the triangular area located north of Foothill Boulevard, west of San Dimas Canyon Road, and south of the San Dimas Wash.

Staff report presented by *Associate Planner Jennifer Williams* who stated the initiation of this amendment was authorized by the Planning Commission on May 7, 2015 at the request of Eric Simison, owner and property manager of Canyon Trail Plaza. She outlined the five areas of Specific Plan No. 9 and the permitted uses for each area. The Applicant is requesting to amend the uses in Areas 4 and 5, and with this amendment Staff is also correcting outdated language in the other Areas. Unlike other zones in San Dimas, SP-9, Area 4 is written without any permitted uses by right; all uses would need to be approved through the Planning Commission and City Council pursuant to four findings. The Applicant is proposing to add a number of uses as permitted or conditionally permitted in Area 4, and to add “parking lot” as an allowed use in Area 5 (Open Space). The DPRB reviewed and approved the parking lot design in June, but they do not have the authority to allow any uses or amend the code language.

She stated that after many years of negotiation with the Los Angeles Department of Water and Power (DWP) the Applicant has received a “Confirmation of Oral Bid for License” to lease the space under the power lines for development of a 43 space parking lot for a 30-year term. Staff has some concerns about this area regarding the fact that the property is not owned by Mr. Simison, and there is no guarantee that DWP won’t cancel the lease agreement for use of the property for the parking lot. Also, DWP has a lease condition that does not allow parking that is required by code to be built on their property.

Associate Planner Williams stated Staff carefully considered how to allow new uses under these unique circumstances without having a negative impact on the center. Canyon Trail Plaza was developed as an office complex that requires less parking than service and retail uses. She presented background on how the City has recently amended parking requirements

in the specific plans of the major shopping centers to allow more flexibility for the property manager to lease out spaces and exercise internal control over parking distribution, with the City maintaining the option of stepping in if major conflicts arise that are not being handled by the management. While this is not a major shopping center, Staff considered that it is segregated from other sites so there wouldn't be overflow onto another property, most properties do not have the ability to develop overflow parking on adjacent property, the Applicant is willing to invest in the improvements and formalize a long-term lease, and it is in a Specific Plan so the City can test this flexibility here on a small scale and see how it is managed.

She stated Staff reviewed the requested changes and used language similar to that in the other Specific Plan updates, which the applicant agrees with. Language was also drafted placing restrictions on the more intense uses based on the availability of the overflow parking lot and the consequences if the lease were terminated by DWP. She outlined the language that was being updated in the other areas, and the new language to allow parking lots in Area 5. Staff is recommending the Commission recommend approval to the City Council of Municipal Code Text Amendment 15-04.

Commissioner Ross asked who determines what the criteria would be to indicate there is a problem with parking distribution per Section 18.156.040.

Associate Planner Williams stated if Staff received evidence such as constant overflow on the street or on other business sites, then the Planning Director or the Commission could request further review to determine if there is a large enough problem requiring the City to step in.

Assistant City Manager Larry Stevens stated typically when a problem is occurring, the most common response is individual businesses asking to have reserved parking in front of their units, or time limits set on parking spaces even though no one enforces that. Those types of requests would tell us there is a distribution problem. The code language gives the City flexibility in addressing that if a problem occurs.

Commissioner Davis asked for clarification on allowing a business to continue if the overflow parking was no longer available.

Associate Planner Williams stated if the overflow parking is terminated, then any permitted uses in the center can remain but they cannot expand and certain uses would no longer be allowed for new tenants.

Assistant City Manager Stevens stated part of the reason why they modified parking standards in the major shopping centers was to avoid doing a parking recalculation every time a new tenant came in, so some of the burden was shifted to the leasing agent but the City still maintained control if a problem occurred. In this case the problem is that the overflow parking is on leased property, and while there will probably not be a problem with availability, Staff still wanted some protection in the event the lease was terminated. Staff could not make it part of the required parking since that is not allowed by DWP, and this is a way to try and solve that problem.

Commissioner Davis stated then the only time there would be an issue is if they lose the DWP lease.

Assistant City Manager Stevens stated if this was only going to be a five-year lease, Staff would not be so flexible, or if they were trying to change the general parking code, but since this

is in a Specific Plan and they will have a long-term lease, Staff felt it made sense to allow this modification for this location.

Associate Planner Williams clarified that the initial lease term would be for five years because it could be entered into without having to go before the Los Angeles City Council to get started, but then they would follow through with the process to execute a 30-year lease. The Senior Real Estate Officer for DWP did not foresee any issues with moving into the long-term lease on the property.

Commissioner Green asked if anything was in here that would address people wanting to use that lot for a park and ride or overnight parking.

Associate Planner Williams stated DWP restricts overnight parking and the lot will be gated in the evening. There are also conditions from the DPRB over the allowed use of the lot. The Applicant has expressed concerns about people currently parking in their lot and then going biking. They will need to manage the parking lot if it is established to avoid conflicts.

Chairman Bratt asked if DWP wanted to terminate the lease, what is the required notice period, and can they terminate at the five-year period or earlier?

Associate Planner Williams stated there are termination options for both parties which is why Staff drafted the language they did since they can't guarantee this parking will always be available. DWP could terminate the lease at any time.

Assistant City Manager Stevens stated that is common for any public agency to be able to terminate a lease with a certain amount of notice. He felt the Applicant would not invest in the capital improvements unless he felt there would be a long-term lease, and would ensure that if it were terminated, there would be plenty of notice and some form of compensation.

Chairman Bratt opened the meeting for public comments. Addressing the Commission was:

Eric Simison, 373 E. Foothill Blvd., Applicant, clarified that the basic policy from DWP was the maximum lease period is five years without having to go to the City Council. He stated once they have a lease in place, then they can go to the Council and substitute the longer lease. The Real Estate Division stated this is not a problem and it helps to streamline the process.

Commissioner Davis stated it appears he is fully occupied so all these proposed uses would be for future vacancies.

Eric Simison, Applicant, stated they are currently 100% occupied so this is future forecasting. He has one tenant that would like to build their own building, so eventually that space will become available. He has had inquiries in the past from medical uses and other types of businesses but parking has always been an issue in allowing them.

There being no further comments, the public comments were closed.

Commissioner Davis stated this additional parking will support the center in its current state and allow for more flexibility in the future and he is in support of the proposal.

Assistant City Manager Stevens stated the Applicant submitted what he thought were appropriate uses and then worked with Staff to arrive at the final list. If the Commission felt there was a use that should or should not be on the list, it could be stricken off or made to be conditionally permitted. The amendment allows more retail opportunities and Staff has worked

extensively with the Applicant and feels they are in agreement with the final list. The Applicant has offices in the center and at some point may decide to move out and rent that space as well.

Chairman Bratt states he frequents this center often and the parking is continually full and felt that uses such as medical, retail and day spas would exacerbate that problem, and was concerned that many of these uses were based on the overflow parking area that could be terminated.

Assistant City Manager Stevens stated none of those uses can be permitted unless the overflow parking is constructed.

Chairman Bratt stated he is concerned that it can't be required parking and DWP can terminate the lease at any point. If we allow medical to go in there based on overflow parking and then it is taken away, he feels it will create problems.

Assistant City Manager Stevens stated there are designated uses that can only be allowed as long as the lease is in effect. If a use is in place and the lease is terminated, the City will not make that current tenant relocate their business, but they will not be allowed to expand. For a period of time that may make parking more difficult but when that higher intensity use goes away, then any new use would be at the lower parking standard. This site already has a shared parking agreement limiting hours of two of the businesses in order to allow the restaurant so the overflow parking works similarly to that. The other thing to remember is that parking numbers at best are an average. You could have a very successful 3,000 sq. ft. restaurant that needs more spaces than what is required, and you could have the same size restaurant that is not as successful that doesn't use half the required spaces.

He stated there is a possibility there could be a problem in the future, which is why they included the provision that the City could step in to resolve if that occurs. The new language gives the Planning Commission the right to review the leases and impose conditions and limit additional uses, the same as they do in the shopping centers. He felt they do have control and hopes they won't have to exercise it. If the overflow parking goes away, these uses aren't going to stay there that long so there is a way to phase it out should that problem arise. He felt the Applicant was an astute businessman and would probably be very careful about allowing the higher intensity uses that could create a future problem if the parking were eliminated.

Chairman Bratt stated he is still concerned, and that it is easier to control problems moving forward than to try to fix a problem that we allowed to exist.

Commissioner Davis stated his understanding is that they can address any problems by requiring a review at the Commission level and asking the Applicant to phase out certain tenants.

Assistant City Manager Stevens stated the review does allow them to exercise control if it can be justified.

RESOLUTION PC-1543

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 15-04 TO THE CITY COUNCIL TO AMEND THE USES AND PARKING REQUIREMENTS IN SPECIFIC PLAN NO. 9 AND OTHER MISCELLANEOUS EDITS

MOTION: Moved by Davis, seconded by Green to waive further reading and adopt Resolution PC-1543 recommending to the City Council approval of Municipal Code Text Amendment 15-04. Motion carried 4-1 (Bratt voted no).

COMMISSION BUSINESS

- 3. CONSIDERATION OF PRECISE PLAN 15-01 AND DPRB CASE NO. 15-12** – A request to construct a 5,400 square foot two-story office building behind an existing 3,552 square foot one-story building located at 432 E. Foothill Boulevard. The existing one-story building will also be remodeled to match the new building and the parking lot will be improved to meet parking requirements. (APN: 8661-018-026)

Staff report presented by *Associate Planner Luis Torrico* who stated this is a request to construct a new building and remodel the existing building at 432 E. Foothill Boulevard, located within the Commercial Highway (CH) zone, which allows for the proposed office use, and the Scenic Highway Overlay (SHO) zone, which requires approval from the Commission and City Council. He explained the intent of the SHO zone, and stated the design was reviewed and approved with minor modification by the DPRB. The current tenant, Encore Dance Studio, will remain in the front building. As part of the improvements, the parking lot will be updated, new light standards will be installed and the landscaping will be redesigned. The code requires there to be 45 parking spaces for both buildings and the Applicant has provided those. Originally they had requested two new spaces in front of the existing building, but the DPRB reduced it to one space with the addition of a bike rack area. The DPRB also required that any walls adjacent to residential property could be no less than five feet high or more than six feet high. He showed the elevations for the new office building and discussed the design elements, and how those were being incorporated onto the existing building. Staff is recommending the Commission recommend approval to the City Council of Precise Plan 15-01 and DPRB Case No. 15-12.

Commissioner Molina asked what the construction timeline for the project was.

Associate Planner Torrico stated if the project receives approval by the City Council there will be a 20-day appeal period before they can submit for plan check. That usually takes another couple of months so it will probably be started near the end of the year.

Commissioner Davis asked if it was only a five-foot setback on the east side of the new building, and about the comments from the neighbor at the DPRB meeting.

Associate Planner Torrico stated the setback is five feet on the east side but in the CH zone there is no setback requirement. He stated the neighbor to the south of the project was concerned that her block wall would be removed, so a condition was added to require a block wall if a new wall is going to be built.

Commissioner Bratt opened the meeting for public comments. Addressing the Commission was:

Alan Smith, 12223 Highland Avenue, #106-201, Rancho Cucamonga, Applicant, thanked Staff for their efforts and felt they have not only met but exceeded the code requirements and they are proposing twice the required landscaping. They are aware of being located next to residential properties and will be sensitive that. Since this is going to be an office building that

EXHIBIT C

Resolution PC 1543

See Attached- 20 Pages

RESOLUTION PC-1543

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 15-04 TO THE CITY COUNCIL TO AMEND THE USES AND PARKING REQUIREMENTS IN SPECIFIC PLAN NO. 9 AND OTHER MISCELLANEOUS EDITS

WHEREAS, an Amendment to the San Dimas Municipal Code has been duly initiated by the Planning Commission upon application by Eric Simison on behalf of Canyon Trail Plaza, LLC; and

WHEREAS, the Amendment is to modify Specific Plan No. 9 to allow for expanded uses not currently allowed (i.e., retail and service uses, etc.); and

WHEREAS, the Amendment would affect Specific Plan No. 9; and

WHEREAS, notice was duly given of the public hearing on the matter and the public hearing held on Thursday, August 20, 2015 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

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

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

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

The proposed amendment will not be detrimental to adjoining properties or the area in general. The commercial uses that are proposed for Area 4 are similar to those already permitted in Areas 2 and 3. The proposed code text includes language to address parking concerns in related to increased demand for the proposed uses. In addition, the majority of the Specific Plan area is buffered from adjacent properties by San Dimas Canyon Road, Foothill Boulevard, and the Department of Water and Power transmission properties.

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

The proposed amendment will provide additional commercial opportunities for businesses to locate and patrons to shop and dine within the City by permitting a wider variety of uses to be allowed within an existing development. It may help to support local businesses by making them more competitive within the region and in turn support the economic health of the community.

- C. The proposed Municipal Code Text Amendment is consistent with the General Plan and is in compliance with all applicable provisions of the Zoning Code and other ordinances and regulations of the City.

The proposed amendment will be consistent with the General Plan designation of Special Planned Development and all other applicable provisions of the zoning code and other ordinances and regulations of the City. It will maintain office uses as a permitted use to be consistent with the General Plan designation of Foothill Boulevard as a professional office corridor.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 15-04 as set forth in attached Exhibit A.

PASSED, APPROVED and ADOPTED, the 20th day of August, 2015 by the following vote:

AYES: Davis, Molina, Green, Ross

NOES: Bratt

ABSENT: None

ABSTAIN: None



David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:



Jan Sutton, Planning Secretary

EXHIBIT A**Municipal Code Text Amendment 15-04
Specific Plan No. 9**

*New text changes are in **Blue and Underlined**

*Deleted text is in ~~Red and Strikethrough~~

18.514.010 Location.

Specific Plan No. 9 applies to the area located west of San Dimas Canyon Road, north of Foothill Boulevard. See Exhibit A for location. ~~See Appendix A for a legal description.~~ (Ord. 726 § 1 (1), 1981)

18.514.020 Purpose and intent.

- A. The purpose of Specific Plan No. 9 is to provide for the classification and development of parcels of land as a coordinated comprehensive project so as to take advantage of the superior environment which will result from large scale community planning. The regulations established by Specific Plan No. 9 are intended to allow a diversity of uses and development standards created specifically for the project area while ensuring substantial compliance with the spirit, intent and provisions of other portions of this code. Alternative development standards have been incorporated in this specific plan in return for development sensitivity and increased amenities to serve the inhabitants of this and surrounding community areas.
- B. Development standards are proposed to achieve the following objectives:
1. To conserve the scenic qualities of the area;
 2. To provide an enriched scenic highway environment with aesthetic cohesiveness, harmonious massing of structures, and interfacing of open space through the utilization of superior land planning and architectural design. (Ord. 726 § 1 (2), 1981)

18.514.030 General provisions.

- A. Unless otherwise specified, all development standards within Specific Plan No. 9 shall comply with other provisions of this title. Terms used in this

chapter shall have the same meaning as defined elsewhere in this code unless otherwise defined in this chapter.

- B. Any details or issues not specifically covered by this specific plan shall be subject to the regulations of this code.
- C. All references in this chapter relate to ordinances contained in this code as currently written unless expressly provided to the contrary. In the event that any conditions or terms in this chapter is declared illegal or unenforceable, the other terms and conditions shall remain in full force and effect to the full extent permitted by law.
- D. The specific plan is an instrument for guiding, coordinating and regulating the development of property within the area designated on the area map; ~~in this chapter, area map,~~ attached to this chapter as Exhibit A. The plan replaces the usual zoning regulations as stated in this chapter. 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. 726 § 1 (3), 1981)

18.514.040 Uses in specific plan areas.

Attached to this chapter as Exhibit A and incorporated in this chapter by this reference is the “specific plan map” establishing specific land use areas within Specific Plan No. 9, which land uses are designated in this chapter as areas one, two, three, four and five. Buildings, structures, and land shall be used and buildings and structures shall hereafter be erected, structurally altered, modified or enlarged only for the uses permitted in each area as provided in Sections 18.514.050 through 18.514.090. All uses and storage shall be conducted within a totally enclosed building with exception of nursery stock or as approved by conditional use permit. (Ord. 726 § 1, 1981)

18.514.050 Area One—Residential planned development.

- A. Purpose. The purpose of the RPD (residential planned development) area is to promote residential amenities beyond those expected under a conventional development, to achieve greater flexibility in design, to encourage well planned neighborhoods through creative and imaginative planning as a unit, and to provide for appropriate use of land which is sufficiently unique in its physical characteristics or other circumstances to warrant special methods of development.

- B. Permitted Uses. Permitted uses in area one are as follows:
1. Open space uses as permitted in the open space zone as described in Chapter 18.124 of this title;
 2. Household pets as described and regulated in Chapter 18.20 Residential Zones Generally;
 3. Planned residential development, subject to precise plan review and approval by the planning commission and city council in accordance with Section 18.514.100.
- C. Development Standards. Development standards in area one are as follows:
1. All development standards of the residential planned development zone, Chapter 18.52 of this title;
 2. Minimum lot area shall be five acres;
 3. Visitor parking shall be provided in the ratio of one space for each two dwelling units, and shall be conveniently located to the units served. (Ord. 1226 § 1, 2014; Ord. 726 § 1, 1981)

18.514.060 Area Two—Commercial.

- A. Purpose. The purpose of area two is to provide for the integration of a wide range of goods and services as well as recreational facilities for the community within a physically unified commercial center.
- B. Permitted Uses. Permitted uses in area two are as follows:
1. Those uses listed as permitted uses in the C-N, A-P and C-H zones;
 - ~~2. Incidental and secondary uses which are related to another permitted use on the same lot or parcel, subject to prior review and approval by the director of community development upon finding that the incidental and secondary use is not more obnoxious or detrimental to the public health, safety or welfare than any other permitted uses, in accordance with Section 18.192.040 of this title. The determination of the director may be appealed to the development plan review board and, thereafter, to the city council pursuant to Chapter 18.192 of this title.~~

- C. Conditional Uses. The following uses may be permitted subject to a conditional use permit pursuant to Chapter 18.200:
1. Those uses listed as conditional uses in the C-N zone;
 2. Indoor recreational facilities, except for coin or token operated games of skill.
- D. Development Standards. All development standards of the C-N zone shall apply.
- E. Reciprocal Access and Parking. Reciprocal access, maintenance and parking agreements shall be required when deemed necessary by the director of community planning and shall be in a form and content satisfactory to the director of community development ~~planning~~ and the city attorney. (Ord. 785 § 7, 1983)

18.514.070 Area Three—Administrative- professional.

- A. Permitted Uses. Permitted uses in area three are those uses listed as permitted uses in the A-P zone.
- B. Development Standards. Development standards in area three are as follows:
1. Building height, maximum three stories;
 2. Signs, ~~as approved in the precise plan review pursuant to Section 18.514.120;~~ The provisions of Chapter 18.152 and the center's master sign program shall apply.
 3. Lighting. All outside lighting shall be so arranged and shielded as to prevent any glare or reflection, any nuisance, inconvenience or hazardous interference of any kind on adjoining rights-of-way or property. No light standard shall exceed a height of fifteen feet;
 4. Utilities. All utilities provided to serve new as well as existing uses and buildings shall be installed underground except as otherwise provided for in the approved precise site plan;
 5. Trash Storage. City standard plan trash storage areas shall be provided in locations approved on the precise plan;

6. ~~Landscaping. Landscaping shall be installed around all buildings of sufficient area to soften the impact of hard-edge buildings and building materials. Landscaping shall be installed pursuant to an approved landscaping plan. The landscaping shall be maintained by an automatic irrigation system and shall be kept weed and disease free; The provisions of Chapter 18.14 shall apply;~~
7. ~~Off-street parking shall be provided in the ratio of five spaces per one thousand square feet of gross floor area; The provisions of Chapter 18.156 shall apply;~~
8. Reciprocal Access and Parking. Reciprocal access, maintenance and parking agreements may be required of the developer satisfactory to the director of planning and the city attorney where appropriate due to site design considerations. (Ord. 785 § 8, 1983; Ord. 726 § 1, 1981)

18.514.080 Area Four—Highway retail.

- A. Purpose. To provide a suitable commercial use on a freestanding irregularly shaped parcel.

- B. Parking Requirements and Use and Availability of Overflow Parking Lot

The existing parking improvements within Area 4 provide the required parking for the existing office development at a ratio of 1 space for each 250 square feet of floor area. Should a parking lot be established within Area 5 to serve the existing development in Area 4, it will be an overflow parking lot only and will not be considered required parking.

- B. ~~Permitted Uses. Permitted uses in area four are as approved by the planning commission and city council pursuant to the following findings:~~
 1. ~~The use is compatible with retail uses established in the general plan;~~
 2. ~~The proposed use will further promote the purpose and intent of the specific plan;~~
 3. ~~The proposed use is the highest and best use of the parcel;~~
 4. ~~The proposed use is not detrimental to surrounding property and uses and will promote the public health, safety and welfare.~~

C. Permitted Uses

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

1. Administrative, financial, professional and sales offices.
2. General research facilities, provided that such facilities shall not include the testing or use of materials, chemicals, products or technologies which are primarily found in industrial or "high-tech" facilities.
3. Accessory Uses. Accessory uses shall be permitted provided that such use is a secondary and incidental use to a permitted use in this specific plan. The appropriateness of the associated use shall be determined by the director of development services. The accessory use shall not occupy more than forty-nine percent of the tenant space excluding hallways, bathrooms, lunch rooms, offices, locker rooms and storage rooms;
4. Other uses which are consistent with the intent and provisions of the specific plan, as determined by the director of development services, in accordance with Section 18.192.040. The determination of the director of development services may be appealed to the development plan review board and thereafter to the city council in accordance with Chapter 18.212 of this title.

D. Additional Uses Permitted in Conjunction with Overflow Parking Lot

These uses shall only be permitted in conjunction with the availability and use of the overflow parking lot in Area 5 for the benefit of the development in Area 4. Should at some future time after its development the overflow parking lot becomes unavailable and businesses with uses listed in Section 18.514.080(D) or (E) have been established, then those businesses that were established legally shall be permitted to remain with no future expansion and all new businesses shall be limited to operating with uses permitted under Section 18.514.080(C).

When any of the uses below are operated in Area 4 and there is evidence of poor distribution of use and/or parking and/or inadequate management of on-site parking in Area 4 or overflow parking in Area 5, the planning commission may initiate a review of the circumstances and establish conditions on the management and operation of parking and uses within the development.

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

1. Medical office to include, but not be limited to, such uses as medical clinics, dental, and optometry;
2. Financial institutions, including banks, savings and loan associations, and credit unions;
3. Public uses, including government agencies, utility company offices, museums, art galleries and similar uses.
4. Special service agencies, including travel agencies, telephone exchanges, employment agencies and similar uses.
5. Service business to include, but not be limited to, nail shop, barber and beauty shop, shoe repair, watch repair and dry cleaners, etc.
6. Retail businesses other than automobile, boat and recreational vehicle sales and services.
7. Specialty retail, food, and convenience stores.
8. Day spas with or without accessory massage only;
9. Restaurants, provided that they not contain drive-in or drive-through service;
10. 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 10.08.007 of this title.

11. Accessory massage permitted with the following primary businesses: barbershop, beauty shop, athletic club, day spa, medical doctor's office and similar uses.
12. Accessory Uses. Accessory uses shall be permitted provided that such use is a secondary and incidental use to a permitted use in this specific plan. The appropriateness of the associated use shall be determined by the director of development services. The accessory use shall not occupy more than forty-nine percent of the tenant space excluding hallways, bathrooms, lunch rooms, offices, locker rooms and storage rooms;
13. Other uses which are consistent with the intent and provisions of the specific plan, as determined by the director of development services, in accordance with Section 18.192.040. The determination of the director of development services may be appealed to the development plan review board and thereafter to the city council in accordance with Chapter 18.212 of this title.

E. Conditional Uses Permitted in Conjunction with Overflow Parking Lot

These uses shall only be permitted in conjunction with the availability and use of the overflow parking lot in Area 5 for the benefit of the development in Area 4. Should at some future time after its development the overflow parking lot becomes unavailable and businesses with uses listed in Section 18.514.080(D) or (E) have been established, then those businesses that were established legally shall be permitted to remain with no future expansion and all new businesses shall be limited to operating with uses permitted under Section 18.514.080(C).

When any of the uses below are operated in Area 4 and there is evidence of poor distribution of use and/or parking and/or inadequate management of on-site parking in Area 4 or overflow parking in Area 5, the planning commission may initiate a review of the circumstances and establish conditions on the management and operation of parking and uses within the development.

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

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

2. On-site brewing and service of beer produced on the premises, provided that such use is secondary and incidental to a restaurant. The brewing component shall be limited to a maximum production of 5,000 barrels per year unless an increased production volume is granted by the Planning Commission to support the commercial business after finding that the production volume and operations are compatible with the subject site and its surroundings during review of the Conditional Use Permit;
3. Off-sale alcoholic beverages provided that such use is secondary and incidental to a permitted primary use;
4. Instructional physical activities to include, but not be limited to, uses such as pilates, yoga, personal trainers, dance studios, and martial arts studios;
5. Veterinary, pet grooming and pet hotel;
6. Accessory game arcade consisting of seven or more machines within an indoor recreation facility;

F. Prohibited uses.

The following uses are prohibited:

1. Fortunetelling;
2. Massage as a primary use;
3. Child care facility;
4. Educational institutions;
5. Vocational schools;
6. Church and related facilities;
7. Tattoo and/or piercing parlors;

8. Hookah and/or smoking lounge including electronic cigarettes;
9. Industrial uses;
10. Billboards and other similar off-site outdoor advertising structures;
11. Game arcades other than accessory game arcades specifically authorized in this chapter;
12. Check cashing stores;
13. Gold exchange stores;
14. Community centers and meeting halls;
15. Other uses which are inconsistent with the intent and provisions of the zone, as determined by the director of development services, in accordance with Section 18.192.040. The determination of the director of development services may be appealed to the development plan review board and thereafter the city council in accordance with Chapter 18.212 of this title.

G.-C. Development Standards. Development standards in area four are as established in the ~~precise plan review~~ development plan review process subject to Chapter 18.12 ~~provided that all requirements for the use plan approval are met.~~ (Ord. 726 § 1, 1981)

18.514.090 Area Five—Open space.

- A. Purpose. The purpose of area five is to preserve the existing department of water and power right-of-way area for passive outdoor recreational activities and for the public health and safety. It is also the intent to provide for the continuation of the city horse trail system through this area in order to link existing trails for the furtherance of the goals and objectives of the circulation element of the city general plan.
- B. Permitted Uses. Permitted uses are those general and specific uses listed in Chapter 18.124, as amended, and parking lots, subject to review and approval pursuant to the procedure provided in Section 18.12. ~~18.514.120.~~ (Ord. 726 § 1, 1981)

18.514.100 Plan review and ~~applications for development~~ ~~implementation~~. Plan review and applications for development shall be required as established under Chapter 18.12.

- ~~A. No person shall construct any building or structure or use any property or portion thereof within area one, two, three, four, or five of Specific Plan No. 9, until a precise plan of development for such area has been reviewed and approved by the planning commission and city council. Once such review and approval has occurred, further review and approval pursuant to the procedures of Chapter 18.108 shall not be required.~~
- ~~B. No building or structure in any area of Specific Plan No. 9 shall be constructed, erected, structurally altered, modified or enlarged except in accordance with the precise plan approved for such area.~~
- ~~C. Any precise plan approved for any area of Specific Plan No. 9 may be amended from time to time if such amendment is approved in accordance with the provisions of Section 18.514.120 of this chapter.~~
- ~~D. Notwithstanding the provisions in subsections A through C of this section, the director of community planning may permit variations of or modifications to any approved precise plan limited to the interior of buildings, exterior architectural features not affecting the general appearance of the development, additions or reductions in building area not exceeding ten percent of the gross floor area of the location and design of structures upon the site not affecting the general appearance of the development; provided that the director finds that the purpose, intent and requirements of this specific plan are fulfilled.~~
- ~~E. Before a building permit is issued for the construction, alteration or modification of any building or structure within Specific Plan No. 9, the building department shall ensure that:~~
- ~~1. The proposed building is in conformity with the precise plan and conditions approved by the planning commission and city council;~~
 - ~~2. All required off-site improvements have been installed or cash bonds have been deposited with the city to cover the cost of improvements;~~
 - ~~3. All of the required dedications have been made. (Ord. 726 § 1 (5), 1981)~~

~~18.514.110 Application for development.~~

- ~~A. Applications for a precise plan of development shall be made by the property owner or agent on a form prescribed for this purpose by the city.~~
- ~~B. Except in those cases involving approval by the director of community planning pursuant to Section 18.514.100 (B), the applicant shall submit fifteen prints of the precise plan of development to the planning department. Such plan shall be drawn in sufficient detail to illustrate clearly the design for which approval is sought. Such plan shall show the following:~~
- ~~1. Existing conditions, contours, trees and natural features, all structures and uses and improvements, public streets, rights-of-way, and public and/or private easements, and sufficient other information to demonstrate the proposed development;~~
 - ~~2. Site plan showing proposed structures, contours, site developments, landscaping and natural features retained, parking and loading facilities, circulation, public rights-of-way, public and/or private easements, and sufficient other information to demonstrate the proposed development;~~
 - ~~3. Architectural elevations, colors, signage, lighting, materials, ornamental, pictorial, or decorative material to be used in or about the exterior of the structure;~~
 - ~~4. Such other information as may be required by the director of community planning to permit reasonable consideration of the application. (Ord. 726 § 1 (6), 1981)~~

~~18.514.120 Plan disposition.~~

~~Within sixty days after resubmission of the complete precise plan application the planning commission shall hold a duly advertised and noticed public hearing and shall recommend to the city council the approval, with any conditions deemed necessary to protect the public health, safety and welfare, or disapproval of the precise plan. Prior to recommending approval of the plan, the commission shall find that:~~

- ~~A. All provisions of this specific plan are complied with;~~
- ~~B. The location, configuration, size, and design of buildings and structures should be visually harmonious with their sites and with the surrounding sites, buildings and structures;~~

- ~~C. Architectural treatment of buildings and structures and their materials and colors shall be visually harmonious with the natural environment, existing buildings and structures, and surrounding development, and shall enhance the appearance of the area;~~
- ~~D. Architecture, landscaping and signage shall be innovative in design and shall be considered in the total graphic design to be harmonious and attractive. Review shall include: materials, textures, colors, illumination, and landscaping, the design, location and size of any freestanding sign;~~
- ~~E. 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;~~
- ~~F. Garnish colors should be avoided and reflective materials other than glass should not be used on any building, face or roof visible from the street or from an adjoining site. Exposed metal flashing or trim should be anodized or painted to blend with the exterior colors of the building;~~
- ~~G. 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;~~
- ~~H. Rooflines on a building or structure should be compatible throughout the building or structure and with existing buildings and structures and surrounding development;~~
- ~~I. Proposed lighting should be so located so as to avoid glare and to reflect the light away from adjoining property and public rights-of-way;~~
- ~~J. Design and location of proposed signs should be consistent with the provisions of this title and with characteristics of the area in which the site is located. Signs should be restrained and design should be in keeping with the use to which they are related. Sign materials should be compatible with the materials and colors used on the exterior of the structure to which sign is related and should be complementary to the appearance of the building;~~
- ~~K. The design of the buildings, driveways, loading facilities, parking areas, signs, landscaping, illuminaries, and other site 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 streets;~~

- ~~L. Off street parking and loading facilities should function efficiently with minimum obstruction of traffic on surrounding streets;~~
- ~~M. The following elements are shown and so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, the scenic quality of Foothill Boulevard and San Dimas Canyon Road is enhanced, and that there will be no adverse effect on surrounding property:~~
- ~~1. Setbacks,~~
 - ~~2. Height of buildings,~~
 - ~~3. Service areas,~~
 - ~~4. Walls,~~
 - ~~5. Landscaping,~~
 - ~~6. Such other elements as are found to be relevant to the fulfilling of the purpose of this chapter;~~
- ~~N. All utility facilities are underground;~~
- ~~O. The proposed use is in compliance with the general plan. (Ord. 726 § 1 (7), 1981)~~

~~18.514.130 Council action.~~

~~Upon receipt of the recommendation from the planning commission, the city council shall hold a duly advertised and noticed public hearing. The city council may approve, conditionally approve or disapprove the plan by resolution. Any changes or additions not previously considered by the planning commission shall be referred to the planning commission for report back to the council. (Ord. 726 § 1 (8), 1981)~~

~~18.514.140 Processing of approved plans.~~

- ~~A. As used in this chapter, the term "duly advertised and noticed public hearing" shall mean and require that notice of the public hearing be given at least ten days prior to the public hearing in the same manner as required for zone changes and zoning amendments.~~

~~B. The approved precise plan, with any conditions shown thereon attached thereto, shall be dated and signed by the director of community planning. One copy of the approved plan and conditions shall be mailed to the applicant.~~

Exhibit A

~~That portion of the southwest quarter of Section 35, Township 1 North, Range 9 West San Bernardino Meridian, in the city of San Dimas, in the County of Los Angeles, state of California, according to the official plat thereof, described as follows:~~

~~Beginning at the intersection of the Northerly prolongation of the center line of Walnut Avenue "60 feet wide" with the Southerly line of government Lot 1 of said Section 35; thence Northwesterly along said Southerly line and Northerly along the Westerly line of said Lot 1 to the Westerly terminus of the common boundary line between the properties to Mervin A. Grizzle and wife, Harold R. Wilson and wife and A. L. Stevens and wife, as established by the deeds recorded on February 4, 1963 as Document No. 3166 and 3167 in Book D-1908 Page 815, and Book D-1908 Page 816 of Official Records in the office of the County Recorder of said county, said Westerly terminus being described in said deeds as a "point in the west line of said section distant thereon South 0 degrees 20 minutes 30 seconds west 1276.62 feet from the west one-fourth corner of said section, as said corner is shown on the map of the Nusbickel Tract recorded in book 34 Page 57 of Maps, records of said county", thence North 89 degrees 50 minutes 44 seconds east along said common boundary line to the Westerly line of Sycamore Canyon Road "now part of San Dimas Canyon Road" 40 feet wide, as shown on the map of Western Water and Power Company's tract recorded in Book 14 Page 9 of maps in said office of the county recorder; thence Southerly along said Westerly line to the most Northerly corner of the parcel of land conveyed to Mervin A. Grizzle, et al., by deed recorded on May 19, 1967 as Document No. 84 in Book D-3647 Page 304 of said official records; thence Southerly along the Easterly line of said land to the most Southerly corner thereof, being in the Southwesterly line of said above mentioned Sycamore Canyon Road; thence Southeasterly and Southerly along the Southwesterly and Westerly lines of said road to the center line of Foothill Boulevard "100 feet wide" as described in deed to the state of California recorded in Book 7905 Page 336 of official records in the office of the county recorder of said county; thence Northwesterly along said center line to the West line of the East 207 feet "measured at right angles" of government Lot 2 of said Section 35; thence Northerly along said West line to the Northerly line of said Foothill Boulevard; thence Northwesterly along said Northerly line to a line that is parallel with said Westerly line of Lot 1 which passes through a point in said center line of Foothill Boulevard distant 578.69 feet Southeasterly thereon from its intersection with~~

~~said center line of Walnut Avenue; thence Northerly along said parallel line to the Northeasterly corner of the land described in deed to H. W. Montgomery recorded on August 9, 1955 as Document No. 891 in Book 48594 Page 387 of said official records; thence Westerly along the Northerly line of said land to the Northerly prolongation of said center line of Walnut Avenue; thence Southerly along said prolongation to the point of beginning.~~

~~Excepting therefrom, any portions included within the lines of Parcels 406, 407, 408 and 452 as described in the final order of condemnation entered in Superior Court Case No. 782521, a certified copy of said final order being recorded on June 30, 1964 as Document No. 6348 in Book D-2530 Page 693 of said official records, and within the lines of Parcel 8 as described in final order of condemnation entered in Superior Court Case No. 702040, a certified copy of said final order being recorded in Book D-664 Page 761 of said official records.~~

~~Also except that portion of said land included within the lines of the land described in Parcels 405 and 451 of the final decree of condemnation entered in Superior Court, Los Angeles County Case No. 782521, a certified copy of which was recorded on July 29, 1969, as Instrument No. 3008, in the office of the county recorder of said county.~~

~~Also except that portion of said land included within the lines of the land described in Parcel 20, of the final decree of condemnation entered in Superior Court, Los Angeles County Case No. 861448, a certified copy of which was recorded on August 19, 1970, as instrument No. 2817, in the office of the county recorder of said county.~~

~~Also except that portion included within the lines of the land described in the lease to Standard Oil Company of California recorded on May 19, 1967 in Book M-2588 Page 514, Official Records and as modified by an instrument executed by Mervin A. Grizzle et al., and Standard Oil Company of California recorded August 24, 1967 in Book M-2541 Page 171, Official Records, more particularly described as follows:~~

~~Parcel 1~~

~~That portion of government Lot 2 in Section 35, Township 1 North, Range 9 West, San Bernardino Meridian, in the city of San Dimas, in the county of Los Angeles, state of California, according to the official plat of said land filed in the district land office on October 30, 1884, described as follows:~~

~~Beginning at the Southeast corner of said Lot 2; thence along the Easterly line of said Lot 2, North 0 degrees 02 minutes 55 seconds West 227.02 feet; thence at right angles to said Easterly line South 89 degrees 57 minutes 05 seconds West 163.84 feet; thence at right angles to the center line of Foothill Boulevard, 100 feet wide, as described in deed to the state of California, recorded in Book 7905~~

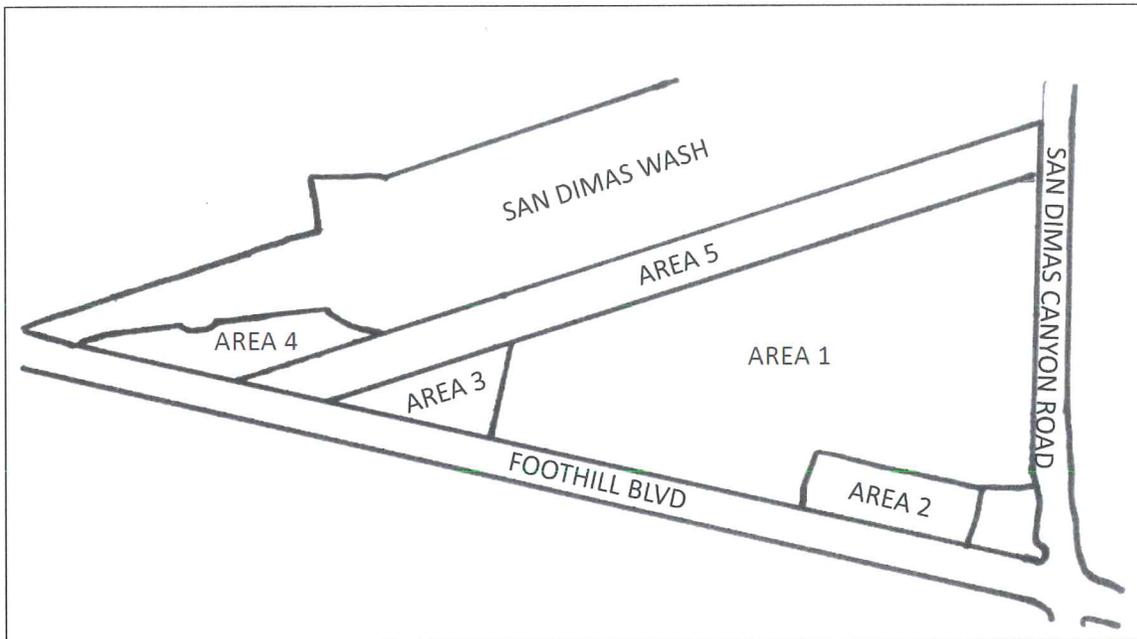
~~Page 336 of Official Records of said county, South 12 degrees 27 minutes 35 seconds West 184.05 feet to the Southerly line of said Lot 2, said Southerly line being the Northerly line of the Rancho Addition to San Jose; thence along said Southerly line South 76 degrees 57 minutes 55 seconds East 209.13 feet to the point of beginning.~~

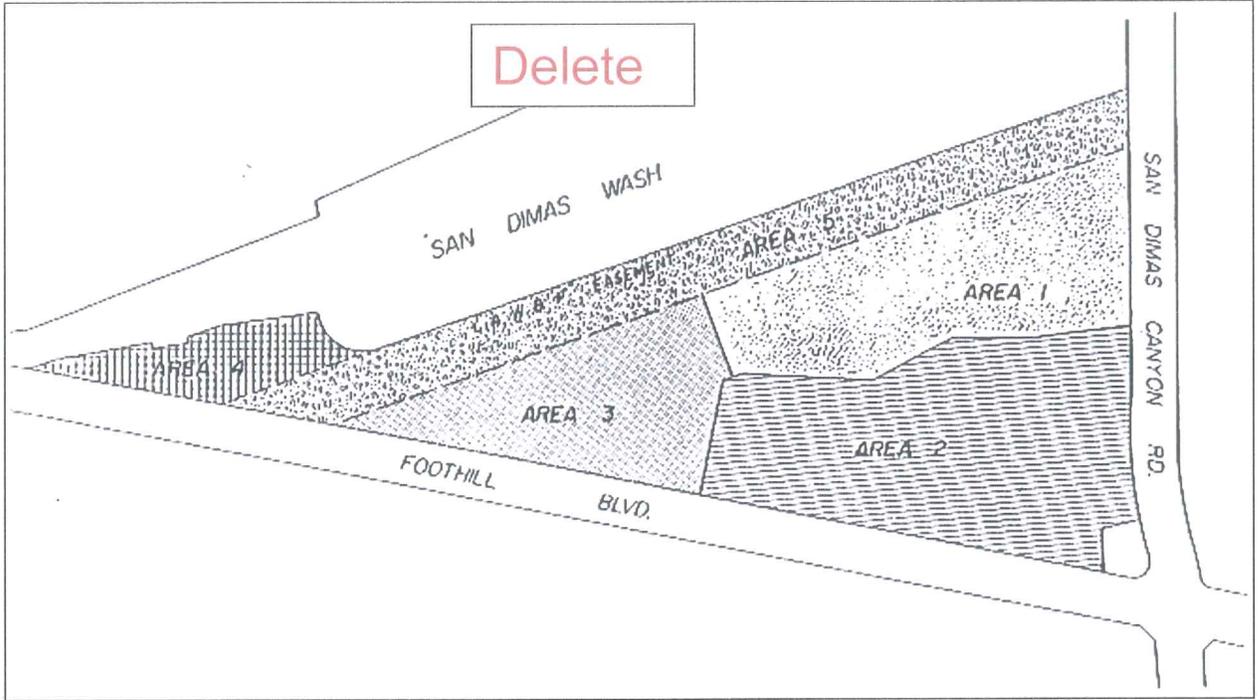
~~Also except that portion of said land lying Northerly of the Southerly boundary line of Parcel 405 of the final decree of condemnation entered in Superior Court, Los Angeles County Case No. 782,521, a certified copy of which was recorded on July 29, 1969, as Instrument No. 3008, in the office of the county recorder of said county, and the Westerly prolongation of the most Westerly, Southerly line of said Parcel 405, and the Easterly prolongation of Southerly line of said Parcel 405, being that certain Southerly line having a bearing of North 71 degrees 58 minutes 09 seconds East.~~

Plan 1

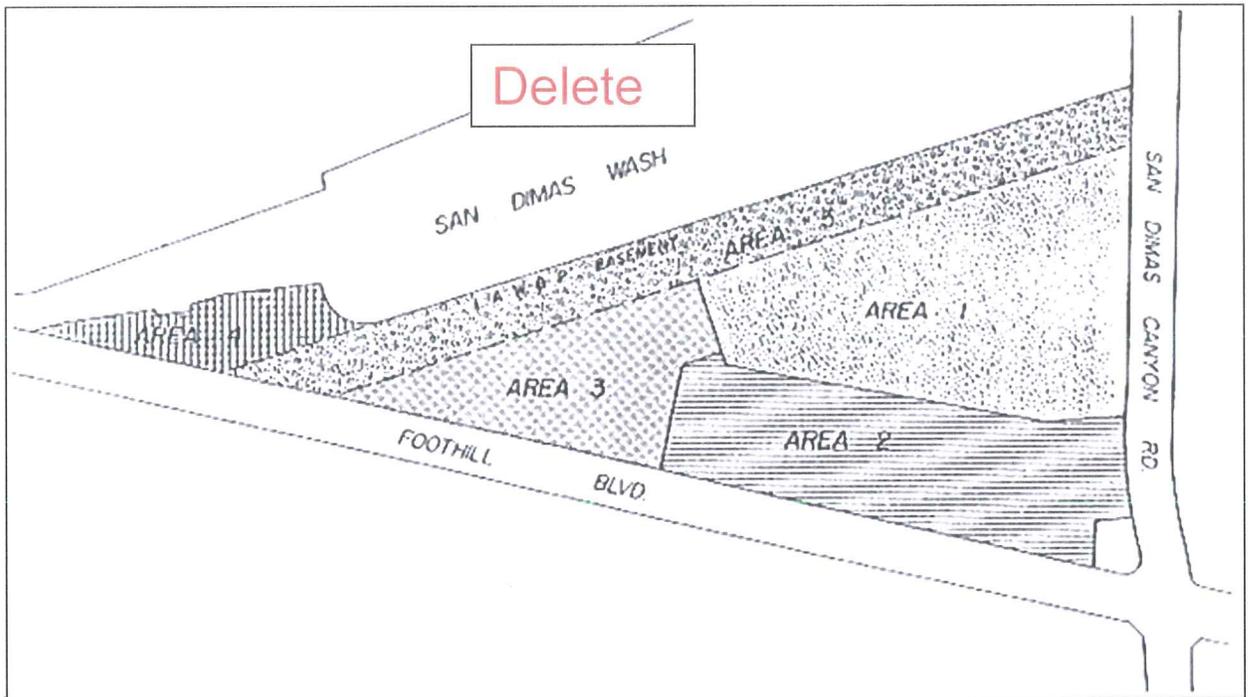
EXHIBIT A

Proposed (As- Developed)





Plan 2



(Ord. 726 § 1 (9), 1981)



CARL WARREN & COMPANY
Claims Management and Solutions

September 15, 2015

To: The City of San Dimas

Atten: Ken Duran, Risk Management

RE: Claim : Sigala vs. City of San Dimas
Claimant : Francisca Sigala
D/Event : 9/8/15
Date Filed : 9/11/15
Our File : 1918900 DBQ

We have reviewed the above captioned claim and request that you take the action indicated below:

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

Please provide us with a copy of the notice sent, as requested above. If you have any questions please contact the undersigned.

Very truly yours,
CARL WARREN & COMPANY

Deborah Been
Deborah Been

AN EMPLOYEE-OWNED COMPANY

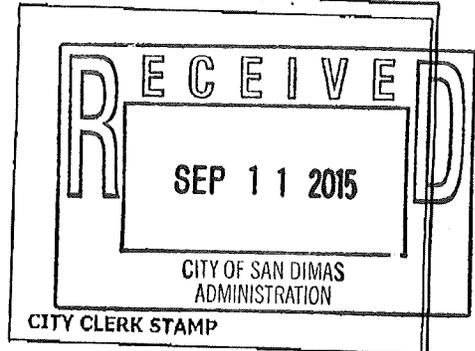
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P. O. Box 25180 | Santa Ana, CA 92799-5180

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CA License No. 2607296

3d



**CLAIM AGAINST THE CITY OF SAN DIMAS
(For damages to Persons or Personal Property)**

- Received by KD Initials
 Via
 U S Mail Fax
 Inter-Office Mail
 Over the Counter

A claim must be filed with the City Clerk of the City of San Dimas within six (6) months after which the incident or event occurred. Be sure your claim is against the City of San Dimas, not another public entity. Where space is insufficient, please use additional paper and identify information by paragraph number. Completed claims must be mailed or delivered to the City Clerk, the City of San Dimas, 245 E. Bonita Avenue, San Dimas CA 91773-3002.

TO THE HONORABLE MAYOR & CITY COUNCIL, THE CITY OF SAN DIMAS, CALIFORNIA.

The undersigned respectfully submits the following claim and information relative to damage to persons and/or personal property:

- Name of Claimant FRANCISCA SIGALA
 - Address 4906 ELTON ST
 - City BALDWIN PK Zip Code 91706
 - Telephone Number (626) 337-8034 d. Cell Number (626) 251-6821
 - Date of Birth 06/15/48 f. Drivers' llcense N9264793
 - e-mail: _____
- Name, telephone and post office address to which claimant desires notices to be sent if other than above:
SAME AS ABOVE
- Event or occurrence from which the claim arises:
 - Date 09/08/15 b. Time APPROX 2:00 a.m.(p.m.)
 - Place (exact & specific location) 2448 CHARFORD ST. SAN DIMAS, CA.
 - How and under what circumstances did damage or injury occur? Specify the particular occurrence, event, act or omission you claim caused the injury or damage. (Use additional paper if necessary)
TREE BRANCH FELL ON CAR. TREE WAS ON SUDENWATER
 - What particular action by the City, or its employees, caused the alleged damage or injury?
TREE SEEMED DRY
- Give a description of the injury, property damage or loss, so far as is known at the time to this claim. If there were no injuries, state "no injuries".
NO INJURIES. HOOD OF CAR CAVED IN & BACK WINDSHIELD BROKE/SHATTERED.

5. Give the name(s) of the City employee(s) causing the damage or injury;

NO CITY EMPLOYEES INVOLVED.

6. Name and address of any other person injured:

N/A

7. Name and address of the owner of any damaged property:

FRANCISCA SIGALA

4906 ELTON ST.

BAWDWIN PK. CA. 91700

8. Damages claims:

a. Amount claimed as of this date: \$ _____

b. Estimated amount of future costs: \$ _____

c. Total amount claimed: \$ _____

d. Basis for computation of amounts claimed
(attach copies of all bills, invoices, estimates, etc.)

9. Names and addresses of all witnesses, hospitals, doctors, etc.

a. DARLENE BAENEZ 2048 CHARFORD ST. SAN DIMAS

b. SHIRLEY MORONEY, 2051 CHARFORD ST. SAN DIMAS

c. _____

d. _____

10. Any additional information that might be helpful in considering this claim:

**WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM!
(Penal Code §72: Insurance Code §556.1)**

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 10th day of SEPTEMBER, 20 15
at _____

Francisca Sigala
Claimant's signature



MEMORANDUM

DATE: September 22, 2015

TO: City Council

FROM: Marco A. Espinoza, Senior Planner 

SUBJECT: Request to initiate a Municipal Code Text Amendment application to allow for the off-site sale of beer and wine (Type 20) and other minor cleanup changes within Specific Plan No. 17, Area 1, Code Section 18.528 (76 Gas Station at 1790 S. San Dimas Avenue (APN: 8396-017-025)) in conjunction with existing an conditionally permitted convenience store and gas service station.

Specific Plan No. 17 (Code Section 18.528) was developed in 1985 with two subareas. Area 1 has always been zoned for service station uses. Area 2 was zoned for office uses but was later developed with an assisted living facility in the 1990's. In 1996, Specific Plan No. 17 was amended to include Area 3 – Open Space which allowed for very limited development of the area.

In 1985 when Specific Plan No. 17, Area 1 was developed, the following uses were permitted, conditionally permitted and prohibited.

18.528.050 Area 1-Service station use. The purpose of area 1 is to provide for the aesthetically pleasing development for service station use to serve the needs of the community and its citizens. It is further provided that development of a service station is in a manner ensuring compatible use of land, encouraging creative and imaginative site planning and ensuring integrated design and control of design.

A. The use permitted is a service station, subject to the development standards of Sections 18.528.080, 18.528.090 and Article V of this chapter.

B. Conditional Uses shall be tow truck services as an accessory use to the service station only.

C. Prohibited Uses.

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

2. Specialty commercial uses, such as, but not limited to, antique shops, athletic clubs, jewelry stores, music stores, automobile, motorcycle, recreation vehicle or similar use sales;

3. Outdoor sales, storage or display of merchandise;

4. Residential uses;

5. Drive-through style eating places;

6. Adult bookstores, adult theaters, and similar uses;

7. Gambling facilities;

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

9. Coin or token operated games of skill;

10. 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 18.192. (Ord. 831 §1 (B (part), 1985)

In 2008 the Specific Plan was amended to allow for the conditional use of a convenience store. At the same time the City Council also considered a MCTA to conditionally allow the off-site sale of beer and wine; the Council denied the request at that time. (see Exhibit D)

B. Conditional uses.

1. Convenience stores, with up to 1,000 square feet of sales floor area, when accessory to a gasoline or service station use. Sales floor shall be defined as the floor area allotted for food and convenience sales and shall not include cashier counter area, refrigeration coolers, storage area, restrooms and similar facilities.

Prior to receiving approval for the convenience store use there had been two attempts to allow the use in 2003 and in 2007; in both instances Council thought the use would be an inappropriate mix of land uses for this location (see Exhibits A - D). When the use was finally approved the Council felt that the times had changed since the Specific Plan was first created and that consumers were looking for convenience when shopping due to their busy schedules and that not everyone had the luxury to go to the nearby Vons grocery store and stand in line.

Again in 2012-13, the applicant submitted an initiation to request a MCTA to allow for the off-site sale of beer and wine (Type 20). During the processing of the initiation Staff discovered that there was a moratorium placed by the California State Department of Alcoholic Beverage Control (ABC) on the issuance of new Type 20 licenses in the City of San Dimas, along with 34 other cities in the County of Los Angeles, due to an overconcentration of licenses.

Moratorium

Section 23817.5 of the California Business and Professions Code establishes a moratorium on the issuance of off-sale beer and wine licenses in cities and counties where the ratio of Type 20 licenses exceeds one for each 2,500 inhabitants. The Department of Alcoholic Beverage Control maintains a list of cities with partial moratorium status. The latest list became effective as of May 9, 2011 and will remain in effect until recalculated in approximately 5 years, in accordance with Section 23817.9 of the California Business and Professions Code. Exhibit C contains a detailed fact sheet and map from ABC's website which indicates that San Dimas has been designated a moratorium city.

Under this moratorium, Type 20 licenses can only be obtained in two ways:

1. The transfer of an existing Type 20 license from one location within San Dimas to another.
 - a. The Department of Alcoholic Beverage Control will allow the transfer of an existing active license within the City to another location within the City as it will not result in an increase in the total number of licenses therein. However, staff is not aware of any active Type 20 licenses within San Dimas that are available for-sale at this point in time.

Or

2. The issuance of a new license, under the following circumstances.

- a. California Business and Professions Code Section 23817.7 states that ABC may still issue a license during a moratorium status if the applicant can demonstrate that it will serve a public convenience and necessity and if all of the following conditions exist:
1. The crime reporting district that the license is going to be located within falls below certain crime levels;
 2. The ratio of licenses to population in the census tract falls below the ratio of licenses to population in the county; and
 3. The local governing body (City) determines that public convenience or necessity would be served by the issuance.

Prior to the moratorium, the state could issue a license in an area considered to be over concentrated if the local governing body (City) or the Department of Alcoholic Beverage Control made the public convenience or necessity finding. Under the California Business and Professions Code Section 23817.7(A)3, which applies to cities under the current moratorium, the local governing body (City) must make the PCN finding for a new license to be issued, and the option for the state to make the finding is no longer available.

The applicant is in negotiations to purchase an existing beer and wine license that is no longer in use (Jim's Market, 244 W. First Street) thereby avoiding having to demonstrate a public convenience and necessity required for new licensees. The applicant at this is not proposing to expand the existing 1,000 sq. ft. convenience store and will use some of the exiting cooler and floor area used for soft drinks for the display of the beer and wine.

Unlike other general zones Specific Plan No. 17, Area 1 only affects the 76 gas station thereby allowing for specific development standards. The limitation on the square footage of the convenience store was established based on limited parking on-site and a shared parking agreement with the adjacent assisted living facility. Further expansion of the sales area would not be possible without providing for additional parking on-site which may not be feasible. As part of the MCTA request Staff would also analyze the feasibility of removing the convenience store size limitation of 1,000 sq. ft. to be consistent with the City Council's direction in 2013 to allow all gas stations the opportunity to have a convenience store without setting a maximum square footage (see Exhibits E - G) if the applicant can meet the parking requirement.

Conclusion

Staff recommends the City Council initiate a Municipal Code Text Amendment application to allow for the off-site sale of beer and wine (Type 20) and other minor cleanup changes within Specific Plan No. 17, Area 1 (76 Gas Station at 1790 S. San Dimas Avenue) in conjunction with an existing conditionally permitted convenience store and gas service station.

Exhibit A-	CC Minutes, Oct. 14, 2003
Exhibit B-	CC Minutes, Feb. 27, 2007
Exhibit C-	CC Minutes, Feb. 12, 2008
Exhibit D-	CC Minutes, July 8, 2008
Exhibit E-	April 30, 2013, Revised policy on snack shops vs. convenience stores
Exhibit F-	April 29, 2013, Memo to CC regarding policy of snack shops vs. convenience stores
Exhibit G-	CC retreat minutes, April 29, 2013
Exhibit H-	Old policy on snack shops vs. convenience stores established on Aug. 25, 1992

Aerial Photo of Site

Specific Plan No. 17, Areas 1, 2, & 3



- 
- b. Consider request from Unocal Station at 1790 South San Dimas Avenue (intersection of Via Verde) to amend the Municipal Code of Specific Plan No. 17 to allow convenience markets in conjunction with the service station use.

Associate Planner Vacca presented a request to allow a convenience market at the Unocal Station on San Dimas Avenue and Via Verde. Based on original analysis and determinations for adopting permitted and prohibited uses in Specific Zone 17, and no significant land use changes in the Via Verde area, staff recommends that the City Council maintain the current uses of the SP-17 zone and deny the request for a Municipal Code Text Amendment.

Mayor Morris said this is not a public hearing; however, he felt this issue was of significant importance in the community and asked if anyone wished to speak concerning this matter.

Ali Olfati, owner's representative, said the purpose of the application is to expand the existing convenience store because the auto repair business is no longer economically viable.

George Derashotian, owner, stated that converting to a convenience store would generate additional revenue for the City and tremendously improve the site.

Mayor Morris recalled that approval for the service station was based on the need within the community to have a full service station, not a convenience market.

Dr. Marvin Ersher, 1312 Paseo Alamos, spoke in opposition to the request. He provided a brief history on the long planning process; objections from the Via Verde Hillside Development community; reluctant support; agreement of development; and conditions of approval, one being the prohibition of convenience markets. He indicated approval would constitute a violation of that covenant, and he strongly urged rejection of the request.

After further discussion, it was the consensus of the City Council to deny the request to allow a convenience market at the Unocal Station on San Dimas Avenue and Via Verde.

OTHER BUSINESS

- a. Revise the City's Pay Plan and Reimbursement Schedule.

RESOLUTION NO. 03-56: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING AND EXTENDING THE PAY PLAN AND REIMBURSEMENT SCHEDULE FOR CITY EMPLOYEES.

City Manager Michaelis summarized the staff report and proposed an adjustment to the City's insurance premium contribution, which was delayed until the state legislature completed its 2003-04 budget. He recommended adoption of Resolution No. 03-56.

After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Ebiner, to waive further reading and adopt RESOLUTION NO. 03-56, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING AND EXTENDING THE PAY PLAN AND REIMBURSEMENT SCHEDULE FOR CITY EMPLOYEES. The motion carried unanimously.

- b. **ORDINANCE NO. 1139: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS IMPOSING A FEE FOR NPDES INSPECTIONS AND AMENDING THE SAN DIMAS MUNICIPAL CODE. SECOND READING**

Mayor Pro Tem Templeman suggested that Mr. Khattar not be charged further fees.

Councilmember Bertone recommended that the applicant work with staff within the confines of the CC&Rs.

- b. Request to initiate a Municipal Code Text Amendment to allow for a convenience market use at the Unocal Station at 1790 South San Dimas Avenue (APN: 8448-024-019) in the Specific Plan 17 Zone.

Associate Planner Lockett presented a request from Sam Ghosn to increase the size of the existing 300 sq. ft. accessory snack shop by converting two of the existing service bays and adding 196 sq. ft. to the front of the building to accommodate a convenience mart. The service station is located at the corner of Via Verde and San Dimas Avenue, zoned Specific Plan 17, Area 1 Service Station. Convenience goods and services businesses are listed as prohibited uses in SP 17. Staff recommends that the City Council deny the request to initiate a code text amendment to allow convenience markets in Specific Plan 17.

Mayor Morris asked the applicant to come forward to present his case.

Sam Ghosn stated his goal is to upgrade the gas station to match the latest generation of gas stations and look more attractive and provide a wider range of customer services. He outlined his proposed plan to enlarge the size of the existing mini-market by converting two of the garage bays and adding that space to the market footage. He stated no traffic would be added to the area and he would provide additional security.

In response to Council, Planner Lockett replied that in the early 1990's, Accessory Snack Shops were defined as not to exceed 300 square feet in sales space; limited to vending machine; and prohibited from selling alcoholic beverages. She further replied that nine parking spaces are required - four for service bays, and five for the mini-market. She added that the existing business has nine parking spaces.

Mayor Morris expressed concern whether amendment of the Specific Plan would require amendment of the CC&Rs, which do not permit convenience markets. He asked if anyone in the audience wished to comment.

Marvin Ersher, 1312 Paseo Alamos, expressed opposition to the proposal and stated that when the initial proposal by Ron Kranzer came forward in 1992, the Via Verde Homeowners reluctantly agreed to allow a full service gas station without a snack shop, which happened without approval by the City. He indicated that the homeowners are well served by a well run service station; there is no need for a convenience market, and the CC&Rs were intentionally framed to prohibit the use in that area.

In response to Mayor Morris, Director Coleman replied that the rules addressed in the CC&Rs were codified for the Specific Plan and the City was a party to the CC&Rs.

Mayor Morris stated he would like to see what the CC&Rs apply to that property and directed staff to bring back a report.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to uphold Specific Plan 17, and deny the request to initiate a code text amendment to allow convenience markets in Specific Plan 17. The motion carried 5.0.

Councilmember McHenry left the dais at 10:25 p.m.

new grant application in the Rivers Mountain Conservancy Call for Projects and the application has been placed in Tier 1 for further consideration. NJD is cooperative and provided a "willing seller" letter, and requested proceeding with the General and Specific Plan Amendments prior to their submittal of development applications. Staff recommends initiation of a General Plan Amendment and Amendment to Specific Plan No. 25 pursuant to the Settlement Agreement subject to a Letter Agreement updating the concurrent processing and grant cooperation issues.

Mayor Morris explained the lawsuit filed by NJD and settlement agreement. He said approval of this matter would initiate the public hearing process through the Planning Commission and City Council. He said the City Council is not bound by the settlement agreement.

Councilmember Bertone explained that approval tonight would initiate only the public hearing process and no project is being approved.

In response to Councilmember Ebner, Assistant City Manager Stevens said it would take approximately four to six months to complete the hearing process depending on decisions on CEQA compliance.

It was moved by Councilmember Badar, seconded by Councilmember Bertone, to authorize staff to initiate a General Plan Amendment and Amendment to Specific Plan No. 25 pursuant to the Settlement Agreement subject to a Letter Agreement updating the concurrent processing and grant cooperation issues. The motion carried unanimously.

- d. **Request to initiate a Municipal Code Text Amendment to allow for a convenience market use at the Unocal Station at 1790 South San Dimas Avenue (APN: 8448-024-019) in the Specific Plan 17 Zone.**

Planning Manager Hensley presented a proposal submitted by the owner of the 76 Gas Station requesting the City Council to initiate an Amendment to the Code to allow a convenience store along with the existing service station. The service station is located on the corner of Via Verde and San Dimas Avenue, zoned Specific Plan 17, Area I Service Station. The prohibition of convenience stores in Specific Plan No. 17, and other locations in the city, is policy set by City Council that can be revised if the City Council deems it appropriate. Staff recommended direction.

Manager Hensley responded to Council regarding required parking; there would be two bays left for auto services; shared parking with Brighton Gardens is being considered; the zone was changed in Area 3 to allow convenience stores at two gas stations; and he explained the process to initiate a change.

Mayor Morris invited the applicants to speak.

Bill Ghosen, Planner, stated that times have changed and they would like to accommodate the neighborhood's needs. He indicated that the shop wastes square footage that could be utilized in other ways.

Sam Ghosen explained that most of the parking would come from people at the gas pumps or not needing a space. He said the proposed mini-market would consist of 1500 s.f. - 1800 s.f. and parking would be shared with the adjacent owner. He said 75% of the landscaped area belongs to the gas station.

Marlene Ebtinor, Realtor, said Vons closes at 10:00 p.m. and thought a convenience market would be appropriate in the area.

Dr. Marvin Ersher provided a brief history of how the gas station was approved, and said the specific plan prohibits food uses. He asked the Council to reject the request for a convenience market.

After some inappropriate comments from Mr. Maksoudian, Mayor Morris instructed him to make comments related to the issue at hand.

Sid Maksoudian said the convenience store is not selling liquor and the Alcohol Beverage Control would not grant a permit to the business owners because of close proximity to the freeway.

Sam Ghosen stated that 100 people who live in the Via Verde area have given their support and Brighton Gardens has submitted an unconditional letter for the shared parking.

Sam Easel, Via Verde resident, commented that a convenience store would be convenient to the area.

Patick Jones said he lives in Via Verde and supports the convenience market.

Gary Enderle, Via Esperanza, said things have changed over the last 25 years and encouraged the City Council to take a look at going forward with this project.

Mayor Pro Tem Templeman expressed concerns with parking and queuing issues.

Councilmember Bertone stated that years ago the city was very specific about setting out the regulations.

Councilmember Badar said things have changed over 25 years and the City Council has the authority to help a person build a business. He believes the City Council needs to think about progress and be fair to small business.

Councilmember Ebner said the design of the station is an older design with pumps fairly close. He said convenience markets with gas stations have parking close to the door. He does not see people parking far away at the shared parking.

Mayor Morris stated there is some inconsistency and felt it is not unreasonable to conduct a review at this site and other places to determine if the purpose of the ordinance is still what it should be.

In response to Mayor Morris, Mr. Bill Ghosen stated that he would like to install a walk-in cooler and 500 s.f. of storage area.

It was moved by Councilmember Badar to approve the process to move this project forward. The motion was seconded by Mayor Morris and failed 3.2; Councilmembers Bertone, Ebner, and Templeman opposed.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to reject the proposal to amend the Municipal Code to permit a convenience store in Specific Plan No. 17. The motion carried 3.2; Councilmembers Badar and Morris opposed.

RECESS

Mayor Morris recessed the meeting at 9:22 p.m. The meeting was reconvened at 9:33 p.m. with all members present.

5. OTHER MATTERS

- a. Receive report from staff regarding Northwood's Open Space Maintenance District.

Director of Parks and Recreation Bruns reported that Northwood's property owners have submitted their recommendations for the continuance of the Assessment District for 2008-09. The report details the

- b. Approval of minutes for regular City Council meeting of June 24, 2008 and Special City Council meeting of June 24, 2008.
- c. Traffic Signal Maintenance Contract – Contract Extension & Annual Cost of Living Adjustment.

END OF CONSENT CALENDAR

6. PUBLIC HEARINGS

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

- a. **Municipal Code Text Amendment 08-02; Conditional Use Permit 08-01; DPRB Case No. 08-25**
Request to amend Specific Plan No. 17 to permit convenience stores as accessory uses to a service station; operate an accessory convenience store with shared parking on an adjacent property; and a 200 square foot addition to an existing service station. Applicant: Sam Ghosn

ORDINANCE NO. 1181, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING THE SAN DIMAS MUNICIPAL CODE (MCTA 08-02) BY AMENDING CHAPTER 18.528 (SPECIFIC PLAN NO. 17) TO CONDITIONALLY PERMIT ACCESSORY CONVENIENCE STORES UP TO 1,000 SQUARE FEET AND SALES OF BEER AND WINE.

RESOLUTION NO. 08-43, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 08-01, A REQUEST BY SAM GHOSN (VIA VERDE 76) FOR AN ACCESSORY CONVENIENCE STORE AND SHARED PARKING ON THE PROPERTY LOCATED AT 1790 SOUTH SAN DIMAS AVENUE.

Mayor and Council Members disclosed having conversations about the project with the City Attorney, staff, owners of the 76 Station, and interested residents.

Planning Manager Hensley presented the staff report and stated that on March 11, 2008 the City Council requested this item be reconsidered. He outlined the proposed code amendment and conditional use permit that would amend Specific Plan No. 17 to remove the prohibition of convenience stores and allow accessory convenience stores with up to 1,000 square feet of sales floor area with a conditional use permit. He said this proposal also includes a conditional use permit request for an accessory convenience store. Mr. Hensley stated that the City Attorney submitted a memo regarding State regulations as it relates to the sale of beer and wine at a convenience store attached to a gasoline station. The Planning Commission recommended approval of the code amendment and conditional use permit. Staff recommends introduction of Ordinance 1181 and approval of Resolution No. 08-43.

Councilmember Bertone stated he spoke with City Attorney Brown who agreed that because this property is in Specific Plan No. 17, the City has the ability to outright disallow beer and wine, although challenges may be raised to that restricted zoning.

In response to Councilmember Ebner, Planning Manager Hensley replied that the City Council could decide to keep language allowing the sale of beer and wine as part of a conditional use permit, or that language could be deleted from the proposed ordinance.

In response to Mayor Pro Tem Badar, Mayor Morris stated that the conditional use permit operation cannot be used to deny the use, and only reasonable standards can be placed on that conditional use.

City Attorney Brown stated that the staff report was written based on discussions he had with Mr. Hensley. He said even though the applicant was not requesting the sale of beer and wine, they decided to address it and provide for it in the event someone would request the use. However, the applicant will still have to apply for a conditional use permit. He agreed with Mayor Morris that it would be difficult to deny the use unless official findings were made to support that denial. He said it is his opinion that if the City Council wants to prohibit the sale of beer and wine, the City Council can change the ordinance to prohibit the use. If someone in the future requests the sale of beer and wine, they have the option of filing another application for a change in the zoning code.

Councilmember Bertone explained that the City Council cannot deny the sale of beer and wine if the zone allows it to be sold anywhere else in that zone. He said beer and wine are not allowed to be sold in Specific Plan 17; and since this is an accessory use, if the gas station closes, the accessory use closes as well.

Manager Hensley pointed out there's a limitation of available parking with the property layout. He said staff decided that it was reasonable to provide two parking spaces offsite. He mentioned that in 2007, the applicant requested the removal of all bays and withdrew the request due to inadequate parking.

Mayor Morris opened the public hearing and invited testimony first from the proponent, followed by those in opposition.

1) Sam Ghosn, Applicant, distributed a document on how difficult gas sales has become for gas stations to make a profit. He said he is just trying to survive, and he is requesting only what other gas stations have to generate more income. He indicated that his customers and the assisted living facility have no objections to the project. He said he is adding less than 200 square feet to the reverse design building and, therefore, there will be no negative impact from the street. He stated that most of his customers are local residents and his target is to attract Raging Waters/Bonelli Park visitors, which he felt would not cause any negative traffic impact or parking issue. He mentioned that he is not able to compete with any business and intends to sell items related to boats, fishing, and picnics. He added that for the fundraising car wash, there has never been a circulation problem.

2) John Margis, Calle Liseta, said he lives nearby and occasionally stops at the station to buy gas and drinks. He thought it was a great idea that the applicants are trying to increase the selection to better address the needs of their customers and said if they are successful, the City would benefit with increased sales tax revenue. He urged the City Council to adopt Ordinance No. 1181 and Resolution No. 08-43.

3) Susan Crawford, Paseo Teresa, said she is very much in support of this project and indicated that there might be less traffic noise because there will not be as many people driving to and from Von's.

4) Gary Enderele, Via Esperanza, said he watched traffic flow and does not feel the expansion would contribute to additional traffic. He said the majority of gas stations have convenience stores and gas stations must offer something other than gas to survive. He requested the City Council to consider approval.

5) Richard Lukas, Calle Catalina, said his street access is closest to the station. He encouraged the City Council to approve the request.

6) Maher Albouz, Dentist in San Dimas, did not see a reason to deny the project. He frequents the station and has never seen a traffic problem.

7) Bill Ghosn, part owner, said the reason for this project is a matter of survival and fulfilling the needs of their existing customers.

Mayor Morris invited members in opposition to the project to speak:

1) **Marvin Ersher** provided a brief history of the gas station/service station with an accessory convenience store which he felt would become a full convenience store that sells gas. He indicated that it is not the City's regulatory power to enhance or diminish a financial aspect of a property; it is the City Council's obligation to provide for the common good and public welfare. He strongly recommends a prohibition of beer and wine sales in the zoning ordinance not the conditional use permit as he felt it would have a negative impact on Von's, that has exclusive sale of beer and wine in that center. He addressed the parking requirements and stated that no one would park at the Sunrise property to make a purchase at the convenience market. He thought areas in close proximity to pumps should be marked "no parking" for safety. He stated that the expansion was not an aspiration in 1985 and he didn't think it was an aspiration today.

2) **Jim McComb**, Calle Solana, President of The Villas at Rancho Via Verde Homeowners Association, said he surveyed the 122 homeowners and did not find a single person in favor of the project because they believed as the customer base increases, traffic congestion would get worse. He indicated that the crime rate has risen significantly in their section of Via Verde and expressed concern that a convenience store in close proximity to the freeway would be a magnet for crime and teens. He said the 122 homeowners feel it is not good policy for their neighborhood and request the City Council to deny this request.

Mayor Morris asked if proponents wished to respond to the opposition.

1) **Marlene**, Calle Solana, stated neighbors never asked the Via Verde Homeowners Association to represent them to oppose expansion of the store. In fact, residents are in favor of the project and never objected to the expansion of that store.

Mayor Morris said this is an opportunity to comment about the opposition.

2) **Sid Maksoudian**, Camino del Sur, said business individuals are the heart and soul of this town and he requested the City Council give these gentlemen a chance to expand their business.

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

Councilmember Bertone stated he is willing to support this project with a prohibition against beer and wine. He added that he is not in favor of a full convenience store without the gas station.

Councilmember Templeman said he met with the owners, went inside, looked at the bays, and observed the activity. He said Sunday is visitor day for Brighton Gardens and the only available parking was behind Brighton Gardens, not visible to the gas station. He said if shared parking is not dedicated to the convenience store, there is no convenience and parking could be problematic. Also, he received emails from people in opposition who say when the season is heavy, towable vehicles create a circulation problem. He agreed with Mr. Bertone regarding the issue of alcohol and said the decision made tonight will impact gas stations in other parts of the community.

Mayor Pro Tem Badar said it is not unusual for a business to continuously figure out how to bring business in, and in reality, customers already go to the convenience store asking to buy products that are not available there. He stated that only a few persons have expressed a concern with the project, but overwhelmingly, people are not concerned with the expansion of the gas station. He would like to see the project go forward and if beer and wine become problematic, he would agree with Mr. Bertone.

Councilmember Ebner thought the design of the addition would make the gas station look better and he felt it would be beneficial to have goods and services available throughout the community. However, he expressed concern with the 24-hour operation and thought existing parking problems would be exacerbated by the layout and design of the site. He stated he would probably vote against the project.

Mayor Morris stated that the service station was intentionally designed to enhance that corner by having a reverse design, which creates a problem with circulation. He said the world has changed in 25 years and the need for bays is not as great. He indicated that if parking spaces are not available, it is unlikely that customers would stop to shop in the convenience market. He added that this is a municipal code text amendment that amends only Specific Plan No. 17, which consists of two properties and nothing else. He felt that any reference to beer and wine being permitted should be deleted.

Councilmember Bertone stated that after discussion, and reading of the ordinance, he would like to make a motion to have beer and wine prohibited in the ordinance.

Mayor Morris stated he would interpret this to be a not sufficient change that would be required to refer this item to the Planning Commission.

After the title was read, it was moved by Councilmember Bertone, seconded by Mayor pro Tem Badar, to waive further reading and introduce **ORDINANCE NO. 1181**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING THE SAN DIMAS MUNICIPAL CODE (MCTA 08-02) BY AMENDING CHAPTER 18.528 (SPECIFIC PLAN NO. 17) TO CONDITIONALLY PERMIT ACCESSORY CONVENIENCE STORES UP TO 1,000 SQUARE FEET.

The motion carried by the following vote:

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

After the title was read, it was moved by Mayor Pro Tem Badar, seconded by Councilmember Bertone, to waive further reading and adopt **RESOLUTION NO. 08-43**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 08-01, A REQUEST BY SAM GHOSN (VIA VERDE 76) FOR AN ACCESSORY CONVENIENCE STORE AND SHARED PARKING ON THE PROPERTY LOCATED AT 1790 SOUTH SAN DIMAS AVENUE. The motion carried by the following vote:

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

7. PLANNING/DEVELOPMENT SERVICES

- a. Discussion of temporary banner regulations and consideration of possible amendment.

Director of Development Services Coleman reported that Christ's Church of the Valley has requested that the City amend the San Dimas Municipal Code to allow more than four temporary banner permits in one year. At their June 24, 2008 meeting the City Council considered the request and directed staff to place the matter on the agenda for discussion. Mr. Coleman presented an analysis of current regulations and possible amendments, and said if the City Council wishes to initiate a Municipal Code Text Amendment, staff would recommend increasing the number from four to six banners per year, retaining the maximum display period of 60 days per year, applicable to all businesses and churches.

Mayor Morris invited the applicant to speak on this matter.

Richard Lukas, Administrator, Christ's Church of the Valley, said six banners would cover all their events and he would support staff's recommendation. He appreciates being made aware of that part of the Temporary Use Permit for some outdoor activities held in the parking lot. He also intends to explore the new type of sign that is permitted.



MEMORANDUM

DATE: April 30, 2013
TO: Policy Book
FROM: Jennifer Williams, Associate Planner
SUBJECT: Alcohol Sales and Convenience Markets at Gas Stations

At its retreat on April 29, 2013, the City Council addressed the issue of convenience markets and alcohol sales at gas stations. It also communicated its position on maintaining the practice of not making a public convenience or necessity finding for Type 20 ABC licenses in light of the current moratorium.

Policy on Accessory Snack Shops vs. Convenience Stores

The City Council advised staff to eliminate the current policy established in 1992 differentiating convenience markets from accessory snack shops and to allow the underlying zoning to designate whether the use of an accessory convenience store would be permitted. As such, if a gas station is located in a zone where convenience stores are permitted, a DPRB and CUP application would be required for a new convenience store. As the Council additionally expressed an interest that all gas stations be treated equally in terms of allowing accessory convenience stores, the Council indicated that it would support a code amendment to conditionally permit accessory convenience stores in zones where they are currently prohibited should a business owner bring a proposal forward. In addition to the code amendment, a DPRB application and CUP would also have to be processed.

Alcohol Sales and Finding of Public Convenience or Necessity

The Council confirmed its wishes to uphold its practice of not making a public convenience or necessity finding despite ABC's current moratorium on Type 20 ABC licenses for off-sale beer and wine sales.

While a number of zones currently conditionally permit alcohol sales for off-site consumption, San Dimas' current status as a moratorium city requires multiple criteria be met for the issuance of a new Type 20 license for off-sale beer and wine sales. These include 1) acceptable crime levels in the subject and adjacent crime reporting districts, 2) acceptable concentration levels in the subject census tract, and 3) that the local jurisdiction makes a finding of public convenience or necessity. While crime statistics and concentration levels prevented the majority of gas stations in the City from being eligible for the exemption, the Council's policy to not make the public convenience or necessity finding effectively eliminates the exemption possibility for any business to obtain a new Type 20 license as long as the City remains under the moratorium per California Business and Professions Code Section 23817.7(a).

At the time a moratorium is lifted, business owners of gas stations with convenience stores wishing to sell beer and wine may apply for a CUP if their subject zone conditionally permits off-sale alcohol sales or a code amendment and CUP if their subject zone does not allow off-sale alcohol sales.

Attached: Retreat Meeting Agenda and Memorandum to City Council dated April 29, 2013

EXHIBIT E



MEMORANDUM

DATE: April 29, 2013
TO: City Council
FROM: Planning Department Staff
SUBJECT: Alcohol Sales and Convenience Markets at Gas Stations

This memorandum is intended to start a conversation among the Council as to whether it may want to:

1. Permit or conditionally permit convenience stores at gas stations;
2. Conditionally permit alcohol sales at gas stations; and
3. Change its policy on public convenience and necessity findings to consider making the necessary finding of public convenience or necessity for the issuance of new Type 20 Alcoholic Beverage Control Licenses on a case-by-case basis in light of the City's current moratorium status.

It is also meant to provide a summary of information on the California State Department of Alcoholic Beverage Control's current moratorium on the issuance of Type 20 licenses in the City of San Dimas and what it means for any businesses, particularly gas stations, which may want to obtain a Type 20 license.

Background

Type 20 ABC licenses allow the sale of beer and wine for consumption off the premises where the alcohol is sold. Recently, staff has had numerous inquiries from various gas station owners who desire to obtain this type of license and to sell beer and wine for off-site consumption in conjunction with accessory snack shops and accessory convenience markets connected with their businesses.

Zoning Issues and Current Applications

Currently, a number of zones only allow gas stations to have accessory snack shops under 300 square feet, and prohibit accessory convenience stores. The sale of beer and wine sales for off-site consumption is not permitted within a snack shop. The sale of beer and wine is conditionally permitted within a convenience store associated with a gas station in most zones, but prohibited in a few (see Exhibits A and B).

Recently a Municipal Code Text Amendment Application was submitted (MCTA No. 13-01) requesting to allow the sale of beer and wine for offsite consumption within Specific Plan No. 17, Area 1. The only gas station that is in SP 17 which is also the applicant is the 76 Gas Station and Market at 1790 S. San Dimas Avenue, at the northeast corner of Via Verde

and San Dimas Avenue. The owner of the business also submitted a Conditional Use Permit application in anticipation that any code change that resulted in the use being allowed would permit the use through a conditional use permit.

While researching and preparing the analysis for the proposed code amendment, staff discovered that the Department of Alcoholic Beverage Control currently has a moratorium on the issuance of Type 20 ABC licenses within the City of San Dimas, along with 34 other cities in the County of Los Angeles.

Moratorium

Section 23817.5 of the California Business and Professions Code establishes a moratorium on the issuance of off-sale beer and wine licenses in cities and counties where the ratio of Type 20 licenses exceeds one for each 2,500 inhabitants. The Department of Alcoholic Beverage Control maintains a list of cities in counties with partial moratorium status. The latest list became effective as of May 9, 2011 and will remain in effect until recalculated in approximately 5 years, in accordance with Section 23817.9 of the California Business and Professions Code. Exhibit C contains a detailed fact sheet and map from ABC's website which indicates that San Dimas has been designated a moratorium city.

Under this moratorium, Type 20 licenses can only be obtained in two ways:

1. The transfer of an existing Type 20 license from one location within San Dimas to another.
 - a. The Department of Alcoholic Beverage Control will allow the transfer of an existing active license within the City to another location within the City as it will not result in an increase in the total number of licenses therein. However, staff is not aware of any active Type 20 licenses within San Dimas that are available for-sale at this point in time.

Or

2. The issuance of a new license, under the following circumstances.
 - a. California Business and Professions Code Section 23817.7 states that ABC may still issue a license during a moratorium status if the applicant can demonstrate that it will serve a public convenience and necessity and if all of the following conditions exist:
 1. The crime reporting district that the license is going to be located within falls below certain crime levels;
 2. The ratio of licenses to population in the census tract falls below the ratio of licenses to population in the county; and
 3. The local governing body (City) determines that public convenience or necessity would be served by the issuance.

Prior to the moratorium, the state could issue a license in an area considered to be over concentrated if the local governing body (City) or the Department of Alcoholic Beverage Control made the public convenience or necessity finding. Under the California Business and Professions Code Section 23817.7(A)3, which applies to cities under the current moratorium, the local governing body (City) must make the PCN finding for a license to be issued, and the option for the state to make the finding is no longer available.

Staff Findings

Staff analyzed crime statistics provided by the Sheriff's department from the period of April 15, 2012 to April 15, 2013 for Part 1 and 2 Crimes as required by the Department of Alcoholic Beverage Control. Staff also analyzed concentration levels allowed by the Department of Alcoholic Beverage Control. Exhibit D contains a chart summarizing the analysis. In brief, only 1 of the 10 gas stations in the City of San Dimas (76 Station at 1790 S. San Dimas Avenue) would qualify for the exception allowed under the moratorium by meeting acceptable concentration and crime rate levels. Issuance of a license for this site would require the City to make the finding of public convenience and necessity and to process the currently submitted Municipal Code Text Amendment.

It should be noted that, should concentration levels and crime statistics change in the future, the properties affected could also change. For example, should crime levels go up or down in a site's subject or adjacent district, or a business choose to surrender a license if it was to close, the opportunity for locations to obtain a license may be made available or taken away. However, even if the crime levels and concentration levels are acceptable, no additional Type 20 licenses will be issued while the City is in a moratorium status without a finding of public convenience or necessity by the City.

Conclusion

The City of San Dimas has not historically made a finding that an additional license will serve a public convenience or necessity. Should the Council indicate that it may want to consider making this finding due to the current moratorium status; staff can evaluate and suggest criteria for consideration of this finding. Staff would like direction on processing the Municipal Code Text Amendment in front of us at this time. If the Council is not interested in changing its current policy of not making the findings for public convenience and necessity, it will essentially prohibit any new Type 20 licenses from being issued within the City of San Dimas, until such a time that the moratorium status is lifted. The next time the numbers are up for re-analysis and re-calculation is in 2016.

An option the City Council may want to consider if they wish not to make the required finding for public convenience or necessity is the possibility of amending the code requirements to allow existing gas stations with a snack shop to expand to a convenience store. It may also choose to amend the municipal code to conditionally allow the sale of beer and wine for off-site consumption with the understanding that an application for the sale of beer and wine would not be processed until the moratorium has been lifted and/or the State is willing to make the finding for public convenience or necessity.

In conclusion Staff would like direction from the City Council on how to proceed with the issues at hand.

Exhibit A-	Summary of Existing Gas Stations in the City
Exhibit B-	Zoning Analysis of Service Station and Off-Sale Alcohol Uses
Exhibit C-	Department of Alcoholic Beverage Control Notice and Map on Moratorium
Exhibit D-	Current Concentration Levels and Crime Stats as of April 2013
Exhibit E-	Map of Gas Stations and Crime Reporting Districts in San Dimas
Exhibit F-	Part 1 & 2 Crimes Reported in San Dimas April 15, 2012- April 15, 2013
Exhibit G-	Number of Licenses Authorized by Census Tract
Exhibit H-	Printouts of Existing Retail Licenses in Subject Census Tracts
Exhibit I-	Excerpts from California Business and Professions Code

motion was seconded by Councilmember Templeman and approved by a vote of 4-0 with Councilmember Ebner abstaining.



4. TYPE 20 LIQUOR LICENSE MORATORIUM

(Councilmember Ebner rejoined the meeting at 5:30 p.m.)

Associate Planner Jennifer Williams provided an overview of her staff report regarding the ABC moratorium on issuing any new Type 20, off-site beer and wine, liquor licenses. She also reviewed the difference between snack shops and convenience markets at gas stations. She also explained the exemption process to override the moratorium and the need for the City Council to make a finding of Public Convenience and Necessity (PCN) on a case by case basis. Assistant City Manager Stevens added that it has been the Council prior policy not to make (PCN) findings.

The Council discussed the moratorium, the finding necessary for PCN and current gas station requests for convenience markets and beer and wine sales. The Council also discussed the current Council policy on not allowing convenience markets at gas stations even though they are permitted in most zones.

After further discussion Assistant City Manager Stevens summarized the City Council direction as the previous Council policy on accessory snack shops is no longer in effect and to clarify that convenience stores are allowable under existing zoning, except in CG Area 1, and there are no limitations on size. He further added that the Councils position is not to consider PCN requests. The Council concurred with Assistant City Manager Stevens summary of the Council direction.

5. MATERNITY HOTEL ISSUES

Mr. Stevens described what are commonly being referred to as maternity hotels as residential homes that are being used as hotels that cater to foreign woman who are pregnant. He explained how other communities are investigating and responding to these operations. He discussed a strategy that staff is considering to investigate potential hotels that may occur in the City.

Mayor Morris recessed that meeting at 6:25 p.m. The meeting reconvened at 6:30 p.m.

6. CASE STUDY OF RECENT ZONING AND LAND USE ISSUES

Assistant City Manager Stevens reported that in order to address some recent planning related issues that have been raised he will be presenting a few recent examples to see if there are perceived problems and see if solutions can be developed. He provided the background, details and issues with each of the case studies. He explained that case study #1 was a request for a use in the M 1 zone that was not a clearly permitted use. Issues that were raised and discussed by Council included the length of time and cost of a zone change application, whether our process is similar to other cities, that portions of our code are archaic without much latitude given to staff, the increasing number of applications for uses that are not clear cut and fit into current definitions and the feeling that we need to be business friendly.

Assistant City Manager Stevens described another case study as a conditional use permit application where parking and compatibility with other tenants in the center became issues raised by the other tenants. The need for a parking study became an issue by the applicant. The landlord ended up not allowing the applicant to go forward. Assistant City Manager Stevens commented that staff has discussed that maybe the City should be less concerned about parking impacts in existing centers and let the landlord and tenants address impacts.

Assistant City Manager Stevens described another case that dealt with a use determination of a retail store in the downtown. He described the use determination process.



Memorandum

DATE: August 25, 1992
TO: Robert L. Poff, City Manager
FROM: Community Development Department
RE: Accessory snack shop and convenience stores definitions.

Recently, an application was filed to allow San Dimas Chevron, located in the Creative Growth Zone, to sell alcohol in the existing snack shop. Convenience stores are not a permitted use in the Creative Growth Zone. However, based on past snack shop policy, this gas station was allowed to sell readily consumable food products. This and other similar uses have been referred to as snack shops. Without an appropriate definition describing the difference between "accessory snack shops" and "convenience stores", there are questions as to whether the sale of alcohol is appropriate in any other use but a convenience store.

In an effort to clear up the confusion regarding the differences between these two uses, Staff developed two definitions and presented them to the Development Plan Review Board. On August 13, 1992 the Development Plan Review Board recommended that the City Council adopt the following definitions:

"accessory snack shop": An accessory use generally ^{NOT} exceeding 300 square feet in sales area, to a permitted or conditionally permitted use which sells readily consumable food products, and fountain drinks, of an individual serving size. The accessory use shall draw a significant number of its customers from the primary use. Sales of alcoholic beverages is prohibited.

"convenience store": A primary use which sells consumable food products and food prepared on site, as well as other goods in an assortment of sizes. Sales of alcohol may be permitted with proper Conditional Use Permit approvals. (e.g. Circle K, 7-Eleven, etc.).

The basic difference between a snack shop and a convenience store is that the snack shop is clearly designed to be an ancillary use. In the snack shop, the stocked items are intended to meet the needs of the patrons of the gas station. The convenience store is intended to provide a greater range of food items. Gas stations with convenience stores will draw users that may solely purchase convenience store items.

EXHIBIT H

Aside from the difference in use between the accessory snack shop and the convenience store there is also a difference in parking needs and circulation that would need to be considered.

Staff recommends that the City Council:

- 1) adopt the above definitions as an interim policy, and;
- 2) instruct Staff to initiate a Code Amendment to include the descriptions in the definition section of the Municipal Code.

Exhibit: A - Appeal of D.P.R.B. Case No. 89-138 dated September 7, 1989
 B - Minutes of the September 12, 1989 City Council meeting
 C - Study of floor areas for existing snack shops dated July 25, 1989

EXHIBIT H



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the Meeting of September 22, 2015

From: Blaine Michaelis, City Manager

Initiated By: Leon Raya, Recreation Services Manager

Subject: **Approval of San Dimas Senior Citizen Commission Foundation
Amended and Restated Bylaws**

Summary

The San Dimas Senior Citizen Commission is recommending that City Council approve the amended and restated bylaws of the San Dimas Senior Citizen Commission Foundation.

BACKGROUND

The San Dimas Senior Citizen Commission Foundation was established in 1984 by the San Dimas Senior Citizen Commission as a non-profit public benefit corporation to financially support the development of a San Dimas Senior Citizen Center via donations and fundraising. The primary purpose was to assist with purchase of capital equipment items. At that time the Commission developed bylaws and incorporated the Foundation as a 501C3 non-profit. The San Dimas Senior Citizen Commissioners serve dual role as City Commissioners and Directors of the Foundation and operate with guidance and assistance from staff.

On September 4, 2014 at a meeting of the San Dimas Senior Citizen Commission, Commissioners discussed the purpose of the San Dimas Senior Citizen Commission Foundation and requested a copy of the current bylaws for review prior to the next Commission meeting in November.

On November 6, 2014 at a meeting of the San Dimas Senior Citizen Commission, the Commissioners discussed their review of the current bylaws and voted to create a sub-committee to review and revise the San Dimas Senior Citizen Commission Foundation bylaws as needed. Members of the sub-committee included Commissioners, Chet Sasaki, Ed Wolfe, Maurice Kane, and Wayne Tennille. The Commission asked Recreation Services Manager Leon Raya and Recreation Coordinator Eric Rodriguez to facilitate the sub-committee.

At three meetings the subcommittee discussed and reviewed the details of the bylaws. Among the key items they sought to align and clarify were:

- The purpose of the Foundation
- The selection of Directors and their roles as Commissioners
- The role of staff as Directors in support of Foundation operations
- Compliance with current corporation laws

At the July 2015 Commission Meeting the sub-committee presented their draft recommendation to the Commission as a whole for review and comment. The Commission and staff discussed the need for the City Attorney to review the proposed restated and amended bylaws. Staff submitted the document to the City Attorney for review and comment.

Upon review, the City Attorney provided a template for use by the sub-committee, noting that the template would ensure compliance with corporation law, the Brown Act and appropriately address the roles of staff. Staff then worked with the sub-committee to compile an updated document utilizing the template provided by the City Attorney. Upon completion of this task, staff presented the amended and revised document to the City Attorney for review and clarification.

After receiving clarification and review from the City Attorney, staff incorporated the City Attorneys final recommendations into the draft bylaws.

The following areas were addressed:

- Due to requirements of non-profit corporate law, the language provided by the City Attorney pertaining to Specific Purpose, General Purpose and Specific Powers is used. These pertain to the Foundations authority to perform certain functions. The Foundation purpose was updated to specifically address issues related to senior citizens and the support of the Senior Center.
- The number of Directors is now consistent with the number of Commissioners.
- As recommended by the City Attorney, Brown Act compliant language regarding meetings is included and there being no objection from the City Attorney, additional language regarding restrictions on interested persons as Directors was added.
- Due to requirements of non-profit corporate law, the following officers positions are included; President, Vice President, Secretary, Treasurer and Chief Executive Officer. Additionally, officer term limits of two consecutive years pertain only to the president and vice-president. This allows staff to remain in their supportive roles.
- Non-profit corporate law also requires that the Secretary, Treasurer and Chief Executive Officer are officer positions. These officer positions are filled by staff. As recommended by the City Attorney the bylaws address staff as officers but not Directors and thus staff will not vote on Foundation actions.
- The Assistant City Manager determined that the staff who serves as Treasurer, as a City employee, is not required to be bonded and that they and the Foundation are covered by the City's insurance. The bylaws reflect this.

This was presented to the Commission at the September 3, 2015 meeting. At this meeting staff reported on the feedback and recommendations from the City Attorney. The Commission then

reviewed the bylaws as drafted and voted to approve the amended and restated bylaws and to recommend their approval by the City Council.

RECOMMENDATION

Staff recommends that the City Council approve the Amended and Restated Bylaws of the San Dimas Senior Citizen Commission Foundation dated September 3, 2015 and approved by the Commission on September 3, 2015.

Respectfully submitted,

A handwritten signature in cursive script that reads "Leon Raya".

Leon Raya, Recreation Services Manager

Attachments:

Amended and Restated Bylaws of the San Dimas Senior Citizen Commission Foundation dated September 3, 2015

Original bylaws of the San Dimas Senior Citizen Commission Foundation dated March 1, 1984

BYLAWS OF
SAN DIMAS SENIOR CITIZEN COMMISSION FOUNDATION
a California Public Benefit Corporation

ARTICLE I

NAME

The name of this corporation shall be:

SAN DIMAS SENIOR CITIZEN COMMISSION FOUNDATION

ARTICLE II

OFFICES

SECTION 1. PRINCIPAL OFFICE

The principal office for the transaction of the business of the corporation ("principal executive office") is located in the State of California, County of

The directors may change the principal office from one location to another. Any change of this location shall be noted by the secretary on these bylaws opposite this section, or this section may be amended to state the new location.

SECTION 2. OTHER OFFICES

The Board of Directors may at any time establish branch or subordinate offices at any place or places where the corporation is qualified to do business.

ARTICLE III

NONPARTISAN ACTIVITIES

This corporation has been formed under the California Corporation Law for the purposes described hereinbelow at Article XV, and it shall be nonprofit and nonpartisan. No substantial part of the activities of the corporation shall consist of the publication or dissemination of materials with the purpose of attempting to influence legislation, and the corporation shall not participate or

intervene in any political campaign on behalf of any candidate for public office or for or against any cause or measure being submitted to the people for a vote.

The corporation shall not, except in an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the purposes described above.

ARTICLE IV

DEDICATION OF ASSETS

The properties and assets of this nonprofit corporation are irrevocably dedicated to fulfillment of the Objectives and Purposes of this corporation as set forth in Article XV hereof. No part of the net earnings, properties, or assets of this corporation, on dissolution or otherwise, shall inure to the exclusive benefit of any private person or individual, or any member or director of this corporation except in fulfillment of said Objectives and Purposes. On liquidation or dissolution, all properties and assets and obligations shall be distributed pursuant to the nonprofit provisions of the California Corporations Code then in effect.

ARTICLE V

MEMBERSHIP

The corporation shall have no members.

ARTICLE VI

ELECTION OF DIRECTORS

SECTION 1. INITIAL DIRECTORS.

The initial directors of the corporation shall be the members of the Senior Citizens Commission of the City of San Dimas.

SECTION 2. SUCCESSOR DIRECTORS

Successors to the original Directors shall be selected as provided in Article VII, Section 4(c).

ARTICLE VII

DIRECTORS

(a) General corporate powers. Subject to the provisions of the California Nonprofit Corporation Law and any limitations in the articles of incorporation and these bylaws, the business and affairs of the corporation shall be managed, and all corporate powers shall be exercised, by or under the direction of the board of directors.

(b) Specific powers. Without prejudice to these general powers, and subject to the same limitations, the directors shall have the power to:

(i) Select and remove all officers, agents, and employees of the corporation; prescribe any powers and duties for them that are consistent with law, with the articles of incorporation, and with these bylaws; and fix their compensation.

(ii) Change the principal executive office or the principal business office in the State of California from one location to another; cause the corporation to be qualified to do business in any other state, territory, dependency, or country; and conduct business within or outside the State of California; and designate any place within or outside the State of California for the holding of any meeting or meetings, including annual meetings.

(iii) Adopt, make, and use a corporate seal; and alter the form of the seal.

(iv) Borrow money and incur indebtedness on behalf of the corporation and cause to be executed and delivered for the corporation's purposes, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations, and other evidences of debt and securities.

SECTION 2. NUMBER AND QUALIFICATION OF DIRECTORS

The authorized number of directors shall be fourteen Directors need not be residents of the State of California.

SECTION 3. TERM OF OFFICE OF DIRECTORS

Directors shall be elected at each annual meeting of the members to hold office until the next annual meeting; however, if any annual meeting is not held or the directors are not elected at any annual meeting, they may be elected at any special member's meeting held for that purpose. Each directors shall hold office as long as he or she remains a member of the Senior Citizens Commission of the City of San Dimas.

SECTION 4. VACANCIES

(a) Events causing vacancy. A vacancy or vacancies in the board of directors shall be deemed to exist on the occurrence of the following: (i) the death, resignation, or removal of any director, (ii) the declaration by resolution of the board of directors of a vacancy of the office of a director who has been declared of unsound mind by an order of court or convicted of a felony or has been found by final order or judgment of any court to have breached a legally imposed duty under the California Nonprofit Corporation Law or the increase of the authorized number of directors.

(b) Resignations. Except as provided in this paragraph, any director may resign, which resignation shall be effective on giving written notice to the chairman of the board, the president, the secretary, or the board of directors, unless the notice specifies a later time for the resignation to become effective. If the resignation of a director is effective at a future time, the board of directors may elect a successor to take office when the resignation becomes effective. No director may resign when the corporation would then be left without a duly elected director or directors in charge of its affairs.

(c) Vacancies. Vacancies shall be filled by vote of those directors remaining in office, including a sole remaining director.

(d) No vacancy on reduction of number of directors. No reduction of the authorized number of directors shall have the effect of removing any director before that director's term of office expires.

(e) Restriction on interested directors. Not more than 49% of the persons serving on the board of directors at any time may be interested persons. An interested person is (1) any person being compensated by the corporation for

SECTION 5. PLACE OF MEETINGS; MEETINGS BY TELEPHONE

Regular meetings of the board of directors may be held at any place within or outside the State of California that has been designated from time-to-time by resolution of the board. In the absence of such designation, regular meetings shall be held at the principal executive office of the corporation. Special meetings of the Board shall be held at any place within or outside the State of California that has been designated in the notice of the meeting or, if not stated in the notice, or if there is no notice, at the principal executive office of the corporation. Notwithstanding the above provisions of this Section 5, a regular or special meeting of the board of directors may be held at any place consented to in writing by all the board members, either before or after the meeting. If consents are given, they shall be filed with the minutes of the meeting. Any meeting,

regular or special, may be held by conference telephone or similar communication equipment, so long as all directors participating in the meeting can hear one another, and all such directors shall be deemed to be present in person at such meeting.

SECTION 6. ANNUAL MEETING

The board of directors shall hold a regular meeting for the purpose of organization, election of officers, and the transaction of other business. Notice of this meeting shall not be required.

SECTION 7. OTHER REGULAR MEETINGS

Other regular meetings of the board of directors shall be held without call at such time as shall from time-to-time be fixed by the board of directors. Such regular meetings may be held without notice.

SECTION 8. SPECIAL MEETINGS

(a) Authority to call. Special meetings of the board of directors for any purpose may be called at any time by the chairman of the board or the president, or any vice-president, the secretary, or any two directors.

(b) Notice

(i) Manner of giving. Notice of the time and place of special meetings shall be given to each director by one of the following methods: (a) by personal delivery or written notice; (b) by first-class mail, postage paid; (c) by telephone communication, either directly to the director or to a person at the director's office who would reasonably be expected to communicate such notice promptly to the director; or (d) by telegram, charges prepaid. All such notices shall be given or sent to the director's address or telephone number as shown on the records of the corporation.

(ii) Time requirements. Notices sent by first-class mail shall be deposited into a United States mail box at least four days before the time set for the meeting. Notices given by personal delivery, telephone, or telegraph shall be delivered, telephoned, or given to the telegraph company at least 48 hours before the time set for the meeting.

(iii) Notice contents. The notice shall state the time and place for the meeting. However, it need not specify the

purpose of meeting, or the place of the meeting, if it is to be held at the principal executive office of the corporation.

SECTION 9. QUORUM

A majority of the authorized number of directors shall constitute a quorum for the transaction of business, except to adjourn as provided in Section 11 of this Article VIII. Every act or decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present shall be regarded as the act of the board of directors, subject to the provisions of the California Nonprofit Corporation Law, especially those provisions relating to (i) approval of contracts or transactions in which a director has a direct or indirect material financial interest, (ii) appointment of committees, and (iii) indemnification of directors. A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of directors, if any action taken is approved by at least a majority of the required quorum for that meeting.

SECTION 10. WAIVER OF NOTICE

The transactions of any meeting of the board of directors, however called and noticed or wherever held, shall be as valid as though taken at a meeting duly held after regular call and notice, if (a) a quorum is present, and (b) either before or after the meeting, each of the directors not present signs a written waiver of notice, a consent to holding the meeting, or an approval of the minutes. The waiver of notice or consent need not specify the purpose of the meeting. All waivers, consents, and approvals shall be filed with the corporate records or made a part of the minutes of the meeting. Notice of a meeting shall also be deemed given to any director who attends the meeting without protesting before or at its commencement about the lack of adequate notice.

SECTION 11. ADJOURNMENT

A majority of the directors present, whether or not constituting a quorum, may adjourn any meeting to another time and place.

SECTION 12. NOTICE OF ADJOURNMENT

Notice of the time and place of holding an adjourned meeting need not be given unless the meeting is adjourned for more than 24 hours, in which case personal notice of the time and place

shall be given before the time of the adjourned meeting to the directors who were not present at the time of the adjournment.

SECTION 13. ACTION WITHOUT MEETING

Any action required or permitted to be taken by the board of directors may be taken without a meeting, if all members of the board, individually or collectively, consent in writing to that action. Such action by written consent shall have the same force and effect as an unanimous vote of the board of directors. Such written consent or consents shall be filed with the minutes of the proceedings of the board.

SECTION 14. FEES AND COMPENSATION OF DIRECTORS

Directors and members of committees may receive such compensation, if any, for their services, and such reimbursement of expenses, as may be determined by resolution of the board of directors to be just and reasonable.

ARTICLE VIII

COMMITTEES

SECTION 1. COMMITTEES OF DIRECTORS

The board of directors may, by resolution adopted by a majority of the directors then in office, designate one or more committees, each consisting of two or more directors, to serve at the pleasure of the board. Any committee, to the extent provided in the resolution of the board, shall have all the authority of the board, except that no committee, regardless of board resolution, may:

- (a) take any final action on matters which, under the Non-profit Corporation Law of California, also requires members' approval or approval of the outstanding shares;
- (b) fill vacancies on the board of directors or in any committee;
- (c) fix compensation of the directors for serving on the board or on any committee;
- (d) amend or repeal bylaws or adopt new bylaws;

(e) amend or repeal any resolution of the board of directors which by its express terms is not so amendable or repealable;

(f) appoint any other committees of the board of directors or the members of these committees;

(g) expend corporate funds to support a nominee for director after there are more people nominated for director than can be elected; and

(h) approve any transaction (1) to which the corporation is a party and one or more directors have a material financial interest; or (2) between the corporation and one or more of its directors or between the corporation or any person in which one or more of its directors have a material financial interest.

SECTION 2. MEETINGS AND ACTION OF COMMITTEES

Meetings and action of committees shall be governed by, and held and taken in accordance with, the provisions of Article VIII of these bylaws, concerning meetings of directors, with such changes in the context of those bylaws as are necessary to substitute the committee and its members for the board of directors and its members, except that the time for regular meetings of committees may be determined either by resolution of the board of directors or by resolution of the committee. Special meetings of committees may also be called by resolution of the board of directors. Notice of special meetings of committees shall also be given to any and all alternate members, who shall have the right to attend all meetings of the committee. Minutes shall be kept of each meeting of any committee and shall be filed with the corporate records. The board of directors may adopt rules for the government of any committee not inconsistent with the provisions of these bylaws.

ARTICLE IX

OFFICERS

SECTION 1. OFFICERS

The officers of the corporation shall be a president, a secretary, and a chief financial officer. The corporation may also have, at the discretion of the board of directors, a chairman of the board, one or more vice presidents, one or more assistant secretaries, one or more assistant treasurers, and such

other officers as may be appointed in accordance with the provisions of Section 3 of this Article X. Any number of offices may be held by the same person, except that neither the secretary nor the chief financial officer may serve concurrently as either the president or the chairman of the board.

SECTION 2. ELECTION OF OFFICERS

The officers of the corporation, except those appointed in accordance with the provisions of Section 3 of this Article X, shall be chosen by the board of directors, and each shall serve at the pleasure of the board, subject to the rights, if any, of an officer under any contract of employment.

SECTION 3. SUBORDINATE OFFICERS

The board of directors may appoint, and may authorize the chairman of the board or the president or another officer to appoint, any other officers that the business of the corporation may require, each of whom shall have the title, hold office for the period, have the authority, and perform the duties specified in the bylaws or determined from time-to-time by the board of directors.

SECTION 4. REMOVAL OF OFFICERS

Subject to the rights, if any, of an officer under any contract of employment, any officer may be removed, with or without cause, by the board of directors, at any regular or special meeting of the board, or, except in case of an officer chosen by the board of directors, by an officer on whom such power of removal may be conferred by the board of directors.

SECTION 5. RESIGNATION OF OFFICERS

Any officer may resign at any time by giving written notice to the corporation. Any resignation shall take effect at the date of the receipt of that notice or at any later time specified in that notice; and, unless otherwise specified in that notice, the acceptance of the resignation shall not be necessary to make it effective. Any resignation is without prejudice to the rights, if any, of the corporation under any contract to which the officer is a party.

SECTION 6. VACANCIES IN OFFICES

A vacancy in any office because of death, resignation, removal, disqualification, or any other cause shall be filled

only in the manner prescribed in these bylaws for regular appointments to that office.

SECTION 7. RESPONSIBILITIES OF OFFICERS

(a) Chairman of the board. If such an officer be elected, the chairman of the board shall preside at meetings of the board of directors and exercise and perform such other powers and duties as may be from time-to-time assigned to him by the board of directors or prescribed by the bylaws. If there is no president, the chairman of the board shall, in addition, be the chief executive officer of the corporation and shall have the powers and duties prescribed in paragraph b, below.

(b) President. Subject to such supervisory powers as may be given by the board of directors to the chairman of the board, if any, the president shall, subject to the control of the board of directors, generally supervise, direct, and control the business and the officers of the corporation. He shall preside at all meetings of the members and, in the absence of the chairman of the board, or if there be none, at all meetings of the board of directors. He shall have such other powers and duties as may be prescribed by the board of directors or the bylaws.

(c) Vice presidents. In the absence or disability of the president, the vice presidents, if any, in order of their rank as fixed by the board of directors or, if not ranked, a vice president designated by the board of directors, shall perform all the duties of the president, and when so acting shall have all the powers of, and be subject to all the restrictions upon, the president. The vice presidents shall have such other powers and perform such other duties as from time-to-time may be prescribed for them respectively by the board of directors or the chairman of the board.

(d) Secretary. The secretary shall attend to the following:

(i) Book of minutes. The secretary shall keep or cause to be kept, at the principal executive office or such other place as the board of directors may direct, a book of minutes of all meetings and actions of directors, committees of directors, and members, with the time and place of holding, whether regular or special, and, if special, how authorized, the notice given, the names of those present at such meetings, the number of members present or represented at members' meetings, and the proceedings of such meetings.

(ii) Membership records. The secretary shall keep, or cause to be kept, at the principal executive office, as determined by resolution of the board of directors, record of the corporate members, showing the names of all members, their addresses, and the class of membership held by each.

(iii) Notices, seal and other duties. The secretary shall give, or cause to be given, notice of all meetings of the members and of the board of directors required by the bylaws to be given. He shall keep the seal of the corporation in safe custody. He shall have such other powers and perform such other duties as may be prescribed by the board of directors or the bylaws.

(e) Chief financial officer. The chief financial officer shall attend to the following:

(i) Books of account. The chief financial officer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and records of accounts of the properties and business transactions of the corporation, including accounts of its assets, liabilities, receipts, disbursements, gains, losses, capital, retained earnings, and other matters customarily included in financial statements. The books of account shall be open to inspection by any director at all reasonable times.

(ii) Deposit and disbursement of money and valuables. The chief financial officer shall deposit all money and other valuables in the name and to the credit of the corporation with such depositories as may be designated by the board of directors; shall disburse the funds of the corporation as may be ordered by the board of directors; shall render to the president and directors, whenever they request it, an account of all of his transactions as chief financial officer and of the financial condition of the corporation; and shall have other powers and perform such other duties as may be prescribed by the board of directors or the bylaws.

(iii) Bond. If required by the board of directors, the chief financial officer shall give the corporation a bond in the amount and with the surety or sureties specified by the board for faithful performance of the duties of his office and for restoration to the corporation of all its books, papers, vouchers, money, and other property of every kind in his possession or under his control on his death, resignation, retirement, or removal from office.

ARTICLE X

INDEMNIFICATION OF DIRECTORS, OFFICERS,
EMPLOYEES, AND OTHER AGENTS

SECTION 1. DEFINITIONS

For the purpose of this Article,

(a) "agent" means any person who is or was a director, officer, employee, or other agent of this corporation, or is or was serving at the request of this corporation as a director, officer, employee, or agent of another foreign or domestic corporation, partnership, joint venture, trust, or other enterprise, or was a director, officer, employee, or agent of a foreign or domestic corporation that was a predecessor corporation of this corporation or of another enterprise at the request of the predecessor corporation.

(b) "proceeding" means any threatened, pending, or completed action or proceeding, whether civil, criminal, administrative, or investigative; and

(c) "expenses" includes, without limitation, all attorneys' fees, costs, and any other expenses incurred in the defense of any claims or proceedings against an agent by reason of his position or relationship as agent and all attorneys' fees, costs, and other expenses incurred in establishing a right to indemnification under this Article.

SECTION 2. SUCCESSFUL DEFENSE BY AGENT

To the extent that an agent of this corporation has been successful on the merits in the defense of any proceeding referred to in this Article, or in the defense of any claim, issue, or matter therein, the agent shall be indemnified against expenses actually and reasonably incurred by the agent in connection with the claim. If an agent either settles any such claim or sustains a judgment rendered against him, then the provisions of Section 3 through 5 shall determine whether the agent is entitled to indemnification.

SECTION 3. ACTIONS BROUGHT BY PERSONS OTHER
THAN THE CORPORATION

Subject to the required findings to be made pursuant to Section 5, below, this corporation shall indemnify any person who was or is a party, or is threatened to be made a party, to

any proceeding other than an action brought by, or on behalf of, this corporation, or by an officer, director or person granted related status by the Attorney General, or by the Attorney General on the ground that the defendant director was or is engaging in self-dealing within the meaning of California Corporations Code, or by the Attorney General or a person granted related status by the Attorney General for any breach of duty relating to assets held in charitable trust, by reason of the fact that such person is or was an agent of this corporation, for all expenses, judgments, fines, settlements, and other amounts actually and reasonably incurred in connection with the proceeding.

SECTION 4. ACTION BROUGHT BY OR ON BEHALF OF THE CORPORATION

(a) Claims settled out of court. If any agent settles or otherwise disposes of a threatened or pending action brought by or on behalf of this corporation, with or without court approval, the agent shall receive no indemnification for either amounts paid pursuant to the terms of the settlement or other disposition or for any expenses incurred in defending against the proceeding.

(b) Claims and suits awarded against agent. This corporation shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action brought by or on behalf of this corporation by reason of the fact that the person is or was an agent of this corporation, for all expenses actually and reasonably incurred in connection with the defense of that action, provided that both of the following are met:

(i) The determination of good faith conduct required by Section 5, below, must be made in the manner provided for in that section; and

(ii) Upon application, the court in which the action was brought must determine that, in view of all of the circumstances of the case, the agent should be entitled to indemnify for the expenses incurred. If the agent is found to be so entitled, the court shall determine the appropriate amount of expenses to be reimbursed.

SECTION 5. DETERMINATION OF AGENT'S GOOD FAITH CONDUCT

The indemnification granted to an agent in Sections 3 and 4 above is conditioned on the following:

(a) Required standard of conduct. The agent seeking reimbursement must be found, in the manner provided below, that he acted in good faith, in a manner he believed to be in the best interest of this corporation, and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use in similar circumstances. The termination of any proceeding by judgment, order, settlement, conviction, or on a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith or in a manner which he reasonably believed to be in the best interest of this corporation or that he had reasonable cause to believe that his conduct was unlawful. In the case of a criminal proceeding, the person must have had no reasonable cause to believe that his conduct was unlawful.

(b) Manner of determination of good faith conduct. The determination that the agent did act in a manner complying with Paragraph (a) above shall be made by:

(i) the board of directors by a majority vote of a quorum consisting of directors who are not parties to the proceeding;

(ii) the affirmative vote (or written ballot in accordance with Article VI, Section 9) of a majority of the votes represented and voting at a duly held meeting at which a quorum is present (which affirmative votes also constitute a majority of the required quorum).

(iii) the court in which the proceeding is or was pending. Such determination may be made on application brought by this corporation or the agent or the attorney or other person rendering a defense to the agent, whether or not the application by the agent, attorney, or other person is opposed by this corporation.

SECTION 6. LIMITATIONS

No indemnification or advance shall be made under this Article, except as provided in Sections 2 or 5(b)(iii), in any circumstance when it appears:

(a) That the indemnification or advance would be inconsistent with a provision of the articles, a resolution of the members, or an agreement in effect at the time of the accrual of the alleged cause of action asserted in the proceeding in which the expenses were incurred or other amounts were paid, which prohibits or otherwise limits indemnification; or

(b) That the indemnification would be inconsistent with any condition expressly imposed by a court in approving a settlement.

SECTION 7. ADVANCE OF EXPENSES

Expenses incurred in defending any proceeding may be advanced by this corporation before the final disposition of the proceeding on receipt of an undertaking by or on behalf of the agent to repay the amount of the advance unless it is determined ultimately that the agent is entitled to be indemnified as authorized in this Article.

SECTION 8. CONTRACTUAL RIGHTS OF NONDIRECTORS AND NONOFFICERS

Nothing contained in this Article shall affect any right to indemnification to which persons other than directors and officers of this corporation, or any subsidiary hereof, may be entitled by contract or otherwise.

SECTION 9. INSURANCE

The board of directors may adopt a resolution authorizing the purchase and maintenance of insurance on behalf of any agent of the corporation against any liability asserted against or incurred by the agent in such capacity or arising out of the agent's status as such, whether or not this corporation would have the power to indemnify the agent against that liability under the provisions of this section.

SECTION 10. FIDUCIARIES OR CORPORATE EMPLOYEE BENEFIT PLAN

This Article does not apply to any proceeding against any trustee, investment manager, or other fiduciary of an employee benefit plan in that person's capacity as such, even though that person may also be an agent of the corporation as defined in Section 1 of this Article. Nothing contained in this Article shall limit any right to indemnification to which such a trustee, investment manager, or other fiduciary may be entitled by contract or otherwise, which shall be enforceable to the extent permitted by applicable law.

ARTICLE XI

RECORDS AND REPORTS

SECTION 1. INSPECTION RIGHTS

Any director of the corporation may:

(i) inspect and copy the records of directors' names and addresses and voting rights during usual business hours on five days' prior written demand on the corporation, stating the purpose for which the inspection of rights are requested, and

(ii) obtain from the secretary of the corporation, on written demand and on the tender of the secretary's usual charges for such a list, if any, a list of names and addresses of directors who are entitled to vote for the election of directors, and their voting rights, as of the most recent record date for which that list has been compiled, or as of a date specified by the director after the date of demand. The demand shall state the purpose for which the list is requested. This list shall be made available to any such director by the secretary on or before the later of 10 days after the demand is received or the date specified in it as the date by which the list is to be compiled.

Any inspection and copying under this section may be made in person or by an agent or attorney of the director and the right of inspection includes the right to copy and make extracts.

SECTION 2. MAINTENANCE AND INSPECTION
OF ARTICLES AND BYLAWS

The corporation shall keep at its principal executive office, or if its principal executive office is not in the State of California, at its principal business office in this State, the original or a copy of the articles and bylaws as amended to date, which shall be open to inspection by the directors at all reasonable times during office hours. If the principal executive office of the corporation is outside the State of California and the corporation has no principal business office in this State, the secretary shall, on the written request of any director, furnish to that director a copy of the articles and bylaws as amended to date.

SECTION 3. MAINTENANCE AND INSPECTION OF OTHER CORPORATE RECORDS

The accounting books, records, and minutes of proceedings of the directors and the board of directors and any committee(s) of the board of directors shall be kept at such place or places designated by the board of directors, or, in the absence of such designation, at the principal executive office of the corporation. The minutes shall be kept in written or typed form, and the accounting books and records shall be kept either in written or typed form or in any other form capable of being converted into written, typed, or printed form. The minutes and accounting books and records shall be open to inspection on the written demand of any director, at any reasonable time during usual business hours, for a purpose reasonably related to the director's interests as a director. The inspection may be made in person or by an agent or attorney, and shall include the right to copy and make extracts. These rights of inspection shall extend to the records of each subsidiary corporation of the corporation.

SECTION 4. INSPECTION BY DIRECTORS

Every director shall have the absolute right at any reasonable time to inspect all books, records and documents of every kind and the physical properties of the corporation and each of its subsidiary corporations. This inspection by a director may be made in person or by an agent or attorney, and the right of inspection includes the right to copy and make extracts of documents.

SECTION 5. ANNUAL REPORT

The annual report to directors referred to in the California Nonprofit Corporation Law is expressly dispensed with, but nothing in these bylaws shall be interpreted as prohibiting the board of directors from issuing annual or other periodic reports to the directors of the corporation as they consider appropriate. However, the corporation shall provide to the directors, and to those directors who request it in writing, within 120 days of the close of its fiscal year, a report containing the following information in reasonable detail:

- (1) The assets and liabilities, including the trust funds, of the corporation as of the end of the fiscal year.
- (2) The principal changes in assets and liabilities, including trust funds, during the fiscal year.

(3) The revenue or receipts of the corporation, both unrestricted and restricted to particular purposes, for the fiscal year.

(4) The expenses or disbursements of the corporation, for both general and restricted purposes, during the fiscal year.

ARTICLE XII

CONSTRUCTION AND DEFINITIONS

Unless the context requires otherwise, the general provisions, rules of construction, and definitions in the California Nonprofit Corporation Law shall govern the construction of these bylaws. Without limiting the generality of the above, the masculine gender includes the feminine and neuter, the singular number includes the plural, the plural number includes the singular, and the term "person" includes both the corporation and a natural person.

ARTICLE XIII

OBJECTIVES AND PURPOSES

The objectives of this corporation shall be:

1. To hold and manage property and funds for charitable and eleemosynary purposes, including the assistance and support of charitable and eleemosynary institutions, associations, and undertakings.
2. For the prevention of cruelty to children and animals.
3. To make donations for the public welfare or for community funds, charitable, educational, scientific or civic purposes.
4. Carry on a business at a profit and apply any profit that results from the business activity to any activity in which it may lawfully engage.

CERTIFICATE OF SECRETARY

I, the undersigned, certify that I am the presently elected and acting Secretary of _____, a California Public Benefit corporation, and the above bylaws, consisting of 29 pages, are the bylaws of this corporation as adopted at a meeting of the board of directors held on _____, 19____, in the City of _____, State of California.

Dated: _____

2/1/84

Secretary



State of California

March Fong Eu

Secretary of State

P.O. Box 2830
Sacramento, CA 95812
Phone: (916) 445-2020

84 287259

FILED
SACRAMENTO, CALIF.

JUL 30 1984

March Fong Eu

MARCH FONG EU
SECRETARY OF STATE

STATEMENT BY DOMESTIC NONPROFIT CORPORATION

THIS STATEMENT MUST BE FILED WITH
CALIFORNIA SECRETARY OF STATE (SECTIONS 6210, 8210, 9660 CORPORATIONS CODE)

Due Date: 9/18/84

1249607-0

SAN DIMAS SENIOR CITIZEN COMMISSION FOUNDATION

DO NOT ALTER PREPRINTED NAME. IF ITEM IS BLANK, PLEASE ENTER CORPORATE NAME

DO NOT WRITE IN THIS SPACE

THE CORPORATION NAMED HEREIN, ORGANIZED UNDER THE LAWS OF THE STATE OF CALIFORNIA, MAKES THE FOLLOWING STATEMENT

1. STREET ADDRESS OF PRINCIPAL OFFICE (IF NONE, COMPLETE 2-3B) 245 E. Bonita <small>(DO NOT USE P.O. BOX NO.)</small>	2A. SUITE OR ROOM	2B. San Dimas, California <small>CITY AND STATE</small>	2C. 91773 <small>ZIP CODE</small>
3. MAILING ADDRESS (OPTIONAL) Same as above	3A. SUITE OR ROOM	3B. <small>CITY AND STATE</small>	3C. <small>ZIP CODE</small>



NAMES OF THE FOLLOWING OFFICERS ARE:

4. Barbara DeBernardo <small>CHIEF EXECUTIVE OFFICER</small>	5A. 131 W. 6th Street <small>BUSINESS OR RESIDENCE ADDRESS (DO NOT USE P.O. BOX)</small>	5B. San Dimas, CA <small>CITY AND STATE</small>	5C. 91773 <small>ZIP CODE</small>
6. Dorothy Hawk <small>SECRETARY</small>	6A. 210 E. Gladstone <small>BUSINESS OR RESIDENCE ADDRESS (DO NOT USE P.O. BOX)</small>	6B. San Dimas, CA <small>CITY AND STATE</small>	6C. 91773 <small>ZIP CODE</small>
7. Loraine Synder <small>CHIEF FINANCIAL OFFICER</small>	7A. 1033 W. Fifth St. <small>BUSINESS OR RESIDENCE ADDRESS (DO NOT USE P.O. BOX)</small>	7B. San Dimas, CA <small>CITY AND STATE</small>	7C. 91773 <small>ZIP CODE</small>

AGENT FOR SERVICE OF PROCESS: Barbara DeBernardo, 245 E. Bonita, San Dimas, CA 91773

CALIFORNIA BUSINESS OR RESIDENCE ADDRESS IF AN INDIVIDUAL (DO NOT USE P.O. BOX) ONLY ONE AGENT CAN BE NAMED. DO NOT INCLUDE ADDRESS IF AGENT IS A CORPORATION

I DECLARE THAT I HAVE EXAMINED THIS STATEMENT AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT IS TRUE, CORRECT AND COMPLETE.

AMENDED AND RESTATED BYLAWS

OF

SAN DIMAS SENIOR CITIZEN COMMISSION FOUNDATION

Dated,

As approved by the Corporation on September 3, 2015

As approved by City Council on

AMENDED AND RESTATED BYLAWS
OF
SAN DIMAS SENIOR CITIZEN COMMISSION FOUNDATION
ARTICLE I
NAME

The name of this corporation shall be SAN DIMAS SENIOR CITIZEN COMMISSION FOUNDATION

ARTICLE II

This corporation is a non-profit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Corporation Law (Section 5000 et. seq. of the California Corporations Code) (the “Nonprofit Corporation Law”) for public educational and charitable purposes.

ARTICLE III
PURPOSES AND OBJECTIVES: LIMITATIONS

Section 1. Specific Purpose. This corporation is organized exclusively for charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, amended or the corresponding section of any future federal tax code (the “Code”) and as a nonprofit public benefit corporation under the Nonprofit Corporation Law. The specific and primary purposes of this corporation are to improve the quality of life of senior citizens in San Dimas and/or those senior citizens participating in Parks and Recreation Department programs; to provide advice to and, when recommended by City staff, support for operation and services of the San Dimas Senior Citizen/Community Center; to financially assist efforts that the Foundation determines to be of benefit to the San Dimas Senior Citizen/Community Center of San Dimas, to the extent that the same are consistent with the requirements of law; to provide advice to the Parks and Recreation Department staff on the use of funds derived from gifts or donations that are accepted by the Foundation; to take such action as the Board may deem feasible to encourage and solicit gifts in support of the purchase of major and/or non-expendable items required for the operation of San Dimas Senior Citizen/Community Center, to the extent that the same are consistent with the requirements of law.

Section 2. General Purpose. The general purpose and powers of this corporation are the following:

- (a) to receive, hold and disburse gifts, bequests, devises, donations, grants, scholarships and other funds to advance the purpose and objectives of this corporation;
- (b) to own and maintain or to lease suitable real and personal property which is deemed necessary for the purpose and objectives of this corporation; and

- (c) to enter into, make, and perform, and carry out contracts of every kind for any lawful purpose, without limit as to amount; and
- (d) to distribute grants, scholarships and other funds or goods to other non-profit corporations or individuals or otherwise as permitted by law.

Section 3. Limitations. This corporation has been formed under the California Nonprofit Corporation Law for the purposes and objectives described above, and it shall be nonprofit nonpartisan.

This corporation shall not carry on any activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c) (3) of the Code or the corresponding provision of any future United States Internal Revenue law, or (b) by a corporation contributions to which are deductible under Section 170(c) (2) of the Code of the corresponding provision of any future United States Internal Revenue law.

No substantial part of the activities of this corporation shall consist of the publication or dissemination of materials with the purpose of attempting to influence legislation, and this corporation shall not participate or intervene in any political campaign on behalf of any candidate for public office or for or against any cause or measure being submitted to the people for a vote.

This corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of its purposes and objectives described above.

ARTICLE IV CONSTRUCTION AND DEFINITIONS

Unless the context requires otherwise, the general provisions, rules of construction and definitions in the Nonprofit Corporation Law shall govern the construction of these Amended and Restated Bylaws ("Bylaws") of the SAN DIMAS SENIOR CITIZEN COMMISSION FOUNDATION. Without limiting the generality of the above, the masculine gender includes the feminine and neutral, the singular number includes the plural, the plural number includes the singular, and the term "person" includes both a legal entity and a natural person.

ARTICLE V DEDICATION OF ASSETS

The property of this corporation is irrevocably dedicated to charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer, or member hereof or to the benefit of any private person. Upon the dissolution or winding up of this corporation, its assets remaining after payment, or provision for payment, of all of its debts and liabilities shall be distributed to the City of San Dimas, provided that it is then an organization described in Section 170(c)(2) of the Code or the corresponding provision of any future United States Internal Revenue law; and if not, such assets shall be distributed to a nonprofit fund, foundation or corporation designated by the Board of Directors of this

corporation which is organized and operated exclusively for purposes and which has established its tax exempt status under Section 501(c)(3) or the Code or the corresponding provision of any future United States Internal Revenue law.

ARTICLE VI
MEMBERS

Section 1. Directors as Members. This corporation shall have no voting members within the meaning of the Nonprofit Corporation Law. Any action that would otherwise require approval by a majority of all members or approval by the members shall require only approval of the Board of Directors, as authorized by Section 5310 of the Nonprofit Corporation Law.

Section 2. Meetings. There shall be no meetings of members as such. The persons constituting the Board of Directors may, at any given time and from time to time, act in their capacity as members pursuant to Section 1 of this Article VI, at meetings of the Board of Directors held as provided in Section 3 of Article VII of these Bylaws.

ARTICLE VII
DIRECTORS

Section 1. Powers.

(a) General Corporation Powers. Subject to the provisions of the Nonprofit Corporation Law, any limitations in the articles of incorporation and these Bylaws, any limitations imposed by the City of San Dimas Commissioners' Handbook, or other applicable provisions of federal, state or municipal law, the business and affairs of this corporation shall be managed, and all corporate powers shall be exercised, by or under the direction of the Board of Directors; provided, however, that in order to preserve the nonprofit, exempt-from-income-tax status of this corporation, neither the board nor any member thereof shall do any act, or authorize or suffer the doing of any act by an officer or employee of this corporation, on behalf of the corporation, which is inconsistent with the articles or these Bylaws or the nonprofit purpose of this corporation. Any such act or acts shall be null and void.

(b) Specific Powers. Without prejudice to these general powers, and subject to the same limitations, the Directors shall have the power to:

(i) Appoint and remove, at the pleasure of the board, all officers, agents, and employees of this corporation; prescribe any powers and duties for them that are consistent with law, with the articles of incorporation and with these Bylaws.

(ii) Change the principal office in the City of San Dimas from one location to another; and designate any place within the City of San Dimas, for the holding of any meeting or meetings.

(iii) Adopt, make and use a corporate seal; and alter the form of the seal.

(iv) Adopt changes to the Articles or Bylaws as otherwise permitted by the Articles or Bylaws.

(v) Hire and compensate accountants, counsel or such other consultants as may be necessary to carry out the purposes of the corporation and comply with the law.

Section 2. Number and Qualification of Directors.

(a) Authorized Number and Qualifications. The Board of Directors shall consist of (9) members. Each director shall, at the time of appointment and during the entire tenure in office, be a member, in good standing, of the San Dimas Senior Citizen Commission.

(b) Restrictions on Interested Persons as Directors. Not more than forty-nine percent (49%) of the persons serving on the Board of Directors at any time may be interested persons. An interested person is (i) any person being compensated by this corporation for services rendered to it within the previous twelve (12) months, whether as a full-time or part-time employee, independent contractor, or otherwise, excluding any reasonable compensation paid to a director as director; or (ii) any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, domestic partner any other relative by marriage or adoption, dependent person, executor of estate, cohabitant of any such person. However, any violation of the provisions of this section shall not affect the validity or enforceability of any transaction entered into this corporation.

Section 3. Designation; Term of Office; Vacancies; Resignation.

(a) Designation of Directors. All Directors shall, at the time of appointment and during the entire tenure in office, be a member, in good standing, of the San Dimas Senior Citizen Commission as designated by San Dimas City Council to serve their terms as specified in paragraph (b) below. Each director, including a director designated to fill a vacancy, shall hold office until expiration of the term for which designated and until a successor has been designated and qualified.

(b) Terms of Office. All Directors shall, at the time of appointment and during the entire tenure in office, be a member, in good standing, of the Senior Citizen Commission as appointed by the City Council of the City of San Dimas to serve their specified term as it corresponds to a Directors term on the San Dimas Senior Citizen Commission. No Director may serve beyond their term as Commissioner on the San Dimas Senior Citizen Commission. A Director who is removed as a Commissioner by the City Council shall automatically be deemed to have been removed from the Board of Directors.

(c) Vacancies on Board of Directors. A vacancy or vacancies on the Board of Directors shall occur in the event of (a) the death or resignation of any director; or (b) the declaration by resolution of the board of a vacancy in the office of a director who has been convicted of a felony, declared of unsound mind by a court order, or found by final order of judgment of any court to have breached a duty under California Nonprofit Public Benefit Corporation Law, Chapter 2, Article 3; provided, however, that a director who was designated as a director may be removed by the person or persons who designated that director, and may not be removed without the written consent of the person or persons, or (c) upon removal of the director as a member of the San Dimas Senior Citizen Commission.

(d) Resignation of Directors. Any director may resign by giving written notice to the chair of the board, if any, or to the President or the Secretary of the board. The resignation shall be effective when the notice is given unless it specifies a later time for the resignation to become effective. If a director's resignation is effective at a later time, the board may elect a successor to take office as of the date when the resignation becomes effective. A resignation from the San Dimas Senior Citizens Commission shall be deemed to be a simultaneous resignation from the Board of Directors.

Section 4. Directors' Meetings.

(a) Applicability of the Ralph M. Brown Act. All meetings of the Board of Directors of this corporation shall be subject to the provisions of the Ralph M. Brown Act (California Government Code Section 54950 *et seq.*). However, if any applicable provisions of these "Bylaws" are more stringent than those contained in the Brown Act, then the provisions in these Bylaws shall control.

(b) Place of Meetings. Meetings of the Board of Directors shall be held at the place and time fixed by resolution of the Board of Directors or in the notice of meeting.

(c) Annual Meeting. The annual meeting of the "Board of Directors" shall be held at the corporation's first meeting of the calendar year each year or on such other date and time designated by the Board of Directors. The date so designated shall be within fifteen (15) months after the last annual meeting. At each annual meeting Directors shall be designated, officers shall be elected and any other proper business may be transacted.

(d) Other Regular Meetings. Other regular meetings of the Board of Directors may be held without notice at such time and place as shall from time to time be fixed by the Board of Directors.

(e) Special Meetings. Special meetings of the Board of Directors for any purpose or purposes may be called at any time as permitted by the Ralph M. Brown Act. Notice of the time and place of special meetings shall be given to each director by one of the following methods: (i) by personal delivery of written notice; (ii) by first-class mail, postage prepaid; (iii) by telephone, including a voice messaging system or other system or technology designed to record and communicate messages, either directly to the director or to a person at the director's office who would reasonably be expected to communicate that notice promptly to the director; (iv) facsimile, electronic mail, or other electronic means; or (v) by telegram, charges prepaid. All such notices shall be given or sent to the director's address, telephone number, facsimile, electronic mail or other electronic means as shown on the records of this corporation. In case the notice is mailed, it shall be deposited in the United States mail at least four (4) days before the time of the holding of the meeting. In case the notice is delivered personally, by telephone, facsimile, electronic mail, or telegram, it shall be delivered at least twenty-four (24) hours before the time of the holding of the meeting. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed.

(f) Counsel. Counsel to the corporation may be present at meetings of the Board of Directors of this corporation.

(g) Quorum. A simple majority of the authorized number of Directors then in office shall constitute a quorum for the transaction of business, except to adjourn. Every act or decision done or made by a majority of the Directors present at a meeting duly held at which

quorum is present shall be regarded as the act of the Board of Directors, subject to the more stringent provisions of the California Nonprofit Public Benefit Corporation Law, including, without limitations, those provisions relating to (i) approval of contracts or transactions in which a director has a direct or indirect material interest, (ii) appointment of committees, and (iii) indemnification of Directors. A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of Directors, if any action taken is approved by at least a majority of the required quorum for that meeting.

(h) Waiver of Notice. Notice of a meeting need not be given to any director who, either before or after the meeting, signs a written waiver of notice, a written consent to holding the meeting, or an approval of the minutes of the meeting. The waiver of notice or consent need not specify the purpose of the meeting. All waivers, consents, and approvals shall be filed with the corporate records or made a part of the minutes of the meeting. Notice of a meeting need not be given to any director who attends the meeting and who, before or at the beginning of the meeting, does not protest to the lack of notice to him or her.

(i) Adjournment. A majority of the Directors present, whether or not constituting a quorum, may adjourn any meeting to another time and place.

(j) Notice of Adjournment. Notice of the time and place of holding an adjourned meeting need not be given, unless the meeting is adjourned for more than twenty-four (24) hours, in which case notice of the time and place shall be given before the time of the adjourned meeting in the manner specified in Subsection 4(c) of this Article VII to the Directors who were not present at the time of the adjournment.

Section 5. Compensation and Reimbursement. Directors and members of committees may receive such compensation, if any, for their services as Directors or officers, and such reimbursement of expenses, as may be determined by resolution of the Board of Directors to be just and reasonable.

Section 6. Attendance. Attendance at all board meetings by all Directors is required. Failure of a director to attend three (3) consecutive meetings of the board, without being excused by the President for good cause, may be grounds for removal from the board.

Section 7. Liabilities. No director now or hereafter shall be personally liable for any indebtedness or liability of this corporation, and any and all creditors of this corporation shall look only to the assets of the corporation for payment.

ARTICLE VIII COMMITTEES

Section 1. Board Committees. The Board of Directors may, by resolution or other permissible actions adopted by a majority of the Directors then in office, establish one or more Board Committees, each consisting of two (2) or more Directors and no persons who are not Directors, to serve at the pleasure of the board. The board may designate one (1) or more Directors as alternate members of any Board Committee who may replace any absent member at any meeting of the Board Committee. A Board Committee shall be responsible for the items designated in the resolution of the Board of Directors forming the Board Committee.

Section 2. Restrictions on Board Committees. Any Board Committee, to the extent provided in the resolution of the board, shall have all the authority of the board, except that no Board Committee, regardless of board resolution, may do any of the following:

- (a) take any final action on matters which, under the Nonprofit Public Benefit Corporation Law of California, also requires approval of the Directors or approval of a majority of all Directors;
- (b) fill vacancies on the Board of Directors or in any committee;
- (c) fix compensation of the Directors for serving on the board or on any committee,
- (d) amend or repeal the Articles or Bylaws or adopt new Articles or Bylaws;
- (e) amend or repeal any resolution of the Board of Directors which by its express terms is not so amendable or repealable;
- (f) appoint any other committees of the Board of Directors or the members thereof;
- (g) expend corporate funds to support a nominee for director after there are more people nominated for director than can be elected; or
- (h) approve any transaction which is defined as a self-dealing transaction in Section 5233 of the California Corporations Code, except as such approval may be allowed by said section.

Section 3. Meetings and Action of Board Committees. Meetings and action of Board Committees shall be governed by, and held and taken in accordance with, the provisions of Article VII of these Bylaws concerning meetings of Directors, with such changes in the context of those Bylaws as are necessary to substitute the Board Committee and its members for the Board of Directors and its members, except that the time for regular meetings of Board Committees may be determined either by resolution or other permissible action of the Board of Directors or by resolution of the Board Committee. A minimum of one staff member of the Parks and Recreation Department shall be in attendance at committee meetings. Special meetings of Board Committees may also be called by resolution or other permissible action of the Board of Directors, and notice of special meetings of Board Committees shall also be given to any and all alternate members, who shall have the right to attend all meetings of the Board Committee. Minutes shall be kept of each meeting of any Board Committee and shall be filed with the corporate records. The Board of Directors may adopt rules for the government of any Board Committee not inconsistent with the provisions of these Bylaws.

Section 4. Community Committees. The Board of Directors may, by resolution adopted by a majority of the Directors then in office, establish one or more Community Committees, each consisting of one (1) or more Directors and any number of persons who are not Directors, as determined by the board, to serve at the pleasure of the board. The board may designate one (1) or more Directors as alternate members of any Community Committee who may replace any absent member at any meeting of the Community Committee. Any Community Committee shall have the power to make advisory recommendations to the Board of Directors regarding the subject matter of its charge, but shall have no other power, and shall have no power

to bind the Board of Directors, any Board Committee, or the corporation in any way or thing whatsoever.

Meetings and action of Community Committees shall be governed by, and held and taken in accordance with, the provisions of Article VII of these Bylaws concerning meetings of Directors, with such changes in the context of those Bylaws concerning meeting of Directors, with such changes in the context of those Bylaws as are necessary to substitute the Community Committee and its members for the Board of Directors and its members, except that the time for regular meetings of Community Committees may be determined either by resolution of the Board of Directors or by resolution of the Community Committee. A minimum of one staff member of the Parks and Recreation Department shall be in attendance at Community Committee meetings Minutes shall be kept of each meeting of any Community Committee and shall be filed with the corporate records. The Board of Directors may adopt rules for the government of any Community Committee not inconsistent with the provisions of these Bylaws.

ARTICLE IX

OFFICERS

Section 1. Officers. The officers of this corporation shall be a President, a Vice President, a Secretary, a Treasurer, and Chief Executive Officer. This corporation may also have, at the discretion of the Board of Directors, a chair of the board, one or more Vice Presidents and such other officers as may be appointed in accordance with the provisions of Section 3 of this Article IX. Any number of offices may be held by the same person. Neither the President nor Vice President shall serve a term of more than two (2) consecutive years in the same office.

Section 2. Election of Officers. The officers of the corporation, except those appointed in accordance with the provisions of Section 3 of this Article IX, shall be elected by the Board of Directors, and each shall serve at the pleasure of the board, subject to the rights, if any, of any officer under any contract of employment.

Section 3. Subordinate Officers. The Board of Directors may appoint, and may authorize the President or another officer to appoint any other officers that the business of the corporation may require, each of whom shall have the title, hold office for the period, have the authority, and perform the duties specified in the Bylaws or determined from time to time by the Board of Directors.

Section 4. Removal of Officers. Subject to the rights, if any, of an officer under any contract of employment, any officer may be removed, with or without cause, by the Board of Directors at any regular or special meeting of the board, or, except in case of an officer elected by the Board of Directors, by an officer on whom such power of removal may be conferred by the Board of Directors. An officer who is removed may remain a director as long as they continue their term as Commissioner on the San Dimas Senior Citizens Commission.

Section 5. Resignation of Officers. Any officer may resign at any time by giving written notice to the Board of Directors. Any resignation shall take effect at the date of the receipt of that notice or at any later time specified in that notice; and, unless otherwise specified in that notice, the acceptance of the resignation shall not be necessary to make it effective. A resignation from the San Dimas Senior Citizens Commission of the City of San Dimas shall be deemed to include resignation from the Board of Directors.

Section 6. Vacancies in Office. A vacancy in any office because of death, resignation, removal, disqualification, or any other cause shall be filled only in the manner prescribed in these Bylaws for regular election to that office.

Section 7. Chair of the Board. If such an officer be elected, the chair of the board shall preside at meetings of the Board of Directors and exercise and perform such other powers and duties as may be from time to time assigned to him by the Board of Directors or prescribed by the Bylaws. If there is no President, the chair of the board shall, in addition, be the President of the corporation and shall have the powers and duties prescribed in Section 8 of this Article.

Section 8. President. Subject to such supervisory powers, if any, as may be given by the Board of Directors to the chair of the board, "the President" shall, subject to the control of the Board of Directors, generally supervise, direct and control the business and the officers of the corporation. In the absence of the chair of the board, or if there be none, the President shall preside at all meetings of the Board of Directors. The President shall have such other powers and duties as may be prescribed by the Board of Directors or the Bylaws. The President shall be the chief presiding officer of the corporation in the absence of a chair of the board.

Section 9. Vice President. In the absence or disability of the President, the Vice President, if any, in order of their rank as fixed by the Board of Directors or, if not ranked, a Vice President designated by the Board of Directors, shall perform all the duties of the President, and when so acting shall have the powers of, and be subject to all the restrictions upon, the President. The Vice President shall have such other powers and perform such other duties as from time to time may be prescribed for them respectively by the Board of Directors or Bylaws and the chair of the board.

ARTICLE X

PARKS AND RECREATION STAFF

Section 1. Roles of staff. Staff will support the Board by fulfilling the roles of Treasurer, Secretary and Chief Executive Officer. They will not be Directors, nor shall they have voting privileges but will receive direction from the Board of Directors and advise the Board as needed. The Chief Executive Officer shall be the Director of Parks and Recreation Department, the Treasurer shall be the Recreation Manager, and the Secretary shall be the Senior Center Recreation Coordinator.

Section 2. Secretary. The Secretary shall be the Coordinator of the San Dimas Senior Citizens Center and shall attend to the following:

(a) Book of Minutes. The Secretary shall keep or cause to be kept, at the principal office or such other place as the Board of Directors may direct, a book of minutes of all meetings and actions of Directors, committees of Directors, with the time and place of holding, whether regular or special, and, if special, how authorized, the notice given, the names of those present at such meetings, the number of Directors present or represented a Directors' meetings, and the proceedings of such meetings.

(b) Notices, Seal and Other Duties. The Secretary shall give, or cause to be given, notice of all meetings of the Board of Directors required by the Bylaws or by law to be given. The Secretary shall keep the seal of the corporation in safe custody. The Secretary shall

have other powers and perform such other duties as may be prescribed by the Board of Directors or the Bylaws.

(c) The Secretary shall keep or cause to be kept, at the principal office of the corporation, a copy of the articles of incorporation and bylaws, as amended.

(d) The Secretary shall give, or cause to be given, notice of all meetings of the board, and of committees of the board, that these bylaws require to be given.

Section 3. Chief Executive Officer. The Chief Executive Officer shall be the Director of the City of San Dimas Parks and Recreation Department and shall serve as the corporation's chief officer for the purpose of administration and day-to-day operations. The Chief Executive Officer shall have full authority and responsibility to administer, manage and implement the purposes and objectives of the corporation, subject only to the general authority of the board, and specific definition of duties and responsibilities approved by the board. The duties of the Chief Executive Officer may be delegated by the Chief Executive Officer to subordinate employees or performed through contractual services.

Section 4. Treasurer.

(a) Books of Accounts. The Treasurer shall be the Recreation Services Manager of the City of San Dimas Parks and Recreation Department and shall keep and maintain, or cause to be kept and maintained, adequate and correct books and records of accounts of the properties and business transactions of this corporation. The Treasurer shall send or cause to be given to the Directors such financial statements and reports as are required to be given by law, by these Bylaws, or by the board. The books of account shall be open to inspection by any director at all reasonable times.

(b) Deposit and Disbursement of Money and Valuables. The Treasurer shall (i) deposit all money and other valuables in the name and to the credit of this corporation with such depositories as may be designated by the Board of Directors, (ii) disburse the funds of this corporation as may be ordered by the Board of Directors, (iii) render to the President and Directors, whenever they request it, an account of all transactions effected by the Treasurer and of the financial condition of this corporation, and (iv) have such other powers and perform such other duties as may be prescribed by the Board of Directors or the Bylaws.

(c) Bond. The Treasurer, as an employee of the City of San Dimas shall not be required to provide this corporation a bond in the amount and with the surety or sureties specified by the Board of Directors. The Treasurer, as an employee of the City, shall be covered by City insurance for acts conducted while an employee.

ARTICLE XI

INDEMNIFICATION OF DIRECTORS,
OFFICERS, EMPLOYEES, AND AGENTS

Section 1. Right of Indemnity. To the fullest extent permitted by law, this corporation shall indemnify any present or former director, officer, employee or other "agent" of the corporation, as that term is defined in Section 5238(a) of the California Corporations Code,

against all expenses, judgment, fines, settlements and other amounts actually and reasonably incurred by them in connection with any “proceeding”, as that term is used in that Section, and including an action by or in the right of the corporation, by reason of the fact that the person is or was a person described in that section. “Expenses”, as used in this bylaw, shall have the same meaning as in Section 5238(a) of the California Corporation Code.

Section 2. Approval of Indemnity. On written request to the board by any person seeking indemnification under Section 5238(b) or Section 5238(c) of the California Corporation Code, the board shall promptly determine under Section 5238(e) of the California Corporation Code whether the applicable standard of conduct set forth in Section 5238(b) or Section 5238(c) has been met and, if so, the board shall authorize indemnification. If the board cannot authorize indemnification because the number of Directors who are parties to the proceeding with respect to which indemnification is sought prevents the formation of a quorum of Directors who are not parties to that proceeding is or was pending, the indemnification may be authorized by the court in which such proceeding is or was pending, pursuant to Section 5238(e) of the California Corporations Code.

Section 3. Advancement of Expenses. To the fullest extent permitted by law and except as otherwise determined by the board in a specific instance, expenses incurred by a person seeking indemnification under Section 5238(b) or 5238(c) of the California Corporation Code in defending any proceeding covered by those Sections shall be advanced by the corporation before final disposition of the proceeding, on receipt by the corporation of an undertaking by or on behalf of that person that the advance will be repaid unless it is ultimately determined that the person is entitled to be indemnified by the corporation for those expenses.

Section 4. Insurance. As an entity of the City of San Dimas, the corporation shall be covered by the insurance of the City of San Dimas to the full extent permitted by law on behalf of its officers, employees, and other agents, against any liability asserted against or incurred by any officer, director, employee or agent in such capacity or arising out of the officer’s, director’s, employee’s, or agent’s status as such.

ARTICLE XII

RECORDS AND REPORTS

Section 1. Maintenance of Corporate Records. The corporation shall keep:

- (a) Adequate and correct books and records of accounts; and
- (b) Written minutes of the proceedings of its board, Board Committees and Community Committees.

Section 2. Inspection by Directors. Every director shall have the absolute right at any reasonable time to inspect the corporation’s books, records, documents of every kind, physical properties, and the records of each of its subsidiaries. The inspection may be made in person or by the director’s agent or attorney. The right of inspection includes the right to copy and make extracts of documents.

Section 3. Annual Report. The corporation shall cause an annual report to be sent to the Directors within one hundred twenty (120) days after the end of the corporation’s fiscal year. That report shall contain the following information, in appropriate detail, for the fiscal year:

- (a) The assets and liabilities, including the trust funds, of the corporation as of the end of the fiscal year.
- (b) The principal changes in assets and liabilities, including trust funds.
- (c) The revenue or receipts of the corporation both unrestricted and restricted to particular purposes.
- (d) The expenses or disbursements of the corporation for both general and restricted purposes.
- (e) Any information required by Section 4 below.

The annual report shall be accompanied by any report on it of independent accountants or, if there is no such report, by the certificate of an authorized officer of the corporation that such statement were prepared without audit from the corporation's books and records.

This requirement of an annual report shall not apply if the corporation receives less than Twenty-Five Thousand Dollars (\$25,000) in gross receipts during the fiscal year, provided, however, that the information specified above for inclusion in an annual report must be furnished annually to all Directors who request it in writing.

Section 4. Annual Statement of Certain Transactions and Indemnifications. As part of the annual report to all Directors, or as a separate document if no annual report is issued, the corporation shall prepare and furnish to each director a statement of any transaction or indemnification of the following kind within one hundred twenty (120) days after the end of the corporation's fiscal year:

(a) Any transaction (i) in which the corporation, its parent, or its subsidiary was a party, (ii) in which an "interested person" had a direct or indirect material financial interest, and (iii) which involved more than Fifty Thousand Dollars (\$50,000), or was one of a number of transactions with the same interest person involving, in the aggregate, more than Fifty Thousand Dollars (\$50,000). For this purpose, an "interested person" is either of the following:

(i) Any director or officer of the corporation, is parent, or subsidiary (but mere common directorship shall not be considered such an interest); or

(ii) Any holder of more than ten percent (10%) of the voting power of the corporation, its parent, or its subsidiary. The statement shall include a brief description of the transaction, the names of interested persons involved, their relationship to the corporation, the nature of their interest in the transaction and, if practicable, the amount of that interest, provided that if the transaction was with a partnership in which the interested person is a partner, only the interest of the partnership need be stated.

(b) Any indemnifications or advances aggregating more than Ten Thousand Dollars (\$10,000) paid during the fiscal year to any officer or director of the corporation under Article X of these Bylaws.

ARTICLE XIII
GENERAL CORPORATION MATTERS

Section 1. Fiscal Year. The fiscal year of this corporation shall commence on July 1 and conclude on June 30.

Section 2. Checks, Drafts, Evidence of Indebtedness. All checks, drafts or other orders for payment of money, notes or other evidence of indebtedness, issued in the name of or payable to this corporation shall be signed or endorsed by both the Chief Executive Officer and the Secretary or Treasurer of the corporation or such other officers as may be authorized by the Board of Directors of the corporation.

Section 3. Corporate Contracts and Instruments; How Executed. The Board of Directors, except as otherwise provided in these Bylaws, may authorize any officer or officers, agent or agents, to enter into any contract or execute any instrument in the name of and on behalf of this corporation, and this authority may be general or confined to specific instances; and, unless so authorized or ratified by the Board of Directors or within the agency power of an officer, no officer, agent or employee shall have any power or authority to bind this corporation by any contract or engagement or to pledge its credit or to render it liable for any purpose or for any amount.

ARTICLE XIV
AMENDMENTS

New Bylaws may be adopted or these Bylaws may be amended or repealed by approval of the Board of Directors and the approval of the Council of the City of San Dimas.

CERTIFICATE OF CITY CLERK AND SECRETARY

I hereby certify that I am the duly elected and acting Secretary of the San Dimas Senior Citizens Foundation, a California nonprofit public benefit corporation, and that the above and foregoing Amended and Restated Bylaws were adopted as the Bylaws of this corporation at a meeting of the Board of Directors of said corporation held on September 3, 2015, and that they have not been amended or modified since that date.

Executed on September 3, 2015, at City of San Dimas, California.



Erica Rodriguez, Secretary

I hereby certify that I am the duly elected and acting City Clerk of the City of San Dimas, and that the above and foregoing Amended and Restated Bylaws were approved by the City Council of the City of San Dimas at a meeting of the City Council held on _____, and that they have not been amended or modified since that date.

Executed on _____, 20 __, at City of San Dimas, California.

By _____
Debra Black, Assistant City Clerk



Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
For the Meeting of September 22, 2015

From: Blaine Michaelis, City Manager

Initiated by: Karon De Leon, Facilities Manager

Subject: **Award of Cash Contract 2015-05
Monte Vista Apartments Re-Roof Project**

SUMMARY

A request of the City Council to award Cash Contract 2015-05; Monte Vista Apartments Re-Roof Project in the amount of \$109,277.

BACKGROUND

The City Council at the September 8, 2015 adopted Resolution 2015-47, authorizing city staff to proceed with obtaining bids for the performance of an emergency replacement of the roof at the Monte Vista Apartments through an informal bidding process.

City staff conducted a mandatory pre-bid conference at which interested contractors were required to attend on September 10, 2015. Three companies were represented.

Proposals were received by the Parks and Recreation Department and opened on Thursday, September 17, 2015 at 12:00 p.m., for Cash Contract 2015-05, Monte Vista Apartments Re-Roof Project.

The bid results were as follows:

- | | | |
|----|-------------------------------|-----------|
| 1. | Bell Roof Company, Inc. | \$109,277 |
| 2. | Rite-Way Roof Corporation | \$118,380 |
| 3. | W. H. Byars Roofing Co., Inc. | \$119,550 |

DISCUSSION/ ANALYSIS

The base bid project consists of removal of the existing roof material, preparation of the roof surface and the installation of a Cold Applied Monolithic Roof System. The bid provides for a per square foot cost to replace any rotted wood sheathing. The project specifications require the contract documents to be returned and the work to commence within fourteen (14) calendar days after the award of contract, and work to be completed within thirty (30) calendar days of commencement of work. The anticipated project completion date is November 6, 2015 barring inclement weather conditions.

Staff has reviewed the bid proposal and references provided by the low bidder, Bell Roof Company, Inc. The State Contractor's License Board has confirmed that the Contractor's License #119946 is current and active.

The impending winter storm season has created a condition in the roofing industry that has resulted in bids being higher than originally expected. Combining this situation with an emergency condition and the requirement that the work be completed within a specified timeframe has increased the cost of the project.

Staff is requesting an allocation of \$150,000 from the existing fund balance in the Housing Authority Successor Fund 34 for this project. The budget allocation includes a thirty-eight (38%) contingency to allow for the replacement of any rotted wood sheathing that will become apparent upon removing the existing roof material.

RECOMMENDATION

Staff recommends award of Cash Contract 2015-05, Monte Vista Apartments Re-Roof Project to Bell Roof Company, Inc., for the total contract price of \$109,277, with a total budget allocation of \$150,000 which includes a thirty-eight (38%) contingency of \$40,723.

Respectfully submitted,



Karon De Leon,
Facilities Manager

Attachments:
Resolution No. 2015-47

RESOLUTION 2015-47

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS,
COUNTY OF LOS ANGELES, DECLARING AN EMERGENCY CONDITION AND
AUTHORIZING THE EXECUTION OF A CONTRACT FOR REROOFING OF THE
MONTE VISTA APARTMENTS, A SENIOR HOUSING FACILITY, WITHOUT NOTICE
FOR BIDS PURSUANT TO CALIFORNIA PUBLIC CONTRACT CODE §§ 1102, 20168,
22050 & SAN DIMAS MUNICIPAL CODE § 8.28.020**

WHEREAS, the Monte Vista Apartments is a Senior Housing facility, located at 105 N. Monte Vista, City of San Dimas, and is operated by the San Dimas Housing Authority, a political sub-division of the City of San Dimas (“Monte Vista”); and

WHEREAS, the roof of the Monte Vista has, over this past summer, experienced a dramatic deterioration including numerous leaks requiring frequent and expensive roof repairs; and

WHEREAS, in performing these roof repairs, City staff has discovered that the roof of the Monte Vista is further experiencing underlying roof rot, which – given the age of the building and extensive “wear and tear” on the same, cannot be fully ascertained and repaired without removing the roofing system and analysis of the underlying roof rot; and

WHEREAS, after careful analysis of the condition of this senior facility, San Dimas engineering and public works staff has determined that the roof needs to be completely replaced; and

WHEREAS, the National Weather Service is predicting a winter El Nino weather system to result in extensive rainfall in Southern California this winter season, commencing as early as November of 2015; and

WHEREAS, Public Contracts Code § 20168 provides that, in case of an emergency, the San Dimas City Council may adopt a resolution, by a four-fifths affirmative vote of the entire City Council, declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property; and

WHEREAS, Public Contracts Code § 22050 further provides that the San Dimas City Council may adopt a resolution, again by a four-fifths affirmative vote of the entire City Council, to repair or replace a public facility provided there is substantial evidence supporting a finding that the emergency will not permit a delay resulting from the normal competitive solicitation for bids, and that the action is necessary to respond to the emergency; and

WHEREAS, Public Contracts Code § 1102 defines “emergency” as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services; and

WHEREAS, the San Dimas Municipal Code §8.28.020 further defines “emergency” as “the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquakes or other conditions”; and

WHEREAS, the City Council finds and determines that failure to remove the Monte Vista roof, determine the extent of the underlying roof rot, remediate the same, and place a new corrective roofing system prior to the anticipated arrival of the El Nino rainy season poses a clear and imminent threat, within the meaning of San Dimas Municipal Code §8.28.020 and/or Public Contracts Code § 1102, to the ability of the City’s Housing Authority to provide safe housing to its senior residents, which housing is an essential public service; and

WHEREAS, the City Council further finds and determines that complying with the traditional competitive bidding process to remove the existing roofing system, ascertain the extent of, and remediate the roof rot, and replace the Monte Vista roof with a new roofing system will result in an anticipated bid award and potential project completion by the end of December, 2015, well into the forecasted El Nino rainy season; and

WHEREAS, the City Council further finds and determines it is essential that the City attempt to have the roof of the Monte Vista be removed, the extent of the roof rot ascertained and remediated, and a new roofing system be installed before the predicted winter El Nino rain conditions arrive; and

WHEREAS, the San Dimas City Council further finds and determines that it is both necessary and legally appropriate to use the process authorized by Public Contract Code §§ 20168 and/or 22050 to immediately remove, remediate and replace the Monte Vista Roof; and

WHEREAS, City staff have estimated cost of such scope of work is approximately \$60,000 to remove and install a new roofing system, not including ascertaining the extent of, and then remediating, the roof rot.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated by reference as if fully set forth herein.

SECTION 2. The City Council finds that the facts set forth above constitute facts demonstrating that a threatened “emergency” condition exists, within the meaning of San Dimas Municipal Code §8.28.020 and/or Public Contracts Code § 1102, and that such threatened emergency condition does not permit the delays which would result from compliance with competitive solicitation for bids. The City Council further finds that the immediate removal, remediation of roof rot, and placement of a new roofing system on the Monte Vista is necessary to respond to this threatened emergency condition(s).

SECTION 3. Based upon the finding of a threatened emergency, the City Council hereby authorizes the City staff to obtain bids for the Monte Vista roof project without complying with the normal public works competitive bid procedures.

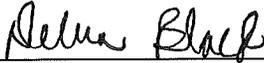
SECTION 4. The City Clerk shall certify to the adoption of this Resolution.

PASSED AND ADOPTED this 8th day of September, 2015.



Curtis W. Morris, Mayor City of San Dimas

ATTEST:



Debra Black, Assistant City Clerk

I, DEBRA BLACK, ASSISTANT CITY CLERK of the City of San Dimas, do hereby certify that Resolution 2015-47 was passed and adopted at the regular meeting of the City Council held on the 8th day of September 2015, by the following vote:

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



Debra Black, Assistant City Clerk